



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

**HOUSE OF
REPRESENTATIVES**

STANDING COMMITTEE ON ENVIRONMENT AND HERITAGE

Reference: Public good conservation

THURSDAY, 22 FEBRUARY 2001

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HOUSE OF REPRESENTATIVES
STANDING COMMITTEE ON ENVIRONMENT AND HERITAGE

Thursday, 22 February 2001

Members: Mr Causley (*Chair*), Mr Barresi, Mr Bartlett, Mr Billson, Mr Byrne, Ms Corcoran, Mrs Gallus, Ms Gerick, Mr Jenkins and Mrs Vale

Members in attendance: Mr Causley, Ms Corcoran, Mr Jenkins and Mrs Vale

Terms of reference for the inquiry:

For inquiry into and report on:

- the impact on landholders and farmers in Australia of public-good conservation measures imposed by either State or Commonwealth Governments
- policy measures adopted internationally to ensure the cost of public good conservation measures are ameliorated for private landholders;
- appropriate mechanisms to establish private and public-good components of Government environment conservation measures; and
- recommendations, including potential legislative and constitutional means to ensure that costs associated with public-good conservation measures are shared equitably by all members of the community.

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Committee met at 9.26 a.m.

COLLINS, Mr Neil Clifton, Manager, Biodiversity Partnerships, Department for Environment and Heritage

GABRYNOWICZ, Mr Stefan, Environmental Economist, Department for Environment and Heritage

REYNOLDS, Dr Christopher Simon, Legislative and Legal Policy Consultant, Department for Environment and Heritage

WHISSON, Mr Craig, Acting Executive Officer, Native Vegetation Council, Department for Environment and Heritage

WILLS, Mr Stephen John, Manager, State Policy, Water Policy Division, Department for Water Resources

McLEAN, Mr Geoffrey Donald, Principal Economic Consultant, Sustainable Resources, Primary Industries and Resources SA

CHAIR—I declare open this public hearing of the House of Representatives Standing Committee on Environment and Heritage for its inquiry into public good conservation. Today's hearing is part of the committee's program of hearings and visits in different parts of Australia. The hearings and visits allow us to pursue, with the authors, some of the issues raised in the 256 written submissions to the inquiry. The committee visited Renmark yesterday to see first-hand and hear about some of the problems and solutions associated with environmental measures imposed on land-holders. In today's public hearing we will hear evidence in relation to submissions from groups involved with farming, land management and planning, heritage and conservation, and from the South Australian government.

Although the committee does not require you to give evidence under oath, I should advise you that the hearings are legal proceedings of the parliament and warrant the same respect as the proceedings of the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. We do have a submission from the government. Would some or all of you like to make an opening statement?

Mr Gabrynowicz—Firstly, thank you for the invitation to attend the public hearing. In the preparation of the submission, it is quite clear that the South Australian government has taken the inquiry seriously and put a lot of effort into the submission. It involved the input of a number of officers across government and is one of the reasons why you have a fairly large group of us here today. Given that we are taking it seriously, we thought that it would give you the opportunity to ask questions directly to people who are experts in the areas that we have covered in our submission. We recognise that there is quite a lot of ground covered in our submission.

It is clear in our submission that we cover a number of statutes under South Australian law and deal with a number of boards which are established under South Australian law, and we thought you might be wondering how all of this is coordinated. I noted that the whole issue of integrating natural resource management in South Australia and enhancing that approach was

raised in the native vegetation overview that was prepared for ANZECC Environment and Conservation Ministerial Council. They noted the need for enhanced integrated natural resource management in South Australia, and that is something which is being worked on in South Australia at the moment. There is an integrated natural resource management bill that has been developed and it has been released for public comment. I have brought a copy of the explanatory paper and the draft bill for you that you can take away. It is also available on the Department for Environment and Heritage web site, which I can give you the address of, if you want.

The objectives of the integrated natural resource management bill, the key points, provide a consistent approach to natural resource management undertaken by bodies established under different acts—for example, catchment water management boards, soil conservation boards and National Parks and Wildlife Act consultative committees. Also, a key objective of the legislation is to facilitate the implementation of the intergovernmental agreement on the environment, which is likely to require regional management plans to be developed in order to receive funding.

The proposed bill establishes the framework by which community based regional bodies can operate. It is now available for public comment and discussion. The bill is still in its formative stages but it certainly has been recognised as something that needs to be addressed in South Australia.

As I have indicated to you, there are experts in all the areas that we have covered in our submission and, if there are any questions you would like to ask, Geoff McLean from Primary Industries and Resources will have carriage of soil conservation and pastoral issues. Chris Reynolds is a lawyer. He has a lot of familiarity with duty of care issues, which is something we raised in our submission. Stephen Wills from the Department for Water Resources will answer water related questions. Craig Whisson and Neil Collins from the Department for Environment and Heritage have considerable expertise, particularly in the area of native vegetation management.

CHAIR—Thank you. As a bit of background, the inquiry really grew out of the fact that governments across the board are increasingly putting legislation in place that affects properties, property owners and their rights. It is not a witch-hunt. It is an inquiry into that, to try and see what might be the best aspects of addressing it. Of course, we have been visiting all the states to see what they have in place, and we have been making some recommendations. Things that occurred in the past were done in good faith, and people made decisions probably based at the time on government advice, and now we know that some of those things are probably different and wrong.

What is the database that you have of the environmental situation in South Australia that you make your decisions on? Do you have a good database as to the environmental problems? Do you have a plan to attack the hot spots of those problems, and is that where your legislation and incentives are focused?

Mr Gabrynowicz—That is a question that probably cuts across all areas. I will throw in a few initial comments about the matter, but others may wish to offer some comments. In South Australia, pursuant to the Environment Protection Act, there is a requirement for state of the

environment reporting to be undertaken. That report, which comes out on a regular basis, draws on a variety of data sources for the preparation of that report. The Environment Protection Agency also has a range of data sources. There is a vast range of data sources which are used. Craig and Neil might want to comment on the areas of native vegetation.

Mr Whisson—Thank you, Mr Chairman. The state's clearance legislation is pretty much something that is driven by the land-holders rather than driven from the other side, in that it requires a land-holder to lodge an application before they can clear any native vegetation. The assessment of that application is done in accordance with the framework of the act, which sets up a series of principles or guidelines as to how the decision-making process will be determined. That relies on knowledge of distribution of rare plants and rare plant communities.

The state has, and is progressively undertaking, a survey of the biodiversity of the state. There is a series of surveys being done on a bioregion-by-bioregion basis. The database, which covers the threatened status of plant species and plant communities, is something which is being continually being evolved and updated, and we rely very much on that information in assessing and providing information to the Native Vegetation Council, which is the body that makes decisions on clearance applications as part of that process. It is always going to be a case of gathering more information, reviewing information in terms of species status and refining that as information is gathered.

But the process is, by legislative design, something that is driven by the land-holder rather than the department, so the capacity to actually focus on areas in terms of the clearance applications is probably not the sort of area that you are looking for in terms of heritage agreements, which is the reverse side of the clearance applications. It is the mechanism the state has to protect areas of native vegetation on private land. Neil might want to take this a little further. But there is the capacity for targeting and focusing on specific areas. Heritage agreements are very much a voluntary process. They are not something that the state can impose on a land-holder.

Nonetheless, if another agency is aware that there is a particularly important block of scrub that is held in private ownership, there is the capacity for the department to initiate discussions with that particular land-holder about protecting the area in question. As I say, the final decision comes back to the land-holder as to whether he/she is interested in protecting that area under the terms of a heritage agreement. I do not know whether Neil wants to provide any further discussion on that.

Mr Collins—Going back to where the native vegetation clearance legislation came from, there was a report that was put up about clearance occurring in the state back in 1975-76.

Mr Whisson—1976.

Mr Collins—Then we went through a process of looking at voluntary heritage agreements, up through 1980, which did get some uptake on the basis of that report, but it was found that clearance was still occurring.

CHAIR—That was an incentive scheme of some sort, was it? How did it work?

Mr Collins—It was more a voluntary scheme. If you thought that the area of land on your place that you wanted to keep was of value, then it was assessed and you were given some support in terms of putting it into a heritage agreement. It was a voluntary scheme.

CHAIR—But there was no real carrot involved.

Mr Collins—No, not at that stage. It was more the landowner's view, that, 'I really want to do something about conservation,' and then it went through a whole period of stages, and then there was the financial assistance component in the 1985 act, which kept going until 1991. Now we are in a new set of legislation since 1991, which is about managing clearance in the state, but there is no direct financial assistance for people. They were really given that period of time, it was felt, between 1983 and 1991 to be put through that process. Now we are looking at voluntary heritage agreements and we are getting about 30 to 40 of those a year. People are applying for them.

To take your question a bit further, what we are really looking at now is how do we target things within the regions of South Australia and how do we do that with the community. We have been working with the Commonwealth government as part of the NHT process and, with the research bodies, and developing our regional biodiversity plans. What that will do is start to give us information about what we have in the regions, what are the priority areas, and then how we start addressing those from a number of different mechanisms through planning processes, working with industry, incentive schemes for people, how we do cost sharing. I think you will want to talk about how we work those sorts of bases out. I have a pamphlet here which gives an overview of the regional biodiversity planning program, and I will refer to that a bit later if you want me to.

CHAIR—We are getting towards the end of the inquiry now. It seems to me that there are a lot of people out there doing a lot of things but it seems to be ad hoc, and we really have no direction as to where we should be focusing our attention. The committee is looking at several different recommendations. There may be some areas where they are too far gone and we would be wasting money. Maybe you have to look at an area and say, 'This is where we can do some good. We've only got so much money.'

You are the ones with all the information; we do not have it. It is a little bit like clearing. We hear about and see reports about the clearing in Australia but, when we get to the states and when we get to some of the farming organisations, those reports are denied—not so much from the states but from the organisations—and then when we ask the states for figures, there do not seem to be any. I am a bit confused about some of these figures on clearing in Australia because they do not seem to be backed up with accurate information from the states.

Mr McLean—Availability of data in South Australia and, presumably, Australia is always a major issue in relation to analysing the effects of change; particularly with resource issues. We are hoping that the national land and water audit, when it is completed, will come up with some reasonably good sets of data, but it is only collecting what is available, and I suspect there will be inconsistencies in data collections between states. From a department of primary production point of view, Primary Industries and Resources in South Australia, in evaluating projects and programs within the department acquires and utilises all data that is available. The Australian Bureau of Statistics has always been a good source of data, although they seem to be getting

less and less reliable in that the census on which most of the data is collected is now conducted only once every five years. A lot of things can happen in five years and it is hard to identify the changes. We find that data is a limiting factor in many areas for analysing and evaluating issues within primary industry.

CHAIR—Does satellite technology help in some of this?

Mr McLean—Satellite technology would help us. We still need to ground truth, though, so there still needs to be surveys done to support satellite imagery.

Mr Collins—Satellite technology can give an overview but then there are certain associations, like grasslands, which you do find very difficult to pick up through satellite technology. There is a lot of ground truthing needed and that is an area we put in for the biological surveys. We are talking clearance in different places and that is part of the database that we do keep. Craig can outline what is kept by the Native Vegetation Council in terms of clearance which is occurring within the state.

Mr Whisson—The Native Vegetation Council keeps a series of statistics on applications that come before it. Our feeling is that broadacre clearance is something that in South Australia is largely over and done with. There seems to be general agreement or acceptance within the farming community that broadacre clearance is not something that should continue. The Native Vegetation Council, as I said before, does keep a series of statistics on applications that it makes decisions on. I can provide copies of those to the committee if it is of any use. As an example, last year the council granted consent to a total of 1,500 hectares broadacre clearance in South Australia.

The definition of broadacre clearance is also something that needs a bit of clarification. The state legislation strongly discourages clearance of intact diverse areas of native vegetation, so that 1,500 hectares that was approved for clearance last year, but may not have been cleared, was generally fairly degraded areas of vegetation that had been subject to long-term grazing; perhaps had lost its diversity, lost its structure, lost its understorey. Clearance of those areas was not considered to be seriously at variance with the framework of the legislation that the council has got to work with. In South Australia the year of broadacre clearance has largely finished. There is general acceptance in the farming community that that is the case.

CHAIR—Do you differentiate between the old established native vegetation and clearing regrowth?

Mr Whisson—We have broken down the statistics into things like brush-cutting. I am not sure whether you are familiar with brush-cutting.

CHAIR—I am, but the others might not be.

Mr Whisson—Brush-cutting is a species of tea tree that occurs in the sandhill areas of the Murray Mallee, Eyre Peninsula, and is used for the construction of brush fences, which are very common in Adelaide. I think there is a little bit in the eastern states. The cutting of brush is regarded as clearance under the terms of the legislation. A land-holder who wants to cut brush needs to get consent from the Native Vegetation Council. Similarly, we keep stats on

woodcutting applications for forestry production, vineyards, irrigation, orchards, things like fire protection around houses. There is a whole series of categories that we keep statistics on. I can provide that information to the committee if it is of any use.

Mrs VALE—Under your legislation does everyone who wants to do any clearing at all have to make application?

Mr Whisson—That is the underlying premise of the legislation. If you are looking to clear native vegetation you need a consent.

Mrs VALE—Is there a minimum? I think over in Western Australia, if you wanted to clear more than an acre you could actually clear an acre without seeking consent. Does that happen here in South Australia?

Mr Whisson—There are no prescriptive areas like that. There are a number of exemptions written into the legislation of the regulations to the act which allow clearance for things like fence lines, tracks, fire protection around houses; those sorts of issues that are generally perceived as being day-to-day management activities that a land-holder needs to be able to do to officially run his property. Those sorts of things are exempt by the legislation. A land-holder does not need to get a clearance consent for those things. But outside of those specific exemptions—and again, I can provide a copy of the exemptions to the committee if it is of any use—a land-holder will need to obtain a clearance consent.

Mrs VALE—How long is the normal process?

Mr Whisson—We are advising land-holders that realistically they should be looking at setting aside something in the order of four months to process a clearance application. The reason for that is that the resources we have to undertake the assessment on behalf of the Native Vegetation Council are limited. This ties the process back into the land management philosophy: there is a requirement under the legislation for the Native Vegetation Council to seek comment from soil boards. They are established under the specific piece of legislation to provide comment back to the Native Vegetation Council on the potential for soil degradation issues to arise as a result of the clearance.

We give the soil boards six weeks to provide a comment. The Native Vegetation Council meets every six weeks and it is not difficult, within that sort of framework, for an application to take three or four months to run through. Some of the more difficult ones have taken substantially longer than that. Some of the very simple ones have taken substantially less than that. The average is somewhere around about four months, perhaps a little bit longer, to process.

Mrs VALE—We all have respect for the objectives of such legislation. We all understand there is a need to protect our land and the soil and to do what we can to help preserve it. When an application comes in from a farmer, is the economic loss that a refusal might cause to him part of the consideration by the decision-making authority?

Mr Whisson—The legislation does not give the Native Vegetation Council the capacity to address economic loss. There is provision within the framework of the decision-making process for a land-holder to be able to come and make a submission directly to the Native Vegetation

Council at its meetings. Obviously the concerns of land-holders in terms of the economic impact of a decision or a potential decision are high. They have the capacity to provide that sort of advice to the Native Vegetation Council through a verbal submission

The council itself is a seven member body. It is made up of a range of interests, including the South Australian Farmers Federation, the conservation council, soil conservation boards, and local government. It has a good solid background to it in terms of the range of issues that come before them.

Mr Collins—The current council has five people with a farming background on it. They are from a range of places around South Australia, from the Eyre Peninsula through to the South-East. They have an understanding of the issues that people are going through.

Mrs VALE—I noticed in some of your papers that you have mentioned compensation on occasions. Is compensation paid to a farmer if he cannot use his land for productive purposes or for his own economic viability? You said that from 1983 to 1991 there was some financial assistance and that is no more. Would you be able to explain to us why there was a change? What were the considerations that the South Australian government or your department had in feeling that there should be no more financial assistance to farmers?

Mr Collins—What we were finding was happening was that, to get the financial assistance, people were then starting to put applications in for land which they were never really going to be clearing. That was one of the issues that started to come forward. Legislation had been around and the information had been out since 1983 in one form or another. It was up to 1991 and there was time at the end of the process, a two-year lead time, for people to put in their applications for financial assistance. What financial assistance meant was that they then signed a heritage agreement, so that land from then on became a conservation area. There was no compulsion to do that and a number of people did not want to do that.

CHAIR—That was a caveat on the title.

Mr Collins—That is right. They exist now; they are still on those titles. The financial assistance was given on the basis of putting one of those onto the title. A number of people did not want to do that. Also, what we are finding now, is that the majority of the clearances are about isolated plants. You have trees which are out in open paddocks or areas which are degraded and they want to change the land use from what it currently is to a different land use. That is where they come in to the council now. It is not really in terms of broadacre that people are coming forward.

Mrs VALE—I am not quite sure what the other members of the committee feel but it seems to me there is not that great level of angst here in South Australia, which is what we have found in other parts of Australia. Perhaps it is because a significant amount of land clearing has already been done.

Mr Collins—There was also that factor that it was recognised within the parliamentary system that there was an issue with putting legislation in.

Mrs VALE—So you did have some lead-in time.

Mr Collins—The ones who had done some work towards looking at what their families were going to do into the future were also caught up in that whole process. It helped to have that period of time where there was some support for people who were caught in this process.

Mrs VALE—Better management of the process.

Mr Collins—Getting it through. But it did not necessarily start off that way. It took some time, so we have gone through an experience to get to that end.

Mr Gabrynowicz—We are well aware of the angst in Queensland about native vegetation issues. It is probably fair to say that we went through all that angst back in the early eighties when clearance controls first came in. Certainly South Australia was in the forefront of native vegetation clearance for quite some time. That reflects the fact that historically South Australia was considered to be the granary of the continent because there were so many crops being planted. We reached a point, probably earlier than some of the other states, where it was clear that something had to be done.

Mrs VALE—You did provide some sort of financial assistance in that nearly 10 years.

Mr Gabrynowicz—Between 1983 and 1991 the compensation was for the loss of market value of a property.

Mrs VALE—That is an initiative for farmers.

CHAIR—Before or after the value declined?

Mr Whisson—Perhaps I can answer that. The drop in value was subject, as Neil has said, to the land-holder being prepared to sign a heritage agreement. Having been refused and said, 'Yes, I will sign a heritage agreement over my block of scrub,' he was then entitled to a financial assistance payment. That financial assistance payment reflected the drop in value of that block that resulted from the decision to refuse clearance consent. There was a diminution in value that followed the clearance decision.

Mrs VALE—It was the difference between the market value before and the market value after the decision was made.

Mr Whisson—But as a block of scrub rather than perhaps cleared land. It discounted the cost of development of that block from scrub to crop land.

Ms CORCORAN—We have been looking at whether or not there should be a sharing of costs of things that land-holders do on their land for the public good. We came across this term 'duty of care' all the time. Is there a definition of such a thing, either formally or informally? Is that going to take the rest of the day?

Dr Reynolds—The problem with the concept of duty of care is that it has a number of meanings and a number of different contexts. It is a term that is regularly used in common law, for example, as an element of a negligence action. It is also increasingly finding its way into

statutes and that is the context in which we would be interested here. In a natural resources sense it seems to me that a duty of care is a duty not to damage or degrade land or water. It is a duty to act sustainably rather than unsustainably. It is a duty that applies to things that occur simply on your property—for example a contaminated site would be that—but it also applies to things that affect other people's property or a common resource like rivers or aquifers.

Under common law, duties of care have been owed to a limited group of people, normally neighbours, but if imposed under statute, then the duty is owed more widely. It could be owed to the community, it could be owed conceptually to the environment itself. It could be owed to future generations in terms of who might have the duty of care. I am sort of emphasising the Productivity Commission's ideas in its report *Full repairing lease* in 1999. The duty of care should certainly, if it exists, apply to owners and occupiers, but arguably it could go broader than that to also apply to people whose dealings affect the land—contractors, for example. If an aerial sprayer, for example, manages to degrade land or damage the land in some way through their activities, then arguably the duty of care should be cast broadly enough to apply to those activities as well.

CHAIR—I was going to say, in our adversarial system, I am sure that you, representing the South Australian government, would argue that if someone had a salinity problem in the upper Murray—I know you are not that state but say it was—and it was seen that there was a potential salt problem coming from that area and therefore that property or a number of properties, or a huge area, would have to be revegetated which completely changes the agricultural situation in that area, couldn't you argue as a lawyer that that was a duty of care to the whole community and therefore you should bear it?

Dr Reynolds—If you see duty of care in that adversarial context then, yes, you could make that argument. But then you could make that argument now, anyway, under common law principles. The natural resources context though in which duties apply are specifically under statute where they have got a fairly focused application in terms of the remedies that are available to land managers. For example, if someone is in breach of their duty under land management legislation or water resources legislation in the number of contexts that they apply in South Australia, then the remedy is not a prosecution, it is not civil damages. The remedy is the land manager can apply for a remediation order or require the owner/occupier to undo the damage that they might have done.

CHAIR—Under our system of title, which we have always been so very proud of and which was developed here, I think, in South Australia, wasn't it?

Dr Reynolds—Yes.

CHAIR—It really gave property owners rights on their property, and they see those rights being absolutely undermined by planning legislation, government decisions. So where does the duty of care of a property owner end and where does the common good come when you make these decisions?

