



PO Box 3727
BROOME WA 6725

10 February 2020

Native Vegetation Management Strategy
Department of Water and Environment Resources
By email: nvs@dwer.wa.gov.au

To whom it may concern,

RE: Native Vegetation Management Strategy Submission

I am writing on behalf of the Kimberley Pilbara Cattlemen's Association (KPCA), to provide comments in relation to the Department of Water and Environment Resources (DWER) Native Vegetation Management Strategy.

The KPCA is an industry development and advocacy body that represents a diverse range of producers with, on a cumulative basis, significant pastoral land holdings across the Kimberley and Pilbara and the Gascoyne region of WA (i.e. the north of WA). The membership base is also inclusive of Aboriginal producers and a number of related businesses servicing the industry.

As part of the KPCA's establishment and priorities identified in our current 5 year strategic plan, we have seen as a priority for some time, the establishment and operation of an industry led, independently assured and verified, best practice management program. This would be holistic and cover land management/environmental practices, animal welfare and biosecurity, amongst others. The KPCA has been discussing this with the Minister for Agriculture and the Department of Primary Industries and Regional Development (DPIRD) in the context of not only recent animal welfare issues but also in relation to Pastoral Land Tenure Reform, including the need for improved rangelands monitoring and compliance frameworks and systems. The development and implementation of such a program presents significant opportunity to not only DPIRD and DPLH but also DWER such that the WA Government more broadly can ensure it can more effectively administer respective pieces of legislation and take a risk-based, outcomes focused approach to regulation. This will also assist industry in building and maintaining its social licence to operate.

As an overarching approach, the KPCA is of the view that any legislative review should be conducted in accordance with the Council of Australian Governments (COAG) principles in relation to best practice regulation, as set out below:

1. establishing a case for action before addressing a problem;
2. a range of feasible policy options must be considered, including self-regulatory, co-regulatory and non-regulatory approaches, and their benefits and costs assessed;
3. adopting the option that generates the greatest net benefit for the community;
4. in accordance with the Competition Principles Agreement, legislation should not restrict competition unless it can be demonstrated that:-



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- i. the benefits of the restrictions to the community as a whole outweigh the costs, and
 - ii. the objectives of the regulation can only be achieved by restricting competition;
5. providing effective guidance to relevant regulators and regulated parties in order to ensure that the policy intent and expected compliance requirements of the regulation are clear;
 6. ensuring that regulation remains relevant and effective over time;
 7. consulting effectively with affected key stakeholders at all stages of the regulatory cycle; and
 8. government action should be effective and proportional to the issue being addressed.

Adhering to/implementing these principles, endorsed by the Commonwealth and all State/Territory Governments (via COAG) in 2007, provides important performance indicators, which if holistically implemented, ensure a balanced and inclusive approach is taken by government in relation to regulation.

The KPCA commends DWER for taking a step back to reflect on the consultation outcomes regarding the Cost Recovery Discussion Paper and Consultations in the last quarter of 2018. The subsequent development of a Native Vegetation Management Strategy for public comment is certainly a positive step in terms of taking a more strategic rather than an issue-by-issue, transactional approach prior to any further consideration of approaches to/options for regulatory reform and acts as a sound foundation to ensure any regulatory reform process is in accordance with the COAG Principles of Best Practice Regulation. To this end however, KPCA re-iterates the points it made in its November 2018 submission regarding the shift to Cost Recovery as only some of the points we made seem to have been addressed in the current Native Vegetation Management Strategy public consultation paper. A copy of KPCA's earlier submission is also attached to our covering email for information.

