

To: The Hon Josh Frydenberg MP
Minister for Environment and Energy
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17 August 2018

Walgett's Dharriwaa Elders Group appeals the deferral of new NSW land clearing laws by invoking the EPBC Act.

The Dharriwaa Elders Group ("DEG") writes to express great concern for the introduction of the NSW Biodiversity Conservation Act on 24 August 2017, before the Native Vegetation Regulatory Map and other accompanying regulations that define where and how clearing can occur have been completed, and endorsed by scientists¹. If the Act proceeds next week the NSW government will be allowing farmers to self-interpret what is regulated and unregulated land. Farmers can't be prosecuted if they make an "accident" and exploit this loophole as fast as they can before proper controls are put in place. **We have decided we cannot let this happen without appealing to you directly to intervene.**

We live in Walgett and witness and suffer from a lack of monitoring for compliance of environment, water and NSW National Parks and Wildlife legislation. We understand from the media that the ICAC and other bodies are investigating water theft from the rivers that supply our community's lifeblood. Yet your government could be letting the NSW Government perform an Action this month to allow the same and other farmers expand their cultivation areas, remove all clumps of trees and single trees in paddocks and enable the clearing of high value woodland for new cultivation land by replanting degraded cropping land. You could be ignoring the protection of koala habitat and big mature trees that are a home to many hollow-dependent species including threatened species in our region. You could be condoning farmers in our region to destroy the last remaining network of remnant native vegetation on private lands, because you have allowed this process to be rushed and have ignored warnings from reputable scientists. It seems that all endangered ecological communities are fair game. Are you confident that the NSW Government is acting appropriately in its role with the Commonwealth in the application of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) when current allegations that imply high level corruption are being investigated, and NSW agencies are reducing environmental compliance resources? Because the new laws are allowing the farmers to either not seek consent or self-assess their Actions, this now allows large new areas to be cleared; including clearing that may impact on matters of National Environmental Significance under the EPBC Act. How can you know that farmers are capable of interpreting the Act and complying with it? In our experience they are not capable and will exploit this loophole to clear large areas of irreplaceable biodiversity which may be under your custodianship.

Many properties surrounding Walgett are overcleared already. This overclearing must be investigated and the environment compensated. Environmental scientists

¹ <https://www.landmanagement.nsw.gov.au/>

who know our region must be engaged by an independent investigation of existing and past environmental breaches and to undertake an independent review of the regulations, which must be changed according to their recommendations.

Since the DEG began in 1999 we have been working to protect the Aboriginal Cultural Values of the Walgett area and this includes biodiversity. If you do not answer our appeal, you will be winding back the clock and ruining much hard work undertaken by our volunteers. You will be contributing to the trauma suffered daily by our community. We know that wellbeing of Aboriginal communities is affected by access to country and knowledge of its health. This is well-documented. Your officers should also have advised you of the importance of biodiversity to the NSW economy. You must not let this new legislation be enacted before proper consideration and planning has been undertaken.

If you do, many hectares of native vegetation will be cleared before the next election. Many birds and animals will disappear from our region. This damage will require large public funds to try and repair (if in fact repair is possible). You must not allow the short-term greed of a handful of farmers be subsidized by taxpayers while the health of our valuable environmental assets, and our health, is risked.

The values that make our area unique and special and increasingly visited by tourists thereby contributing employment and economic activity to our disadvantaged town are threatened if you do not intervene and examine the impacts of the proposed Act.

We write to appeal you apply your immediate attention to this risk in as custodian matters of National Environmental Significance and advise us in Walgett of your actions.

Yours sincerely



Clem Dodd

Speaker for and on behalf of the Dharriwaa Elders Group