AGRICULTURE AND ENVIRONMENT COMMITTEE

Members present:

Mr GJ Butcher MP (Chair)
Mr SA Bennett MP
Mrs J Gilbert MP
Mr JE Madden MP
Mr EJ Sorensen MP

Staff present:

Mr R Hansen (Research Director)
Mr P Douglas (Principal Research Officer)
Mr K Holden (Inquiry Secretary)

PUBLIC BRIEFING—EXAMINATION OF THE VEGETATION MANAGEMENT (REINSTATEMENT) AND OTHER LEGISLATION AMENDMENT BILL 2016

TRANSCRIPT OF PROCEEDINGS

TUESDAY, 22 MARCH 2016

Brisbane

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Committee met at 10.28 am

CHAIR: Thank you everyone for attending today. I declare this meeting of the Agriculture and Environment Committee open. I would like to acknowledge the traditional owners of the land on which we meet today. I am Glenn Butcher, the state member for Gladstone, and I am the chair of the Agriculture and Environment Committee. The other members with me today are: Stephen Bennett, the member for Burnett and our deputy chair; Julieanne Gilbert, the member for Mackay; Jim Madden, the member for Ipswich West; and Ted Sorensen, the member for Hervey Bay. We have an apology today from Robbie Katter, the member for Mount Isa.

These proceedings are being transcribed by our parliamentary reporters and broadcast live on the Parliament of Queensland's website. Welcome to everyone who is watching. The purpose of this briefing is to assist the committee in our examination of the Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016. The bill was introduced into the parliament on 17 March 2016 by the Hon. Jackie Trad, Deputy Premier, Minister for Infrastructure, Local Government and Planning and Minister for Trade and Investment, and it was subsequently referred to the committee. We are hoping that today's briefing will give a general overview of the bill and what it seeks to achieve. The committee is due to report to parliament on the bill by 30 June 2016. The committee's report will help the parliament when it considers whether the bill should be passed. I remind everyone that the bill is not law until it has been passed by the parliament. Today the committee will be briefed by officers from the Department of Natural Resources and Mines and the Department of Environment and Heritage Protection. I welcome the officers.

HINRICHSEN, Mr Lyall, Executive Director, Land and Mines Policy, Department of Natural Resources and Mines

NICHOLAS, Mr Graham, Director, Land and Mines Policy, Department of Natural Resources and Mines

NICHOLS, Ms Elisa, Executive Director, Office of the Great Barrier Reef, Department of Environment and Heritage Protection

RYAN, Ms Sue, Deputy Director-General, Policy and Program Support, Department of Natural Resources and Mines

WEINERT, Mr Nick, Acting Director, Strategic Environmental Projects, Conservation and Sustainability Policy, Department of Environment and Heritage Protection

CHAIR: We are hoping your briefing today can cover the following: the policy background to the bill; the reasons that only limited consultation was undertaken in the development of the bill, with no consultation in relation to the changes to the Environmental Offsets Act; the potential breaches of fundamental legislative principles; and what each clause of the bill is intended to achieve. I invite you to make a brief opening statement.

Ms Ryan: Good morning, committee chair and members. I will provide an opening statement to the committee on those components of the Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016 that relate to the Department of Natural Resources and Mines's responsibilities. My colleague Nick from the Department of Environment and Heritage Protection will speak to the proposed changes to the Environmental Offsets Act 2014.

To commence, I will provide a brief outline of the vegetation management framework. The framework regulates native vegetation clearing through the Vegetation Management Act 1999 and the Sustainable Planning Act 2009. Under the vegetation management framework, there are three primary pathways to undertake clearing of regulated native vegetation. Firstly, there is exempt development under the Sustainable Planning Regulation 2009 for clearing activities, such as routine and important property management purposes. Secondly, for certain prescribed purposes, clearing can occur under a self-assessable vegetation clearing code. Finally, in the event that the vegetation clearing activity cannot be undertaken under any of these pathways, a landholder may, for certain purposes, apply for a development approval under the planning act.

