



Native Vegetation Framework Review Secretariat,
Biodiversity Conservation Branch
Department of the Environment, Water, Heritage and the Arts
GPO Box 787, Canberra ACT 2601

Via email: vegsubmissions@environment.gov.au

Thank you for the opportunity to comment on the Consultation Draft of "Australia's Native Vegetation Framework." The Conservation Council ACT Region (ConsACT) is the peak body for environmental organisations in the ACT and surrounding region.

Our comments on this draft Framework are informed by the Native Vegetation Conservation Mechanisms Project and Roundtable which we convened in Canberra, on 6 July 2009. This project was supported by the ACT Small Projects Fund, Department of Environment, Climate Change, Energy and Water. The final report is attached.

The over-arching objective of the project was to investigate and promote comprehensive, contemporary native vegetation conservation policy instruments for the ACT in order to ensure long-term protection and enhancement of the overall area and quality of native vegetation in the ACT. To achieve this objective, the project convened a Roundtable of native vegetation management experts from the ACT and other jurisdictions to explore and outline the issues and policy options. A set of proposals for native vegetation protection mechanisms for the ACT were developed and a regulatory impact assessment undertaken.

Key recommendations for the use and content of principles and objectives for native vegetation conservation mechanisms include:

- Principles and objectives should be set out within native vegetation legislation or other conservation mechanism and be binding on decision-makers;
- Principles and objectives should include 'No net loss' and 'Net gain', landscape level protection based on ecological values and preventing fragmentation of vegetation.

Key recommendations for an appropriate administrative process include:

- A strategic planning approach and implementation of separate legislation for the purpose of native vegetation conservation which is integrated with the planning scheme; and
- A staged legislative structure that aims to first avoid loss of native vegetation, then minimise loss, then offset loss.

The Regulatory Impact Assessment of the proposals for native vegetation legislation concludes that implementation costs for government and the compliance burden for landholders are outweighed by the long-term environmental, economic and social benefits of conserving and reducing the fragmentation of native vegetation in the ACT. We would submit that this finding applies across all Australian jurisdictions.

Therefore, in responding to your draft Framework, we would wish to make the following points against your specific headings.

1. Are the vision, goals and principles appropriate?

- In our experience it is essential to ensure native vegetation and planning legislation are integrated but there is no provision for this within this goal. As it stands the goal is too vague to indicate to the various jurisdictions that such integration of competing approaches should be the basis of their relevant legislation. A quote from a participant in our Roundtable illustrates this:
 - “The requirement to apply for permission to clear native vegetation needs to be up front in the planning process.” (2.6.1) We would add that an indication that permission will not be given except in certain circumstances should also be made clear in legislation rather than the current process which encourages an assumption of permission being granted.
- There is no mechanism to establish common principles, eg of ‘no net loss’ as the national standard. The goal establishes merely a wish in ‘increase the use of’ these mechanisms.’ This will only see a continuation of loss of native vegetation. This goal should read along the lines of “Establish nationally consistent legislative mechanisms and management practices which increase the national extent of native vegetation...”
- The same must be said of the other goals. Even allowing for the difficulties of reaching agreement across jurisdictions on such a sensitive subject, the goals are little more than motherhood statements which set no measurable objectives.

**2. Are the outcomes for each goal logical and measureable and achievable?
Should there be others in addition to these?**

- This time using Goal 2 as an example, we submit that again, there is a lack of directness and specificity which undermines the development of logical, measureable and achievable outcomes. Any increase in a wide range of activities could be brought under the current form of Goal 2 to satisfy a national audit, should one be carried out.
- Key recommendations for effective monitoring compliance and enforcement from the ConsACT Native Vegetation report include a system underpinned by an evidential standard of benchmark information based on comprehensive records, surveys and mapping; requirements to undertake self-monitoring; and restoration orders being one of the available civil remedies in case of breach.

3. What are your suggestions for national, measurable targets?

- Specific goals will create much more specific targets so the Framework needs to re-engineering the goals so as to ensure specific targets can measure achievement. As they stand, the goals cannot generate specific targets so any attempt to do so at this stage would only create equally vague and non-specific targets. For example, without any reference to funding in the goals, it would be impossible to create the necessary target of *an annual percentage growth in compliance and monitoring resources*.
- In order to achieve nationally consistent measurement of targets, a national independent auditing system should be run by a professional scientific body such as that proposed by the Hawke review into the reform of the EPBC Act.
- Auditing and mapping of native vegetation and different ecosystems should be a priority of all jurisdictions and rigorously reported on annually.

**4. Do you think the framework will address the major native vegetation issues?
If no, do you have any suggestions for improvement?**

This framework will not address the major issues because it is vague, untargeted and has built-in escape clauses which will be maximised by government seeking to continue the current rate of exploitation of natural resources so as to enhance their own economic records. To improve it, the goals need to provide the platform for specific objectives, measurable in time, space and money, which recognise *the inherent value of natural vegetation other than its direct economic exploitation*.



The Roundtable convened by ConsACT last years shows that there is a substantial awareness of the flaws in our existing systems for protection of our native vegetation at all levels of government across all jurisdictions and in the scientific community. They are looking to bodies such as the NRMMC to take the lead in developing and delivering clear, specific actions which are regularly monitored and reported on nationally. This Framework does not have the clarity or capacity to give that sorely needed leadership.

Our members look forward to the next version of the Framework with the hope that this leadership will be forthcoming.

Yours sincerely

A handwritten signature in black ink, appearing to read "Susanna Chung".

Susanna Chung
For John Hibberd
Executive Director
31 March 2010