Dr Reynolds—That is very much a matter of opinion. Historically duties have always been confined to the effect they have on others. That is the way the courts have seen them. Although if you look at the more recent cases in negligence, what you seem to be seeing is an extension of

that confined concept to a recognition that the duties you owe to others are broader than they used to be. When you impose them by statute, governments, not just in South Australia but in other parts of Australia as well and overseas, are simply making a value judgment that the things people do on their own land that they may argue is not affecting anyone other than themselves is, in fact, going to have a long-term effect on the environment. That is the logic that drives our urban controls in relation to contaminated sites. In fact, the common law through nuisance actions has developed thinking that occupiers of land have got duties to others, and that has accompanied negligence actions as well.

CHAIR—Under our constitution we are supposed not to be able to confiscate anyone's property without compensation, but states duck out from under that and say, 'We are not responsible for compensation,' and I think people are a bit annoyed about that.

Dr Reynolds—The question really then becomes, do you compensate someone for complying with a duty of care? The analogy seems to me to be this: it is a bit like a truck driver saying, 'I should be compensated for driving reasonable hours at a reasonable speed,' and none of us would really accept the logic of that kind of argument. No more should we accept the logic of an argument of a landowner who says, 'I ought to be compensated for not degrading my land. I ought to be compensated for not farming unsustainably.' That is the limit of a duty. It really prevents people from acting negatively rather than requiring people to act positively.

CHAIR—I understand your argument but there is a huge body of opinion out in rural Australia which at the present time says to us, 'We thought we had title to our property and some of the impositions of government mean that we are no different to a socialist Soviet state.' There is a sort of political movement out there saying that.

Dr Reynolds—Yes. You might add to that and say, 'We are no different to most Western democracies across the world,' where it has been long recognised that because you own a piece of land your activities will be constrained in all sorts of different ways. The planning system as it operates throughout Australia, and in urban areas in particular, has long imposed restrictions on the sorts of things people can do on their land. Our environment protection laws impose restrictions on things people can do on their land, so it is not really a new idea; it has been with us for at least a century.

Mrs VALE—Christopher, I hear what you say about the car driver, but the problem is when we are talking about people who have bought land and sometimes have inherited land, it is not a lifestyle choice. It is their livelihood. I understand, too, what you say about planning laws and the restriction of planning laws, but also there has been a great shift, hasn't there, in the concerns of government regarding land?

Once upon a time people who took leases for farmland had to clear their land to a certain degree to keep those leases, and all of a sudden, almost overnight, the government has had a sea change of attitude, basically because of the science and the knowledge that we gained. I understand this does not apply so much here in South Australia. You have been very innovative and, it seems to me, far more considerate than other states have been to their farming community. But it does seem a lot to expect that the farmers will follow that sea change without any measurable compensation for livelihood. I am not talking about lifestyle choice here. It is livelihood and it is a business. All those property rights are all mixed up with this.

I understand that we are just getting your opinions on this and we are, to some degree, having a theoretical discussion, but it does seem to me from the evidence that we have heard to date on this committee, that there are governments in Australia, and not necessarily South Australia, that do have an expectation that the farmers are going to pick up the tab for a very big sea change in government attitude.

Dr Reynolds—I understand everything you say. All I can really do by way of responding to it is to reiterate the confined nature of a duty of care, and it is probably worthwhile having a look at the terms as they appear in the various natural resource statutes across Australia. They really are obligations not to damage, not to act unsustainably. Generally they do not impose positive obligations on farmers and landowners, and that is why I think the truck driver analogy is an apt one. It is saying, ‘You should not act in a way that is unsustainable. You should not act in a way that damages property.’ The point, of course, about farmers leaving their farm for future generations, I suspect must surely personalise that notion of intergenerational obligation.

Mrs VALE—Yes. We have actually found a great commitment amongst the farming community to do exactly that. As a matter of fact, from what I have observed, there seems to be an understanding that certain restrictions, the planning use, is very important and has a very important role. I think it is just the fact of the cost to the individual farmer in some circumstances which can virtually make their farm unviable.

We saw places in Victoria, in the West Wimmera region, for example, where farmers who bought land have to work off the property because their farms are no longer viable. That is a huge injustice. Most Aussies would just say that that’s not a fair go. But I understand what you say about the duty of care, and I do not think the farming community that I have met would really argue with that.

Mr McLean—Just a comment on farmers working off the farm. I think the issue there is that agricultural industries have changed and in some cases farms that were viable are now not viable, and that has nothing to do with the fact that they are not allowed to clear land.

Mrs VALE—No, this was a direct impact of a refusal to clear land. It really was a direct impact.

Mr McLean—I do not know that particular situation.

Mrs VALE—The land was purchased on the understanding or on the thought that this farmer could clear it. He did not clear it when he could, there was a plan to clear it, and when he wanted to clear it, he could not because of the native vegetation legislation.

Mr McLean—Yes, many farmers and/or their spouses are required to work off the farm because of the economic conditions.

Mr Collins—Christopher has talked about the duty of care and it is looking at maintaining the land as it is. I think one of the principles we have really got to look at is, ‘Well, what condition was it in when you took it over?’ And then, ‘We are expecting you to pass it on in a better condition and in what way can we help you in that process?’ and what is the community’s costs involved in doing that. That is one of the areas that we have really looked at, both prior to

the Natural Heritage Trust and now, in terms of what are the positive incentives that people can be given to do that.

Mrs VALE—You have said ‘the community’s costs’ because it is a benefit to the community that the farmers are doing this work.

Mr Collins—Yes, there is a joint partnership that needs to be developed. I think Geoffrey would be able to give a bit of background into the cost sharing principles that we have been looking at within this state in terms of private and public benefit in some of the funding arrangements—which are working in the Murray-Darling Basin area, in the South-East, on Eyre Peninsula—given to people to undertake certain activities which have got a long-term conservation outcome.

CHAIR—Because this is so obscure, and always will be, farmers are terrified of the fact that a bureaucrat will sit back and judge as to whether in fact they are carrying out their duty of care. It will always be a very obscure area, I think. Harry, do you have a question?

Mr JENKINS—I am a New Age politician; I am here to listen. I was making sure that the witnesses had exhausted all their answers. I have found this discussion about duty of care this morning very interesting, because unless I have been asleep on other occasions it has introduced the concept of sustainability to us under the duty of care banner which has not been presented to us before. This is a central core issue of this whole inquiry, because we have had put to us that many of the things that people now feel they are obliged to do by legislation are beyond duty of care, and they try to justify the need for compensation on the basis that it goes beyond duty of care.

Perhaps, as a non-legal person, I have been overwhelmed by the strict common law definitions of duty of care which I have interpreted to be about causing harm or nuisance to others in a spatial regard. The notion of sustainability and the discussion that has gone on clearly indicates that you see it is a temporal thing, intergenerational. I accept that that could be an appropriate aim. But the state of the argument around the Commonwealth at the moment would send people who have had an apoplexy to have even a further apoplexy. You intimated that the broadening of decisions had indicated that there is a move towards this, so I am interested in having that fleshed out.

Dr Reynolds—The first thing I would want to say about that is that the broadening of duties is not novel. It has not come from the state alone. If you look at the discussion on duty of care in the National Framework for Management and Monitoring of Australia’s Vegetation that, I think, Environment Australia referred you to in its submission, they pondered what the scope of a duty of care might be. Because having a duty of care is one thing. The next question is, well, what does that mean? How do you discharge your duty? The national framework focused on issues like protection of endangered species or ecosystems, protection of vegetation on land at risk of degradation, protection of riparian vegetation. So their thinking, at least, is along the same lines.

Mr JENKINS—How can it be best tested? That is something that gets thrown to us.

Dr Reynolds—If I was in a position of having a duty of care in this context, I would want certainty. One of the best ways of achieving certainty is for landowners and occupiers and

managers to agree on how a duty of care is discharged. If you can get that agreement then of course you can find formal mechanisms easily enough to incorporate them within statutes. For example, you might allow a statute that imposes a duty of care to call up a code of practice and then say that compliance with that code is deemed to discharge the duty of care. The other point about duty of care as well is that it does not take anyone to court to be prosecuted. What it does do is to provide the land manager with the capacity to issue remedial orders or to at least go and discuss the issue with the landowner. So within that process as well there is lots of opportunity and scope for negotiation and discussion.

Mr JENKINS—That code of practice notion is something that, in a lot of commercial law, trade practices law, is starting to be used.

Dr Reynolds—Increasingly we use these kinds of quasi legal mechanisms of guidelines and codes to achieve levels of certainty that people affected by the legislation quite understandably want to have.

Mr JENKINS—In this state would you be confident enough that there were the mechanisms or the bodies that could sit down and talk through these issues, or that would be respected enough to put in place a code of practice that would be accepted by all the players?

Dr Reynolds—That is a little outside my area of expertise, but I would have thought that the models from other areas are suitably well established and that the players and the various interests in these particular contexts are well enough known that you could achieve something that was owned by the various interest groups, and then formally called up.

Mr McLean—I would like to comment on native vegetation establishment. That process in our land management programs involves negotiation between all the parties concerned, in particular in relation to cost sharing, so codes of practice, I would imagine, would be similarly resolved with negotiation between government, local community and the landowners themselves.

Mr JENKINS—Chair, I have a question which is not on duty of care. Excuse me if it was answered earlier on in the piece. The conservation zones or heritage listing or whatever it was that you would require for native vegetation over uncleared scrubland, does it set out what the land-holder can do within that zone? Does that mean that they cannot make economic use of that land?

Mr Whisson—Heritage agreements have always been seen as a mechanism to assist in the protection of the state's biodiversity. It has always been seen that the formal reserve system—the national parks, the conservation parks—that every state has are never going to have the capacity to effectively protect the state's biodiversity, the processes that occur through those sort of ecological processes into the long term; there are always going to be areas of native vegetation outside of the formal reserve system which need to be protected, managed, in some mechanism to assist in that process. Heritage agreements are set up as the second string of that process to enable private land-holders to protect areas of native vegetation, and that provides a degree of support to the formal reserve system.

In that context, the heritage agreement does set out what can and cannot be done within a heritage agreement area. They are set up and established basically for conservation purposes. The department is at the stage of, at the moment, fencing those areas off as the first step towards protecting their intrinsic biodiversity values. The ongoing management of those areas is something that Neil might want to comment on.

But, to answer your question, the purpose of the heritage agreements is conservation. They are not there to be able to be used from an economic point of view in the traditional farming sense, so they are not able to be grazed, for instance. Does that answer the question?

Mr JENKINS—Yes. That then goes to the next question about what they can do to manage, because it has been made clear to us that in some cases just locking up is not the best management tool.

Mr Whisson—Yes.

Mr JENKINS—And therefore, just beyond the loss of value of the land as a compensation thing, what do we do in perpetuity to make sure that, having protected it, we encourage somebody—and if it is in private land-holders' hands, what do we do to help them?

Mr Whisson—That is very much the next issue—the ongoing management of those heritage agreement areas. The classic example is the grassland communities that are becoming increasingly important. They have only been recognised as being significant areas of native vegetation—they are very poorly conserved across the state's reserve system—in the last five to 10 years. For those areas, just putting a fence around them and saying, 'Great, we've saved them,' is being now seen as an inappropriate management technique. In fact, they need to be actively managed, and one of those processes might actually be a disturbance regime, be that grazing or burning or something like that, to actually manage them. For the specific heritage agreement areas, yes, there is a real need to assist land-holders in managing those into the future, and Neil can perhaps give you a bit of feeling for the direction that is heading.

Mr Collins—Yes, that is a very good point about the ongoing management of these areas. I actually have a pamphlet here which outlines the heritage agreement scheme, so that might make it a bit easier to understand. Even though the principal purpose of the heritage agreements is conservation in that area, and that is the reason they have been established, some people are utilising that in terms of ecotourism and some visitation by people to those areas, so they are getting information about what is existing in there, what makes it unique, and then letting other people know, and get that experience through those areas. But that is not across the board.

Other people have actually gone through the process of having a heritage agreement which has also helped them in the farming management practices. No longer do they find that the stock are now going into these areas where they find it very difficult to get them out; there is now a better property management planning process in place which has been through putting an area under a heritage agreement. We have recognised that the first step was actually to look at the initial protection of the area, and that is where we have gone with the provision of the fencing. It says 'may' in the act, but that is something that we have been doing in terms of provision of the fencing for heritage agreements across the state.

The next stage that we have been looking at is really how do we help people. What we have started to look at is a program called the Heritage Agreement Grant Scheme. I have a pamphlet on that as well. It is like a number of other programs. Where the landowner wants to undertake some activity on the land, the Native Vegetation Council, in conjunction at the moment with the Natural Heritage Trust, has been able to provide them with funds to be able to undertake work on their properties. One of the unique aspects of this is that it is actually the land-holder who is undertaking the activity or getting funding to do the work. They do not have to be part of a group or a community group—a number of people do not want to be in groups—but they do have an interest in that land and want to manage that land.

So there are two parts to it. You get the grant after going through a process of being assessed, but you also get information about the way to manage that land. We are finding more and more that people want recognition for what they are doing, and they do not get enough recognition for the effort that they put in. Secondly, they are really after information—'What do I do with this place? How do I actually help manage it?' They are the two areas that we are trying to concentrate on, as well as giving some financial support to undertake that activity.

CHAIR—Could you expand on that. For instance, if it was considered we needed to conserve a lot more of the grassland areas, and assuming that the best, most economic way to do that was through the private land-holder, how do we get to a commercial management fee? If there was money available, how would we manage to get to a commercial management fee whereby the community might pay a certain amount for that to be managed in the name of the environment?

Mr Collins—The economists may want to answer that but, at the moment, in the northern agricultural district we have been working with the community, and there are a number of farmers associated with a group that has been established to actually look at grazing regimes on those grassland areas for conservation outcomes, but also the different ways that people can manage the land, break up the paddocks into different sizes, different watering localities, to see how that can give a low input, low output return for the farmer, and also a conservation outcome. It may be that the grazing time of the year gets changed in different areas, and that is in the middle of a—

CHAIR—That is being done by the department of ag, is it?

Mr Collins—It is being done by a private consultant that we have got in to do it. It is being run by the community. We are putting info into it. There are a group of experts who know about grasslands from an agricultural background and also a conservation background who are all putting it together to help run that whole project, and then we will be feeding that back into the community. I think that is when we can start to see what are the things that we need to look at if we want some of these areas to be put into a protection regime. We would also be then using that, if we do have things like heritage agreements that people want in those areas, to establish what are the management issues that we need to look at to keep the values of the heritage agreements as high as possible.

At that stage we can start to look at what are the cost sharing principles that we may want to keep some of the high-value conservation areas. I do not think we can apply it right across the whole lot. We have to start looking at where is the best value for the dollar in terms of a

long-term conservation outcome. That is why I think things like the biodiversity plans are very important in actually concentrating and focusing people on what are the priority areas that we start to look at, and give a bit of certainty within the rural areas. We can start to look at what are the high priority areas that we need to look at, and start to concentrate our efforts in those areas.

Mr McLean—There is a program, Property Management Planning, that was federally funded—at least partially—and that helped farmers design fence lines in the correct place to protect the resource and at the same time to give them an economic return from their farming, to improve their economic return. So it was a farm management resource based program.

CHAIR—Unfortunately, we are out of time. We could go on for a while, I am sure, but thank you very much for your input. We have canvassed quite a few very interesting topics this morning.

Mr McLean—Could I just make one final comment?

CHAIR—Yes, certainly.

Mr McLean—In our paper towards the back there are a number of examples of land management programs with which the primary industries department has been involved in which the costs are split into on-farm, local and wider community, which is the government contribution to particular programs. One of them is protection of remnant vegetation, which is the issue that Neil was talking about before. In one of those examples the on-farm portion of the cost is only five per cent. The local community carries 16 per cent and the wider community—that is, the government—79 per cent. So in that case the government is carrying a much larger portion of the cost, and that is to protect remnant vegetation on the farm.

CHAIR—Thank you. That is a good example.

Mr Collins—I do think that one of the areas we need to look at, though, is really the financial institutions' views on conservation, and having that written into the bottom line of the way that they finance people for programs as well. At the moment, they tend to look only at the financial outcomes. Perhaps if it could be seen that conservation is also a component of land management, it could get written into the bottom line, and then there may be that support.

CHAIR—It could have an effect on value, as well, which comes back to our argument again.

Mr Collins—Yes.

Mr Gabrynowicz—The issue of native vegetation protection is discussed in some detail in our submission. I am sure you have all read it. I am just reminding you of that, if you wanted to refer back to clarify certain questions that have come up.

CHAIR—Yes. We might come back to you.

Mr Gabrynowicz—Feel free to come back with further questions on it, because that is something the state is quite proud of—what it has done with regard to native vegetation.

Mrs VALE—Yes, South Australia has been very innovative.

Mr Gabrynowicz—That is the integrated natural resource management bill, and I have just jotted down our web site address for you.

CHAIR—Thank you very much for that.

Mrs VALE—It was also the first state to give women the vote, and that is not lost on me, either!

[10.29 a.m.]

ASHMAN, Mr Glyn William, Acting Manager Water Resources, Bulk Water Division, South Australian Water Corporation

HAMILTON, Ms Cathryn May, Manager Environmental Management, South Australian Water Corporation

CHAIR—The committee welcomes representatives of the South Australian Water Corporation. Although the committee does not require you to give evidence under oath, I should advise you that the hearings are legal proceedings of the parliament and warrant the same respect as proceedings of the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as contempt of parliament. We have a submission, but would you like to elaborate on that to start with?

Mr Ashman—Yes. SA Water has an interest in public good conservation from the point of view of water quality and quantity primarily. We are involved in investments in conservation activities that directly relate to the question of water and the quality and quantity. Our submission supports the Commonwealth's current initiatives through the Natural Heritage Trust as an effective means of providing public good conservation and on-ground works throughout the community.

Ms Hamilton—Our submission generally focused around the aspects of conservation that we saw relating to water quality and the work of the catchment water management boards here in South Australia and, in particular, the catchment water management boards that are managing the water quantity and quality within the water supply catchments of South Australia.

CHAIR—Thank you. We are interested in the levy which you have here, which some sections of the community pay for obligations which benefit the rest of the community. Could you elaborate on how that works and what it does in the system?

Ms Hamilton—The levy is collected by councils on behalf of the catchment water management boards and paid by the councils to the catchment water management boards. The boards then allocate that money to projects within their catchment area. It is under the Water Resources Act and it is administered by the Department for Water Resources and by the catchment boards. SA Water does not collect any of that levy itself, but it does pay levy contributions to the catchment boards directly for them to put towards their particular projects. During negotiations with the catchment boards, we have asked for that funding from SA Water to be directed to particular projects, mainly in the water supply areas. We have listed those. Those projects are the riparian zone restoration work and the pesticide use within the catchments, the catchment audits, the audits of septic tank performance, water quality monitoring and community education.

Ms CORCORAN—I did not quite hear what you said before. The levy is raised by councils?

Ms Hamilton—The levy is rated on householders, landowners, by councils. That money is then paid to the catchment boards.

Ms CORCORAN—In that area?

Ms Hamilton—In the area.

Ms CORCORAN—What I am trying to get to is, does the local money stay in the local area?

Ms Hamilton—Yes.

CHAIR—Who pays the levy?

Mr Ashman—There are two forms of levy—a land based levy and a water levy. The land based levy is paid by the general residents within the catchment and the water levy is paid by those who have a licence to either hold or use water. Generally everybody living within the catchment contributes to that levy.

CHAIR—It is then distributed to the boards. Who do the boards represent? What is the make-up of the boards?

Ms Hamilton—The boards represent community groups, stakeholders, and also potentially other government agencies. They are generally private individuals who are nominated to the board and then approved by the Minister for Water Resources.

CHAIR—They allocate funds to riparian vegetation works to manage the erosion on the river—

Ms Hamilton—Yes, they do. They have capital works type projects and also protection of the water quality from stormwater discharges into streams, install gross pollutant traps, along with local councils. They do community education and public relations type work, as well as on-ground works.

CHAIR—Is any of it used for maintaining vegetation on private property by exempting of the levy or payment of a management fee—something of that kind?

Ms Hamilton—There is opportunity for the catchment boards to provide a rebate or a reduction in levy where that is negotiated. Glyn may be able to expand on this. There is only one catchment water management board so far that is providing a reduction in levy payment to landowners who have undertaken works on their land. Glyn, would you like to explain that?

Mr Ashman—Yes, that is basically correct. There is provision under the Water Resources Act for exemption from levy or repayment of levy, and the Onkaparinga board have sought to use that power under the act in recognition of owners who have blocks of vegetation under the heritage agreement. The levy is part of a process that the catchment boards follow which revolves around a five-year plan of works and so forth, principles, aims and objectives that they

are trying to achieve in managing the catchment. The results of that plan are then costed and that is used as part of the rationale for setting the levy which is set annually by the Minister for Water Resources. The whole of that plan is costed and funded through that levy, with the exception that they can also gain ex gratia payments from SA Water or they can seek external funding through the NHT and other types of avenues.

Ms CORCORAN—My understanding is that the money available for spending is from two sources—one is directly from South Australian Water and one is through the levy system. Can you give me an idea of the proportion of each of those sources?