The vegetation management framework is also supported by a regulated vegetation management map which identifies an area as category A, which are areas that have been provided as an offset or protected under a voluntary declaration or areas subject to a compliance action; category B, which are areas of regulated remnant vegetation; category C, which are areas of regulated high-value regrowth; category R, which are areas of regulated regrowth along watercourses and drainage features in nominated reef catchments; or category X, which are areas in which vegetation clearing is not regulated. Landholders may opt to obtain a property map of assessable vegetation—and I will refer to that as a PMAV—which confirms vegetation category types for their property. PMAVs are an important tool to show landholders where vegetation on their property is regulated and, where areas are denoted as category X, being able to be cleared without restriction under the state's vegetation management framework. Since PMAVs were introduced in 2004, landholders have locked in approximately 22 million hectares of category X on PMAVs.

In 2013, the then Queensland government introduced the Vegetation Management Framework Amendment Act 2013: to introduce new clearing purposes for high-value agriculture and irrigated high-value agriculture; to deregulate the clearing of high-value regrowth vegetation on freehold and Indigenous land; to provide for the introduction of a number of additional self-assessable vegetation clearing codes; and to remove various compliance provisions. The current Queensland government's election commitment to reinstate Queensland's nation-leading vegetation management protections has been the key policy driver for this bill. In addition, the Queensland government has specifically committed to the following two initiatives which also are in this bill: firstly, the Reef 2050 Long-Term Sustainability Plan, which commits to strengthening the Queensland government's vegetation management legislation to protect remnant and high-value regrowth vegetation, including in riparian zones; and, secondly, a reduction in carbon emissions to support Australia's international climate change agreements.

Aimed at delivering on these commitments, the bill proposes: to remove provisions which permit clearing for high-value agriculture and irrigated high-value agriculture; to reinstate the regulation of clearing high-value regrowth, known as category C areas, on freehold and Indigenous land; to broaden the regulation of regrowth vegetation in watercourse areas, commonly known as category R areas, to the Burnett Mary, eastern Cape York and Fitzroy catchments, thereby ensuring clearing of regrowth vegetation in all six Great Barrier Reef catchments is subject to the same regulation; to reinstate the reverse onus of proof and remove the 'mistake of fact' defence for vegetation clearing offences; and to reinstate riverine protection permits under the Water Act 2000 for the destruction of native vegetation in watercourses, lakes and springs.

From 2006 to 2013, broadscale clearing for agricultural purposes was not permitted. However, since the commencement of the previous government's amendments to the VMA approximately 112,400 hectares of clearing has been approved for high-value agriculture and irrigated high-value agriculture. Of this area, 107,400 hectares was for high-value agriculture clearing and 5,000 hectares was for irrigated high-value agriculture. This equates to the release of around nine million tonnes of carbon emissions. To put this in some context, the Australian government's recent Emissions Reduction Fund auction will potentially deliver approximately 17 million tonnes of carbon abatement at a cost to Australian taxpayers of $205 million.

This bill makes applications for high-value agriculture and irrigated high-value agriculture prohibited development. However, the bill will not impact on landholders with existing development approvals for agricultural clearing under the planning act. These landholders will be able to undertake clearing consistent with the conditions of their permit. Similarly, if landholders have a properly made development application prior to 17 March 2016, those applications will also continue to be assessed under the planning act. Additionally, the ability to obtain an approval to clear land for a coordinated project for significant agricultural development remains available under the State Development and Public Works Organisation Act 1971 and on Aboriginal land in Cape York Peninsula under the Cape York Peninsula Heritage Act 2007.

This bill also proposes to re-regulate high-value regrowth on freehold and Indigenous land. This area will be identified as category C on the regulated vegetation map. The bill proposes that the existing category C self-assessable vegetation clearing code will be extended to apply to clearing on freehold and Indigenous land. However, the new provisions will not apply to areas that are currently mapped as category X on PMAVs.

