

SOUTHERN MIDLANDS COUNCIL

SUBMISSION TO THE PRODUCTIVITY COMMISSION

***DRAFT REPORT •
IMPACTS OF NATIVE VEGETATION
AND BIODIVERSITY REGULATIONS***

11 February 2004

GENERAL COMMENTS

Southern Midlands Council generally supports all the recommendations of the draft report and congratulates the Commission on producing a balanced view from what was a significant number of submissions representing a wide range of views.

Council considers that the consultation process has been well executed and believes that the substance of its 2003 submission has been received and accepted by the Commission.

There are a small number of points in relation to the recommendations that Council would use this opportunity to reinforce, however.

Recommendation 1: Before implementing native vegetation and biodiversity policy, a regulation impact statement should be prepared that includes an assessment of the problem being targeting, expected costs and benefits of the proposed policy, and an assessment of alternative instruments. This assessment should be made public.

The recent Bilateral Agreement regarding non-forest native vegetation signed between the State and Federal Governments is, in Council's view, an example of a flawed process. The agreement was negotiated in secret without stakeholder consultation or input or, it would seem, a cost - benefit analysis.

Such decision making processes clearly need to be open and transparent, with a clear understanding of the potential impacts.

Council urges the Commission to place significant importance on the need to assess economic, social and environmental factors.

Recommendation 4 - Current regulatory approaches should be amended to comply with good regulatory practice:... etc.

The regulatory approach should be considered a 'last resort' mechanism in favour of partnership and voluntary approaches in resolving issues regarding native vegetation and biodiversity.

However, once it is decided to adopt a regulatory approach, the importance of the principle of clear democratic accountability cannot be over estimated. Regulations developed within levels of government below the level of elected representatives must demonstrate clear compliance with the will (i.e. the policy) of the elected representatives.

In Tasmania this link is too often not clear enough. Largely, this is through the failure of the State Parliament to produce the array of formal State Policies that were to form the core of Tasmania's Resource Management and Planning System. This situation of a 'policy vacuum' enables vocal minority groups to have an undue level of influence in decision making processes through various statutory public notification opportunities.

Recommendation 8 - Over and above agreed responsibilities, conservation demanded by the wider community ... should be 'bought' from landholders where intervention is deemed necessary and cost effective. Mechanisms may include voluntary agreements, auctions or even compensated regulation, targeted to the particular problem.

Council wishes to reiterate the importance of appropriate compensation where landowners would otherwise bear the cost of the 'common good'.

This needs to become an accepted principle by all stakeholders in the debate. It is simply inappropriate for governments and the wider community to expect individuals to carry such burdens alone.

END