

## INTRODUCTION

The IPART Report is a successful response to the Government's desire to pursue a cost recovery policy for activities to be conducted by the newly formed Local Land Services (LLS) organisation. IPART has made a number of recommendations about which activities should attract charges, who should be charged for those activities and the methods for charging and collecting revenue. The Government should feel extremely pleased the Tribunal has provided exactly what it (the Government) wanted to hear.

Any submissions about the relative merits of the Tribunal's report will be an academic exercise because the premise of the brief was to underpin a framework constructed by the Government from its intention to move away from the provision of services to the rural sector and agricultural industry to the marketing of products to business and it is in this light that the report's recommendations should be understood.

The Government's aim, to undermine the integrity of the public service nature of provision of services to the rural sector in favour of a cost recovery model, is in line with its "user pays" principles. In doing so, it imposes discrimination on one sector of the electorate which produces the food and clothing consumed by the whole. Its argument about biosecurity is specious because it is a national issue, not solely a state one and is not confined to rural areas but is endemic in urban environments and sometimes originates from there, causing damage to the rural environment.

## LANGUAGE

The language adopted by the Tribunal indicates the Government's approach to the activities and aims of the LLS.

Throughout the text the term "beneficiary" is used to describe the recipient of "services" offered by the LLS. A "beneficiary" is one who receives a benefit from something or someone, usually gratis and often in the event of the demise of another person. The subjects of the Tribunal's deliberations cannot in any sense be described as receiving anything gratis from the LLS as the intention of the Government is to pursue cost recovery with determination and diligence.

Missing from the report is the concept and term "client". No longer are ratepayers to be deemed "clients" of the LLS as may have been the case when the Pastures Protection Board or the RLPB or even the LHPA (remotely) could be seen to be connected with the Department of Primary Industry in the State Government. The intention of the present Government is to move as far from possible from any concept of a service oriented operation to one of a business footing where cost recovery is the prime motivation above all other considerations.

"Impactors" (a made-up word, there were several throughout the report) are, supposedly, those agents whose activities cause consequences which need remediation by organisations such as the LLS and for which remediation there must be a charge on the receivers of such "services". With the absorption of the Catchment Management Authorities (CMAs) into the LLS, the surveillance of activities which cause adverse consequences within catchment management areas will constitute a large part of the work carried out by the LLS. The Tribunal recommends charges to be applied to those individuals or organisations who cause damage to the CMAs, thereby violating legislation or regulation. It gives no advice on how this work is to be carried out or how the offenders are to be identified. Is the LLS to set up a special CMA unit to investigate breaches of environmental legislation? The fact is the damage is often detected only long after it occurs and then remediation is undertaken.

Identifying the culprit is often difficult and energies are more usefully expended repairing the damage than in chasing the guilty. CMAs have long had a policy of education as a means of prevention rather than prosecution.

There is another species of “impactor” which never goes near the rural sector. Some of the most invasive weeds in Australia began life as innocent garden plants which escaped the confines of the picket fence and fled to the “wilds” of the country side. Lantana is one plant which is a perfect example of this domestic invader.

Similarly, traditionally rural pests are now invading urban environments (fox at Ramsgate). These pests cannot be seen in isolation from the rural environment as the urban sprawl appropriates former agricultural land and the bio-risks are spread, virus-like, to the mainly rural agricultural and grazing areas. “Risk creators” can no longer be confined to occupiers of rural land as, with the knowledge gained from the study of the environment, it has become evident the far reaching effect actions in one part of a catchment can have downstream. The Murray River System is a perfect example of the consequences of both rural and urban water mismanagement. Who then pays when the “risk creators” are the residents of large inland or coastal cities and who, by LLS standards, have incurred costs by their “legislative activities”?

## COST RECOVERY

In the charge to recover costs, the Government has lost sight of the core business of organisations such as the (old) Rural Lands Protection Board (RLPB). Instead it has seen an opportunity to raise money from one sector of the population which admittedly is in business, but which is also subject to the vagaries of climate and international market forces to an extent which impacts no other industry. Primary agricultural industry is also in the business of maintaining and fostering the resource from which it produces its livelihood – that is, the soil. Farming practice has moved far from leaving fields fallow to regenerate. It has also largely moved on from using inorganic fertilisers which leached nutrients from the soil into the catchments. Rural producers are only too aware of their responsibilities to maintain the soil efficiently and they rely on organisations such as the LLS to support them in the war against pest incursions and in applying effective farming methods.

The structure for cost recovery recommended by the report comprises:

- Fee for service
- General rates (fixed and variable)
  - Meat industry
  - Pest insect
  - Environmental
- Levy

While the report calls for simplicity in the administration of cost recovery methods, if the history of the LHPA is a benchmark, the imposition and organisation of revenue raising activities bring with them the risk of expensive bureaucracies and concomitant inefficiencies in the billing process. It has been very difficult in the past to extract information from the LHPA on the meaning of line items on statements and tax invoices. In the new paradigm, with a quadrupling of the categories of charges, the ratepayer will be even worse off when it comes to interpretation of accounts.

## EMERGENCY

*“.....Adapt to seasonal needs and to emergency situations – we require more information before commenting. However, we*

*consider that delaying a response to an emergency situation to consider who should pay is counterproductive. The emergency deeds, for instance, allow for action to occur before the final cost allocation is clarified.<sup>247</sup> Nevertheless, it would be prudent for LLS to consider how to fund emergency services for the community before an emergency occurs. This approach works in a similar fashion to insurance.....”*

While the report does not reach a conclusion on the funding for emergency situations, the possibility exists for the LLS to impose a “super” levy for the establishment of a fund to deal with emergencies. Normally these events would be dealt on a departmental level as a matter of public health or interest but in this climate of cost recovery, someone, somewhere is going to have to pay for the unforeseen events which can threaten the population at large. The patent stupidity of this measure is breathtaking particularly when the threat exists of emergencies being dealt with by individual boards.

## CONCLUSION

While the IPART provided a report which satisfied the Government’s requirements for its purposes, it fails the public interest test in that it colludes in the propagation of a system which discriminates against one sector of the State’s population and upholds a body of bad legislation. The Government is not interested in maintaining the integrity of the rural sector or the agricultural industry as much as it seeks to market products to what it sees as a group of businesses in the hope of avoiding its responsibilities to co-operate with its electorate in maintaining the land and the ability of people to make a living therefrom.

Biosecurity is not a State issue. Pests do not stop at State borders nor do they spontaneously erupt at the city boundary and remain beyond the pale in the countryside. Everyone eats food. Everyone wears clothing. All should contribute to the integrity of the soil and the health of the environment which bring food to the table and clothes to the body. If the cost of pest control and animal health were spread evenly across the State by means of the taxes raised by the Government and then spent in providing services, instead of selling products, then the agriculturalists and the pastoralists would not be burdened with extra imposts by an unnecessary bureaucracy top heavy with overpaid directors and could continue doing what they do best.

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