



18 June 2004

Alpine Grazing Taskforce
c/- Department of Sustainability and Environment
8 Nicholson Street
EAST MELBOURNE VIC 3002

alpine.grazing@dse.vic.gov.au

Dear Sir or Madam,

SUBMISSION ON GRAZING IN THE ALPINE NATIONAL PARK

Lawyers for Forests Inc. ("LFF") welcomes the appointment of the Alpine Grazing Taskforce to determine whether cattle grazing licences ("Licences") should be renewed in the Alpine National Park ("the Park") in accordance with the *National Parks Act 1975* (Vic) ("the NP Act").

Summary

LFF believes the Licences should not be renewed and cattle grazing should be removed from the Park. Cattle grazing is inconsistent with the objectives of the NP Act and the *Flora and Fauna Guarantee Act 1988* ("the FFG Act"). Further, LFF is not satisfied that the renewal of the Licences would comply with competitive neutrality principles and policies ("the Competitive Neutrality Principles").

Objects of the NP Act and the Impacts of Grazing

The inconsistency of cattle grazing with the objectives of the NP Act becomes apparent when considering objects of the Act as listed in section 4 of the Act, and the impact cattle grazing has had and would continue to have on the Park. The objects of the NP Act are to, *inter alia*:

- *Preserve and protect the natural environment* including wilderness areas and remote and natural areas in the Park,¹ including for the purpose of maximising the extent to which the Park is undisturbed by the influences of the European settlement of Australia;²
- Allow for the *responsible management* of the land in the Park;³ and

¹ Section 4(a)(i), *National Parks Act 1975* (Vic).

² Section 4(ab)(i), *National Parks Act 1975* (Vic).

³ Section 4(a)(iv), *National Parks Act 1975* (Vic).

- Make further provision in respect of designated *water supply catchment areas* in the Park for the protection of those areas and for the maintenance of the water quality and otherwise for the protection of the water resources in the Park.⁴

Cattle grazing in the Park fails to meet these objectives, including in the following ways:

1. Cattle grazes selectively and tramples the vegetation. This alters species composition.⁵ This does not preserve or protect the natural environment, nor does it display responsible management of the Park as required under the NP Act;
2. Cattle are implicated in the spread of noxious and environmental weeds, for example, English Broom in the woodlands on the remote, eastern fringe of the Bogong High Plains.⁶ Cattle grazing expressly encourages the disturbance of the Park by the influences of European settlement through the spread of this introduced weed, which is in direct conflict with the objects of the NP Act;
3. Grazing of unburnt and lightly burnt areas within the fire boundary in the Park poses a risk, as cattle will move into adjacent burnt areas to preferentially graze regenerating plants.⁷ This obviously severely disables the ability of the Park to regenerate after enduring fire. Again, this does not meet the NP Act's objectives of responsible management and preserving and protecting the Park; and
4. Wetlands occupy less than 10% of the area of the Bogong High Plains.⁸ Wetlands are vital to water catchment protection . Cattle have dramatic effects on wetlands. Cattle entering mossbeds surrounding wetlands to drink, cause lowering of the water table and consequent drying out.⁹ Consequently, grazing does not protect the water resources in the Park, failing to comply with a key objective of the Act.

Objects of the FFG Act and the Impacts of Grazing

Section 4(2) of the FFG Act requires public authorities to be administered so as to have regard to the flora and fauna conservation and management objectives listed in section 4(1), ("the FFG Act

⁴ Section 4(aa) , *National Parks Act 1975* (Vic).

⁵ R.J. Williams, W.A. Papst & C-H. Wahren (CSIRO and La Trobe University), *Report as to the impact of stock on the plant communities of the Bogong High Plains*, 1997.

⁶ *Ibid.*

⁷ *Report by the Scientific Advisory Panel on Fire-affected Grazing* (2003), commissioned by Parks Victoria.

⁸ *Op Cit* (n5).

⁹ *Ibid.*

requirements”). The Minister should also comply with the FFG Act requirements. These objectives include:

- To guarantee that all taxa of Victoria's flora and fauna (other than certain listed taxa) can survive, flourish and retain their potential for evolutionary development in the wild;
- To conserve Victoria's communities of flora and fauna;
- To manage potentially threatening processes;
- To ensure that any use of flora or fauna by humans is sustainable; and
- To ensure that the genetic diversity of flora and fauna is maintained.

Cattle grazing in the Park is inconsistent with the objectives of the FFG Act as follows:

1. The FFG Act provides for the listing of any threatened taxon or community of flora and fauna, and threatening processes.¹⁰ The Park hosts a number of listed threatened taxons and communities of flora and fauna. Listed communities include the Alpine Bog Community and Alpine Snowpatch Community. Listed taxon include the rare moss *Batramia bogongia* (Bogong Apple-moss);
2. “Soil erosion and vegetation damage and disturbance in the alpine regions of Victoria caused by cattle grazing” is listed as a threatening process under the FFG Act. The listing is a legislative recognition that the effect of cattle grazing constitutes a threat to the Park environment, and in particular its listed threatened taxons and communities. However, unlike most other threatening processes the management solution to the threatening process is simple – simply cease cattle grazing in the Park;
3. The FFG Act requires public authorities to manage the Park consistently with the conservation of the Park’s listed threatened taxons and communities. The renewal of the Licences is not consistent with that particular requirement; and
4. The Park, as a National Park, and in recognition of its high conservation values, is accorded the highest level of conservation protection in Victoria apart from Victoria’s three Wilderness Parks. If the FFG Act requirements are not fully implemented in National Parks, it is difficult to envisage when they would be fully implemented.

¹⁰ Section 10(1) and (2), *Flora and Fauna Guarantee Act 1998* (Vic).

Competitive Neutrality Principles

The Victorian Government has agreed to apply the Competitive Neutrality Principles to all significant business activities undertaken by Government organizations. Competitive Neutrality Principles apply to the granting of the Licences. LFF understands that previous licence fees have not imposed a market value. In the absence of a public interest justification for issuing licences with a below market value fee, (and it is difficult to ascertain such justification given that the renewal of the Licences would cause environmental damage and not comply with the objectives of the NP Act nor the FFG Act requirements), any Licence fees should be set at market value and implement full cost-reflective pricing. Otherwise the renewal of the Licences will not comply with the Competitive Neutrality Principles.

Conclusion

The renewal of the Licences will not comply with the objectives of the NP Act and the FFG Act requirements. Having regard to the impact grazing has on the Park, the renewal of the Licences is not consistent with the requirement to conserve and responsibly manage the natural environment of the Park, including the Park's water resources and threatened taxons and communities. Accordingly, LFF believes that the Taskforce must recommend that the Licences should not be renewed.

If the Taskforce has any questions regarding this submission, or seek further submissions from LFF, please contact Vanessa Bleyer or Andrew Walker on the numbers listed below. LFF otherwise thanks the Taskforce for considering the matters LFF has raised and looks forward to hearing from the Taskforce shortly with its recommendations.

Yours faithfully,

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CC The Hon J Thwaites MP;
Mr Phil Martin - Chief of Staff for the Minister;
Mr Steve.Gartland - Advisor to the Minister