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The Secretary,
Native Vegetation Inquiry
Productivity Commission.
LB2 Collins Street East,
MELBOURNE VIC. 8003

Dear Sir,

While it is difficult for a private individual with a living to earn to respond effectively to an inquiry such as this, the following is a brief attempt to address some of the more important aspects of Native Vegetation legislation as they appear to me.

I had hoped to attend a public hearing in order to make a viva voce presentation. It is disappointing, but to be expected, to see that the public hearings, with but two exceptions (Cairns and Moree), will be held in capital cities where the zealots of the green movement will have easy access; but farmers who are vitally concerned with the adverse impacts of the legislation will have long distances (with the accompanying expense) to travel in order to have their voices heard.

1. Background.

It is essential, in considering the basis of this inquiry, to at least take some cognisance of the legislative environment in which the various native vegetation Acts operate.

The native vegetation Acts are part of a framework of what might be loosely called environmental type pieces of legislation, which cover such things as water, air pollution, "greenhouse" gases etc. Most of this legislation is based on political and ideological grounds and not on objective scientific and/or historical research and investigation. There is of course a great deal of pseudo-scientific argument put forward in support of the premises upon which the legislation is based. Most, if not all, of this is at best questionable and at worst totally false. A great deal of it is entirely mythical, and it is all tendentious.

To be fair, there is some opposing "scientific" argument that is just as outrageous as that put forward by the proponents of the legislation.

However, it is abundantly clear that objective and disinterested scientific comment is clearly heavily against the propositions upon which most of the legislation is based.

The particular series of Acts which are the subject of this inquiry have as their basis the two holy cows, biodiversity and global warming (the latter specifically in the context of it being deemed to be the result of the increase of carbon dioxide in the

atmosphere). As a sub set of the biodiversity argument there is the fetish of "native" vegetation.

To take the last point first; what *is native* vegetation? It is an inescapable fact that 40,000 years or so of Aboriginal fire stick hunting has completely changed the flora and a great deal of the fauna of the Australian Continent. Our eucalypt forests are a direct result of the killing off of other genotypes by the fires used as a hunting tool by the Aborigines. So the "original" native (?) vegetation was destroyed; or partly destroyed; and replaced by other species. Elsewhere in the world, over geological and even historical times, there have been just as great changes in the "native" flora for a variety of reasons.

Emeritus Professor Charles Birch, one of Australia's most eminent ecologists, has said that among the many myths surrounding the layman's understanding of nature and ecology was "the idea that organisms (plants and animals) in a community are harmoniously adjusted to one another so that a state of equilibrium exists", another was "the idea that complexity enhanced stability. in terms of the number of organisms in a community and the number of species present." He also said it was quite wrong to think "--- that significant changes in numbers of each species only occur when something upsets the natural 'balance'". There was some evidence of positive or "symbiotic" interactions in nature, he said, but the more common kinds were competition, predation, parasitism, natural catastrophe and disease.- So much for biodiversity!

If we now take a brief look at the question of carbon dioxide and its effect on global warming we find similar comment from eminent scientists who have no axe to grind (nor government grants to seek). The most commonly cited data concerning carbon dioxide concentration in the atmosphere come from the Mauna Loa Observatory in Hawaii (probably because they are the highest) where the estimated annual average has gone from 290 ppin in 1880 to 350 ppm now. An increase of 20.6 per cent. But the late Professor Sir Fred Hoyle, probably the most eminent astrophysicist of the twentieth-century, has pointed out that "The efficiency of the carbon dioxide trap is insensitive to the amount of carbon dioxide in the atmosphere: increasing the amount five-fold [i.e.500%] would scarcely change the trap, in spite of the stories that are currently being circulated by environmentalists."

Furthermore, it is certain that the concentration of carbon dioxide in the atmosphere varies much more due to the turnover of the upper and deep layers of the world's oceans than it does by the increase due to the burning of fossil fuels. Insofar as this inquiry is concerned, the effect of land clearing to the extent that is likely or possible in Australia would be infinitesimal compared with the enormous cyclical movements in nature.

