

(03512)

18 July 2003

Dr Neil Byron
Presiding Commissioner
Native Vegetation Inquiry
Productivity Commission
LB2 Collins St East
MELBOURNE VIC 8003

Dear Dr Byron

Re: Submission for the inquiry into impacts of native vegetation & biodiversity regulations.

Thank you for the opportunity to provide a submission for the inquiry into the impacts of native vegetation and biodiversity regulations. State Council believes that this inquiry will be beneficial in directing future efforts in natural resource management and correcting inconsistencies inherent in the current legislation.

Firstly I would like to inform you of the responsibilities of Rural Lands Protection Boards (RLPBs) and the role they play in natural resource management. I have provided a brief introduction of the Rural Land Protection Board (RLPB) system and Travelling Stock Reserve (TSRs) management in NSW below.

The RLPB system covers 48 separate Districts across NSW and is coordinated by a State Council. All Boards carry out the following functions:

- pest animal and insect control
- animal disease control
- the management of controlled TSRs
- control of travelling stock
- administration of stock identification systems.

Travelling Stock Reserves

Over 160 years ago, a network of Crown Land in NSW was set aside to walk stock between properties and to markets. These areas are now dedicated as Travelling Stock Routes and Reserves (TSRs) and their management vested by legislation in the 48 Rural Lands Protection Boards. TSRs traverse a range of vegetation and soil types, climatic zones and topographies. Often they are on the more productive land as they follow watercourses for ease of watering stock.

The Rural Lands Protection Act 1998 (RLP Act) distinguishes between two types of TSRs:

- Controlled TSRs – where the care, control and management of the TSR has been vested in the local Board.

- Managed TSRs – where the care, control and management of the TSR has NOT been vested in the local Board. This type of TSR is typically found in the Western Division where TSRs are layered over Western Lands Leases.

The above reference to “care, control and management” refers to the maintenance of the TSR land itself. This includes such activities as noxious weed control, pest animal control, and maintenance of certain fencing and other structures. In some cases where a person has occupancy of a TSR, the Board may require the person to undertake such tasks as part of the conditions of that occupancy.

Authorised uses of TSRs include walking, running, horse riding, picnicking, fishing, swimming, and pedal cycling. Permits are required from RLPBs for walking or grazing stock, establishing apiary sites and for use by recreational and sporting groups.

All Boards are will develop a TSR Management plan for all TSRs under their care, control and management during 2002 for implementation in 2003. The RLP Act specifies that the content of these plans must include:

- ✓ The management of travelling stock reserves for the benefit of travelling stock
- ✓ The adoption of appropriate stocking practices
- ✓ The conservation of wildlife including the conservation of critical habitat and threatened species, populations and ecological communities and their habitat
- ✓ The protection of reserves against the diminution of water quality

The majority of native vegetation on TSRs is high quality and in some areas such as the Central West, is considered high conservation value because it makes up the majority of remaining native vegetation present in the landscape. TSRs also remain one of the few locations where ecosystems such as Grassy White Box Woodlands can be found intact.

Numerous studies undertaken by independent scientists from CSIRO, NSW NPWS and Greening Australia, as well as consultants hired to conduct flora and fauna assessments on Board managed land, have all identified many areas of high conservation value native vegetation on TSRs. In its advice on the distribution of the Native Vegetation Management Fund, NVAC highlighted the significant stands of native vegetation present on TSRs and suggested that the allocation of additional resources could lead to considerable conservation benefits.

Finally an audit has recently been completed of all Board managed land within the State identifying approximately 160 000 hectares of land as of high value for the environment (based on the land's value for remnant vegetation, seed collection, timber, fauna habitat and threatened species).

Native vegetation on TSRs is significant not just because it provides habitat for threatened species, has had minimal disturbance, protects water quality, prevents soil erosion and salinity, but because of the nature of the TSR system. TSRs traverse a range of vegetation and soil types, climatic zones and topographies. They are often located on the more productive land following watercourses and most importantly form a network throughout the State. This network covering 600 000 hectares, is in effect a chain of reserved land acting as wildlife corridors and seed orchards and contains remnant vegetation from a vast number of ecosystems present within NSW. TSRs provide value not only as individual pieces of land containing high value remnant vegetation, but also as a network of land providing many multiplier benefits.

