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### PROPERTY RIGHTS AUSTRALIA

#### Submission into The independent review of the Environment Protection and Biodiversity Conservation Act 1999

Property Rights Australia (PRA) was formed in 2003 to protect the property rights of those unfairly targeted by the Vegetation Management Act 1999. We are a non-profit organisation of primary producers and small businesspeople mostly from rural and regional Queensland who are concerned about continuing encroachments on the rights of private property owners. The organisation was formed to seek recognition and protection of the rights of private property owners in the development, introduction and administration of policies and legislation relating to the management of land, water and other natural resources. Set up in South West Queensland in January 2003, PRA's membership now extends across most states and all major rural industries. PRA is not affiliated with any political party.

That green ideology can and does stymie economic activity is not in dispute.

The Summer fire season in Eastern Australia has shown that green ideology is also dangerous, in some cases fatally so for both people and wildlife.

They also claimed to be basing their ideology on "the best available science" and to be "protecting biodiversity".

It has turned out that the "best available science" in preventing fires that cannot be suppressed<sup>1</sup> was in the hands of such people as the much maligned, vilified and demonised foresters and fire researchers. They have offered expert advice on what really was "the best available science" only to have it ignored in favour of green ideology which also claims that its ideas are based on "the best available science".

Some of the lexicon in the discussion paper has been thrown at agriculture for decades and we have become highly suspicious of it. The "best available science" is just one example. The "best available science" must necessarily open the constant challenge and debate and when speaking about things such as fire claims should not be made in generalisations about fire being good or bad but requires metrics for intensity and knowledge of which species are winners and losers in a cool burn and what mosaic burns can do to protect all of them. There are no winners from fires of high intensity.

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<sup>1</sup> Australian Academy of Science <https://www.science.org.au/curious/earth-environment/how-we-fight-bushfires>

Other expressions include “sustainability”, “community involvement”, “co-operative”, “transparency”, “private investment in the environment”, “public/private partnerships”, “the opportunity for landowners to participate”, “offsets”.

“Community involvement” too often means, as it certainly does in the referrals sections and S487 of the EPBC Act, activist individuals or activist organisations or in one case I am aware of a science organisation which did not even include the name of an authorised person of that organisation in community comments for a referral. Every step that agriculture takes has a green organisation well embedded in all procedures and processes and, more often than not, muddying the waters on “best available science”.

## Question 2

“Sustainability” as advocated by green groups should definitely not be included in the EPBC. It needs to follow the principles as laid out in the discussion paper.

*Decision making processes should effectively integrate both long-term and short-term **economic**, **environmental**, **social** and equitable considerations.*

Sustainability is covered in every agricultural endeavour with the green groups having more than their fair share of influence and introducing their own versions of science which are most often skewed towards an agenda. Vegetation management is just one such area where if a tree is good, more trees are better. Always. True science would recognise that many of our natural grasslands have been encroached upon. Any hope of restoration, both as an economic benefit for their owners or for the biodiversity we are so often lectured about has now been rendered impossible by, in Queensland at least, vegetation management laws which are firmly in the control of green groups. There are a range of small mammals and birds which require open grasslands, or even commercial crops, in preference to treed areas with sparse pasture or groundcover. This includes the much-loved golden shouldered parrot which has a higher adult mortality rate in treed areas where they cannot see the presence of raptors. Recently feral cats have been identified as one of the predators of golden shouldered parrots.

Cats are another of the feral species which are allowed to flourish as a result of a “lock up and leave” philosophy.

Golden shouldered parrots are by no means the only species to be affected by the encroachment into our grasslands. There are many granivorous birds, many of them endangered and a range of small mammals which rely on grasscover.<sup>2</sup>

Whenever “sustainability” or the environment is mentioned and partnered with a multiple bottom line such as **social, community, economic** and environmental goals, it is never too long before the environmental goal becomes paramount and the others are sacrificed. There is no better illustration of this than the Murray Darling Basin Plan. It is very easy also to find in that plan examples where the so-called “environmental” water has not served the environment well although I am sure there will be those who claim it is based on the “best available science”.

We have also observed this burying of the economic goal in miles of green tape in many of the industry sustainability plans. Lip service is always paid to economic goals but it rarely makes it through the green obstacle course.

