

February 27, 2006

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The Secretary
Senate Environment, Communications Information Technology and the Arts Committee
Parliament House
CANBERRA ACT 2600

Submission in Response: **Senate Environment, Communications Information Technology
and the Arts Committee**

Inquiry into Australia's national parks, conservation reserves and marine protected areas

In summary the key points of this submission are these:

- 1) The historic division between public and private property management has been damaging for the environment. This situation may be eased by a more appropriate grading of land uses that blur the aims of public good and private gain. Private land, as well as public, needs to be managed to meet environmental sustainability aims. Such a blurring is already occurring;
- 2) Conservation aims must be pursued on both private and public lands, as this is a key aim not only to meet environmental outcomes and to promote, and reflect, our changing view of our relationship to the land, but also to trigger the necessary institutional evolution and adjustments that will ensure more effective and environmentally conscious management of all land;
- 3) The pressures on public spending for land management could be reduced by:
 - a) raising the public's commitment and participation in all land use issues (be they traditionally private or public) which would raise the ranking of land use management on the list of public spending priorities, and
 - b) including the private sector, where appropriate, in land use management on public land just as public interests have always (via the planning system), and are increasingly determining (via water and land clearance regulations) land use and management on private land.

Public Reserve Management in Australia: Australia's national parks, conservation reserves and marine protected areas must be lauded as a significant national achievement and all Australians should be proud of their conservation, as it demonstrates a commendable national commitment to the task of environmental sustainability.

However, the public management of land for conservation purposes, in national parks, conservation reserves and marine protected areas, is facing significant challenges. It is facing challenges of efficacy, of meeting the environmental outcomes that have been set as the goals of public land management, and it is facing challenges of adequate resourcing. The two challenges, of course, are not unrelated. The public management of land for conservation purposes is also facing community criticism, in major part because the area under public control has increased at a rate which the resources committed to the management of these areas can not have hoped to match.

Insufficient resourcing for the management of public lands has led to much community disquiet about the risks that inadequately maintained public lands may have, for example as bushfire hazards and hosts to feral pests, factors which would also pose as threats to the conservation goals of the public lands themselves. Any modification however of the conservation remit to obtain funding for management, for e.g. by invitation of commercial (tourism, fishing, agriculture) interests in public conservation areas, also meets with disquiet in other sectors of the community. It appears that any blurring of the boundary between "private land for private gain" and "public land for public good" may be currently unpalatable to some, as on the other side, the legislation limiting land clearance (for the public good) on private land has met with considerable criticism (Productivity Commission, 2004). Acceptance however may be garnered where the blurring is planned and performed well.

The public goods served by public land reserves: of maintaining and re-establishing biodiversity, and water and land quality, preserving the amenity of aesthetic and recreational landscapes, protecting natural and cultural heritage, facing and addressing climate change and offsetting environmental costs on other lands; are assumed in this submission to be unqualified public goods and in the interests of both public and private sectors to not only pursue and protect but to promote as shared community values. To substantiate this argument would, one would hope, be unnecessary. It is due to the level of scientific and popular acceptance of these arguments that the area under public control has increased in recent decades. This increase is supported unreservedly by this submission. However, the traditional and historic division between private land uses and public land use has been an environmental disaster for Australia. For too long the notion, and realisation, of private property ownership has carried with it unimpeached rights of land clearance, water usage and land management for the sole goal of private gain, while public land management, considered to be entirely the responsibility of the public sector, has languished at the bottom rung of public purse priorities. The argument here is that each of these outcomes is the result of a popularly-held misunderstanding of the environmental effects of our lifestyles, a misunderstanding that is due to inadequate perceptions of land and our place in it. The consequences of this, which are only beginning to be scientifically and popularly identified, have been compounded by political and institutional infrastructure inadequate to deal with the complexities arising.

This situation may perhaps be attributed to the ways in which we view land and our place in it. Many Australians may view land mainly in terms of property and land use, and themselves and humanity generally as "apart" and "separate from" the land and "nature" more generally, rather than "a part of" nature and the land. Indeed, there may be alternative views of seeing our relationship to land and nature more broadly if we can accept ourselves, not only as part of nature, but accept as part of nature highly modified (by humans) landscapes (Bartel, 2005). The

traditional division between public land, where nature is seen to be ascendant, and preservation the goal, and private, where production for humans is the goal, obscures the fact that nearly every landscape on earth has been or is used and modified by humans. In some areas the history of inhabitancy and modification by First Peoples runs for millennia and to such an extent that the ecosystems viewed as natural by the invading conquerors can arguably be described as cultural artefacts. Traditional production landscapes are not exclusively human. They house native flora and fauna and indeed the “human” production carried out in an area is entirely dependent on the pre-existing “nature” in the area. Areas of native vegetation are also production landscapes for humans: they are used by humans for recreation and amenity, to produce filtered water and air, to preserve biodiversity and for other ecosystem purposes. Enforcing the “us and them” dichotomy of human versus nature, that has grown from our self-awareness and perhaps the distancing effects of technology and industrialised living, obscures important facts that may impair our cultural development and our interactions with the landscape (Bartel, 2005).

