

To: The Productivity Commission

From: W.E. Page, NSW- email:

I have 3 Submissions to submit to the Enquiry on Native Vegetation & Biodiversity.

SUBMISSION A. I wish to raise some basic issues, which to date, have not been clearly resolved – yet they are very basic and must be clearly defined before new ‘laws’ or plans are developed affecting freehold & public land use & preservation of Native Vegetation.

1st BASIC - EXISTING USE RIGHTS OF LAND

- A) Land has been defined by Law as a complex item consisting of Soil, Air, Water, Trees etc.
- B) Land was Granted to use – which started “*Existing use rights*” over land & water etc, including creeks, lakes etc. within property titles.
- C) IT WAS INTENDED **THAT IT BE USED** (NOT ISOLATED) Actual use was often a condition of grant!
- D) Recent Court Cases appear to UPHOLD the CONTINUING NATURE OF EXISTING USE RIGHTS ie. Even if new zonings or regulations come later the previous LEGAL USE MUST BE ALLOWED TO CONTINUE, and can even expand or intensify on that site!!!
Whether it is the right ‘to farm’, to ‘expand a commercial site’, to ‘harvest trees’ or ‘minerals’ etc. if legally started, its right to continue is not disputable.
IN THE PUBLIC ARENA – IF YOU WANT A USE TO STOP YOU BUY IT & THEN STOP THE USE.
- E) I believe that “Government’ has made Local Councils the responsible authority for establishing EXISTING USE RIGHTS.
If, as I am aware, Councils have NOT GENERALLY seen fit to exercise the formal definition of individual landholders EXISTING USE RIGHTS.
Then it follows that they must in future take action.
Until such time then it must be argued that unless written, notified, proof of past definition of *Existing Use Rights* can be found..... Landowners must be able to continue Existing Use, including Land, Water, Air etc. as defined in the Original Title Grant or until such time as they (the Freehold Land users) change their use or are paid to cease using part or all of their Existing Rights.

2nd BASIC - THE WATER QUESTION

- 1. Who owns Water?
- 2. Can you Lease something you don’t own and
- 3. **IF YOU OWN IT** & Lease it & **CHARGE FOR ITS USE** – THEN SURELY YOU MUST be responsible for DEBIT if you don’t provide what you have CHARGED FOR!!! Or wish to supply less volume so that environmental allocation can be provided, for future Native Vegetation preservation!

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3rd BASIC – **PUBLIC LAND** – Who owns it?

Is it the ‘Crown’?

Is it the Federal Govt.?

Is it the State Govt.?

Is it the Local Govt.?

OR is it the **PEOPLES LAND** Managed by ‘the Government’ for the best interest of the Australian PEOPLE?

IF THIS LATTER IS SO – then WHY can these Government bodies be seen changing the use (of large tracts of such land) by selling to developers – often despite public outcry and with little apparent care for bio-diversity or preservation of native vegetation - merely for financial result..... Leading by example its called.!!

IF EXISTING USE RIGHTS FOR LAND AND WATER ARE UPHELD then I submit that many of the current regulations, that affect those rights need to be reviewed carefully before attempting to create more regulations to protect Native Vegetation and bio-diversity, that could lead to extensive disruption to FREEHOLD PRODUCTIVITY and resultant compensation claims.

PROPOSAL: Some past ENVIRONMENTAL RESTRAINTS exercised by Government at different levels appear to be contrary to BASIC AUSTRALIAN RIGHTS and have already, adversely affected landholders and prevented development of practical projects! Further regulation must reflect consideration for loss of rights or adverse affect on freehold landholders.

If ‘The PUBLIC must act’ now to ensure the future, it must also respect the 200 years of past RIGHTS & Values – and if, as I believe, some peoples rights have been unlawfully affected, the full force of the law should be applied to DEFINE EXISTING USE RIGHTS, then notify and rectify or compensate the current users, BEFORE enacting more legislation.

