SUBMISSION TO THE INQUIRY INTO THE IMPACTS OF NATIVE VEGETATION AND BIODIVERSITY REGULATIONS

I make this submission as a private citizen with experience as a farmer for 45 years in 7 shires in Western Australia from the Far North to the Deep South.

In addition to active participation in agricultural politics for most of that period I was also privileged to serve in the Legislative Council of Western Australia for 8 years representing 65 shires of the Agricultural Region stretching from Kalbarri to Esperance.

As a Member of Parliament, I also served as Chairman of the Standing Committee on Constitutional Affairs making 59 reports to Parliament.

The responsibilities of the Committee included reporting on petitions tabled in the House and Uniform Legislation. Several petitions referred to the Committee concerned property rights, as did requests for assistance to my Electorate Office, from constituents.

One petition to examine the erosion of property rights resulted in the collecting of evidence for a report that was not completed by the Constitutional Affairs before the termination of that Committee and my "retirement". The Hon Barry House now Chairs the Public Administration and Finance Committee that has continued to collect evidence and intends to report to Parliament on their deliberations on the matter of property rights this year.

Brief History - British colonisation of WA commenced with the establishment of an outpost at Albany (because of the harbour and fear of the French) in 1827 followed by the Swan River Settlement in 1829.

It is surprising how little the general public understand of land use prior to and immediately following colonisation. The early pastoralists quickly bred up large herds and flocks that made use of the natural grasses that had developed over centuries from the land practices of the original Aboriginal inhabitants.

Aboriginal land management has been recorded by historians such as Flannery and Blainey. A major tool was of course fire, which on a regular basis destroyed any young perennial seedlings and encouraged grasses. Certainly some trees and shrubs required heat and/or smoke to germinate, however their survival also depended on having a sufficient period between Aboriginal lit fires or wild fires caused by lightening which would have burnt enormous areas until reaching a natural fire break or previously burnt area.

Early explorers and settlers recorded extensive grass or park land areas with trees sparsely scattered. It is said that a horse could be galloped through Karri forests -today this would be impossible. Similar comments were made in the Western Plains of NSW and of course much of the Bugalow Country of Queensland was very sparsely timbered under Aboriginal management.

In an amazingly short time much of the grazing land had been occupied. Originally by shepherds and then fenced into pastoral holdings.

Clearing for crops and intensive grazing commenced on the small, but fertile, Swan Valley and then broad acre farming developed inland in the Avon Valley. The gold rush encouraged the development to move east and following the construction of railways much land previously used for extensive grazing was converted to cropping and mixed farming.

By the 20th century WA became generally self-supporting in grain as well as hay and fodder and commenced exporting. Development was rapid until 1914 when firstly the major drought and then the Great War caused a delay in agricultural development. WA had to import grain in 1914/15.

Because of the high cost of transport and the shortage of fertiliser, only the more fertile land, usually found in the valleys, was cleared. The agricultural area expanded rapidly until the Great Depression when much of the less fertile or lower rainfall country became uneconomic. The declaration of the "marginal line" meant that many properties had difficulty in obtaining carry-on finance and many failed. The bush often regrew and it was not until the 1950's that better commodity prices and the availability of new machinery enabled the further expansion.

The 1960's saw the introduction of new nitrogenous fertiliser, bulk handling and an enormous expansion of the wheat belt. The target of developing 1,000,000 acres a year was achieved and this was often in the less fertile, light land, found away from the old river valleys.

A condition of purchase of much of the "new land" was the requirement to extensively clear. This government requirement was considered important firstly to prevent speculation on land without any benefit to the general community, and also to control rabbits.

The major agricultural recession of the 70's meant the end of massive land development and release of new land, although there are undoubtedly still areas that could be developed if the community view of land clearing had not changed.

There are areas in the agricultural region that have suffered from over-clearing that has led to dry land salinity and wind or water erosion. Some estimates are that 40% of the agricultural region will be saline in a generation.

Whilst much of the land released prior to the Second World War had been extensively cleared, new releases had very large areas set aside as national parks. In coastal shires north of Perth such as Dandaragan and Gingin, 30-40% was set aside plus areas of state forest, and much uncleared private land.

The uncleared private land was and is mainly lighter land that owners found uneconomic because of the then available technology or lack of development finance due to the 70's recession and often continuing low prices for wool, lamb and sometimes beef.

The Regions

South West - From the early days of settlement a huge area of forestry land was reserved from Bindoon, north of Perth, to the south-west corner of the State between Albany and Augusta.

This area became from the early days a valuable source of high-grade timber and a water catchment area. The timber industry was well managed, perhaps the best in the world, and aimed at sustainable forestry production.

