
From: Alex Davidson [mailto:]
Sent: Friday, 24 August 2012 9:40 AM
To: EHPP Landscapes & Ecosystems Section Mailbox
Subject: Review of the Native Vegetation Act Regulations

It is an insult to review the Native Vegetation Regulations in response to widespread concerns with the Act itself. While the draconian penalties and over-the-top restrictions detailed in the Regulations certainly go too far, the real issue is the Act's unacceptable violation of private property rights. Reviewing the Regulations but not the Act is like asking someone wrongly condemned to death whether they would prefer to die from a bullet or poison.

Native vegetation laws are a mistake.

First, they are unnecessary in a country that has 28.8 hectares of forest and wooded land per capita—36 times the world average [Garnaut Climate Change Review, p164].

Second, by imposing them as controls over privately-owned land, they fail to respect the sanctity of property, and therefore undermine the foundations of civil society.

Native vegetation and other similar laws have reduced owners of freehold land to a type of serfdom—custodians and caretakers, compelled to follow government-set management plans. While they may be landholders, they are no longer land *owners*; no longer free to engage in the vital discovery process, absolutely crucial for prosperity, of finding new ways to use their land and its resources more productively.

In Sydney, one of the reasons put forward for restricting where houses may be built is the risk of bushfire. Native vegetation legislation is a major impediment to the sensible option of removing sufficient bush to reduce the risk. The result is a shortage of housing land, created through what is an arbitrary restriction over the use of land. It distorts prices for land, generally increasing prices in areas free of native vegetation, and lowering prices in areas that are not.

A primary driver of native vegetation and similar laws is the 1992 *Intergovernmental Agreement on the Environment*. That agreement failed to respect private property rights, and should be set aside. Failing that, NSW should withdraw from it.

1. Native vegetation and other similar laws must be repealed, or amended so they only restrict the use of government-owned property, not private property.
2. State legislation must be amended to remove restrictions over private land use introduced as a result of the *Intergovernmental Agreement on the Environment*.
3. When preparing recommendations and reports, all government bureaucrats must be required to include a **statement of impact upon private property rights**.

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