

Review of Native Vegetation Clearing Regulations

██████████, 8 May 2016

Dear DELWP

Thank you for the opportunity to make input to the review of the native vegetation clearing regulations. As a full time ecologist since 1982 in the public and then private sectors I have extensive experience in this area. I was working in this field for the state government for several years before the advent of the native vegetation regulations in 1989. Indeed it was partly my limited success in advising local councils and the Administrative Appeals Tribunal as a state government expert witness that led to NVR. Information alone wasn't working and it was necessary to introduce regulation.

I could discuss the many problems with the current regulations, including:

- the notorious and irredeemable inaccuracy of the biodiversity model which gives junk science results, a disgrace to the government and an embarrassment to a first world country (you should try teaching this rubbish to students!)
- the fact that 'expensive consultants' have not been cut out of the system by the regulations which was their main purpose, in fact due to the regulations being *incredibly more complicated* botanical consultants are getting *more* work, even in the low risk-based pathway
- the offsets are for trivial amounts of money, disproportionate to the procedures involved.

Others are detailing these serious failings of the system.

No, my primary concern lies elsewhere, and I say the emperor has no clothes:

The idea that an offset can be applied permanently as 'ongoing management' is absurd. Who, in 50 or 100 years time, will care or even know that they are supposed to manage an area because of some clearing by unknown persons in an unknown locality somewhere in the distant past? When you take this nonsense out of the equation, 'no net loss' is not being met. Accordingly all of the gain/loss predictions that have been released are invalid and misleading, and there has been no attempt to quantify the actual results. It is concerning that there is no quantification in the consultation paper.

Offset plans are lucky to reach the 10 years and after then there is no expectation of permanent enhanced management. The vegetation will revert to its previous weed cover level and may be worse off from inappropriate plantings. Any improvement in site condition is effectively temporary. The way the system works currently, after the 10 years there is increased reliance on whatever improved legal protection there is for long term gain. Enhanced managed for eternity is not possible.

Furthermore, offsets are generally very poorly delivered within the 10 year period. I happen to have supervised part of the first offset plan that reached the 10 years in Victoria – ██████████. I can assure you the site was worse off after the offset. This was due to the removal of regular slashing by maintenance contractors which had previously been reducing the biomass in lieu of macropods and fire. Most offsets fall over (cease to operate) well before reaching 10 years even if they commence at all and those that do generally fail to improve the site condition. Furthermore much of the supplementary planting is wrong for the site and either damages or interferes with the ecological integrity of the site. The aim should be promote authentic self-sown native vegetation that has undergone natural selection. To create a plantation is counterproductive to conservation.

For more on the issue of supplementary planting see:

Yugovic J 2011. Looking after the bush: natural regeneration is better than planting.

Indigenotes 22(1): 8–10.

The only really meaningful and permanent offset is to upgrade the legal protection of land from private to public. Any long-term improvement can only be via land tenure change and not just constraints on title. Covenants are not effective when covenants can be removed.

I happen to know how the offset system came into Victoria, indeed I field tested the beta version of the habitat hectare system for the state government. The offset philosophy was well intended but is flawed conceptually and has been used to justify the destruction of much unique native vegetation.

More on the intellectual bankruptcy of offsetting can be found in George Monbiot's lecture 'The Pricing of Everything':

<https://www.youtube.com/watch?v=ni1tX0bpTR8>

Would you please acknowledge receipt of this submission.

Regards