Because of the high cost of clearing, only the very fertile and high rainfall valleys of this south west corner were ever cleared. With a rainfall of 20 to 60 inches (500 to 1500 mm) these areas were used for intensive orchards, horticulture, dairying, quality beef and high-grade wool and lamb.

In recent years a major mining industry has also developed, gold in the area near Boddington, and alumina along the scarp between Perth and Bunbury. Although conducted in forestry country, the alumina industry has developed skills in reforestation to meet high environmental requirements.

On the Western Coastal Plain mineral sands have also been extracted between Augusta and Dongara. Once again technology has been developed by the mining industry, which has enabled reforestation or restoration of native flora in other areas and industries.

Pastoral Areas - Over the years the pastoral areas that rely on native grasses and shrubs have had their ups and downs. At various times a run of good seasons and lack of long-term history led early pastoralists to over stock with enormous damage to the native vegetation during drought. As distinct from the agricultural areas, many pastoral properties can now only sustain relatively small flocks and herds compared with the I 9th and early 20th century.

In addition low wool prices, the introduction of noxious burrs and an increasing wild dog problem has led to much of what was once fine wool country to be turned to cattle. The relatively new live shipping market has also favoured the cattle industry.

The Coastal Plain North of Perth - This plain as far north as Kalbarri enjoys one of the most reliable climates in the world with a rainfall of 32 - 14 inches (800 - 350mm) and a generally excellent Mediterranean climate. It has the benefit of enormous reserves of fresh underground water suitable for town water supplies and irrigation. It is of course also close to major markets in the city of Perth and the regional port of Geraldton, and air routes to Europe and Asia as well as the Eastern States.

Particularly over the past 20 years there has been economic pressure on the assured rainfall grazing country that has been traditionally the home of local trade "baby beef' reared on dairy based cows in the south west. This has been from residential development, wineries and of course the plantations.

In the north, pastoralists have looked for "safe" country to provide relief in times of drought or poor live export prices such as during the Asian melt down.

The horticultural industry that. traditionally supplied Perth and regional WA with vegetables has also been under pressure of residential development. The post war boom in chicken take-away as well as intensive egg production, produced a "litter" that became the chief fertiliser for intensive horticulture. Unfortunately it also created a fly problem that, whilst the industry has responded, is one reason to move further from the metropolitan area. Development of modern harvesting technology and irrigation plus an Asian market have encouraged a shift from relatively small market gardens to broad acre horticulture in shires such as Gingin on the west coast and Manjimup in the south, based on centre pivot irrigation or similar.

Recent years have seen a revolution in pasture and fodder crops suitable for the coastal plain. Deep rooted perennials such as Rhodes Grass and Couch or even Kikuyu on the wetter areas have been planted. Legumes such as Seredela, Arrow Leaf Clover and most interesting Tagasaste, an edible leguminous shrub often known as Tree Lucerne, has been introduced for previously unproductive deep sands.

For all these reasons the Coastal Plains are now being examined as potentially WA's most important horticultural and grazing area. Unfortunately, because of the large areas of uncleared or parkland cleared land plus great biodiversity (which is usual on less fertile land) this area is suffering from clearing restrictions and water usage controls.

Great Southern and Wheatbelt - This is the area of WA that received the most publicity regarding dry land salinity and loss of biodiversity. It is the area where it is said up to 40% may become saline. Some of this land has been grazed and farmed for 150 years. The newer and mainly lighter soil types with low to medium rainfall were released in the 1950s and 60s.

Clearing resulted in less usage of sub-soil moisture when annual crops and pastures replaced the deeper-rooted perennial native shrubs. This extremely old land form has, because of its background of westerly winds and natural erosion over millions of years, a high concentration of salt in the sub-soil.

Once drained by large rivers and their tributaries, as the country became flatter due to natural erosion many of these ceased to flow except during periods of extreme flood and became chains of salt lakes. As is usually the case the silt in the now flat river valleys was fertile land, highly suited to wheat and other crops and was usually the first land cleared in a district.

With the rising water table following clearing, salt, which had always been present, came closer to the surface. Provided it was 1 metre or deeper it had little effect on crops or pasture.

In many of the early settled areas, which have reasonable drainage into the Moore, Mortlock or Avon Rivers, the water table rose and the winter creeks flowed longer and became saline.

Occasionally, where natural drainage was hindered by dykes or impervious clay, this saline water rose to the surface further up the slope. Generally speaking salinity in these areas, whilst often unsightly, is not a major problem in terms of production. Indeed in much of this old and well-drained section, landowners have by various means, mainly natural drainage, controlled its increase.