In relation to matters specifically discussed in the consultation paper on the online response survey, the KPCA makes the following points:

<u>Issues Paper Section</u>	<u>Item</u>	<u>KPCA Response</u>
A State Native Vegetation Policy	Objective 1: The management of native vegetation is consistent, transparent and strategic and strikes a balance between environmental, economic, social and cultural outcomes to Western Australians.	In principle all three objectives are broadly supported however further information is required on how and when these objectives would be implemented. In doing so, it would be important for DWER/the State to benchmark against other

	Objective 2: Western Australia's native vegetation is strategically conserved and restored to maintain and improve ecological function and biodiversity at a landscape scale.	jurisdictions and make a case for change for consultation should regulatory change be proposed. Further, articulating more details on proposed implementation actions will be critical for mapping out how this will support the Diversify WA Economic Plan.
	Objective 3: Higher priority and strategic protection for unique and at-risk native vegetation, tailored to the regional setting.	
Better Information	How do you use native vegetation data within your sector?	Predominantly for baseline information and monitoring and informing applications to clear or impact native vegetation. However, data can also be used in certain circumstances to plan restoration, for offsets and conservation
	Which of the following elements of better information provision would be most relevant to your sector?	Cost saving, timeliness of assessments and transparent and consistent evidence-base for decisions
	What other opportunities are presented by improved information and improved access to information?	For the State Government to treat flora and fauna information as pre-competitive information (similar to it treats mining and petroleum resource information through the Geological Survey of WA) and that it invests in regional surveys to provide baseline information to proponents.

Better Regulation	<p>Which of the following elements of <i>better regulation</i> would be most important to your sector (Please rank your top 3)?</p> <ul style="list-style-type: none"> • Improved protection of native vegetation • Ensuring development is sustainable • Streamlined regulation for cost saving • Clearer requirements for business certainty • Improved assessment timeframes • Transparent, evidence-based decisions • Improved compliance and enforcement of unauthorized clearing • Equitable treatment of all proponents • Confidence in the regulatory system 	<p>In principle, all items are of importance particularly if under a Native Vegetation Management Policy the State is to achieve Objective 1, i.e. that the management of native vegetation is consistent, transparent and strategic and strikes a balance between environmental, economic, social and cultural outcomes to Western Australians.</p> <p>In achieving a balanced outcome however it is imperative that there is a culture and capability enhancement in DWER to achieve this "balance". This will include ensuring there is adequate resourcing in place within the agency.</p>
A Bioregional Approach	<p>Which of the following elements are the most important to you/your sector? (Please rank your top three)</p> <ul style="list-style-type: none"> • Devising transparent outcomes and objectives, tailored to regional ecosystem and risk types, to drive coordination toward common goals across a range of regulatory tools. • Leveraging local knowledge, including Aboriginal knowledge, to get the best economic, social, cultural and environmental outcomes 	<p>It is difficult to rank/comment on these items without further information and how they will be implemented. It is also not clear why pastoralists are not recognized as land stewards/managers in this section.</p>

	<p>from how vegetation is managed.</p> <ul style="list-style-type: none"> • Dealing strategically and innovatively with difficult trade-offs which pit public safety against biodiversity outcomes, such as roadside clearing in heavily cleared landscapes. • Providing clear targets and thresholds to help industry and investors understand the likelihood of gaining environmental approvals. • Establishing a planned approach to dealing with cumulative impacts, the co-incidence of high-value vegetation with high-value development (e.g. mineral resources or infrastructure corridors) or environmental offsets. • Underpinning an effective monitoring and evaluation framework to understand and improve the effectiveness of regulation and conservation efforts. • Enabling and supporting landscape-scale initiatives for conservation driven by partnerships between the public and private sector. 	
Other Options	<p>What initiatives do you think would work best to improve native vegetation outcomes in your region?</p> <ul style="list-style-type: none"> • Pricing, incentives and markets (e.g. biodiversity 	<p>In relation to the WA Government realizing its Diversify WA Economic Plan with Primary Industries being a core pillar of this then pastoral diversification would rank strongly. The other items listed are</p>

	<p>banking, offsets, carbon farming etc)</p> <ul style="list-style-type: none"> • Aboriginal land management • Pastoral diversification • Nature-based or cultural tourism • Private land management • Other 	<p>worthy of consideration however in the interests of achieving sustainable development objectives and achieving balance in the regulatory framework. Further, as referred to earlier in this submission, and independently assured and verified accreditation/Grazing Best Management Practice System would be of great benefit to realizing strategic native vegetation management objectives, amongst others.</p>
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On behalf of the KPCA, we look forward to the opportunity to further engage with DWER and thank you for the opportunity to provide a written submission.