The bill will also broaden the existing regulation of vegetation along the Great Barrier Reef watercourses by regulating native vegetation within 50 metres of mapped watercourses and drainage lines in three additional reef catchments of Burnett Mary, the eastern Cape York and the Fitzroy. It is the intention that the existing category R regrowth self-assessable vegetation clearing code will apply

in these areas and allow limited and low-impact clearing of vegetation in line with predetermined conditions. However, the new provisions will not apply to areas that are currently mapped under the category X of the PMAV.

The bill is also proposing retrospective commencement of amendments to the VMA and the planning act to make high-value agriculture and irrigated high-value agriculture prohibited developments, the regulation of high-value regrowth on freehold and Indigenous land, the regulation of vegetation along watercourses in the Burnett Mary, eastern Cape York and Fitzroy Great Barrier Reef catchments, and the regulated vegetation management map showing the newly regulated areas of high-value regrowth and regrowth along the additional reef catchments. This means that these new regulatory requirements will apply to landholders from 17 March 2016, which is the date on which the bill was introduced to state parliament.

Should an individual undertake the clearing that will be made unlawful, they will not be held criminally liable as offence provisions under the planning act will not apply. However, a consequence of any unlawful clearing will be that the individual is required to undertake restoration activities. It should be noted that the area of restoration could be more than the original area cleared. In deciding the area of restoration, the chief executive under the VMA must have regard to the Environmental Offsets Act and the environmental offsets policy. However, the retrospective commencement will not affect the following: development approvals for high-value agriculture or irrigated high-value agriculture decided prior to 17 March 2016; development applications for high-value agriculture or irrigated high-value agriculture properly made under the planning act prior to 17 March 2016; category X areas on a PMAV made prior to 17 March 2016; and PMAV decisions not affected by proposed new category R and category C areas.

The bill will also amend the VMA to reinstate the reverse onus of proof and remove the mistake of fact defence for vegetation clearing offences. As you are aware, these provisions were removed in 2013. The bill proposes that these provisions will commence by proclamation, not through retrospectivity. Reintroducing reverse onus of proof means, in the event of unlawful clearing, the owner of the land is assumed to have either done the clearing or authorised the clearing. However, first of all, the government must still prove that unlawful clearing has occurred. The mistake of fact provision will establish that a person must exercise due diligence before undertaking tree clearing, and it will no longer be a defence that a person had a reasonable and honest but mistaken belief that led to the undertaking of the offence.

Currently, riverine protection permits only apply to excavating or placing fill in a watercourse, lake or spring. The bill amends the Water Act to reinstate the application of the riverine protection provisions to the destruction of vegetation in a watercourse, lake or spring. These provisions again were in place prior to 2013. Reinstating the application of the riverine protection permit framework to the destruction of vegetation will allow the assessment of environmental impacts and management of risks associated with such activities carried out in a watercourse, lake or spring. That is my broad description of the bill that relates to DNRM. I would like to hand on to Nick for his perspective from EHP.

Mr Weinert: Thanks, Sue. In addition to the vegetation management framework amendments outlined by Sue, the bill also includes two proposed changes to the environmental offsets framework via amendments to the Environmental Offsets Act. Firstly, the bill will enable the Environmental Offsets Act to require offsets for any residual impact on prescribed environmental matters, rather than the current situation where offsets are imposed only on significant residual impacts. Secondly, the amendments will provide an ability to legally secure offset areas and to make payments into the state offset account for Commonwealth approvals.

The first of these—which is the requirement to offset all residual impacts of development—aims to ensure adequate conservation outcomes for all impacts on the state's significant environmental values. The objective of the change is that, in so far as possible, impacted matters are replaced elsewhere in the landscape to ensure the preservation of biodiversity and habitat quality. This requirement for offsets has been an accepted requirement of vegetation management practices since 2008 and for other development activities, such as mining, since 2011.

