



Native Vegetation Council 8 March 2007

(see also www.parliament.sa.gov.au Hansard 7th March regarding Native Vegetation Council motion) **Mrs PENFOLD (Flinders):** I support this motion wholeheartedly because of the inefficiency with which the Native Vegetation Council deals with matters and some of the apparent harassment, bullying, antagonism, rudeness and lack of understanding and compassion by the department and council employees towards those with whom they deal. Such behaviour by subordinates is in my experience usually an indication of poor leadership at the top, where the behaviour of leaders gives licence to subordinates to treat those subject to them in a similar manner, along with the stress that subordinates are put under to implement policies out in the real world.

I cite the case of two families in the Streaky Bay District Council area, who intend to take their issues to the Ombuds-man in an endeavour to have common sense avert the financial ruin that is threatened in part by the actions of the Native Vegetation Council. These families were planning their succession from father and mother to their son and his partner and recognised the need to enlarge their property to make it more viable, with the older couple intending to retire debt free and the young couple to take over the responsibility for the farm.

However, seven years later the freehold property they purchased is a millstone around all their necks. The older couple are still working and the young ones are struggling to survive with off farm work at Roxby Downs necessitating Leon being away from home for weeks on end. The government will neither compensate the families nor buy the land that they are not allowed to use even for grazing, which is very upsetting in this time of extreme drought when supplementary fodder is hard to come by and expensive.

I have statutory declarations from Mr Allan Williams, his wife Cheryl, son Leon and Leon's partner Kelly Lake. I quote from Mr Allan Williams' statutory declaration dated 12 September 2006, but I will not use the departmental officer's name, as I have not heard his side of the story. I will refer to him as Mr X. The document reads:

Discussions held prior to the purchase of the Walter block of land in the Hundred of Finlayson, District Council of Streaky Bay, and the effects of same on myself and my family. On October 2000 at Streaky Bay, Leon Williams and myself in our capacity as directors of ACCA Pastoral met with Phil Arkus of Wesfarmers Kimba, to discuss our interest in the possible purchase of the block of land mentioned above. During the discussion, Mr Arkus informed us that another interested

party had first option on purchase of the property but that we would have second option if said party failed to raise capital. We asked Phil Arkus if it was OK to fence, stock and crop said property, to which he replied: 'Yes, I don't see why not.' We said to Phil that we would like to run cows on the property ASAP and crop the plains with oats for stock feed. We then arranged for a contract of sale to be sent to us for perusal if and when first option was forgiven.

On 13 October 2000 the contract arrived and we studied it for hours and were eventually satisfied that there was no reason we could see to prevent us from fencing, stocking and cropping the property. However, in order to double-check, we arranged a meeting with the acting CEO of the District Council of Streaky Bay, Mr John Rumbelow, so that he could confirm the lack of any grazing or cropping encumbrances on the property in the sale contract. We left the contract with John for a few days. On returning the contract, Mr Rumbelow said: 'It looks like a normal contract to me. I can't see (any reason) why grazing and cropping cannot be done on this property. It seems like a good idea to me.' Having double-checked with both the selling agent and a representative of local government that there were no encumbrances for grazing or cropping restrictions on the property we (having no idea that an application for grazing and cropping on this contract was applicable, the only people who knew anything about applications were the NVC and/or their reps) signed the contract of sale on 31 October 2000 and paid a deposit of \$2 000 on 2 November 2000.

The purchase was settled on 18 January 2001. During February 2001, ACCA Pastoral commenced clearing work along the boundary line to allow for fencing work to commence, at which time it came to our attention that the existing public road encroached the boundary in one section, involving an area of a few hectares. The Works Overseer with the District Council of Streaky Bay, Peter Irvine, was approached regarding this problem. He stated that it would be impractical to shift the road and suggested they put the fence line as near as practical to the road so as not to stir up any problems. We along with the clearing contractor did this to the best of our ability. However, this led to an overly wide area of clearing for the fence line which, apparently, later first attracted the attention of the Native Vegetation Council representatives. Fence and water line clearing was completed, fencing was installed and water tank, piping and water trough purchased and installed.

