

The top half of the cover features a large, faint, light-blue watermark of the word 'AITHER' in a bold, sans-serif font, set against a background of overlapping geometric shapes in various shades of blue and teal.

# **An independent review of interactions between the EPBC Act and the agriculture sector**

***Briefing paper to inform public consultations***

Friday 4 May 2018

**A I T H E R**

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## Abbreviations

CAM	Common Assessment Method
DoEE	Commonwealth Department of the Environment and Energy
EIS	Environmental impact statement
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999 [Cth]
MNES	Matter(s) of national environmental significance
PER	Public environment report
RFA	Regional Forest Agreement

## Glossary

Action	Action is defined broadly in the EPBC Act and includes a project, a development, an undertaking, an activity or a series of activities, or an alteration of any of these things. A lawful continuation of an existing use is not an action. <i>Source: EPBC Act 1999, Section 523.</i>
Assessment	<p>An environmental assessment of a controlled action under the EPBC Act. There are five different levels of assessment, depending on the significance of the project and how much information is already available. Each level involves considering technical information assembled by the proponent and comments made by the public. <i>Source: DoEE website.</i></p> <p>Assessing an action includes assessing the impacts that the action has or will have, or is likely to have on the relevant matters of national environmental significance. <i>Source: EPBC Act 1999, Section 528.</i></p>
Assessment bilateral agreement	An agreement, entered into by the Commonwealth Environment Minister with a State or Territory government that provides for a single environmental assessment process conducted by that State or Territory government. Based on the proponent's environmental assessment, that State or Territory government provides a report to the Australian Government assessing the likely impacts of an action on the relevant matters of national environmental significance. The Commonwealth Environment Minister and the relevant State or Territory government then make separate decisions about whether or not to approve the action. <i>Source: DoEE website.</i>
Common Assessment Method	A collaborative agreement between the Australian Government and the states and territories on a consistent method for the assessment and listing of nationally threatened species and ecological communities. <i>Source: DoEE website.</i>
Condition classes and thresholds	Condition classes and thresholds are specified for many ecological communities listed under the EPBC Act. A threshold represents a point at which an ecological community changes from one reference condition, or class, to another. These help define which areas of an ecological community may be subject to significant impact considerations under the EPBC Act because areas that fall below specified minimum condition thresholds, and are in lower condition classes, are excluded from national protection (for example, very small and or degraded woodland patches that do not meet the minimum thresholds for size, native vegetation cover or species diversity). They also may be used by a land manager to guide management decisions

	(e.g. thresholds may be used as targets to improve the condition of a particular area to a higher condition class). <i>Source: DoEE website.</i>
Controlled action	A proposed action that has been determined by the Commonwealth Environment Minister (or their delegate) to have, or be likely to have, significant impacts on a matter of national environmental significance. Controlled actions require approval under the EPBC Act before they can commence. <i>Source: DoEE website.</i>
Ecological community	<p>A group of native plants, animals and other organisms that naturally occur together and interact in a unique habitat. Its structure, composition and distribution are determined by environmental factors such as soil type, position within the landscape/seascape (e.g. altitude/depth), climate, and water availability, chemistry and movement (e.g. oceanic currents). Species within each ecological community interact with and depend on each other – for example, for food or shelter. EPBC Act listed ecological communities include grasslands, woodlands, shrublands, forests, wetlands, marine, ground springs and cave communities. <i>Source: DoEE website.</i></p> <p>The extent in nature in the Australian jurisdiction of an assemblage of native species that inhabits a particular area in nature and meets the additional criteria specified in the regulations (if any) made for the purposes of this definition. <i>Source: EPBC Act 1999, Section 528.</i></p>
Environmental offset	<p>A measure that compensates for the residual adverse impacts of an action on the environment, after avoidance and mitigation measures are taken. Where appropriate, offsets are considered during the assessment phase of an environmental impact assessment under the EPBC Act. <i>Source: DoEE EPBC Act environmental offsets policy -</i></p> <p><a href="http://www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy">http://www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy</a></p>
Matter of national environmental significance	<p>Nationally and internationally important flora, fauna, ecological communities and heritage places to which the EPBC Act applies. These are:</p> <ul style="list-style-type: none"> <li>• world heritage properties</li> <li>• national heritage places</li> <li>• wetlands of international importance</li> <li>• nationally threatened species and ecological communities</li> <li>• migratory species</li> <li>• Commonwealth marine areas</li> <li>• the Great Barrier Reef Marine Park</li> <li>• nuclear actions (including uranium mining)</li> <li>• a water resource, in relation to coal seam gas development and large coal mining development.</li> </ul> <p>Other protected matters are:</p> <ul style="list-style-type: none"> <li>• the environment, where actions proposed are on, or will affect, Commonwealth land and the environment</li> <li>• the environment, where Commonwealth agencies are proposing to take an action.</li> </ul> <p><i>Source: EPBC Act 1999, Part 3.</i></p>
Referral	A person who is proposing to take an action that has, will have or is likely to have a significant impact on a matter of national environmental significance must refer their action to the Commonwealth Environment Minister. On