The proposed changes return the requirements of this element of the framework to the arrangements that existed prior to the amendments made by the previous government. Prior to the introduction of the Environmental Offsets Act in 2014, all residual impacts, after avoidance and mitigation of impacts, on a matter for which an offset could be imposed, were required to be addressed by an offset. The purpose of an offsets framework is to compensate for impacts on threatened species and habitats to ensure they are not lost and to ensure that ecosystems continue to function. Offsets also serve to encourage greater avoidance and mitigation of impacts on important environmental

matters. Finally, I note that the proposed amendments in the bill with respect to offset requirements do not introduce any offset obligation that did not exist prior to the amendments made by the previous government. That is the first amendment.

The second offsets related provision in the bill provides, for the first time, an ability to legally secure both state and Commonwealth offset areas using a single mechanism under the act and enable Commonwealth financial settlement offsets to be paid into the state's offset account. This change has the capacity to result in streamlining benefits for developments which affect both matters of national environmental significance and state environmental significance. For example, payment of both state and Commonwealth offsets into a single account may be simpler for some proponents. Without this ability, proponents may be required to locate and deliver the offsets themselves for approximately 20 years for Commonwealth matters.

These changes also serve to promote better environmental outcomes as they enable placement of both state and Commonwealth financial settlement offsets into the state's offset account. One benefit of this is that it enables integrated conservation outcomes to be achieved in Queensland through the pooling of resources. Those are the two amendments to the offsets act that are included in the bill.

CHAIR: Thank you very much for those detailed explanations. Please excuse the committee because we have only been given this briefing. Thank you for getting your report together for us in such a short time frame. For me, and for some on the committee, some of this is quite new. There are a few questions that I would like to ask of you. I am sure other committee members have quite a few questions as well. Can you explain to me the PMAV in a little more detail? How does that actually work? How is it decided what goes on a PMAV?

Mr Nicholas: The way the vegetation management framework works with regard to PMAVs and the actually mapping itself is that the state has a regulated vegetation management map of all of the vegetation across Queensland. That information is actually derived from the vegetation product within DSITI.

Where a landholder wishes to challenge the mapping of the vegetation they can actually ask for a property map of assessable vegetation. It is detailed mapping of the vegetation on the property itself. It can actually change the boundaries of the vegetation. We might find through site investigations that the mapped remnant vegetation may not be within the same boundaries as is on the map and on the ground. A PMAV is very detailed mapping of the property itself. Once the PMAV is made, it is the point of truth. The regulated vegetation management map is adjusted to take into account the new PMAV.

Landholders can also lock in what we call category X. Category X is unregulated vegetation on the property or areas where it is not regulated. A landholder can say to the department, 'I want to lock it in.' In case there is any movement with regard to the mapped vegetation the landholder has certainty going forward that they have that PMAV and they can actually go ahead and manage their vegetation on the property in accordance with the PMAV itself. The PMAVs are the point of truth for vegetation on a property basis.

CHAIR: One would say that most landholders would have access to a PMAV. If they want to they can add category X. If I buy a property and I pull down the PMAV and I get an understanding that what is on the map is not quite what is on my property and I want to put in more category X, is that doable through that same process?

Mr Nicholas: Yes. They need to make a simple application to the department. They can apply to lock in that PMAV. It is a very straightforward process for us. No detailed investigation is required. They will get their PMAV back from the department within a very short period of time.

Mr BENNETT: There is a small fee associated with that, I think—a couple of hundred dollars?

Mr Nicholas: It is a very small fee to lock it in.

CHAIR: Can you explain to me what offsets are and how they work? Is it just financial? If you strip some trees back do you have to plant more somewhere else? Can you explain offsets to me?

Mr Wienert: Yes to both of those questions in part. Offsets are about compensating for unavoidable impacts on significant environmental matters. Any proposed development can seek to avoid first and to mitigate those impacts. If it is not possible for that to occur and the development can still be authorised an offset may be levied to compensate for the loss of those values.

