

**Inquiry into the Impacts of native vegetation & biodiversity  
regulations**

**SUBMISSION**

**To**

**The Productivity Commission**

**Prepared by:-**

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(Inc)

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## **Background**

The Western Australian Farmers Federation (Inc) (WAFarmers) is WA's largest and most influential rural lobby and service organisation.

WAFarmers represents West Australian farmers from a range of primary industries including grain growers, meat and wool producers, horticulturalists, dairy farmers and beekeepers. WAFarmers has recently expanded its membership base to incorporate rural small business owners.

It is estimated that collectively our members are major contributors to the \$5.5 billion gross value of production (ABS March 2003) that agriculture in its various forms contributes to Western Australia's economy.

Additionally, through differing forms of land tenure, our members own, control and capably manage many millions of hectares of the State's land mass and as such are responsible for maintaining the productive capacity and environmental well being of that land.

## **Terms of Reference**

- (a) the impacts on farming practices, productivity, sustainability, property values and returns, landholder's investment patterns and the attitude of finance providers and on other economic activities such as infrastructure development and mineral exploration and flow on effects to regional communities arising from the regulation of native vegetation clearance and/or biodiversity conservation.*

From the outset, it needs to be clearly stated that WAFarmers does not support environmental vandalism and considers that the greater majority of our members undertake sustainable farming practices which focus on the delivery of economic, environmental and social outcomes which benefit their farming operations and local communities.

Native vegetation and biodiversity regulations have a major economic impact on farming practices. In most cases, bush area are zero rated i.e. they have no commercial value. This factor impacts on land values and subsequently on a farmer's capacity to borrow. Conversely, bush areas are often high maintenance in regard to feral pest, weed and fire control, requiring considerable expenditure to maintain.

In many parts of the world, most noticeably, the USA, farmers are paid to look after environmental aspects of their land. Whilst WAFarmers believes that in the USA, this represents a masked subsidy to agriculture, it would not be unreasonable to compensate Australian farmers along similar terms for on farm environmental management.

An example of potentially adverse impacts of biodiversity legislation can be found in the Koolyanobbing mine operation. One plant species "Tetratheca Paynteri" growing on the iron ore deposit threatened the mine operation with flow on impacts through a major upgrade of the rail and port facilities in Esperance to the value of approximately \$135 million. Additional costs would have been carried by other port users, mainly the grains industry, which would have rendered them uncompetitive and the further flow on to local employment opportunities would have also been considerable.

*(b) the efficiency and effectiveness of the above regimes in reducing the costs of resource degradation and the appropriateness of the current distribution of costs for preventing environmental degradation across industry, all levels of government and the community.*

As previously indicated, WAFarmers members are responsible for maintaining the productive capacity and environmental well being of a considerable portion of the State's land mass. A far greater proportion of the State's land mass is owned and controlled by Government and it is a continual source of frustration to the State's farmers that much of their sound environmental management is negated by the poor management of adjoining Government owned land.

The greater majority of agricultural land in Western Australia was allocated conditional upon large scale clearing programs being implemented. "A million acres a year" was a Government catch cry at the time.

There were cases where farmers lost their land allocations by not fulfilling clearing requirements.

Over time, as the environment has received an increasingly more prominent profile and land clearing controls imposed, farmers have adjusted their practices to compensate for and in recognition of environmental concerns.

These activities have all been undertaken at considerable capital cost to farmers.

The current environmental push in the name of "community good" sends a clear message to farmers. If the community is demanding changes to farming practices that will impact on the productivity and viability of farmers, the community must be prepared to pay.

WAFarmers considers it essential that farm businesses are maintained as viable business units. This viability can be destroyed if farm production is limited or curtailed by conservation or heritage orders being placed on the farm land.

It is only reasonable that if such an order is placed on a farm business that inhibits the income or value of that business, compensation be paid to the land owner.

Agriculture is still changing. Environmental regulations will constrain technological developments e.g. the new practice of tram lining and the use of global positioning systems to sow crops is rendered ineffective by regulations prohibiting the clearing of single paddock trees.

Legislation can't handle the practicalities of farming and there needs to be provision for trade-offs where clearing is allowed on a potentially productive tract of land in exchange for revegetating of less productive tracts of land.

Legislation also restricts flexibility in salinity management e.g. a recent Government report indicates that economically, Lucerne is a better salinity management option than trees, yet to plant Lucerne, land clearing is required.

