SUBMISSION ON AUSTRALIA'S NATIVE VEGETATION FRAMEWORK: (GET WITH THE PROGRAM FOR HEALTH AND RELATED MATTERS)

This submission answers questions on the consultation draft 'Australia's Native Vegetation Framework', which is a national framework 'to guide the ecologically sustainable management of Australia's native vegetation for ecosystem resilience'. The framework vision and the following major problems should be fixed. Information to gain better and more consistent Australian and regional direction is presented later:

Question 2a: Do you consider the Framework's vision is appropriate? A: No.

- The Framework has a bad decision-making strategy and denies equity
- The Framework has a bad definition of native vegetation
- The Framework has an unclear approach to vegetation classification and measurement
- The Framework does not recognize the need for open and integrated approaches to environmental, social and economic decision making and investment
- The Framework does not explain the ideal relationship of any existing law and its administration to any other law or to itself
- The Framework therefore contains a wrong view of key supporting actions

The Prime Minister's Challenges for the Future (2009) are:

- Delivering an education revolution to build the skills that Australia will need as the economy recovers
- Ensuring that every Australian can get the health care they need when and where they need it
- Building a lower carbon economy and creating the low pollution jobs of the future
- Securing water supplies for our cities, towns and farmers, and acting to restore the health of our rivers; and
- Implementing a new way of governing that is more open, accountable and in touch with the community

In the above light one may again ask what the ideal purpose of the current native vegetation 'Framework' is supposed to be in regard to all law and policy direction and for any supporting action expected of governments, industries, communities, catchment management authorities (CMAs), other organisations and individuals such as investors, landholders, managers and workers. The framework seems designed to promote 'business as usual', so kiss good-bye to many more vulnerable native plants and animals and envisage more fragmented, dysfunctional systems and related costs and instability.

Q. What would be a more appropriate vision?

A more appropriate vision than the current Framework would involve broader and better regional understanding and implementation of the whole-of-ecosystem approach which is

apparently found in the Convention on Biological Diversity, but which the Framework wrongly rejects in major ways with the potential unintended outcomes of further financial crashes and many other economic, social and environmental costs. A more appropriately holistic approach to native vegetation management which also supports the ideal United Nations (UN) and related Australian policy, management and investment directions for health, land, water, air quality, communication, and related equity, employment and education, is discussed after the critique below and also supported in attachments.

Ideally, regional environments are now examined to identify and manage key risks to community and environment wellbeing, which may be economic, social and environmental. Climate change is one of many risks to human and related environment health, which is ideally managed through stable and effective insurance and investment models, such as those already pioneered in Australia, and discussed later. The protection and enhancement of native vegetation is ideally undertaken in related regional contexts.

1. The Framework has a bad decision-making strategy and denies equity

The Framework states a decision-making hierarchy should be applied to native vegetation management where the first aim is to avoid loss (p. 10). One assumes the concept of 'loss' refers here to vegetation. However, 'value' invariably remains a purely economic concept for the financial managers whose economic imperatives also normally pre-dominate over all other decision-making values, according to traditional economic law and practice, which is discussed later. Seeking merely 'to avoid loss' of native vegetation therefore seems to be a doubly defeatist strategy in a country where much land has already been developed to the detriment of other, more vulnerable, native species.

The Conference of the Parties to the Convention on Biological Diversity (UN 1992) apparently described the ecosystem approach as 'a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way'(p. 64). The current Framework writers state *'While this description is useful, its focus on equity is beyond the scope of this framework. This document therefore uses the term 'whole-of-ecosystem approach' to encompass the ecological (as opposed to social and economic elements) of this concept'*. Their fragmented approach is wrong, because it is not holistic or consistent with UN policies adopted by Australia or in NSW, as discussed later. A better way is shown by recent Australian health, insurance, land and superannuation saving and fund investment policy directions which inevitably still struggle against the dead weight of past centuries of outdated law and its supporting vested interests. This Keynsian, government and industry led new road is different to the unstable and costly US development route described by Nobel Prize winning US economist, Joseph Stiglitz (2010), which is discussed later.

