

**STANDING COMMITTEE ON PUBLIC ADMINISTRATION
AND FINANCE**

LAND INQUIRY

**TRANSCRIPT OF EVIDENCE TAKEN
AT PERTH
ON WEDNESDAY, 25 SEPTEMBER 2002**

SESSION 7

Members

**Hon Barry House (Chairman
Hon Ed Dermer (Deputy Chairman)
Hon Murray Criddle
Hon John Fischer
Hon Dee Margetts
Hon Ken Travers
Hon Sue Ellery**

SIEWERT, MS RACHEL MARY
Coordinator, Conservation Council of WA,
examined:

TALLENTIRE, MR CHRISTOPHER JOHN
WA Facilitator, Cool Communities Project,
Conservation Council of WA,
examined:

The CHAIRMAN: You will have signed a document entitled "Information for Witnesses". Have you read and understood that document?

Ms Siewert: Yes.

Mr Tallentire: Yes.

The CHAIRMAN: These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document you refer to during the hearing and speak into the microphone. I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today's proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public or media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. I advise you that premature publication or disclosure of the public evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

Would you like to make an opening statement to the Committee?

Ms Siewert: Yes. We have tabled a written statement, part of which I will go through now, but not in detail, as the committee will be able to read it. We will table later a paper put out by the Australian Conservation Foundation called "Rights and Responsibilities in Land Water Management and ACF Discussion Paper, July 2002."

I thank the committee for allowing us to make a submission. The council has been working on these issues for a very long time. Even though we were not formed, our member groups were writing on issues dealing with clearing and native vegetation protection as far back as the early 1950s. In our submission, we remind the committee about some of the exceptional values of Western Australia's natural heritage, the environmental losses we are already suffering, some of the fairness and equities used where skills should be dealt with, the need to develop and maintain public support for investment in our rural landscape, and we also refer to the "polluter pays" principle. We do not believe there is an absolute legal right to clear native vegetation, and that is where we are coming from with our submission. Western Australia is one of the world's 25 biodiversity hot spots; it is also one of the world's mega-diverse areas - in fact the only mega-diverse area in the developed world - which we believe gives Western Australia an additional responsibility to manage its native vegetation and unique environment. Much of the region has specie numbers in the order of 80 to 100 species per 100 square metres. It often happens that in adjacent quadrat surveys, species turnover is 60 per cent. We are trying to highlight the

extremely high level of biodiversity in this State. Unfortunately, in Western Australia we have suffered a lot of severe land degradation and environmental degradation. Twenty-five shires in Western Australia have none or less than 10 per cent native vegetation cover; 22 shires have between 10 and 20 per cent native vegetation cover; and 68 per cent of the 305 Beard's vegetation complexes found in the south west of Western Australia have less than 30 per cent of their original area remaining.

I remind the committee about the impact that salinity is likely to have on this State. We have already lost two million hectares of agricultural land to salinity. The projections are now confirmed that unless we do something, we will lose six million hectares to salinity, which is a third of our agricultural land. This will not only result in the loss of good agricultural land infrastructure, but, importantly for us, a high level of biodiversity with at least 450 endemic plant species identified to be lost. On top of that there will be other species that are regionally significant. We will also lose a significant number of water birds, invertebrates and wetlands. In other words, we in Western Australia are facing a severe environmental crisis. The latest State of the Environment report registered biodiversity loss and salinity as to the two highest priority issues that need attention in Western Australia.

I then move on to what it will cost us to repair our landscapes. A number of estimates have been done, but they all end up in the same ballpark. Dr Carl Binning, in a submission to Ian Causley's House of Representatives standing committee on environmental heritage said that he thinks the repair of our environment will take between \$5 billion and \$10 billion per annum. The recently released National Farmers Federation of Australia and the Australian Conservation Foundation joint report on the investment level that will be required to repair our natural environment put the cost at about \$60 billion over 10 years. These groups are generally coming up with the same estimates. That is only look at repairing land degradation. It is estimated that Alcoa spends about \$20 000 per hectare to do full ecological restoration. If we look at putting back all our biodiversity, we are talking about a significant level of investment being required. Not only is that high level of investment required, but the European Union, for example, is starting to look at not necessarily trade sanctions but the fact that we have not been repairing our land and we have been causing a lot of land degradation as a hidden subsidy to cheap exports. In other words, the cost of production does not incorporate the environmental damage we are causing, and it has not since we have been farming in Western Australia.

