



Australian Government

Australian Government Response to the Senate Committee on Finance and Public Administration

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January 2012

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The Australian Government is committed to promoting sustainable land management. The Australian Government is supporting this outcome through the implementation of legislation and a mix of policies, programs and consultative natural resource forums.

The Australian Government will continue to take an active role to support resilient, protected and productive landscapes with respect to Commonwealth matters. The Australian Government notes that management of native vegetation is primarily a state and territory responsibility.

The Australian Government acknowledges the important role that land managers play in managing private land and bringing about environmental outcomes. Much of our nation's wealth comes from our environment through agriculture, forestry and fisheries, and tourism underpinned by healthy and resilient landscapes.

This response addresses the three recommendations made by the Senate Committee as well as additional recommendations made by Government Senators. The Australian Government notes the dissenting report by the Australian Greens Senator.

Recommendation 1

The committee recommends that COAG re-examine the native vegetation legislation and its 2006 recommendations with a view to establishing a balance between maximising agricultural production and best practice conservation.

The Australian Government disagrees with the recommendation as it has recently undertaken a review of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act). The Australian Government agrees with the policy intent of establishing a balance between maximising agricultural production and best practice conservation.

On 24 August 2011 the Australian Government announced significant reforms to Australia's national environmental law, including its response to an independent review of the EPBC Act by Allan Hawke AC, and a consultation draft Australian Government Biodiversity Policy. The reforms outline better environmental protection focusing on whole regions and ecosystems and faster environmental assessments. The reforms set out a new national approach to the protection of Australia's environment and biodiversity which will be better for the environment, better for business and mean better cooperation between government, industry and communities. Further information on the reforms including the Australian Government's response to the independent review is available at: www.environment.gov.au/epbc/reform.

The EPBC Act is the Australian Government's primary legislation establishing a national approach to a wide range of environmental protection and biodiversity conservation matters. The Australian Government notes that the EPBC Act does not directly regulate most native vegetation or contain greenhouse gas abatement measures. It does on occasion affect native vegetation clearing resulting from agricultural production, but only where that clearing is the result of a change or intensification of land use and is likely to have a significant impact on matters protected under the EPBC Act.

The EPBC Act was drafted to be the primary vehicle for implementing the principles of ecologically sustainable development at the Australian Government level, giving effect to the 1992 *Intergovernmental Agreement on the Environment*.

The objects of the Act include:

"To provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance;
To promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources; and
To promote the conservation of biodiversity."

Consideration of the principles of ecologically sustainable development in decision making under the EPBC Act does not require equal weighting to be given to environmental, social and economic factors, but it does require that they all be taken into account.

The Australian Government will also continue to work to ensure biodiversity conservation and sustainable agriculture production are considered in the relevant regulatory arrangements. The Australian Government is working with state and territory governments on the *National Framework for the Management and Monitoring of Australia's Native Vegetation* review. Australia's Native Vegetation Framework recognises the importance of agricultural production and integrates the improvement of productive capacity as well as ecosystem resilience into its goals.

Recommendation 2

The committee recommends that the Commonwealth initiate, through the Natural Resource Management Ministerial Council, a national review to assess the impact of various native vegetation legislative and regulatory regimes, particularly those at the state level. In undertaking such a review, the following issues should be specifically addressed:

- **the liability of landholders complying with native vegetation laws for the payment of rates or taxes for land that is not available for productive use;**
- **the right of landholders to manage competing environmental objectives over land where restrictions have been imposed, for example the management of noxious weeds and pests in protected native vegetation areas;**
- **the institution of inexpensive, accessible, timely and independent administrative appeals processes against decisions of enforcement agencies or officials regarding the granting of permits or institution of regulatory regimes over private land;**
- **the application of state-wide regulations where there are distinct and notable variations in both the environmental conditions and objectives across regions within states;**
- **the burden of these laws on newer farming areas and communities as opposed to more established ones; and**
- **the imposition of caveats by state authorities which prevent or restrict the existing use of land when converting title from leasehold to freehold.**

The Australian Government agrees with the general policy intent of recommendation 2 and recognises that sustainable land management requires work across all jurisdictions. The Australian Government notes that management of native vegetation is primarily a state and territory responsibility.

The former Natural Resource Management Ministerial Council requested all jurisdictions review the *National Framework for the Management and Monitoring of Australia's Native Vegetation* and the *National Strategy for the Conservation of Australia's Biological Diversity* (1996). *Australia's Biodiversity Conservation Strategy 2010–2030* was released in 2010.

The consultation draft of *Australia's Native Vegetation Framework* (2010) aims to ensure native vegetation across the Australian landscape is managed in an ecologically sustainable way in recognition of its enduring environmental, economic, social, cultural and spiritual values in a changing climate and will serve to inform policy across all jurisdictions. This framework will be finalised under new Ministerial arrangements.

As noted in relation to recommendation 1, the Australian Government has recently released a consultation draft of the Australian Government's Biodiversity Policy which is available at: www.environment.gov.au/epbc/reform.