Please do not hesitate to contact KPCA CEO, Emma White via [REDACTED] or [REDACTED] should you wish to discuss the contents of this letter further.

Yours sincerely,

[REDACTED]

David Stoate
 Chairman

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15 November 2018

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PERTH WA 6850
By email: fees@dwer.wa.gov.au

To whom it may concern,

RE: KPCA Submission in Response to the Discussion Paper on Cost Recovery for the Department of Water and Environmental Regulation

I am writing on behalf of the Kimberley Pilbara Cattlemen's Association (KPCA) to provide comments in relation to the Discussion Paper on Cost Recovery for the Department of Water and Environmental Regulation (DWER).

By way of background, the Kimberley Pilbara Cattlemen's Association (KPCA) is an industry development and advocacy body that represents a diverse range of producers with, on a cumulative basis, with significant pastoral land holdings across the Kimberley and Pilbara and into the Gascoyne region of WA (i.e. the north of WA). The membership base is also inclusive of Aboriginal producers and a number of related businesses servicing the industry. The KPCA's membership base is inclusive of a number of producers that either currently or in future will require native vegetation clearing permits and/or water licences to operate their businesses.

The KPCA would like to provide the following feedback in relation to the Discussion Paper but also the consultation process utilized by DWER:

- The Discussion Paper is deeply flawed in that it is solely focused on DWER's needs/perspectives on shifting to a cost recovery model for native vegetation clearing permits and/or water licences and permits and does not take into account industry's needs. In particular, this includes the need for:
 - Timeframe certainty/a service level guarantee from DWER to applicants/industry if there is a shift to a cost recovery model and what this would look like based on the fee structure being considered (benchmarked to other jurisdictions). This is imperative given the current timeframe uncertainty, poor systems and processes and variability in approaches to assessments/approvals;

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- Consideration of the overall cost imposts/burden and timeframes already faced by industry in working through the approvals process as it currently stands and also moving forward (e.g. in relation to undertaking environmental assessments including flora and fauna surveys, hydrogeological studies and associated monitoring activities) nor the overall capital and operating costs faced by industry to operate profitably and stimulate economic activity in remote and regional areas.
- The paper provides no clarity on how the State nor DWER for that matter seeks to balance the need for economic activity and growth in remote and regional areas of WA against its apparent desire to make up for cuts in funding for the agency to arguably conduct its core business and be an effective regulator to carry the confidence of all stakeholders. The paper is at the outset flawed in assuming in its key premise that taxpayers and the State do not derive any benefit from economic activity and that their only interest is shifting costs to those who derive benefit from vegetation clearing permits and water licences and permits.
- The paper does not consider what happens if an applicant pays a fee up-front and has to withdraw an application due to insufficient information being provided and whether they would need to pay a fresh set of fees on re-submission.
- Lastly, the paper does not consider whether the introduction of a fee for service/cost recovery model for vegetation clearing permits may drive proponents to instead opt to progress approvals under Part IV of the *Environmental Protection Act 1986* (WA) to avoid the fees. It is noted that this would not be possible with water licences/permits.

In relation to the consultation process run by DWER, this caused considerable frustration and confusion for stakeholders as was evidenced in the lead up to and session run in Broome on 16 October 2018, amongst others. This was compounded by the initial Broome session being cancelled not long after the Discussion Paper was released and it being unclear in discussions with agency personnel whether the subsequently announced session in Broome would actually proceed which hampered our ability to circulate the information to stakeholders with sufficient notice. Irrespective, the fact that DWER did not take the time to communicate directly to current native title vegetation clearing permit and/or water licence/permit holders and applicants regarding the discussion paper and consultation sessions did not help.

On the basis of the above comments, it is the KPCA's view that DWER needs to fundamentally revisit the options and concepts canvassed in the Discussion Paper and look at revising it to also take into account issues from industry's perspective so that a more balanced discussion and engagement can occur with affected/interested stakeholders. In the absence of this, it will not be possible to garner stakeholder support for a shift to a cost recovery model.

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Please do not hesitate to contact our CEO, Emma White via [REDACTED] or [REDACTED] should you wish to discuss the issues raised in this submission further.

Yours sincerely,



David Stoate
Chairman Elect