

Senate Finance and Public Administration Committee  
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Canberra ACT 2600  
Australia

**SUBMISSION TO SENATE INQUIRY INTO NATIVE VEGETATION LAWS,  
GREENHOUSE GAS ABATEMENT AND CLIMATE CHANGE MEASURES.**

Native vegetation laws are a mistake.

First, they are unnecessary in a country that has about 28.8 hectares of forest and wooded land per capita—36 times the world average [Garnaut Climate Change Review, p164].

Second, by imposing them as controls over privately-owned land, they fail to respect the sanctity of property, and therefore undermine the foundations of civil society.

If we wish to live in freedom and prosperity, it is far more important to focus on protecting private property rights than on protecting native vegetation.

**THE NEED TO RESPECT PRIVATE PROPERTY RIGHTS**

**Freedom**

Freedom in society depends on the existence of defined boundaries of control: areas over which individuals have sole and exclusive control, protected by law. Without such boundaries of control—without *private property rights*—freedom can only exist as freedom for some, not equal freedom for all.

Native vegetation laws trespass upon private property, and therefore diminish freedom.

**Prosperity**

Prosperity—more of the goods and services people want—is created by increasing productivity, which in turn requires capital investment funded from savings. Security of ownership is vital to this process. Without it, there is no incentive to save.

Native vegetation laws diminish the security of ownership—and therefore savings and ultimately prosperity—because such laws override the sole and exclusive control that is the defining characteristic of ownership.

**Land owners no more**

Native vegetation and other similar laws have reduced owners of freehold land to a type of serfdom—custodians and caretakers, compelled to follow government-set management plans. While they may be landholders, they are no longer land *owners*: no longer free to engage in the vital discovery process, absolutely crucial for prosperity, of finding new ways to use their land and its resources more productively.

## **QUANTIFYING THE EFFECTS**

In Sydney, one of the reasons put forward for restricting where houses may be built is the risk of bushfire. Native vegetation legislation is a major impediment to the sensible option of removing sufficient bush to reduce the risk.

The result is a shortage of housing land, created through what is an arbitrary restriction over the use of land. It distorts prices for land, generally increasing prices in areas free of native vegetation, and lowering prices in areas that are not.

However, although it makes housing more expensive, no-one can say by how much, because no-one can predict with certainty what a parallel world, free of this restriction, would be like. One can only refer to the lessons of history and reason for evidence.

That evidence demonstrates overwhelmingly that prosperity accompanies protection for private property rights, and that when private property rights are disregarded, poverty follows, just as surely as night follows day.

## **FIXING THE PROBLEM**

1. A primary driver of native vegetation and similar laws is the 1992 *Intergovernmental Agreement on the Environment*. That agreement failed to respect private property rights, and should be set aside. Failing that, the states should withdraw from it.
2. Native vegetation and other similar laws must be repealed, or amended so they only restrict the use of government-owned property, not private property.
3. State legislation must be amended to remove restrictions over private land use introduced as a result of the *Intergovernmental Agreement on the Environment*.
4. When preparing recommendations and reports, all government bureaucrats must be required to include a statement of impact upon private property rights.

Yours sincerely,

**Alex Davidson.**