More Cost/benefit analysis may or may not be helpful but even that depends on a range of assumptions. This can include a notional value for the environment which can be manipulated to give a desired outcome. Even a negative cost benefit analysis does not necessarily stall legislation and action against those whose profession is agriculture. In Queensland, we have seen the example where a notional value of \$56B was put on the Great Barrier Reef when the actual economic value is \$6.4B. The Regulatory Impact Statement acknowledged a negative cost/benefit analysis with recognition that agriculture would in some cases be paying more than it can afford.

This sort of disregard for genuine economic endeavour cannot be allowed to be overridden by environmental concerns. Whenever we talk about balance, observation is that there really is very little of it with the environment taking centre stage.

If our country is to recover at all after COVID-19 this must not continue.

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<sup>2</sup> Australia's Biodiversity - Responses to Fire *Plants, birds and invertebrates* 3.5 TROPICAL EUCALYPT OPEN FORESTS AND SAVANNA WOODLANDS

The precautionary principle is one that needs to be used with care. It has cost agriculture, and continues to cost agriculture, a very great deal.

Buried in the hundreds of pages available in the Great Barrier Reef regulation is acknowledgement that assessments such as “poor condition” are not based on actual damage at present but damage which may or may not occur in the future. The Reef Regulations are a very great deal of onerous regulation for something which may or may not occur.

**Box 3 (f) to assist in the cooperative implementation of Australia's international environmental responsibilities**

A recent experience of Queensland agriculture has been the introduction of the Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Act 2019. It violates almost every principle that the EPBC Act and this review seem to be trying to promote.

Many people from many agricultural industries became involved in many “voluntary” industry Best Management Practice activities. In the debate in parliament, anyone who had not participated and become fully accredited were vilified and blamed for the legislation. The reasons why people did not become accredited were many, but mostly not recognised.

The list of accreditation bodies was narrow, not exhaustive and mostly only consisted of those who had applied for government funding which required matching and often ran to the tens of thousands of dollars.

Many have suffered long years of practical obstacles such as drought, floods, shortage of labour and shortage of funds. Rather than recognise any of these factors the study done on behalf of the government postulated that it was because farmers did not care about the environment. We find this reasoning shallow and laughable but typical of the unreasonable criticism regularly received.

Many declined to participate because of heavy involvement both in the design of programs and as a funding conduit, of environmental organisations who had already clearly demonstrated their antipathy towards agriculture.

Many followed the generally accepted principle of adult learning that adults learn what they need to know when they need to know it and did those units which covered the Great Barrier Reef but skipped say, bull soundness evaluation and workplace health and safety and so never became fully accredited.

That full accreditation was required was a shifting of the goal posts which only became obvious during the parliamentary debate.

Many did not believe that they were causing harm to The Great Barrier Reef. This was based in a sound knowledge of their country, their pasture, groundcover and potential for erosion, how they handled chemicals and private research.

There was and is, disagreement between landowners and rangeland or grassland scientists who believe that pasture is effective at preventing erosion and slowing overland flow in a rain event, and environmental organisations who aggressively assert that trees prevent erosion and that tree clearing causes erosion. TWS and WWF internally generated reports confirm this.

Dr. Bill Burrows<sup>3</sup> has written many peer reviewed papers and prepared many submissions on the tree grass balance. In his 2016 submission to the Vegetation Management (Reinstatement) Bill he writes to the parliamentary committee that,

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<sup>3</sup> Bill Burrows has a Master of Agricultural Science degree from the University of Queensland and a PhD from the Department of Environmental Biology in the Research School of Biological Sciences, Australian National University. He is a Fellow of the Australian Academy of Technological Sciences & Engineering. He was also elected a Fellow of the Tropical Grassland Society of Australia and The Australian Institute of Agricultural Science and Technology. He is a past recipient of the Cattleman's Union of Australia, Research Medal and was awarded a Centenary Medal in 2002 for 'contributions to Australian society in the field of ecology'.

Bill retired from his position as Senior Principal Scientist in the Queensland Department of Primary Industries & Fisheries (now DAF) in 2004, after a 40 year career researching the ecology and management of Queensland's grazed woodlands. He is a past president of both the Australian Rangeland Society and the Tropical Grassland Society of Australia, and has authored or co-authored over 100 research and technical papers published in national and international scientific literature.