The main area of concern is therefore the flat medium to low rainfall country that has been cleared or has had land above it cleared in the past century. It represents approximately 4% of WA's land mass, however, it produces about 80% of the grain in WA. WA is of course Australia's largest exporter of grains and produces about 40% of the total wheat harvest.

There appears to be no scientific basis for the estimate that 40% of the agricultural region will become saline in the near future. It seems to be a figure that was selected to shock the community into action!

There are of course individual properties where the figure is conservative. Overall I am sure it is greatly exaggerated.

Salinity, at worst, will only be a major problem above natural drainage levels. At best its effect will depend on what actions the community and the landowners in particular, undertake.

Salinity is of course not only a danger to agriculture, it has already caused damage to the infrastructure of many rural towns and roads.

Conclusion - What then is the current situation in Western Australia, compared to the situation prior to European management?

Much of the pressure to introduce clearing controls is driven by this fear of salinity. The desire to protect biodiversity is driven in part by that concern, but mainly other reasons. Perhaps the chief amongst these are:

a. Certain plant species are essential for the preservation of native birds and animals either as a food source or as habitat.

b. Tourists and locals enjoy the sight.
C. There may be medicinal or other virtues in the plant's chemicals.
d. The natural world is better than the developed and should be preserved.

The latter view usually only applies if it is someone else's backyard.

Whilst in no way denying the need for the preservation of either native flora or fauna, it should be noted that the major cause of loss has not been clearing, but the introduction of extra-diversity - namely exotic plants, foxes, rabbits, goats, cats, and more recently, the cane toad.

Whilst the so-called environmental lobby and Green political movement has presented the argument that Western Australia is an environmental wasteland, the truth is rather different.

With good management, native vegetation has an enormous ability to recover from any single shock be it harvesting, as in our forests, or fire. The Eastern Goldfields of WA were cleared in the late 19th and early 20th century, for timber to feed the pumping stations as props in the gold mines. Today they have completely regenerated.

Only about 7% of Western Australia is privately owned and certainly not all of this area has been cleared.

My best estimate is that about 6% of WA has been cleared and it must be therefore one of the least cleared states in the World.

In addition these native perennials of various types from Spinifex to the mighty Karri are (in the areas that receive any form of management by farmers, pastoralists or government agencies) less subject to fires than for centuries and are therefore of greater density than for 200 years.

ISSUES

2.1
Impacts on Landholders and Regional Communities

Responsible landowners have until recent years had little difficulty with most legislation or regulation of farming activities.

The exception is the protection of rare and endangered species under the Wildlife Conservation Act 1950, and more recently the MOU.

The report (Attachment 1) of the Legislative Council's Constitution Affairs Standing Committee gives one example of the economic hardship and stress that the heavy hand of a Government department caused this family. Unfortunately, the injustice did not finish with the Department of Conservation and Land Management's (CALM) offer to purchase part of the Heinrich property using a Federal grant.

There is no doubt that the area purchased was ideally suited for preservation from being well positioned close to the regional city of Geraldton in an area that has generally been cleared. It will provide an important wild life corridor.

The problem revolves around what would have been a fair price for the land. Although the Heinrich's had previously sold land to Main Roads for gravel extraction, CALM perhaps not unreasonably used the Valuer General to decide the price. Although the community through Government has decided that native vegetation generally, let alone a well positioned lot such as this, with great biodiversity, is of greater value to it than farmland, the Valuer General decided otherwise.

Because it was uncleared it was valued at $5001hc compared to $1200 if it had been cleared.

To make matters worse they were incompetent in calculating the area involved. Unfortunately, negotiations had taken place with the Federal Government department without the knowledge of the Heinrich family so they were not able to point out the errors until faced with an offer they had been forced to accept.

This example, of course, also demonstrates the unfairness of the Memorandum of Understanding on Land Clearing (MOU) that came into effect in 1995.

The Heinrich's example is certainly not the only example of expense and inconvenience cause to farmers by a rare and endangered species genuine or otherwise. It has also made road construction and maintenance difficult for many a Shire Council. This has been because of plants growing on road reserves or interfering with the extraction of gravel.

Please find enclosed a copy of a submission made by me as Member for the Agricultural Region (Attachment 2) on behalf of the Gingin Shire for permission to extract gravel from Crown Land. This predates the MOU and clearly

demonstrates the cost and inconvenience to one local community. Once again this is not an isolated case.

The cost to WA and, in particular, saw-millers, builders and furniture manufacturers, has been demonstrated with the Forest Management Agreement introduced by the Gallop Government. Whilst the Court Government had accepted restrictions on logging in native forests far in excess of Federal requirements, the new Government went even further.

