Dr. Neil Byron
Presiding Commissioner
Native Vegetation Inquiry
The Productivity Commission,
LB 2, Collins St East,
Melbourne VIC 8003

Joseph Mansour

NSW

Email:

15th of October 2004

Dear Sir,

I am writing in reply to the request for submissions to the Productivity Commission's inquiry into the negative effects of the various regulatory regimes upon farming productivity. I would like to thank those responsible for providing an opportunity to allow public input into this submission.

As a hobby farmer of a small holding (8.8 ha) zoned as "rural residential" in the Kyogle Shire of NSW, there are some issues of concern to myself which need addressing. I will attempt to clearly explain the issues in this submission.

From my dealings with fellow farmers in the district it appears as there is a feeling of great frustration amongst many of us. This comes on top of the great confusion in attempting to "decipher" the various Acts which have reduced productivity of many farming activities without any reasonable compensation for potential earnings lost.

Issues of Concern

There is some belief that the Native Vegetation Conservation Act 1997, which is the main driving force of the Richmond Regional Vegetation Management Plan, is actually doing more damage than good. For example the Richmond Regional Vegetation Management Plan, which is still in a state of "limbo" states that the clearing of regeneration vegetation is exempt from restriction if the vegetation is under 10 years of age. The vegetation also must be growing on land that was previously cleared for grazing.

I have physically removed any new re-generation on my lands as well as knowing other farmers in the region doing the same, simply before the opportunity to remove such vegetation is lost. Need I mention the maze of Acts to be adhered to and application costs to be borne by farmers, should

they attempt to clear the same re-generation legally once it is 11 years of age. Surely this must be viewed as a perverse environmental outcome.

There are also instances known to myself in the region where farmers have also ploughed their cropping areas simply before it reaches 10 years after the last ploughing, regardless of whether they intend to sow seed or not. Having witnessed this in middle of last year's drought which happens to be in the middle of August/September's strong and regular winds, it was heart breaking to see top soil lost to the elements. It appears as if some regulatory regimes are doing more bad than good and are having the reverse effect of the intended purpose of environmental protection.

I also would be liable to prosecution should I attempt to clear Blady Grass (*Imperata cylindrica*) because of its status as a native vegetation. As most farmers in this region are aware of Blady Grass is almost "explosive" in the event of combustion by fire as well as this grass having the capacity to overtake grazing land if given the opportunity.

The main reason for grazing my property is simply to reduce the ground fuel loadings of my property for safety reasons in the likely event of a bushfire. Some may argue that hooved animals are not suited to the Australian landscape anyway but I ask the proponents of this view to provide me with an appropriate alternative. I simply do not have the money to purchase and maintain a tractor to slash. Having studied soil processes at University, it is in my view that a tractor is more ecologically destructive than cattle due to soil compaction and topsoil disturbance in the process of steering a tractor.

I also have Blady Grass growing on some steeper sections of my property, which enhances the volatility of Blady Grass due to the ground slope. It is a common fact in fire ecology that fire will spread faster as the ground slope increases. These sections of my property are over 18 degrees in slope, which are considered as "State Protected Lands" under the Native Vegetatation Act 1997. I am obliged by law to refrain from harming even one blade of the Grass should I desire to remove it due to its volatility or un-palatability. Surely there must be at least some sort of flexibility to be exercised in the application of regulations.

I am faced with another dilemma which I hope will give you some indication of the absurdity of the Native Vegetation Act. Under the Native

Vegetation Act 1997 it is illegal to remove any native vegetation which includes the lopping of branches and limbs unless on land specifically exempted by the Act. As my property is zoned as Rural Residential it is not included for exemption under the Act.

There is a Forest Red Gum (*Eucalyptus tereticornis)* which is growing approximately ten metres from my home. The large tree which has a diameter of about one metre at breast height, also has several large branches of about 30 to 40 cms in diameter. One of these branches is hanging in a position, which is very likely to fall on my home in the event of a strong wind or storm. This large branch has the potential to cause very considerable damage to my home and/or injury or even death. If I was to remove this branch to eliminate the dangerous situation it poses then I could face possible prosecution under the Native Vegetation Act.

I do not want to remove the whole tree, just one branch. So what does one do in a situation such as this? Must an application be lodged to be granted permission to remove the branch and spend money on application fees of which I simply cannot afford as a student trying to survive on the Ausstudy allowance? What happens if my application is refused by those who decide whether or not I am allowed to trim one branch of a tree which would not harm it in any way that is growing on my own land? I fail to see the common sense in some rules under the Native Vegetation Act which seems to me has simply gone completely overboard.

I would like to thank you once again for making it possible to air my concerns.

Joseph Mansour.