*It is fashionable, more than factual, to associate GBR health with sediment loads which supposedly increased as a result of tree clearing activities.<sup>4</sup>*

In other words it is clear that there is no peer reviewed science to support the claims that trees are superior to pasture in preventing erosion.

Dr. Burrows went on to say that,

*A Geoscience Australia study concluded (Bostock et al. 2006) that the Fitzroy River has deposited an average of 136, 000 tonnes of mud and fine sediment into Keppel Bay per year, for the past 6000 - 7000 years! This contributes to constant levels of turbidity, promoted by the shallowness of the Bay and the regular sediment inputs, which are mobilised by advective transport whenever winds exceed 15-20 knots.*

The views of groups such as WWF and TWS, in spite of conflicting science, prevails as a result of having the loudest and most persistent voices and quoting their own internally generated reports.

Some believe that the science on multiple levels was just plain wrong. This was sometimes in the design of the courses but mostly it was about perceived effect on the Great Barrier Reef.

All of the so-called science was mostly based on estimates and modelling, which the reading of the reports sometimes reveals but leaves one with the impression that it is based on empirical measurement.

I personally went looking for the assumptions on which the modelling was based and hidden among the hundreds of pages of state government documentation there was one labelled modelling assumptions. What I found was that the models were based on numerous other models some of which were based on other models. Basically I discovered nothing except potential for a lot of errors.<sup>5</sup>

These reports on the state of the reef represent a very significant investment of federal government funding over many years and are researched by a range of universities and organisations who promote themselves aggressively and aggressively defend their institutions and science against debate, dissention or requests for replication. These requests should be considered fair and reasonable and an opportunity to substantiate their science when legislation and people's livelihoods are based on it, including in some referrals under the EPBC. There is no greater illustration of the unwillingness to engage in debate than the case of Dr. Peter Ridd.

The debate on Reef Regulations in the Queensland parliament was rushed through. Duly recorded in Hansard are complaints, quite justified, that the opposition had not even been supplied with copies of the required environmental standards which the legislation states can be changed at any time by the Chief Executive. Basically, they were expected to debate something whose details they had not been given. Transparency, even in the parliamentary process does not seem to have been a requirement.

The Government on the other hand including Minister Leanne Enoch and many others invoked UNESCO as the bogey man with the member for Mackay, Mrs. Gilbert, Labor offering that,

*We as a government must do something because farmers do not know what UNESCO will impose upon them. We must report that we have implemented the reef regulations to demonstrate that we are making every effort to meet our obligations to avoid the Great Barrier Reef being listed as in danger.<sup>6</sup>*

That UNESCO may have any sovereignty over farmers or legislation incensed farmers and members of the public and led to calls of varying stridency, for us to cut ties with UNESCO. That an international body may have the potential to

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<sup>4</sup> <https://www.parliament.qld.gov.au/documents/committees/AEC/2016/rpt19-11-VegetationMangt/submissions/214.pdf> p36

<sup>5</sup> **Modelling assumptions** [https://www.reefplan.qld.gov.au/data/assets/pdf\\_file/0029/82919/report-card-2017-2018-methods-catchment-loads-modelling.pdf](https://www.reefplan.qld.gov.au/data/assets/pdf_file/0029/82919/report-card-2017-2018-methods-catchment-loads-modelling.pdf) p6

<sup>6</sup> [https://www.parliament.qld.gov.au/documents/hansard/2019/2019\\_09\\_18\\_WEEKLY.pdf](https://www.parliament.qld.gov.au/documents/hansard/2019/2019_09_18_WEEKLY.pdf) p2925

threaten the sovereignty of a first world democracy such as Australia is highly disturbing. Also highly disturbing is that the Property Rights of Australian citizens have already been significantly eroded by international imperatives. Property Rights Australia strongly advises against giving up any of our sovereignty or constitutional rights in the name of any international body.

### **Question 5**

*Which elements of the EPBC Act should be priorities for reform? For example, should future reforms focus on assessment and approval processes or on biodiversity conservation? Should the Act have proactive mechanisms to enable landholders to protect matters of national environmental significance and biodiversity, removing the need for regulation in the right circumstances?*

### **Reforms**

There is no doubt that the referrals process needs to be streamlined and simplified. Low risk projects should be allowed through without too much ado and few if any conditions.

