

THE LAND

Williams wants EPBC Act to stop treating farmers like criminals



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NSW Nationals Senator John “Wacka” Williams says a farm-focussed review of the Environment Protection and Biodiversity Conservation Act (EPBC Act) can help to prevent farmers being treated like criminals.

He’s demanding “outrageous” and duplicative federal laws - that restrict farmers’ property rights and can result in frustrating legal action and possible fines - be removed from the federal legislation. Federal Environment Minister Josh Frydenberg and Agriculture and Water Resources Minister David Littleproud [announced an agri-specific independent review of the EPBC Act last week](#) with a report due in six months.

Australian Rural Leadership Foundation Chair Dr Wendy Craik will undertake targeted consultation with farmers and other stakeholders in considering the quality of interactions between environmental law and the agriculture sector.

Assistant Environment Minister and WA rural Liberal MP Melissa Price who has worked in the farming and mining sector will also play a critical role in advancing the review.

Senator Williams told Fairfax Agricultural Media the new examination of federal laws - that were introduced in 2000 to protect environmental assets considered of national significance, above state rules - was ignited by an incident that angered him to the point of taking affirmative action.

He said he learned about several farmers in south-east NSW who'd been threatened with legal action and resulted in an investigation last year after spraying out weeds on their property where native grass was registered as "endangered" under the EPBC Act.

Senator Williams said he spoke to one of the farmers [Richard Taylor - the brother of federal Liberal MP Angus Taylor](#) - and expressed his "disgust" at how the former federal Environment Minister Greg Hunt had listed the grass under the federal laws the year before, but nobody knew about it.

He said the farmers were told by their agronomist that the weed spraying activities on those grasslands didn't breach any state laws but were ignorant of the federal ones.

Senator Williams said he took that issue forward to the Nationals party room for talks and told his colleagues he was "disgusted" at how the federal government was treating farmers and then held another meeting of Nationals' members, with Mr Frydenberg. He said Mr Frydenberg attended those discussions with one of the Environment Department's chiefs where he vented concerns at how the APBC Act was impacting farmers.

“They left in doubt how we felt about this action and how farmers were advised by their agronomist to spray out their weeds, the Serrated Tussock and African Lovegrass, and that they were not breaching any state regulations,” he said.

“They did that but now they’re being treated as criminals and I find that appalling.

“We had a good meeting with Josh and left him in no doubt whatsoever that we were very angry and wanted this fixed so farmers could be left out there to run their properties under state regulations to grow the food that feeds all Australians and tens of millions of others.

“Josh has now come back and launched the independent review and we’ll find out what it says in another four or five months.

“But my attitude is this - we need to legislate to exclude farmers and graziers from the grass lands regulations in the EPBC Act and leave them solely under the state regulations, instead of having two sets of regulations.

“To do that we’ll need to get it through the Senate and no doubt Labor and the Greens will vehemently oppose it.

“But it’ll be a job that I’ll be talking to the crossbenchers about, to say ‘look we need to fix this up so we don’t have two sets of laws, confusing and convoluted with people being ignorant and not even knowing that these grasses have been listed under the EPBC Act’.”

Senator Williams said he hoped the EPBC Act review would find that the federal laws are “outrageous and that we just need to stick to one set of laws, under the crown, under the constitution, the states”.

“If you’re going to go and rob a bank you know it’s wrong,” he said.

“But if you’re going to spray some weeds on grasslands on your farm, how do you know that’s wrong; especially when you’re agronomist has advised you to spray them out because you’re not breaching any native grass laws or regulations?”

Senator Williams said the EPBC Act listing of the endangered grasses extended to farm land around to Canberra - but farmers spraying weeds out and then getting into trouble for it was “outrageous”.

“What are farmers and graziers supposed to do - let their property get infested with noxious weeds?” he said.

“That’s crazy.

“When they spray the weeds they spray some of the grasses as well when they use the boom spray but you can’t go and spray 30 or 40 hectares with a hand spot spray.

“When you’re using a boom spray you’re killing some of the other grasses with Round-up as well but African Lovegrass is hard to kill with Round-up anyway - I’ve found that out from personal experience.

