



Speech by

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NATIVE VEGETATION LEGISLATION

Dr KINGSTON (Maryborough—IND) (12.36 a.m.): I wish to talk about the non-effectiveness of top down legislation with particular reference to Government-imposed native vegetation legislation. Since European settlement, the Australian landscape has changed. Unfortunately, in some areas land degradation has occurred. However, the causes of land degradation are multifaceted. Rabbits have been a significant cause of land degradation and, in arid areas, cloven-hoofed domestic animals have altered the floral composition.

Professor Henry Nix, a world-renowned natural resource use scientists, reviewed land degradation in Queensland. He concluded that the majority of degradation—in fact, 90%— occurred in the first 30 years of settlement. In each area, the first generation of settlers applied European technology to our more fragile soils. Professor Nix's conclusion was that research and education were essential and should be increased and continued.

In August 1995, the New South Wales Government issued the State Environmental Planning Policy No. 46—Protection and Management of Native Vegetation—or SEPP 46. The aim of this policy was to prevent the inappropriate clearing of native vegetation. That was to be achieved by requiring the consent of the director-general of the Department of Land and Water Conservation before any native vegetation could be cleared. The consent would be given only after each proposal had been assessed to ensure native vegetation was protected and managed in the environmental, social and economic interests of the State. What a bureaucratic nightmare!

The New South Wales Farmers Federation was strongly critical of the legislation and its application. I would like to quote some of its statements—

"The legislation was unnecessarily confrontational, creating a negative attitude to the retention of native vegetation by land managers;

the command and control, conflict generating, top down planning instrument approach typified by SEPP 46 is unacceptable to the members of this association;

our association proposes a regime which recognises a bottom up approach and the primacy of education and training;

it is impossible to meet all the compliance criteria and achieve an unconditional approval;

the native vegetation that SEPP 46 protects was left through past good land management practices. SEPP 46, therefore, has the effect of rewarding land managers who have previously heavily cleared their country and penalises those who have not;

SEPP 46 with its negative command and central approach with no incentives for proactive voluntary management of native vegetation offers no positive motivation for farmers to undertake native vegetation protection and regeneration;

with a large area of the State privately owned, any effective conservation can only be achieved through enthusiastic rural land holder participation. Such participation will not be forthcoming in a cooperative spirit if the Government continues down a planning instrument path."

World history has constantly shown us that command policies do not work. For example, it took two years under a communist command regime for Laos to go from a rice exporter to a net rice importer. I

could quote many more examples, but I will not. The New South Wales Farmers Federation continued—

"SEPP 46 has been a disaster in conservation terms for trees in New South Wales."

SEPP 46 was repealed on 1 January 1998 and replaced by the Native Vegetation Conservation Act of New South Wales. I hope that this Government has taken notice of what happened in New South Wales and is looking for a bottom-up policy in native vegetation.