The process, according to Environment Minister Sussan Ley, takes three and a half years on average to complete for a sizable resources project. That may or may not be reasonable. That there are single family agricultural projects that have been in train for close to that is unacceptable. That green groups not only defame agriculture in the media but then have an ability to make public comment, much of which is frivolous and not relevant is also unacceptable. Many projects have already been declared “guilty” by media by the time they get to the referral and public comment stage.

That environmental groups or activist individuals are granted extended standing under S 487, as a “person aggrieved” at a Judicial Review places an extra burden on proponents and should at the very least have an exclusion of that extended standing for agriculture.

When it comes to biodiversity conservation I am not sure that it is possible to overcome some of the incorrect mantras that are promulgated by some of the more prominent environmental organisations who as intent on harming agriculture as protecting the environment.

We observe that one of the major dangers to many of our endangered mammals is fire.

Surely after our Summer fire season it should be possible to agree that intense runaway uncontrolled and uncontrollable fires of more than say, 2,000 kilojoules/metre compared to the 30,000 kilojoules/metre and greater which we suffered over Summer kills wildlife. Fuel reduction and other mitigation measures should be able to be implemented without interference. This will mean following the advice of the foresters and what they present to the Fire Royal Commission.

It will also mean recognising and implementing frequent cool mosaic burns in areas where some species rely on the habitat and vegetation types that result from cool burns.

NSW mandates controlled burns take place no more frequently than ten years apart in national parks and other controlled land. This needs to be reviewed.

Evidence so far is that the conservation organisations have not retreated from their traditional path.

Granivorous birds and some small mammals rely on grasslands both for diet and habitat. If habitat destruction is one of the causes of loss of biodiversity when it comes to clearing trees, it must also be the subject of serious discussion when it comes to restoring the openness of open forests and our encroached upon grasslands.

Under influence from WWF and TWS the law in Queensland makes restoration of this habitat almost impossible. Under their influence, in the near future, companies such as McDonalds, meat processors JBS and Teys, Coles and Woolworths, can regard actions such as this sort of restoration as “deforestation” and therefore not suitable for their supply chains. Even where there may be recognition of encroachment, baselines do not go far enough into the past and not all available evidence is used.

Feral cats are also a danger to many of the endangered mammals and ground breeding birds including the golden shouldered parrot. Conservation efforts often over-concentrate on exclusion of livestock which of itself increases the fire hazard. They would be far better off encouraging incentives to get rid of feral cats but agendas often prevail over science.

## Trust and transparency

*The increasing volume of legal challenges to decisions under the EPBC Act indicates both concern about the outcomes of regulatory decisions, and a decline in trust in the decision-making process. Requests for further information about decisions under the EPBC Act are also increasing, suggesting that many stakeholders are seeking greater transparency.*

I presume that this refers to S 487 where environmental activists or activist groups are given “extended standing” as a “person aggrieved” in a Judicial Review of decisions on referrals.

This holding up of proceedings with complaints that are often frivolous costs the economy an estimated \$65B of investment risk and a commensurate number of jobs.

Perhaps if environmental groups or individuals are doing this an outline of their complaint needs to be made and accepted or dismissed before any other proceedings commence.

Agricultural projects that are a small family business, company or trust should be exempt from this extended standing.

We have given this opinion based on our agricultural interest and there appears to be other worthwhile projects that have been challenged.

## Question 6

### Effectiveness

Overplaying damage to the environment and not giving any credit at all to agriculture is the usual approach to biodiversity.

Until the fire seasons of the last two summers every single time I saw sensationalist headlines about the koala being close to extinction or functionally extinct, I could only conclude that they were looking for them in Martin Place.

Over the last ten years in suitable parts of Eastern Australia, koalas have started to appear in places where they had not been for decades.

During the summer fire season, it was obvious that the population had been gradually building over several states when many were wiped out by fatal fires.

The national estate is mostly not the place where increases in biodiversity will be found. They are poorly managed at best and neglected at worst.

### The role of the EPBC Act

*While existing agreements between the Commonwealth, states and territories define respective roles and responsibilities in relation to the environment, there is scope within these agreements for the Commonwealth to consider the most appropriate role for the EPBC Act. For example, matters of national environmental significance have changed over time. Some stakeholders have proposed that they could be further altered to remove nuclear actions and the water trigger, while others have suggested adding **land clearing and climate change triggers**.*

Property Rights Australia would vigorously oppose adding a land clearing trigger. Debate on land clearing has always been fraught by oversimplification, sweeping statements, hyperbole, misinformation and total disregard for property rights, value and the need to generate income.