*(c) whether there is any overlap or inconsistency between Commonwealth and State/Territory regimes, including their administration.*

Generally, Commonwealth and State environmental legislation is complementary and WAFarmers takes every opportunity to participate in consultancy processes to ensure that legislation is fair and equitable.

WAFarmers has major concerns with the potential impact of the Commonwealth's Environmental Protection and Biodiversity Conservation Act and the indiscriminate application of legislative powers that are evident in the Eastern States.

The Federal Government's appointment of a designated officer to assist NFF and its member organizations in understanding the intricacies of the EPBC Act is a valid indication that this legislation is excessive in its provisions.

The EPBC Act with its sole focus on environmental outcomes gives no consideration to economic and social impacts.

In late 2002, the WA State Government, through the Department of Conservation and Land Management issued a consultation paper on its proposed Biodiversity and Conservation Act.

WAFarmers provided a submission in response to the consultation paper and a copy is attached. The major conclusion expressing concern at a Government Policy shift from consultation to regulation.

*(d) the evidence for possible perverse environmental outcomes, including those that may result from perceptions of a financial impact, arising from the implementation of the above regimes.*

Bush/native vegetation is seen as a farm liability or at best a neutral asset. Market prices for land reflect this. Arable cleared land is the market determinant of land price in general, although some bush blocks are now being purchased for lifestyle altruistic purposes.

Attached are summarised case studies provided by WAFarmers members where the implementation (and interpretation) of environmental legislation has impacted on the productivity and financial viability of these members.

Member details have not been provided in this submission, however, are available to the Productivity Commission and several of the members concerned have expressed a willingness to meet with Productivity Commission members on an individual basis.

*(e) the adequacy of assessments of economic and social impacts of decisions made under the above regulatory regimes.*

WAFarmers does not believe that all Government Agency staff with assessment roles under environmental legislation are qualified to undertake economic and social impact studies. Indeed, many are not inclined to do so and in some cases, legislation (EPBC Act) precludes economic and social impact studies.

Government funding cut backs to Agencies over many years have resulted in regional extension services being withdrawn. One outcome of this occurrence has been the loss of local knowledge and an influx of recent (environmental science) graduates with limited practical experience of farming practices.

The WA State Government, in September 2002, released a draft State Sustainability Strategy for public comment.

The WAFarmers submission on the Strategy commends the Government on its commitment to Economic, Environmental and Social outcomes as measures of sustainability, a commitment which is strongly supported by WAFarmers.

Whilst yet to be finalised, the State Sustainability Strategy is already beginning to be unraveled through a lack of commitment by bureaucrats intent on maintaining their environmental focus at the expense of the economic and social wellbeing of rural communities.

It is generally accepted that rural communities benefit from a multiplier effect of between 6 and 8 on income generated by farming activities. This is rarely afforded consideration by the current generation of environmentalists.

*(f) the degree of transparency and extent of community consultation when developing and implementing the above regimes.*

Generally the consultancy process "at ground level" in developing environmental legislation is good. It has been WAFarmers experience that the process following the consultation lacks transparency and industry input has received scant regard during the implementation process.

A recent example is the development of WAFarmers policy position on property rights in relation to land clearing.

WAFarmers has been lobbying the WA State Government since it came to power to clarify the unacceptable position in relation to land clearing legislation, challenging the Government to simultaneously address legislative shortfalls and recognise the property rights of the State's farmers.

The Environmental Protection Act Amendment Bill 2002 was introduced into the State Parliament in June 2002 but failed to address the property rights issues. The Government subsequently requested WAFarmers to develop set of property rights principles in relation to land clearing.

In developing these property rights principles, WAFarmers drew heavily on the recommendations of the final report of the Native Vegetation Working Group – January 2000. This group was an initiative of the previous WA State Government given the task of:-

"develop the mechanisms that minimise the economic burden carried by individual landholders in the protection and retention of privately owned bushland in agricultural areas."

Whilst the Government has procrastinated in negotiating the principles and the legislation has floundered in the parliamentary process, the property right principles have been endorsed by WAFarmers General Section Council and now represent organisational policy. The respective policy statement is attached.

Put simply, the Government's commitment to this process is dubious and the respective Minister's are unduly influenced by an environmentally focussed bureaucracy. In effect, the tail is wagging the dog.

The legislation is currently floundering in the State Parliament having been subject to some 138 amendments in its passage through the Legislative Council.