As I said, they are considered only after impacts have been avoided and mitigated. They are a component of the assessment process that enables development to proceed while maintaining the viability of the environmental value. They cannot be used to allow development to proceed that would not otherwise be approved. That is how they function—to provide compensation for an impact that cannot be avoided or mitigated.

Mr BENNETT: If somebody wants to build something and they cannot unavoidably damage something then there is a five to one offset, is that correct? Can you simplify it with an example for this committee?

Mr Wienert: There is a calculator that exists under the Queensland environmental offsets framework. It will assess the offset that is required. It generates a measure, typically of land size, that is required to compensate for that measure. The calculator will assess what is required to achieve that offset and the duration of time that it will take. It will require that the offset is delivered in a certain way over that period to compensate.

The ratio that you are referring to is a feature of the calculator whereby it caps the offset at a ratio typically of four to one. A matter maybe 'offset-able' under that cap. It may require two or three to one over the period of time of impact to fully compensate for that impact. If the calculator reaches a factor of four to one it caps the offset requirement at that amount.

CHAIR: So it is a maximum of four to one?

Mr Wienert: That is right.

Mr BENNETT: With the category R restrictions that now exist in Mackay, the Burdekin and the Wet Tropics and now coming further into my part of the world as well—the eastern Cape York, the Fitzroy and the Burnett catchments—can you inform the committee about how many hectares you believe exists in these three new areas to be captured?

Mr Nicholas: The area that is currently regulated for category R is around 250,000 hectares. This is the area that is actually regulated. It is not necessarily the area of vegetation in the category R area. The way category R works is that it is a 50-metre buffer either side of a watercourse. Within that buffer the regrowth vegetation is regulated. It is very important to provide the information that the area is about just the buffer width not so much the vegetation in that buffer. There could be areas of agriculture within that buffer area. That is not the impact. It is actually the vegetation within the buffer. The additional extent of regulated category R areas is around about 320,000 hectares.

Mr BENNETT: My next question was about the buffer. The width that is nominated in the category R takes account of soil topography and riparian zones as well. I would like to know about the 50-metre rule. Is it going to be the same at the mouth of the river as opposed to say the headwaters? I am curious about how we came to this 50-metre rule.

Mr Nicholas: The buffer is 50 metres either side of the watercourse.

Mr BENNETT: That exists under the 1999 vegetation act. Is that where it was set?

Mr Nicholas: The 2009 amendments. The way the category R self-assessable code operates is that as you go further upstream then the area that is actually regulated reduces. As you get up to what they call streamorder 1 you can actually get close into the bank and manage your vegetation. Obviously, as you come downstream the width actually increases in terms of the area of vegetation that is regulated.

CHAIR: Why is that?

Mr Nicholas: Simply because of the impacts on the watercourse itself as you move further downstream.

Mr BENNETT: Flood velocity, for example, would be higher closer to the mouth. I am not trying to put words into your mouth, but would that be a reason?

Mr Hinrichsen: The size of the river, more erosive power closer to where you have large river systems compared to smaller streams.

Mrs GILBERT: Are the buffer zones that are already in place around creeks and rivers—category Rs—working well in terms of the run-off when we look at the state of the reef and that type of thing? Are they actually working?

Ms Ryan: I might ask EHP to respond to that.

Ms Nichols: We do an annual reef report card. Every few years we assess the riparian vegetation. For the report card we actually assess that at 100 metres rather than 50 metres which is the distance that our independent science panel have indicated is important for reef water quality outcomes. That is only one of the outcomes this bill is seeking to achieve.

In regulated catchments—where these regulations have been in place—we are progressing really well towards our targets in terms of riparian vegetation cover. Where we are not progressing so well is in the catchments, particularly the higher modified catchments of the Fitzroy and Burnett Mary, where there has been higher levels of riparian vegetation clearing in the unregulated catchments. The laws are having their effect.

Riparian vegetation is very important for reef water quality. It is a sediment capture. Some recent scientific studies indicate that nutrients are often captured where there are really good riparian buffer zones as well. From a reef water quality perspective that riparian buffer is really important.