Never has nett increase in woody vegetation been acknowledged. Nor has encroachment been acknowledged.

If it ever became possible to restore open forest or savanna that would undoubtedly count towards a land clearing trigger.

This is in spite of the fact that in 2018, the last year in which a State Landcover and Trees Report was published by the Queensland Government, of the 13 bioregions. Only two did not record a nett increase in woody vegetation.

These areas were the South East corner where most land clearing would not have been for agriculture and the Mulga Region where pushing the trees for cattle fodder has been a 200 year old tradition. The area had suffered a six year drought and the Mulga is their planned mitigation measure.

The oversimplification, economic consequences and animal welfare consequences of forcing those landowners to retain 70% of available Mulga are incalculable.

The misinformation pedalled by green groups, their misuse of information and the media, misuse of statistics and the fact that they have legislative cut-through does not leave the agricultural community with any confidence that such a trigger would be administered in any fair manner.

Climate change is such an unwieldy beast that any attempt to put metrics around it could result in regulation for uncertain outcomes. If communities evolve as a result of climate change that is nothing more nor less than what has always been the case.

#### **Question 8**

*Should the EPBC Act regulate environmental and heritage outcomes instead of managing prescriptive processes?*

Outcomes should be what is important.

#### **Question 9**

*Should the EPBC Act position the Commonwealth to take a stronger role in delivering environmental and heritage outcomes in our federated system? Who should articulate outcomes? Who should provide oversight of the outcomes? How do we know if outcomes are being achieved?*

No. The Commonwealth should not interfere in this state responsibility.

*Since the beginning of the Act, there have been some clear improvements in some areas, including substantial expansion to the network of parks and protected areas.*

Acquiring national parks and protected areas and regarding that as an achievement in its own right is delusional. They are widely regarded as the worst neighbours that one can have and are unmanaged harbours for exotic weeds and feral pests including feral cats that are responsible for many species deaths and feral pigs which spread diseases. They are also a fire hazard. They have many decades of fuel accumulation, rarely have a firebreak at all much less an effective one and no fire trails. Even those that are cut during an active fire are “rehabilitated” which puts the lives of firefighters and sometimes the public at risk.

Fire trails in former forestry areas are allowed to overgrow. They should be maintained and communities that have only one way in and one way out should have a series of maintained fire trails as an extra escape route in the event of fire.

There are areas of thriving biodiversity on private lands but while green groups and governments persist in acquiring whatever areas they can landowners quite reasonably are unwilling to disclose what they have.

I also ask the question “what alternate agendas are there in instituting a certification in biodiversity.” Will it be another of those programs that starts out as a voluntary program and becomes one that you cannot operate without or a way of determining what is on private land with a view to overregulating it?

#### **Environmental standards**

*The EPBC Act currently relies on regulatory process to deliver consistent environmental outcomes in many areas complemented by a range of strategies and plans, such as the Reef 2050 Water Quality Improvement Plan 2017-22. These regulatory processes provide further guidance on environmental standards and targets in some areas. The EPBC Act could be amended to move towards a national standard setting approach, based on the best available science and more closely linked to outcomes.*

Please do not insult the agricultural community by mentioning the “best available science” and the Great Barrier Reef in the same paragraph. It is expensive science but it needs some independent testing to convince us that is the best available. There has been so much misinformation about the death of the reef and the demise of tourism that it is time to examine the vested interests. It is also time to recognise that in an organism of that size it will always be possible to find damaged areas. In spite of all the negativity, it has been repairing quickly.

The Reef just needs to be left alone for a while.

*The Commonwealth could refine policies and strategies to deliver greater clarity on expected national standards related to the objects of the EPBC Act. These standards would continue to act as guidance, aiming to build consensus and national consistency.*

There is no “consensus”. It is deeply distressing to agriculture and always results in agriculture being run all over by the jack boots of well-funded, well connected but often misguided agricultural groups and sometimes dishonest ones.

They deliberately defame agriculture in a way that is unfair and they will happily use one example of poor agricultural decision making to justify broad regulation.

The media is used extensively to make it appear that there is much more illegal or damaging activity than there really is.