The main goals of the 'whole-of-ecosystem' approach of the Convention on Biological Diversity are to:

- Maintain viable populations of all native species in situ
- Represent, within protected areas, all native ecosystem types across their natural range of variation

- Maintain evolutionary and ecological processes
- Manage over periods of time long enough to maintain the evolutionary potential of species
- ***Accommodate human use and occupancy within these constraints*** (p.65) (my emphasis)

Many vulnerable species have disappeared or are disappearing because most human populations naturally have their own 'use of natural resources and related occupancy', as their ideal primary goals. This is a reasonable view for most humans to take, unless they are protected enough already, so take their material comforts much for granted. These comparatively lucky few may also rightly see it as foolishly counterproductive to keep breeding more members of the family in order to work and hopefully to protect the parents until death. The rights of future generations and equity have naturally now emerged as new and vital policy considerations in this global context where resources are scarce and where markets have for centuries been constructed by power and forces which have often also been directed against the interests of the common people and outsiders. Millions killed, forced to fight or terrorised by others' power, lost their voices too.

A new global direction emerged in embryo after the atrocities of World War II, and is clearly reflected in the UN Declaration of Human Rights, in World Health Organization (WHO) conventions and in related development directions such as the UN Declaration on Environment and Development, which many nations, including Australia, have adopted. Article 1 of the latter declaration puts human health at the centre of concern for sustainable development and claims humans are entitled to a healthy and productive life in harmony with nature. The World Commission on Environment and Development defined sustainable development as 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs'.

The goals of the Convention on Biological Diversity are similarly revolutionary in challenging the historically dominant Western view that man ideally maximises his economic interests, which also stand for all others, as this will best lead to the good of all, including future generations. Repeated global financial crises, increasing social inequalities and loss of many plant and animal species shows the dominant economic assumptions are wrong. Economic law also normally assumes that all value is truly reflected in the market price of any commodity and also protects secrecy in commercial operations. Therefore global trading has once more led in the direction of perfect ignorance rather than perfect information. Considerable economic and social crisis has again resulted. For years many Australians have been struggling against the past to gain more openly and effectively integrated planning and investment approaches to achieve sustainable development and to reduce risks which are environmental, social and/or economic. Better ways out of the current global financial crisis are discussed later to support these UN and Australian policy directions, which are consistent in many ways with Stiglitz' view that a broader, longer-term vision, focusing on the plight of the poor and the challenge of global warming, is now necessary to ensure that there is more than enough demand to absorb all of the world's production capacity' (2010, p. 192).

Whether the writers of 'Australia's Native Vegetation Framework' support the goals of the Convention on Biological Diversity or not, one assumes they care about the quality of life of future generations. I therefore cannot guess why they do not argue for ***increasing*** native vegetation coverage as the first aim of their decision making hierarchy. In the housing and commercial development planned for Harold Park in Sydney, the local community naturally argued that there should be an increase in park land and native planting on the site and got this, for many reasons which seem good for national and state development as well as for the local community. Open and integrated approaches to economic, social and environmental issues are applicable in rural areas too. This is addressed later in regard to a better 'whole-of-ecosystem' approach than the Framework.

2. The Framework has a bad definition of native vegetation

The Framework defines native vegetation as 'all vegetation that is local to a particular site or landscape' (p. 11). This is a bad definition. There is no necessary relationship between the words 'native' and 'local' in regard to vegetation. 'Native vegetation' is not a purely geographical concept, unlike the concept 'local', which is. 'Native' vegetation presumably relates, albeit arbitrarily, to historical time – e.g. one might decide that 'native' vegetation is all that which existed before white settlement in Australia. If I lived in Queensland, sugar cane might grow in my 'local' area, but that would not make it a 'native' Australian plant under a reasonable definition. On the other hand, whether they are 'natives' or not, people who live 'locally', are always being described geographically in relation to the user of the term.

Getting a good definition of 'native' vegetation is vital if one is concerned about protecting the quality of life of future generations. People who can only perceive their own immediate interests in their local environment need education about the broader environments they inhabit, in the same way that a tiny child needs parental guidance to see others in the family beside himself as possessing interests, rights and obligations which ideally are respected and fulfilled through actions aimed at minimising harm. (This is not the approach of lawyers or economists. What kind of parents must they make?)

