



Full Day Hansard Transcript (Legislative Assembly, 11 August 2011, Proof)

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COMPENSATION FOR FARMERS FOR ENVIRONMENTAL LAND

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Mr RICHARD TORBAY (Northern Tablelands) [10.20 a.m.]: I move:

That this House:

(1) notes that the Native Vegetation Act needs to be amended to provide just compensation to farmers for any land sequestered for environmental purposes; and

(2) calls on the Government to pay farmers for their stewardship of that land to keep it free of weeds, pests and feral animals.

I gave notice of this motion on 4 May 2001, in the first sitting week of this Parliament, because this is a very important issue for farmers and, of course, for members who represent regional communities. The work of farmers has always been very important and it is valued across the State. Through their hard work farmers have been responsible for feeding the State and, indeed, the nation. Recently the value of retained native vegetation as a means to control greenhouse gases has been recognised and, as such, a new responsibility has been given to the State's farmers. Farmers understand this and accept that they need to take on some of the burden of maintaining native vegetation and reducing the country's greenhouse gas emissions.

Indeed, most farmers are supportive of responsible work practices and are working constructively towards a sustainable position. It is because of the hard work of farmers and their stewardship of native vegetation that Australia is meeting its greenhouse gas emissions targets since the Federal Government included in its strategy carbon that is sequestered in that vegetation. However, farmers are being asked to take on a disproportionate share of those burdens and without being offered fair compensation. In other situations such as when land is acquired to build a road or when water rights are acquired for the mining industry, the discussion is about public interest and compensation or structural adjustment packages. I believe that such compensation should also be offered to farmers who have their land sequestered for environmental purposes.

Farmers do not clear land for the joy of destroying native vegetation. They do so to improve their land and to deliver better economic returns. If they are not given that opportunity, or if they choose to retain native vegetation for environmental purposes, it is only fair that they be compensated in a similar fashion. Where land is used for environmental purposes, it still requires stewardship. This does not simply involve sitting back and watching plants grow. There is a lot of work involved, including removing noxious weeds, controlling feral animals and ensuring that fire risk is kept to a minimum. This is all done to protect the native vegetation and to ensure that it thrives and continues to offer environmental benefits. Again, fairness dictates that farmers are paid for this

work, and that has benefits for the State and nation as a whole.

Like other members, I speak to landowners and they tell me that they have no objection to sensible environmental controls, but they regard the current laws as unwieldy, incomprehensible and unfair. Members can all relate stories about the inconsistent information that is provided by the bureaucracy. A more consultative process would be beneficial whereby farmers could present their sustainable native vegetation plans to local catchment management authorities on an individual basis for assessment and ongoing oversight of the land. That would instil an attitude of willing stewardship on the part of farmers. It could also help to deal with the perception, correct or otherwise, that the implementation of the regulations is unnecessarily draconian. These incentives will encourage the retention of native vegetation and fairly compensate landowners who are using their land to help Australia to meet its emission targets.

Every time we do something in the public interest in most other areas we consider the impact and provide structural adjustment packages or compensation. I cannot believe that farmers are not properly compensated when they are doing something in the national interest. If the Government proposed constructing a four-lane highway through your property, Mr Acting-Speaker (Mr Provest), you would expect to be compensated. Any fair and reasonable person would expect that. However, that is not what happens when farmers are asked to lock up sections of their land. The fact that they are not fairly compensated is unjust and un-Australian, and that is why I have moved this motion.

This is not a new issue; it has been around for some time. I hope that the Government will support this motion. Members opposite have had 16 years in opposition hearing about these native vegetation issues since the introduction of State Environmental Planning Policy 46 and the enactment of the Native Vegetation Act. I have attended about 30 forums, protests and public meetings at which these issues have been discussed and I do not believe it is reasonable to suggest that we do not know what should be done. There is plenty of information available on this topic. At a recent meeting in Inverell New South Wales Farmers representatives gave me a submission about this issue knowing that I would be moving this motion today. The association's proposal states:

Reviewing the Native Vegetation Regulation 2005 is not enough, the Act needs amending. If the Government is keen on adhering to their commitments then it is imperative that changes be made to the Native Vegetation Act 2003 and the operation of the CMAs.

NSW farmers are pursuing for an improved customer service focus, with clearer definitions and information set out and a balanced consideration of social, economic and environmental outcomes with greater biodiversity planning of rural lands that combines strategic planning processes.

The Act needs to be amended to construct the Landscape Plans and this can be established with the landholders and the 'Property Vegetation Plan Developer' known as the "Black Box" needs to be withdrawn.

This new planning technique is essential in delivering sound outcomes for the landholders

and the plans should be developed with the assistance of the landholders.

The positions of the CMAs need more authority in their decision making and have their roles broadened and strengthened.

The definition of broadscale clearing within the Act needs to be amended to not mean clearing of single native plants. As well as this, the restrictions encroached on permitted activities by the Native Vegetation Regulation 2005 be cancelled which can be done immediately.

It is imperative that regrowth provisions are clearly defined and the date relating to this be changed to 1983 for the whole state.

The association states further:

We feel it is important that the offence is in proportion to the enforcement provisions.

The Native Vegetation Act should act solely as the authority figure in relation to native vegetation on land zoned 'rural'. The EP&A should also be amended to prevent Local Government enforcing environmental zones that will override the objectives of the Native Vegetation Act.

What the association has indicated highlights the roles of the respective agencies and authorities. It is confusing, and inconsistent information is being provided. We should have one authority and a process that will provide clarity to farmers who, more often than not, are seeking that information so that they can do the right thing. It is unacceptable that this sort of inconsistency is occurring and that conflicting information is being provided given the potential punitive consequences.

Government members said a great deal about this issue when they were opposition and I hope that they will be consistent now that they are in government. I do not think I can count the number of times that Coalition members who attended the forums I attended indicated that upon winning government they would amend the legislation and ensure that these matters were addressed as soon as possible. If I heard that commitment made once, I heard it made more than 30 times. I also have a number of pieces of correspondence about this issue. It is very important that members do not talk tough in opposition and then do nothing in government. Rural and regional communities have a clear expectation that the Government will take action. Failure to act would be a complete breach of trust with the farmers of New South Wales given the expectation that has been created.

This is not about anything other than fixing an obvious problem and I am not doing anything other than reminding the Government of its commitment. That commitment was made by numerous members of the Coalition, including the Leader of The Nationals. He attended many rallies, including the Peter Spencer rally at which he said that a Coalition Government would take corrective action in respect of this issue upon attaining government. I look forward to hearing the Government's response to this motion. This is an urgent matter. Corrective action is required and the farmers expect it.

Debate adjourned on motion by Mr Jai Rowell and set down as an order of the day for a future day.