

**Submission
No 51**

**INQUIRY INTO PROVISIONS OF THE FORESTRY
LEGISLATION AMENDMENT BILL 2018**

Organisation: NSW Farmers' Association

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NSW Parliament
Legislative Council
Standing Committee on State Development

01 June 2018

Inquiry into the Provisions of the Forestry Legislation Amendment Bill 2018

NSW Farmers is Australia's largest state farming body, representing the majority of commercial farm businesses in NSW, ranging from broad acre, meat, dairy, wool and grain producers, to more specialised producers in the horticulture, egg, pork, oyster and goat industries.

We appreciate the opportunity to provide comment on the Forestry Legislation Amendment Bill and attend the upcoming hearing. Many of our members have native timber on their properties and we support the legal harvest of this through Private Native Forestry (PNF). PNF is an important contributor to the supply of Australian timber, and NSW Farmers impresses the critical importance of Government delivering a policy which protects and promotes private native forestry operations. Accordingly, NSW Farmers supports the movement toward a system in this state that is facilitative of modernisation, community confidence, industry innovation and new markets, as proposed in the Forestry Industry Road map released in 2016.

We commend Government for reassigning the regulatory responsibilities of PNF activities to the Local Land Services (LLS). This once again unites PNF with other native vegetation management on farm and separates the administrative oversight from the agency delivering compliance. We believe this will allow PNF to be more appropriately regulated as an integrated agricultural and land management activity.

The Independent Biodiversity Legislation Review Panel found that sustainable harvesting of native timber should not be considered a form of land use change. The NSW Forestry Industry Roadmap also supported this. However, this intention is not demonstrated in the new Bill, with section 60N

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treating breaches of a PNF code as a land clearing offence. Where the nature of PNF breaches are different to Native Vegetation breaches they should be governed by a regulatory system that recognises such.

Public and private forestry should be decoupled and given distinct objects in the draft Bill. The objects should also encourage the optimization of productive outcomes alongside environmental outcomes.

We are also concerned about section 60ZT subsection 5 that states; 'a private native forestry code of practice may apply or adopt protocols, codes, standards or other instruments that are publicly available and in force from time to time '. This could lead to codes developed for state forestry being applied to PNF. We submit that any changes to codes must go through public and industry consultation before being applied.

Although out of the scope of this review, we acknowledge the unfair discrepancy in penalties for land clearing offences under the Local Land Services Act 2013 and the Biodiversity Conservation Act 2016. The penalties under the Local Land Services Act 2013 are those which apply to farmers and are significantly higher than those under the Biodiversity Conservation Act 2016. Farmers should not be subject to higher penalties than other developers who may commit a land clearing offence. Similarly, breaches of PNF codes should not attract these disproportionately high penalties.

Thank you again for the opportunity to comment and for your consideration of the issues raised. If you would like to discuss further please do not hesitate to contact our Policy Director- Environment, Adair Garemyn on

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