Mr Ashman—Yes. The catchment levy is by far the most significant because it represents a far greater number of water users. SA Water is required at this point to pay the levy in areas where the water that we use has been prescribed under the Water Resources Act. The prescription effectively is a legal process of defining the extent of that water resource and then allocating it amongst the various users. In the other boards we pay ex gratia payments which are like an equivalent to the levy. We do that in recognition of the value of that water and of good catchment management in providing us with the best rural water that we can get.

Mrs VALE—You said in your submission that you considered that there was an opportunity for the Commonwealth to consider tax reduction incentives for greater use of heritage agreements as a conservation mechanism. I note there are certain circumstances when you reduce the levy or eliminate the levy on heritage agreements. Regarding the Commonwealth's opportunities for tax reduction, what kind of tax reduction incentives could the Commonwealth use to encourage greater use of heritage agreements?

Ms Hamilton—We have not explored that to any extent.

Mrs VALE—It did seem like a good idea. I was curious to know if you had any further ideas on that.

Mr Ashman—I am aware of the tax incentives for land care type of works on farms currently. I am also aware of the benefits derived through taxation incentives with land clearing and forestry back in the sixties and earlier. They were extremely effective vehicles for achieving a land use outcome. We have not considered the issue terribly deeply, but it seems to me that it is a very effective means of providing value to biodiversity that is not currently recognised.

Mrs VALE—If it worked well in the past, we should continue it on with the new objectives.

Mr Ashman—The big problem is where you have a farming community that is not earning enough income to pay tax. That is where it is ineffective. But in situations where they are taxpayers, certainly it is a useful tool.

CHAIR—How has the levy been accepted? Do you have many complaints?

Mr Ashman—Yes and no.

Ms Hamilton—SA Water does not administer the levy and it is not part of our responsibility to either administer the levy or to collect the levy, other than our contribution that we have to

pay the levy, where we take water and use it for our customers. The Department for Water Resources is responsible for the administration of the Water Resources Act. That is where the levy is collected.

CHAIR—They get the complaints.

Ms Hamilton—The catchment boards would get the complaints, I would expect, and perhaps the local councils may, because householders have the levy incorporated into their annual rating.

CHAIR—The reason I ask is that we are trying to assess whether in fact the community would accept an environmental levy.

Ms Hamilton—I would suggest you approach the catchment boards with that question. I am not sure if they have been invited to make a presentation.

Mrs VALE—Cathryn, how much is the levy? I know it is water use, but is the size of the land also a component of the calculation?

Mr Ashman—The levy can be set on a variety of means. It can be capital base, it can be water use based as I said, and there are others which I cannot remember. An average householder in metropolitan Adelaide would be paying in the order of \$30 to \$50 per year. I am not aware of what the farming community are expected to pay. That gives you an example. It is not a huge impost on the budget. In a South Australian context, though, the water catchment levy—I think I have this right—was one of the first levies that was introduced and, while there has been some public backlash at it, it had the benefit of being a relatively new thing.

We have since had other levies added—the emergency services levy is one that comes to mind—and the public is perceiving it as a backdoor tax and there is starting to be increasing opposition to these levies. It is a useful tool, and the beauty of this is we have a conservation program or a natural resource management program that is effectively self-funded. It is not relying on Commonwealth grants or that type of thing. It knows its limits, it has the levy. and it works within those limits. There is an element of timing in setting that levy. If it is something the Commonwealth is looking at, it has to be considered in the context of all the other taxes or levies that governments are looking to set on people.

CHAIR—Do you think the community is aware and therefore appreciates what the levy is about?

Mr Ashman—In some areas, to some degree, yes. If you are removed from the catchment—in other words, if you are in downtown suburbia—you are not necessarily aware. It is just another thing you have to pay. It comes in with your council rates and is tacked on the end, and you just pay it. It is one of the roles of the catchment boards to increase public awareness, and they do that quite effectively. SA Water certainly appreciates the input that they have from that point of view, and we use them quite frequently to provide that public message. It is a growing awareness but I would not say it is an across the board awareness.

Mr JENKINS—The catchment water management boards are, as you say, involved in natural resource management. In South Australia we also have district soil conservation boards. What is the overlap? Do they get involved with each other?

Mr Ashman—I cannot speak from the experience of being on a district soil board. From my general knowledge, soil boards also have a plan under their act. There is a degree of overlap not in their responsibilities but in fulfilling their responsibilities. The sorts of actions that they would seek to do are similar to what a catchment board would do, because of the nature of the natural resources that they are managing. I think that has been recognised. That is why South Australia is looking at this integrated natural resource management legislation, to try and bring an overarching body in to manage the total natural resource picture. I expect that these boards will continue to play their various roles but there will be perhaps greater integration between them and an avoidance of any duplication in effort or administration.

Mr JENKINS—The catchment management boards' plans are over a five-year period which is used for the setting of the levy. In the tie-in with NHT funding, is the rigorous procedure that the boards go through to get their five-years plans sufficient for the applications which go forward under NHT, or is there another layer of submission writing and investigation?

Mr Ashman—They still have to apply, like any other applicant, for NHT and go through that same process. The catchment management planning process is extremely rigorous in terms of the public consultation required. It takes a long time to get a plan through to final implementation. The catchment boards are no different to any other community group or individual who wishes to apply for NHT funding.

Ms Hamilton—Generally the community groups that apply for NHT funding are looked on more favourably if they have linked up with a catchment board and are implementing a program that is aligning with the catchment board's comprehensive plans.

Mr JENKINS—And individuals have the same opportunity to link into the planning process.

Mr Ashman—Into the NHT?

Ms Hamilton—Into the catchment plan development.

Mr JENKINS—Into the catchment plans and both.

Ms Hamilton—There is wide consultation.

Mr JENKINS—We say community groups get the tick from the catchment board and individuals are the same—a project that might be on private land.

Ms Hamilton—Yes.

CHAIR—Any other questions? Thank you very much for your evidence. We are very interested in that levy situation.

Proceedings suspended from 10.46 a.m. to 10.58 a.m.

McDOWALL, Mr James Nils, Committee Member, One Tree Hill Landowners Association and Adelaide Hills Landowners Association

McKAY, Mrs Sally Ann, Secretary, One Tree Hill Landowners Association

SIMS, Mr William George, Secretary, One Tree Hill Landowners Association

CHAIR—The committee welcomes representatives of farming groups in the Adelaide Hills. Although the committee does not require you to give evidence under oath, I advise you that the hearings are legal proceedings of the parliament and warrant the same respect as proceedings in the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. We have submissions, but would you like to make a statement as to your position?

Mrs McKay—Listening to the gentlemen earlier, I do not think they have any idea of the anger and frustration in the Adelaide Hills. They seem to talk broadacre properties, not on the smallholdings in the Adelaide Hills where most of the native vegetation problems are occurring. We have very small farms. Most of us, going back, planted trees because we bought bare land, either old orchard or bare properties. I have not pushed with any application for clearing because at a local council level the greening staff have assured me I would never get it because it is pristine scrub. They obviously do not know the farm history. Again, at a native vegetation level, members within that department have also assured me that I will not clear my land, even though I can provide the historic photos of when we brought the property and there were maybe 20 trees on it and now there are 30,000-odd that we have planted.

It provided income for three generations in the past with sheep, cattle and a horse stud and a bit of hay and small cropping. The sheep no longer provide an income. I believe the figure in Australia is something like 10,000 sheep that you have to run for a viable income. My 300 do not count. I have to look at changing land use and probably taking it back to something like an orchard or a vineyard. Due to an accident of planning I have 120 five-to-twenty-acre lotters around me who now consider themselves rural livers, given their age. They are getting on to retirement age. They tell me how I will run my farm. They tell me I will never have a change of land use. I have nowhere to go. The thought of not being able to clear and realise an asset that the family, over the years have planted, hurts—because it took us time, effort and money to plant all those trees.

I have a son coming on who has worked the farm. Why should he lose the income? I cannot sign a heritage agreement on 330 acres. Because of the percentage of my property it could be as much as a 10 to 15 per cent cut in my income. I barely earn enough to qualify on the Ralph report as a farmer—with \$20,000—and that is in a good year. \$20,000 is the cut-off point under the Ralph report for primary production. It is not because we do not work hard. We lose animals to dogs. We have gates left open. If we do cut trees to put in a fence line we have our equipment tyres slashed, substances put in the diesel tanks.

Mrs VALE—Who does that to you?

Mrs McKay—The neighbours, because they are rural livers and farmers rape and pillage. There are more of them now and they are getting wound up because there is a chance I may change my land use and put in a vineyard. I have, since I put in the submission, applied and that is not on. They did not buy land opposite a vineyard. They bought opposite a grazing property and that is how it will remain. The manager of the planning department at Playford council told an elected member that I would never have a vineyard on my property; he would not allow it. It is not just planning, it is not just the native vegetation, it is the manipulation of planning by local government at a political level as to what they decide is going to be happening in an area.

CHAIR—These neighbours have five-acre lots or something.

Mrs McKay—Five to 20, yes.

CHAIR—Does the planning act, council local environment plan allow you to subdivide your land?

Mrs McKay—No, it does not. That is about the only thing it is specific on. The complying use on my property in my zone is recreation, yet I am in the Mount Lofty Ranges rural area. That is the only complying use. After that we have words like ‘these things are non-complying except for’—and then you have ‘your farming, your sheds, your building,’ or whatever. They are non-complying which means you have to get a consent use. You go back to your local council and they can read that act, the development act, any way they like for an outcome. It is not cut and dried.

CHAIR—So you are locked into what you are doing. Are there any other planning acts that override your property like buffer zones or things like that which affect your livelihood?

Mrs McKay—No, the buffer zones are out there in a planning document, SA Planning, which I will send you a copy of. It is quite a horrendous document, but it is a strategy and it is to be adopted by local government in their plan amendment reports to be introduced at that level. Therefore it will become law once council put it into their plan amendment reports and then their own development plan. The state steps aside, the local council brings it in.

Again, whilst the strategy says it should be applied fairly and area by area, from what I have seen in a document from Playford council, they have gone through the absolute nth degree of the whole thing and are using it to stop farming in their hills area and concentrate their horticulture down at Virginia. We really are part of this mooted super park in their thinking; not maybe in reality, but in their thinking we are the green belt and everything they are doing is gradually squeezing us out. The dog catcher does not even come up and get these dogs that killed 80 of my sheep last year. We do not have a police station, except down at Elizabeth, which is a city council. Their attitude is ‘city’. There are no rural people on the council. I do not know whether Playford even gets a guernsey on the native veg discussions. The gentlemen mentioned there were farmers on the vegetation council—not from our area, as far as I understand.

CHAIR—So you believe that council is deliberately squeezing you out to take your property.

Mrs McKay—That is probably a long bow, but I am certainly not being encouraged to stay there as a farmer.

CHAIR—In the long term that could be the effect.

Mrs McKay—In the long term. But it is all negative; I do not think they have a positive. They are not expecting a Golden Grove or a Yarra Valley subdivision for council rates necessarily.

CHAIR—Do you get rural rating?

Mrs McKay—At the moment I do, but I am under the highest rating council in the metropolitan area. Playford is a high rating council. I get my notional values and my rural lower rate from Playford council, but I am about to lose my primary production status with this Ralph report, or quite possibly, if I cannot make that magic figure. Therefore I will lose my notional value.

CHAIR—There are five points in that, so you should look at the five points.

Mrs McKay—Yes, but there is not enough positive happening here with native vegetation and conservation. A one-off payment for a heritage agreement, when the next generation gets nothing—I basically sold that section of the farm. There is maintenance that will have to continue and no income from that area of land. It is not a one-off payment if you are giving a section away for the neighbours to look at.

CHAIR—Are you expected to maintain that area, though?

Mrs McKay—As I understand it, yes.

CHAIR—Mr McDowall or Mr Sims, do you want to add to that?

Mr Sims—I could add to it from the point of view of general farmers, who are people engaged in farming activities, who are in the hills face zone at that end of town. I am not sure if you are aware of the current legislation relating to the hills face zone, like the banning of olive groves.

CHAIR—No.

Mr Sims—Olives are a proclaimed pest plant in South Australia. If people wish to cultivate them, if they have not already got them planted they will not be permitted to plant them. They are a non-complying development. That is one clear and strong example of legislation which is impacting on farming. You are not allowed to change land use to vineyards or olive groves and that means our land has already been devalued because if you have not already got it you cannot do it. That is a direct impost under the terms of this committee.

CHAIR—This is because you are close to an urban area?

Mr Sims—This is because we are close to an urban area, yes. That applies to the hills face zone which is some 33,000 hectares from south of Adelaide to north of Adelaide.

Mr McDowall—33,000 square kilometres.

Mr Sims—Sorry, 33,000 square kilometres. It is a huge area. There has recently been further legislation to prevent wineries being built in the water catchment area which, in one fell stroke, has increased enormously the value of some properties which have wineries on them and devalued other properties which potentially could have wineries on them.

CHAIR—The difference between land for a vineyard—just bare land, not developed land—and grazing land, what is the difference in value?

Mr McDowall—Anything from \$25,000 to \$50,000 per hectare. I think one of the big problems is the combination of the planning strategy for the area interplaying with things like the Native Vegetation Act and other similar legislation where, in the planning strategy for the area, there is a blanket rule that says there is no further subdivision.

If a land-holder wanted to take advantage of the elements of the tax act which provide for write off over, I think, five years for setting aside land for conservation, in order to involve other people in that he has to subdivide his land so he can maintain his viable primary production on other parts of his land. If he cannot subdivide his land he cannot access those sorts of opportunities.

What we get, if you take it in the longer term, is land that is not being managed at all to its best advantage. We have some neighbours in the northern area of the Adelaide Hills where for many generations it has supported three or four families. Now there are three or four families in extreme distress living on government support of one form or another because the land is no longer able to be managed in a way that is going to produce an income and keep those families occupied. Nevertheless they feel obliged to stay with that land from their own view of land care.

They are not sufficiently skilled to find a place in the workplace. They are locked in just far enough away from the urban environment where they are going to be seriously disadvantaged in looking for work. You get all those sorts of conflicts established. What primarily is happening is that there is a view right at the lower end of the education world, where there is an antifarming attitude being established. It is becoming clear. It was clear at the table with the people who initiated the discussions today. There is a view that farmers have purposely gone out and raped the land to deliver the result that we deal with today, but they were just dealing with the land in the social context in which they found it.

Farmers today are also trying to repair the land to meet the duties of care which we are all concerned about. It is not well enough recognised that within their financial capacity farmers are doing their best to maintain their investments in their land and their livelihood because if they do not at the very least market forces will force them off the land and, if they have hopes of passing land on to future generations, their kids will not want to stay there because they will not want to live in a sort of peasant-like situation when their friends are off in the city and trading futures, or whatever.

This societal view of farmers having damaged the land—there is not enough credit given to people who actually stay with it and work with it every day. That populist view comes through in perhaps the way government programs are introduced. Governments are elected on a three- or four-year basis generally, so their planning view tends to be on that sort of cycle.

Farming is a much longer term investment. It takes five years before vineyards come into fruit, it takes seven years before stone fruits come into commercial production. As a farmer your perspective of the future is much longer than probably anyone out there promoting the conservation debate today in terms of when you put your hand in your pocket and when you get your results, and that is demonstrated in the amount of money that the government has committed for various land management programs in the state government's proposal. They have only committed something of the order of about \$5 million. Can you imagine how much farmers have contributed, either by forgone income or by actually putting their hand in their pockets in that same period? It must be considerably more than that. We all suffer the little things that come up. For example, the controls in relation to development of properties in our area, buffers of up to 300 metres have been proposed by SA Planning.

CHAIR—Buffers around what?

Mr McDowall—Buffers around the development. A vineyard or an orchard or something like that—the changed plan use, to isolate each activity from its adjacent activity. There is no scientific basis for that 300 metres, for a start. On top of it, which is worse, there are no proposals for how that 300-metre buffer might be managed. What you end up with is this vast bulk of land which has cost someone something. It is unable to be subdivided from the land so you can pass it to other groups to manage. It is a lost wasteland. I am sure someone's strategy within the native vegetation groups is that the native vegetation will gradually re-establish itself on that 300 metres and gradually squeeze out the effective primary producer.

CHAIR—How would that fit into a fire management plan?

Mr McDowall—It doesn't. I find it quite curious that in every state in Australia it seems like the national parks are going up in flames and we are just increasing the fire load and, on top of that, you have local councils totally abandoning their responsibilities under the Country Fires Act to manage roadside vegetation, so you have these corridors, these pathways for fire being created, and I think there is a social disaster waiting to happen in highly populated areas with lots of native vegetation.

CHAIR—There is no indication of compensation for this 300-metre buffer? It is a requirement of the act?

Mr McDowall—No. Our planning legislation does not work in such a prescriptive sense. We have a series of development plans which are—

Mrs VALE—It becomes a condition of development consent? Is that what you are saying?

Mr McDowall—Yes.

Mrs VALE—If you put in an application for land use or a development application for whatever reason—

Mr McDowall—Yes, it becomes a part of that gain. The way it works is that SA Planning, the peak planning body, produces development guidelines which councils later incorporate in their development plans and those development plans are approved by the minister for planning.

Mrs McKay—Therefore they become the law.

Mr McDowall—Whether it is government policy or it is local government, it does not much matter. It is a fact that we all have to deal with. The worst part of it is the inability to carve that bit of land off and give it to someone else to manage, someone in the community, who might find that useful.

Mrs VALE—Is what you are saying that in excising that land from your land there is no provision for management of it or it creates other problems which are not addressed in the DCP?

Mr McDowall—Take, for example, Sally's property of 335 acres: if she were to provide a 300-metre buffer off that, it would leave nine acres in the middle of it which she could actually cultivate.

Mrs McKay—Which I couldn't, because it is in a watercourse.

Mr McDowall—It is really a nonsense. You can see how these planning policies are coming together to more or less force people out of a potentially highly productive farming area in favour of some lofty goal which seems to have been adopted by the populace without consideration of all the facts. We have seen that, for example, in the planting of trees. Bob Hawke was going to plant a billion trees and everybody said, 'You'll never do it,' but it was done. Everybody got on the bandwagon planting the trees, but now another little voice which was out there in 1988, or whenever it was, says that trees are actually able to reduce the available water in the area. I think Wilson Tuckey said if you planted all of the applications that people had put up for revegetation in the New South Wales part of the Murray-Darling Basin, no water would ever actually get to South Australia.

CHAIR—It reduces about 20 per cent.

Mr McDowall—It has a significant impact in particularly small areas. That is going to be a bone of contention within the community and people are going to have wholly polarised on it. There is a very clear lack of science behind a lot of views which were adopted in a policy sense by governments because of the populist view. That is why I come back to the investment time frame for farmers versus the political sphere. I understand the problem for politicians. They have local community groups which are very visible—

CHAIR—Can I just interrupt you there. You are more or less saying that the people who are enjoying this semi-urban lifestyle on the blocks are saying to council, 'We don't want any of this agricultural activity around us,' so this is where the buffer zones are coming from, to try to restrict that activity?

Mr McDowall—It is a quirk of our planning legislation that because the Adelaide Hills have not been able to be subdivided and because of their high dollar value per square metre or whatever that further out in the drier areas land is being subdivided. You have cereal farming areas being subdivided into five, 10, 20 acre lots and there has been a need to put some control into that. In the middle of cereal growing belts, not just in the Adelaide Hills, little communities have developed that are trying to blanket out the activities of farmers.

Because you might have 50 people involved in that group and there might only be two or three farmers that are affected by their activities, in a political sense the local council or whoever is going to listen to the 50 more than they are going to listen to the three. That is just a fact of numbers. That is the way our system works and that is what is happening throughout the Adelaide Hills and the more closely settled areas of this state.

CHAIR—You would say that the larger voice, which is these people that are out there, if they want this type of lifestyle then they should be making some contribution to those who are farming.

Mr McDowall—It goes further than that. The people who permitted the land to be subdivided in the first place in that situation of cereal growing should also contribute. That comes back to the government at large because they have the head power in the whole game and that is an extension of that duty of care argument.

Mrs VALE—James, how has it impacted on your land? Sally has told us of the restrictions and the position she is in. Has it impacted on your land?

Mr McDowall—In the same way, and Bill's land would be the same.

Mrs VALE—Are you able to make a living out of your land?

Mr McDowall—No.

Mrs VALE—You can't?

Mr McDowall—I am the same as any farmer in the country or most farmers in the country. At some stage in the cycle, which can be 10 or 15 years long, you are forced to look for income off-farm.

Mrs VALE—Sally said she just gets over the \$20,000 a year.

Mrs McKay—No, I don't.

Mrs VALE—You don't?

Mrs McKay—Last year was \$10,000, gross income. That is gross, and \$2,000 of that goes to the council in rates. Then I start making big decisions.

Mr McDowall—The gentleman from the department of primary industries who made the government submission today was quite correct. The terms of trade have impacted quite seriously on South Australian agriculture, and it does not really matter where you go in the state. Unless you are able to change from one form of farming activity to another, and obviously you are going to change because you think it is more viable—if you remained with sheep farming from 1990 on, really unless you had 10,000, 15,000 sheep you were not trading profitably—and that applies right the way through the farming spectrum. High intensity horticulture, such as cherries and grapes and olives, produce much high gross dollar value per acre, but you need conditions like water and climate and soil and so on.