	receipt of a referral, the Minister (or their delegate) will determine whether or not further assessment and approval is required under the EPBC Act.
Significant impact	<p>A significant impact is an impact which is important, notable, or of consequence, having regard to its context or intensity. Whether or not an action is likely to have a significant impact depends upon the sensitivity, value, and quality of the environment which is impacted, and upon the intensity, duration, magnitude and geographic extent of the impacts to the relevant matter of national environmental significance. The Department has significant impact guidelines available on its website - <a href="http://www.environment.gov.au/epbc/publications/significant-impact-guidelines-11-matters-national-environmental-significance">http://www.environment.gov.au/epbc/publications/significant-impact-guidelines-11-matters-national-environmental-significance</a></p> <p><i>Source: DoEE website.</i></p>
Strategic assessment	<p>A landscape scale assessment of a policy, plan or program that can consider a much broader set of actions and their impacts on matters of national environmental significance than individual 'project by project' assessment does. Once finalised, an action undertaken in accordance with an endorsed policy, plan or program does not require further approval under the EPBC Act.</p> <p><i>Source: DoEE website.</i></p>

# 1. Background and scope of the independent review

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This briefing paper has been prepared to inform stakeholders of the purpose, scope and timing of an independent review of interactions between the *Environment Protection and Biodiversity Conservation Act 1999* (hereafter, EPBC Act) and the agriculture sector. In March 2018, the Commonwealth Minister for the Environment and Energy and the Commonwealth Minister for Agriculture and Water Resources jointly announced that Dr Wendy Craik would undertake the independent review.

The paper describes several issues resulting from the interaction between the EPBC Act and the agriculture sector that have arisen in initial conversations with government officials and key industry stakeholders and in a desktop review of available documentation. It sets out key questions that will frame targeted consultations with farmers, industry groups and other stakeholders through the course of the review.<sup>1</sup> These questions will also serve as the framework for a call for public submissions to the review. There will be opportunities to discuss these, and other, issues, concerns and questions with a wide range of stakeholders over coming weeks.

## 1.1. Background

The EPBC Act came into effect on 16 July 2000 and is the Australian Government's principal piece of environmental management legislation. It is administered by the Commonwealth Department of the Environment and Energy (DoEE). The EPBC Act is intended to protect **matters of national environmental significance** (MNES). At present, the nine MNES are:

- world heritage properties
- national heritage places
- wetlands of international importance (often called 'Ramsar' wetlands after the international treaty under which such wetlands are listed)
- nationally threatened species and ecological communities
- listed migratory species
- Commonwealth marine areas
- the Great Barrier Reef Marine Park
- nuclear actions (including uranium mining)
- a water resource, in relation to coal seam gas development and large coal mining development.

Other matters protected under Part 3 of the EPBC Act are:

- the environment, where actions proposed are on, or will affect Commonwealth land and the environment

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<sup>1</sup> The term 'farmer', used in this briefing paper for convenience, refers to a wide range of agricultural stakeholders, including landholders, agricultural business operators and corporate farmers.

- the environment, where Commonwealth agencies are proposing to take an action.

These MNES are important and give effect to Australia's obligations under international conventions. The EPBC Act aims to protect crucial environmental and cultural values, at the local, regional, national and international level, for the long-term benefit of Australia. It does this by providing a framework for balancing MNES with Australians' economic and social needs, directing which development activities can occur, which cannot, and where offsets and mitigation measures can enable development without significantly impacting nationally important environmental and cultural values.

