

Gerrit Kurstjens



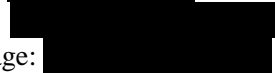
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Toowoomba 5-9-2014

To: the Independent Biodiversity Legislation Review Panel

Subject: Submission Environment Acts

Dear Dr Neil Byron

Thank you for the invitation to share my experiences in vegetation conservation. After reading the Issues paper of the Independent Biodiversity Legislation Review Panel August 2014 I would like to make the following submission. We do not have the time and the resources to point out all the problems with the environment acts, therefore I only point out a few issues, like

Theme 1

- a) The existing Native Vegetation Laws should be in line with other national and international vegetation laws and obligations.
- b) Native Vegetation Act 2003 is not accepted by the Commonwealth Department of the Environment.*1
- a) It is clear that The Native Vegetation Act 2003, is in conflict with international agreements like the Kyoto agreement.
- b) The maker of a modified or new vegetation act should verify that the new act is not in conflict with other acts, it is not the landowners that have to verify if the new act is correct, or clash with other layers, like council or federal regulations. Including property rights*3)

Theme 2

Internationally most environment or agriculture assets are given an intrinsic value.

If the government or an environment group wishes to control these assets, then they can buy these assets, or give an incentive to handle these assets the way they like.

This makes farmers and environmentalists both very happy and illegal clearing is something out of the past.

Everybody likes to look after an asset that has a value, and can be sold, and if nobody likes to buy it has obviously not much value.

Bio banking agreements are a good start if the compensation is conforming to the market value.

Theme 3

The (draft) guidelines for clearing of Invasive Native Species could be working near the east coast. But it is unworkable and very damaging for the Environment west of the dividing range.

Yellow Mimosa and Belah trees have overgrown and damaged a lot of the critically endangered grassland community *Natural Grasslands on Basalt and Fine textured Alluvial plains of Northern New South Wales and Southern Queensland*, therefore the Minister of Environment the Honourable Robyn Parker correctly declared on 29 August 2013 Mimosa as a feral native species that could be removed under 2 simple rules.

The Minister made this declaration, to save the Endangered Grasslands that get overgrown and destroyed by yellow Mimosa.

But the rewriting of this decision in the (draft) Guidelines for clearing INV is an insult for the environment and the Minister.

The guidelines and Act are written in such a way that at least 20% of the Endangered Native Grassland still gets destroyed by yellow mimosa.

The OEH has made up (draft) guidelines where it is stated on Step 3 :Plan (page 6) that only 40% and 40% can be cleared 20% cannot be cleared. In reality this means that 20% of the endangered Grasslands gets destroyed by yellow mimosa and Belah trees.

Theme 4

The environment Act should give an incentive to landholders who reduce the use of Chemicals, and grow more organic food, so Australia would keep in line with Brazil and Netherlands where 95 % of the vegetables are grown with zero chemicals.

Internationally and especially in Europe it is forbidden to pollute the air by open/uncontrolled fire. *2)

In the guidelines for the control of INV is mention that burning is a good way to control vegetation. Besides producing toxic pollution it destroys our precious organic matter. According to academic research it is catastrophic.

As a landholder burning is a handy way to get rid of vegetation, but low-temperature burning should be something in the past, organic matter should be composted, buried or

recycled. Also National Parks should not burn undergrowth, instead they should make more firebreaks and buy better equipment to combat fire.

Summary

To improve the existing vegetation Acts is like flogging a dead horse.

Because it is:

Too complicated, not clear and not practical.

The basic cornerstones are false.

The parties that improve or own the projects are not compensated.

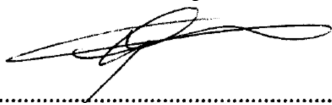
They are not accepted by the landholders.

The timeframe to implement the changes is not realistic.

There is nothing about implementation of the Kyoto agreement.

Regards

Gerrit J.J.Kurstjens



G. J.J. Kurstjens was born in the Netherlands in [REDACTED] and he immigrated to Australia in [REDACTED]. He is an Australian citizen. He is the founder of several agricultural companies, including an organic recycling company, and companies manufacturing, selling, designing and developing machinery, in the Netherlands He is experienced in owning and managing farms in the Netherlands, USA and Australia. He has been involved in developing environmental projects in consultation with and with funding from the Dutch Government, advising on areas of environmental importance, and has advised the Dutch Government in connection with the development of environmentally sensitive projects.

*1) In April 2014 after seeking information from the NSW OEH and the LLS we got permission and instructions how and where to clear Natural Grasslands and regrowth, that are protected by the Native Vegetation Act. After we commenced clearing according to these instructions, inspectors of the Commonwealth Department of the Environment visited the site and told me that the clearing was illegal according to their legislation,

therefore overriding the permission we had from the local level. They claimed that for the Federal law there was no such thing as clearing regrowth. And therefore the work that was done with written permission of the OEH was still illegal. This multi-layered legislation is a problem for the ordinary citizen, arising from separate State Legislation that is promulgated without reference to Federal Legislation. (In Europe laws agreed in each Country have to be agreed at the level of the European Union. If they can do it, surely Australia can?)

*2) It is known that by low temperature burning, (burning of straw, stubble fields, undergrowth, garden waste) there is incomplete burning of the fuel, and toxic gasses pollute the air. Therefore in Europe it is forbidden to burn anything in the open air, organic waste has to be composted or burned in special hot ovens. For the same reason all new cars and machinery has to be equipped with new engines (TIER III and IV) that run much hotter or have Ad Blue system, to reduce the toxic exhaust gasses. In most industrial countries only these new engines can be fitted. Except Australia where the dirty engines are still allowed. It is beyond understanding why Australia is still an exception.

*3) What about the next story:

Mister X has inherited an old Holden car from his parents, in his free time he restores the car like to the original state, but he could not find all the original parts, therefore he modified some parts like ignition and starter with modern better working parts. Nothing wrong you think? But one day somebody comes along and tells Mister X that the car was one of the last running cars of that type in the world, the numbers of that car got less every year and less than 1% were in running order. Therefore the car was a critically endangered type, and should be brought to the museum. And by the way Mister X can you give us all the days and hours that you work on this car, what you did, give the drawings from the modifications you have done. Sorry we have to investigate if you have done a criminal act by modification of the car without written permission of the factory. Modifications of Are very serious and we can give you fines till \$ 1,100,000.- and an order to restore 9 more old Holden cars.

Mister X get very upset and would not give away his beloved antique Holden and a few days later he commit suicide.

If you change 'old Holden' in 'Native Vegetation' this story has parallels in reality.