

**Walter Habchi**  
**NSW**

17 October 2003

Native Vegetation Inquiry  
Productivity Commission  
LB 2, Collins Street East Melbourne  
Victoria 8003

**Re: Impacts of Native Vegetation and Biodiversity Regulation.**

Dear Commissioner.

I am currently in the last few weeks of a four-year forestry degree at Southern Cross University in Lismore NSW. Before undertaking studies I worked in the timber industry on the North coast for eighteen years and as such have been able to see first hand the effects various pieces of biodiversity and conservation legislation has had on not only the industry but on the number of local communities which at one stage or another relied heavily on the industry. As well as being a student I also own a mixed grazing and timber property, which in the process of managing brings me into contact with some of the government regulations and policies that have been thrust upon landholders and natural resource managers.

**Over regulated.**

While I regard “some” of the native vegetation and biodiversity conservation legislation of the past two decades have been warranted, I do however believe that we have reached saturation point. By that I think that the raft of legislation from both State and Federal Governments has gotten to point where it is difficult to know exactly what legislative framework or jurisdiction, proponents of development are working under. With this in mind I would like to point out that at present, in NSW, Victoria, Tasmania and Western Australia there are a total of sixty-six (66) pieces of State vegetation and biodiversity conservation legislation which impact on the forestry sector, not to mention the various commonwealth Acts which apply. It appears blatantly obvious that no other industry is regulated to the same extent.

In order to achieve the desired objectives of these regulations the legislative framework needs to be cohesive to deliver a greater degree of alignment between Government policies and regulation. For example under the present situation a business that operates on a national level i.e.: conducts forest operations in the four different States would have to comply to four different sets of rules, making sure it operated well within the guidelines and laws. These inconsistencies not only add extra costs to the operation but also ultimately increase the cost of the products, which is then passed on to the consumer.

It would seem far more practical to have broad legislation, which covers the nation as a whole; and the implementation and compliance to the legislation would be conducted on a catchment

basis, this would have the effect of bringing uniformity to the whole issue of vegetation and biodiversity conservation.

### **The political effects.**

For many years now the strongest driving force of environmental policy has been votes. It appears that every time there is an election looming, some politician is out there flouting his or her party's environmental credentials in the hope that if they make the environment sound like it is going to hell, and that they are going to save it through drastic changes to legislation once elected, would secure them a seat in parliament. Without wanting to state the obvious, nature does not wait for elections to come around, nor does it work on a three to four-year cycle. Natural resources are a long-term process and as such environmental policies and regulations need to be structured accordingly.

The last election in NSW, Premier Bob Carr promised to revert 65000 ha of State forest on the North Coast to conservation reserves, again in the hope that this would secure extra votes. Once elected the Premier kept his promise and the land was turned into National parks. While I believe that keeping one's promise is very admirable especially for a politician. I do however take exception to this one. The premier in a blatant vote grabbing exercise took some of the most productive and best managed forests on the north coast and locked them up, without a thought for the socio-economic ramifications this would have on the region, not to mention that these forests formed a large part of the resource that the local timber industry relied upon. These forests were also part of the Regional Forest Agreements (RFA's), which Mr Carr has continued to erode the content and spirit of the agreements by reducing the areas available for timber production.

These forests now await their fate of being weed and feral animal infested and the possibility that they will in time, suffer severe degradation through non-management and wildfire. This is just one example of many, of how blind disregard for scientific and practical knowledge is thrown away for the sake of a hand full of votes.

### ***Native Vegetation Conservation Act 1997***

The issue of interpretation has been a problem for many land holders with regard to the *Native Vegetation and Conservation Act 1997* (NVC). The term clearing is very contentious, the Act defines clearing as:

- a) Cutting down, felling, thinning. Logging or removing native vegetation,
- b) Killing destroying, poisoning, ringbarking, uprooting or burning native vegetation,
- c) Severing, topping or lopping branches, limbs, stems or trunks of native vegetation,
- d) Substantially damaging or injuring native vegetation in any other way.

While the definition is very concise and that it goes a long way to eliminate misunderstanding, there is the problem of recording land clearing. When land clearing figures are being reported they are very misleading and tend to show greater amount of land cleared than actual.

For example a landholder wishes to log two hectares of a 3000-hectare property in order to supplement the regular or irregular income he or she makes from normal agricultural pursuits. In the process of seeking approval for the operation, the figure that is recorded as being logged or cleared is 3000 hectares rather than the 2 ha that are actually being logged. Even though the landholder may still have 2998 ha of potentially forested land. This is because the accounting system only records the size of the property that the clearing is being conducted on. To the practical thinking person this may sound ludicrous, but unfortunately this is real life. Hence when land clearing figure are being quoted, they are being exaggerated enormously.

This accounting irregularity tends to instil resentment between urban and rural Australians. Whereby rural landholders are perceived to be unwilling to undertake environmentally sustainable management measures on their property.

### **Information.**

In the past 5-6 years there has been real reduction of extension officers from all government departments, which deal with natural resources. This has created a void in the way information filters down to land managers. Given the raft of legislation and regulation relating to the way the environment and natural resources should be managed, it seems unrealistic to expect landholders to know everything about the way these legislative requirements are supposed to work, without having someone they can ask.

Thankyou for the opportunity to have views raised.

Sincerely, Walter Habchi.