Mr Sims—And permission.

Mr McDowall—And permission.

Mrs VALE—Your land is suitable for those sort of high agricultural pursuits but you cannot do it because of lack of permission.

Mr McDowall—Sally's application for a vineyard has been in for seven months.

Mrs McKay—Still no answer. Council referred it to the Development Assessment Commission. They lost it, then they found it. It was due to be heard this morning but due to some sort of clerical error it will not be—possibly March, next month, but again that depends because there is rather a backlog.

Mr McDowall—Seven months is a farming season.

Mrs VALE—You say a hearing, so your application will be heard before a tribunal or a court?

Mrs McKay—The commission, yes.

Mrs VALE—The commission?

Mrs McKay—Yes.

Mrs VALE—You have a right of appearance before that commission to put your point of view?

Mrs McKay—Yes. I also have a right of appeal, but it was an orchard, it was sheep, then it wants to be a vineyard. From what it has cost me—

CHAIR—I was going to say, at what cost for these appeals?

Mrs McKay—I have not got the last of the solicitor's bills in. So far we would be sitting at \$10,000 for legal opinions and letters and there will be the appearance for him, probably \$1,500 for the day before the commission. Heaven knows what the appeal will cost, just to change the

name of the plant on the farm. That is all I have applied for. I have not even applied for trees to be removed.

Mrs VALE—You are still farming and you are still planning.

Mrs McKay—We are still farming, but I have changed to name of the plant; something that obviously has not met with approval or the locals' consideration.

CHAIR—I am sorry, we are out of time. Thank you very much. It is certainly a view that we have not heard.

Mrs McKay—Just one more statement which I think we all forgot: there are new moves out there in a PAR happening at the moment in the Barossa Valley, where they are trying to stop houses being built on land I believe under 100 acres, so you will be able to own a title of land out there but again, due to conservation of water and heaven knows what other reasons, you will not be able to build on it, which is very costly.

CHAIR—Thank you.

[11.28 a.m.]

CRAWFORD, Dr Caroline Anne, Joint Nature Conservation Manager, National Trust of South Australia

RANDELL, Dr Barbara Rae, Chairman, Nature Conservation Advisory Committee, National Trust of South Australia

CHAIR—I welcome the representatives of the National Trust of South Australia. Although the committee does not require you to give evidence under oath, I should advise you the hearings are legal proceedings of the parliament and warrant the same respect as the proceedings of the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. Do you have any comments to make on the capacity in which you appear?

Dr Randell—I am an ex-member of the state council of the National Trust. I am an ex-chairman of the Nature Conservation Advisory Committee and still a member of that committee.

CHAIR—We do have a submission but would you like to add to that with an opening statement?

Dr Randell—If I may. The first thing I would like to say, from what has come out this morning, is about conservation for the public good. The public good is not a simple concept. Nature conservation is important to a number of different publics, and each of those publics has a different desired outcome of nature conservation. There are environmentalists, of course, who tend to emphasise the intrinsic value of the environment, but there are people who are interested in passive recreation, or active recreation, who want to use trail bikes or four-wheel drives, or hunting and fishing, and there are the primary producers, as we have just heard. All of those people are members of society and should be considered.

The National Trust of South Australia is a membership based, non-government, not-for-profit organisation. It places itself among those who conserve nature for its own intrinsic values and it has first-hand experience in the difficulties of balancing conservation for pure environmental values with the interest of publics interested in both passive recreation, as you saw yesterday in camping and four-wheel driving in the Riverland, and active recreation, and we have had examples of people rogaining and mountain bike riding in the Adelaide Hills reserves.

Yesterday, you saw something of the reserves that are managed by the National Trust in South Australia but we have many more. We manage 30 reserves scattered throughout South Australia from Tumby Bay on the West Coast of Eyre Peninsula, through Yorke Peninsula, the Riverland, the Adelaide Hills and the South-East of the state. These reserves cover nearly 1,200 hectares with an estimated capital value of over \$2 million, and they are 1999 figures. I have a copy of that here for you.

In total area our reserves do not compare with South Australia's national parks systems. Our reserves tend to be smaller and scattered but that does not make them less valuable in biological terms. Two of our reserves protect species which are endangered in Australia. Roachdale Reserve in the southern Barossa Valley is home to one orchid *Caladenia behrii*, and Agery Reserve on Yorke Peninsula is home to another, *Caladenia macroclavia*. Many reserves contain species which are threatened at a state or regional level.

Mulbura Park Reserve on Yorke Peninsula contains the highest level of biodiversity per sampled area in the whole of Yorke Peninsula. Our reserves are often very important refuges for populations of small animals which have lost most of their habitats due to agricultural practices. An example of that is sugar gliders on Sherriff Reserve near Naracoorte in the South-East. The biological value of our reserves is recognised in having 13 of them covered by heritage agreements with the South Australian government, as you have been discussing earlier, 14 of them are listed on the register of the National Estate, and three more are registered for listing as well, and those also are listed on this sheet.

Managing such an extensive geographic spread of reserves carries many problems, as you probably became aware yesterday. For example, we only have one staff position to manage all the reserves and that position must be based in Adelaide. Therefore, we have transport and accommodation costs whenever our manager visits country areas. Local volunteers must be recruited to enable us to qualify for grant based funding, and those volunteers should also be trained and supervised. That is very difficult when our staff is based in Adelaide.

Each reserve has its own different management problems and requires individual solutions to its problems, so we cannot just make one decision and apply it right across the state. For example, Brinkworth Reserve at Port Lincoln is threatened by bridal creeper, while Nurutti Reserve in the Adelaide Hills has a problem with infestation of a grass called *Tetrarrhena*. Englebrook Reserve, also within the Adelaide Hills, must be continually monitored because neighbouring properties are infested with woody weed, such as broom and gorse and erica, so each one is different. Riverland reserves, as you have seen, are heavily used for recreation, and implementing controls on camping and camp fires is difficult.

Despite these problems the National Trust remains committed to the task of managing and preserving these nature reserves for the benefit of all South Australians and all Australians—that is, for the public good. We have been carrying out this public good conservation for almost 50 years. This has created significant costs for the National Trust. For example, there is the cost of employing a manager and supporting those managers in office costs; the cost of writing grant applications and the associated reports that they take; the cost of finding volunteer workers, recruiting them, training them, supporting them, acknowledging their efforts; the actual costs of doing work on the ground in the reserves, surveying them, fencing them; and the cost of repairs and maintenance.

We have walking trails and bridges that have to be maintained. We have the costs of feral animal and plant control. Those are statutory obligations to landowners. We have the costs of maintaining public liability insurance for our properties because they are all open to the public. We have the costs of legal assistance to write regulations under the National Trust of South Australia Act of parliament. If we do not have these regulations we are not allowed to control the behaviour of visitors to our reserves. We also have costs of advocacy and educating our

members, and other members of the public, about conservation, and we have costs of networking and liaising with neighbours and groups with similar interests.

Last financial year, from its own resources, the National Trust allocated \$55,000 to cover all these expenses. After allowing for salaries and office expenses, such as photocopying and so forth, a final figure of \$2,100 remained to be spent on our on-ground works and repairs and maintenance. Obviously no significant conservation work could be carried out with this budget alone. During last year our managers raised nearly \$38,000 in grant funds, meaning that altogether \$40,000 cash was spent on all our projects, and that was only because our staff devoted considerable effort to writing grant applications and also to recruiting the volunteers to provide the in-kind components of the projects.

However, although only \$40,000 was spent in cash terms, the work done by both contractors and volunteers must have been worth nearly \$100,000 when we allow for both the in-kind contributions and for other work which did not attract grant funding. In addition to the costs that I have talked about, the trust also encounters adverse publicity and/or reactions against its conservation activities. We have the perceived fire risk from bushland reserves in suburban areas. We have limitations that we have to impose on camping, limitations that we have had to impose on orienteering and rogaining, limitations that we impose on four-wheel drives and trail bikes, and our perceived antidevelopment stance. You have had a beautiful example of the sort of reaction this morning.

We are often seen as being antidevelopment because we advocate protection of the hills face zone which was just what was being discussed this morning. We oppose inappropriate developments on land that is near our boundaries. I am tabling for you a copy of a cartoon from the *Advertiser* which shows an old cottage surrounded by a fence, and the sign on the fence says, 'South Australian National Trust'. Outside is a developer called The Progress Association and he is saying, 'They seem to have beaten us to it, Bill.' The date of the cartoon is November 1955. Nothing has changed.

We presume that this inquiry has arisen out of the possibility of future legislation which would compel land-holders to carry out certain conservation activities on land under their control. At the National Trust we feel that we are already managing our reserves as well as our resources will allow. Additional legislative requirements which would threaten the work that we have been able to accomplish in the past—for example, if we were required to remove all feral animals and/or plants within a particular time period—we just could not do it, even if all our other activities ceased. Such a requirement would not be a one-off requirement; it would have to be maintained annually.

The National Trust has fully committed its own financial resources. It might seem that our nature conservation management activities could be increased if we received more grant funding, but in most cases this would require increases in the in-kind component. Our managers would find it difficult to recruit additional skilled volunteers to provide those hours. If there was no such requirement for an in-kind component our managers, like Caroline, would be happy to select, instruct and supervise the work of skilled contractors. This is often more cost effective than using unskilled volunteers. While volunteers are invaluable for their long-term commitment to conservation, skilled contractors can sometimes produce more conservation

results per dollar than equivalent volunteer hours. In addition they usually require less supervision and/or support while they are working.

We feel there is an argument in favour of allowing skilled and experienced persons, such as our managers, to be less restricted in spending public funds on public good conservation. Legislation to allow them to do this would be most welcome.

CHAIR—In relation to the final point, do you have any suggestions as to how we can cut the red tape involved in these applications? It would be helpful, because we get a lot of evidence about the red tape involved. I dare say it is a matter of trying to get forward an example whereby we can be careful about the money that is being spent but yet being a little bit more reasonable in the time that is necessary to put in the applications.

Dr Crawford—From my experience, speaking of South Australia where we have a good set-up—I do not know what it is like in the other states—I can imagine devolved grants going to certified bodies or state departments which then handled the overview of those grants. I guess that is what happens with the heritage agreement grants. A lot of that is federal money which goes to the department for environment in South Australia, and then we as a land-holder who has a heritage agreement applies to that body. While they are quite stringent in the guidelines, the applications are nowhere near as complicated as the Natural Heritage Trust. So there is one body which is set up to have a system of devolved grants under them. Likewise, I can imagine your water catchment bodies.

Some of the participants earlier were talking about an integrated natural resource council in South Australia. There may be various sectors which would have the capacity to devolve grants to particular types of projects, so you would still have the control that people needed to apply and have very clearly outlined projects and outcomes of those projects, but you would not have the complicated NHT applications. Between other work it takes me at least a week to put an NHT application together in its current application form.

CHAIR—And you know how to do it.

Dr Crawford—And I know how to do it. I have to refer to a lot of other documents in putting their priorities and link them to the project I am compiling in the application.

CHAIR—Could you tell me the difference between you as a land manager with no money and a farmer as a land manager with no money?

Dr Randell—The main difference is the outcome we are looking for. The farmer is obviously trying to survive financially, whereas our outcome is looking for the good of the land. We are managing for the environment. I did not entirely agree with some of the things that were said earlier because I grew up on a farm, and I think a lot of farmers do manage their land because they want to hand it on to the next generation in as good a condition as they inherited it, or better. Most farmers are very caring managers but the financial constraints on them mean that they are trying to support a family and some of their decisions cannot be as environmentally focused as ours.

CHAIR—The trust has no sympathy for a farmer who is locked in by planning laws and is losing his asset.

Dr Randell—We have every sympathy.

CHAIR—I thought your inference earlier about those people who gave evidence—

Dr Randell—No. My inference was that they felt that everybody else hated them, and I do not.

CHAIR—We have a lot of evidence in that vein across Australia, yes.

Dr Randell—Yes.

Dr Crawford—Also, as I understood it, the example they gave with the 300-metre break—I might be wrong—but I think that is to do with olives and, as was said, there are olive guidelines which have been released.

CHAIR—It is a long way—0.3 of a kilometre.

Dr Crawford—Yes. Olives are a proclaimed pest in South Australia and, whenever you have a vector involved in spreading that as a weed, you have those sorts of problems. Bird flight is obviously brought into that. It is not to say that area cannot be used for something else but it is 300 metres from a substantial area of native vegetation in order to protect the native vegetation in the long term.

Mrs VALE—Is it just for olives, Caroline?

Dr Crawford—As far as I understand. That is the sort of thing we do in advocacy. In our annual report we summarise the number of advocacy issues that we respond to. That is a very big part of our role. The olive guidelines was one of those documents—not in that annual report, but the previous year. That is the sort of thing that we try to do and have put on in its consultative phase.

Mrs VALE—Why are olives considered to be a pest in South Australia?

CHAIR—They spread very easily.

Dr Crawford—They spread, yes. Our climate is very suitable for their growth and you will find them spreading right down the Fleurieu and through the Barossa Valley. They are a major pest for native vegetation. Sectors of the hills face zone have been blanketed in feral olives.

Ms CORCORAN—Just a point of clarification. If our previous witnesses wanted to put vineyards on their land, the 300-metre thing wouldn't apply, as you understand it?

Dr Crawford—I will pass that one over to Barbara because she has done a lot of work on the hills face zone.

Dr Randell—I do not believe it is 300 metres for the vineyards. There are controls on where vineyards can be placed in the hills face zone, mostly concerned with the slope of the land.

Ms CORCORAN—My other question is quite different.

CHAIR—Is this a NIMBY attitude because some people go there and live and say, ‘We don’t want anything in our backyard’?

Dr Randell—The hills face zone?

CHAIR—The conflict that was coming through from those people saying, ‘The neighbours do not want us to do these things. Therefore, the local council puts plans in place to restrict our ability to change our farming practices.’

Dr Randell—I would not call it that. The local council plans are controlled by the state development plan, in my understanding.

CHAIR—Don’t they put in their own local control plans?

Dr Randell—Yes, but I think they are constrained by the state ones. This is outside my expertise.

CHAIR—Yes, within the state act.

Dr Randell—This is outside my expertise, certainly. The Adelaide Hills area, which was part of the discussion earlier, is a different problem because it is seen as part of the aesthetic approach from Adelaide. From about the early fifties one of the reasons why the National Trust was set up was to protect the hills face zone as a backdrop for the city. There are tremendous problems because people who owned the land when it was proclaimed as a hills face zone, as it was described, are locked into that financial problem where there are now tremendous controls on what can be done in that area but the people who owned the land originally had no way of getting out from underneath their financial commitment.

Dr Crawford—In the Adelaide Hills in general, probably in the sixties and seventies, there has been a huge lot of division, so we do end up with a lot of hobby farmers who do not have the strong farming background and know how to manage those small acreages. That causes a lot of problems for environmental management in the hills.

CHAIR—The trust were really the driving force behind this policy.

Dr Randell—I would not say the driving force but we are certainly a contributing force, yes. The trust was set up and was proclaimed under an act of parliament, and it was out of that time frame that concerned people were pushing about things like the hills face zone.

Dr Crawford—And protection of the Coorong.

CHAIR—What would be the extent of your membership?

Dr Randell—At the moment it is about 4,000.

CHAIR—They live basically in the Adelaide city?

Dr Randell—No. We are spread right across the state. I cannot tell you what the proportion of membership is.

Mrs VALE—Dr Randell, I know that this is not within your realm of power or responsibility but I would like your thoughts on it. When it does come to new planning laws that do have a negative impact on existing landowners, especially existing landowners that have used their properties for livelihood, do you see that there is any responsibility from the state or from those organisations that restrict the economic use of that land to actually pay some sort of compensation or even buy the land from those landowners, if it is possible to purchase the land, if the new planning laws—and we all have a sympathy and an understanding about the need for changes and protecting the land, but do you see that there is a responsibility on behalf of the decision-makers to reimburse, compensate or pay the landowner for the use of that land?

Dr Randell—If we are talking public conservation, then the public should, and the ideal situation would be to purchase that land and put it under public ownership so that it could be managed for the public good. I have every sympathy for the farmers who are locked into land which is no longer capable of supporting a family.

Mrs VALE—It does seem, from what I can judge, across Australia where there have been changes in planning law, that the farmers who were going to be impacted by the changes do not seem to have even had a voice in the decision-making process. They have almost been totally excluded and then impacted upon in a very negative way.

Dr Randell—I am afraid I really could not comment. That may be true.

Mrs VALE—You have not had people come to you in your capacity with the National Trust complaining? What you heard this morning is not within your experience?

Dr Randell—Those comments do not come to us as the trust because they see us as part of the other side.

CHAIR—Do you have conflict with your neighbours with the properties that you manage?

Dr Randell—We do.

Dr Crawford—Probably only Englebrook and Overland Corner, but generally we have very good relationships with neighbours. Usually if you are running a conservation project on a reserve you liaise and you involve your surrounding landowners. We have lots of examples of very good cooperation with adjoining landowners.

Dr Randell—That is certainly true, yes.

Dr Crawford—And local councils.

CHAIR—I understand what you are saying about it—you can do with extra funds; everyone can. If the government or the public suddenly had some funds available and would be able to support you in some of your management, how long would it be before you just became another government agency with no volunteers?

Dr Randell—We operate under an act of the South Australian government. We are set up as a separate body, so we are managed by our members. Our members elect the council. The council employs the staff. We could not ever be a department.

CHAIR—No, but you would act similarly. If there were no volunteer input and everything was done by contractors or whatever, it would be a very similar situation.

Dr Crawford—I do not think we would ever reach that stage. We definitely need our volunteers because they are the long-term carers. Where we need more money for specialist contractors is to get certain projects to the point where they can be managed by the volunteers alone in long-term care. Volunteers cannot do some of the jobs—when you are faced with acres of gorse to be dealt with; they cannot fell your pine trees and things like that, or the heavy fencing work. There is a certain amount of money that could be spent on each of these reserves to get them to the point where volunteers would be able to manage them in the long term.

Mr JENKINS—Doesn't this lead to the great dilemma that it is not only the—locking up is a bad word but everybody knows what I mean.

CHAIR—Alienate.

Mr JENKINS—If we protect areas, set them aside after having decided they are of some natural value, we then have the problem of the ongoing management. Whilst, Dr Randell, I understand that the best, quickest and easiest method would be for governments to purchase the land, we are then left with the ongoing problem of management. That is the great struggle that you people have; the ongoing management. It leads you to having to make hard decisions. For instance, we could adopt a duty of care argument. If you said, 'If we had to get rid of all our feral pests perhaps we couldn't do it,' but, likewise, if we are looking at private private land-holders as against — I do not know what to call you — public private land-holders, it is the same rule or the same test that we would have to apply. If there was a duty of care argument for something going on at one of your properties that affected the surrounding, you would be obliged to deal with it.

Dr Randell—My example may have been a little too extreme. I certainly did not intend it in that I cannot imagine that any legislation would say, 'You must get rid of every feral plant.' If we could do that for the whole of Australia — it would be impossible to do it for the whole of Australia and that is all there is to it. We certainly accept the duty of care that we owe to our neighbours. We accept the duty of care that we owe to people further afield in our Riverland reserves. I am not quite sure. I am lost in the argument. Are we talking about what would happen to all of these farmers' land if it were purchased?

Mr JENKINS—No—if you were so underresourced that the management of your properties would then lead to the extent that you could not do things.

Dr Crawford—Manage them.

Mr JENKINS—Yes.

Dr Crawford—We would have to divest and who do we divest them to? Quite a few of the properties are perpetual lease or crown lease. We could sell the freehold requirements.

Dr Randell—Most of those have been—

Dr Crawford—They are under heritage agreement.

Dr Randell—Most of them are actually donations to the trust and there are provisions in the wills of the people who made the donation which may mean that really we should not be selling them. They were given to us to manage in perpetuity and, while the trust continues, there is the responsibility to go on managing them. It is a problem that we have not solved, and if you could come up with a solution we would be very pleased. The answer that I gave before about buying the farmers' land would necessarily mean also a bucket of money to manage the land, because if we just bought the farmers' land and the farmers walked away, what would happen is that that land would just be taken over by weeds.

CHAIR—That is what Harry told me. Whichever way you go there is a huge public cost.

Dr Randell—There is a huge public cost, yes.

Mr JENKINS—Do we have a sufficient database to know the type of areas that we really should be putting aside, or do we have a good enough grip of how much of different areas we should put aside? We have the problem that on one side people think there are people out there that want to lock up everything but there is obviously a happy medium. Do we have enough scientific information to have the base line data and then do we have goals that are reasonable?

Dr Crawford—I think we do. I have been involved with National Parks as well as National Trust and there is a national program called CARS, Comprehensive and Representative Parks System, which is trying to be established throughout Australia so when land becomes available, based on the biological surveys throughout South Australia, we have got a very good grip on those areas that we really want to see within the parks system.

You mentioned grasslands earlier. We have just had our first grasslands come into the national parks system because we knew that from our biological surveys that the area was good, and that type of ecosystem was not represented in our parks system. We used NHT money, state money, and money from private foundations to acquire that and put it into the parks system. All the scientific basis is there for selection of representative ecosystems throughout Australia to come into the national reserve systems through the state park systems.

