



CHECK AGAINST DELIVERY

“The Impact of Native Vegetation Legislation on Farmers”

Address by NFF President, Mr Peter Corish

Tasmanian Farmers and Graziers' Association

Annual Conference, 1 September 2005

- Acknowledgements – Roger Swain TFGA President

Introduction

- Thankyou for the opportunity to join you here today at the Tasmanian Farmers and Graziers' Association Conference to talk to you about the impacts of native vegetation legislation on farmers and provide you with an update on the work that NFF has been undertaking in Canberra to secure important wins for farmers in Tasmania and across Australia.
- NFF greatly appreciates the support and close cooperation we get from the team at TFGA.
- It's always a pleasure to attend your Conference and get some first-hand feedback about the key issues facing farmers in Tasmania, and everyone at NFF is looking forward to coming to Tasmania for the NFF Policy Council and AGM which will be held in Launceston in November.

NFF Activities in 2005

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- To date, 2005 has been an extremely busy year for Australian agriculture.
- There are an unprecedented number of farming issues on the national agenda, from drought and rural telecommunications, to native vegetation and biodiversity management. From water reform and quarantine, to industrial relations reform, labour shortages and free trade agreements – the list goes on.
- Today I have been asked to concentrate on native vegetation and biodiversity management, but hopefully at the end there will be time for questions on any other issues that people are interested in putting to me.

NFF Native Vegetation and Biodiversity Policy

- NFF's native vegetation and biodiversity policy is very simple – give farmers greater certainty over the management arrangements of native vegetation and biodiversity on their properties.
- NFF, strongly supported by our member organisations including TFGA, believes that certainty over the management of native vegetation and biodiversity is a fundamental requirement for farmers to continue to be able to invest in sustainable agriculture.
- The NFF Annual Conference in Canberra in June reaffirmed that NFF's number one policy commitment is to take up the fight on behalf of farmers for governments to do the following:
 - Develop and implement a future risk assignment framework for native vegetation similar to the National Water Initiative;
 - Reduce the 'red tape'; and
 - Adopt the NFF National Environment Management Program (NEMP) to provide landholders with direct incentives to deliver environmental services including greenhouse savings demanded by the community.

Native Vegetation and Biodiversity - Definitions

- Before I go into details about these three arms to our policy platform I would like to quickly have a look at some definitions to set the scene.
- We all use the terms native vegetation and biodiversity but can we actually define what we are talking about? and do we have nationally consistent definitions for them?
- In regards to Biological Diversity we can go to the National Strategy for the Conservation of Australia's Biological Resources (1996) that defines it as:

The variety of life forms: the different plants, animals and microorganisms, the genes they contain, and the ecosystems they form. It is usually considered at three levels: genetic diversity, species diversity and ecosystem diversity.

- When we use the term native vegetation we probably should add in the same breath the terms remnant native vegetation and regrowth.
- The National Strategy for the Conservation of Australia's Biological Resources (1996) defines native vegetation as:

“Any local indigenous plant community containing throughout its growth the complement of native species and habitats normally associated with that vegetation type or having the potential to develop these characteristics. It includes vegetation with these characteristics that has been regenerated with human assistance following disturbance. It excludes plantations and vegetation that has been established for commercial purposes.” (page 51)

- So it would be reasonable to expect that this is the national definition for native vegetation given that the Commonwealth and all States and Territories signed the National Strategy.
- Incorrect.

- The Productivity Commission *Inquiry into the Impacts of Native Vegetation and Biodiversity Regulations* examined the definition of native vegetation and concluded the following:

“The definition varies across jurisdictions (see Chapter 3). For example, it may or may not include native grasses.

- In regards to remnant and regrowth – well there is no nationally agreed definition in the National Strategy for the Conservation of Australia’s Biological Resources. The Productivity Commission came up with the following findings:

“Remnant native vegetation: The definition varies across jurisdictions. In general, it is native vegetation that is protected from clearing.

Regrowth: The definition varies across jurisdictions (see chapter 3). In general, it is native vegetation that has been cleared in the past. Typically, it is not protected from clearing.” (XVIII Glossary)

- So we cannot agree on a definition for native vegetation.
- From a farming perspective it very important that we note that both of these definitions refer to clearing. They do not refer to good ongoing management of remnant and regrowth native vegetation nor do they refer to selective thinning of native vegetation to preserve the status of the ecosystem.
- Organisations like NFF must move the debate beyond this simplistic discussion of land clearing. If we cannot move the debate then we will continue to see farmers painted as removers of native vegetation. We will never shake the image of two D9’s and a chain.
- Another important point to take out of this discussion around definitions is that the last time I checked native vegetation did not stop abruptly at State electorate boundaries – except in the case of Tasmania of course!