We have concerns that the debate at the moment is not taking into account that we do not compensate people for not polluting. We do not compensate BHP for not polluting in Kwinana. We have put environmental regulations on industrial companies and on many other sections of our society, and we believe that society has reserved the right to regulate as society and values change. We believe the same applies to land management. We have been behind the eight ball with land management for a number of years, although we are slowly catching up. We are concerned that communities are looking at investing a significant amount of money in land degradation repairs, and they have already invested over \$1 billion through the national heritage trust fund. The community and the public think that actions which are contrary to that land degradation repair are not occurring; in other words, they therefore expect a level of protection for our biodiversity, and that degrading activities should stop. We do not think degrading activities should continue if the community is investing a large amount of money in landscape repair.

I am talking about clearing with most of these issues. In Western Australia, we acknowledge that the clearing guidelines have not been clear. This has been the result of Governments being unwilling to act to make a strong statement on clearing and to make the legislation clear. This has resulted in public servants in particular having to implement a system that is not clear, and that makes it very difficult to regulate. We have been involved in a clearing debate - I have personally - since the mid to late 1980s and the clearing regulations have slowly been tightened, but it has been difficult to enforce and some of the confusion has resulted because of that. We have been saying to Government for a long time that it should act to make the community's position very clear on clearing. I sat on - I was a coopted member for conservation interests - the native vegetation working group. We believe that that group came up with some very good suggestions about how we should be handling clearing and moving forward with an equity debate. The working group came up with a set of guiding principles that I would recommend the committee look at, including: accepting there is no right to compensation where land-holders are prevented from causing downstream harm; recognising the severity of the landscape crisis we are in; rewarding farmers who are behaving responsibly; the Government showing leadership on its own land; providing assistance where viability is lacking; farmers owning and managing bushland as an integral part of sustainable farming; land unsuitable for farming not being considered for any equity assistance. These are the sorts of principles that are extremely useful when we are considering this debate.

We acknowledge that, as community values move on and regulations are changed, this results in some unfair, inequitable situations for some farmers. Rather than bringing in broad compensation provisions, we believe that each of these issues, because they are individual and unique, should be dealt with on an individual basis. We believe farmers should be dealt with in a fair and equitable manner and that some - land managers and landowners - have been disadvantaged by regulation and implementation of regulations as society's values have changed and that these do need to be dealt with. We are not saying they are not being dealt with, but we are arguing very strongly that the bulk of our focus should be put into land repair and how we will address the current environmental degradation, severe land degradation and the severe salinity issue. A large amount of money is required and we should be looking at where that can be best invested to repair our landscape and to repair our land degradation issues. Having said that, equity issues need to be dealt with, but they need to be dealt with on an individual basis. The working group report sets out a proposal to establish a tribunal. That may not be the best way of dealing with it, but we think it is worthy of consideration. We also think a significant amount of additional resources should be put into providing incentives for land owners and land managers to protect native vegetation and to enhance our native vegetation. We should be looking at other incentives, whether marketing mechanisms or shire ratings. I know there is a strong call for differential rates for bushland. Those sorts of issues should be urgently addressed and funding provided.

We also believe there is a strong need to look at structural adjustment. If we are going to deal significantly with large land degradation problems, there is no doubt in my mind that there needs to be some form of structural adjustment. Of course, that needs to be dealt with in a fair and equitable manner. I will leave it there as I have spoken long enough.

Mr Tallentire: The Conservation Council works with a wide range of farmers, land-holders and people in the farming community - freehold and leasehold - the vast

majority of whom believe that the era of uncontrolled land management is long gone. They are especially aware of degradation caused through uncontrolled land clearing. The same people are concerned when people in their own communities do not see, or are not as forward thinking about, issues of land management. A firmer line on land management would be to the benefit of the harmony of communities to ensure that people are not going head-to-head fighting over whether a piece of land should be cleared.

We must also not go to the lowest common denominator. If we look at the normal distribution curve of the pattern of human behaviour and the changing attitudes about land management issues, we must not be held back by the standards of laggards; we must be forward thinking. We must not be seen to be continuing the mistakes of the past because we know what is the cost.

The CHAIRMAN: Ms Siewert mentioned the inequities that exist for some individuals over land clearing applications in the State. What mechanisms should exist to correct such inequities?