3. The Framework has an unclear approach to vegetation classification and measurement

The Framework refers to the National Vegetation Information System (NVIS) without explaining it or discussing its relationship to other key scientific tools. Plants support animals and neither may keep to the boundaries designed for them, which may also be invaded and destroyed by weeds or related problems of human development. Since the 1960's, the development of the national reserve system in Australia has been based on the principles of comprehensiveness, adequateness and representativeness (CAR) (ANZECC & MCFFA 1997). These principles are directly related to the development of the Interim Biogeographic Regionalization of Australia (IBRA), which divides Australia into 85 distinct biogeographic regions and 403 sub-regions. IBRA provides a scientific framework and tool to aid and evaluate the realization of the CAR principles in the

development of the national reserve system and Australia, yet the Native Vegetation Framework does not refer to CAR or IBRA. Why not?

In the last decade, the acquisition of land for the national reserve system has not met targets (Sattler & Taylor 2008) Treatment of farming, mining and other regional industries should logically take account of the impacts of various forms of production on climate change and biodiversity in broader CAR and IBRA contexts. Government should further acquire protected land and encourage industry and communities to protect land by appropriate programs and related incentives, such as Property Vegetation Plans. One also wonders about the 'Native Vegetation Assessment Tool' which is apparently also used in NSW (p.41). I will try to find out more from the Department of Climate Change and the Environment and a relevant Catchment Management Authority (CMA).

4. The Framework does not recognize the need for open and integrated approaches to environmental, social and economic decision making and investment

The Native Vegetation Framework states that 'a key tool for protecting native vegetation condition is to ensure a high level of compliance with current policy and legislation, at all jurisdictional levels'. It also states 'this will require cost-effective resourcing for monitoring, legal and enforcement actions' (p. 26). Australia is a single land and economy which supports many interrelated communities and environments. Planning decisions about native vegetation should often refer logically to the Commonwealth policy agenda as well as involve knowledge about one or more state, regional and related local government areas. The 'whole of ecosystem approach' which is discussed again later, necessitates a highly and broadly informed and experienced approach to the treatment of all regional environmental, social and economic matters. 'Monitoring, legal and enforcement actions' which are driven narrowly by many contradictory laws, will probably instead mean more secrecy, delays and costs which only benefit legal adversaries who choose their 'experts' to suit narrowly vested interests.

The NSW Department of Planning and others have pointed out that the Environmental Planning and Assessment Act 1979 (EP&A Act) was groundbreaking because its aims recognised the importance of an open and integrated approach to relevant environmental, social and economic issues when making land use planning decisions. Nevertheless it suffers from problems, which are described in the attached submission entitled 'Planning framework'. The Victorian government recently asked the Victorian Competition and Efficiency Commission to identify the type of environmental regulation with the highest regulatory burden; and also to identify Victoria's largest regulatory opportunities for, and barriers to, maximising the economic benefits in the transition to a low carbon economy that responds to the state's emerging environmental sustainability challenges. Such superficially opposing state forces need to come together with others to purse more openly integrated and holistic approaches to the social, economic and environmental concerns which arise for all those wishing to achieve sustainable development.

5. The Framework does not explain the ideal relationship of any existing law and its administration to any other law or to itself

Australia's Native Vegetation Framework' states that 'in native vegetation management, the primary responsibility rests with individual states and territories. The Australian Government has some specific legislative responsibilities for matters of National Environmental Significance under the Environment Protection and Biodiversity Conservation (EPBC) Act 1999'(p. 31). In the light of this situation, how is 'Australia's Native Vegetation Framework' expected to relate to existing law and practice? Since the second objective of the EPBC Act is to 'conserve Australian biodiversity', one hopes that a Native Vegetation Framework would assist implementation of the national objects of the EPBC in relevant regional contexts such as local and state government areas as well as at the national level. However, the current Framework does not explain the ideal relationship of any existing law and its administration to any other law or to itself. This potentially adds to many complex webs of inconsistent law and bureaucratic red tape where those pursuing economic interests are often given priority irrespective of other social and environmental values.

6. The Framework contains a wrong view of key supporting actions

In regard to the table entitled 3.2 Actions (p. 34-35), and in regard to all the discussion above, one wonders about the nature of 'the risk assessments to identify native vegetation types' which are to be undertaken by 'Australian Government, State and territory governments, local governments, Regional NRM bodies and CMAs' discussed in (2). One also wonders about the meaning of NRM, which seems not to be in the glossary or explained elsewhere in the text, unlike CMA. Action (8) seeks the related integration of 'native vegetation and management into regional strategic, long-term land-use planning' informed by actions (2)(3)(4) and (6). All these nominated actions raise the questions about appropriate ways of vegetation definition, classification, mapping and decision making which have been referred to earlier above. In (13) the table entitled 3.2 Actions recommends 'a decision making hierarchy to native vegetation management where the first aim is to avoid loss.' This is strongly rejected for reasons put earlier and later.