- But why can't we get a national definition?
- I will be interested to see how those catchment management authorities that deal with catchments along State borders deal with these definitional issues.
- But let us not dwell on definitions and move swiftly onto the impacts of regulatory arrangements.

Impacts of regulatory arrangements

- I am aware that TFGA and the Tasmanian and Commonwealth Governments are currently discussing details of the Tasmanian Community Forest Agreement. So much of what I am about to say is directly applicable to this process.
- Native vegetation and biodiversity regimes, State and Commonwealth, have direct impacts on the way farmers manage the resources on their farms.
- But it's important to recognise that these impacts not only affect the environment but also directly affect the individual, his/ her family and surrounding rural communities.
- NFF strongly believes that governments currently do not give due consideration to the full environmental, social or economic impacts of native vegetation and biodiversity regulatory regimes.
- Regulations can have positive as well as negative impacts – in some cases very negative impacts on the farmers that are directly affected by them.
- For example, there are many cases where whole farms have become totally unviable after the introduction of native vegetation regulations. In some cases, this has meant that farmers have also not been able to gain access to drought relief because their businesses are not considered viable.

- Unfortunately, not all of these impacts are quantified or given due consideration by governments when drafting native vegetation and biodiversity legislation and regulations.
- NFF has called for the preparation of Regulation Impact Statements for all new natural resource related policies, legislation and associated regulations.
- The bottom line is that all natural resource related regimes must be 'fair and equitable'.

Future risk assignment

- NFF does not believe that it is fair and equitable for farmers to bear 100 per cent of the risks associated with implementing native vegetation and biodiversity regulations.
- Under current arrangements farmers, in most cases, pay for the costs associated with tougher regulations on native vegetation and biodiversity management.
- While Governments may claim to be providing adequate assistance it is the farmer that cops the bill.
- This must stop if we are to create an environment for increased investment in agriculture.
- Most Governments, except WA, have acknowledged this point in the National Water Initiative (NWI).
- And allow me to divert for a moment to congratulate the Tasmanian Government for signing up to the NWI in recent months.
- The NWI contains a risk assignment model that sees the risk of changes to water access entitlements, from bona fide improvements in the knowledge of water systems' capacity to sustain particular extraction levels, shared between entitlement holders, the Commonwealth and State and Territory Governments.

- NFF believes that this model agreed to by governments under the NWI is fair and equitable. It will, if implemented in full, lead to greater certainty.
- Consequently, we have been calling on the Commonwealth and State and Territory Governments to adopt a similar model for native vegetation and biodiversity management.
- Unfortunately to date this call has fallen on deaf ears.
- I hope that your current negotiations with the Commonwealth and Tasmanian Government lead to a fair and equitable outcome.

Institutional reform – reducing the ‘red tape’

- Future risk assignment is one part of the solution.
- NFF believes that greater certainty can be delivered to farmers if we can improve the institutional, policy and regulatory arrangements for natural resource management within and between the three levels of government.
- The National Farmers’ Federation has attempted to work constructively with Commonwealth, State and Territory Governments to address the duplication and inconsistencies associated with existing natural resource related legislation, policies and administration.
- You will all be aware that farmers suffered a set-back at the most recent COAG meeting in June, when Governments failed to grasp the opportunity to positively address the problem of uncertainty in regard to native vegetation and biodiversity management.
- This was a disappointing outcome, but despite this setback our policies and our resolve remains as strong as ever to achieve an acceptable outcome for farmers on this issue.

- In simple words – we want to work constructively together, put in place good governance arrangements and wind back the red tape!
- Its hard enough to making a living of the land without creating a myriad of natural resource related legislation, policies and regulations bound up with copious amounts of red tape.
- But what makes it even more frustrating for farmers is getting an answer from government.
- I know from personal experience that when I ask the question about what I can and can't do on my property nobody in government can give me a straight answer let alone in a reasonable timeframe.
- Government related natural resource legislation, regulations, policies and programs are on the rise while at the same time technically qualified and competent government officials are on the decline.
- This is the age of the government generalist!
- And if you look around for an experienced technical rural based officer – well you might as well be looking for a needle in a haystack.
- There was a time when state and territories hired highly qualified and experienced technical and rural based agricultural extension officers and, in NSW at least, very useful soil conservation authorities.
- So how do we deliver greater certainty within this environment?
- Firstly, it must be recognised that not one level of government is solely responsible.
- In fact, Commonwealth and State and Territory governments have already identified these problems but have failed to address them.