Ms Siewert: We need to look at a few principles. In the big picture, we believe we should focus on helping farmers who have been doing the right thing for a long time. In our view, the right thing is looking after native vegetation. That is what we should be doing as a start. Secondly, I am aware of cases in which there has been excessive bureaucracy and that have taken a long time to resolve. It has resulted in hardship; it has been extremely distressing for all involved. That is not acceptable; I would not like it if I were treated that way. Unfortunately, the legislation under which people have had to operate is very unclear. People have tried to protect native vegetation without degrading land. The situation has been very difficult to deal with. Some ways of dealing with the issues have not been appropriate.

We have talked about situations in which landowners are prevented from clearing large areas of land. In such cases, if land is not cleared, the land is not viable. I would like the Government to buy out such farmers or look at other ways that the land can be productive. Our submission refers to an article in a scientific journal that states that some farmers are getting more money from their native bushland through conservation and other land uses than if it had been used for standard agricultural production. We should also look at the new provisions brought in by the Western Australian Planning Commission that allow properties to be subdivided for conservation. It allows for smaller subdivided blocks to be sold off for conservation purposes. I presume the committee is aware of those provisions. At the moment I cannot think of the regulation number.

Hon DEE MARGETTS: Planning bulletin No 48.

Ms Siewert: Yes, that is it. The Government could assist landowners to subdivide and sell land. Bushbank and Bushbrokers are two projects that allow for the purchase of bushland from farmers. It can be sold to people who want to protect it as there is a growing market for that. Bushbrokers is a joint project with the real estate industry. It actively participates to help people who want to buy bushland in order to protect it. A number of mechanisms could be available if it were funded adequately and promoted enough. The working group report sets out a process to help landowners subdivide. If that cannot be done, it suggests the establishment of a tribunal to look at each case individually, examine all the issues, and make a recommendation to the Government about how each hardship case should be dealt with.

Hon DEE MARGETTS: There has been some mention during these hearings of carbon credits and carbon trading. The weakness with that for remnant vegetation is that proposals, to date, have been made without a component of strong biodiversity. If Australia adopts trading in carbon credits, do you have any suggestions as to how it could benefit biodiversity and create a win-win situation? What is wrong with clearing remnant native vegetation for plantations?

Ms Siewert: Do you want me to answer that question first?

Hon DEE MARGETTS: Sure.

Ms Siewert: As I had articulated, native vegetation has an extremely high biodiversity value. That biodiversity value cannot be replaced by a plantation. Hopefully, in catchment areas, native vegetation is playing a very important hydrological role. In every catchment in this State there is not enough native vegetation to deal with salinity. We need to plant more trees. From that point of view, it is ludicrous to knock down trees already standing to plant other trees when we need to extend the total coverage of trees if we are to deal properly with salinity. Plantations do not replace biodiversity. We need native vegetation for biodiversity. If we are to create plantations, they should be on farmland that is already cleared. We think the concepts of carbon credits and biodiversity credits could play an important role in helping to protect vegetation and provide a diversification of farm income. A number of issues surrounding carbon credits need to be dealt with. One relates to greenhouse conditions. While we support the idea of trees going into the ground, we do not want to see all greenhouse problems being dealt with through carbon credits. It does not reduce overall greenhouse gas emissions. Having said that, it will play a role. However, there are a number of issues for farmers in obtaining credits. If trees are removed, how are the credits replaced? It is an accounting problem. It will play a role, but, until Australia signs the Kyoto Protocol, it will not play a role. It does not play a role in native vegetation and carbon credits, because the credits have to be earned on top of what we are already doing. Native vegetation per se is already there; it does not count as a credit. If we do something to enhance it, we can get more credit. For example, one idea is to take some sheep off rangeland to allow it to regenerate. That will come as a carbon credit, because it is adding to the carbon stored in that landscape. Native vegetation may be able to play a role in that. It could play a role, but it is quite complicated. It should be examined in how we develop incentives. Of course, the Government is already introducing carbon credit legislation, some of which we have had problems with. Nevertheless, it is providing a framework for investment.

Hon DEE MARGETTS: Who should pay the rates on remnant land?

Ms Siewert: Ever since I can remember there has been a debate about shire rates on remnant vegetation. Farmers have said very strongly that it will help them protect vegetation. We support the concept because we are trying to work with farmers to obtain a win-win situation to protect native vegetation. Local shires cannot afford rate reduction. We acknowledge that. The Shires of Tammin and Kellerberrin are sharing a chief executive officer because their rate base is so low. We know shires cannot afford to pay, so it should be a state or federal government responsibility. The buck stops with either Government to help shires to reduce rates. It can be made cost neutral by increasing rates on other land. However, we will not find that landowners will like that, because on one hand, rates are being reduced on remnant vegetation but, on the other, they are paying more for cleared land. The issue was put to government

that one way it could help was to provide additional resources for shires that reduce rates on remnant bushland.