The absurdity of the "scientific" justification for the draconian legislation demanded by green activists is demonstrated by the recent report of the Intergovernmental Panel on Climate Change (IPCC) which, amongst other things, states that "The global average surface temperature has increased over the 20th century by about 0.6 degrees C." And again, "Since the start of the satellite record in 1979, both satellite and weather balloon measurements show the global average temperature of the lowest eight kilometres of the atmosphere has changed by +0.05 degrees C plus or minus 0.10 degrees C per decade." That is to say that the margin of error (0,10) is twice the increase! This is science fiction gone mad. And of course the IPCC want more funds for further research.

It should be pointed out in this context that in fact most of the warming that occurred in the twentieth-century occurred before and during World War II (when people had other things on their mind). During the 1960s there was a noticeable cooling and

there was front page media speculation of a coming Ice Age. Does any of this sound familiar? Geological data prove conclusively that temperature increases of up to 13 degrees C in a decade - with subsequent falling temperatures - have been a common feature of the atmosphere over the past 10,700 years. So that, despite the IPCC's doomladen forecasts and claims that temperature is rising and that the blame can be laid at the feet of the increase of carbon dioxide in the atmosphere due to the burning of fossil fuels; the only reasonable conclusion that can be drawn from its own reported research is that the 20th century was one of relatively stable temperatures.

I have mentioned but a very few of the genuine scientific pieces of evidence concerning the falsity of the premises upon which the legislation which is the subject of this inquiry is based. I must emphasise however that none of this should be construed as implying that I believe that indiscriminate clearing or wasteful use of natural resources should be condoned. In fact I believe that it is incumbent upon us all to ensure that what we do is based on sound scientific and practical premises. What I do *not* believe is that the type of legislation under review can produce an appropriate result- State control such as this does not produce environmental responsibility. To take the question of state control versus the rights of property owners to its extreme, consider the environmental pollution and degradation in the former East Germany with the contemporaneous West Germany or that in China compared with Australia.

The questions of native vegetation and biodiversity, particularly in relation to land clearing; can appear to be very complex- and the issues paper prepared for this inquiry certainly makes them so. However, in reality they are fairly simple. They come right down to the questions of what is the best management practice for a particular property and who is the best person to decide that practice. It is my belief that the owner of the property is the best person and that he should be given access to the fullest information upon which to base his decisions. No fully informed landholder will do anything that will degrade his own property and hence his livelihood or, ipso facto, his neighbours'.

2. Benefits.

I turn now to some of the specific matters raised in the issues paper. In Section 2.1 on page 14 under the heading "Positive impacts on land holders" a number of questions have been raised.

My response to these questions is as follows: -

- I do not believe that any production benefits are likely to accrue as a result of this legislation.
- In regard to the prevention of erosion; any newly graduated civil engineer will tell you that a dense sward (as can only be provided by improved pastures) is a far better preventative against erosion than trees. I can show you many instances of erosion in uncleared native trees and other vegetation, and many other instances in similar topographic and soil conditions where a dense sward has prevented erosion.
- Is it conceivable in this day and age that any land holder would clear trees that would otherwise provide a necessary wind break?
- The question of salinity really needs, and has been the subject of, another inquiry. To discuss this further would be out of place here; and is in my opinion a red herring. Nevertheless, let me say very briefly that the question of the effect of clearing on dry land salinity relates only to recharge areas. Equally it is very clear that deep-rooted perennials such as lucerne are just as effective or more effective than native trees.

In regard to the effect of a particular land holders activity on his neighbours or on the region; by definition, if a land holder acts in a responsible way on his own property he will have no deleterious effect on neighbouring properties.

In short, I can see no advantages accruing from the present legislative framework that would not have accrued from the status quo ante. Always providing that land holders have full access to the necessary information.