- Here is an extract from the Commonwealth and Queensland Natural Heritage Trust Agreement (NHT) signed in June 2004 which states:

“14. The parties acknowledge and agree that effective institutional and regulatory frameworks are critical to ensure long-term NRM outcomes and to achieve the Trust overarching objectives of biodiversity conservation, sustainable use of natural resources and community capacity building.

15. The Parties agree to promote the consistency and complementarity of legislation, policies and processes relating to NRM within and between the three levels of government”.

- And the Intergovernmental Agreement for the National Action Plan (NAP) signed by the Prime Minister and Premiers in 2001 states that:

“The Parties agree on the need for an improved policy framework, including clarifying property rights...”

- So, if governments have already agreed then why have they not followed through with their commitments?
- Rather than fixing the problem the Commonwealth and the State and Territory governments have exacerbated the problem by creating a ‘fourth layer of government’ – the community-based catchment/ regional bodies - without clearly defining their roles and responsibilities.
- While NFF is generally supportive of the concept of empowering regional communities to make informed regional decisions it has to be said that the current model is just not working.
- Community-based catchment/ regional bodies are struggling. They are not adequately staffed and in general are not sure of their roles and responsibilities and how they fit with the three levels of government.

- I'm sorry to say to Commonwealth and State Ministers but all the positive findings from government audit reports and government-funded reviews do not convince NFF or the broader community. We believe that the existing NHT and NAP are falling well short of the mark.
- That is why NFF is calling on governments to:
 1. Review natural resource related legislation, policies and administration to remove all duplication and inconsistencies within and between the three levels of government; and
 2. Clarify the legislative and program roles and responsibilities of these regional bodies.

National Environment Management Program

- The third pillar of the NFF policy is the National Environment Management Program, or NEMP, that is to provide landholders with direct incentives to deliver environmental services including greenhouse savings demanded by the community.
- Australian farmers are responsible for the management of more than 62 per cent of the Australian landscape.
- The vast majority of Australia's, and Tasmania's, environmental assets are located on individual privately managed properties and require ongoing management to maintain and enhance their value to Australian society.
- Biodiversity and habitat conservation, salinity mitigation and water quality are recognised by farmers and the wider community as priorities. Farmers already provide a number of environmental services including habitat protection and maintenance; ecologically sensitive bushfire management; riparian and water quality maintenance; water table and salinity management; and soil erosion control.

- Farmers are voluntarily providing these services to conserve, protect and enhance environmental values on their land. Whether this is on an individual basis or through being involved in a community group, it is at the farmer's own expense and this needs greater public recognition.
- The community is calling for farmers to provide environmental services and to achieve environmental objectives on their land. These calls are increasing and yet farmers keep copping the bill.
- When a farmer is forced to lock up land for the good of the environment, there is currently no incentive to manage that area like the remainder of the property.
- There is no incentive to manage feral animals, native grasses or biodiversity. As a result, poor outcomes are achieved for farmers as well as the environment.
- The community must understand the real cost of delivering environmental services.
- Existing national programs such as the Natural Heritage Trust and National Action Plan for Salinity and Water Quality have not been designed to deliver property-based incentives to undertake environmental management on behalf of the entire community.
- There is a significant gap in the availability of direct farmer incentives to deliver these environmental services that are demanded by the wider community. If we are to harness the significant potential of farmers to improve environment outcomes we must address this gap.
- Consequently, NFF is proposing the development of a National Environment Management Program to be funded by the Federal Government to address this gap at the property level.

- Farmers acknowledge that they have responsibilities to bear the costs of actions that directly contribute to equitable and sustainable resource use and the long-term viability of their farms.
- This is in line with the Productivity Commission's assessment, that:
 1. "... it is reasonable to expect landholders in the aggregate to bear the costs of actions that directly contribute to sustainable resource use and, hence, the long-term viability of their operations ... - landholder actions affecting soil and water quality, for example - would constitute the responsibility of landholders individually and/or as a group"; and that
 2. "...the wider community should bear the costs of actions to promote public-good environmental services - such as biodiversity, threatened species preservation and greenhouse gas abatement - that it apparently demands, and which are likely to impinge significantly on the capacity of landholders to utilise their land for production." (PC Inquiry Report No.29, April 2004, pXLI)

Conclusion

- NFF, with the help of TFGA, will continue to work to get governments to provide farmers with a more secure regulatory environment in relation to native vegetation and biodiversity so that they can continue to invest in sustainable agriculture.
- Greater certainty must be built on the principle of developing fair and equitable natural resource related legislation, policies and programs.
- However, words in government documents and Intergovernmental Agreements are meaningless unless governments actually do what they say they will do.
- If the Prime Minister and the Premier of a State signs a document then they should be held accountable.

- I pledge to you today that NFF will continue to play this role – we will hold governments accountable.
- Thank you.
- Questions?

ends

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