*(g) recommendations (of a regulatory or non-regulatory nature) that governments could consider to minimize the adverse impacts of the above regimes, while achieving the desired environmental outcomes, including measures to clarify the responsibilities and rights of resource users.*

WAFarmers has lobbied the State government for several years on the need to enshrine property rights and water resource security in legislation.

WAFarmers policy on Property Rights mirrors that of the National Farmers Federation (NFF). The NFF Position Paper of May 2002 is attached for your information.

The basic principles of this policy are:-

"The property rights debate is not about the issue of compensation per se but recognition of an existing right to use or access a natural resource. It also implies a responsibility on the farmer or landholder to utilise the resource in a responsible manner and in accordance with principles agreed in a legitimate planning and consultative framework.

Governments must provide an adequate package of compensation and transition incentives:

- To offset any reduction in property values following the implementation of natural resource management controls where a landholders rights and legitimate and reasonable expectations have been diminished; and
- To encourage voluntary stewardship particularly for public good environmental outcomes."

The work undertaken by WAFarmers and the NFF on this issue provides ample background for Federal and State Government's to minimise the adverse impacts of environmental regulation. What is needed is a commitment from both Governments to move beyond lip service and implement the appropriate mechanisms to protect the property rights and water resource security of the nation's farmers.

It is of great disappointment to WAFarmers that Federal and State Government's have not delivered on this issue. In the lead up to the last Federal election, all major parties made strong statements committing to the recognition of property rights and coalition representatives have since repeated these commitments but with the clarification that addressing the compensation issue is a State responsibility.

The WA State Labor Government in its pre-election policy document stated that:-

“Labor recognises that preventing farmers from clearing remnant native vegetation does raise issues of equity which must be addressed.”

## **Summary**

WAFarmers appreciated the opportunity to meet with Productivity Commission members on 19 June 2003 and welcomes the opportunity to provide written input into this inquiry.

Whilst the focus on this submission is largely on land clearing issues, water resource security is an area which is becoming more prominent on WAFarmers lobbying agenda. Whilst WA does not have the water problems of those States reliant on the Murray Darling system, the State has experienced widespread drought over the past 3 years and this period of extended drought has highlighted the need to better manage the State's water resources.

Agriculture has been targeted as a major water user and there has been considerable criticism from the agricultural sector of the State Government in its efforts to position itself to address this issue.

WAFarmers will be actively participating wherever necessary to ensure that farmers are treated equitably in relation to their future water resource security.

WAFarmers looks forward to participating in the forthcoming public hearing process and encourages Commission members to undertake further travel in regional Western Australia to meet with farmers who have been disadvantaged by the application of the provisions contained within Commonwealth and State native vegetation and biodiversity regulations.

As advised, WAFarmers members who have provided case studies to support this submission are prepared to meet with Commission to expand upon the detail provided herein.

## **CASE STUDIES**

Whilst being aware of numerous instances where WAFarmers members have been adversely impacted by the application of Commonwealth or State environmental regulations, our members have been extremely reluctant to “put their hands up” as case studies to provide documentary support to submissions such as the Commission's inquiry.

In several cases, these members have literally been penalised for doing the right thing. Where neighbors have cleared illegally over time (without causing any subsequent environmental impact), accepting the risk of possible financial penalties if reported, these members have followed due process and had their applications rejected on environmental grounds. They now find themselves with a dilemma, should they clear regardless of the decision, knowing that having applied and been rejected, they will be monitored or should they appeal the decision citing the actions of their neighbors as justification.

Nevertheless, I am confident that should Productivity Commission members return to Western Australia, appointments could be arranged for these members to meet with the Commission.

To this end, the following resolution is to be debated at the forthcoming WAFarmers General Section Council meeting:-

*“That WAFarmers initiates a Land Clearing sub committee of the Land Management and Conservation portfolio comprised of members who have been adversely impacted by rejected applications to clear land for reasons considered to be inconclusive. Further that this sub committee seek an urgent meeting with both Ministers Edwards and Chance to present their respective cases and seek Ministerial intervention in the current stalemate.”*

Following our meeting with Commission representatives on 19<sup>th</sup> June, WAFarmers zones were requested to provide advice and case studies of members adversely impacted by environmental regulations. Members have requested that their personal details remain confidential. However, should the Commission wish to make contact with them, it can be arranged.

#### Case Study 1.

Of the 4,886 hectares that is owned by this member (in a family partnership with his wife, his brother and his brother's wife), there are 3,097 hectares cleared. This is insufficient to support two families and a retired parent.