3. Impact on property values.

In the section under this heading (on page 15) the issues paper makes a number of comments and asked some questions. It says for example that many factors influence market values; which is stating the obvious. However, we have no need to plunge into the byways and alleys conjured up in the paper's paragraph containing the above platitude. Anyone who knows anything about working rural property values knows that they are a function of the potential income from the property. They also know that the potential gross income is very simply the gross margin for a particular enterprise multiplied by the useable area. In other words the greater the useable area the greater the potential income and the greater the value of the property. A corollary to this is that, generally speaking, uncleared land is unusable land . In this sense useable means productive.

It therefore goes without saying that the indiscriminate prohibition against clearing has a very marked negative effect on land values in rural Australia. The other side of this coin is that the prohibition of clearing reduces the stock of potentially productive land which therefore artificially increases the value of land that has fortuitously been cleared before the introduction of the legislation. This is fine for landholders whose land is cleared, but disastrous for those who have had uncleared land "in the bank". Is also makes it much more difficult for genuine prospective farmers to obtain land at reasonable price levels.

Another factor in the question of the reduction of land values is that this legislation effectively and retrospectively reduces the value of any property with viable uncleared land. The government has stolen landholders assets.

Also in this section, although somewhat out of context, three questions are asked about uncleared land.

(i) Are there economic and other reasons why landholders have chosen not to clear or otherwise utilise uncleared land?

As mentioned above, many land holders have uncleared land "in the bank". It has been left uncleared for many reasons but principally for lack of immediate funds with which to clear and improve it. Some will have kept it for their sons. But for whatever reason it has been kept it has now been effectively stolen by the government at the behest of the zealots of the green movement.

(ii) Would currently uncleared land be as productive as land presently in use?

It is sometimes said that all the good land has already been cleared. This is patently absurd. The above question is equally absurd. Some uncleared land will be better than some presently in use. Some uncleared land will not be. The only person competent to answer this question is the particular landholder of the uncleared land. Furthermore, no land holder would go to the expense of clearing land unless he was certain that it would be no less productive than the rest of his property.

(iii) When was it planned to bring uncleared land into production?

If and when it was economically practicable to do so. Again a question for the particular landholder.

Under the heading “Perverse environmental outcomes?” the issues paper speaks in a derogatory way about farmers clearing ahead of proposed legislation. The fact that they may do so is proof positive that they regard the legislation as being certain to reduce the value of their land. It also gives rise to the sort of gutter journalism epitomised by the article reproduced as Appendix 1 to this submission. Note the use of the word "raze" and the emotive claptrap which is the stock in trade of every city "environmental" reporter.

4. Adverse environmental effects.

Anti-clearing legislation, contrary to any supposed advantages, can and will have serious adverse effects. Some of these are mentioned below.

- Numerous weeds can only be effectively eliminated by clearing, and the establishment of dense pasture swards. In the central tablelands, for example, serrated tussock (*Nassella trichotoma*) is a pest of major proportions and a declared noxious weed. Apart from clearing and the establishment of improved pastures, the only practicable method of eradication is the repeated application of large quantities of expensive and toxic herbicide.
- Biddy-bush (*Cassinia arcuata*) also known as Sifton bush or Chinese shrub is an Australian native species which has been declared a noxious weed. In the words of the New South Wales Department of Agriculture, chemical control is insufficient for this species and only clearing and replacement with a dense pasture will satisfactorily eliminate it. What is a land holder to do? Breach one Act by not clearing the bush or breach another Act by clearing it?
- Uncleared land will become a harbour for pests such as feral cats, feral dogs, native dogs, foxes and wild pigs. This has been proved since a change in policy in the National Parks and Wildlife Department has stopped clearing in national parks. Enforced sterilisation of privately held tracts of native vegetation will ensure that this trend will continue and become worse. Any incentive for a landholder to maintain such country will disappear when his effective use of it is prevented by this legislation. As mentioned earlier, erosion can and does take place on land covered by native vegetation, but is prevented by a dense sward.

