

The Committee Secretary
Standing Committee on Environment and Heritage
House of Representatives
Parliament House.

Dear Secretary,

I would ask you to bring the following submission to the attention of the committee.

I currently serve on the National Farm Forestry Round Table, The Queensland Private Forestry Advisory Committee, The Queensland Law Society Planning and Environment Committee and as Director/Secretary of the Cooloola Forest Growers Co-op Ltd. The submission is a personal view from both a Forestry and Queensland perspective.

The widespread adoption of farm forestry particularly in naturally occurring and regenerated native forests can overcome the trade deficit in wood products, solve salinity problems and achieve biodiversity, water quality, and carbon sequestration targets.

Farmers will only willingly and successfully participate in farm forestry if they can capture a fair and adequate share of the financial environmental and social benefits produced by their enterprise. It is noted that CSIRO has valued the benefits of forestry consumed by society at \$320 per ha. per year.

I am attaching a recently published article where I canvassed a number of issues related to the terms of reference. In what follows I will try to address the terms of reference directly, restating some of the issues raised in the article and some further observations.

IMPACT ON LANDHOLDERS OF PUBLIC GOOD CONSERVATION MEASURES.

(e.g. Vegetation Management Act. Qld. Conservation and Biodiversity Act , Cmwth.)

Reduces land values by preventing some or all income producing uses.
Visits some or all uses with increased compliance or management costs
Is seen as deliverer of benefit pays ,not user or consumer (society)
Causes landholders to reach for the bulldozers to dissappear vegetation or prevent regeneration because it costs them.
Measures present as meaningless impositions with no context or measurable goal (e.g.No Govt action to demonstrate in native forest, Montreal Process category A indicator 1.1.b." Extent of area by forest type and by age class

or successional stage.)

Is an uncompensated taking of land when unrelated to the prevention of harm

INTERNATIONAL POLICY MEASURES FOR COST AMELIORATION

A move away from "command and control " legislation to "education and incentives"

Recognition that education and incentives are more effective and less expensive than command and control

As to incentives policy measures should support mechanisms and programmes whereby public environmental stakeholders can enter into management agreements with landholders (e.g. USDA Conservation and reserves programme, Various State Agency Conservation Agreements, Local Govt. Conservation and use management agreements)

As to education policy measures should support Farm forestry cooperatives .The outcomes sought by Governments on behalf of society along with Industry and forest (land) owners need to be agreed in terms of a common vision. It is in the balancing of these interests that Co-operatives, because of their structure and operations, can make a major contribution.

The Co-operative provides services to its Members but it also provides services to Government and Industry. For example, aggregation of resource can benefit industry with planning certainty as to woodflow and access.

Government and society will benefit by imposition of compliance standards, best practice forest management and sustainability.

These stakeholder benefits can be accelerated and enhanced by engaging Co-operatives supportively in partnering/alliancing and incentive based contracts. Outsourcing to Co-operatives the acquisition of intellectual property and the conduct of operational activities must be considered as a strategic option by stakeholders.

A broad view of Cooperative capacities and functions in forestry is outlined in the attached submission on behalf of farm forestry cooperatives

MECHANISMS TO ESTABLISH PRIVATE AND PUBLIC GOOD COMPONENT

Distinguish between the prevention of harm (negative externalities) and the capture of of benefit (positive externalities)

Recognise that the duty of care is not an appropriate or equitable vehicle and the alternative is scientifically based prescription

Provide clear definitions of private use rights and respect them ie afford natural justice before arbitrarily taking those rights, and fair and just compensation.

RECOMMENDATIONS FOR LEGISLATIVE AND CONSTITUTIONAL MEANS TO ENSURE EQUITABLE SHARING OF COSTS

Legislative models to be education and incentives directed
Entry into a regulated system be mainly voluntary, free of cost and
accompanied by benefit and where compulsory, compensated or cost neutral

"Forest statutes and the implementing regulations need to be carefully
designed to

- advance well-defined and legitimate state interests in private forest property;
- compliment long and well-defined histories of public policy favouring environmental protection and land-use control;
- promote the distribution of program benefits among many, widely-dispersed segments of society;
- avoid the promotion of severe reductions (diminution) in the value of private forest property;
- avoid denial of all economically viable uses of private forest property, especially as such might result from standards which require permanent physical occupation of private property;
- involve the application of rationally based and reasonably constructed forest practice standards;
- link regulatory standards (required forest practices) very tightly to state interest in private forest property;
- avoid burdensome and overly complicated procedures that, in fact, deny use and management of private forest property; and
- avoid arbitrary and capricious application of forest practice standards".

As to constitutional matters what are the "just terms" upon which the
commonwealth might acquire "property". Trees are part of land and every
state has legislation facilitating dealing with forests separate from land.
The Tasmanian dams case demonstrated that some view taking forest uses as
taking "property" and others that property is retained and only uses
taken. All should regard taking forest uses as taking property

Yours Faithfully

Gordon Banks