Then on 2 April 2001 with the fencing and water completed 40 cows were trucked in to their new location. Leon and I felt justifiably proud of our achievement. On September 2001 at the home of Leon in Streaky Bay, Leon, Kelly and Cheryl were confronted by a very demanding and obnoxious Mr X, representing the Department of Environment and Heritage, who upon Leon's arrival into the room slammed a tape recorder onto the table with the words 'everything you say will be taken down as evidence.' He then went on to demand that we remove all stock immediately from the property and informed Leon that we could be convicted of clearing too wide a fence line (which eventually turned out to be 1.25 ha). Leon informed Mr X that it would be impossible to remove the stock immediately as we had not yet had time to build cattle yards and therefore had no practical method to load cattle onto a truck. Beside that, the cows were ready to calf.

I was later accosted by Mr X with a tape recorder at the property, where I told him to turn off the recorder. Mr X's attitude was extremely obnoxious. I couldn't believe what I was hearing and all sorts of things were going through my mind. I realised that if we were forced to remove the cattle from the block it would put us under extreme pressure financially. It was so overwhelming it was hard to comprehend. When I got home Cheryl was in a terrible state and Leon was not much better. We tried to discuss the matter and on some occasions the discussion got heated. I was afraid for our

financial future. This bloke had been talking large fines and suing us. We rang Phil Arkus and discussed the matter with him and he said he couldn't help us. We rang the council and they said the same. Not knowing what to do we went about the business of making cattle yards on the block just in case worst came to worst.

We still hadn't heard anything by November 2001, we thought they had made a mistake or something and it had sorted itself out. But in June 2003 ACCA Pastoral received a summons from the Native Vegetation Council to remove all stock from the property within 21 days of the notice. Seasonal conditions were not that great at the time of the year and there was no local agistment available, forcing us to seek agistment near Peake. In October 2003, some three years after the initial contact by Mr X, we received a further summons and court action taken out with the Native Vegetation Council. This was against ACCA Pastoral as well as Allan and Leon Williams as directors and the clearing contractor. The summons was for illegal land clearing, which would never have happened had I known that an application for grazing and cropping had to be sourced for this freehold property on the original contract. The actions taken by the Native Vegetation Council have strained my relationship with my wife Cheryl to the point of antagonism at times. I am very upset that these occurrences are happening because of things beyond my control. The whole contract from start to finish could only be described as farcical and also to the point of dishonest dealings. If I was told this could happen to me I would not have believed it.

Kelly Lake's statutory declaration states:

I can't remember the date but in September or October 2001 I answered a knock on the door and on answering it a man by the name of Mr X made himself known and asked for Leon and Allan Williams. I said they were not here now but if he would like to wait I could call Leon as he was closest and get him to come home. I rang Cheryl and she came up. While we were waiting for Leon to arrive this bloke started to talk to Cheryl and his manner was so offensive I could see Cheryl turning white and becoming very upset, nearly on the verge of tears. His manner was so bad it made me cross and I had to leave the room for fear of saying something to him. When Leon came home I just showed him into the room where this bloke got stuck into Leon with the same offensive manner he used on Cheryl but this time he took out a recorder and put it on the table and said he was going to 'take everything down as evidence'. I could see my normally happy-go-lucky man change before my eyes. I have never seen him so upset before or worried looking. I became frightened. I did not like this man for what he was doing to Leon. Since this meeting our lives have changed a lot. Leon has become very withdrawn. Our family life is strained and at times I find it more than I can handle. I am really concerned for our future together. I love Leon dearly but his whole attitude toward life and people has changed since this business with the Walter block.

I wrote to the Minister for Environment and Conservation (Hon. Ms Gago) on 7 November 2006 and received a reply from the Acting Minister for Environment and Conservation (Hon. Mr Hill) on 18 January 2007. Despite the drought and the urgent need to use the block for feed (creating additional pressure), the acting minister was unhelpful. He suggested that the Williams' family apply for assistance under the federal government's exceptional circumstances program. He refused to intervene with the Native Vegetation Council. In fact, he upheld the actions of the council. One of the options proposed for resolution of the whole problem was for the government to buy the block, thus taking it out of private ownership.

However, the acting minister refused to consider this option. He suggested that the Nature

Foundation of South Australia may be interested in buying the property as part of its Bushbank scheme. The minister ended his letter by stating:

Alternatively, your constituent may consider sale on the open market—

Time expired.