The EPBC Act creates environmental protection and biodiversity conservation obligations that potentially impact on many different parts of the Australian economy. One of the sectors that is impacted in various ways is the agriculture sector. These impacts can be short-term or long-term, and positive or negative.

In March 2018, the Commonwealth Minister for the Environment and Energy and the Commonwealth Minister for Agriculture and Water Resources jointly announced that there would be a short-term targeted independent review led by Dr Wendy Craik to find practical ways to help farmers fulfil their obligations under the EPBC Act. The commissioning of this independent review follows the publication by DoEE in 2017 of its Regulatory Maturity Framework, committing to working in partnership with stakeholders to improve how the Department regulates.<sup>2</sup>

## 1.2. Scope

The independent review of interactions between the EPBC Act and the agriculture and food production sector has been commissioned to 'identify regulatory and non-regulatory improvements to assist this sector while maintaining environmental standards'.<sup>3</sup>

Specifically, the review is to complete the following tasks:

1. Understand where real and perceived barriers exist for farmers in navigating the requirements of the EPBC Act, with a particular focus on environmental referrals, assessment and approvals, and the listing and delisting process for threatened species and ecological communities.
2. Undertake targeted consultation with agriculture sector stakeholders and other interested parties to identify concerns in the interaction between the EPBC Act and the sector and highlight areas where efficiencies might be realised.
3. Provide an overview of the appropriateness of the current regulatory settings of the EPBC Act in regard to their impact on the agriculture sector, with consideration to the objects of the EPBC Act.
4. Outline options to practically improve how the agriculture sector is regulated under the EPBC Act and to reduce the regulatory burden faced by farmers and applicants.

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<sup>2</sup> The final report of the Regulatory Maturity Project is available at <http://www.environment.gov.au/epbc/publications/regulatory-maturity-project-final-report> and the Department's response is available at <http://www.environment.gov.au/epbc/publications/departmental-response-regulatory-maturity-project-final-report>

<sup>3</sup> The full terms of reference for the independent review are available at <http://www.environment.gov.au/epbc/publications/agriculture-review-tor>

5. As far as possible, consider the costs and benefits of the recommendations as required by the Australian Government.

The following further clarifications to the scope of the review have been advised since the initial publication of the terms of reference:

- The review will focus on terrestrial food and fibre production.
- Fisheries activities are out of scope as these actions are regulated through accredited management plans and approved wildlife trade operations under the EPBC Act. However, aquaculture developments may be considered where there are interactions with the referral, assessment and approval provisions of the EPBC Act and when deemed appropriate by the independent reviewer.
- Forestry operations undertaken in areas covered by a Regional Forest Agreement (RFA) are out of scope. However, private native forestry (where not covered by an RFA) may be considered in the review where there are interactions with the EPBC Act and when deemed appropriate by the independent reviewer.
- Coal seam gas development, and the relationship between this industry and protection of water resources, is out of scope. However, mining activities, as far as they impact on the agriculture sector, may be considered in the review where there are interactions with the EPBC Act (such as through offsetting requirements) and when deemed appropriate by the independent reviewer.
- Changes or proposed amendments to state and territory vegetation management legislation are outside the scope of this review, though the independent reviewer recognises that farmers may have concerns about how these changes may impact the way that they interact with the EPBC Act.

Many stakeholders are likely to hold views on the operation of the EPBC Act that touch on issues beyond the scope of this review, including issues relating to the interaction between the EPBC Act and the mining or urban land development sectors, among other parts of the Australian economy.

There will be opportunities for all Australians to share their ideas on how best to improve the operation of the EPBC Act more broadly as part of the next statutory independent review of the EPBC Act, which must commence no later than October 2019. This will be the second statutory review of the EPBC Act, the first having been provided to the then Commonwealth Environment Minister by Dr Allan Hawke in October 2009.<sup>4</sup> The focus of the present review is on practical, feasible solutions to issues facing the agriculture sector, with larger and more complex issues potentially able to be addressed through the forthcoming statutory review.

The review will consider relevant publicly available material and documentation provided by DoEE, in addition to the views expressed by stakeholders during targeted consultations in multiple states and territories. A final report will be provided to the Australian Government in mid-2018.