The 48 RLPBs distributed across the state and more than 100 Rangers and Field Assistants working on the management of TSRs, are strategically placed to effectively manage the network as a conservation reserve system whilst still maintaining the traditional uses for travelling stock.

We believe that our ability to do so is hindered by the native vegetation and biodiversity regulations imposed in NSW. I trust that these comments will be of assistance to the Commission when finalising their recommendations. If you have any further questions please contact Michelle Smith, TSR Manager, on telephone (02) 6391 3154.

Yours sincerely

A handwritten signature in red ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Steve Orr
Chief Executive Officer

1. Negative impacts

Inconsistent treatment of Crown land managers in environmental legislation is hindering the operations of Rural Lands Protection Boards (RLPBs) with respect to both TSRs and pest animal control. National Parks and Wildlife Service (NPWS) and State Forests etc are exempt from the operation of the Native Vegetation Conservation Act 1997 and Threatened Species Conservation Act 1995 whereas RLPBs are not. The intention of such legislation was to regulate use of resources on private lands and therefore does not accommodate the unique function and management arrangement of TSRs.

As a consequence the costs of the extra responsibilities resulting from this legislation are borne by the rural community through the rates they pay to RLPBs. No recurrent government funding is received by RLPBs for the management of TSRs and generally the income derived from the issue of use permits does not cover general maintenance and management. This is a further cost of the NVCA on the rural community.

a). Native Vegetation Management Act 1997

Restrictions imposed by the Native Vegetation Conservation Act 1997 (NVCA) and Regional Vegetation Management plans (RVMPs) on private land also effect TSRs because they are not treated individually in the Act. In some RVMPs, TSRs have been included in the highest management zones, which will impede their use by travelling stock, the activity for which they were originally established. Furthermore it will obstruct RLPBs from fulfilling not only their responsibilities under the Rural Lands Protection Act 1998 for pest animal control but also other legislation such as the Noxious Weeds Act 1993.

In 2002 we have made a request to the then Minister for Land and Water Conservation to have TSRs included in section 9 of the Native Vegetation Conservation Act 1997 as land excluded from the operation of the Act. This request was subsequently refused after meeting with senior staff of the former Department of Land and Water Conservation (now the Department of Infrastructure Planning and Natural Resources). Their suggestion was that we pursue the scheduling of our TSR Management plans (developed in accordance with section 44 of the Rural Lands Protection Act 1998) under the NVCA. Another option provided to us was to participate in the review of the NVCA that is proposed to occur this year.

We do not believe that these options will protect us from variations in RVMPs that hamper our ability to fulfil our legislative responsibilities and our general management of TSRs. It is our intention to pursue our inclusion in section 9 of the NVCA. It is imperative that a consistent method of categorising TSRs is found as to date the approach has been ad hoc. Furthermore, as RLPB districts generally cover a number of RVMP areas the RVMP day to day management of TSRs becomes extremely difficult and confusing with the differing provisions in each plan. If TSRs are not excluded from the operation of the NVCA there is potential for further inconsistency in RVMPs currently under development and in those that will be developed in the future.

b). Threatened Species Conservation Act 1995

Section 113A of the TSC Act provides an exception from licensing for routine agricultural activities. However advice from the NSW National Parks and Wildlife Service suggests that this exception is only for land managers of private lands not for statutory authority's such as RLPBs. While RLPBs may be deemed to be a public authority, TSRs were established specifically for agricultural production and this exception should therefore extend to RLPBs.

2. Transparency in decision making

There are no designated positions for RLPB representatives on the Regional Vegetation Committee's (RVC's). Feedback received from RLPB Directors who have gained membership as a rural representative, indicate that the Committee's are stacked in favour of government agencies thereby polarising decision making in their favour. The vegetation planning process and outcomes are largely driven by the governments agenda rather than addressing the community's concerns and encompassing their views.

3. Measures to clarify the responsibilities and rights of users

Efforts made by State Council on behalf of the 48 RLPBs in NSW to seek training on threatened species management and cultural heritage management in accordance with the National Parks and Wildlife Act 1974 have not yielded a positive response. According to NPWS they do not have the resources to provide this training for our field staff on a regional basis across NSW. If the agency responsible for administering the legislation cannot provide adequate advice to Crown land managers what hope is there that the general public understands the legislation.