NATIVE VEGETATION (MISCELLANEOUS) AMENDMENT BILL 29 August 2002

Mrs PENFOLD (Flinders): The bill that we are now considering—with some changes made by the Labor government—is a refinement by the previous Liberal government of legislation that was first generated by a previous Liberal state government 21 years ago. This is just one more indication that Liberal governments had a positive and, where appropriate, active approach to environmental issues long before these matters became popular. It will be unfortunate if the bill is amended by the new Labor government to detrimentally affect the farmers who live and work on the land. These are the people who ultimately have the job of ensuring that native vegetation and biodiversity are retained and not degraded. It is imperative that they work in partnership with departmental officers if this is to continue to be the case. Farmers have worked for many years to control weeds, revegetate land and control fires. Other measures include the control of feral animals, such as foxes, cats, goats and rabbits. All this could not be paid for by any government, and it often goes unnoticed, unappreciated and unrewarded.

The impact of land clearing was of increasing concern 30 or so years ago. It was recognised that the loss of the original native vegetation cover brought about a significant loss of native plants and animals, as well as causing land degradation and adversely affecting our critical water supplies. While we enjoyed and still enjoy a range of national and conservation parks, it was decided that protection and conservation of biodiversity could not be confined to these parks alone. The launch of the heritage agreement scheme in 1980 by the then Liberal state government was a visionary and progressive move that now puts us ahead of other states in this field. The heritage agreement scheme gave land-holders a system whereby native vegetation, especially remnant native vegetation, could be preserved. The land-holder was given selected incentives to retain and manage the areas in return for entering into a heritage agreement, generally lasting in perpetuity. It has been a distinct success.

The legislation also focused attention on the need for revegetation. Visitors comment approvingly of the lines of scrub along the roadsides of Eyre Peninsula. It was such a common characteristic of our environment that it was not commented on. Now the same characteristic of roadside vegetation is becoming more and more common across the state as roadsides are revegetated by councils, farmers and volunteers. Seeds collected from native plants in the locality are mixed and directly seeded onto roadsides. It is fulfilling to see the progress of these stands over the years. Revegetation is also being used to stop the spread of land salinity and to reclaim land where salinity has occurred. Work done on Eyre Peninsula in reclaiming salt affected land is watched across Australia and is considered an example for other states to copy.

A trial currently being undertaken to grow, harvest and process mallee by Western

Power in Western Australia's wheat belt could be of great interest, particularly in the light of the Premier's statement in the house today. Western Power proposes to use the mallee, grown to lower the water table, to produce renewable energy in addition to the traditional eucalyptus oil. Heat from the exothermal process is used to generate renewable or green electricity. Other products include highly valued activated carbon, used to remove contaminants from fluids and gases.

Adrian Chegvidden from Western Power this month received a land care award in Canberra on behalf of his company for growing 4 million trees. Adrian visited Eyre Peninsula last Friday and briefed me and others on this trial and the opportunity it offers. When growing mallee becomes a viable alternative to traditional crops, many more farmers will be encouraged to grow more trees, to the very great benefit of our planet.

While concentrating on native vegetation, it is an appropriate moment for me to mention the damage that rabbits did in the past and will do again, should control measures fail. People today are unaware of what it was like to live or try to live with the millions of rabbits that infested the land. Rabbit trappers towards Elliston on the West Coast of Eyre Peninsula could take 3 000 to 5 000 rabbits a night without affecting the population. Our family farm was located on the Lock-Elliston road, and I can remember the devastation that was caused.

A rabbit drive was described in one of Arthur Upfield's series of books featuring the Aboriginal Napoleon Bonaparte as the detective hero. A wire netting enclosure was set up and rabbits driven into it and then killed. I remember a photo using the corner of a wire netting fence, where the rabbits were being cornered to be killed using sticks. There is no knowing what or how many native species have been wiped out by rabbits. It is imperative that this pest be kept under control and, where possible, eliminated.

Excellent work has been done on our farms and in our national parks to eliminate feral animals. However, to have the maximum effect, some latitude must be given to those on the spot—the farmers. They must be able to deal quickly and efficiently with situations that occur without involving time, paperwork and threats of dire consequences for non-compliance. A few trees destroyed by ripping rabbit burrows will be far outweighed by the seedlings that will survive without rabbits eating them. This is shown by the thousands of young sheoaks now found along our roadsides. Only a few years ago, only an occasional aged sheoak could be seen. For many years rabbits were eating all the young ones. The sheoak has a naturally shorter life span than most trees, so very few live trees were left in areas that had been sheoak woodlands. If rabbits are not eradicated, this could easily recur.

An appeal process and enforcement of judgments are needed in the bill. Appeals and enforcements are essential for legislation to work effectively. However, disagreement with decisions of the Native Vegetation Council is the most common complaint I receive concerning native vegetation. Some of the council's decisions have given rise to perplexity; however, the majority have been resolved through discussion of the issues. Some of those who have been most affected by a refusal to allow clearance of native vegetation do not have the ability or the resources to adequately put their case. Having a

clear avenue of appeal is essential.