A more appropriate vision: Implement the 'whole of ecosystem' approach in the UN Convention on Biological Diversity. More discussion of why the Australian Native Vegetation Framework is poor and related recommendations on direction.

As indicated earlier, the Convention on Biological Diversity apparently described the ecosystem approach as 'a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way'(p. 64). However, the Framework writers state *'While this description is useful, its focus on equity is beyond the scope of this framework. This document therefore uses the term 'whole-of-ecosystem approach' to encompass the ecological (as opposed to social and economic elements) of this concept'*. This is a fundamental policy mistake.

The writers of Australia's Native Vegetation Framework should not see a focus on equity as beyond the scope of their framework because an equity concern is already built into the global, regional and local policy and action framework of the World Health

Organization (WHO) and ideally of those nations, including Australia, which have signed related WHO and UN conventions on health promotion and services, sustainable development and human rights. Key international, democratic, governance concepts which Australia has adopted into legislation, are based on the UN Declaration of Human Rights proclaimed by the newly established UN General Assembly in 1948, after all the atrocities perpetrated during World War II. The Declaration states that all human beings are born equal in dignity and rights without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. All are also declared to have the right to a standard of living adequate for health and well-being. The WHO was also set up in 1948. The assembly of nations defined health as 'a state of compete physical, mental and social well-being and not merely the absence of disease or infirmity'. This provides a new, holistic, environmental perspective on health. The medical model of health places its emphasis on finding a cure for an individual's physiological symptoms, rather than on addressing the range of environmental, social, economic or other circumstances which may cause her injury.

The 'holistic', environmental and related geographical approaches that the WHO adopts to human health appear consistent with the 'whole-of-ecosystem approach' in the Convention on Biological Diversity and also with the approach in the UN Declaration on Environment and Development. One assumes Australia's Native Vegetation Framework is ideally approached consistently. In 1992 the UN Declaration on Environment and Development put human wellbeing at the center of concern for sustainable development. At the 1994 Asia Pacific Economic Cooperation (APEC) summit, national leaders agreed to create an Asia-Pacific free trade zone by 2020, and to protect health and the natural environment. Ideally, regional environments are now examined to identify and manage key risks to community and environment wellbeing, which are economic, social and environmental. Climate change is one of many risks to human and related environment health, which is ideally managed through stable and effective models of insurance and investment, such as those already pioneered in Australia, and discussed later. The protection and enhancement of native vegetation is ideally undertaken in this context.

The Ottawa Charter was produced at a WHO members' meeting in 1986. It stated that necessary supports for health include peace, shelter, food, income, a stable economic system, sustainable resources, social justice and equity. The Charter called for development of public policy and the reorientation of health services as well as community action and education to support health goals. In 1997 the WHO Conference called for development of health promotion through co-operation between governments and the private sector. The ninth general program of work of the WHO outlined ten goals and targets for world health. The first was to increase the span of healthy life for all people in such a way that the health disparities between social groups are reduced. The targets which related to this goal were that life expectancy at birth would not be less than sixty years in any country, and for all population groups the difference between the highest and lowest values for life expectancy at birth would be reduced by at least 50%. The second goal was to ensure universal access to an agreed set of essential health care services of acceptable quality, comprising at least the eight essential elements of primary health care. Targets included that at least 85% of the world's population would have

access to treatment of common diseases and to essential drugs and vaccines, biological products and blood products of good quality. Ten goals and targets were accompanied by four policy orientations which aimed to integrate health and human development in public policies; ensure equitable access to health services; promote and protect health and to prevent and control specific health problems.

The world failed to reach the WHO goal of health for all by the year 2000. The Harvard School of Public Health in cooperation with the WHO and the World Bank provided a comprehensive overview of world health problems in 1990, presented on a nation by nation basis. Whilst health and longevity generally continue to improve as a result of development, the severity of many health inequalities continues. The average life expectancy at birth in the least developed countries ranged from 38 to 52 years, in comparison with a range of between 75 and 80 years for developed nations. The Harvard investigation of mortality, disability and risk factors indicated that a substantial proportion of international and national disease prevention planning should relate to controlling the ten principle risks of premature death, of which the most important continue to be poor nutrition, poor water supply, sanitation and hygiene, unsafe sex, tobacco use, alcohol, and occupation. These risks accounted for more than a third of the global disease burden. (Clean water wins for many social and environmental reasons.)