### 1.3. The independent reviewer

Dr Wendy Craik is one of Australia's leading independent public policy advisors and is well versed in the key issues facing farming businesses across Australia. Dr Craik has been Executive Director of the National Farmers' Federation, President of the National Competition Council, board member of

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<sup>4</sup> The 2009 Report of the Independent Review of the Environment Protection and Biodiversity Conservation Act 1999 is available at <http://www.environment.gov.au/system/files/resources/5f3fdad6-30ba-48f7-ab17-c99e8bcc8d78/files/final-report.pdf>



Dairy Australia, Chair of the National Rural Advisory Council and Chair of the Australian Rural Leadership Foundation. She has previously been CEO of the Murray-Darling Basin Commission and a Commissioner of the Productivity Commission. Dr Craik was appointed a Member of the Order of Australia in 2007 for her service to the natural resource sector and for her contributions to policies affecting rural and regional Australia. Dr Craik will be supported in her role as independent reviewer by a team from Aither, a leading Australian natural resources management advisory firm.

## 2. Emerging issues and concerns

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Since the EPBC Act came into effect in 2000, project (or **action**) proponents have been required to refer projects to DoEE (or its predecessors) for a decision about whether further **assessment** of the project's likely environmental impacts is required, if the proponent determines that the action has the potential to have a significant impact on a matter of national environmental significance. This decision about whether **referral** is warranted is generally made by the proponent of the action, though State, Territory and Australian Government agencies or ministers can also make a referral or request a proponent to make a referral. The decision on whether or not further assessment is needed is then made by the Commonwealth Environment Minister or the Minister's delegate. If it is determined that significant impacts are likely to occur to a matter of national environmental significance, the action requires approval under the EPBC Act and is referred to as a **controlled action**.

Since 2000, the number of referrals under the EPBC Act from the agriculture sector has remained consistently low, compared with referrals from other sectors. Most referred actions in the agriculture sector have been determined not to require further assessment under the EPBC Act. Almost all controlled actions in the agriculture sector assessed over the past 18 years have ultimately been approved.

Acknowledging the comparatively low number of referrals and assessments in the agriculture sector, it remains the case that farmers and industry groups have voiced concerns about the EPBC Act and the way in which it has been administered by the Australian Government. This relates in particular to achievement of improved efficiency in agricultural practices and the management of native vegetation on farms. The following sub-sections of this paper provide an early overview of some of the concerns raised.

### 2.1. Understanding the obligations of individual farmers under the EPBC Act

Some industry groups have stated that farmers do not sufficiently understand their obligations under the EPBC Act and/or are not able to make an informed decision about whether proposed projects should be referred under the Act. Unlike some mining or property development firms that may operate at a scale sufficient to employ staff to ensure the firm's compliance with the EPBC Act, most farms do not employ such individuals, acknowledging that there is significant diversity in the scale of farming operations in Australia, from family farms to large corporate operations. In many cases, a farmer may only have a need to consider their obligations under the EPBC Act once or twice in the course of their working life, if at all. Where farmers are aware (and sometimes they appear not to be) that an activity may intersect with the EPBC Act, they will seek to understand this by engaging expert agronomic or botanical assistance. Many agricultural actions are likely to be routine land management activities or ongoing cropping or grazing practices; these will generally not require referral as they do not constitute new, expanded or intensified agricultural developments that are likely to have a significant impact on an MNES.

Nonetheless, there have been some instances of agricultural actions that require referral under the EPBC Act. It is likely that some of these actions have not been referred in the past where they should have been. This supports the assertion by some that many farmers have not become aware of, or are not confident in understanding, their obligations under the Act.

The independent review will seek to better understand farmer and industry group concerns, and the implications of these concerns for achievement of the objectives of the EPBC Act. Options for

improved communication of farmer responsibilities and tools for helping farmers make decisions about referrals will be considered.

## 2.2. Time and cost implications for farmers

Some farmers are unsure of or concerned about the time and costs associated with ensuring compliance of their agricultural activity with the EPBC Act. Decisions on referrals occur within 20 business days (this timeframe may be extended if further information is required to be provided by the proponent), while assessments (depending on the assessment method required) can take months or years for complex referrals (assessments are undertaken by the farmer or their consultant). A decision on whether or not to approve a project is made within 40 business days.