CHAIR—Do you have enough money in the South Australian budget to adequately manage the parks system?

Dr Crawford—No, we do not. The national parks system relies very heavily on volunteer groups. In South Australia we have over a hundred friends' groups which work in national parks throughout South Australia. I do not have the figures with me, but we can break that down into the number of person hours. That would equate to at least 100 more ranger staff. They have all the figures collated. South Australia is in a very well organised position in terms of volunteer components and contributions in the national parks system. The national parks system could not survive without those friends' groups.

CHAIR—We come back to the same basis. How do we fund the management of these areas?

Dr Crawford—We do. We are talking about environmental levies to be placed on the public. I take on board the points that were made earlier about how many levies you can put onto members of the public. But we definitely need the cost of conservation in all its forms—whether it be setting aside areas for biodiversity or whether it is for proper management of the Murray Darling Basin. That is something that has to be shared by all Australians and there will have to be some way of drawing it off from all Australians, I believe.

Mrs VALE—Obviously the funding that you receive from the state government is enough to run initially.

Dr Randell—The trust receives a small grant from the state government and a small grant from the federal government, and together they total about \$130,000 for the year. The component on natural conservation is about three per cent of our budget and our budget is \$55,000 for nature conservation. The contribution from the state is about \$60,000.

Mrs VALE—That is really not a lot of money for the big job you have, is it?

Dr Randell—As I said, the nature conservation is only three per cent of the budget. There are all the other heritage interests which the National Trust has, and that is one reason why we would never become a department of the state government, because all of the other activities that the trust carries on would not be covered. The funding is a drop in the bucket, it really is.

Dr Crawford—Because we are a non-government organisation we are approached frequently for comment on submissions and on documents. It is a very important role for the trust. We have a lot of built heritage properties. The reserves are only part of the properties that the National Trust of South Australia owns and manages.

Mrs VALE—It is a very broad responsibility.

Dr Randell—Very broad, yes.

Mrs VALE—The particular skills you have to garner to try and address all of those responsibilities are quite significant themselves. Getting back to levies, it seems to me that ordinary taxpayers generally do not have a problem paying for a levy if they can see that they are getting value for that levy. There always seems to be a great outcry if the money that they are paying is not going to the purpose for which it was levied in the first place. One of the purposes, I suppose, of the levy is that it does create an awareness of what is happening. If money is paid out of consolidated revenue for a particular purpose, nobody knows it is happening, but if they

know there is a levy raised for a particular purpose and the money does go to that purpose, people have some sense of ownership—that their dollar is going to provide for something that they consider to be worthwhile.

Dr Crawford—It would need to be very well researched. There has been an outcry against the emergency services levy as to where the monies were going from that particular levy in South Australia.

Mrs VALE—Was it going to emergency services?

Dr Crawford—I am not familiar with all the aspects of it, but it was not going to exactly where people expected it.

Mrs VALE—That is a danger.

Dr Crawford—It would have to be very well researched as to how it is collected and where it is focused.

Mrs VALE—It is a real dilemma, isn't it?

Dr Crawford—A very open process.

Dr Randell—If there was going to be an environment levy, you would almost have to think of a new government department, a separate government department, being set up to handle those funds.

CHAIR—Heaven forbid.

Dr Randell—Heaven forbid, yes.

CHAIR—I suppose this is a philosophical question, but do you have an opinion on the management of land? Who do you think would do the better job—private land-holders with some support from the public or the public sector?

Dr Crawford—That comes back to funds. I know a lot of very committed National Parks staff who are frustrated that they cannot do the job they need to do because they do not have the funds or the personnel. There are positives and negatives both ways.

CHAIR—Farmers usually work for less money.

Dr Crawford—That is right. We have fantastic support to manage projects in the regional areas, because regional people are so willing to help, to put in the hard yards.

Mrs VALE—Especially when it has a future investment for themselves or for future generations. There is a generational commitment when you have a farmer helping.

Dr Crawford—Yes.

Dr Randell—Certainly.

CHAIR—Thank you very much. We will adjourn for lunch.

Proceedings suspended from 12.04 p.m. to 1.06 p.m..

GIRAUDO, Mr Matt, Wetlands Project Officer, Mid Upper South-East Local Action Planning Committee

LAWSON, Ms Bernadette, Revegetation Project Officer, Mid Upper South-East Local Action Planning Committee

CHAIR—I welcome the members of the Mid Upper South-East Local Action Planning Committee. Although the committee does not require you to give evidence under oath, I should advise you that the hearings are legal proceedings of the parliament and warrant the same respect as the proceedings of the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. Do you have any comments to make on the capacity in which you appear?

Mr Giraud—I am a project officer for the upper South-East wetlands. I represent the Mid Upper South-East Local Action Planning Committee who make recommendations to SENRCC, the South-East Natural Resources Consultative Committee, for the implementation of the Devolved Grant Scheme for the Upper South-East Dryland Salinity and Flood Management Plan.

Ms Lawson—I am a revegetation project officer for the Mid Upper South-East Dryland Salinity Flood Management Plan.

CHAIR—We do have a submission but would you like to make an opening statement to add to that?

Mr Giraud—I had not actually prepared anything. The submission was prepared in May last year and really basically just says that the group is responsible for the implementation of the scheme, that it is a well-received scheme, it has in the vicinity of 300 land-holders involved in it, and documents that land-holders are big contributors to works in the upper South-East, although the National Heritage Trust, Primary Industries and Resources and the Department for Environment and Heritage and the South-East Local Government Association are all stakeholders in the project, and they all contribute cash to the project.

CHAIR—How did this evolve and what are the plans? What are you trying to do?

Mr Giraud—The Devolved Grant Scheme is part of the Upper South-East Dryland Salinity and Flood Management Plan which incorporates essentially a four-pronged approach to solving the salinity problem in the upper South-East.

CHAIR—Who drew up the plan?

Mr Giraud—It was a consultative plan put up by the community in consultation with Primary Industries and Resources and Environment and Heritage back in 1993. It was put together in 1992 but it was a long and involved exercise, as you would imagine, before that. It had an environmental impact statement released in 1992 or 1993. The plan grew from that and involved some engineering works, revegetation, drainage, wetlands and catchment agronomy as

a four-pronged approach to solving the problems of salinity in the upper South-East. Then the partnerships were developed after that through NHT and the state government and through the local drainage board. The land-holders contribute also to the scheme through a levy.

CHAIR—The land-holders pay a levy or do they do it in kind?

Mr Giraud—Yes. You asked me how the scheme got going. In its entirety the scheme involves the drainage program which has a drainage levy associated with it. That drainage levy is used for the construction of earthworks, which is essentially the engineering component of the plan. That does not contribute to the cash for the Devolved Grant Scheme. Land-holder contributions or the Devolved Grant Scheme is the money that they spend on their own property for revegetation works and for protection of remnant vegetation over and above the grant money they get, which is developed on the basis of the cost share stated in the submission.

Ms CORCORAN—I was going to go a little bit backwards and ask what area you covered and what your landowners do. I do not know the area that you are covering at all, so if you could describe it for me, please.

Ms Lawson—I am not sure of the square kilometres of the area but it takes in, if you know South Australia at all, the Coorong District Council boundary which is just north of Keith, across to the coast, Kingston, down to just south of Naracoorte and across to the border, so it is a large area. As Matt pointed out, all these land-holders pay a drainage levy which makes them eligible for funding from the Devolved Grant Scheme.

Ms CORCORAN—What are the industries in that?

Ms Lawson—Industries?

Ms CORCORAN—What do the landowners do?

Ms Lawson—Most of the land-holders are graziers—grazing country. There is also a bit of cropping up in the areas around Keith with the sandy soils. There is also a lot of interest in agro-forestry. Those are the activities that we fund. There are viticulture, dairy farming and olives as well, but we are not involved with those.

CHAIR—What is the life of the scheme? Is there any sunset date on it?

Mr Giraud—Yes. The scheme was originally supposed to be implemented in a three- to four-year period, and the Devolved Grant Scheme is winding up in its current form, NHT funded, at the end of this financial year plus a couple of months, given the NHT financial year finishes a bit later, but basically at the end of this financial year. The wetlands component will then continue on for another two years, purely state funded if it does not pick up any more federal money, and there is a submission in for a continuation of the Devolved Grant Scheme for revegetation. That will go through the normal processes of selection through the region, state and federal assessment panels of NHT and PIRSA.

The scheme itself was supposed to take four years but the drainage works have taken longer than that. They had a very optimistic schedule, if you like, and of course public infrastructure

works are always more complicated than one would perceive initially. So it will be another couple of years before they will finish off. The project essentially, as far as the Mid Upper South-East Local Action Planning Committee is concerned, in its current form winds up at the end of this financial year.

CHAIR—We had evidence in Western Australia which said it was very difficult to get NHT funding for drainage, but you succeeded, did you?

Mr Giraud—The answer to that is yes. I am not sure of the exact detail, but one of the reasons why they did is because they could demonstrate that it would work, which in the technical aspects of draining land is very difficult often to show that that is going to work, that you will have some control over surface and ground water. Also there has to be, obviously, an area of disposal, and in this case there was. But it is a jointly funded project.

CHAIR—Where does it go—into an evaporation basin?

Mr Giraud—It goes out to sea basically.

CHAIR—Out to sea?

Mr Giraud—And into the southern lagoon of the Coorong.

CHAIR—Were there any concerns about increasing the salt load in that river?

Mr Giraud—The Coorong is a Ramsar listed wetland which is an isthmus basically on the coast of the South-East. Yes, there are concerns and they are ongoing. There was a lot of modelling done. The isthmus is a hypersaline lagoon; the southern lagoon of the Coorong is a hypersaline lagoon. There is a lot of evidence to suggest that it was not initially, that it was in actual fact saline to brackish/saline. But changes in the drainage of the upper South-East as early as the turn of the century have changed that. It gets a lot less freshwater discharge than it would have naturally. The concerns are that it was listed as a hypersaline lagoon, that essentially the discharge from the catchment will be relatively fresh, so it will have a freshening effect on the lagoon. There has been a lot of modelling done and there was an agreement to discharge a rolling average of 40,000 megalitres a year over a 10-year average period.

During the implementation of the scheme there has to be notice of intent backwards and forwards between EA and PIRSA prior to works being undertaken. So there was an in-principle agreement for the works to be undertaken. Then there has to be signing off on each stage of the work prior to it happening because of the potential impacts on the Coorong. There is also a great deal of monitoring undertaken. There was a requirement for a settling basin prior to disposal, so there was quite a bit of the environmental requirements for discharge undertaken.

CHAIR—So we have a partnership between the land-holders, the federal government through NHT, and the state is involved as well, is it?

Mr Giraud—Yes.

CHAIR—So you have got the three.

Mr Giraud—They basically contribute 30 per cent each.

CHAIR—Yes. Really, the environmental advantages were to remove the salinity. Were there other environmental advantages in it—improvements in wetlands, et cetera? What about vegetation?

Ms Lawson—As Matt pointed out, the four components of the drainage scheme all benefit each other in the long term—the drainage works together with the revegetation and the catchment agronomy.

CHAIR—So there is revegetation?

Ms Lawson—I am the revegetation officer for the revegetation component of the Upper South-East Drylands Salinity Program which does include the drainage component. It is a whole package of projects and the Devolved Grant Scheme for revegetation and wetlands is part of that project.

CHAIR—The property owners are the people who grow the vegetation and manage it?

Ms Lawson—Yes.

Mr Giraud—If you just go back to that last question, whilst the whole scheme was perceived essentially to protect the agricultural area from further degradation and to improve it, there are large areas of native vegetation and wetlands in the upper South-East that are threatened by salinity, so there is a two-pronged approach. There is a definite advantage environmentally to protecting particularly wetland environments but large areas of native vegetation that are essentially on the water courses, so the lowest point in the landscape that is certainly threatened by salinity. Essentially the aim of the wetlands water link project was to establish a corridor of significant wetlands between the Ramsar nominated Bool Lagoon and the Coorong, which are essentially at two ends of the scheme. So the principle of the plan was to develop a link of high-quality wetlands between the two that would protect it.

All of the drainage works that are undertaken obviously have to be undertaken in a manner that is suitable to the management of wetlands. Drainage, when it was implemented in the lower South-East a long time ago, was directed to the lowest part of the landscape which is essentially the wetlands, so there are very few wetlands left in the lower South-East. All of the design of the drains is taken into account for the protection of wetlands, and it obviously provides ground water protection of wetlands but also maintains the supply of fresh water to these wetlands, which were fresh water in the brackish environments.

CHAIR—If the scheme is completed in 10 years—it might take that long—who maintains it from then on?

Mr Giraud—The South-Eastern Water Conservation and Drainage Board will own and maintain all of the infrastructure and all of the agreements established through the development of the drainage scheme.

CHAIR—How will it be funded?

Mr Giraud—They raise some of their own money and they are also part of the Department for Water Resources at the moment, so they are partly state funded and partly a land-holder funded organisation who have a responsibility for implementing—I do not know the exact name of it—the drainage act.

Mr JENKINS—You have developed an action plan. Is that the work that initially was done?

Mr Giraud—Initially there was the environmental impact statement which was a management plan which detailed drainage options, revegetation, wetlands and catchment agronomy work to address the problem of salinity in the upper South-East. It is an action plan; it was probably wrongly called an environmental impact statement. Like all of these things it is a rough plan of action that needs to grow legs basically, and that has happened, obviously, as it has been implemented over time. That forms the basis for driving all of these things, and particularly the Devolved Grant Scheme. That sets the criteria for it. Then there are some economics that underpin that which talk about the cost share relationships.

Mr JENKINS—Did you say it was developed from 1993 onwards?

Mr Giraud—No, it was completed in 1993. It was developed in the period leading up to 1993.

Mr JENKINS—Where did initial funding for projects under the plan come from in 1993?

Mr Giraud—It has always been a jointly funded project between NHT, the state government and the land-holders.

Ms Lawson—Funding did not become available until 2½ years ago. I started work in August 1998. That was the whole process of developing the Devolved Grant Scheme between 1993 and beginning the on-ground works in 1998.

Mr JENKINS—There was a lead time.

Ms Lawson—They used that time to organise themselves and to work out the guidelines.

Mr JENKINS—All of the NHT funding you have applied for has been components of the overall plan for which you have sought funding?

Ms Lawson—Yes. My position is NHT funded. The revegetation component is mainly NHT funded.

Mr Giraud—The project got going when NHT came on board.

CHAIR—I am unsure of the Devolved Grant Scheme. How does it work?

Ms Lawson—We advertise that we have the money available and the activities that we have available, such as wind breaks, revegetation and agro-forestry and fodder and protecting remnants in the wetlands. The interested land-holders ring us up and we send them out a work proposal which they then fill in and send back to the Keith office. We assess that, first of all, and sort out any problems that there may be with that work proposal. All work proposals are then taken to MUSELAP. We go through those individual work proposals with our members. Their input is as community involvement. All of those that are recommended for funding are taken to SENRCC for final endorsement.

The land-holders who are accepted for funding sign a 10-year agreement with SELGA to look after that project under the guidelines, and to comply with any conditions that we have specified in the work proposal. Once we have that agreement they can go ahead and commence those works. That is our commitment to fund it. We only pay upon completion of the project. The project officer will inspect that work to make sure it is within the guidelines and that no changes have been made which will affect the payment. After inspection, we advise Graham Pfitzner from SELGA and he sends the cheques to the Keith office and we pay the land-holders as quickly as we can.

CHAIR—How long after the land-holder has expended the money will he be reimbursed?

Ms Lawson—That depends. We have introduced flexibility which allows the land-holder to, first of all, put a fence in. In some cases they need to put a fence up to protect that area from stock to allow good weed control. They may, therefore, put the fence in the year before planting and we keep the payments separate. It is important to include flexibility around the land-holders' management programs so they can implement the works correctly.

CHAIR—If you are going to drain, you have to follow drainage lines. What happens if you have a property owner who does not want to be part of it?

Ms Lawson—The drainage program is only a small component of the whole project. The draw-down of a drain has only a 1½-kilometre effect. There are a lot of land-holders in the higher country who get no effect from the drains but are paying a drainage levy because they are contributing to that recharge.

CHAIR—They are quite happy to do that?

Ms Lawson—Some of them are; some of them are not. They received the revegetation grant as a—

CHAIR—Carrot.

Ms Lawson—You could say some sort of compensation. It has been decided that they are contributing to the recharge.

Mr Giraud—Your question was, what happens if somebody does not want to be involved?

CHAIR—Yes.

Mr Giraud—The drainage board do have power under the act to acquire. That is dangerous because of the cost involved. There was a case in the scheme where a keystone land-holder—somebody in an area at the end of the line—decided he did not want to play. There are courses of action that you can take, but at the end of the day there is the timing problem, there is the problem that it has to come in on budget, et cetera. History has been that, where land-holders have not wanted to play, they have found an alternative, although they can go through the process of compulsory acquirement. That becomes a legal battle, becomes expensive, and it has unknown outcomes which are more risky. If you have a project that you want to come in on time and on budget, going through lengthy legal proceedings is not conducive to that. They have found alternatives.

Ms CORCORAN—You seem to have a lot of land-holders involved in the scheme, but I assume there are some that are not. What are the reasons for the land-holders staying out? A question following on from that is, have you been able to gauge the feeling of the landowners for this scheme and for what they would like to do next, and do they have concerns? Are there gaps that are not being filled?

Ms Lawson—The project has taken off over the 2½ years. The initial intake of work proposals were from people who had work already planned. Over the years as the project has developed, people have seen that the project works, that trees grow and they get paid for it. The main incentives for people to undertake revegetation works will be a matter of neighbour talking to neighbour and people seeing that the project works.

Mr Giraud—However, for native reveg, the land-holder has to come up with at least half the cost. The cost share is about 60 per cent, or 65 per cent. Land-holders have to come up with a significant amount of money, and then they have to physically put up the fence or get a contractor to do it. Some people have not done it, until recently at least, because of financial difficulties. Now that commodity prices for beef and wool have improved, people are a little bit more optimistic about the sort of money they have to spend on these projects.

The thing that stops people from doing it is a threefold thing: they do not see the benefit of revegetation or protecting remnant vegetation, or they do not see that they have the money to do it. They would rather put that money into more fertiliser or sending another child to school—whatever it is that you can spend that money on. Generally, it is not expendable income. It is money that would be ploughed back into the property one way or another; as extra fertilisers or new fences.

The third thing is a time component. We have a 25 per cent withdrawal rate. People will put in an application to do some work—fence off a bit of remnant or whatever—and then they have an agreement with SELGA to undertake the works within 12 months initially, and that sometimes is extended if they have a reason for wanting it extended. 25 per cent of those people just do not make the cut. They do not do the work, for whatever reason, and the majority of that is simply because they do not have the time to do it. It is not a high priority. Things conspired against them and at the end of the day they did not get the work done. They were people who had an intention to do the work, at least enough to make the inquiry, fill in the form, go through the process and sign an agreement, but then never got to it. That is a significant factor.

That is the Coolaide acid test, if you like, of the amount of money you are giving people. If you gave people the entire amount of money and they had contractors in to do the work, then it would not be an issue. That is not necessarily a reasonable thing to do because there is no cost share relationship to support that. In every project there is the benefit to the land-holder, to the local community and then to the broader community, depending on what sort of activity it is. Obviously those cost shares are driven in the way the project is implemented. That 25 per cent withdrawal is worth bearing in mind. There are also people who are not interested in protecting remnant vegetation. In part of the plan area there is no salinity problem, they have good robust soils and they have good regular rainfall. They crop so, whilst they are high risk, they have reasonably stable commodity prices. They do not necessarily perceive that there are significant environmental problems on their own farm.

CHAIR—Are they contributing to the problem?

Mr Giraud—They are contributing to localised recharge and to the regional ground water problem to an extent. Hydrogeology is a very difficult thing to get your head around, even in a professional sense, let alone give that information to a local farmer so that he understands that, by removing the deep rooted vegetation on his property and growing annual crops and pastures, he is contributing to a ground water problem that might be existing 50 kilometres away. That is a very difficult concept for people to come to grips with.

CHAIR—You would see it as quite a problem if it were scientifically proven that these particular people were contributing. and then some government action was forced upon them. They would find that difficult to accept?

Mr Giraud—They would find it difficult to accept any government action placed on them, for those reasons. It would also be very difficult to scientifically prove that. Even if you did, it is one thing to say, ‘Yeah, I think I’ve scientifically proved something,’ and put that across in a fashion that you think is very digestible, but if somebody does not want to hear what you are telling them, they are not going to accept the information, regardless of how credible you think the source is. There is an education thing in there that could be a big hurdle to get across.

Mrs VALE—Does your committee have a policy or a program of educating farmers on the need to participate? I understand it is a voluntary participation. Is that correct?

Ms Lawson—We have had field days specifically aimed at revegetation. We find it a lot easier to speak to the land-holders one on one. If they do not want to plant the trees, they are not going to. Example and demonstration is the best way to let them know the benefits of these trees. The project has only been going for 2½ years. The trees are now starting to show up on the landscape and that will make a significant difference to a lot of people’s attitudes.

Mrs VALE—Apart from educating farmers, is there a consultative process that your committee undertakes to hear the points of view of the farmers? Matt said sometimes you might have a drop-out rate. They obviously want to participate but, for whatever reason, they cannot or do not. Do you offer advice and have consultations with the farmers themselves? Do you have that close relationship?

