

16 January 2013

Committee Secretary  
Senate Standing Committee on Environment  
And Communications  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

Via email: [ec.sen@aph.gov.au](mailto:ec.sen@aph.gov.au)

Dear Sir/Madam

**Inquiry into the Effectiveness of Threatened Species and Ecological  
Communities Protection in Australia**

The National Farmers' Federation (NFF) welcomes the opportunity to make a submission to the above inquiry. The NFF represents farmers who effectively manage around 60% of Australia's landscape – these farmers' also highly value the environment and the amenity and ecosystem services provided by the environment.

One of the major issues confronting land managers is the confusion that abounds between threatened species and ecological communities at the state and territory level compared to the federal jurisdictional level. For example, while an individual species or ecological community may be listed on both the state/territory and federal lists, these are very likely to have different scientific definitions, different geographic coverage and different thresholds that determines if a landholders needs to refer and subsequently apply for an approval under the relevant jurisdictional legislation.

It is for this reason that the NFF has strongly supported the intentions of the Council of Australian Governments (CoAG) in bilaterally negotiating with the states and territories to accredit those jurisdictions with the capacity to undertake referrals and approvals under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This is a power under the existing EPBC Act, which has not been fully explored to date. NFF supports ongoing negotiations to finalise the proposed approach.

An additional CoAG reform is to merge all jurisdictions threatened species and ecological lists into one national list. This would solve much of the existing confusion for landholders and others seeking to comply with their legal obligations. Unlike the bilateral negotiations mentioned above, this reform would require a multilateral negotiation process that would likely take several years. Nonetheless, the NFF supports this approach.

NFF is aware that in many situations, the skills and abilities required to identify species and ecological communities are not capacities that landholders generally have – these being skills of appropriately qualified scientists. Anecdotally, the NFF has been informed that there are perhaps only a few such qualified people in Australian scientific community. With a significant increase in the number of species and ecological communities listed (and with this increasing in the future) farmers would be more likely to refer to ensure that any activities they undertake will not significantly affect listed species and ecological communities.

While the onus for making a referral and/or approval under the EPBC Act lies with the landholder, environmental reforms currently underway will mean that landholders in the future will be less likely to refer than is presently the case. These reforms include the Australian Government's intention to introduce cost recovery for EPBC Act referrals and approvals. Under the Department of Sustainability, Environment, Water, Population and Communities (SEWPC) Cost Recovery Impact Statement (CRIS), it is proposed that a simple landholder referral will cost \$7808. More importantly, a simple assessment for approval will cost the landholder \$80409. At this price, no landholder will refer or be assessed for approval. For further information on the NFF's concerns, please see our submission available on the NFF website: <http://www.nff.org.au/submissions-search.html?subcategoryid=3655>.

For many years, the NFF has advocated that the Australian Government provide sufficient funding to ensure adequate communication of the legal obligations of landholders. Landholders genuinely want to do the right thing but often simply do not know about the EPBC Act and subsequently their obligations. NFF farmer surveys suggest that only about 30% of farmers know about environmental law (mostly because of state and territory land clearing legislation) and even less (10%) know about federal environmental law. It is essential that a well-funded and appropriate communications campaign be enacted, particularly as the Australian Government is ramping up compliance efforts. Despite several years of NFF requesting through its Pre-Budget submissions, SEWPC has failed to ensure an adequately funded communications campaign for the landholders managing 60% of the Australian landscape.

It should be noted that the NFF has hosted an out posted Department Liaison Officer however, the continuing uncertainty about the role and significant decreases in funding for the Officer's activities means that the Officer can be less effective than is required of the role.

Should the Inquiry have any further questions, please do not hesitate to contact Deborah Kerr at the NFF Office on 02 6269 5666 or [dkerr@nff.org.au](mailto:dkerr@nff.org.au).

Yours sincerely



**MATT LINNEGAR**  
Chief Executive Officer