Perhaps the most environmentally dangerous assumption of recent times is the so-called precautionary principle. I am not aware of its origin, however it has been accepted in the Commonwealth Native Vegetation and Biodiversity Conservation Act 1999, and more recently in the WA Environmental Protection Amendment Bill before the State Parliament as at this time.

Whilst the intentions may (and I emphasise may) be well intentioned, in effect it has the capacity to inflict enormous environmental damage, and certainly is already inflicting economic pain.

The environment is too important to be managed by anything less than the best scientific knowledge.

The most obvious example of this is the chaos inflicted on WA's timber industry in recent years. Commissioners will no doubt be aware that our major timber species, Jarrah, Karri, Wandoo and the like, have a life cycle of about 300 years.

In early colonial times selective felling took place. The resource appeared limitless and only the very best of saw logs or logs suitable for splitting were selected.

It soon became obvious that in an established forest, young seedlings had difficulty germinating and surviving. Secondly, if all the best trees were taken, only the poorer specimens were available to provide new genetic material. In addition, if the forest was of mixed species, say Marri and Jarrah, the less desirable species would also receive an advantage and soon the forest would become mainly Marri with inferior Jarrah.

The scientific management then became a system of logging appropriate areas by clear felling. "Seed" trees and habitat trees were left so that the good genetics could be encouraged and fauna protected.

As most growth takes place during the first century of growth, and by that time good strength of timber has developed, maximum production of timber can be obtained by logging about 1% of a forest per year.

With this form of management, there is no evidence of salinity in forests or the loss of any species of flora or fauna.

The management system went even further. Corridors of uncleared forest were left along waterways and also fringes along roads so that the tourist industry was not affected by the visually unpleasant view of a recently cleared area.

The timber industry had access to the total harvest from the forest. Any substandard Jarrah trees that could not be utilised for timber were used for firewood or industrial charcoal.

The Marri or Red Gum was used for pulping purposes unless of outstanding quality in which case it had limited use as timber.

This provided a multi-use forest that provided timber, pulp, tourism, habitat for native flora, a great water catchment and the maximum extraction of atmospheric carbon.

Science was then displaced with emotion; one of the first examples of the precautionary principle in action. The misinformation campaign was mounted. The Green movement pressed for selective logging as the first step in stopping clear felling. It was said that good timber that should be utilised for furniture was being put through the chipper and given away to multinationalists! (in reality Jarrah was not acceptable for chipping because of its colour.)

The argument was put that once a forest was logged it was gone forever and that it had nearly already gone! The fringes left along roads were designed to hide the fact that there was little left.

Worse was to come. The protective burning, which consisted of cool fires at well-spaced intervals, was said to be killing all the fauna and damaging the atmosphere. Governments of both persuasions caved in to political pressure. Already there has been a reduction of employment in the immediate industry. Furniture manufacturers are expressing concern at obtaining suitable material. It has yet to be seen if the tourist industry can take up the slack. As the timber industry has always been part of the attraction of the south west, and there was never any shortage of national parks with old growth forest grants plus beautiful fresh young trees, it is difficult to see any benefit from the reduction in logging.

In the past, the income from logging was used to manage and protect the forests. Without that income the environment will have to depend on other taxes. The roads that were part of the forest industry will have to be funded from other sources.

Protective burning will be difficult to maintain with less government staff and there will be less fire fighters to control the wild fires that can be expected to increase.

The safeguards that were put in place following the last major fires a generation ago are being undermined. WA can look forward to the disasters

that have been taking place in other states. As the forests get older they will become greenhouse neutral and then in old age negative.

Worse is to come. Where is the timber and paper to come from to replace that from the environmentally friendly native forests? Simple, the very best of Western Australia's grazing country where there is an assured rainfall of over 20 inches (50Omm) has become plantations. Shires such as Kojonup and Plantagenet (Mount Barker) have already had large areas removed from agricultural production.

Depending on relative commodity prices it can be argued that in the long term forestry can be at least as productive as agriculture. Certainly in the short term it has a far lower labour requirement which has produced a reduction in population and hence made school buses and the like unviable.

Monoculture is never as environmentally friendly as biodiversity and this is particularly the case with the pine plantation. It provides a poor habitat for native species.

Australia's native vegetation has generally developed to be an efficient consumer of moisture and able to cope with high temperatures. Imported pines use a disproportionate amount of sub-soil moisture.

On underground water recharge areas they can reduce the availability of bore fields required for potable water supplies or irrigation. An example is the Gnangara Pine Plantation just north of Perth, which at maturity will be replanted to natives to aid the city's future water supplies. They also have a characteristic of causing soil acidity.

Whilst not having a direct effect on Australia's environment timber from our well-managed forests is being replaced by non-sustainable supplies from Asia.

