Productivity Commission

Impacts of Native Vegetation and Biodiversity Regulations

Public Inquiry

Submission by:

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Tasmania
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This paper is submitted by 2 individuals Maria Weeding and Helen Geard. Both have a broad background and experience in Natural Resource Management (NRM).

The following briefly details the background of both.

Maria continues to be an active member in the community, having been involved with landcare related works throughout the Southern Midlands area of Tasmania for the past 21 years as well as a number of other organisations.

Maria has been involved with local government over that time ranging from being involved in community based partnership projects through to representing the Southern Midlands on occasions. Over the last 6 years Maria has been employed part time with the Southern Midlands Council to develop and then manage the Council's Landcare program.

At the State level, Maria still is, or has been involved in several state government appointed NRM related advisory committees. She also has involvement with Boards of statewide non government NRM related organisations.

Maria is in the business of primary production as her main occupation, and has a grass roots appreciation of farmers attitudes to NRM / nature conservation issues.

Helen has lived on the land all her life. She has a sound understanding and appreciation of farmer's issues. She has been involved with landcare for the past 10 years with a statewide perspective on issues gained more recently through holding the position of President of the Tasmanian Landcare Association. Helen has been recently appointed to state government and non-government boards/advisory committees.

Collectively the points made in this paper will hopefully be appreciated as that from 2 people with broad appreciation and understanding at the landholder, local government and state levels. The views expressed in this paper are that of two individuals drawing from their experience and observations. References to any organisation cited, in examples, is only in relation to factual data. The recommendations and opinions expressed in this paper do not represent the views of any organisations.

This submission addresses one point listed in the scope of the Inquiry referred to as points 3 (a) ii.

3a(ii) the level of understanding relevant legislation and regulatory regimes among stakeholders

Acts, Acts & More Acts: What a Drama!

Tasmania is involved with more than 150 Acts, policies and agreements dealing with natural diversity at a state, national and international level. Many of these deal with native vegetation and biodiversity conservation. Others apply to water management and riparian issues, however comments will remain focused to vegetation management.

After having worked in Natural Resource Management for a number of years overseeing a number of landcare projects, and dealing with landholders from a diverse range of backgrounds, it is clear that most are responsible citizens with the intent of managing their land in a sustainable manner. Landholders genuinely appear keen to learn and are willing to strive towards integrating their agricultural practices with nature conservation.

However, as far as understanding what restrictions exist under any current regulatory regimes, it is apparent that the majority of landholders have little or no understanding of any obligations or processes. This has been demonstrated time and time again through our involvement with a range of aspects of landcare. This is not necessarily a significant problem until a landholder decides to make some sort of significant change in the overall management of their property. The group with the best knowledge and understanding of their obligations would be those landholders who have undertaken commercial forest harvesting activities. These landholders are assisted to compile a Forest Practices Plan that outlines the Forest Practices Code and draws their attention to any other regulations that may apply.

The lack of environmental legislative understanding by landholders appears to be across all levels of government regulation (Local, State & Commonwealth). This may be due to ineffective communication, or maybe landholders do not understand because of the complexity of the acts and regulations. An example of this is the Environment Protection & Biodiversity Conservation Act that has more than 500 clauses.

It is also apparent that Officers in the work place are also often confused about the rules and regulations beyond their specific work area. Integrating their knowledge into the bigger picture of environmental regulations across the three levels of government is complex and is usually solved by 'well you will have to talk to some one who works in that area'. This is not to say that the Officers are incompetent, but it clearly demonstrates that the system is too complex. environmental related legislation spans areas ranging from Local Government Planning Systems, State Government mining, forestry, parks & nature conservation to name but a few, not to mention the higher order Commonwealth legislation. The question begs 'Does each State need a "one stop shop" for answers?'

Lots of Work – but who knows at the end of the day?

It is very difficult to find a summary of the full range of Landcare related works that have been completed on landholder properties through out a district. For example landcare as a movement has been in existence since the 1980s. Much of the landcare work has been through Commonwealth funded programs, but as the programs finish, such as the National Landcare Program moving into the Natural Heritage Trust 1 Program, it is difficult to ascertain the exact outcomes of achievement at a regional level. This is not just related to programs finishing, but works are conducted at all levels. There are community landcare groups, catchment groups, local government driven projects, State and Commonwealth projects, as well as non Government organization projects such as Greening Australia. Although each project proponent is

obviously likely to be very aware of what they have achieved, it is difficult to collate the outcomes and locations of all the works.

This situation makes it difficult for:-

- policy makers and planners to adequately assess the land use activities occurring. As a consequence it becomes difficult to keep pace with what is happening let alone make appropriate recommendation or judgements on environment related issues

- identifying key priority areas for future natural resource management funding that will further enhance works undertaken

Managing for the Future – A Common Practice

There is a growing belief in the community, combined with an acceptance by many landholders, that there is a need to manage land for future generations. Many landholders in Tasmania are already contributing significantly toward natural value protection at the property level.

