

7 November 2013

Mr Grant Caine
Senior Director
Performance Audit Services Group
Australian National Audit Office
Via email EPBCActComplianceaudit@anao.gov.au

Dear Mr Caine

**PERFORMANCE AUDIT OF MANAGING COMPLIANCE WITH THE
ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT
1999 (EPBC ACT) CONDITIONS OF APPROVAL**

The National Farmers' Federation (NFF) welcomes the opportunity to provide a short submission to the above Audit. The NFF has worked tirelessly with successful environmental departments to seek to ensure that the agricultural sector is aware of and complies with their responsibilities under the EPBC Act. This task was made significantly more difficult following the 2006 amendments to the EPBC Act that removed from the EPBC Act, as a defence, a lack of knowledge about the EPBC Act.

Over a number of years, the NFF has been critical of the lack of ability for successive environmental departments to ensure that farmers are aware of the EPBC Act and therefore, their responsibilities for compliance. One material outcome of early advocacy was the appointment of an Environment Liaison Officer (ELO) out posted to the NFF Office. However, over recent years, the ability for the ELO to undertake his/her tasks was hampered by the gradual removal of any budget for travel and other activities, to the point that it has severely curtailed the ability to undertake basic functions. The ELO is now required to seek funds from the Department for any educational and reactive advocacy with farmers and others in rural communities.

The NFF has sought a better framework from the Department to provide information and enable improved consultation to farmers and others in regional communities on a) listed matters of national environmental significance, and b) for consultation on proposed listings. Moreover, NFF has sought additional resources in successive Federal Budget submissions to underpin such an approach.

There are a number of difficulties facing the Department of the Environment, including:

- that the farm sector covers 135,447 farm businesses that are time and resource constrained and cover most geographical areas of the continent;
- the Commonwealth Department has no “shop front” face in regional communities and therefore relies on other means to communicate, which have

proved ineffective, for example, relying on individuals looking at the website, but internet remains slow and cumbersome for many in rural areas;

- Reading information about the environment remains a low priority for farmers, who often have good intentions but are time poor; and
- Information provided about matters of NES are often technical and difficult to understand for those not technical experts, and where the same species or ecological community is listed at state and federal level, there are often conflicting scientific definitions, geographical coverage and have differing significant impact thresholds.

In terms of compliance actions, large projects often have hundreds of conditions that are ineffectively monitored and audited. NFF supports the establishment of conditions that focus on the medium and high risk projects, and that those conditions are capable of being enforced. One of the significant issues is that conditions are set by the approvals division, who rarely have a discussion with compliance staff to see whether the conditions are actually enforceable. The NFF would recommend the establishment of an open dialogue that delivers enforceable conditions able to undergo monitoring, audit and compliance.

The NFF welcomes further discussion with you about this audit. You should contact Deborah Kerr, Manager – Natural Resource Management (dkerr@nff.org.au or 02 6269 5666) in the first instance.

Yours sincerely



MATT LINNEGAR
Chief Executive Officer