The farm location where the clearing is desired has a total area of 1,806 hectares of which only 526 hectares have been cleared. Permission has been given for a further 80 hectares to be cleared, however, in addition to that area, the member would like to be able to clear a further 838 hectares, which would still leave the farm in question with 20% uncleared native vegetation.

#### Case Studies 2, 3 & 4

Members have purchased additional farms with a view to expanding his business to improve his viability, either due to economies of scale or to accommodate growing families. Clearing restrictions have made the additional investments unproductive and a burden on the existing farm enterprises.

#### General Comment

These examples have all come from the one WAFarmers zone. The comment was made that, in all cases,

“farms will not reach their true value if farmers are not allowed to clear a reasonable amount of land. Farmers as a rule have learnt from their forefathers the error of over-clearing and not many are interested in risking damage to their most valuable asset.”

#### Case Study 5

A member applied for permits to clear 2 parcels of land, both areas of regrowth. One application was rejected and the other approved with conditions so onerous that it was no longer an economic proposition to clear the land.

#### Case Study 6

A member purchased a property in 1989 and has a letter from the Department of Agriculture stating that he could clear the bush. The decision to purchase the property was made on this proviso.

The property, of 1533 hectares, comprises 688 hectares of virgin mallee bush and 121 hectares which was blade ploughed subsequent to the purchase.

Economic circumstances stopped further development until recently. The member has now been advised that he cannot continue development of the 121 hectares and would not be permitted to clear portion of the remnant native vegetation.

This member makes the point that Council rates do not discriminate in relation to productive cleared land and non productive uncleared land.

#### Case Study 7

One WAFarmers zone provided the following advice:-

“After considerable phoning around, 20 farmers have supplied information, we believe this is about 50% of those affected by the inability to clear land.

There is a great reluctance to be identified in any way. The most common theme through all the discussions is the total inflexibility of the process. Some farmers have tried to negotiate trade-offs without success. Some farmers have wanted to tidy up degenerated bush areas with minimal conservation value and revegetate other areas, again without success.”

#### Case Study 8

Commission members were given contact details of a member in the Albany district and interviewed him in June. This member was to provide an independent submission to the Commission.

#### Case Study 9

A WAFarmers zone has advised of a land clearing issue impacting on numerous farmers where the Department of Main Roads is resuming productive farm land to widen road verges.

The WA State Government introduced new legislation into Parliament in June 2002 which would tighten land clearing controls and impose substantial financial penalties for illegal land clearing (The Environmental Protection Act Amendment Bill 2002).

WAFarmers has sought advice from the Minister of Environment on the legality of this Government Agency Action along the following lines:-

“Printed information distributed when the legislation was announced in June last year states that “A more equitable system will be established, as public and private land in both rural and urban areas will be subject to the same assessment process.”

WAFarmers members do not believe that this equity is evident in this instance nor in many other examples of urban land clearing.

Firstly, the proposed resumption of up to 30 metres is considered excessive and the aggregated land resumption equates to considerable lost productivity for those farmers affected and secondly, the compensation payable (purported to be \$7,500 per hectare in this region which is prime dairy country) in no way recognises the dollar vale of the lost production nor the capital value of the land lost.

Other questions raised by the zone relate to the future maintenance of the verges given ever decreasing Government budgetary allocations for rural and regional roads, vermin havens and fire hazards created by poorly maintained verges, weed control, loss of remnant native vegetation in many areas and loss of rural landscapes.

Minister, I would appreciate your urgent investigation and subsequent advice on this issue. If anything, it supports the need for Government acceptance of WAFarmers Property Rights principles as originally presented to you in August 2002.”

To date, the Minister has acknowledged the correspondence and subsequent advice has been received that the matter has been referred to the Minister’s colleague responsible for the Agency concerned. Requests to determine why the correspondence has been referred have not been responded to.

## **ENVIRONMENTAL MANAGEMENT SYSTEMS (EMS)**

EMS is being closely linked to the implementation of native vegetation and biodiversity regulations.

Whilst promoted by the Commonwealth Government as voluntary and industry driven, this is far from reality. The Queensland Government has released a draft State Rural Leasehold Strategy which proposes that EMS be required for a lease renewal.

There are currently no economic drivers for farmers to undertake EMS. The Government needs to develop a range of incentives to make the adoption of EMS attractive in an economic sense.

The value of EMS is being questioned on a number of fronts. The Productivity Commission raised numerous concerns in its own submission to the 2002 Commonwealth Environmental Management Systems in Agriculture inquiry.

