



**National  
Farmers  
Federation**

## **Native Vegetation**

### **Policy Position**

Change is needed in the way that the Commonwealth Government administers the *Environment Protection and Biodiversity Conservation Act* in relation to the management of native vegetation on farms. To make native vegetation policy more workable for farmers the Government must develop specific guidelines and policies that are relevant to agricultural developments, provide a streamlined process for seeking approval and dedicate resources to assisting farmers understand and comply with the law.

### **Issue**

Since the *Environment Protection and Biodiversity Conservation Act* (EPBC Act) was passed by the Commonwealth in 1999, the farm sector has argued that the way in which the law is applied to agricultural developments does not work.

Both State and Commonwealth laws govern the management of native vegetation on farms. This results in both duplication and confusion. An activity may be exempt from requiring approval under a state law, but still require assessment and approval from the Commonwealth. Further, a species or ecological community may be defined and protected in one way by the state, and in a different way by the Commonwealth – so even determining whether you have a protected matter in the first place can be difficult. While work has started to harmonise and streamline jurisdictions, more needs to be done.

For farmers to be confident that they are not breaching the law, they must go through a cumbersome and costly referral process. The process is one-size fits all – regardless of whether the action is undertaking a small farm activity or a large development such as a new suburb or mine. A multi-stepped referral, assessment and approval process is required that properly reflects the lower risks that are often associated with agricultural activities.

The EPBC Act is a major barrier to farmers adopting precision agriculture practices – such as controlled traffic farming - in many cropping zones. This is because of the way the EPBC Act seeks to protect isolated paddock trees that have debateable

conservation value. A new way of considering isolated paddock trees, with reasonable offsets that protect areas of higher conservation value, is required.

It is important that farmers are aware of their legal responsibilities under the EPBC Act. Resources to develop communication materials that are relevant to farmers and to proactively communicate to the farm sector have been stripped from the Department over time. Investment in education and awareness is a cost effective way to ensuring compliance with the requirements of the Act.

## **Background**

The EPBC Act protects matters of national environmental significance, including threatened and migratory species, wetlands, endangered ecological communities and national heritage properties.

Where a proposed activity may have a significant impact on a protected matter, the activity should be referred to the Commonwealth Department of the Environment for assessment, and where required, approval.

## **What the industry needs**

Change is required to the administration of the EPBC Act to make native vegetation policy more workable for farmers. These changes include:

- dedicating resources to facilitate strategic and proactive communication of farmers' regulatory responsibilities under the EPBC Act;
- preparing guidelines – suited for farming situations – that can assist farmers make a decision as to whether they are likely to trigger the EPBC Act and how they can exercise due diligence when considering environmental laws;
- further streamlining of State and Commonwealth vegetation management laws, to reduce red tape and to ensure that farmers are better able to fully understand all their legal responsibilities;
- establishing a multi-step referral process that recognises the low level of risk associated with most farming activities;
- establishing an offsets policy that is specific to the unique nature of agriculture projects; and
- developing specific guidelines in relation to clearing isolated paddock trees.