

Response to Productivity Commission Draft Report Impacts of Native Vegetation and Biodiversity Regulations



In April 2003 the Productivity Commission was directed to examine the impacts of native vegetation and biodiversity regulations in all States, Territories and the Commonwealth. AgForce believes this inquiry and its findings are extremely important in the current State regulatory climate, where the Queensland Government has recently introduced and strengthened native vegetation and biodiversity legislation without due consideration of the social and economic impact on landholders and communities, the effectiveness and efficiency of its administration, and the actual environmental outcomes.

This inquiry clearly brings to the fore a range of issues and criticisms of the process of introducing and administering native vegetation and biodiversity legislation at Commonwealth and State Government levels. Landholders across Queensland have had to work within a complex, often uncertain regulatory environment and AgForce is pleased that the Productivity Commission has recognised and articulated the inadequacies of the current systems.

All recommendations made by the Productivity Commission should be accepted by the Commonwealth and Queensland governments. All levels of government should be challenged to address those recommendations in a review of current regulatory regimes in order to achieve long-term sustainable resource use and management into the future with a fair and equitable distribution of costs and benefits between landholders, community and government.

A key part of the solution requires significant national policy reform, initiated through an intergovernmental agreement at COAG level with a united strategy to address the problems that have been highlighted with the current regimes and to implement a consistent national process and approach to native vegetation and biodiversity conservation. Development of a system of underlying principles for fair and reasonable compensation for affected landholders is a critical element of that agreement.

Key Findings and Recommendations

- The inquiry found that legislative regimes have been introduced with little consultation and without proper consideration of social and economic issues. It was therefore recommended that the impacts of legislation and regulation be subjected to a rigorous and consistent assessment process and when any legislation is introduced it should be subject to ongoing monitoring and regular reviews.
- Clear and specific objectives in relation to native vegetation and biodiversity legislation have been lacking, but are essential if the implementation of the legislation and regulations are to achieve the desired outcomes.
- Inconsistent categorisation of landscapes, ecosystems and species by Commonwealth and State governments needs to be solved through the adoption of a common scale and methodology for description and categorisation of ecological or environmental status.
- Complexity and inconsistency in administration of the suite of legislation dealing with native vegetation and biodiversity. The report found that current legislative arrangements place the onus on landholders to comply with requirements which are considerably complex, and information and approval processes are often through a number of government agencies. This, coupled with inconsistent advice from different government departments (in their administration of different pieces of legislation), adds to compliance costs for landholders and administrative costs for government. The Productivity Commission also identified the application process as being costly, with delays in processing applications increasing those costs to landholders. Another key issue in line with this is the adequacy of resources provided to departments for the administration of the legislation.
- A reliance on prescriptive regulations is inadequate for achieving the best conservation of native vegetation and biodiversity. There is a need for a mix of policy mechanisms which have an emphasis on providing information, education and extension in relation to sustainable land management practices, and less reliance on inappropriate compliance.

The reduction in extension officers from State Government departments has been highlighted by the report as a major failing of governments in facilitating landholders understanding of the objectives and requirements under native vegetation legislation. The change in focus of the work conducted by those in extension positions has shifted from increasing awareness and understanding of sustainable management practices to ensuring compliance. This is obviously influenced also by the resource allocation within departments.

The resourcing of information and education services in terms of providing scientific, technical and management knowledge and skills to land

managers is crucial to continuing the evolution of land management to more sustainable land management practices.

- Appeal against decisions made at a departmental level requires an appropriate appeal and dispute resolution mechanism. While there is a dispute resolution process in Queensland it is considered to be too costly for landholders to access. What is required is a balanced and representative Administrative Appeals Tribunal and a Native Vegetation Ombudsmen, allowing land managers the opportunity to present their case and to achieve an outcome with less time and cost than the current appeal process. The Ombudsmen would provide a watchdog role over the actions and decisions of government agencies as a means of ensuring accountability.
- One of the most significant issues is the poor quality and lack of accuracy of mapping of native vegetation. Along side this is a major concern that there is a lack of understanding of the nature of regional ecosystem dynamics, particularly in Queensland where vegetation thickening processes occur in a range of ecosystems. Recognition that Australian landscapes are 'managed' and that a lack of management may result in negative environmental or biodiversity outcomes is extremely important.
- A lack of clear and specific objectives at the state level has also meant there is insufficient focus on the actual environmental outcomes and instead we see the use of restrictions on clearing native vegetation as a proxy for biodiversity and greenhouse outcomes.
- A regional approach to planning and decision-making will go further toward achieving sustainability of the landscape than statewide blanket regulations. A landscape scale focus recognises that vegetation communities and ecosystems do not exist and operate in isolation from other parts of the landscape or from people who live within the landscape. While there has been significant restructuring and funding allocated toward regional processes the success of regional natural resource management lies with their autonomy, access to quality information and good science, and their ability to engage land managers in the planning process and on-ground action.
- Who Benefits – Who Pays
There needs to be a balance between the productive use of land and the protection of native vegetation for improved land management and the conservation of biodiversity.

According to the Productivity Commission there is broad acceptance of the sharing of costs between landholders, community and government. Therefore a critical issue, is how to establish what are private benefits and what are the regional and public components of benefits. Cost/benefit analysis is necessary to quantify landholder versus public good and the true costs of providing those environmental services.