When extra vegetation management laws were introduced in Queensland in 2018 with fines that were in the \$500,000 to \$750,000, an increase of four to five times, there had only been three prosecutions embarked upon in the previous three years, hardly a crime wave.

Of the three options offered number three is possibly the least painful.

## **Question 11**

### **Restoration**

It is curious that restoration almost always involves planting trees and almost never restoring grasslands or savanna.

Quite frankly, we were surprised and dismayed that after the horror fire season that we had, environmentalists were able to convince the Queensland and NSW governments to “restore” koala habitat. No thought has been given to the fire safety implications of such actions.

Even some of the Queensland Codes acknowledge that there needs to be some cleared interrupters in order to slow fire down and make it possible to control or manage it.

Many landowners have been distressed by the sheer arrogance of introducing such a fire friendly policy before the ashes are even cold.

There was more than ample footage for every single Australian to see that we have literally millions of hectares of eucalypts and that, without management they burn intensely and dangerously. We have no need to plant more. I am certain that many of these policies make good spin and raise plenty of money but on the ground they show scant consideration.

We do not wish to hear about “restoration” unless there is equal weighting given to restoring open forest as shown by historical records and research which is readily available.

### **Reducing regulatory complexity**

*The requirement for proponents to self-assess the significance of their development against the range of matters of national environmental significance can be challenging, particularly for smaller organisations and individual land holders. This can impose unnecessary costs as it's often difficult to be certain if actions are significant early in the process, even for relatively low-risk actions that end up not requiring approval under the Act.*

*The Act could be amended to simplify language and approaches, with more emphasis on clear communication of obligations. There is also an opportunity to unify and streamline key processes under the Act, including public consultation, applications, publication, management plans and issuing permits. The Act could also be substantially simplified through greater use of subordinate legislation, rules and guidelines.*

It is extraordinary that “public consultation” should be suggested as a serious way of streamlining the referrals process when the only public who become involved are environmental groups and they have done nothing but turn the process into a long ordeal which hurts agriculture on an ongoing basis.

Activist environmental groups deliberately muddy the waters by publicly claiming in urban media that every landowner who was causing disturbance should refer themselves under the EPBC or they were breaking the law. This is not the case but there are groups who continue to assert this and accuse every landowner who does not self-refer of acting illegally. It is a common tactic to give the illusion that there is more illegal activity occurring than there actually is.

Every single Queensland landowner (more than sixty of them) who had applied for a High Value Agriculture/Irrigated High Value Agriculture permit to clear was put on a public website with name, address and GPS position by an international ENGO. The aim of this was to defame every applicant and indeed they called this website the “Map of Shame” using information which only the Queensland government should have been in possession of.

The ordeal that holders of high value agriculture/irrigated high value permit holders were subjected to was clearly unacceptable. Regulators need to be aware of the unnecessary stress placed on small business people when demands for explanation land on their desk just before Christmas with no advice available.

That there are unresolved issues from that process still sitting on the referrals list more than four years after first notification does not inspire any confidence. This is in spite of large resources projects taking an average of only two and a half years.

If any sort of risk based landscape approach had been taken it would have been obvious that in an undeveloped area, a relatively modest percentage of the landscape would have been disturbed by any and all referrals in Far North Queensland and were in proportion to the size of holdings in that area.

The process that those landowners had to endure was, lacking in transparency with portions of what they were accused of and who the complainants were redacted. There was no clear indication of what they were doing wrong or what actions they needed to take to correct them. All had already gone to considerable expense to obtain flora and fauna surveys. The potential to have local consultant's on ground surveys overridden by departmental nominees doing desktop surveys should not exist. Many of the habitat and flora maps do not accurately reflect where the populations are.

All of this information and correspondence can be found on the department's referrals portal.

### **Community inclusion, trust and transparency**

The only "community" I can see through the Act are the environmental groups. If community means greater inclusion of activists or those who live in concrete jungles and base all their knowledge on green spin the answer is a resounding NO.

Agriculture and the agricultural community barely gets a mention and yet they have borne the cost and risk (such as fire and feral animals) of almost all environmental measures for decades.

There would barely be a year go by when there is not more regulation, more paperwork, more costs and more curbs on how they make a profit. The EPBC Act is just the tip of the iceberg.

General confidence in some of the peak agricultural organisations has been eroding as environmental influence has infiltrated many of them. Much of the spin or misconception is never cut through by independent science and there is quite a lot of it.