Mr BENNETT: You mention the Burnett Mary catchment, which is where the member for Hervey Bay and I both live. I am not aware of examples of clearing that has caused concern. I know we have had devastating floods and events that have caused significant damage. Of course we are all aware of the revegetation that has gone on over the last three years. Are there examples that you can give us in our local area? We are specifically talking about the Burnett Mary catchment.

Ms Nichols: The figures I have are for vegetation loss generally. It does encompass some loss where that has been natural from flooding. I do not have examples of poor behaviour because people were clearing in accordance with the law. It is not something that we have on record. What we know from a water science health perspective and also from a flooding perspective is where those vegetated riparian zones were really intact there was a fair better impact from the floods. I have personally visited sites where there was a completely vegetated bank that was intact after the floods and the rest of it slumped away. There are great benefits to the landholder in maintaining those vegetated sites as well. That is the other thing that I did not mention. It is really important, when there are flooding events, to keep those banks stabilised and intact with those really deep tree roots.

Mr BENNETT: I believe they do that, because it is in their own best interests to keep all of that topsoil on their farm, or on their banks. Again, I would be interested if there were examples of that that were not directly a result of that devastating flood, because in areas it took 20, 30 metres of riparian. There were trees that were 200 years old that fell into the river as well.

Ms Nichols: That is right.

Mr BENNETT: Thank you for that.

Mr MADDEN: I have a question about the laws with regard to the clearing in the catchments of the rivers leading to the Great Barrier Reef. How was the law changed by the previous government? How are the laws changed by this bill?

Ms Nichols: There are two sets of laws. There is the riparian laws and the clearing laws more generally, which I will let my colleagues answer. The riparian laws were not changed by the previous government. They maintained those in what were identified as priority catchments in 2009—so Mackay Whitsunday, Burdekin and Wet Tropics. This bill proposes to cover the whole extent of the Great Barrier Reef catchment. I will note that it is in the interim task force report for the Great Barrier Reef—the water science task force that has been set up to look at what actions that the government needs to take—that they recommended extending the riparian laws to all the catchments. The previous government did not, in fact, change those laws. They maintained those laws, which I can only assume because they recognised their value.

Mr Hinrichsen: The key changes that were put in place under the previous government that are being reversed by this bill as they relate to reef catchments are, first of all, clearing for high-value agriculture. The 2013 amendment to the Vegetation Management Act allowed assessable development to occur for clearing of remnant vegetation. 'Remnant' is basically the terminology that the act uses for mature woody vegetation. It allows an assessable development process to occur. Prior to those changes, that vegetation could not be cleared for agriculture. As Ms Ryan mentioned in her opening address, there has been across the state—and not exclusively in reef catchments—around 112,000 hectares of clearing of remnant vegetation that has been authorised under that framework, a portion of which was in Great Barrier Reef catchments.

The previous legislation in 2013 also deregulated high-value regrowth. High-value regrowth was regrowth in place prior to 1989. In many instances that has got to a level of maturity equivalent to remnant. That was deregulated on freehold and Indigenous land. It was still regulated on leasehold land, or state land. As a rule of thumb, there is more freehold land relative to state land closer to the coast. The higher value land, if you like, from an agricultural perspective generally exists as freehold. When you get further west into the pastoral regions you find a bigger proportion of state owned land under lease tenures.

They are the two key provisions that switch back from the 2013 amendments. The third significant change under this bill, which Elisa referred to, is extending the category R protections to those three additional Great Barrier Reef catchments the Mary Burnett, the Fitzroy and the eastern cape.

Mr MADDEN: If I were to ask you all what was the amount of land cleared in Queensland in the last 12 months, can anyone give me a figure—approximately, within 1,000, or 10,000 acres, or whatever?