Biodiversity was protected in the Regional Forests Agreement (RFA) with the Federal Government by ensuring 16% of species present before European settlement was retained.

I am not aware of the scientific bases of this percentage. However, during the debate on the RFA the environmental movement once again ran a misinformation campaign, which was also assisted by the media.

On one hand if the Government described an area as forest, the Greens said that was incorrect as the area contained swamp or heath. On the other the Greens claimed that every area was unique in its biodiversity and should therefore be set aside into reserves. Reality is that species are very dependent on soil as well as moisture, which is usually although not entirely due to rainfall.

As a Member of Parliament it became clear to me that legislation, regulations and policy seldom originate in the Party Room. I suspect that little more originates in the Minister's office.

Much legislation has a long gestation period that often exceeds the life of the Government that introduces it to Parliament. Certainly the Westminster system depends on a professional civil service and there is much to support that concept.

In the area of environmental regulation I suspect there is often a political input rather than a scientific one. Not only is Sir Humphrey alive and well, he keeps in touch with his opposite numbers in other States and the Commonwealth.

My concerns in this area are spelt out in more detail in an address to the Western Australian Pastoralist and Grazier's Association at their 2001 Annual Conference (Attachment 3).

A more specific list of concerns with regard to the Environmental Protection Amendment Bill 2002, is also enclosed (Attachment 4).

The two most important points to be made here are that firstly there is no provision for compensation for loss of property rights in the State Constitution, and it is still unclear if because of Federal influence the matter is covered under the Federal Constitution.

It is difficult to comment on the full effect of a Bill, which will be unclear until it has the endorsement of Parliament. Certainly in its current form it gives enormous power to the bureaucracy to interpret, and (as is spelt out on page 9 of your issues paper) the guidelines to assess applications and the codes of practice have yet to be published. It will need to be judged over time.

I suspect that unless there are changes there will be a reasonable approach taken in the short term with many a farmers life made a misery in the longer term.

Rare and endangered species also can have a major effect on the mining industry. This in turn can flow on to affect others. A classic case of this is the recent problems faced by Portman Mining , that export iron ore through the Port of Esperance. The through-put of this port has many economic benefits to Esperance and keeps costs low for other commodities being imported (eg fertiliser) or exported (eg grains).

Please find enclosed a speech, made during the Second Reading of the EPA Amendment Bill by the Green Member for Agricultural Region, which outlines the difficulty.

You will note that the Member is more enthusiastic about stopping the development than finding a solution to the problem (Attachment 5).

The value of minerals depends to a large extent on their rarity. Because of this the terrain in which they are found is often different to the larger land mass adjoining and therefore sometimes supports rare species. The mineral deposits are impossible to relocate however, the flora can be.

Kings Park in Perth has achieved many successes in the preservation of native species. Special attention needs to be given to the developing processes to enable the removal of rare and endangered species from valuable mining prospects and multiplication of them in National Parks or reserves.

Prior to the EPA Amendment Bill during the period of the Court Government, the Swan Coastal Plains Lakes Policy, which had/has the power of law, was subject to review.

This was a good example of proposals that had originally been put forward and rejected by a Labor Government, being recycled by the bureaucracy and presented to a Liberal Minister.

If approved it would have resulted in increasing the area of the coastal plain under control from 1½% (defined lakes) to a potential of almost 50% under a "Wetlands" policy. Some Review! (see Attachment 6).

It would appear that because of public outcry the policy was not endorsed by the Liberal Minister before the next change of government. These proposals seem to be included in the EPA Amendment Bill in a different form.

It was claimed that these changes were required because of the Federal EP&B Conservation Act 1999, and Australia's commitment to the Ramsar Convention. Certainly the current EPA Amendment Bill, as did the Wetlands Policy, goes far in excess of Australia's international obligations.

Once again what is the Federal Government obligation with regard to compensation?

Planning policy has the ability to have a major effect on land use. Recently introduced in WA State Planning Policy 11 (Agriculture and Rural Land Use Planning) is already starting to have effect on land use, property values of course, and potentially farm profitability.

Already I understand a landowner has been successful in the Courts with regard to property rights.

One Shire policy has been put to the Minister (in the interest of protecting water supplies) that will place major restrictions on farmers' use of chemicals and normal fertiliser. Whilst this matter is perhaps outside the terms of reference of this inquiry, it is certainly indicative of the potential for these environmental issues to have major effect on farmers.

In concluding my comments on this section, I make the point that at this stage few farmers have been punished for breaking regulations or have been affected by loss of profit or capital, nevertheless, I fear the future will see less development and financial pressure on industry.