Production v The Environment: production comes a very distant last and sometimes the science is not robust. I would like the opportunity to present evidence of that but time does not permit.

All information on decisions should be published. However. The responsible department needs to be not precious and it needs to be contestable. There are many times when local knowledge can see the error of decisions made at a desktop.

Mapping of such things as habitat and flora are notoriously inaccurate and these deficiencies need to be acknowledged and not become entrenched.

### **Question 20**

*How should community involvement in decision-making under the EPBC Act be improved? For example, should community representation in environmental advisory and decision-making bodies be increased?*

No. Agriculture does not have enough strong advocates at the table to allow for an outcome that truly takes into account the economic sustainability of agriculture.

For too long agriculture has been lied about, vilified, demonised, defamed with scant recognition of the skills and local knowledge across numerous areas.

The agricultural community is heartily sick of being governed into oblivion from behind a desk and through sensationalised media.

"Community involvement" has seen the unreasonable demonisation of forestry and most importantly the foresters who have the greatest skills base in mitigating bushfire. The concentrated denial of their skills and advice has led directly to the recent widespread and intense fires that we have just had. That climate change is to blame does not pass the accepted mathematical calculations and the volume of fuel load is the metric which resulted in conflagration.

There are more examples where the stridency of opinion rather than reasoned argument prevails on a widespread scale.

### **Question 21**

*What is the priority for reform to governance arrangements? The decision-making structures or the transparency of decisions? Should the decision makers under the EPBC Act be supported by different governance arrangements?*

The Minister for the Environment should definitely remain the primary decision maker and accountable with whatever expert help they require.

The history of “independent” bodies is not a good one and is often captured by groups that are incapable of taking a balanced view of economic, social, community and environmental considerations or they are set up to ensure the predominance of a particular viewpoint from the start and are impossible to turn around.

The Murray Darling Basin Authority is a prime example of that and many members of the public who are aware of what is happening to farmers and communities are horrified by what has happened in an inflexible system.

### **Question 25**

*How could private sector and philanthropic investment in the environment be best supported by the EPBC Act?*

- *Could public sector financing be used to increase these investments?*
- *What are the benefits, costs or risks with the Commonwealth developing a public investment vehicle to coordinate EPBC Act offset funds?*

We believe that no public sector financing should occur.

The EPBC should also not get involved in private or charitable investments. It should not get involved in a vehicle to co-ordinate offset funds.

Let the market dictate these schemes.

There has already been a great deal of federal and state money spent on the environment locking up millions of hectares. It has not always been spent wisely and is often not managed or is sometimes managed for the benefit of individuals or small groups.

There is already legislation in Queensland so that private individuals or charitable trusts can buy land to lock up as a national park. To neighbouring landowners, without proper management, this offers the potential for a fire hazard, breeding ground for feral pests and exotic and often flammable weeds. Already government land is a dangerous neighbour with no firebreaks, no fire trails, little to no pest eradication and no hazard reduction burns. Privately owned areas just exacerbates the problem.

Environmental groups already enjoy a favourable tax status often while concurrently engaging in political activity under a range of guises. We do not need to spend any more taxpayer money on them.

There is also the very real risk that the way they manage their private areas comes to be regarded as the best management practice and the “best available science” whether it is or not and it is imposed on the rest of us without proper scientific and economic scrutiny.

Offset are too often just used by wealthy companies as a way to just pay to pollute. They are almost always too expensive for farmers to make use of and are not highly regarded by our community. State governments usually offer ample opportunity for companies requiring them to obtain them. In the case of the Great Barrier Reef regulations they even speak of no nett pollution. What this means in reality is that if a new industry opens up or expansion takes place, agriculture will be expected to reduce in order to cover another industry’s pollution.

The Reef Regulation Regulatory Impact Statement tells us that,

*However, achieving no net decline in water quality from new development is still a desirable objective to support progress toward the Reef water quality targets. Any additional loads will add more pressure on existing businesses to achieve nutrient and sediment reductions*

It does not help that the levels are based on multiple layers of modelling on modelling to **estimate** what levels of sedimentation and inorganic nitrogen and phosphorus are anthropogenic with all the possible errors in assumptions and estimates that can be made in such a complex array.

*Joanne Rea*

Joanne Rea

Chairman

Property Rights Australia