5. Effect on the economy.

Agricultural produce currently comprises approximately one quarter of Australia's export earnings. Reduction in agricultural production automatically means reduction in export earnings- by a reduction in the amount actually exported and by an increase in imports.

The increase in the Australian population means that more agricultural products are required for our own use.

Improvement in the efficiency of agricultural production has so far enabled us to maintain the production levels required by increased population and the need for export earnings. While spectacular gains have been made in the past, the rate of improvement will become asymptotic and it will be necessary to bring more land into production to keep pace with population growth and the demands of maintaining some semblance of a balance of trade. Australia's balance of trade has for a long time been negative. A reduction in agricultural export earnings would be an economic disaster of some magnitude.

The availability of productive land has been significantly reduced by the incursion of city people buying small parcels of good land and playing at being "country gentry". All of this land is taken out of production and very often it is allowed to become

the site of infestation by noxious and other weeds. This is particularly the case if the newcomers have "green" aspirations.

When speaking of the effect on the economy I am speaking at the national level and not at the petty local level where the influx of "life style" newcomers perhaps will add to the incomes of a few shopkeepers (and artificially force up the price of agricultural land) and give the appearance of improvement in the local economy.

6. Conclusion.

It is impossible for me, in this brief submission, to canvass all the matters raised in the issues paper. I should point out however that some of the questions asked; such as whether investment has been affected, have attitudes of finance providers changed, whether the EPBC Act has resulted in an improved national approach to environmental management etc. are for the most part premature or too difficult to properly assess on a reliable statistical basis.

Again however, the detail only tends to obscure the basically simple facts.

- About 13 per cent of the Australian land mass is held in fee simple (freehold). When the build up areas of cities and towns are taken from this, less than 10 per cent of the land is left for agricultural and other purposes. A great deal of this has already been cleared, but if all the rest were to be cleared the effect on the environment would be negligible.
- Holders of land in fee simple have certain unalienable common law and statutory rights; among which are the free exercise and enjoyment of the use of the land; only excepting the proscriptions, if any, set out in the title deeds. The legislation which is the subject of this inquiry is an abrogation of those rights. An abrogation moreover, which is unconscionable and highly discriminatory. It discriminates against the very people who provide Australia with 25 per cent of its export earnings and who provide its citizens with the cheapest food in the world.
- Although it has been unchallenged, it is very doubtful whether this legislation is constitutional. On the other hand it would certainly seem, at the very least, to be in breach of anti-discrimination legislation.
- The owner operators of the family farm are an endangered species. They have, in the past, coped successfully with the problems of the harshest inhabited Continent in the world. They have changed that Continent from one which in 1770 could only support approximately 1 million people to one which now in a good year, it has been calculated, provides a enough food for 100 million. In recent years however the success they have achieved in the face of natural conditions has been eroded and in many cases destroyed by government and bureaucratic actions. The various native vegetation and biodiversity Acts are but the latest and perhaps terminal examples of this.

Another matter that I must mention in regard to the issues paper is the question of "Transparency and community consultation" (see pp. 20-21). Here again we see the bias towards the zealots of the green movement and against the farming community. The Greens can easily make it their business to get access to governmental and

bureaucratic information. Indeed, as is well-known, they are provided with information.

On the other hand only those few farmers with an agri- political bent seem to get the necessary sort of information to be able to at least try and protect their interests. An advertisement in the newspapers is not sufficient advice to people so vitally concerned with the results of such legislation as the subject of this inquiry. With so very few farmers left, it would be a very small matter to send them information by direct mail.

Similarly, the committees that are a set up to examine the legislation, or worse, to administer it, are heavily weighted against rural landholders; and are largely made up of members of the green movement and government appointees whose bias is in that direction.

I repeat again what I said at the beginning of this submission, a classic example of the bias against the very people whose vital interests are at risk as a result of the type of legislation under review is the way the locations for the public hearings has been set in capital cities. The only people who have any real knowledge of or legitimate interest in these pieces of legislation are further discriminated against by the location of the public hearings.

Yours faithfully,

F. S. Hespe