2.2 Efficiency and Effectiveness of Environmental Regimes

Certainly it is a pity that terms of reference for the inquiry do not include the benefit of native vegetation conservation. Trees in general, and particularly native vegetation, are the Australian version of the sacred cow!

The objectives of controls are probably:

1. Preservation of the natural world, which is now viewed as superior to the developed world.

   It is a view only obtainable by those who live with a full stomach, and best on a foggy day looking over the neighbour's back yard from an ivory tower.

2. Chicken Licken was able to convince the community that the sky was failing and lead the mob to the king seeking a solution.

   Today's equivalent is the greenhouse effect and climate change. The mob who are now all Republicans are calling on the Government to stop the sky from failing.

3. A valid view that health of man, beast and plants depends on healthy soil, clean air, and water.

The maintenance of a world with an ever-increasing population with an ever increasing demand for goods and services prevents the option of locking away too much of the natural world even if that was physically possible.

The world has always been subject to change, however slow. It is now important that man endeavours to control change (as best man can) to ensure that land, air and water are best able to support life.

How resources are used will require a balancing of demands. Most of Western Australia's agricultural land is privately owned and managed. The old saying “the best fertiliser is the owner's footsteps” is as true today as ever.

Imperfect as all farmers are, some more so than others, as a group they are driven both economically and by “love of the land” to work for an improved environment.

Whilst amongst the worlds most productive agricultural producers for many reasons they often have to take the short-term view on say stocking rates and cropping rotations rather than the long term. That land under governmental department management often suffers from similar financial restraints.

Those farmers with "Crown Land" adjoining their property usually find the Crown the worst neighbour in terms of the control of fire, weeds and vermin.

Whilst there is support for publicly owned reserves, government has great difficulty in managing what it has. Rather than controlling more reserves, government must rely on the private sector to care for the land. It will not only do it better, but at less cost.

ABARE can supply the statistics, however, even before the recent drought, farmers income has not been high over the longer term. Care of the environment will depend on the landowners' financial capacity. Any tax incentives need to be through tax credits rather than tax deductibility. ABARE did calculations on these issues in 1996.

Community assistance has been given through the Natural Heritage funding, following the part sale of Telstra.

There is reason to doubt that the community has received value for money.

Because of an over-emphasis on "trees", water management in agriculture has received little attention. As one who has flown over much of the Agricultural Region regularly, only a small percentage is fenced and cultivated with this in mind. Very little land has been protected by contouring, although the farmer-promoted Whittington Bank System has had some support.

Most public money has been spent on planting trees on water logged and saline flats. In many cases replanting along creeks where the natural vegetation died rather than being cleared because of a rising water table, often saline.

The original vegetation died because its roots had penetrated the sub-soil only as far as the fresh water allowed. It could not withdraw its roots when conditions changed and drowned or was poisoned by salt. Unless the original cause of the rising water table is cured the new trees will in time suffer the same fate as the ones they replace.

In the Esperance area there were no natural trees, low scrub, but no tall trees. Good management, which has been well demonstrated in the district, indicates that introduced pines will provide effective windbreaks, control of sub-soil water and a valuable source of timber. Because pines are not natural no Natural Heritage Funding is available.

Further north along the Moore River hundreds of thousands of dollars have been made available to destroy biodiversity! Introduced species such as the common fruit fig tree were growing amongst the native Melaleuca.

Whilst there is no scientific evidence of which I am aware that the introduced species were anything but a plus in controlling bank erosion or providing food and habitat for the native fauna, they had to go.

Most of the older country in WA was, for many reasons, extensively cleared. Recent regulations since the MOU on land clearing and the even tighter possibilities since the tabling of the EPA Amendment Bill have and will have

the greatest effect on the most recently released (mainly light land) private property.

There have been many instances brought to my attention where very sparse and degraded native vegetation, as well as more pristine bush, has been protected on various excuses from development. In some instances the landowner applied to plant introduced species such as pines (for timber) and tagasaste for grazing. Once again there appears no good scientific reason for refusing these requests. Certainly, in terms of control of waterlogging, and greenhouse, the introduced species were better.

Whilst the loss of production in macro terms is not enormous, the effect on the individual has been massive. Not only does the loss of potential income put the overall enterprise at risk, the value of the undeveloped land has very little value as collateral if it cannot be developed.

This is a classic situation where the landowners are not in a financial position to manage the part of the property which is developed the way they would prefer, from a land conservation point of view.

The new EPA Bill has provisions for increased penalties for unauthorised clearing. Until there are precedents in the Courts, it is difficult to estimate the size of penalties that could be applied.

