

## Book review

### Impacts of Native Vegetation and Biodiversity Regulations

#### Productivity Commission Inquiry Report

Productivity Commission  
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The Commonwealth, State and Territory governments have, over the past 20 years, introduced and progressively strengthened legislation controlling the clearing of native forest on private freehold and leasehold rural land. This has been done to ensure more sustainable management of native vegetation and biodiversity. However, regulations relating to the clearing of native forest have raised concerns over possible negative impacts on farming practices, productivity, property values and returns.

In April 2003 the Australian Government asked the Productivity Commission (with Dr Neil Byron as Presiding Commissioner) (i) to assess the impacts and effectiveness of regulatory regimes designed to conserve native vegetation and biodiversity on private land; and (ii) to explore whether there are more efficient and effective ways of achieving desired environmental objectives.

In pursuing its brief, the Commission encouraged and sought maximum public participation. It held informal discussions with organisations, government agencies and departments, and individuals. It received 221 submissions in response to an issues paper, and 103 in response to its draft report, and held public hearings within each of the states before and following publication of the draft report

Many concerns were expressed about existing regulatory regimes: legislation introduced with little or no consultation; desired environmental outcomes not always clear; inaccurate maps of remnant vegetation; an incomplete understanding of the dynamics of local ecosystems and the nature and causes of problems to be addressed; arbitrary rules (including those that classify regrowth more than 10 years old as 'remnant', and which can excise previously cropped or grazed land from future production); and an excessive compliance burden and application costs on landholders.

The Commission accepts that the current heavy reliance on regulating the clearing of native vegetation on private rural land, typically without compensation, has imposed substantial costs on, and alienated many landholders. Moreover, it recognises that policies which fail to engage the cooperation of landholders will themselves ultimately fail. Hence the Commission looks to progressive implementation of reforms which build on private effort and landowner knowledge and goodwill and which may, over time, reduce the need for government intervention.

Against this background, the Commission's recommendations include the following:

- clear specification of objectives of legislation so that guidelines and decisions clearly relate back to these objectives;
- assistance to, and education of, landholders to meet and understand their responsibilities;
- consideration of social and economic factors where applications to clear otherwise would be rejected on environmental grounds;
- greater flexibility within existing regulatory regimes to allow variation in requirements at a regional level, and greater autonomy and support for regional committees;
- landowners, individually or as a group, to bear the cost of actions that contribute directly to sustainable resource use and, hence, the long-term viability of agriculture and other land-based operations;
- additional conservation demanded by society (for example, to achieve biodiversity, threatened species and greenhouse objectives) to be purchased from landowners where intervention is deemed cost-effective; and
- further development of regional institutions to address regional and inter-regional resource sustainability issues within broad parameters determined at national, state and territory levels.

The ten chapters within the report contain a wealth of information, opinion and argument bearing on these recommendations. In addition, about half the 588-page document consists of a comprehensive and critical account of current Commonwealth and State regulatory legislation.

This has been a significant Inquiry in that it represents a challenge to the somewhat arbitrary way governments responded, in the first instance, to the demands of the environmental movement. The work does not challenge environmental objectives *per se*; rather it is about the 'efficiency and effectiveness of using jurisdiction-wide regulation to do so'. The Inquiry report is recommended strongly to all those interested in society's stewardship of our private rural lands. Perhaps, in time, we might look to a similar inquiry into the way we have addressed environmental conservation within our public sector lands!

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