WAFarmers does not support EMS and a copy of the WAFarmers submission to the Commonwealth inquiry is attached for the Commission’s information.

## **SUMMARY**

Whilst this submission has been critical of Commonwealth and State native vegetation and biodiversity regulations, WAFarmers has found that with appropriate levels of consultation and full consideration to the economic, environmental and social impacts of Government regulations it is possible to produce a document which enhances the security of tenure and future viability of farmers.

Over the past several years, WAFarmers has provided submissions and appeared before a Legislative Council Standing Committee on Public Administration and Finance in response to a State Government inquiry into the impact of State Government actions and processes on the use and enjoyment of freehold and leasehold land in Western Australia.

WAFarmers also had considerable input into the development of the State Government's "*Statement of Planning Policy No. 11 – Agricultural and Rural Land Use*" is designed to enhance rural land use planning and help ensure that the State's valuable farming land remains in production through the adoption of a simplified agricultural zoning policy.

The Policy was launched by the respective Government Minister at WAFarmers 2002 Annual Conference.

WAFarmers appreciates the opportunity to provide this submission, looks forward to meeting with the Commission on 7<sup>th</sup> August and providing further input following the release of the Commission's draft report in December.

.....**END**.....

## **Biodiversity Conservation Act – Consultation Paper**

# **SUBMISSION**

**To**

**Department of Conservation and Land Management**

**Prepared by:-**

**Organisation:** The Western Australian Farmers Federation (Inc)

**Land Management and Conservation Portfolio Holder :**

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**Director of Policy**

## **Background**

The Western Australian Farmers Federation (Inc) (WAFarmers) is WA's largest and most influential rural lobby and service organisation.

WAFarmers represents West Australian farmers from a range of primary industries including grain growers, meat and wool producers, horticulturalists, dairy farmers and beekeepers. WAFarmers has recently expanded its membership base to incorporate rural small business owners.

It is estimated that collectively our members are major contributors to the \$5 billion gross value of production that agriculture in its various forms contributes to Western Australia's economy.

Additionally, through differing forms of land tenure, our members own, control and capably manage many millions of hectares of the State's land mass and as such are responsible for maintaining the productive capacity and environmental well being of that land.

## **Introduction**

WA Farmers supports efforts to maintain biodiversity as one of the three pillars of human sustainability and are pleased to comment on the consultation paper dated December 2002.

Agricultural industries are totally reliant on biodiversity for their existence, relying on the smallest microbes through to the largest plants and animals whether they are native, exotic or crossbred. However the proposed WA Biodiversity Conservation Act is obviously concerned with local species and communities in their natural state.

WA Farmers supports the protection of species and communities through the parks and reserves systems as well as off reserve initiatives e.g. Land for Wildlife and the now ceased Remnant Vegetation Protection Scheme.

WA Farmers is however concerned at the suggestion of the "empowerment of the Minister to make a conservation order to require landholders to protect, conserve or manage threatened species or communities" should it apply to freehold property.

Recognition must be made of the private property rights of the landholder, including the economic and social impacts that may follow. Any orders would need to be for species and communities of such significance that just compensation should be paid for the loss of property, disruption to enterprise management as well as costs of maintenance and management of the threatened species or community.

## **Property Rights**

WAFarmers policy on Property Rights mirrors that of the National Farmers Federation (NFF). The NFF Position Paper of May 2002 is attached for your information.

The basic principles of this policy are:-

“The property rights debate is not about the issue of compensation per se but recognition of an existing right to use or access a natural resource. It also implies a responsibility on the farmer or landholder to utilise the resource in a responsible manner and in accordance with principles agreed in a legitimate planning and consultative framework.

Governments must provide an adequate package of compensation and transition incentives:

- To offset any reduction in property values following the implementation of natural resource management controls where a landholders rights and legitimate and reasonable expectations have been diminished; and
- To encourage voluntary stewardship particularly for public good environmental outcomes.”

The Western Australian Government regularly paraphrases the introduction of environmental “reforms” with statements in relation to sustainability. WAFarmers supports this approach and notes that the Government’s definition of sustainability (below) fits well within the parameters of the WAFarmers position on property rights.

“Sustainability is the simultaneous achievement of environmental, economic and social goals.”

In reality, however, It has been WAFarmers experience that recent Government environmental “reform” has been solely focussed on the environmental aspect of the “reform” with minimal or no consideration given to the economic and social impacts on landowners and their rural communities. These occurrences are thereby clearly in breach of the Government’s stated definition on sustainability.

