

15 October 2024

The Director
Ecological Communities Section,
Protected Species and Communities Branch
Department of Climate Change, Energy, the Environment and Water

By email: EPBCNOM@dcceew.gov.au

Dear Director,

NOMINATION TO LIST THE RIVER MURRAY – DOWNSTREAM OF THE DARLING – UNDER THE ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999 (EPBC ACT; CTH)

This submission is provided by the Australian Dairy Industry Council (ADIC), the peak national dairy industry body representing dairy farmers and dairy processors.

Together, the dairy industry makes a significant contribution to employment and the regional economy.

Our industry is a cornerstone of the Murray Darling Basin's (MDB) social and economic landscape, playing a critical role in agricultural production, manufacturing, employment and sustaining rural and regional communities.

The Basin, encompasses several key dairying regions, including areas of Northern Victoria, Southern New South Wales, Toowoomba and Warwick in Queensland and Murray Bridge in South Australia.

This region produces 19 per cent of Australia's milk, amounting to 1.93 billion litres annually. Milk produced in the Basin is processed within the Basin and support 6,682 direct and indirect jobs in the dairy processing sector alone and generates \$1.96 billion for the local economy.

The proposed listing of the *River Murray—Darling to Sea ecological community* would have a profound impact on the dairy industry upstream of the confluence of the Darling and Murray rivers.

This is because 'upstream' indirect and offsite impacts that may have a significant impact on a matter of national environmental significance sites must be referred for approval in accordance with the *Environment Protection and Biodiversity Conservation Act* (EPBC Act).

As detailed in the Guide, a listed threatened ecological community becomes a 'matter of national environmental significance' for three reasons. These are:

1. raise awareness of the threatened ecological community and the threats to it
2. prioritise and support government natural resource management initiatives and on-ground management and recovery activities, including environmental watering, and
3. guide government decisions on new developments that may impact the environment.



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While the first two reasons have little merit and are redundant, the third raises significant concerns for the dairy industry.

It would require any new development that could have a significant impact on the threatened ecological community be referred for assessment and approval by the Australian Government.

Most dairy farms have undergone substantial changes since the year 2000. Land use has evolved, farms have expanded and relocated, feed pads have been built, some herds are now housed in sheds and dams have been built.

Under the proposed guidance any of these activities could require referral.

When considering whether an action is likely to have a significant impact indirect and offsite impacts must be considered. Indirect and offsite impacts include:

- 'upstream impacts' such as impacts associated with the extraction of raw materials and other inputs which are used to undertake the action, and
- 'facilitated impacts' which result from further actions (including actions by third parties) which are made possible or facilitated by the action. For example, the construction of a dam for irrigation water facilitates the use of that water by irrigators with associated impacts¹.

Many actions by dairy farmers and dairy processors may be captured by these definitions, especially when the cumulative effects of actions are considered.

DCCEEW's significant impact guidelines indicate there are two circumstances in which farmers and land managers don't need approval for agricultural actions that are likely to significantly impact protected matters. This is when the action:

- has prior environmental authorisation. This means your action was authorised by a specific environmental authorisation immediately before the introduction of the EPBC Act on 16 July 2000, and this authorisation is still in force, or
- is a lawful continuation of a land use that was occurring immediately before the introduction of the EPBC Act on 16 July 2000.²

These exemptions provide little comfort.

¹ Matters of National Environmental Significance, Significant impact guidelines 1.1, *Environment Protection and Biodiversity Conservation Act 1999*

https://www.google.com.au/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.dcceew.gov.au/environment/epbc/publications/significant-impact-guidelines-11-matters-national-environmental-significance&ved=2ahUKEwin7PjbkI2JAxXqT2wGHR74OY4QFnoECAgQAQ&usg=AOvVaw06JoVUoeGik-J3kiZ_aWTt

²https://www.google.com.au/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.dcceew.gov.au/sites/default/files/documents/agricultural-actions-exempt-approval-under-national-environmental-law-factsheet.pdf&ved=2ahUKEwiRwlmwki2JAxXfS2wGHeRuDN0QFnoECAgQAQ&usg=AOvVaw0fCRlePHGvuh_94L8LkvkV



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The dairy industry is already subject to extensive regulation and environmental oversight under the Murray-Darling Basin Plan and state-based environmental protections.

The Basin Plan provides a robust legal framework designed to safeguard environmental outcomes.

Governments have committed more than \$13 billion to recovery actions under this plan, and any additional regulation, such as the proposed EPBC Act, would only create unnecessary duplication.

This would burden dairy farmers and dairy processors with more red tape, increase compliance costs, and discourage vital investments without delivering meaningful environmental benefits.

Current regulatory measures are more than adequate to ensure environmental safeguards in the region.

We also wish to raise our concerns about the rushed nature of this nomination process.

Key stakeholders, such as agricultural industries, local communities, and other sectors reliant on the Murray-Darling Basin, should be central to any process that could significantly impact regional livelihoods.

The exclusion of broader consultation threatens to undermine the credibility of this process and risks imposing blanket restrictions that have not been properly assessed for their socio-economic impact.

Furthermore, the omission of key areas such as the Macquarie River is a glaring oversight. The Macquarie River region is home to both dairy farms and a significant milk processing facility, yet it is excluded from the current proposal.

This lack of comprehensive consideration suggests the nomination has not fully accounted for all the agricultural and economic factors at play, nor does it reflect the full scope of the dairy industry's footprint across the Basin.

The proposed nomination is at best a costly and unnecessary distraction and opposed by the dairy industry.

Sincerely,

Yours sincerely,



Australian Dairy Industry Council Inc.

A handwritten signature in black ink that reads 'Ben Bennett'.

Ben Bennett

Chair – Australian Dairy Industry Council
President – Australian Dairy Farmers

A handwritten signature in black ink that reads 'John Williams'.

John Williams

Deputy Chair – Australian Dairy Industry Council
Chair – Australian Dairy Products Federation