“Of course water is very important under the EPBC Act because it runs underground and runs everywhere and nobody really owns it. “However, when it comes to grasslands on your farm you should have the right to control weeds on those grasslands and not face two sets of laws, state and federal; especially a federal law being brought in by a regulation where nobody even knows about it.

“I want farmers and landholders and graziers excluded from the grasslands laws under the EPBC Act.

“Let’s see what the review brings forward and if it does that, well and good.

“But we’ll still need to get it through the Senate and I hope the cross-bench shows some common sense where they realise one set of laws is enough.”

Senator Williams said rural Liberals also had strong views on the issue including lack of compensation for impacted farmers.



NSW Nationals Senator John “Wacka” Williams.

“If you put laws in at the federal level or regulations that nobody even knows about and then farmers may have to face the courts and fines and punishment, what compensation is there for them to do nothing and leave the grasses there?” he said.

“Probably none - but if the government is going to tell you to stop farming when you own freehold land they should bloody-well get the cheque book out and compensate you.

“I raised this issue at a NSW Nationals meeting in Mudgee and the NSW Farmers representative who was involved very much in this issue, he expressed in no uncertain terms his disgust with the EPBC Act and its regulations on grasses.”

Farmers agree with need to refine EPBC Act and duplications
The National Farmers’ Federation said an ‘agriculture specific’ review of the EPBC Act was needed, given farmers managed 48 per cent of Australia’s landscape.

“It therefore makes sense for the Act to be reviewed, in the first instance, through the lens of its intersection with agriculture,” NFF President Fiona Simson said.

AgForce Queensland and NSW Farmers have also welcomed the 'agriculture specific' review as an opportunity to achieve balanced outcomes and reduce red tape.

AgForce President Grant Maudsley said farmers were dedicated to looking after their land and protecting biodiversity on their properties while going about their jobs of producing high-quality food and fibre that consumers demand.

“Farmers recognise that regulation is important, particularly in areas like biosecurity and food safety, but there is no doubt there are many examples of environmental and transport regulations that add unnecessary costs to farm businesses,” he said.

“Queensland agriculture is affected by almost 18,000 pages of regulations in more than 75 Acts of Parliament just at the state

level, so it's vital every effort is made to reduce overlaps and avoid duplication at the national level.”

Mr Maudsley said the EPBC Act generally lacked transparency in regards to landholder obligations and there was a need for a more streamlined process around the interaction between federal and state environmental laws.

"The EPBC Act is in need of refinement to provide farmers with the certainty they need to do their jobs and grow their businesses,” he said.

“Farmers just want fair, balanced and workable laws from all levels of government so we can grow more food, create more jobs and look after the environment without being strangled in red tape - because if farmers can't feed their own families, they can't feed yours.”

NSW Farmers’ President Derek Schoen said the current EPBC Act both duplicated and conflicted with NSW biodiversity laws, and prevented effective management of many native invasive plant species and effective viable control of introduced weeds in many instances.

“We need to protect our unique environment, but the legislation must be practical in its application and not unnecessarily restrict the farming efforts of landholders,” he said.

“It’s imperative that scope is provided for landholders to control invasive species and prevent them from overtaking productive areas of farm land.

“One listing alone in the current legislation makes it impossible to treat effected areas and has led to the further spread of invasive

species onto neighboring properties and there are hundreds of listings affecting agriculture.

“This announcement is an important first step in restoring the laws governing our environment to something that recognizes and works with agriculture.

“We need a one-stop-shop for farmers so they are not given conflicting advice from state and federal agencies.”

Australian Conservation Foundation Nature Campaign Manager Basha Stasak said the agri-focussed review must not be a “mere smokescreen to further weaken already weak laws to allow more habitat destruction”.

“It should not toy with the already discredited push to devolve environmental approvals to states, a move Australians have already rejected,” she said.

“Every day, many farmers care for protected plants and animals, encourage biodiversity and nurture soil health.

“Rather than weaken environment laws, our farmers should be supported by our elected representatives to look after nature - but the Turnbull government has slashed environment spending by a third since 2013-14.

“Instead of finding new ways to weaken national environment law, we must replace our outdated regime with stronger laws that properly protect nature, secure our clean air and clean water, and ensure independent decision making free from the corrupting influence of big industry.”