Existing Use Rights are a major factor in the whole European Development of Australia and must be considered in this review.

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SUBMISSION B:**A POSITIVE APPROACH** to preservation of Native Vegetation - AUSTRALIA WIDE!

1. GOVERNMENT: (ie The Australian People (crowded into cities)!!) Desire to preserve Bio-diversity and despite extensive parklands wish to expand the concept to FREEHOLD LANDS.
2. LANDHOLDERS: have existing USE RIGHTS and just as importantly take pride in their properties and most endeavour to manage them to the best of their ability.
3. IF LANDHOLDERS, with areas of interest were identified (or volunteered) and were offered TAX or RATES OFFSETS, based on their ongoing participation in setting areas aside (& managing them) for preservation of Bio-diversity – some real benefits may follow:-
 - (1) OWNERS can identify such areas as ASSETS (not liabilities), with real value to them – without losing title to part of their property.
 - (2) If a Financial ASSET, they can then be included in property values and become part of the FARM ASSET PLAN (provided title and control of access remains with the farm).
 - (3) ONGOING MANAGEMENT of preservation areas, (to basic practical guidelines), would become part of the farm plan and NOT A BURDEN on Government.
This is what the TAX/RATE OFFSET is TO PAY FOR:-
 - (a) Loss of land use value
 - (b) On going management (of a public asset!)

I suggest this would be a great improvement in preserving important areas – better than the current National Parks that are obviously often neglected or sizes beyond real practical management. – we see them burn too often eg: Sydney National Park & Snowy National Park!!

Lots of Individual Holdings (Pockets) of ‘specific value’, natural vegetation etc. throughout Australia MAY WELL SURVIVE BETTER (like the Galapagos Islands) better than wide swathes of ‘WILD VEGETATION’ that can’t be realistically managed and can so easily be wiped out by wildfires.

I consider thousands of individuals with a financial asset to protect, nurture, & be proud of, will be the MOST EFFECTIVE PLAN for the FUTURE of Native Vegetation & Bio-diversity preservation, - able to save unique areas before they are lost.

For owners to participate long term, they must be clearly shown by Government, that such areas to be preserved (& set aside in many cases) will never be FORCEABLY TAKEN/OR DISPOSED OF WITHOUT THE LANDHOLDERS AGREEMENT, and financial credits (Taxes/Rates) will remain long term or the LAND reverts back to full freehold use.

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SUBMISSION C:

**AN AUSTRALIAN WIDE – PROJECT - “Initially supported by ‘Retired Baby Boomers’
LOCAL LANDSCAPE LEGACY - For FUTURE GENERATIONS.**

Modern Australians have populated or developed most of the ATTRACTIVE (to Humans) AREAS in Australia, thereby often destroying many unique local environments.

Now after 200 years, it is not too late in Australia’s ongoing history to RE-ESTABLISH some SELECTED suitable sites – not just remnant farm areas hidden in the back blocks.!

LOCAL Native Australian LANDSCAPES could be re-established adjacent to many rural towns, which if researched on a NATURE ASSISTED PLAN could in 20 Years become a WIDESPREAD FEATURE of Australia’s BIO-DIVERSITY !!!

Perhaps by RETAINING & EXPANDING many of the existing Travelling Stock Reserves spread throughout the land or acquiring selected properties with past bio-diversity features, these sites could, with planned site management, provide many BENEFITS:-

- Future Preservation – Seed banks etc.
- Study & Research
- Tourism & passive public appreciation (in limited areas) could assist in Public acceptance and maintenance funding
- A POSSIBLE ‘PUBLIC PROJECT’ for Australia wide ‘BABY BOOMERS’ – many, who still have RURAL background & EXPERIENCE & ONGOING INTEREST to help create and develop a ‘LOCAL LANDSCAPE LEGACY’ in their DISTRICT and in the process – preserve Native Vegetation for FUTURE AUSTRALIANS.

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