In 2014, the Australian Government introduced cost recovery arrangements for selected regulatory activities under the EPBC Act, including environmental impact assessments and some strategic assessments. DoEE states that fee exemptions are available for most individuals or small businesses with an aggregated turnover of less than \$10 million per year. There is a need to better understand the specific nature of farmer concerns about the time and cost implications of seeking and gaining approvals (see Section 2.4).

It is also possible that farmers are not aware of the financial benefits that may, in theory at least, flow from fulfilment of their responsibilities under the EPBC Act. Having a MNES on your property – for example, a threatened ecological community or species – can potentially be a source of income if you are able to negotiate with project proponents to have this MNES classified as an **environmental offset** in future. The payment and income structure are negotiated directly between the farmer and the project proponent (e.g. a property developer seeking an offset for MNES impacted by new urban development on the fringes of a city). For example, a landowner on a 220-hectare property in Victoria agreed to covenant 100 hectares of their property as an offset site. Ongoing funding was provided by an EPBC approval holder to the landowner for activities such as ecological monitoring and weed control. In addition, the landowner has been able to continue using the offset site for rotational sheep grazing, as this is an appropriate tool for managing biomass for the relevant species/ecological community. It is not yet clear to the independent reviewer how common such arrangements are in the agriculture sector under the EPBC Act.

The independent review will seek to better understand how farmers and industry groups view the time and cost implications of fulfilling their obligations under the EPBC Act, and how they leverage (or do not leverage) MNES on their properties as offsets. Options for improved communication and streamlining of regulatory processes will be considered.

## 2.3. Possible impacts of the listing process for threatened species and ecological communities

The referral, assessment and approval requirements of the EPBC Act relate to matters of national environmental significance. In the case of agricultural activity or development, the principal MNES likely to be significantly impacted by development actions are Ramsar (wetland) sites, nationally threatened species and **ecological communities**. These species and communities are listed through a process set out in the EPBC Act. The lists (which group species and ecological communities into categories such as ‘threatened’, ‘endangered’ and ‘critically endangered’) are able to be revised by the Commonwealth Environment Minister at the recommendation of the Threatened Species Scientific Committee and in response to nominations, including those made by any member of the public.

Some farmers are concerned that the listing process for threatened species and ecological communities creates uncertainty as lists change over time. For example, at present, some farmers are discussing their concerns with DoEE in relation to the 2016 revision to the status of the 'Natural Temperate Grassland of the South Eastern Highlands' ecological community. There is a perception among some farmers and industry groups that the implications of listing changes such as these are not easily understood by farmers and that related conservation advice is difficult to apply and may not advance the objectives of the listing itself. Sometimes, **condition thresholds** (which are intended to focus national legal protection on patches or occurrences of a threatened ecological community that are functional, relatively natural and in relatively good condition) have caused confusion and concern among farmers seeking to understand how these will be applied in practice. Additionally, industry groups seem concerned by the entity reviewing a listing being the same as the entity which made the initial listing or upgrade recommendation.

In the case of the 'Natural Temperate Grassland of the South Eastern Highlands' ecological community, the 2016 revised listing focused protection on the best examples of remnant grassland, by introducing condition thresholds to exclude areas of lower quality, and hence reduce the potential area subject to the EPBC Act in the Monaro region. As for other ecological community listings, these condition thresholds were introduced primarily to provide more certainty for landholders about when the listed grassland is present and to explicitly exclude areas of farmland that are of less significant conservation value. However, there is evidence that the new condition thresholds have been confused by some people with thresholds for significant impact (see Section 2.4). Condition thresholds are welcomed by some stakeholders, who are looking for certainty around when an EPBC matter is present, but the Monaro example also highlights that it can be difficult for some farmers to identify when they may have an area on their property that is subject to the EPBC Act as a threatened ecological community or as threatened species habitat. Determining whether the EPBC Act applies to a particular activity due to the continuing use exemption or significant impact considerations can also be difficult.

The independent review will seek to better understand farmer and industry group concerns in relation to listing processes and outcomes, and pursue suggestions for how to ensure that clear and relevant information is available to, and discussed with, potentially affected farmers.