WAFarmers, at the invitation of Government, has developed a set of principles to begin addressing property rights at a State level (Attached). These principles have been progressed through the WAFarmers policy framework and are now organisation policy. They have also been circulated to the Minister for Environment and Heritage and the Minister for Agriculture and will be the subject of further discussion with Government in the near future.

## **Landholder agreements**

Inclusion of a provision for members of the public to apply for injunctions restraining “unlawful acts” that will affect threatened species or ecological communities on reserves is acceptable on behalf of societies’ interest and ownership of the reserve. The extension of this provision to private landholdings may open the provision to abuse, vexatious claims and nuisance actions against the owners and therefore WA Farmers does not support its inclusion off reserve.

Voluntary Conservation Agreements between the Minister and private landholders are to be encouraged, supported by measures of assistance from the Minister. WAFarmers would question the investment of high taxpayer support through the Minister if it were not part of an ongoing agreement for both the present and future landholders.

WA Farmers supports maintenance of the non-binding Land for Wildlife program and due to its oversubscription could well do with more resources to clear the backlog of applicants. This program has potential to encourage wider involvement in nature conservation by landholders who may then move to more formal, long term, binding agreements where justified. Long term binding agreements and covenants deserve greater support mechanisms from Government including the removal of disincentives like rates and taxes. Only land of high conservation value should be included in this category. Due to the broader “community benefit” of these agreements, Local Governments foregoing rate revenues due to such agreements should be reimbursed by the State.

## **Control of threatening processes**

The concept of the CEO of DCLM being obligated to reduce, contain or eradicate weeds and pests on land the Department manages subject to “the practicability of doing so and the availability of resources” is unacceptable. As a manager of a large landholding continually being expanded, DCLM has a responsibility to manage its weeds and pests and not be subject to availability of resources.

## **Sustainable use of Biodiversity**

WA Farmers would like to submit that owners of private land should be encouraged to commercialise local biodiversity and while subject to licence and regulation these should not be onerous. Commercialisation will put an “economic” value on local biodiversity and therefore assist its propagation and protection. A shift in land use from production of exotic species to species that have adapted to our local environment and landscape would have a positive impact on sustaining our land resource. Accreditation of flora and fauna industries to overcome onerous trade and export approval would appear to be a reasonable initiative.

The make up of the Threatened Species and Communities Scientific Committee should include community membership with understanding of private, rural land ownership. That understanding would need to include environmental, economic and social impacts of the Biodiversity Act.

WA Farmers would be concerned should the WA Biodiversity Conservation Act mirror the Commonwealth EPBC Act in not recognising economic and social impacts on private landholders (refer earlier statements on sustainability). The Commonwealth is under continuing pressure to address this negative aspect of that Act.

**Conclusion**

WAFarmers trusts that the content of this submission and the attachments will be given full consideration by the Government as this legislation is progressed.

WAFarmers has been concerned in recent times of a Government policy shift from consultation to regulation and encourages the Government to reinforce the consultative process with landowners and their representatives. Through consultation and working with landowners and their representatives, the Government will achieve greater success in community acceptance of environmental reforms.

.....END.....

# **SUBMISSION**

**To**

**Environmental Management Systems Working Group**

**Prepared by:-**

**Organisation:** **The Western Australian Farmers Federation (Inc)**

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## **The Western Australian Farmers Federation (Inc)**

The Western Australian Farmers Federation (Inc) (WAFarmers) is WA's largest and most influential rural lobby and service organisation.

WAFarmers represents West Australian farmers from a range of primary industries including grain growers, meat and wool producers, horticulturalists, dairy farmers and beekeepers. WAFarmers has recently expanded its membership base to incorporate rural small business owners.

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Additionally, through differing forms of land tenure, our members own, control and capably manage many millions of hectares of the State's land mass and as such are responsible for maintaining the productive capacity and environmental well being of that land.

### **Current Situation**

Environmental Management Systems in Agriculture (EMS) was discussed at the December 2001 meeting of WAFarmers General Section Executive and the following resolution was carried unanimously.