Mr Hinrichsen: Thank you for the question. The reporting that is published under the state land and trees study by the department of science was last done for the 2012-14 period. The report for the previous 12 months—so from 2014-15—will be published around the middle of this year, around June-July. We have the figures, though, from the previous two-year period that we can provide.

Mr BENNETT: Just under 300,000, was it? Two hundred and ninety-seven. Does that ring a bell with the officers—297,000 hectares?

Mr Hinrichsen: Of that order, which is all types of vegetation that were cleared.

Mr MADDEN: That is a fairly simple question: how much land was cleared in the last 12 months and the answer is 297. In answering that question, do you include pushing of mulga for fodder?

Mr Hinrichsen: That figure was 296,300—so very close, member for Burnett.

Mr BENNETT: I have been doing some reading.

Mr Hinrichsen: And that is all-inclusive.

Mr MADDEN: Inclusive of pushing of mulga for fodder?

Mr Hinrichsen: That is for all purposes, much of that authorised. In the state land and trees study report you will see a detailed breakdown, and we would be more than happy to provide an extract from that report for the committee's benefit if that is of use. Certainly, in those drought affected areas there has been significant pushing of mulga for the feeding of livestock. That has been a longstanding practice. It was previously done under approvals. The 2013 amendments increased the number of self-assessable codes and that allows clearing for that purpose under a self-assessable code. The provisions of this bill do not change those arrangements.

Mr MADDEN: I am sorry if this sounds a bit provocative, but do you accept that for laypeople—somebody living at Ashgrove and who has never been on a farm in their life—when people say that there is clearing of land in Queensland, a bit like in Brazil, of 296,000 hectares last year, which includes pushing of mulga for fodder, which is not really land clearing; do you understand how that can be misleading when you include mulga?

Mr BENNETT: It is coverage, is it not? That it is what the satellites pick up.

Mr Hinrichsen: The figure that is the headline is 296,300 hectares of clearing. That was in 2013-14, but you get beyond the headline, which is what this SLATS report does. It will give you a very detailed breakdown of where and how that clearing has occurred.

Mr BENNETT: Would it be beneficial that we got a copy of some of that stuff for our benefit?

Mr MADDEN: Particularly the amount of mulga that has been cleared. I will make the statement if it is not going to be made by the submitters: I think it is misleading to talk about land clearing and including pushing of mulga as land clearing when that is done as a management practice to provide fodder.

CHAIR: Can we take that on notice to see if we can get the types of tree clearing that has been done in that 297,000?

Mr Hinrichsen: If it is useful, the figures that I have in front of me, of that 296,300, 111,400 was in the mulga lands.

Mr MADDEN: Thank you. I appreciate that.

CHAIR: I have a question relating to the SLATS report. It indicates that tree cover has increased in Queensland. Is this accurate?

Mr BENNETT: Absolutely—400,000 hectares.

CHAIR: I will let them answer, if that is all right.

Mr Nicholas: Certainly, in response to that question, the SLATS report provides a clear explanation about the area of extent in 2012-13. It is based on a timed series foliage projective cover index product, which is shown as table 3 in the SLATS report. This table also shows the estimates of the woody vegetation extent for previous change periods based on previous versions of the foliage

projective cover. The woody extent is updated each year to reflect these changes. Further details of these versions are available in the previous SLATS reports, but the latest figures of the woody vegetation extent cannot be directly compared to estimates prior to 2004 due to changes in methodology. The advice that we have from the author of the report is—

It is important to note that clearing figures cannot be derived by comparing wooded extent from year to year.

It is simply the way the information is presented and how they undertake their scientific analysis. But it is very clear in the report that you cannot compare from year to year the extent of woody vegetation.

CHAIR: Can you make that a little bit clearer? Why not?

Mr Nicholas: We would have to take that on advice. We would need to get more information from our DSITI colleagues who provide this data to the department.

CHAIR: Okay.

Mr MADDEN: Is that anything to do with thickening? Does thickening make it more difficult?

Mr Nicholas: It may well do but, as I said, we will need to get further advice from our DSITI colleagues.