The Australian Government notes that the Senate Inquiry found that the regulatory burden imposed through native vegetation regulation impacts on the cost and ability of doing business for land managers. The Department of Agriculture, Fisheries and Forestry through the Australian Bureau of Agricultural and Resource Economics and Sciences is undertaking a survey of land managers and conducting case studies to increase the understanding of the drivers and barriers to native vegetation management on private land. This analysis will help clarify the extent to which potential barriers (such as the regulatory impact on the cost of doing business) and the possible drivers (such as stewardship and other programs designed to support practice change) are impacting on native vegetation management decisions. The outcomes from the survey and case studies will enhance our understanding of the variation in vegetation management across regions and farming enterprises, including possible correlations with the economic and social conditions experienced by land managers.

Recommendation 3

The committee recommends a review of best practice in relation to stewardship initiatives across the country with a view to re-orienting future regulatory activities.

The Australian Government agrees with the policy intent of the recommendation.

The Australian Government views best practice conservation, supporting resilient ecosystems and sustainable agriculture as priorities. The Australian Government acknowledges that Commonwealth, state and territory legislation provides critical, long-term protection for our natural assets. The role of government is to strike a balance between regulation, market-based instruments and the other mechanisms based on their effectiveness, the level of public benefit and the capacity of stakeholders.

Regulatory approaches can in some circumstances be complemented by appropriate non-regulatory measures. The Australian Government supports the use of incentives schemes as tools to complement regulatory approaches to conservation; however, these schemes do not replace legislative requirements and regulatory measures. The Australian Government also recognises that effective biodiversity conservation under a changing climate will require integration of on-reserve and off-reserve conservation and cooperation with private land managers to ensure a landscape scale approach to maximise ecological resilience.

Caring for our Country is a key Australian Government initiative that supports land managers to protect Australia's natural environment and sustainably produce food and fibre through incentive payments, market-based instruments and extension activities. The goal of Caring for

our Country is to achieve an environment that is healthier, better protected, well managed, resilient, and provides essential ecosystem services in a changing climate.

Caring for our Country supports land managers to undertake stewardship activities through the National Priority Area: biodiversity and natural icons. This includes the programs: Environmental Stewardship Program (aiming to conserve nationally threatened species and ecological communities), and Sustainable Farm Practices which includes activities to support landscape scale conservation. The types of activities funded under this priority area include stewardship payments, payments for on ground works where there is a high public benefit, capacity building and information dissemination.

From 2011–12, the Australian Government will invest an additional \$84.2 million over four years in a new round of the Environmental Stewardship Program. The Environmental Stewardship Program is a voluntary, market-based initiative that engages land managers to actively manage areas of native habitat on private land to reduce critical threats to biodiversity. The program targets specific matters of National Environmental Significance listed under the EPBC Act for which an improvement in their condition and extent can be effectively achieved through the actions of private land managers.

Commonwealth initiatives also include capacity building and information dissemination to enable landholders to make decisions as stewards of Australia's natural capital. Information dissemination falls into two categories: measuring our landscape and information for land managers to enable improved decision making.

Information is vital for determining trends in the natural environment, as well as the implications of change and the effectiveness of policy interventions. The Australian Government is addressing the need for improved environmental information through the new National Plan for Environmental Information. The Australian Government also works with state and territory governments on a range of collaborative processes to improve the national environmental information base including the National Vegetation Information System and work towards an integrated Environmental Information System.

Additional Comments and recommendations from Government Senators

Government Senators therefore support the essence of the recommendations. The Natural Resource Management Ministerial Council (NRMMC) should review state native vegetation laws with a view to:

- **Ensuring, where practical, that the laws are sufficiently flexible in each state to allow farmers to offset clearing where that leads to an equal or enhanced environmental outcome**
- **Introducing into each state a cheap and quick mechanism for merits review of decisions to refuse permission to clear land**
- **Ensuring that native vegetation policies encourage and allow for effective weed and pest control**
- **Devising a strategy to ensure that the land is not effectively 'locked up' and left without maintenance**
- **Ascertaining whether farmers can access affordable technology to assist farmers to manage native vegetation – for example, satellite imagery**
- **Establishing uniform protocols across the states to guiding enforcement and investigative procedures**
- **Establishing training for Government officers carrying out these duties**

- **Making available helpful and relevant information to the public to assist landholders to understand processes and aims of the laws**
- **Reviewing incentive based programs available to landholders, such as environmental stewardship programs or access to sustainable agriculture grants, that allow landholders to earn income for protecting high quality native vegetation to ensure that policy settings across governments assist farmers to deliver environmental outcomes**
- **Ensuring native vegetation laws reflect scientific data regarding the best means to ensure enhancement of our natural environment while also enhancing productivity at the same time.**

Senator Helen Polley, Senator for Tasmania
Senator Doug Cameron, Senator for New South Wales

The Australian Government agrees with the policy intent of this recommendation and will pursue action in conjunction with recommendations 2 and 3.