Hon JOHN FISCHER: That is a big ask. You would be aware that the Department of Conservation and Land Management does not pay any rates on pastoral properties that it acquires and that leaves shires in a very awkward situation.

Ms Siewert: I agree; it is a big call. That is one of the reasons that it has not progressed. It is the issue of what it does to shire funding and the debate with local government that has stopped it progressing. The report, "Beyond Rates, Roads and Rubbish", suggests what local governments can do about biodiversity protection and remnant vegetation protection beyond just reducing rates.

The CHAIRMAN: Are there any other questions?

Hon JOHN FISCHER: What can shires do at the moment that is within their control?

Ms Siewert: There are a number of things. I suggest one is conducting vegetation mapping so that shires have an overall plan on how they want to manage vegetation. The committee may have seen a statement of planning policy on environment and natural resource management that is out for public comment. It looks at what planning instruments local governments can use for natural resource management and protection of the environment. It was issued for public comment towards the end of last year. Submissions closed a little while ago. It is now being finalised. A trial implementation is being conducted in the wheatbelt by local shires to see what local governments can do through planning legislation to protect remnant vegetation.

Hon JOHN FISCHER: I appreciate what you are saying, but what about government bodies like CALM that are reclaiming land? Northern regional shires such as Carnarvon are finding it difficult to implement Bushplan and the like.

Ms Siewert: Are you talking about pastoral areas?

Hon JOHN FISCHER: Yes. In Exmouth, one property in particular was the shire's biggest ratepayer.

Ms Siewert: I agree that it is an issue that must be dealt with to help local governments manage areas. I do not know the amount pastoralists pay in rates on pastoral properties. I know rates are low, but I do not know the amount. I do not know what sort of hole it would leave in a budget. There is certainly a need to help local governments with natural resource management; there is no doubt about that. It is an area that we are working on. A number of committees that I am part of - at state and national levels - are looking at how local governments can better address natural resource management.

Hon MURRAY CRIDDLE: The issue is a lot bigger than what we are talking about here. Unless we have a viable farming and pastoral industry, we will not get the assistance we require. The people on the land have to do the job. It does not matter whether the federal Government puts in \$1 billion a year. It will not make a difference unless we get the rules and regulations right. You talked about local governments putting in place rules and regulations. That has a downside rather than an advantage because local governments, for all the benefits, have a downside.

Ms Siewert: There are pros and cons, I agree.

Hon MURRAY CRIDDLE: The argument is far bigger than diversification. If you asked me to diversify at my place - I am the principal of a farming operation - or

anywhere east of where I live, which is a drought area and blowing dust, it would be very difficult for me or any other farmer without some sort of incentive. It is a major issue. All the vegetation left at Tammin or Kellerberrin could be cleared away, but it would make no difference as there is very little left.

Ms Siewert: I was not trying to minimise the size of the problem; I acknowledge it as I am the conservation representative on the Natural Resource Management Council. I spend a great deal of my life working on these issues. I was not trying to trivialise it. It is a huge issue. We must look seriously at structural readjustment in some areas. If the problems of climate change are laid on top of the issues of land degradation and salinity, we urgently need to start addressing some of the big picture issues, particularly bearing in mind the predictions. That is why we argue that we should look at the big picture issues and determine what we should do rather than deal only with lower-level compensation issues.

Hon MURRAY CRIDDLE: There are a lot more farmers trying to do the right thing - by a mile - than those who do not.

Ms Siewert: We absolutely agree. We state in our report that the majority of farmers are trying to do the right thing. We work with them, literally, every day.

Hon ED DERMER: I want to address the cost estimates in your submission. Although I was not aware of it, the first thing that strikes me is how the National Farmers Federation and you jointly fund research. I thought that was encouraging.

Ms Siewert: It is actually the Australian Conservation Foundation. As much as I would like to take credit for it, I cannot. However, we do work with them.

Hon ED DERMER: The figure estimated is \$6.5 billion, as an annual investment in what amounts to land restoration. That figure obviously lies between the \$5 billion and \$10 billion estimated by Dr Bunning. How much of the \$6.5 billion would go into purchasing farming properties that may have limited utility as a farming concern or, in less drastic circumstances, when you are compensating farmers for restrictions on income arising from conservation measures?