## 2.4. Determining how 'significant' an impact is as part of a risk-based approach

The threshold for whether or not an agricultural development triggers the EPBC Act, and associated farmer obligations, is the significance of the likely impact of that development on a MNES. '**Significant impact**' is used in the EPBC Act to determine when an action must be referred to the Commonwealth Environment Minister. Actions not requiring referral under the EPBC Act include those that are routine land management activities, are ongoing activities commenced prior to July 2000 (i.e. 'continuing use') or are activities that received all required environmental authorisations prior to July 2000. As a farmer, making an assessment of how significant the impact of undertaking new, expanded or intensified agricultural development is likely to be can be difficult. In general, a significant impact is something that can affect the overall health and survival of a MNES. In the case of agricultural developments, this usually means a threatened species or ecological community. Significance generally only takes into account impacts on whole populations (not individual animals or birds, for example) and considers:

- Status of the protected matter (example: is the species threatened, endangered or critically endangered under the EPBC Act?)
- Intensity (example: does the development involve targeted weed control or land clearing?)

- Extent (example: is the area to be developed a single hectare or a hundred hectares?)
- Duration (example: will the species or ecological communities likely affected by the development be temporarily affected or permanently and irreversibly affected?)

Some farmers are concerned that significance is hard to determine and worry that actions perceived to be low-impact in nature (e.g. felling of individual paddock trees) may require extensive scientific assessment and bureaucratic process to ensure compliance with the EPBC Act. DoEE is currently working to improve clarity around the specific issue of paddock tree management, including by providing guidance when the clearing of paddock trees would not trigger the EPBC Act.

Another tool available to the Australian Government under the EPBC Act, which can be used to facilitate a risk-based approach to considering impacts on MNES, is the **strategic assessment**. Strategic assessments are landscape scale assessments. Unlike project-by-project assessments, which look at individual actions, they can consider a much broader set of actions, such as a large urban growth area that will be developed over many years.

Some farmers believe that strategic assessments should often be undertaken in preference to individual project assessments for agricultural developments, as they are more suited to the breadth and nature of the impacts often associated with agricultural development. However, strategic assessments are costly and need to be led by an authority responsible (such as a state or territory government or industry body) for the adoption and implementation of the policy, plan or program that would oversee the approved agricultural actions.

The independent review will seek to better understand how farmers are assessing the significance of proposed agricultural developments and how they are engaging with and interpreting available advice from DoEE and others. Options for closing the gap between the scientific nature of available conservation advice and the on-ground experiences of individual farmers will be considered, as will options for increased use of the strategic assessment mechanism.

## 2.5. Alignment between State and Commonwealth law

The EPBC Act is Commonwealth legislation, but management of native vegetation is primarily the responsibility of State and Territory or local governments. Some farmers are frustrated by poor coordination between Commonwealth and State regulatory authorities in the provision of conservation advice and approvals for farmers. Significant effort has been expended in recent years to make progress on this front. **Assessment bilateral agreements**, which provide for a single environmental assessment process conducted by a State or Territory government, resulting in a report to the Australian Government assessing the likely impacts of an action on MNES, have been agreed with several States and Territories.

As at April 2018, the Australian Government and seven State and Territory Governments have signed a memorandum of understanding to develop and implement a **Common Assessment Method** (CAM). A key aim of the CAM is to align listings of threatened species and ecological communities across jurisdictions. New South Wales and the Australian Capital Territory have agreed to apply the CAM to ecological communities.

Another proposal to streamline interactions between Commonwealth and state and territory systems is a One-Stop Shop for environmental approvals, which would accredit state or territory planning systems under the EPBC Act to create a single environmental assessment and approval process for MNES. The establishment of a One-Stop Shop is government policy but has not yet received the support of the Australian Government Senate and some State and Territory governments that is required to implement this policy.

The independent review will seek to better understand how farmers are engaging with multiple levels of government in applying for and receiving approvals and participating in assessment processes. Practical options for improving coordination, in addition to existing bilateral agreement processes already in place, will be considered.

### 3. Key questions for consultations

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There are several key questions that will guide consultations with farmers, industry groups and other interested parties during the independent review. These questions should also be considered by those individuals and organisations seeking to make a public submission to the independent review. Submissions framed around these key questions will assist consideration and integration of ideas and feedback from stakeholders as appropriate.

