

Please find below my submission to the Senate Enquiry relating to the Native Vegetation Act closing the 5th March 2010.
4 issues below

1. I believe that it is of the utmost importance that when the Senate Enquiry looks at the Native Vegetation Laws and related measures, it does so by firstly deciding what other Acts take precedence thereby establishing a definite sequential process or otherwise to state clearly that there are no presiding Acts at all.

At present, if Government departments can avoid the Native Vegetation Laws, it could be seen to conflict and make a mockery of the Act from the individual's perspective.

An example of this would be the Pacific Highway Upgrade where wetlands and Native Vegetation are abused in front of farmer's eyes.

2. A second situation could arise, if Aborigines are able to avoid the Act without fear or reprisal. This makes for a devious legislation. My recommendation on this point is that the Senate needs to carefully consider that if under the Act, property owners are not allowed "without approval" to "interfere" with Native Vegetation in its live and decaying forms then the Senate Enquiry should therefore also determine whether someone violating the current Act who is say 2-5 generations Australian is able to claim or has developed immunity from the Act based on a spiritual and national, cultural heritage attachment to their land the effect of which, cannot be extinguished or overruled by a subsequent Act.

Disturbing the environment is after all both a natural process and sometimes a considered process and humans are not apart from the process. A flood destroying riverbank vegetation is beyond the act whereas a person removing a piece of wood for firewood that the next flood may well remove is a breach of the law. Similarly bushfire

3. The Act should also be compared to other similar global vegetation legislation as the issue at heart is a broad environmental perspective. Australia should not be seen to have a punitive legislation which severely economically disadvantages land holders without government clearly explaining why.

4. In the event that the disturbance of the land is denied for any reason, compensation should be determined by the Commonwealth and a directive placed within the Act to direct compensation via the Commonwealth under the Just Terms Compensation Act or some other enforceable and suitable constitutional directive.

Greg Clarke