It should also be noted that many of the people affected are the older generations, who are not always highly literate. In years gone by, country schools often gave no opportunity to be educated past grade 7. This should be taken into account when documents and language are used by people in departments and courts. People can be experts in their field but still not understand the technical language used by professionals, leaving them feeling confused and frustrated. It is to be hoped that whichever court is used it operates with compassion and commonsense.

Local government councils and landowners have been frustrated and alarmed by some decisions that impact on safety. We are fortunate to have large trees in parts of my electorate. Unfortunately, limbs sometimes grow out across the road. Cutting back the branches for safety purposes has, at times, become a nightmare. One council in my electorate was ordered to use a handsaw instead of a chainsaw to cut back trees along its roads, and one farmer was attacked for cutting back branches so that he could take his header along a back road instead of the main highway. This farmer is an active participant on the local CFS. He has risked his life and used his equipment without charge to control fires within the district and in its national parks but is treated like a criminal for cutting back a few branches of a mallee tree (which will easily regenerate) to enable him to more efficiently and safely go about his business.

It is for the sake of people such as this farmer that I have asked to have up to 15 metre firebreaks, particularly on the northern side of our national parks and government land, and adequate access tracks and periodic cold burns. For example, the SA Water land south of Port Lincoln should have 15 metre firebreaks with the approval of the relevant fire officers. These professionals know their local areas and the risks that are posed by large expanses of trees. The recent Hambridge and Tulka fires in my electorate could easily have caused fatalities just for the want of taking adequate precautions. The risk is simply not worth taking.

I hope that the Labor government will, in a spirit of cooperation with farmers and developers, proceed with the proposed environmental credits. It will be interesting to see how environmental credits work in practice. The proposal appears to give some much-needed flexibility to the retention, management and clearance of native vegetation for the benefit of the environment and particularly for those who make their living from it and who are increasingly required to compete efficiently in world markets in order to survive.

However, I put on the record my support for the health farm development proposed at Coffin Bay which was mentioned by the member for Fisher. I commend the developer, Lyn Crossman, on her project and vision. This project will bring a new industry and much needed jobs to the region. It is located on land zoned as deferred urban which people have always been aware would be developed at some time in the future. The developer proposes to utilise just 4.6 hectares of this 9.7 hectare property, retaining 47.4 per cent as native bushland. The same could not be said for land that is subdivided for normal residential blocks. It is important to keep in mind that this 9.7 hectare property is nearby to some 31 826 hectares of Coffin Bay National Park.

I find it ludicrous, statements by the Nature Conservation Society of South Australia's Project Officer, Matt Turner, who has been quoted in today's *Port Lincoln Times* as saying that more native vegetation could be cleared than would be necessary. He says that, whilst 'the health clinic sounds like a good idea, it should not come at the expense of native vegetation'. Mr Turner went on to say that, although he had never visited Coffin Bay, he had seen aerial maps of the region. I challenge Mr Turner to visit the area and see for himself exactly what he is talking about. The Lower Eyre Peninsula boasts huge tracts of national and conservation parks, including the Lincoln National Park, the Kellidie Conservation Park and, of course, the Coffin Bay National Park. In addition, SA Water owns much of the land running between Port Lincoln and Coffin Bay sited over the Uley Basin, which is uninhabited—and there are heritage agreements over significant pieces of other land in the area.

Mr Turner's credibility is very much in doubt. I suggest that he pick on regions that he knows and where there are far greater problems than he will find anywhere on Eyre Peninsula. Eyre Peninsula has more native vegetation than any comparable area in the state. Obviously, legislation must be put in place mostly to control those few who need to be controlled. However, where it is restrictive and inflexible to the point of absurdity, it is counter-productive. The goodwill of the farming population and developers must be retained and encouraged. Local knowledge and the experience and hard work of farmers and developers must be acknowledged and valued if they are to continue to put in the funding and hours of work that are needed to ensure that the environment is protected for future generations. They are allies not enemies of native vegetation retention, and it is my hope that departmental officers will work with them and that they will work with those departmental officers for mutual benefit.

NATIVE VEGETATION (MISCELLANEOUS) AMENDMENT BILL 27 November 2001

Mrs PENFOLD (Flinders): The bill we are now considering is a further refinement of the legislation generated by a Liberal state government 21 years ago. It is just one more indication that the government has had a positive and, where appropriate, active approach to environmental issues long before the matter became a populist concern.