**“That while management of our natural resources is a concern to our members WAFarmers take a cautious approach to EMS and not give is support at this stage.**

**That NFF be advised of our position”**

*This resolution has been conveyed to the National Farmers Federation (NFF) of which WAFarmers is an affiliate member along with details of the concerns WAFarmers has in regard to the EMS proposal for consideration at the recent EMS Rural Industry Forum.*

*WAFarmers was unable to attend the forum due to annual conference commitments on the same date. We do however, look forward to receiving details of the forum outcomes in due course.*

### **Background**

*WAFarmers supports environmentally sound farm management practices.*

*WAFarmers believes that industry management and industry discipline (Best Management Practice) is the preferred direction in relation to environmental management.*

*Western Australian farmers are renowned as innovators and for their rapid adoption for new and improved technologies. In an environmental sense, this is evidenced through the implementation of zero till farming methods and introduction of leguminous and rotational crops.*

*If Governments wish to encourage the uptake of programs such as EMS, a “carrot before the stick” approach will be required. WAFarmers members regularly express frustration at the lack of taxation incentives for attached to Government and community demands for more environmentally sound farming practices.*

*WAFarmers will not support another Government program, driven from the top down, which imposes on a farmer’s right to farm, duplicates segments of existing Quality Assurance (QA) programs and creates additional administrative responsibilities through paperwork and audit requirements on top of other Government initiatives such as the “simplified” tax system, Occupational Health and Safety, transport logs and audits to name but a few.*

*Farmers currently operate on such tight margins that employees outside of immediate family are seasonal and on farm time pressures are extreme. A common complaint from farmers now is that with the ever-increasing demands of office duties, they have difficulty finding the time to farm.*

*Until such time as Governments, both Federal and State advance their recognition of the right to farm and property rights beyond the rhetoric stage and implement appropriate compensation for farmers to meet community expectations of environmental, social and economic outcomes, WAFarmers will not support Government “initiatives” such as EMS.*

*The following comment from a recognised leader in environmentally sound agricultural practices in WA reinforces the WAFarmers stance on EMS*

*“I try to achieve what is being proposed (EMS) and the majority of my peers likewise but will not accept being imposed from above in a document that is at times hinting at coercion, but in general is written in bureaucratised that exposes a lack of community input or drive”.*

### ***EMS – Industry perceptions***

*As EMS is proposed to be industry led (so far not so) WAFarmers believes that transaction costs will be a major impediment to implementation when the returns are not tangible.*

*Only a few leader/experimenter landholders will adopt EMS, bad or poor managers will not and those in between will take a lot of convincing.*

*EMS is supposed to be “able to support strategic plans associated with the pursuit of Natural Resource Management (NRM) objectives, rewarding*

*progress that goes beyond minimum standards and be compatible with and where appropriate reinforce and avoid compromising market initiatives and market opportunities.”*

*This is all jargon and justifying setting higher order regional plans/targets – more paperwork and unpaid bureaucracy.*

*EMS is supposed to be simple, cost effective, user friendly etc. and market drivers provide a powerful incentive for EMS adoption. At present, the drivers do not exist over and above normal practice where the majority strive to do the best at all times where it is most effective, IN THE Paddock.*

*“Compliance cost savings and resource consents being more easily obtained” contains a hint of coercion or threat.*

*Pride and stewardship are mentioned as drivers with potential for farm environment awards used to reinforce good performance.*

*Pride and stewardship come from on ground action, not paper shuffling and awards for good performance are already available at local, state and national levels through Landcare and similar programs.*

*The need for EMS to be adaptable only concurs with what currently happens in the real world as farmers build on experience, research and development and agency extension services.*

*The need for EMS to be compatible with existing systems (e.g. ISO) and be auditable is practical however, implementation will not happen until the market provides rewards for adoption.*

*There is evidence of duplication and overlap with other planning and monitoring at farm, local, regional and state level. There are already many farm business plans that cover resource as well as economic and personal issues, Land Management Society monitoring kits (have been around for a decade but still not widely adopted for the same reasons that EMS will not be), a multitude of QA programs, Best Management Practices and alternative EMS under development.*

*The proposed EMS framework will not reduce duplication unless all other like programs are scrapped. It does not demonstrate how landholders are to benefit over what they are doing now and does not demonstrate how it will facilitate a voluntary uptake without some tangible benefits.*

### ***EMS – The way forward***

*Western Australian agricultural industries are markedly different from those in the eastern states in that they are heavily reliant on export markets and with a limited domestic market. The industries export markets, with minor exceptions, are not sending signals calling for accredited produce.*

*WAFarmers supports and actively promotes the “care” range of Quality Assurance programs i.e. CATTLECARE, Flockcare, Graincare, Freshcare etc.*