Ms Lawson—We follow up. When they withdraw, they will usually tell you it is for financial reasons. Most of them withdraw for reasons that we are unable to help with—personal reasons or financial reasons.

Mr Giraud—For fear of complicating it, there are three bodies basically. The main role for MUSELAP—the local action planning committee—is to look at the projects under the Devolved Grant Scheme. They make a recommendation to SENRCC, who are the peak natural resource management body in the South-East, which is supported by the Local Government Association. They look at some of the broader issues, such as the natural resource management issues in the upper South-East.

Then there is the implementation group, which is an agency driven thing; basically a group with all of the technical people in the agency who sit down and nut out things like that. We will do an analysis and say, ‘Okay, we have a drop-out rate here. What do we need to do to work out why these people withdraw?’ We essentially do a lot of that. We are a technical reference group and we provide SENRCC and MUSELAP with that information and give them a recommendation. They will then mull over that and make some decision. What I am saying is that MUSELAP is not necessarily the group that does it, but there is a process that we go through to get those things to occur.

Mrs VALE—Do you think some of the current legislation—and we all honour the objectives and we all understand the objectives—and planning laws are unduly onerous on land-holders, on farmers in particular?

Ms Lawson—No.

Mr Giraud—In respect to requiring them to revegetate?

Mrs VALE—Yes, or perhaps virtually alienating that part of the land from the usable income producing land.

Ms Lawson—We have no compulsory revegetation under our project. It is undertaken voluntarily.

Mr Giraud—It depends who is answering. You will be aware of native vegetation clearing acts in South Australia and they are the main legislative requirement on land-holders when it comes to natural resource management. If you ask me, they are okay, they are good, because they protect native vegetation. If you ask a land-holder, he might give you a very different answer, particularly if he is wanting to renovate one of his wetlands. They are quite strict. You will be aware that one of the problems with the Native Vegetation Act is, where a land-holder is contravening the act, it can be difficult to do anything about that. There is not necessarily the will to prosecute and, even if there is, the likelihood of getting a conviction is not all that great. The legislative processes, whilst they are good, are often difficult to implement. Certainly the Native Vegetation Act has the right components in it in South Australia. Clearing requires that you make an application and that you have a good reason for doing it. You need a pretty good trade-off for it to get through.

Mrs VALE—I understand under your program it is voluntary for the landowners and the farmers. Do you think generally, because you are involved in this particular industry, that some of the current legislation is unduly harsh on landowners?

Ms Lawson—No. I think land-holders have an obligation to manage and protect their areas of conservation, but it is also a process of education of these land-holders on the importance of the scattered trees. The legislation is there to protect that vegetation and it needs to be honoured as such. My experience has shown that land-holders will protect an area of vegetation if they are not going to lose anything. If they are going to gain something by pushing a tree over, then they will push that tree over with no regrets. It comes down to economics versus the environment.

Mrs VALE—I am sure you understand, Bernadette, that once upon a time when the government granted leases to farmers, part of the conditions of the lease was that they clear a certain amount of land. In the last 10 years there has been a complete sea change on behalf of the policy-makers, and sometimes there are farmers who still have not caught up with the new thought processes. They have inherited their farms or they have bought their farms on the understanding that it was not just a lifestyle choice but it was a livelihood; it was a business. Therefore, there have been some regulations that have happened in recent times which are adverse to their economic interests. There are some of us who can look at it and see that there are competing interests between the environment and the production of the farm. When you look at the protection of the environment now as something that we are all going to benefit from, do you see that perhaps it is onerous to expect a farmer to pay the cost of that when the rest of us are going to benefit in the long term?

Ms Lawson—No. We all have an obligation and a responsibility to protect what is left. The fact that the land-holder has that piece of area on their property does not really mean that they have to be financially responsible for it, if there is going to be a 100 per cent public benefit, if that is what you are getting at.

Mr Girardo—There are some equity issues involved. In Western Australia when I worked there, the legislation there said, 'You can have 20 per cent of the catchment, 20 per cent of your farm and 20 per cent of the local shire in vegetation.' If you happened to own a farm that had 35 per cent native vegetation on it, for instance, but you lived in a catchment with only 10 per cent native vegetation and you put in an application to clear, then you would be unable to clear. If you lived in a catchment that had more, then you would be able to clear. Quite obviously for some people that provides an equity problem; they own some land and why should they have to maintain a larger proportion of native vegetation than their neighbours. Sure, there are equity issues involved. How you resolve them? I do not know.

In South Australia it is a bit better than that, simply because there is a blanket rule. If you want to undertake clearing, then you have to abide by the guidelines, regardless of how much vegetation you have on your property. Having said all of that, the legislation is still reactive, and at the end of the day you only picked up in it if you want to do something; you want to clear some native vegetation or you want to plant your wetland. It is not proactive. In that respect, it is not really unduly onerous on people because it is not forcing them to do something. It means that if you want to undertake development, then you have to do it according to certain guidelines. It is reasonable to argue that that is okay, bearing in mind that there are always equity issues involved in that sort of legislation.

Mrs VALE—There is no message coming from the government, is there, about perhaps buying that part of the land off the land-holder or paying compensation for the fact that they cannot use it productively any more?

Ms Lawson—Most of the vegetation that has been left is on land that is not productive. It will be sandy rises or very shallow soil. I do not think the issue is losing productivity or gaining productivity, if they could clear that land. A lot of the arable, best land, has already been cleared. That would have been the first land that was cleared.

Mrs VALE—Yes, but under planning legislation, if a person wants to change the use of the land, if they want to plant a different kind of crop for whatever reason, they have to go to the planning law and get permission to change that use. That triggers the restrictions under planning laws. If that means that person's land or the use of that land is virtually alienated from the purpose for which it was purchased in the first place, that is a real economic loss.

Ms Lawson—You are talking about clearing scatter trees here, not large broadscale clearance?

Mrs VALE—No, I do not think so. I am talking about a person who has a certain acreage—about 300 acres—and who wants to change the use and cannot because of new planning laws which virtually restrict what can be done on that land.

Mr Giraud—That is probably not an issue in the upper South-East, except for viticulture where they might be clearing scatter trees to put in a vineyard development. I see your point. That probably is unduly—

Mrs VALE—Matthew, when you have low commodity prices and people want to change the use of their land because what they have been producing historically is no longer providing an income for the family—

Mr Giraud—That is not really an issue in the upper South-East, but I take your point.

CHAIR—Do you have any trouble with NHT applications?

Mr Giraud—Filling them in?

Ms Lawson—That is not done by myself. Yes, we do.

Mr Giraud—Yes, we do.

Ms Lawson—I would like to make a point to Danna. You mentioned previously that land-holders received tax relief to clear their vegetation. Feedback I had from one land-holder the other day on the telephone was, if they offered money for land-holders to clear the land, why can't they offer them money to put the trees back? Her point was, why can't they help them to keep what is there and to put them back on a broad scale, instead of paying them to take them out, as they have done previously?

Mrs VALE—I do not know if they were paid to clear the land.

Ms Lawson—Tax concessions.

Mrs VALE—Yes. They lost their lease if they did not. It was part of the condition.

Ms Lawson—Yes, that is right.

Mrs VALE—Of course, science has changed, governments have learnt a lot more, we have all learnt a lot more, and we are all trying to preserve what we have. It does seem to be that the farmers are the ones who are virtually paying themselves for the protection of native vegetation that we are all, hopefully, going to benefit from.

Mr Giraud—Can I make a point about the NHT applications?

CHAIR—Yes.

Mr Giraud—I have been involved in it for a decade or so, from right back when it was a national soil conservation program. Quite obviously it is more complicated as time has gone on. There are two issues. The first issue is that the forms ask a lot of questions that are essentially esoteric in nature. If you are a public servant and you have the gift of the gab, you can get around it. If you are a land-holder, you have no hope. If you are a public servant and you do not have that ‘public service speak’, then it can be pretty onerous. I would hate to be one of the people who do the assessments. I cannot imagine that they would read most of what is written.

The other thing is that we now go through protracted regional, state and national assessment panels, and it appears—at least from this end—as though the rankings given by the regional and state assessment panels do not necessarily mean anything at a federal level.

I am not sure if that is true, but that is certainly a perception held by a great number of my colleagues. This would be a comment made by most people in my position: you have a long and protracted process there with a very complicated form which is certainly not land-holder friendly. That is one of the reasons why the Devolved Grant Scheme has got going. The other thing is the turnaround time is a long time for some people, particularly a land-holder undertaking a project. They would be planning to do it. They need to have their applications in now. They will find out in October whether they get their money or not. Whoever you are, you always have to be at least 12 months in front of where you want to be.

Then, for whatever reason, I know this year Bushcare money has been withheld from a lot of projects in South Australia and is still being withheld now. It is very difficult. We have had the problem with this Devolved Grant Scheme of trying to implement the scheme and not really knowing what your income stream is at any point in time. When you are two-thirds of the way through the financial year and you are still unsure about your income stream, it makes it very difficult. We are in the situation now where we have had to put a hold on the project and we were very much in the position of losing the momentum. People had put in their applications, we were going to do an assessment in November last year, and then we had to write back to them and say, ‘Look, money has been withheld.’ For the upper South-East scheme, there was

another reason; it was tied up with the implementation of the drainage program. In the lower South-East and other areas in South Australia it is not that.

It does make it very difficult to manage a project when you are two-thirds of the way through the year and your income stream is still unsure. That is the sort of thing with land-holders. They are small businessmen. They are used to making a decision today and going and doing something tomorrow. They do get a little annoyed when things get long and protracted. Then it appears as though we are saying to them, 'Look, we don't know whether we've got money.' We always say, 'We would like to continue to have your applications. It helps us source more money,' or one thing and another, but it is only a story that you can peddle for so long basically.

Mr JENKINS—That was one of the things I was going to ask, so that was very good. There is some good data here about the cost sharing between federal, state and land-holders, and the direct costs per hectare.

Mr Giraud—Yes.

Mr JENKINS—I might be able to understand them a little bit better. What is the potential income per hectare? What is the order of magnitude? I know I am asking you to average mercilessly and in a good year or a bad year.

Mr Giraud—Order of income likely from agro-forestry and fodder? Is that what you mean?

Mr JENKINS—I am interested in comparing that native revegetation figure for the land-holder of \$1,840 per hectare.

Mr Giraud—It would have cost to put it in?

Mr JENKINS—Yes.

Mr Giraud—That is the cost of putting up the fence and the cost to get weed control, the cost of a contractor to do the direct seeding, and then there is factored in the possibility of failure and what it would cost to get the person to come back, so it is just the establishment cost. We have not looked at opportunity costs or loss of production or man taken out of production.

Mr JENKINS—I understand that, but what might a land-holder be getting per hectare?

Mr Giraud—If he sold his land?

Mr JENKINS—No, just for using it.

Mr Giraud—What is his gross margin?

Mr JENKINS—Yes.

Mr Giraud—That depends on what he is doing and what commodity prices are. It could be—you are talking about gross margins and I am not talking about the enterprise or the land

cost or interest rate, the effect of that or any of his capital costs, so just the inputs and outputs can vary between, depending on the enterprise, say, \$90 and \$300 up to \$350 a hectare down there. That is depending on whether it is grazing, up to growing one of these fancy crops like canola or fava beans or whatever happens to be going well at the time.

Mr JENKINS—That helps me because I just wanted to get a feel for the order of magnitude of what these represent in the overall operation of a property.

Mr Giraud—The other thing is the totals there. Land goes down there for about \$300 a hectare. It really depends on where you are.

Ms Lawson—The coast is \$120 a hectare.

Mr Giraud—Yes. As you go inland, where the better cropping country is, it goes up some more and then for the vineyards it will go for anything. They are reasonable amounts. \$400 a hectare is certainly going to buy good land down there.

Mr JENKINS—Is the difference between the land-holders share for agro-forestry fodder and remnant vegetation that is 90 per cent, 60 per cent, consciously based on some idea that the land-holder can get greater return out of the work they do?

Mr Giraud—Basically. Remnant vegetation in this case is worked out on the benefit from windbreaks. There is a little note down there, 90 per cent of revegetation projects were windbreaks. They are native revegetation strips put in the landscape essentially as windbreaks and shelter belts. The economists have sat down and figured a cost and a return and, on the basis of that return, say, 'There is some benefit to the land-holder.' There is also a benefit to the land-holder through localised recharge control. Then there is the benefit to the wider community. I was not involved in the actual economics of doing it. It has been done a couple of times, first when the project was done and then they sat down and did it state-wide for all the devolved grant schemes.

Mr JENKINS—These cost share ratios are based on somebody's effort to economically—

Mr Giraud—Yes, a couple of them. They have gone through it a couple of times. It has been a protracted exercise and it is difficult to do in a lot of cases because you are trying to separate out public versus private good obviously. They give you the ballpark figure basically. For agro-forestry basically the land-holder is doing pretty well out of it, but for protecting remnant veg he is not getting much, whereas the broader community is. They are our cost share now. Basically what you will find is they are reasonably good except that with remnant veg when the economists sit down and do it they say it is about a 90 per cent public benefit and about a 10 per cent land-holder benefit. In that case, and when you look at these, the land-holders are losing out.

Mr JENKINS—Yes. Thank you very much.

CHAIR—Thank you very much. I call the representative of the South Australian Farmers Federation.

[1.55 p.m.]

LEWIS, Ms Sarah Michelle, Policy Development Officer, South Australian Farmers Federation

CHAIR—Although the committee does not require you to give evidence under oath I should advise you that the hearings are legal proceedings of the parliament and warrant the same respect as the proceedings of the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. Would you like to make an opening statement to back up your submission?

Ms Lewis—Yes, certainly. I have elaborated a bit on our initial submission. I have copies of that to distribute to the committee. First of all I would like to submit apologies from the chair of our natural resources committee, Mr Kent Martin. He was unfortunately unable to attend due to another meeting. He was supposed to be here today.

First of all we strongly support the submissions made by some of the other state farming organisations, particularly the Western Australian Farmers Federation and the New South Wales farmers who produced a great document entitled *My land—our future*. The majority of planning development and conservation legislation impacts upon the property rights of land-holders, farmers in particular, for the greater community good. Where that restriction occurs, especially when there are no rights of appeal, such as the Native Vegetation Act, where there is very limited right of appeal—a review of the act last year investigated that option so we may well see that provision being given in the near future—but we certainly see that some consideration should be given for some form of assistance of compensation to the land-holder. That is a summary of our views. I am happy to answer any questions you may have.

CHAIR—In the document you have just given us, under the title Enforced Conservation Methods, you state at the end of the first paragraph, ‘We do not believe this regulatory big stick approach is the most effective way to produce long term environmental gains.’ What would your committee see as being a better method?

Ms Lewis—For one, providing some form of incentive—it may well be economic. What we essentially meant by ‘regulatory big stick approach’ is that it gives an ‘us versus them’ mentality and puts it off to a bad start right from the beginning. It is like, ‘You can’t do that,’ rather than, ‘This is what you can do, this is what we will encourage you to do,’—promote better land use practice, perhaps. More of an encouragement approach rather than a regulatory approach.

CHAIR—Does your organisation have difficulty negotiating with governments?

Ms Lewis—There are certainly some issues that we disagree on.

CHAIR—Do they negotiate or ignore you and go ahead and bring in legislation?

Ms Lewis—Yes. That is a more accurate representation of the situation. Once the results of the Native Vegetation Act review are forthcoming it will certainly give an indication of whether

they listened to us or not. We presented quite a strong submission on those reviews. There are a couple on the acts and regulations. Yes, that should be forthcoming in the near future and we might find out a bit more. In the past it has certainly been our experience that they have not really taken on board our suggestions or really looked to work on a more collaborative approach.

CHAIR—With the committee system in your organisation, how far down to the grass roots does it go? Do you go down to the ordinary farming community to get advice, to have discussions, workshops as to how legislation is affecting those people?

Ms Lewis—That is certainly our aim as a committee. Resources and time do restrict us in that regard. We certainly look to consult as much as possible. When there are inquiries, submissions and things like that we do request feedback from our members. We actually have a branch network in place and a secretary. Branches meet from time to time and will discuss issues such as that and provide feedback to the committee. The committee members are from all regions around the state. We have a pastoralist on the committee at the moment. They certainly consult with their local communities and bring back various regional concerns.

CHAIR—Have you ever heard any discussions in those meetings about the attack on property rights and farmers' concerns that they are forced by government to do things that might be undermining their economic base?

Ms Lewis—Yes, certainly, the Native Vegetation Act in particular. There are a lot of cases I have heard where farmers have said 'blackmailed'. They have been blackmailed into setting areas aside for heritage or just set aside areas in return for the clearance of one tree that might be in the way of their centre pivot, for example.

CHAIR—If they make an application there is a trade-off?

Ms Lewis—Yes, that is right. Certainly we see that there does have to be a balance but there does seem to be some inequity in what that balance is actually transposing as.

CHAIR—On the issue of property rights has there ever been any discussion trying to encourage the National Farmers Federation to take governments to court to define what your rights really are in property?

Ms Lewis—The committee really has not considered that idea but, yes, it might be an interesting one for them to think about.

CHAIR—The National Farmers Federation was supposed to be set up to fight for farmers' rights and I do not see them doing that.

Ms Lewis—Yes, I will take that back to the committee for discussion.

CHAIR—Is it only the Native Vegetation Act? Water licensing, too, was a concern, was it not?

Ms Lewis—Yes. Certainly the Native Vegetation Act is probably the more major issue in terms of public conservation but obviously natural resource issues are all integrated and water is certainly one of them. You may have heard a bit about the forestry issue down in the South-East at the moment.

CHAIR—We have a submission, yes.

Ms Lewis—That is certainly an issue in terms of existing users where they have been previously allocated a water licence and now, due to an expansion in another land use, they may be forced to have a reduction in their allocation—which probably is not the conservation benefits, I must admit, but it does have sustainability connotations so that certainly is an issue, yes.

CHAIR—This is an allocation that they were granted and it now looks like it is going to be reduced.

Ms Lewis—Reallocated, yes.

CHAIR—What sort of investment was it there? It would be quite substantial investment if it was forestry operations.

Ms Lewis—Yes, that is right. It is expanding at a huge rate.

CHAIR—And no hint of compensation.

Ms Lewis—Not at this stage, no. It is a really complex issue and we are right in the thick of it at the moment. It is just the effect that forestry has on recharge because it is just ground water resources primarily in the South-East. There is also the issue of water for the environment. There is a lot more consideration by catchment boards given to setting aside a certain percentage of water for the environment. That may well have the impact of reducing existing water allocations and land-holders would not be compensated for that reduction.

Mr JENKINS—This morning we had the South Australian government representatives before us. They gave us a very rosy picture of the way in which the Native Vegetation Act operates and the heritage agreements and things like that. To us mere committee members when we see 1,181 heritage agreements successfully protected of approximately 552,000 hectares it sounds very impressive, but certainly you have raised some concerns about what actually happens. I found it very interesting in the answers they gave to us that, whilst they entered into these agreements and patted themselves on the back, they would even acknowledge that they have not been too good on what happens next.

Ms Lewis—Yes, that is right. It is one thing to conserve or fence off an area of land; it is another thing to manage it so that it is most effectively—

Mr JENKINS—How have we got so far down the track with a process where there are thousands of these things running around and this seems to be still in doubt? The next response was to give us the pamphlet about the Heritage Agreement Grant Scheme and things like that,

but obviously that is probably only a modicum of relief to what is really required for somebody to take responsibility.

Ms Lewis—It is certainly not just financial assistance, it is that technical expertise, staff resources and just going on the property and teaching them some effective management techniques for that area. It certainly does not just boil down to money. Another issue which is of considerable concern to our members is the relationship between land-holders and departmental staff. A lot of them have been put off by the attitude of the staff, particularly of the Native Vegetation Council secretariat and also the pastoral board secretariat. It does not create a very harmonious relationship and willingness to collaborate a bit more, I guess, and work out—

CHAIR—Is it dictatorial?

Ms Lewis—Yes, very much ‘us versus them’ mentality—‘I know a lot more than you,’ kind of thing—rather than actually sitting down and speaking with the farmers. Farmers do not want to ruin their land. They know that if they do not implement good land management techniques then they will not be viable, they will not be sustainable. They like to have a bit of knowledge in that area as well.

Mr JENKINS—Is it a culture that they think their job is to identify what should be ‘saved’ and then get it locked up and move on rather than understanding that there might be some sympathy from those that hold the land and that they could be used to assist?

Ms Lewis—Yes, that is certainly what we have experienced.

Mr JENKINS—I get the feeling that that is a bit of a trend for a lot of departmental people in the way that they interface with land-holders. Our chair is much better at—

Ms Lewis—It is not a very constructive relationship in terms of getting them to do some—

Mr JENKINS—It has gone from being this type of helpful extension officer out in the community sitting down and working through problems rather than being a desk based person and—

Ms Lewis—Yes, sitting back in Adelaide telling people what to do.

Mr JENKINS—For how long has that phenomenon taken over?