According to the Productivity Commission (2008), economic regulations 'intervene directly in market decisions such as pricing, competition, market entry or exit'. Social regulations 'protect public interests such as health, safety, the environment and social cohesion.'(p.5). This division is problematic from the ideally open and integrated environmental, social and economic perspectives of the EP&A Act, and from the WHO and UN approaches outlined above and implemented in Australian health policy and direction. Economic activity is usually undertaken with the social aim of supporting life and its associations. One now wonders if Australian governments see a carbon pollution reduction scheme as related to economic or social legislation and greatly fears the former.

When Hilmer wrote his report on national competition policy which led to the passing of the Competition Policy Reform Act (1995) he defined competition as, 'striving or potential striving of two or more persons or organizations against one another for the same or related objects' (1993, p.2). This could have led naturally to management partnerships using triple bottom line accounting – economic, social and environmental - for sustainable development in Australia. However, the Trade Practices Act (TPA) remains silently wedded to many outdated propositions, including that competition is ideally always for money and that the greatest number of market players provides the ideal conditions for the contest, which can only do everybody good. In this wrong but dominating economic paradigm, which has been supported for centuries by feudal economic and legal interests, the product or service consumer is often conceived as an equal trader with the provider or ignored, along with any impacts from production on the community or environment. The related, traditional view of risk management is that all risk is essentially economic and its management consists in protection against economic loss or related legal suit. Adding the section on consumers to the TPA did not deal with its essentially pre-scientific and anti-democratic paradigm which retards sustainable development in many areas including in health care, housing, environment protection, communication and the management of risk.

In his book 'Freefall: America, free markets and the sinking of the world economy', the Nobel prize winning US economist, Joseph Stiglitz, discusses the traditional treatment of risk in the light of the global financial crisis which was driven partly by the treatment of US housing loan finance and related financial risk. The traditional treatment of all risk, as described by Stiglitz, depends on defining it as financial and spreading it. However, this also acts to multiply risks and costs of production instead of reducing them and also promotes economic instability with all its attendant ills. Traditional treatment of risk, as described by Stiglitz, contrasts with the ideal, embryonic UN and Australian approaches. In the latter a pool of funds is owned and managed more openly and sustainably to achieve injury prevention and rehabilitation goals related to environmental, social and economic problems which may arise from production or environments. This new vision is described in the attached articled entitled 'From the Constitutional past to the new educational ideal.'

Australian policy makers have been interested for many years in the extent to which all health and related funds for services or pensions should be underwritten (owned) and managed by government and industry, or in the private sector, to gain the best outcomes for individuals, taxpayers, premium holders and the national community. Nationally designed, health and related funds owned by government and industry, which are transparently and competitively managed, appear likely to provide superior outcomes to market based underwriting of risk. Key risk management principles are also found in state occupational health and safety acts which are ideally supported by related and consistent premium investment practices to promote sustainable development and to protect workers, consumers, communities and environments equitably, where this appears to be reasonable.

The Superannuation Industry (Supervision) (SIS) Act 1993 appears to be a good piece of investment related legislation in this context because of its direct commitment to the stakeholders rather than stockholders, which reduces costs. The act has clear financial definitions, which is also necessary for more scientific management. Courts have resisted the common dictionary and related classification systems for centuries and thus increased the costs and pre-scientific irrationality of all financial and other operations. The SIS act object is 'to make provision for the prudent management of certain superannuation funds, approved deposit funds and pooled superannuation trusts and have their supervision by the Australian Prudential Regulation Authority (APRA), the Australian Superannuation and Investment Commission (ASIC) and the Commissioner for Taxation. The basis for supervision is: 'that those funds and trusts are subject to regulation under the Commonwealth's powers with respect to corporations or pensions (eg. because the trustee is a corporation)'. The object also states that in return the supervised funds and trusts may become eligible for concessional tax treatment and that the Act does not regulate others entitled to engage in the superannuation industry'. This is a basis for investment in the direction outlined earlier and in attached discussion on communication. There are others.

Thank you for the opportunity to make this submission. Yours truly,

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