*In particular, through its membership of the Grains Council of Australia, WAFarmers had considerable input into the development of the Graincare program.*

*The “care” range of QA programs are modular based and provide linkages for mixed farm operations through common modules e.g. chemical management.*

*It is proposed that a single audit will accredit farmers undertaking the “care” range of QA programs.*

*WAFarmers believes that environmental management could readily be incorporated into these existing QA programs via a modular system and further be subject to the one auditing process.*

*It is noted that the discussion paper addresses this issue and provides a statement of support from a farmer on Page 14.*

*However, despite these QA programs being developed by industry for industry, farmer uptake is proving difficult due to the lack of market signals (demand) and financial reward for QA produce. EMS, in whatever form, will encounter the same difficulty in WA.*

**Nevertheless, WAFarmers encourages the Environmental Management Systems Working Group to adopt this integrated QA approach as their way forward in the promotion of sound environmental management practices. It is also strongly recommended that EMS be progressed through industry led groups in each State as opposed to being directed from Canberra.**

## POLICY STATEMENT

### PROPERTY RIGHTS

General Section Council 4<sup>th</sup> & 5<sup>th</sup> February 2003

#### **GSC 48.**

“That WAFarmers General Section Council endorses the draft property rights principles described herein to be adopted as policy and utilised as the foundation for all negotiations in relation to property rights issues.”

#### ***WAFARMERS DRAFT PROPERTY RIGHTS PRINCIPLES***

WAFarmers had considerable input into the previous Government's Native Vegetation Working Group and the subsequent development of the group's final report, which contained a series of recommendations for the future management of the State's native vegetation and at the same time recognised the property rights of farmers.

*WAFarmers supports these recommendations and commends them as appropriate principles for further discussion.*

*The following points are by way of background and contain the major points of discussion within WAFarmers for an acceptable way forward on property rights. WAFarmers, in discussing property rights, simultaneously incorporates land and water into the discussions.*

- *WAFarmers seeks a clear definition of the parameters of “environmental harm” as it applies to the Environmental Protection Act reforms.*
- *An acknowledgement by the State Government that agricultural land was released in Western Australia to be cleared and cultivated. Farmers were required to do this in order to retain their conditional purchase land.*
- *Farmers would accept the 20% rule on non-clearing, however, it would be expected that farmers could clear up to 80% of their land.*
- *Where clearing will not cause environmental harm such as increasing salinity then landowners would be given permission to clear in the normal way, without punitive conditions being applied to the clearing permit.*
- *Where clearing applications are declined, the reason must be communicated in full to the landowner.*
- *An appeal tribunal to be created to enable landowners who are declined a permit to clear to have recourse. The tribunal would need a mix of industry people and arbitration professionals. Consideration*

*may need to be given in cases where land was purchased at a low figure because of the likelihood of permission to clear the land being withheld.*

- *Once declined a permit to clear, a landowner, whether he chooses to go to the tribunal or not will be in the position to seek equity adjustment (compensation).*
- *Equity adjustment can be in the form of a land swap or financial adjustment where necessary.*
- *Where the Government purchases agricultural land for equity adjustment land swap purposes, such land to be quarantined for agricultural use and not absorbed into conservation reserves.*
- *State legislation needs to complement Federal legislation on property and water rights.*
- *Applications for permission to clear once submitted, must be dealt with within an agreed time limit and a response given. WAFarmers believes that 90 days is reasonable.*
- *Where timbered country is currently used for grazing, this practice must be allowed to continue. Removal of this practice could render current viable farms unviable.*
- *Where a landowner has trees spaced across a pasture that inhibit a farming practice such as cultivation then the landowner should have the option to revegetate or fence off an equivalent portion of his farm or paddock to protect native vegetation before removing the trees. Consultation would be needed in this process.*
- *Where plantation trees have been planted either for timber or products such as oil mallees, landowners should retain the right to harvest them without having to gain permission and without penalty or replacement.*
- *Incentives should be given to encourage landowners to revegetate where trees are harvested for plantation timber.*
- *In accordance with Government announcements of incentive & assistance measures to assist landowners, provision of management advice and support through the Land for Wildlife program should be continued. Provision of economic incentives, through the establishment of native vegetation trust funds to help landowners meet the initial management needs of bushland coming under voluntary protection also need development and introduction. (this provision needs to be extended to cover ongoing management needs).*
- *Support industry adjustment through purchasing land for addition to the formal conservation reserve system.*
- *These principles would also apply in the case of water rights and/or entitlements.*