Ms Lewis—Quite a while, I would suggest, although I should say that the committee is relatively pleased that the National Parks and Wildlife are branching out. They are becoming more regionalised. They are getting officers out in regional areas. I am not sure if that is the legislation or just the natural resource management ideals that are getting more into departmental areas. We certainly would like to see a lot more regional officers and things like that. Certainly getting some regional native vegetation officers would be really helpful but it is certainly an Adelaide office telling people what to do situation for many farmers.

Mr JENKINS—Is it that they do not resource the positions that have the technical expertise or is it that there are people who have the technical expertise who, for whatever reason, will not share it?

Ms Lewis—To be fair, the department probably does not have adequate resources to be having 20 million regional officers. They could be a lot more effective in the use of the resources they do have and a lot more constructive in terms of building relationships, maybe getting some community leadership type programs happening. Yes, they certainly should be more constructive than their current structure.

Mr JENKINS—What happens when you put to them the sort of examples that you put to us that can happen if there is no thought about the ongoing management and then overgrazing as a result of native animals and all sorts of problems? This is not the first state that we have been given illustrations and examples of this. It just continually goes on. I was surprised that at the time of the heritage agreement, that as part of that zoning there was not some thought to a management plan for the land-holder.

Ms Lewis—Yes. When we do approach the department with these concerns there does seem to be an acceptance that, ‘Yes, these problems do exist.’ There does not seem to be much, ‘This is what we can do about it.’ I heard one of the previous speakers mention a reactive rather than proactive approach and we could certainly echo those statements.

Ms CORCORAN—In your submission you talk about a lack of recognition for land-holders who implement voluntary revegetation.

Ms Lewis—Yes.

Ms CORCORAN—Do you have an idea in what way this recognition would be best made?

Ms Lewis—The reason we put that in our submission is that there were examples at the Native Vegetation Council where land-holders had undertaken significant revegetation and setting aside areas completely voluntarily and they may have gone to the Native Vegetation Council with a clearance application for a couple of scatter trees. That is all the Native Vegetation Council will allow a clearance application for and they have been refused and all that previous revegetation and conservation work has not been considered in that decision. We think that should have some prior recognition.

Ms CORCORAN—Quid pro quo.

Ms Lewis—Yes. If that situation occurs that is certainly not going to encourage them or other land-holders to implement voluntary conservation methods in the future. We want to promote conservation measures rather than not.

CHAIR—What about the make-up of the Native Vegetation Council? It is obviously appointed by the minister. What representation do land-holders have on it?

Ms Lewis—There is a representative from the Farmers Federation on the council.

CHAIR—Only one out of how many?

Ms Lewis—Only one out of eight. There is also a minister's representative who sometimes is from the farming community.

CHAIR—The rest represent government departments?

Ms Lewis—Yes, soil conservation boards, the Conservation Council of South Australia, a couple of government reps and there might be some other community reps as well.

CHAIR—You have got a fight on your hands?

Ms Lewis—Essentially but we do have representations. Yes, it is a bit hard to get that balance.

CHAIR—What about your members' relationship with neighbours such as public lands; that is parks, reserves and suchlike? Are there problems there with the relationship over those adjoining lands?

Ms Lewis—In some instances. I have not heard of many cases. There are certainly some instances.

CHAIR—Fencing, feral animals and so on.

Ms Lewis—Yes, fencing. I am dealing with one issue at the moment where a fence is in a state of disrepair, out of old age, and the land-holder approached the National Parks and Wildlife for some assistance in repairing the fence because his animals were getting into the park and causing damage. It was environmental damage and he was losing production, essentially. He was looking for a fifty-fifty fencing cost arrangement. He was happy to erect the fence himself but he had huge problems in getting such assistance. There is a fund for fencing assistance but he was having considerable problems and it was very frustrating for him and it was causing environmental damage so it was not for the public good at all.

CHAIR—Government is not very keen to give any help at all in these areas as far as support for fencing or control of feral animals in public lands?

Ms Lewis—They could certainly be a lot more helpful.

CHAIR—With planning laws, particularly coming closer to the built-up areas, do you have much involvement where planning laws are restricting the rights of farmers to change their activities or looking at more economic and viable options?

Ms Lewis—A little. The committee probably has not really discussed that enough for me to put forward an adequate answer but I can certainly take that back to the committee and provide a written response if that would be of use.

CHAIR—You do not really have too much involvement with the urban areas where you have got conflict between farming and the built-up areas?

Ms Lewis—Certainly we have had some right to farm issues which impacts upon those peri-urban users. It is mostly horticultural issues that we have dealt with at the federation but I really have not had enough experience with those issues to provide you with an adequate answer.

CHAIR—I would have liked to have questioned your president to ask what he or she believes.

Ms Lewis—He is Mr Dale Perkins.

CHAIR—What he believes is the duty of care of a farmer on a property and where that division comes between what a farmer sees as the duty of care on a property and the imposition of public good conservation.

Ms Lewis—Certainly a farmer has a duty of care to manage his or her land on a sustainable basis environmentally and economically. Where it crosses the line and becomes more a public good are definitely issues of setting aside areas of vegetation on that property through either heritage or setting it aside voluntarily. Yes, it is a bit of a fine line.

CHAIR—I know it depends on seasons and markets, et cetera, but would your organisation have any figures on the decline in economic viability of properties because of the imposition of governments with legislation or is that something they have not done?

Ms Lewis—No, I am fairly sure that is something we have not done. It certainly would be interesting.

CHAIR—Those types of figures are interesting to us because that is what we are looking at. We did ask the New South Wales farmers if they could provide us with something like that. If there are any assessments available, then we would be interested to see them.

Ms Lewis—Yes.

CHAIR—Thank you very much. We might have a 10-minute break.

Proceedings suspended from 2.15 p.m. to 2.33 p.m..

BELL, Mr Rodney, President, Advisory board of Agriculture

CHAIR—I welcome the representative of the Advisory Board of Agriculture. Although the committee does not require you to give evidence under oath, I should advise you the hearings are legal proceedings of the parliament and warrant the same respect as the proceedings of the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. We have a submission but would you like to add to that in an opening statement?

Mr Bell—Yes, please, Ian. One I would like to add to that is wildlife control, if I may.

CHAIR—Carry on, yes.

Mr Bell—Thank you for the opportunity to speak to you today. Conservation is a very important part and is going to be more important. I should fill you in with a little bit of background. I am a practising farmer from Kangaroo Island which has one of the largest land care movements in the nation. Also over 25 per cent of the island is under national park or native heritage agreements, and we certainly have a first-hand knowledge of some of the issues concerning conservation and the impact it has with landowners. There are a couple of issues here that have been raised by other members of the advisory board that perhaps I am not fully up with but I will try and answer to the best of my ability. The first one has a huge impact on the guy that is involved that we mentioned in the letter. I am also of the understanding that some councils may not charge council rates for their native heritage land.

CHAIR—The advisory board is appointed by the minister. Who are the representatives on the board?

Mr Bell—There are 14. The advisory board is the governing body of the ag bureau movement. There is a small ag bureau movement in New South Wales but it is very strong in South Australia. There are approximately 120 branches scattered through the state and the advisory board is the governing body of that bureau movement. Our role is to give information to the minister and also to take information from the minister down to grassroots farmers. It is non-political. We do not discuss political issues. It is purely and simply information and it has been going for 115 years and it has been extremely successful in South Australia. We are the envy of most other states for the way that we can get information out to grassroot farmers.

CHAIR—You are a farming organisation.

Mr Bell—Yes. On our board we also have three representatives who are not farmers. One is from the University of Adelaide, Malcolm Oades. We also have Dennis Mutton who is the executive officer for the minister, and Rob Lewis who is the SARDI executive officer.

CHAIR—We have just had the South Australian Farmers Federation. We have got the ag bureau. How many other farmers' organisations do we have in South Australia?

Mr Bell—They are the two. The South Australian Farmers Federation is the political body. We are the non-political. Does that make sense?

CHAIR—Yes, I do understand.

Mr Bell—There is a little bit of conflict: where do we stop and where do they start? If it becomes political we handball it to them because they have the lobbying power with the NFF whereas we have not got that. The advantage with the advisory board is because we are not political, we can go to the minister and whisper in his ear and we may be able to achieve more than what can be achieved by thumping the table in a lot of cases.

CHAIR—You believe the minister listens to you.

Mr Bell—Yes. The minister comes to our meetings, not every meeting, but we have a direct representative with Dennis Mutton who is the executive officer to the minister.

CHAIR—So you levy your members to run the organisation?

Mr Bell—Yes, \$15 per member.

Ms CORCORAN—Can I just clarify? You are an advisory board in both directions?

Mr Bell—That is right.

Ms CORCORAN—Do you advise farmers or land-holder members as well as government?

Mr Bell—Yes. Our role was set up. The department has an enormous amount of information. It is like any organisation. Any government has difficulty in getting the information that they glean in their research back to grassroots farmers. Our role is to try and get that information out. I am afraid to say, or ashamed to say, that we are not doing that really well. It has been going for 100 years and we are looking at ways of increasing that. If you can come up with a solution on that, we will listen to you. I should not say it does not work, it does work, but being non-political we are able to source a lot of information and people are not threatened by it. It works extremely well.

CHAIR—The environmental issues that concern you obviously implicate the whole community.

Mr Bell—Yes.

CHAIR—What is your relationship with communities? Do you get involved with communities talking about these issues?

Mr Bell—Yes, most certainly. My area is Kangaroo Island of course, and we have a body called PIKI, which is Primary Industries KI. We have just changed that to AKI, and on that are different groups: prime lamb groups, cropping groups, tourism, PIRSA, aquaculture and other groups. We meet together and my role is to take information that we glean from the advisory

board back to that organisation so they can disperse it to their organisations. I liaise with council and the development board. I am finding that the linkages I have created through the advisory board have an enormous impact on the community.

CHAIR—Do your members have any problems with federal or state legislation that impinge upon their rights and their economic viability?

Mr Bell—That would be a hard question to answer. The one that is of concern to us on the island has just raised its head. As you might be aware, we had a major bushfire here a month ago in a national park. Part of that national park was under native heritage and apparently under the act before you can back-burn or light a fire you have to have the minister's approval. When you have got a raging fire coming at you at 100 knots an hour, you cannot get on the phone and ring the minister to get permission. The course was taken, a match was dropped and asked for permission afterwards which is the only logical thing, but the act needs to be changed in that case.

Ms CORCORAN—Has there been any evidence of someone doing that and then getting into strife later on?

Mr Bell—No, but there is always that potential. A lot of these decisions are made in the best interest but under the litigation laws that seem to be existing in the country at the moment or are going to increase, anything can happen. That is of concern. That act needs to be rectified for emergency situations.

CHAIR—Was that land under the Heritage Act?

Mr Bell—From what I believe it was under the Heritage Act.

CHAIR—It is the Heritage Act that requires that.

Mr Bell—Yes.

CHAIR—Do you believe that the general community have a full understanding of the farming community? There are often statements made from the farming community that the cities in particular do not understand the situation and, contrary to that, the city says, 'Well, the farmers are causing all the trouble. They're raping the land. They're causing all these environmental problems.' Do you think there is an understanding in the community of the real situation?

Mr Bell—That has changed. I am speaking as a landowner on Kangaroo Island at the moment. Four or five years ago there was a real battle with fire control in national parks. We could not liaise or could not work with National Parks. In the last 12 months there has been a dramatic change in attitude. One thing that really opened their eyes was we had a fire two years ago in Seal Bay Conservation Park and it virtually wiped out the whole park from one end to the other. It was an extremely hot fire. It virtually destroyed the ecosystem. It wiped it out. I am a firm believer that fire is required in our native vegetation. It has been happening for longer than we have been on this earth and it is a tool for revegetation. Before white man settled the island, if a fire like that had occurred, it would not have wiped out the whole island. This was an

area of kilometres and it virtually wiped it out. There is nothing there to replenish it. National Parks had the opportunity on the first day to put a fire break around with a couple of dozers and could have controlled it. They did not. They lost the whole park and they realised it is a disaster.

That attitude has changed. This last fire at Mount Taylor, they were prepared to put in fire breaks, a couple of dozers with a log and actually contain it in the park, whereas before it would have been a natural fire and let the whole park burn. To answer your question, the attitude has changed. It is always going to be us versus them but slowly, with publicity and cooperation, we are trying to get on top of that. It will be ongoing.

CHAIR—You obviously have members on the mainland.

Mr Bell—Yes.

CHAIR—In Kangaroo Island you probably will not confront the question I am going to put to you, but if in the name of the environment governments decided that in fact a property owner had to revegetate 80 per cent of their property to stop salinity, do you think that there should be some form of support there, compensation, or should the farmer bear it themselves?

Mr Bell—There needs to be support. Why I say support is because back a few years ago there was a tax benefit to clear land and it would be unfair at this stage to expect the landowners to turn around and revegetate. That is happening. Everywhere you go there are huge plantings going on but not as fast as we think. With education, when people start to see the benefits, that will happen.

The concern that I have is if we go down that track, we also need to look at managing it. If we fence of this area who is going to replace the fencing in 20 years' time? Is there going to be a mechanism in place for that? Who is going to pay the rates on this? Are the landowners because they lost production? There are also arguments that because of putting more of the country back into native vegetation that they might in fact increase their production and there is evidence that that can and is happening in certain cases. Who controls the wildlife? Who pays for the control of the wildlife? Who pays for the wheat control? Going back to the island again, we have a massive problem with bridal creeper. It is a huge problem and that has got the potential to wipe out the whole understorey of the native scrub.

CHAIR—Introduced, is it?

Mr Bell—Yes.

CHAIR—From a garden plant?

Mr Bell—Yes, I think it came from England. It is a major problem. It not only spreads by seeds but it has also got a bulb.

CHAIR—You mentioned in fact that in some instances conservation measures can increase production or at least help, anyway, in some way. Are we doing enough research in that area? Is there enough extension of that research?

Mr Bell—The research is done, Ian, but it may need to be broadcast more. There has been a lot of work done in Western Australia with alley farming, where they have actually had an increase in the crop where it has been alongside the tree line.

CHAIR—There is some of that in New South Wales.

Mr Bell—Yes.

CHAIR—In particular, some native birds are finding that they can exist because they get a bit of grain off the ground.

Mr Bell—Yes.

CHAIR—What about extension in this state? Have the extension officers declined in the state government?

Mr Bell—No, they would have increased.

CHAIR—You have got good extension.

Mr Bell—We have got more Landcare officers, soil officers and Bushcare officers than we have ever had, and I am speaking of Kangaroo Island again.

Ms CORCORAN—There are just two questions I want to ask. Firstly, it seems to me from listening today that there is a raft of semi-government agencies involved. Are there too many?

Mr Bell—Yes. Go on.

Ms CORCORAN—My other question is a different question so if you want to add to the first—

Mr Bell—I have been having an argument for the last six months on that question. Speaking from Kangaroo Island again, we have got more people in National Parks, we have more people in PIRSA, we have more people in the development board and we have more people in our local council than we have ever had. We are not making any headway because everybody is trying to protect their own little dungheap and we are all going just everywhere. What we need is someone to coordinate all of those people into one and push all of that energy into one. I would love to see a local person who has the fire in their belly to be able to get those people together and do it. If you go through some of the rural areas that are really firing, that is what has happened.

Ms CORCORAN—That is interesting. Does that one coordinating person come from the community up or does it come from the government down?

Mr Bell—It needs to come from the community up. If you have someone with fire in their belly and who has the respect of the community, you will do far more than having someone who is appointed from outside. They already have the trust of the people.

Ms CORCORAN—You may have already answered my next question. If this committee could wave a magic wand and do one thing for you and your members, what would that be?

Mr Bell—Someone that has fire in their belly who can lead the community.

Ms CORCORAN—Thank you.

Mr JENKINS—In your sheet today you give some examples of anomalies between stipulations under Bushcare funding, locking up properties for 10 years, and then that rules them out to ever be used for grazing under the natural vegetation legislation here. You might have been here when we were talking about the heritage agreements when the land is locked but then they start to talk turkey about how that land might be managed. It seems very strange to me that that is the way the system has developed. To me there seems to be greater advantage that at the time of deciding that a heritage agreement would apply to a land lot, that there should be put in place some sort of management plan or, if there is going to be an agreement, let us have an agreement about the ongoing matters as well.

Mr Bell—I could not agree more with you, Harry. Something that we need to look at with the bridal creeper is part of the management. Stock love it and if you can put stock into a patch of scrub, okay. The idea is to fence stock off but if they can also control the weeds why not use that? Do not leave them in there but if there is an opportunity at a certain time of the year to be able to put in a mob of sheep and they will target bridal creeper first, as long as you don't leave them in there too long, and if that's part of the management, why not be able to do that?

Mr JENKINS—Do you get the feeling that a lot of this vegetation legislation is being driven too much in a fundamentalist way; that there is some notion that we will get back to how it was before European intervention?

Mr Bell—You are dead right. I will relate that to an experience we have. Where I come from on the island we have a lot of narrow leaf and Kingscote mallee. It is volatile if it gets a good fire in it but normally it is not very volatile. If we get a lightning strike, it would be very rare to get a fire. This is only my presumption, but in 40 or 50 years it would have had a fire through it, but after 40 or 50 years it blankets out any understorey. If you have a fire, the stringy-barks will shoot on the branches. They will regenerate all over the trunk. With the Kingscote mallee and the narrow leaf, they shoot out at the butt.

I am a fifth generation farmer on the island and some of our fence lines have not had a fire since we have been there. What is happening is that, with the fertiliser that we have applied—and we have applied for Landcare funding to fence off those fence lines—and because there is no competition, instead of having a trunk that big, they have a trunk that is maybe 12 inches, 18 inches thick. They are getting too top-heavy. They are falling out. The roots are coming out and we are losing them. Some of the guys have been pollarding. We had a real battle with National Parks and the Native Vegetation Council to convince them that that was an option, rather than fire. It makes fantastic firewood. It has given a couple of families the opportunity of making a living and also making a contribution to conservation. We finally have written a fact sheet, published it and we have won that battle. Yes, you are right.

Mr JENKINS—How do we get people to get this common ground so that they understand some of these practices can not only have an outcome that is positive for a land-holder but have also that positive environmental outcome as well?

Mr Bell—Harry, if I knew the answer—I do not know. It comes down to education. We have a lot of chain roads on the island and once you take the road down through the middle you have about four metres each side. If you have a fence line, under the act you are allowed to clear a metre on the roadside for your fence line. Because the trees are getting so big, there is virtually an umbrella right across, and if you get a triple-deck truck you cannot get through the roads, especially if you meet a car. School buses cannot pass.

Councils are allowed to take two metres out. If you have four metres, you have one metre left. It is just crazy because the first strong wind they all fall over because they have lost the support. I could take you to some spots on the island that have been pollarded less than 12 months ago and which would be three or four feet high, thick as a mat. You have the understorey, you have everything.

CHAIR—What is pollarding?

Mr Bell—Pollarding is chopping them off at the butt, as close as you can to the butt.

CHAIR—And letting them shoot again?

Mr Bell—Yes. It is absolutely mind-blowing the difference that has made. Some of the fence lines that I have done, they have been grazed for five generations, there is not one iota of understorey, wattle or anything. If you pollard it, fence it, it is incredible where the seeds come from. Whether the seed is still there from when it was native or not, it is staggering. It is a revelation.

Mr JENKINS—Is it something in the way people are trained? You put them in boxes. Somebody does environmental science over here, somebody does some form of ag science, and there is not enough cross-over.

Mr Bell—You are right. People need to go out and actually see what is happening. Even in the stringy-bark country, it just needs a fire. When people see it, it looks shocking, but they fail to come back in 12 months and see the results of what that fire has done.

Mr JENKINS—Does the advisory board have any meetings with those who have conservation and heritage interests?

Mr Bell—Harry, that is an interesting question. I have been fighting for a long time to do something with wildlife. We have a major problem with wildlife on the island, with Tamar wallabies. Since we settled, because we have better dams and there is water and there is more food, the population has exploded. I have tried to organise something through SAF and government and the greenies to try and work out a way that we can harvest these animals. We are allowed to shoot them but that is all we are allowed to do. It seems a waste of resources. If you listen to R.M. Williams, the leather from the Tamar wallaby makes the best boots available. They sourced it. It used to be a huge industry. We are not allowed to do it any more. I have two

boys, one 18 and one 20. They love shooting. They can go out at night. I can get a permit from National Parks for 200 wallabies, I think it is 20 or 30 roos and 20 or 30 possums. They can double that in one night; leave them there to breed flies. Wildlife has a major impact on landowners, there is no question in my mind. I went to a fire at Mount Taylor the other day. The guy, I imagine, would have been funded through National Parks. He had a barb on the bottom, he had a barb on top and I think it was pig cyclone; posts every 10 metres. It would just about keep a man out. Wild pigs had not targeted it all along, but every so often they had tunnelled underneath it and he had a hole like this through the fence.

It is hard for me to explain the impact wildlife has on the island. It is a major problem. I do not know how the guys grow crops. You turn the spotlight over it and it is seething with wallabies.

Ms CORCORAN—You made a point earlier—and I have to apologise because I do not understand the difference—that you can shoot these animals. That isn't the solution? Is it that you are not allowed to shoot enough?

Mr Bell—No. The shooting is a solution but we need to be able to educate. I would love to see how we could harvest them. It seems a waste of protein, a waste of resource, that we cannot do anything with it.

Ms CORCORAN—You need to be able to somehow harvest them in a way other than shooting them?

