

Matthew Bester

Re: Productivity Commission inquiry on the impacts of native vegetation and biodiversity regulations

Dear Sir/madam,

I, Matthew Bester, am a student at southern cross university with the Natural Resource and Management Department. I wish to make the following submission to the Native Vegetation Inquire to comment on two issues, the increased legislation and regulation has been implemented and its impacts on rural farming community due to limited education and resources of many farmers (part A) and the inappropriate definition of clearing (part B).

Part A.

Legislation and regulation that has been implemented has increased in amount and complexity through all levels of government. Such as Environment Protection and Biodiversity Conservation Act (1999) and the Native Vegetation Conservation Act (1997) at State level and Vegetation Management plans at the regional level. There are also many other new legislations and regulations affecting farming operations such as private forestry, weed control, fire management, farm health and safety, property rights and chemical use. These new regulations affect almost every facet of farm management and therefore need to be understood and implemented by farmers themselves. Many farmers are in the position where they have limited education and resources therefore they are forced to either spend more money on consultants to ensure their operations and practices are compliant with the changes in regulation or to not comply with the regulations and ultimately pay penalties. Either way farmers have been and are being forced to spend extra money to understand and comply with government regulations. As seen by the comments made by the NSW and QLD farmers association. Creating legislation and regulations that are easier to understand and implement or the creation of simple help documents are greatly needed in order to get around this problem. Other ways around this problem could be some sort of financial support to farms that are forced to call consultants or public information nights provided by the government.

Part B.

Under Section 5 of The Native Vegetation Conservation Act (1997) "Clearing" is defined, among other things as the cutting of limbs and branches. This definition has filtered down through relevant legislation such as regional vegetation management plans created in accordance with Pat 3 of the Native Vegetation Conservation Act. This prevents any pruning from taking place without permission. Landowners may wish to prune trees for silvicultural reasons, under the Act is it essential to get permission from

the local authorised government officer to prune trees as it is considered clearing. From communication with landowners I have found that many have ignored this legislation and pruned without permission. Some have sort advise local authorities and been told to use common sense, but common sense is not mentioned in any government legislation or regulations. Native seed collection for nursery purposes requires the removal small limbs or branches from trees. Under the Act this is seen as clearing, so no seed collection can take place via the removal small limbs or branches from trees unless permission has been sort from the local authorised government officer. Collected seeds are used in regeneration, plantations and land rehabilitation, larger genetically variable seed sources improve biodiversity of these plantings. Genetically variable good quality seed supplies need to be collected from multiple parent plants. Therefore accruing permission makes it uneconomical and a very slow process to collect native seeds for regeneration, plantations etc. I also suspect legislation has been ignored here and seeds are collected without permission to lop branches. Allowing people to ignore one part of the legislation and regulation creates the possibility of people ignoring other parts of the legislation. Since it is impracticable to enforce this definition of clearing, the definition needs to be amended so as removal of tree limbs for silvicultural purposes or seed collection that does not damage the tree can be done with out seeking permission. Another way to solve this problem may be to create new definitions for clearing, pruning and seed collection, so as there is no crossover between definitions.