This state has a national and international reputation for leadership in the management of native vegetation. The impact of rabbits and land clearing was one of increasing concern 30 or so years ago. It was recognised that the loss of the original native vegetation cover brought about a significant loss of native plants and animals as well as causing land degradation and adversely affecting our critical water supplies. While we enjoyed, and we still enjoy, a range of national and conservation parks it was decided that protection and conservation of biodiversity could not be confined to these parks alone. The launch of the Heritage Agreement Scheme in 1980 by the then Liberal state government was a visionary and progressive move that, at the moment, makes us about a generation ahead of the eastern states in this field.

The Heritage Agreement Scheme gave landholders a system whereby native vegetation, especially remnant native vegetation, could be preserved. The landholder was given selective incentives to retain and manage the areas in return for entering into a heritage agreement, generally lasting in perpetuity. It has been a distinct success.

The legislation also focused attention on the need for revegetation. In the latter half of the last century overseas visitors commented approvingly on the lines of scrub along the roadsides on Eyre Peninsula. It was such a common characteristic of our environment that it went unremarked by the local population. Now the same characteristics of roadside vegetation is becoming more and more common across the state as roadsides are revegetated.

While concentrating on native vegetation, it is an appropriate moment to mention the damage caused by rabbits in the past, and will again should control measures fail. People today are unaware of what it was like to try to live with the millions of rabbits that infected all the land and to try to make a living from that land. Farmers did clear land but much of it was cleared to remove infestations of rabbits that could not be controlled otherwise. Rabbit trappers towards Elliston on the West Coast of Eyre Peninsula would take 3 000 to 5 000 rabbits a night without affecting the population. Our farm was on the Elliston to Lock road and I remember well the difficulties encountered trying to control the rabbits and save the crops.

A rabbit 'drive' was described in one of Arthur Upfield's series of books featuring the Aboriginal Napoleon Bonaparte as the detective hero. A wire netting enclosure was set up and rabbits driven into it and killed. I have seen photos of this being done. There is no knowing what or how many native species may have been wiped out by rabbits. It is imperative that this pest is kept under control and, where possible, eliminated.

The calicivirus helped to complete the work started by the myxomatosis virus by dramatically reducing rabbit numbers already depleted from the plague proportions that I remember from my youth. Natural regeneration, particularly of the sheoaks, along the roadsides has been spectacular. Thousands of young trees are growing where once only aged oaks grew. Already, people are forgetting what it was like only a few years ago. Excellent work is being done by national parks personnel, farmers and others such as the Rotary and their fox baiting program to eliminate feral animals. Feral plants such as bridal creeper, allepo pines and boxthorns are also being targeted for control and, where possible, eradication. In addition, seed collection from native plants in a locality have been mixed and directly seeded onto roadsides. It is fulfilling to see the progress of these stands over the years. Members of Landcare groups, friends of parks and ordinary individuals working together and alone are making a difference.

Revegetation is also being used to stop the spread of land salinity and to reclaim land where salinity has occurred. Land and water salinity is one of the biggest challenges facing Australia. South Australia is a leader in the field of rectifying damage done to the environment in the past. We have only to look at the way in which the state government has focused attention on the River Murray to see positive reparation being done. Again, work done on Eyre Peninsula in reclaiming salt-affected land is watched across Australia and is considered an example for other states to copy.

An appeal process and enforcement of judgments are included in the bill. Appeals are essential for this legislation to work fairly. Disagreements with decisions of the Native Vegetation Council are one of the most common complaints I receive concerning native vegetation. Some of the council's decisions have given rise to perplexity; however, the

majority of disagreements have been resolved through discussion of the issues. It is to be hoped that the courts operate with commonsense. Local government councils and landowners have been frustrated and alarmed by some decisions that impact on safety.

We are fortunate to have large trees in parts of my electorate. Unfortunately, limbs sometimes grow out across the road, and cutting back the branches for safety purposes has, at times, become a nightmare. Insistence on using a hand saw and specifically not a chain saw in vegetation overhanging on highways is just one instance where commonsense needs to prevail. The accommodation on roads of the larger and more efficient equipment that is being used by farmers also has to be addressed. Legislation obviously has to be put in place; however, where it is restrictive and inflexible to the point of absurdity it is counterproductive. It will be interesting to see how the environmental credits work in practice. The proposal could give some much needed flexibility to the retention, management and clearance of native vegetation. I support the bill.