Ms Siewert: That is concerned with landscape repair, not the issue of compensation.

Hon ED DERMER: Any repurchase or compensation would be in addition to the \$6.5 billion?

Ms Siewert: Yes, that is the argument we would put. Any structural adjustment is on top of landscape repair issues.

Hon ED DERMER: To the best of your knowledge, has anyone ever put a cost estimate on repurchase and compensation? I imagine it would be very difficult.

Ms Siewert: It would be very difficult. There may have been estimates, but I cannot reel them off the top of my head. I have been present when there have been back-of-the-envelope calculations. I imagine more formal calculations have been done. Either way, it is a lot of money.

Hon ED DERMER: It would be in addition to the \$6.5 billion?

Ms Siewert: Yes.

Mr Tallentire: It is worth bearing in mind that there are 18 million hectares in the wheatbelt. Of that figure, as much as 2 million hectares may still be under native vegetation. If one land-holder were compensated for retaining bushland on his

property, the land-holders of the 2 million hectares should be compensated on equity grounds. The bill would be astronomical.

Ms Siewert: It is not as simple as stopping someone from clearing land and then compensating him. The native vegetation is playing a crucial role in the hydrology of the catchment. It has a crucial role in maintaining the environmental viability of farms and downstream. I tried to explain before that we should not compensate people for not doing something that does not have an impact downstream. In other words, we should not compensate people for not polluting. The same principle applies to farms as it would to BHP Billiton. We would not go to the company and say it cannot put smoke up its stacks and, therefore, compensate it. The same applies to land management as far as we are concerned.

Hon ED DERMER: People who give evidence to us often claim they have not received a scientifically substantiated case that clearing would create damage. Not clearing obviously reduces the income-producing potential of a property.

Ms Siewert: There is substantive evidence of the impact of clearing on salinity, land degradation and biodiversity loss.

Hon ED DERMER: The reference made is in terms of specific properties.

Ms Siewert: The approach taken until recently was that those people should pay for studies to be done in the same way as an environmental impact statement for any other development is paid for by the proponent. In this case, land managers and owners are the proponents. As far as we are concerned, it is up to them to prove that there will be no impact. One fundamental principle should be the precautionary principle.

Hon ED DERMER: How do you respond to a farmer who says that the land he purchased for rural purposes is zoned for that reason? It was purchased on that basis before the farmer was faced with further restrictions.

Ms Siewert: Our perspective is that there is no absolute right to clear land. Other regulations apply to land other than the right to clear. Society places other restrictions on landowners. Every other member of society has to abide by regulations.

Mr Tallentire: I point out that the zoning people are referring to would be made under the Town Planning and Development Act. The zoning would generally be rural and that applies equally to bushland and farmland. A rural zoning does not imply a right to clear. There are instances when land might be zoned agricultural, but that is not a term commonly used in planning.

The CHAIRMAN: The land clearing process has been raised with this committee several times. You said you acknowledged some problems with the process. Are you satisfied that the proposed legislation will overcome those difficulties?

Ms Siewert: Yes. In an ideal world, I would like there to be no more clearing. I realise that my ideal world is not necessarily everyone else's. The legislation will address our concerns and should make things much clearer to landowners. A very clear communication package needs to be developed that tells every landowner in the State what are the rules, regulations and administration procedures. We are putting that to government so that everyone understands the situation and to ensure a consistent approach by all government agencies.

Hon JOHN FISCHER: How is the Conservation Council funded?

Ms Siewert: We receive a federal government grant and we receive state government grants to work on specific issues. The council also applies for different grants and receives funding from a variety of sources. For example, Chris is employed on a specific grant. The rest of the funding comes from donations, bequests and fundraising activities such as raffles and street appeals.

Hon JOHN FISCHER: What size budget do you generally work on?

Ms Siewert: It is a complicated issue because we have a core funding budget, which is about \$160 000 for this year. Depending on which grants we receive each year and which campaigns we run, we get different levels of donations. The overall budget could be anywhere between \$600 000 and \$900 000. Our core funding is about \$160 000 to \$180 000.

The CHAIRMAN: Unfortunately, we have run out of time. Is there anything you would like to say in conclusion?

Ms Siewert: Thank you for allowing us to make a submission. I will forward the additional papers referred to earlier to the committee.

The CHAIRMAN: Thank you for your input. We appreciate it.