Recently two Green MLCs wrote to the press warning farmers that the illegal clearing of 50 hc would lead to a penalty of $1 million. Certainly this is far in excess of recent penalties imposed for arson!

It certainly raises the question of how uncleared land would be valued in the case of charges being pursued.

At this point in time it appears that controls in place or under consideration will have little positive value in terms of soil, water and air quality. They have already been disastrous to individuals and will limit the long-term production of Western Australia.

2.3 Adequacy of Assessments of Economic and Social Impacts

Apart from the self-evident truth that the natural bush is sacred and therefore beyond price, there appears to have been no evaluation of social and economic impacts.

Government plans on a national, state, regional or district basis. Land care and the environment need a far more focused assessment. Even one property can cover a wide range of requirements depending on soil type, water table and slope to name just a few.

The problem therefore revolves around Government making decisions on the assessment of averages rather than the real situation that is best evaluated by the landowner.

There is certainly a case for some trees in most farming situations. Whether these should be native or introduced is entirely different. Government responsibility should be primarily focused on ensuring that any native vegetation to be conserved is in Crown reserves and properly managed.

The situation and size of these reserves is a matter of scientific assessment. Decisions will have to be made on cataloguing of species and their need for critical mass required for the long-term preservation of each. I stress **each.** If every variation of biodiversity is to be protected no more development will be possible, because each hectare is unique!

If there is a shortage of a particular species in the reserve systems and there are areas of private land where the species could be conserved the land should be purchased.

Fair compensation must be made to the landowner, taking into account the full social and economic impact to that owner. If the community cannot afford the cost of such conservation, the landowner certainly cannot!

This comment may be appropriate under Issue 2.2 Adverse Outcomes. It concerns a program that has been in place for many years in WA whereby funding is available to fence remnant vegetation.

The agreement requires the landowner to exclude all grazing to obtain the grant. Many farmers, including me, will not accept this condition. Whilst they would like to conserve the vegetation, they are aware that during a cold snap following shearing, the bush is vital for the survival of their stock. Another example, which could arise from this and the EPA Bill is the inability to graze natural salt bush and the like during a drought. Surely an inquiry such as this should have been concluded before any legislation.

2.4 Transparency and Community Consultation

Experience in this area unfortunately has convinced me that in too many cases the agencies plan how to introduce regulations that they consider are necessary rather than what the community would want or accept if informed.

Parliament should be the final arbiter on any regulations other than those of very minor local significance.

The pressure of business, about 80 pieces of legislation in WA per year, and about twice as much at Federal level makes the task of a Parliamentarian very onerous.

Too often new legislation gets past a Minister and then a committee and party room, with less than full consideration.

The problem is worse if a party effectively prevents a Member crossing the floor.

Sometimes a deal is done, particularly if the Government doesn't control the Upper House.

Complex Bills such as the Federal Environmental Protection and Biodiversity Conservation Act 1999 and the current EPA Amendment Bill in WA are classic examples.

The latter was rushed through the Legislative Assembly and prevented from having a detailed examination in the Legislative Council.

The Second Reading Speech promised a "Blue" Bill. This would have been the current Act with each of the 130 odd amendments printed in and any deletions also marked. To date no such Bill has appeared, although the technology is readily available.

Using the same Bill as an example, the agency in question received support from one farmer organisation following a briefing that said it would give certainty to clearing regulations. Certainty is a great thing, but I doubt whether the Bill will do anything but make it certain that clearing will be very difficult.

Regulations and Policy documents are a problem in that they do not in WA receive direct scrutiny by Parliament. I doubt that the process is any better elsewhere.

They are subject to examination by a Parliamentary Committee and subject to disallowance. It is far too easy for something to slip through. Whether by design or pressure of business, interested parties too often receive short or no notice of intention to change the rules.

The Wetlands Policy appeared at the end of the Review period just before Christmas when everyone has other concerns.

Too often Shires or property owners receive no notification of proposals that will have great effect on them - for the common good. The local Member is often the only safeguard and a country Member has an enormous area to cover.

<u>Implementation of regulatory regimes</u>

As previously explained, currently there is little information available as to how landholders will be affected. Even worse, few landowners realise that they will be affected at all, because they think they have finished clearing!

In the past year a rejected proposal has received less than an acceptable explanation from a scientific point of view.

WA has a well-developed community land care system plus a good Agricultural Department. Support of these does not appear to ensure success for an applicant.

Some groups have achieved major success in establishing wildlife corridors eg the Mallee Fowl Preservation Society. Unfortunately, there is a view that road reserves can be used for this purpose. This puts wildlife at risk and has caused huge fatalities for motorists.