> For example, in the recently completed NHT devolved grant for the Southern Midlands approximately 100 landholders participated to complete the planting of 54,000 trees, conserve 3,255 hectares of remnant vegetation and complete 23 kilometres of in-stream habitat works. The devolved grant project was one of 44 NHT 1 funded projects that had a link with land use activities in the Southern Midlands.

Over and above this there would be many other individuals that have undertaken environmental works with out funding assistance, which at this point remains unrecognised.

Beyond the Call of Duty!

Landholders are responsible citizens. After having dealt with many through landcare, they are willing to accept a level of public interest responsibility towards retaining key natural resource elements, such as native vegetation for biodiversity benefits. This is often referred to as a duty of care element of a farming enterprise. "The duty of care principle is that up a certain limit, the landholder accepts the cost of managing land for the public good, with any additional cost being paid for by the community" (Tasmania's Nature Conservation Strategy 2002-2006 p 18, 2002).

It is clear that there is a considerable level of voluntary nature conservation work being undertaken and this should continue to be encouraged. However, on going assistance such as NHT 2 incentives must continue to be provided, as the land will always have ongoing management requirements. In regard to the 'duty of care', there must be an upper limit. There are some properties that may have significant areas that would be considered valuable to conserve, or manage sensitively for one or more reasons. By contrast, other properties exist that have been extensively

'developed' over a long period of time. These properties may have minimal areas that would be considered a significant area for conservation.

> For example, one property may have a rare threatened species that must be conserved through the Threatened Species Act. They may also have a vegetation community or area of cultural heritage of significance, combined with a wetland marsh listed in the National Directory of Significant Wetlands Australia.

There are clearly property owners with differing levels of subtle 'community pressure' being placed upon them. Furthermore, the property, such as the one illustrated above, may be subjected to significant restraints through existing / future legislation that impact and would go well beyond the reasonable 'duty of care' factor. This would be through the chance that they have various NRM elements that are deemed to be of high priority for conservation. If this is the case, and there is an expectation that these multiple elements need to be conserved, then the community must be willing to provide for a realistic reimbursement of management costs. These costs will need to cover a provision for ongoing loss of income and any management expenses to maintain that environment. They must be real costs that are periodically reviewed and determined on sound scientific and economic analysis. This should not be confined to a one off payment.

A Last Resort

We understand, it is also important to have relevant Acts and regulations but these should remain as a 'last resort' option. Far more is achieved through raising awareness, consultation and voluntary management. This is demonstrated through the landcare movement that has continued to grow in popularity every year since its inception. Landholders traditionally see themselves as independent and are used to making decisions about management of their own property. Imposing rules and regulations on them takes away what is regarded as their right to farm and creates negative attitudes towards environmental management issues.

Local Government

To recognise the level of work being undertaken we feel that it is important to have a point of "registration". This registration point would recognise all past and future NHT / NRM / forestry and associated type works conducted on properties within a particular municipality. Landholders could be assisted to collect or obtain more information about their properties, during this process, which may lead to increased understanding. The final presentation of the information may be in the form of a holistic property management plan (exactly what could be registered is another consideration that is not expanded upon here). A possible holder of such information could be local government authorities. In Tasmania, this may be appropriate as it is through Local Government that the Land Use and Planning System is administered. There are also many Tasmanian Councils that were recently involved with large 'devolved grant' Natural Heritage Trust funded projects. These Councils could build upon this as they would more than likely have a data base and some information on

their devolved project activity. Secondly, there are a number of components of environment related legislation that is being directed into Planning Schemes. If Local Government holds this 'register' of information, it would assist with the planning and decision making process. Planning schemes would not be confined to a reactive management system. This is in line with recognition of sustainable development which is an underlying philosophy of planning schemes.

The provision of information by the landholder to any such 'register' would be voluntary, however it would serve to assist a landholder in possibly becoming exempt from certain planning 'directives'.

> For example, a landholder that develops a Vegetation Management Agreement relating to Non Forest Vegetation Communities as outlined in the recent Tasmanian State - Commonwealth NHT Bilateral Agreement, will be exempt from future Planning Directives in this instance.

Recommendations

- That any landholder who actively manages / conserves part of their property principally for nature conservation purposes, should have that commitment formally recognised.

- A record of that commitment would be best held at the local government level because of the link with land use planning activities.

- If the process of protecting areas, that are deemed important, significantly restricts a landholder's farming operation beyond a reasonable 'duty of care' expectation then the landholder should be reimbursed for realistic long term management costs.

- Any significant restriction imposed (as opposed to voluntary commitment) must be fully justified, for example on sound scientific analysis and the area must be clearly defined.

Helen Geard & Maria Weeding
12th August 2003.