

Impacts of Native Vegetation and Biodiversity Regulations

Introduction

In 1995 I formed Dennis E Toohey & Associates - an agribusiness consultancy - after working for 30 years in a number of positions in NSW Agriculture. Prior to this career change I was for eleven years Regional Director of Agriculture for the Murray and Riverina Regions.

I served from 1990 to 1995 on the Murray and Murrumbidgee Catchment Management Boards representing NSW Agriculture.

Development applications

Since 1998 I have assisted four landholders in the pastoral areas of the NSW Murray and Murrumbidgee Catchments to achieve conditional development approval to clear native vegetation for the purposes of irrigation. The form of assistance involved the drafting of the development application, liaising with the consenting/consulting agencies and drafting conditions of consent, including conservation offsets, acceptable to both the client and the agency. In aggregate, the area approved for clearing was 2 691 hectares. After clearing, each of these properties had in excess of 90 per cent of conservatively managed native vegetation.

The tension between development and conservation

This Inquiry by the Commission is a direct result of many farmers' concerns with a command-control approach by governments and their reactions to government 'interference' as they go about the introduction of changes in landuse on their freehold land.

Agriculture as an activity has the least number of controls in council planning instruments. The emphasis at least up until the late 1980's was on the use of natural resources for the production and sale of food and fibre. Farmers were encouraged to believe that they are special when the Nation depended greatly upon their output to balance imports.

Strong sentiments prevail that because the land is privately owned, any government involvement is 'interference'. Legislation like the Environmental Protection and Biodiversity Conservation Act 1999 and the NSW's Native Vegetation Conservation Act 1997 and the Threatened Species Conservation Act 1995, enshrine the principles of sustainable ecological development. These pieces of legislation arose from community, environmental and political pressure to slow or reverse environmental damage from unregulated clearing - an outcome that few today would have any disagreement with. Few also would quibble with their objectives when words like 'encourage', 'improve' and 'promote' are used liberally. What got the landholders' collective back's up was the manner in which implementation of the state legislation occurred, where there was a near total lack of interest in suasive and market based measures with the focus clearly and narrowly upon the word 'prevent'.

The state pieces of legislation, arising from the manner in which they were implemented, have fundamentally changed the previous cooperative relationships between governments and landholders. Farmers are now quite suspicious and wary even of visits from extension/advisory officers of state departments of agriculture.

Draft recommendation 5. Regional processes have been a mixed success.

The Report identifies and documents many weaknesses in the processes of government and sees the regional processes of catchment entities as achieving superior environmental outcomes. The placement by the state governments of extensive controls over these entities on meeting 'jurisdiction-wide requirements' has and will continue to reduce the extent of

usage of local knowledge and reduce the extent of flexibility, which leads to a decrease in local ownership. Excessive controlling actions by state agencies on Landcare and Land and Water Management Plans have resulted in bureaucratisation of former community initiatives and a loss of grass roots community appeal, involvement and empowerment.

Draft recommendation 4 and 6 and draft finding 8.5. Information and education needs are understated.

From the middle of the 1990's, state government agencies accelerated the replacement of a professional culture with a managerial culture that has a view that knowledge can be accessed by outsourcing. This might be so if the seeker knows enough to ask the right question, but can be a serious impediment when this is not the case, as occurs with resource management.

The reorganisation of agencies have generally led to a reduction in the staff and resources available to provide traditional 'extension' services to rural groups. The replacement has been to provide 'facilitators' to work with community groups. These people are not necessarily expected to be repositories of much of the technical information but to have skills to collect and integrate the knowledge. They also, in my experience, tend to focus on environmental aspects rather than production elements.

The skills and knowledge of consultants to fill this void is seriously questioned. Consultants are familiar in working in a **technocratic model** based on optimising a single production function, but what about their ability to work in a **participatory model** where a much wider audience of community values, including production, aesthetic recreation, biodiversity and ecosystem services have to be met?

Draft recommendation 6 and draft findings 8.2 and 8.3. Utilisation of market based measures and support for voluntary actions.

Whilst there is a clear and well publicised link between clearing and the loss of native plants and animals what isn't as well reported upon are the conservation practices, across the bio-regions, of landholders without any legislative, financial or educative support. The aforementioned properties illustrate the hands of practising conservationists over a number of generations.

The building of an ethos of best practice within landholders starts with what they have done in the past. This open recognition of the past will build a more trusting and lasting relationship between government and the landholders as they adopt a continuous learning approach.

Australia has the potential to produce more food and fibre whilst achieving improvements to the environment. But, whilst ever there is a narrow focus on government ownership and control over the environment, the private sector's contributions will be at the margin. Measures like the following need to be more fully explored within the Report and elsewhere in government:

- The management of biodiversity that allows an essentially private sector approach to conservation, eg Biosphere reserves, where agricultural activity can continue in the buffer and transition zones whilst protection is afforded to the biodiversity of the core area. This approach to biodiversity would address the all too common interface conflicts between national parks and private lands and create a clear and major role for the private sector.
- Increasing agricultural output on lands already being farmed and with the potential to produce more. Such lands would have limited expression of biodiversity and it will

be substantially altered, as occurs on intensively irrigated farms. A mature water resource has considerably reduced the pressure on clearing, thus in the future, licence holders will be much more attracted to optimising their potential through more intensive activity.

- Market based strategies to allow gradual exiting of farming on marginally productive cleared lands. There is an insufficiency of private and public sector resources to lift their productivity, but if left as is, many such lands will degrade even further. A suggested long term goal for such lands is to return them to privately managed conservation areas. Public sector assistance provided via stewardship payments against business plans, for such lands is but one approach to prevent the expansion of weeds and ensure the enhancement of locally native species.
- Strategies for those lands between these two extremes to enable coexistence of production and biodiversity values, eg lands on the Monaro region of NSW

Concluding comments

The pathway to sustainable improvement in environmental outcomes involves four steps, namely:

- Community engagement;
- Implementation of an awareness program;
- Developing desirable behavioural changes;
- Structural projects to demonstrate desired outcomes; and
- Regulation.

The role of regulation in this model is that of underpinning the process where the lead policy instruments are innovative and market based, such as Bush Tender.

I thank the Commissioners for conducting a second round of hearings associated with this Inquiry and for their initiatives in seeking out comments from a broad spectrum of stakeholders.

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