Very few organisations in WA would have any understanding of the likely impact of either the Federal or State Legislation. There is certainly a case for local advisory bodies regarding environmental matters. The local Shire is probably the safest hands for such input. They have responsibility in current planning controls. Shires should be required to consult with interest groups, however there is always the danger of complacency and the over-zealous.

Shires already complain they are required to do too much that should be the responsibility of other levels of government. Any increase in responsibility would require adequate funding.

On the face of it, the EPA Bill will have little if any local input. Any interest group will have the capacity to accuse landowners of breaches to regulations at little or no cost. Landowners will be guilty unless they prove themselves innocent at their own expense against the deep pocket of government. The key question in any protection of flora and fauna will be who pays and who controls the purse.

2.5 Consistency Between Commonwealth and State/Territory Regimes

Before High Court decisions found otherwise, the environment was the responsibility of the States. Under the Federal Constitution, WA has been sucked into the Federal influence largely because of the environmental concerns in the Murray Darling Basin.

The Ord River Scheme Stage 2 is an area of joint interest between WA and the NT and is best treated as such with little interference from the Commonwealth.

If any areas of WA are genuinely covered by RAMSAR they should be identified and protective measures fully funded by the Commonwealth. If the State EPA Bill is the result of Commonwealth pressure as is claimed once again any costs and certainly compensation to landowners is also a Federal responsibility and a Constitutional obligation.

2.6 Options to Reduce Adverse Impacts of Environmental Regimes

Clearly this inquiry should have been held to clarify a very complex situation before government, Federal (EP & BC Act 1999) and State (EPA Bill) rushed in with emotionally driven 'Jack boots".

Good and effective conservation will depend on the community's financial capacity to withhold resources from production. It will rely on the goodwill and support of the landowners and their ability to contribute to the costs.

The Reserve Bank has recently made a decision to maintain our interest rates at current levels. This is about 4 times that of our greatest competitor on world

markets, the USA. Although our overseas indebtedness is at record levels this has caused the $A to appreciate about 15%. That decision will greatly affect farmers' capacity to care for the environment, perhaps more than any other government policy.

Current regulations certainly punish those landowners outside the urbanised areas who have, for whatever reason, remnant vegetation, particularly if it is rare and/or endangered. The example of the Heinrich family and similar is an incentive for landowners to destroy rare or endangered species, not report and protect it.

More land is being cleared in WA for urbanisation than farming. Perhaps more agricultural land is being lost to plantations than to salinity.

The land was always cleared because there was more money in wheat than trees. It will be replanted to perennials which best control water tables and usually greenhouse if the financial incentive is there.

These perennials are perhaps not natives, for example, pines or tagasaste, they are still valuable in protecting the environment if not native vegetation.

Modern tree planting techniques enable the very rapid replanting of certain species if there is demand. Good examples are the oil mallee plantings in WA that have the potential to produce both oil and renewable energy.

One of WA's best hard woods is the Tuart. These forests have been depleted for many reasons, not the least being urbanisation. These trees, whilst selective in rainfall and soil type are easily replaced. From an economic point of view how does a landowner survive until harvest?

Perhaps a guarantee for purchase and a yearly rent funded by government would enable this to become reality.

The community will certainly benefit most if the majority of landholders are given incentives rather than the minority punished.

It is a contradiction that because of poor commodity prices, interest rates and poor seasons, often developed land is available on the market for less than it would cost to develop.

Perhaps one form of rural support would be to have a government land bank in the true sense of the word. That is a scheme prepared to put a floor in the rural land market during difficult times and then sell off the developed land when the market improves. Any areas of remnant vegetation could be fenced off and then tenders called for local individuals or groups to manage it.

Australia has much to gain from freeing agricultural markets. Our producers receive less government support than most. Any form of subsidy could harm our ability for improved access. Perhaps, like the French we could be prepared to pay our farmers to manage the countryside.

Would a rental paid to landowners to control weeds and ensure correct fire management of remnant vegetation, support kangaroos with grass and water supplies, be unreasonable?

A scientific assessment needs to be made of what native vegetation should be retained in each area, even a Shire needs to be divided into appropriate zones.

In most cases sustainable agricultural practices do not depend on native vegetation. Control of wind and water erosion, or subsoil moisture can best be achieved by introduced species or engineering solutions.

Transferable clearing rights are difficult to justify. Either land can be safely cleared because to do so will not harm the environment, or the landowner should be prevented in the community interest. If so they should be compensated.

Effective and just management of Australia's land must be improved. It will require clearly stated objectives and a scientific, not emotional, approach.

Private landowners will be the basis of the best systems working in a free and responsible manner.

They must be free to act in any way that does not interfere with their neighbours. Any restrictions must be clearly spelt out. The rule of law and natural justice must prevail.