Blurring the dichotomy. What would be a more appropriate way of administering land use and management? The categorisation of land uses might be placed on a continuum, resulting in a more continuous grading of “absolute conservation” for public good through the whole spectrum, ending at the “other end” of the range with the most intensive industrial uses (and similarly intensively regulated management). This may assist somewhat with addressing the “dichotomy” question of “public land for public good only” and “private land for private gain only” property-based views. The continuum could eventually serve to blur the dichotomy to such an extent that it no longer exists: all land would be managed for the public good. Private interests should be assessed according to triple-bottom-line accounting principles, to ensure their benefit.

The planning system serves as a formidable precedent. Increasingly the public has a say in the management of private lands, as there is increasing recognition that the public reserve system can not meet all of our requirements for public goods such as ecosystem benefits and that private landholders must also meet public responsibilities and duties. Increasingly, private landholders are seen as custodians and their rights to water and land clearance are being fettered (a fettering resisted in some quarters due largely to historic factors) by regulation in the public interest.

The blurring of the public/private land use boundary is being mirrored by a blurring of the dichotomy between public and private sector spending and participation. Increasingly the “public” sphere is becoming less public, and governments taking either a step back or operating in public-private partnerships. Businesses too are encouraged to enter the public sphere and be seen as socially and environmentally responsible members of the community, this characterisation carrying with it many more responsibilities than mere profit maximisation.

An important opportunity exists to use the blurring of private/public interests and management on private land to springboard the changes required to improve the management of our public reserves. New community participation and “regulated self-regulation” processes are evolving to manage land degradation, native vegetation and water management issues on private land (for example, Catchment Management Authorities, Landcare groups). Similar bodies and processes may be brought into play to assist in the management of public lands (Russell and Jambrecina, 2002).

Such a new vision for land administration would require perhaps much in the way of scientific evidence of the nature of impacts of particular uses on flora, fauna, soil types etc. Much of this information may be available, but where it is not, principle-based decision-making offers a

scientifically-supportable alternative. Principles such as the precautionary principle can be used in the absence of absolute scientific “proof”. Performed properly, principle-based decision-making should accord with all the principles of evidence-based decision-making. Areas within existing public lands increasingly are “zoned”, and may continue to be so, similarly to more conventional planning restrictions on private land. Similar processes to the planning may be transferable, hopefully learning from the mistakes of the planning system (while the wheel may not need to be reinvented for a similar purpose nor does it need to inherit the weaknesses of the former). Socio-economic and biophysical planning principles should be complementary rather than conflicting (Gurran, 2005).

Engendering public support. In some issues the areas of blurring, between private and public land management and private and public sector spending, have been set on a collision course. This is because the changes are relatively new, undergoing evolution, and have been ill-matched by institutional structural change. The increasing regulation of private land management is attracting demands for compensation for the abrogation of private property rights and future economic gains. It is also attracting demands for the creation of a new user-pays system, if only theoretical to date, for ecosystem benefits. Is it right that the entire community enjoy the benefits conferred by remnant vegetation managed at private cost by private landholders? (Productivity Commission, 2004). The taxation system may be used to pay for these benefits, as it does now for publicly managed lands and their benefits, but it is already a consequence of the political (at least the electoral) process that the public trough has become too low to meet the needs of public land management, let alone private land as well. We may conclude that the matter is a question of “political will” which is ultimately, in a democracy, a question of the community will.

Public efforts need to be directed, and private effort publicly encouraged, towards raising capacity and commitment throughout the community. Capacity may be described as a combination of resources and knowledge and skills. Commitment may be described as an internal motivation towards supporting action, an emotional values-driven connection and perhaps also moral commitment. Commitment to appropriate land management is required, in the same way as ability and awareness are required (Noonan and Thomas, 2004: 68). Co-operation between the private and public sectors is also key, as it is within communities. People working together for a common purpose not only achieve more but bolster the commitment of those involved and act as role models for those not yet committed. Greater attention must be paid by both public and private sectors to establishing community participation and mediation processes to address the perhaps inevitable conflicts of interest over land use and management. Finally, a process of evaluation of the effectiveness of any new changes must be built in as integral for quality assurance, both at the institutional and park level (Hockings, 1998).

Thank-you for this opportunity to engage in such a worthwhile process.

Yours Truly,

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