



**Statutory Review of  
Native Vegetation provisions  
of the  
Local Land Services Act**

The Mulgoa Valley Landcare Group inc. appreciates the opportunity to make the following comments:

In 2016, the NSW Government introduced new vegetation clearing laws. Whilst one might believe that native vegetation legislation might predominantly exist to preserve the diversity of flora and fauna within natural ecosystems, one of the primary objectives, as stated by politicians at that time was to “increase agricultural productivity”. We still retain a copy of the response to our grave concerns regarding this legislation from Penrith MP Stuart Ayres which clearly stated that increasing agricultural productivity was a driving factor behind the new Native Vegetation clearing laws. And despite our representations at that time and with the clear knowledge that habitats and biodiversity would be decimated, these laws were passed.

Five years later – and over 200,000 hectares have been cleared. Our Environment Minister sobs to the voting public about the plight of the koalas and how he will save the day – doubling their numbers by 2050. Meanwhile, the same government has ignored the comprehensive reviews of their destructive legislation (undertaken by the Audit Office of NSW (2019) and the Natural Resources Commission (2019)) both of which were scathing of the current laws and both of which suggested major reform.

Now, five years later, the NSW Government (LLS) has convened an ‘Expert Panel’ of people with an agriculture bias to review the impacts of the inadequate Native Vegetation Legislation. We suspect they will be very pleased that the native vegetation laws have allowed agriculture to flourish – after all this is a thinly veiled effort from our pollies and the influential Farming Federation to put profit before plants (or was that people before plants??). In any case, the “agriculture experts panel” will be mighty pleased with how the laws are working to sustain farmers profits and eradicate our pesky native vegetation.

The Native Vegetation Destruction Assistance Laws (2016), now coupled with climate change and extreme weather events has led to such immense pressure on our flora and fauna that we are now witnessing decline of almost all species (except *Homo sapiens* which we are introducing to our country in plague proportions) and we are quite literally on the brink of collapse of many of our ecosystems.

However, curiously, this consultation information failed to provide a single quantitative assessment of the effectiveness of the provisions to uphold the objectives of the legislation. Have we missed something? – an extra ‘fact sheet’ that provided the scientific and objective data that this process is meant to rely on. How are we to comment on the performance of this legislation if there is no data?

We therefore request responses to the following questions:

**Question 1:** Does the information contained within this consultation process provide “sound scientific knowledge” that will allow us to assess the performance of the Act against its objectives?

**Question 2:** If there is quantitative and science based data with which we can transparently assess the performance of the provisions – where is it?

**Question 3:** What are the ‘key performance metrics’ which are being used to assess the validity of the policy objectives?

**Question 4:** The “Land Management Long Review Template” mostly considered how ‘user friendly’ the Act has been for stakeholders to navigate. Could the Department please explain why this is a focus of the Statutory review when, in actual fact, a Statutory review should provide full and thorough detail as to whether the objectives listed under the act are achieved and to what extent they are (or are not) being achieved.

**Question 5:** Why have the 2019 recommendations of the NSW Audit Office, with reference to their report ‘Managing Native Vegetation’, been ignored? This report found severe flaws with the current laws and proposed major reforms. It is important for Conservation Advocates to better understand why the current NSW Government ignores expert advice.

**Question 6:** The Natural Resources Commission also reviewed the performance of the 2016 laws in 2019. Why did the NSW Government ignore their recommendations? Is it because their report was unscientific, biased and misleading? Is it because the NSW Government preferred to see native vegetation destruction on full throttle for the full 5 years until the statutory review process was an absolute necessity?

A few suggestions for consideration by the ‘agriculture/social’ experts who have been appointed to decide the fate of biodiversity;

1. Restore limits to excessive native vegetation clearing as the primary means of meeting the Objectives of the Act.
2. We cannot keep clearing habitat. The rate of clearing must be brought to net zero if we are serious about mitigating the extinction crisis our nation faces.
3. Expand the scope of *Category 2: sensitive regulated* land to include endangered and vulnerable ecological communities BEFORE they become Critically Endangered (because when it reaches CEEC status– it is impossible to retrieve and extinction is imminent)
4. REMOVE *Part 5 Equity* and *Part 6 Farm Plan* of the Code: This clearing must be assessed by the Native Vegetation Panel.

5. Reform 'Major Projects' so that those that have serious and irreversible impacts on BIODIVERSITY are REFUSED.
6. The ACT itself is the culprit and this review should be the catalyst for complete overhaul of the provisions which will deliver the objectives. Close loop holes, remove variations and exemptions, delete 'Ministerial discretion', provide transparent data.

Finally, the broadscale slaughter of our native vegetation has been fuelled by this disastrous legislation since 2016, and the current Minister for Environment is still blathering about 'doubling the number of koalas by 2050' –could you please advise where the NSW government thinks these Kolas will live? If we continue on this trajectory with agriculture stomping on our native vegetation to the tune of 37,000 hectare per year – by 2050 (if we believe our learned politicians) we will have lost a further million hectares of native vegetation.

Perhaps we can store Koalas in silos – and make their eucalyptus leaves in a laboratory?

Sincerely  
Lisa Harrold  
Mulgoa Valley Landcare Group Inc.