Dear Mr Baird, Premier of NSW,

I was a member of the four person **Independent Biodiversity Legislation Review Panel** chaired by Neil Byron that reported to your government on December 18 2014. Since then I have been providing ongoing advice to your government.

A few weeks ago it became clear to me that my advice was being ignored, and as a consequence I resigned my position on the panel and as an advisor. More importantly, the principles of the original panel report that your government endorsed, were not being followed.

The review panel charted a path forward for NSW biodiversity legislation reform that would be winwin – a win for land managers in terms of providing flexibility in farm operation and a win for biodiversity and the environment. The panel report is built on several principles: providing flexibility for land managers through risk-based and proportionate legislation, equity for farmers relative to other land-users, maintaining or increasing the quality and extent of native vegetation in every region, and using the mitigation hierarchy and biodiversity offsetting as mechanisms to deliver winwin outcomes. A key intent of the report is that broad scale land-clearing would only be possible through the biodiversity offsetting process. Biodiversity offsetting, by definition, means no net decrease in the quality and quantity of native vegetation.

Your government agreed to adopt and implement all the recommendations of our review panel. Despite that, your government has introduced components to the legislation that are not consistent with the review panel's recommendations. In particular there are a series of "codes", such as "the equity code", that will enable broad-scale clearing of 100s of hectares of native vegetation on individual farms without offsetting. These codes are not consistent with biodiversity offsetting. Codes in native vegetation legislation are normally intended to facilitate minor clearing to make farming profitable – for example clearing for fences and buildings. These should amount to the odd hectare here and there, not hundreds of hectares of clearing which leads to the degradation of soil, water and biodiversity.

I ask your government to change the legislation so that it both delivers no-net loss of native vegetation at a regional scale and facilitates increased agricultural productivity. Such a suite of legislative changes has been outlined by the Wentworth Group, of which I am a member.

In a short time I will make the contents of this letter publicly available. I am free to discuss this letter any time, working hours or otherwise, on +61 434 079 061.

Professor Hugh Possingham DPhil (Oxon) FAA FNAS (USA)

HPRofun

Member of the Wentworth Group of Concerned Scientists

Cc: Minister Speakman, Minister Blair, Minister Stokes