Mr Bell—Yes. I do not know how you would manage that. The animals would be under too much stress. There is one guy who is looking at farming wallabies. I do not know how you would round them up. It would be an interesting exercise with a dog.

Ms CORCORAN—You do it with a shoe with a hole in the middle?

CHAIR—Where does your duty of care as a farmer end and where does public good conservation begin?

Mr Bell—They are each as important as the other.

CHAIR—What I am looking at is if governments require you to do certain things on your property. What do you see as being your responsibility as a property owner in managing that land, and where do you think a requirement for managing vegetation or wildlife or whatever becomes a public responsibility; the public want you to do something you do not see as being part of your management and part of your economic viability?

Mr Bell—I have been chairman of our Landcare group on the island, one of 13. I am very conservation-minded. They go hand in hand. I would do it, but would like to think that, if I have got an area under native heritage that is being smothered with bridal creeper, I would get some assistance from the general public. That would only be fair. As far as managing wildlife, it is already being fenced. That is being funded by the public purse, by the government or the community.

CHAIR—Fencing against what? This is for the heritage areas, is it?

Mr Bell—Yes.

CHAIR—Usually the crown does not fence.

Mr Bell—Under the natural heritage, it does. If I have a patch of scrub, part of that agreement is that it is fenced. I believe it is funded 100 per cent by government or community.

CHAIR—Do you have any figures or any evidence from your members who say that government legislation—federal, state, whatever—is causing them economic loss?

Mr Bell—No.

CHAIR—Not anywhere in South Australia?

Mr Bell—SAF should have that information.

Ms CORCORAN—Are you saying there is no economic loss or that you do not have the evidence?

Mr Bell—I am saying I do not know about it, Ann. We are non-political and that part of it does not really come into it. There would be economic loss. The wildlife has to have an impact. If you go to Broken Hill at dusk—I was there a fortnight ago—if you are game to get over 60 k's an hour, you are pretty brave.

CHAIR—Kangaroos.

Mr Bell—That has to have an impact on the grazing people in that area.

CHAIR—Are there limits on the number of kangaroos that can be controlled on the mainland?

Mr Bell—Yes. You can get a permit to cull kangaroos, but it is only a certain number. You have to apply through National Parks for a permit to cull kangaroos. In the pasture areas, there are kangaroo shooters who harvest the kangaroos.

CHAIR—But they are on a quota from National Parks.

Mr Bell—Yes. That is set by government, isn't it?

CHAIR—Yes. How are the voluntary consultation agreements working? Do you think they could work better?

Mr Bell—While we are getting funding from NHT they will work. But the success of Landcare has been the funding. If we take the funding away, Landcare will fall in a screaming heap.

CHAIR—So this is helping property owners do some of this work with funding.

Mr Bell—Yes.

CHAIR—Really, that comes back to the question I asked earlier of how much support should the general public give to property owners for managing the natural resources?

Mr Bell—Yes, in my case with protecting our fence lines.. Kangaroo Island has an enormous amount of scrub, but on the eastern end of the island, as I said, it is mainly narrow leaf and Kingscote mallee. That has been virtually a metre wide with a fence line through the middle. We have to preserve it. If I do not do something in the next 10 to 15 years over all my fence lines, I am not going to have anything for my kids. I am not prepared to see that happen but to save it I need to double-fence it, and through Landcare I have been able to do that.

CHAIR—If we lived in Utopia and there was a bucket of money available to manage some of this natural resource, how would you ensure that, in fact, that money was spent wisely and that people did not just flog the system, as we see in other areas?

Mr Bell—I would turn that question around. I think there is a waste in bureaucracy. I would love to see more money go out into the field. I think that bureaucracy has grown with the success of the Landcare movement.

CHAIR—In what way—in the forms that you have to fill out and then the checks and balances?

Mr Bell—Yes. I am positive that we need to have checks in place because there will always be someone who will rort the system. There is no question, that is just human nature, isn't it? I feel that maybe the balance has gone the other way. We have lost the plot. We have created a bureaucratic monster instead of putting the money back to where it actually is having an impact.

Mr JENKINS—But they are your funding local project officers.

Mr Bell—Essential for filling out the forms. I think if we did not have our Landcare officers to help us fill out the forms, the forms would become very complicated. You have to be someone that really understands how to fill them out to be successful in obtaining money.

Mr JENKINS—Isn't it the case, though, that if you develop a model where a raft of legislation affects the people on the land in this state, where there are already local planning committees and catchment boards running around doing plans of one sort or another effectively identifying what needs to be done, and yet when they then front up to sources of funding we have created hurdles by the form of applications? Would it be helpful if we could decide on one system of setting out what needs to be done, and then allocating resources on the basis of people signing up to those sort of management plans?

Mr Bell—I agree with you, no question. A frustrating part that I am finding is that we are getting too many committees, too many boards. Rural communities are declining, and you will find that the same person who is on the soils board is on the water board or is on the local council, and it is just stretching our resources. I am dead against having a water board, a soils board.

I think the same committee can do exactly the same thing. If they want expertise they bring it in. Most of these boards are funded by government and it is just a waste of resources, in my view. You cannot get away from the fact that the soils board and the water board are tied together.

CHAIR—Thank you very much. It has been very interesting.

[3.08 p.m.]

BANKES, Mr Geoffrey, Consultant, Auspine Ltd

CHAIR—I welcome the representative from Auspine Ltd. Although the committee does not require you to give evidence under oath, I should advise you that the hearings are legal proceedings of the parliament and warrant the same respect as the proceedings of the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. Do you have any comments to make on the capacity in which you appear?

Mr Bankes—I appear for Auspine in the capacity of a consultant. Before the end of last year I was general manager resources of Auspine. Currently I run my own consulting business, Industry Consulting Services.

CHAIR—We do have a submission from you but would you like to carry on and give an outline from that before we ask some questions?

Mr Bankes—Yes, thank you, Chair. I would like to spend five minutes going through a background. Really, the message I bring is quite simple. Expanding plantations on land that has been developed for traditional agricultural pursuits is of enormous environmental benefit, but the impact, once we look carefully, is anything but simple. Plantation in areas in Australia have expanded from 1.04 million hectares in 1994 to 1.34 million hectares in 1999. This is a 28 per cent increase. This period of expansion has seen hardwood plantations increase from 15 per cent of the total plantation to 29 per cent in 1999. This impetus in plantation expansion in recent years has been underpinned through the plantations 2020 vision strategy launch in 1997. The plantation expansion is expected to continue, although possibly will moderate over the next decade.

The environmental benefits of expanding plantation areas are many. They include retention of natural vegetation areas within the plantation area and some enrichment planting in those areas, protection of water courses, general exclusion of grazing animals, control of exotic pests such as rabbits, protection of wetland areas which are not planted and preserved like the natural vegetation areas, exclusion of fire where at all possible—in other words there is quite a deliberate attempt to exclude fire—and a generally lower degree of disturbance by man in the total area to provide an environment which encourages the increasing populations of fauna and flora.

I can quote a number of specific recent examples where these benefits I believe are taking place: Kowalick's property east of Penola, where there is a plantation of 174 hectares planted, 138 hectares of native vegetation reserved and 13 hectares of tracks and fire breaks. Byrne's is another one, east of Tarpeena, which has 325 hectares planted, 12 hectares native vegetation with replanting, and 17 hectares of tracks and fire breaks. Both of these are Auspine properties in South Australia. Heatherlie in Victoria, west of Casterton, which is the one I quoted in my submission, currently has 507 hectares planted, 129 hectares of native vegetation and wetlands, and 73 hectares of unplanted area and fire breaks. Then we have a purely private plantation,

Erinvale near Chetwynd, Victoria; 100 hectares planted, 40 hectares native vegetation and wetlands reserved.

Just going further abroad, the Queensland property in which I had a considerable involvement is near Gin Gin, north-west of Maryborough, 865 hectares planned for planting out of a total of approximately 1,100 hectares. So it is not just confined, Chair, to a particular area; it is Australia-wide. One final benefit of commercial plantations which I should mention is the impact on wood availability which will reduce the future pressures on wood production from our native forests.

CHAIR—You were saying you have come to agreements with the state governments that as part of your plantation operation you will manage some native areas as well.

Mr Bankes—That is correct.

CHAIR—You do work across a few state jurisdictions, so are there any differences there?

Mr Bankes—Yes, there are. In South Australia there is a much more severe restriction on any removal of standing timber. It is negotiable and you finish up with a compromise, but it really means you are dealing tree by tree. In Victoria it is not done on a tree by tree basis but is more on the value of particular areas of native vegetation within the area, and those that are perceived by the department of environment that they feel are priorities to reserve. There is a slightly different arrangement in Queensland. Certainly the plantations that I have been involved with do not have a local agreement but there is a deliberate policy by the growers to retain water courses and areas of natural vegetation within the plantation area.

CHAIR—You are growing slash pine, are you?

Mr Bankes—In Queensland slash and Caribbean pine, yes, and radiata in Victoria and South Australia.

CHAIR—So it could be said that you have got an exotic monoculture in the plantations.

Mr Bankes—Yes, if you treat it in isolated patches, but if you treat the property as a whole, there is a tremendous variability there because of the different vegetation types that occur.

CHAIR—Your relationship with the local community, local government, for instance, do you have any problems with the fact that you are going to put pressures on their roads?

Mr Bankes—Yes, future roading is a problem. It is a major problem for both the hardwood and softwood plantings in South Australia and Victoria where properties are not adjacent to major highways. The three Auspine properties I mentioned are all adjacent to a major road, so there is not a roading problem in that case. But there is a problem, and there is a strong move to obtain additional federal finance to upgrade some specific roads.

CHAIR—With your corporate policy, that I suppose we are getting to, would your company be interested in taking on areas outside your own ownership? For instance, if there was an area

that was considered to be in the public good to revegetate with native forest and manage, does your company policy go so far as to say, 'As a corporate entity we might be interested in doing some of that'?

Mr Bankes—Mr Chair, the company policy, being a commercial company, believes that it has already gone about as far as it can go in that particular area because, scattered throughout, the total plantation resource is over 40,000 hectares, plus a significant amount of natural vegetation areas. By significant I mean two or three thousand hectares.

CHAIR—You are planting onto cleared areas?

Mr Bankes—Yes. We do not purchase any land that is just native vegetation. It is all farming land at various stages of development. Some is very well developed and some is not.

Ms CORCORAN—I did not see this report myself but I have been told that there was a newspaper report earlier this year about proposed water allocation legislation affecting your company.

Mr Bankes—The proposed water allocation?

Ms CORCORAN—Yes. Do you want to talk about that?

Mr Bankes—Well, potentially, yes. The argument is relatively simple in some respects but it gets very complicated because there are so many stakeholders involved. The plantations have been there for a long time. The softwood plantations in the green triangle region have only been increasing by 2 to 3 per cent per annum. It has been very gradual and the impacts are relatively minimal. The hardwood plantations, which are basically blue gums, have been expanding quite significantly, from virtually zero to 80,000 hectares at the moment, so the impact of that is much greater. I do not believe there is enough known about the uptake of water through a whole range of dry land pursuits in the region, and there needs to be a lot more work done there. Basically the softwood plantations rely on rainfall.

Mr JENKINS—In part the reason that you either protect or allow regeneration is not only for public good benefit but there are some advantages to your operation?

Mr Bankes—Commercial advantages?

Mr JENKINS—Yes.

Mr Bankes—Yes, as a good corporate citizen there are benefits, but it really takes place because when you put in a plantation you exclude grazing. It is as simple as that. It is just like removing the rabbit population. It allows considerable regeneration and the re-establishment of that native vegetation area. In my submission I quoted some watercourses that I know when I was personally involved in the purchase of that property I could not walk through, even with gumboots. They were just so pugged up with cattle, which was very damaging. The company is environmentally very sensitive to those sorts of things.

Mr JENKINS—Would some of these areas be areas that are uneconomical for you to use as plantation?

Mr Bankes—Not necessarily. My experience has been that some areas that are required to be retained probably would have been planted in other circumstances but the priority for retaining or encouraging regeneration of natural vegetation was sufficiently strong for us not to be allowed under permit to plant them.

Mr JENKINS—How does the company decide how good a corporate citizen it wants to be? How does it set the parameters about what it is going to do?

Mr Bankes—It happened in the past when something like 10,000 hectares of land was leased and in the 1990s purchased from the Victorian government, and included in that agreement were areas of native vegetation which were not to be cleared. I am going back to the 1970s when native vegetation was cleared for plantation. There was a caveat on some areas that they had to be fully protected and from that stage any land that is purchased from that time onwards, the natural vegetation is an aspect in a decision on buying the land. If you have 90 per cent potential retention of vegetation and 10 per cent plantation, the chances are that the land is not commercially economic for a commercial planting venture.

Mr JENKINS—In the example you give, Casterton, that is the section 173 agreement, is it?

Mr Bankes—Yes.

Mr JENKINS—And in the different state jurisdictions are there similar sorts of regulatory controls?

Mr Bankes—Certainly in South Australia, but they are not called a section 173 agreement. The Heatherlie property was right at the forefront because just before then the Victorian government brought in a moratorium on clearing over a certain area, and the company purchased that property and it was the first 173 agreement that was actually established, so it really pioneered some of the principles involved.

Mr JENKINS—And with Queensland, the Gin Gin property?

Mr Bankes—In Queensland, for freehold property there are no restrictions on land clearing at this point of time. There is on crown leasehold but not on freehold. Even so, there were significant areas that were left unplanted. This is not Auspine. This is a different company, but it is a private company and I am consulting for them.

Mr JENKINS—Are there any impediments to organising these things on the basis of the different state regimes?

Mr Bankes—One of the difficulties that can arise is that you do not necessarily know how much land is plantable until you actually reach an agreement, which comes through either the South Australian department or the Victorian department, who advise local government, particularly in Victoria, on the conditions of granting a planting permit.

Mr JENKINS—There are no forward planning land use regimes that give indications of that until you put a proposal?

Mr Bankes—That is right, yes. We know where the land is, the general areas, but it is a matter of whether the specific areas for purchase come up on the market or not.

CHAIR—I have seen a number of industries expand in recent years, not necessarily of trees, but agricultural industries—some of them have been trees—and they reach a limit. Where do you think the limit is in this plantation area? Can it be a big contributor or is there a limit to the market? With companies like yours they would probably then say, ‘We don’t want to expand any further because it’s not economical.’

Mr Bankes—That is a difficult question, Mr Chair, but can I say that as chair of Plantations Australia, which is a national plantations body, we were instigators of developing the 2020 plantations vision which the Commonwealth government and state governments then advanced and supported very strongly, and that aims to treble Australia’s plantations by the year 2020, and that is why it is called 2020 Vision. At that time there were one million hectares of plantation and the ultimate aim is three million so that Australia not only is totally self-sufficient but becomes a major exporter because you need to have the economies of scale in wood production to be able to compete on the world market. We do compete on the world market in some parts of our production, but most of it is relatively low value added at this stage.

CHAIR—I have been involved in the forestry debate for 20 years. I have been involved quite deeply. It worries me a little bit, I suppose, that obviously these plantations to be managed have to have a chip industry, et cetera, to get the thinnings in the first instance. Your softwood industry may be different, but in some of the hardwood areas it seems to me there could be a problem down the track.

Mr Bankes—I am sure there will be but the problem I do not think is necessarily the need to produce chip or anything like that. The problem is there has been such a surge in plantation development that the manufacturing of value adding attachments will take some time to develop. We should record and share that the softwood industry started in the same way. It had a difficult birth. Eventually you will see that the hardwood plantations will be multipurpose producers of a range of wood products. It will not only be chip. There will be saw log, veneer log, probably other materials that we do not even know about yet. I have every confidence in the long term. There is just going to be an adjustment period as the plantations mature or reach their, shall we say, first stage when they can be chipped, as to how that is worked into total wood flows in relation to world markets.

CHAIR—What has been your assessment of the social impact in communities where you go in and buy up large areas of land for plantations?

Mr Bankes—There are some studies, Mr Chair, being undertaken in that area. It does have some impact, and I think the major impact is it does provide additional employment over a long term, but the trend is that the people live in the regional centre rather than out in the rural area. That is just my own personal opinion. I do not see the population disappearing but I see it consolidating.

CHAIR—Where you say you can be certainly of benefit to the environment, obviously it is going to be restricted to rainfall, isn't it, so it is only within those rainfall areas where those trees can grow as a plantation. It could not, for instance, go out into the drier areas?

Mr Bankes—No. It depends on what the rainfall limitations are for various species. I know that the regional plantation committee in the green triangle region has looked at plantations in lower rainfall areas. That is in the old terminology 15 to 20 inches. But you are dealing with different species. There are a couple of softwood species that can grow there. The question is, would they be commercial or how do you define commercial in those sorts of areas, because of the other benefits? Spotted gum is another one, and sugar gum will grow in lower rainfall areas.

CHAIR—We have been looking at where there could be some support from the general community. Are you saying that some of those species that are marginal, that for an environmental purpose some support might make them a viable industry?

Mr Bankes—Yes.

CHAIR—Thank you. It was very interesting.

Mr Bankes—Thank you, Mr Chair. Thank you, committee.

[3.32 p.m.]

CHAIR—I usually ask at the end of these hearings if anyone who has been sitting in the audience would like to make a statement to the committee. Does anyone wish to? We have a little bit of time. You will have to come to the table if you are going to make a statement.

TAYLOR, Mr Ronald Sidney, Project Officer, Friends of Newland Head Conservation Park

CHAIR—You have probably heard me warning witnesses about their responsibilities but feel free to make a statement.

Mr Taylor—I did, and I accept those conditions. I am a project officer, working for community groups at Victor Harbor here in South Australia. I probably spend most of my daylight hours working in the environment and I see a number of things occurring at both state and federal level. I made a submission to the standing committee based on information emanating from the groups with which I work. Looking at what has happened here today, I have found practically every witness making statements that are of considerable interest to me, even though I am only a community representative; even down to the last gentleman from Auspine talking about the trebling of plantations getting towards the year 2020. The thing that amazes me is that a lot of the things that are being said here I have not heard before. I will be going back to the community and making a few statements about what I have written. I have found it very interesting indeed.

I do not have much to add because most of what has been covered is what I was thinking. I did not agree with everything. I live on both sides of the fence. I am a land-holder, I own 1,000 acres of my own, and I am a retired person. I work, as I said, every day in the environment. I look at things from both angles and I see a lot of questions have to be answered after today. One of the things I did see coming from the standing committee's side of the table was a considerable amount of direction emanating from the style of question. I have made a fair note of that.

CHAIR—We are getting towards the end of the inquiry, so people have helped us along the way.

Mr Taylor—Yes, I can see considerable direction coming out and to some extent I have to agree that the equity of some form of levy seems to be that direction. I have only one comment to make on that: people like myself work in the environment largely at their own cost. I could probably substantiate a cost of around \$40,000 over the last eight years. That is my personal expenditure from a conservation point of view. I wonder how much I will be asked to pay when the levy is set?

CHAIR—If you are a pensioner, probably nothing.

Mr Taylor—That is all I have to say.

CHAIR—Okay, thank you.

[3.35 p.m.]

LESSES, Miss Fotini (Private capacity)

CHAIR—Welcome.

Miss Lesses—I have been listening to what the people have been saying here and I just wanted to make a comment. It is very important to realise that the taxpayers of Australia have already paid out millions of dollars to land-holders to compensate them and help them because of problems like salinity, poor soil quality and the loss of topsoil. It is very important to realise that something urgent needs to be done to make sure that land clearing and cutting down of trees, even on private property, is controlled. While farmers might find it expensive to do and also may think about the cost of loss of productivity in terms of the land they are using, this sort of thing will help their land to be more productive.

I was listening to Sarah Lewis from the South Australian Farmers Federation. She was talking about how some farmers feel that, because they have participated in revegetation and in not clearing land, that therefore gives them the right to perhaps cut down a tree that they feel is taking up space for planting wheat or whatever. Actually, far more planting of trees and revegetation needs to occur in South Australia especially because we have such serious salinity problems and loss of topsoil.

Perhaps a change in farming practices needs to be looked at; perhaps harvesting native animals, like the farmer from Kangaroo Island mentioned. A farmer there is harvesting wallabies. We need to look at the fact that most of Australia has a very thin layer of topsoil. Sheep and cattle do a great deal of damage to that topsoil because of their hoof structure, whereas kangaroos and emus have lived on the Australian landscape for thousands of years, so the landscape has adapted to a certain extent.

My mother's family were market gardeners and they lived near Port Pirie. Their problems with the land and making a living stemmed mainly from the fact that the prices for their goods were often very poor compared to the retail sales, so there are other issues that the farming community needs to look at in terms of being productive. I really think there has to come a time when farmers realise that, even though revegetation and stopping land clearing might seem costly, in the long term it is far more costly to let that go on. What is happening in Queensland right now is quite outrageous, given that South Australia has serious problems because of the very same thing. The government needs to look very seriously at implementing laws to make sure that farmers do keep in their mind their responsibility to future generations as well as their own productivity, economic concerns and making a living. Thank you.

Resolved (on motion by **Mr Jenkins**):

That pursuant to the power conferred by section (a) of standing order 346, this committee authorises publication of evidence given before it at public hearing this day.

Committee adjourned at 3.39 p.m.543

