

31 October 2006

Dr Ian Holland
Secretary
Senate Environment, Communications, Information Technology and the Arts
Committee
Department of the Senate
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Dr Holland

**PROPOSED AMENDMENTS TO THE *ENVIRONMENT PROTECTION AND
BIODIVERSITY CONSERVATION ACT 1999 (EPBC ACT)***

Thank you for the opportunity to provide comment in relation to the proposed amendments to the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*.

The National Farmers' Federation (NFF) understands that most of the amendments are generally aimed at streamlining the EPBC Act by removing administrative inefficiencies and providing greater capacity and flexibility to employ more strategic approaches. NFF notes that the basic framework of the Act will remain unchanged if the amendments are approved.

NFF has been briefed by the Department of the Environment and Heritage (DEH) on the specifics of the proposed changes and we have also had the services of our DEH EPBC officer to assist us with interpreting the impact of the changes.

Below we have outlined our comments in four key areas.

Cutting regulatory red tape

The amendments will reduce duplication and complexity in administering assessments and approvals enabling the Australian Government to make decisions on different approval stages simultaneously, particularly in relation to more straight-forward proposals. This will facilitate faster turn around times by reducing mandatory steps taken by applicants and therefore processing time. This approach potentially achieves greater cost savings and efficiencies for the farming industry and the community.

The amendments should result in improved cooperation on environment assessment and approval processes between the Australian Government and the state and territory governments through bilateral agreements that remove duplication between jurisdictions in

administering environmental legislation. The current duplication is a significant issue for Australian farmers and if the proposed amendments begin to address this it is a significant step forward.

Strategic and flexible approaches

The amendments will provide greater incentives for farmers to engage more strategically in EPBC processes. NFF acknowledges that the current EPBC Act provides for such strategic approaches but these have not been greatly utilised. The proposed amendments will make it easier for development activities to be considered earlier in the planning process and in the context of regional plans, strategic assessments and conservation agreements.

The amendments will also provide for a more strategic approach for listing threatened species, ecological communities and heritage places, through an annual programme based on the importance of nominations and listing proposals rather than the current ad hoc approach. We support what has the potential to become a more objective, less politicised listing process.

Increasing flexibility in setting conditions on developments

The amendments will broaden the types of conditions to be attached to development approvals. Voluntarily compensatory actions and financial contributions will help offset the impacts of development activities in situations where impacts are unavoidable. This injects more flexibility into development options available to the agriculture sector.

Compliance and enforcement.

The amendments will establish a range of enforcement options as an alternative to lengthy and expensive court proceedings and reduced penalties for minor breaches of the EPBC Act. This amendment potentially delivers better environmental outcomes on the ground, particularly in situations where the benefits of remediation of impacts will clearly outweigh the costs (both time and money) of lengthy court processes.

NFF notes that regulations detailing how the amendments are to be administered by the Australian Government are yet to be developed and tabled in Parliament and welcomes any future consultation on the issue.

Yours sincerely



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Manager- Natural Resources