1. Have you interacted with the EPBC Act in the past? Please be as specific as possible, including if you have previously referred actions, noting that submissions will be made public unless confidentiality is specifically requested.
2. Do you feel that you have an adequate understanding of your obligations under the EPBC Act?
3. Where have you sought advice on your obligations under the EPBC Act in the past (e.g. from DoEE, a State Government, a local government, a consultant, your neighbour etc.)? How would you assess the quality and usefulness of the advice you received?
4. Ideally, how would you like to receive information about the EPBC Act and your obligations under it?
5. What has been the time or cost involved in ensuring your compliance with the EPBC Act in the past? Please be as specific as possible.
6. Are you aware of the threatened species and ecological communities that may be present on your property? What measures, if any, do you undertake to manage your impact on these species and communities?
7. Have you ever gained any direct financial benefits from managing the threatened species and ecological communities present on your property (e.g. through EPBC Act offsets or other government grants)?
8. Have you ever been deterred from proceeding with an agricultural development due to your understanding of the requirements of the EPBC Act? Have you ever withdrawn or let lapse a referral under the EPBC Act? If so, why?
9. How do you think the Australian Government can improve achievement of its environmental protection and biodiversity conservation objectives through its interactions with the agriculture sector?
10. Is there anything else you would like to raise in relation to the interaction between the EPBC Act and the agriculture sector?

## 4. Review process and next steps

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This briefing paper is the first step in the completion of an independent review of interactions between the EPBC Act and the agriculture sector. The review team will now seek input from a wide range of stakeholders, including individual farmers, industry groups and other interested parties (e.g. environmental groups). This will be achieved through targeted face-to-face consultations in multiple states and territories, through telephone consultations and potentially through other means (e.g. surveys or online consultations). These consultations will occur in May and June 2018.

Simultaneously, a public submissions process will ensure that all interested individuals have an opportunity to contribute to the independent review. A call for written submissions has been advertised nationally, including in regional papers and on DoEE's website.

Electronic submissions, in .doc or .pdf format, can be submitted to Aither at [agreview@aither.com.au](mailto:agreview@aither.com.au). Postal submissions should be mailed to:

Agriculture Review (Aither)  
Level 2, 45 Exhibition St  
Melbourne  
VIC 3000

Submissions close on Friday 15 June 2018. If you have special communication needs and wish to make a submission, please contact Aither directly on 0456 421 942 (during business hours) or by email at [agreview@aither.com.au](mailto:agreview@aither.com.au).

Participants in consultations and those seeking to make submissions to the review should be aware of the way in which their input will be handled by the review team and by DoEE.

Once a submission has been received, the independent reviewer will decide whether it contains feedback that is within the scope of the Review and will then accept it as a submission and authorise its publication. Submissions regarded as not addressing the review's terms of reference may not be considered in the review but will still be published. All submissions will be provided to DoEE and published on the Department's website

To protect the privacy of submitters, the review team will remove your postal address, email address and/or phone number from your submission prior to publication. Unless requested, your name and the state you reside in will be published on the DoEE website alongside your submission. To assist the review, we encourage you to include your postal address, email address and/or phone number in a covering letter or email, not in the body of your submission.

### Commercial-in-confidence material

All submissions will be treated as public documents, unless the author of the submission has requested the submission not be published because its publication could reasonably be expected to substantially prejudice the commercial interests of the author or another person. Confidential submissions will not be published but will be provided to DoEE. While it will not be published, a detailed account of consultations undertaken will be provided to DoEE in the form of a consultation outcomes report. If any part of a submission should be treated as confidential, please provide two versions of the submission, one with the confidential information removed for publication. If you choose not to use this template (provided on DoEE's website: <http://www.environment.gov.au/>) and



wish your submission to remain confidential then the document should be clearly marked as confidential.

## Freedom of Information

A request made under the *Freedom of Information Act 1982* for access to a submission marked confidential will be determined in accordance with that Act. If your submission includes matters of a private nature that could lead to the identification of individuals, you should contact the review team at [agreview@aither.com.au](mailto:agreview@aither.com.au) before lodging your submission.

## Next steps

After the completion of the consultation phase of the independent review, and following the closure of public submissions, the review team will prepare a report for the Australian Government. This is expected to be provided to the Commonwealth Minister for the Environment and Energy and the Commonwealth Minister for Agriculture and Water Resources in mid-2018.

The independent reviewer is interested to keep stakeholders informed of the progress of the review over coming months. Individuals interested in being kept informed about the review can register their interest by sending an email to [agreview@aither.com.au](mailto:agreview@aither.com.au).

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