CHAIR: Can you please take that on notice to get that further advice for us?

Mr SORENSEN: Just talking about satellite pictures, what about in the forest areas north of Gin Gin? There have been huge plantations in those areas. Do they come into consideration as well?

Mr Nicholas: Could the member repeat the question, please?

Mr SORENSEN: North of Gin Gin a lot of timber plantations have been planted for sawmill logs. If you are taking a picture from satellites, that must be showing up as revegetation.

Mr Nicholas: With regard to the vegetation that is regulated under the Vegetation Management Act, it does not include the plantation timber, or forestry timbers.

Mr SORENSEN: It does or does not?

Mr Nicholas: It does not.

Mr SORENSEN: How do you know?

Mr Nicholas: The act itself—

Mr SORENSEN: Because a lot of these plantations are on private properties.

Mr Nicholas: When we make our regulated vegetation management map, analysis is undertaken across the whole landscape of the vegetation that is regulated, so they get down to that scale and look at plantation timbers as opposed to woody remnant vegetation. A lot of analysis is done behind the scenes prior to regulating the vegetation management map and this has gone back many number of years. We are on to version 8 of the remnant mapping, so it is quite an advanced product now.

CHAIR: So I guess the answer is that it is separated from what we are looking at.

Mr Nicholas: Definitely.

Mr SORENSEN: Even on private property?

Mr Nicholas: Yes. Even on private property. It has to be remnant vegetation, so mature vegetation, and it has to be regulated woody vegetation.

Mr BENNETT: Mr Nicholas, I notice that we statistically could not work out the woody weed thickening that was mentioned before. I was wondering about the stuff that I read overnight about Japan and NASA satellites now making the claim that Queensland in particular is a net contributor to CO2—a sink, in effect. We are doing better than we have been doing previously. Would you like to comment on that? I have statistics from Japan's Ibuki and NASA's OCO-2 satellites now both showing that Queensland is a net sink for CO2, which is contrary to what Ms Ryan was alluding to in her introduction about CO2 emissions. Are you aware of those two satellite reports?

Mr Nicholas: No, I am not, sorry.

Mr BENNETT: So if there are satellites mapping our vegetation and our land cover that are saying that we have an additional 400,000 hectares, the department does not recognise these satellites as credible in their mapping of vegetation thickening?

Mr Hinrichsen: I am not familiar with the two reports that you refer to, but the Queensland government certainly does use satellite imaginary in looking at changes in tree cover. The methodology that is utilised to determine emissions from land changes—and that includes clearing—are the mechanisms that are recognised by the Australian government in calculating whether land

use changes are net in relation to emissions or, as they are in many other states, where the regrowth of vegetation acts as a carbon sink. The current recognised figures suggest that, as of 2013, the Australian government reported that the land sector emitted 25.7 million tonnes. That was across the nation. Because many other jurisdictions were a net sink, the Queensland contribution was 334.8 per cent of the national land sector emission figure. If it is of use to the committee, we could provide that information for the committee's benefit.

Mrs GILBERT: I want to ask about the self-assessable code. Could you explain a little more about how that works and how this bill may have some impact on that? Ms Ryan spoke about that in her report, but I have no idea how that actually works, so that is just for my personal information.

Mr Nicholas: Particularly with regard to category C and category R, which has relevance to proposals in the bill, the previous government introduced mandatory requirements for a self-assessable code for category C, which is high-value regrowth, and also for category R, which is the regrowth watercourses. What the self-assessable code does is allow a landholder to clear vegetation in accordance with the code and sets out a number of practices that the landholder must abide by in clearing the vegetation. Whilst we talk about regulating high-value regrowth and regulating regrowth on watercourses, it is not a complete abolition on clearing. It does allow for a landholder to undertake general property maintenance. In fact, even with regard to high-value regrowth, that allows for clearing for agriculture and grazing practices. Certainly when the code talks about the clearing, it does also recognise many of the values on the land that need to be protected. We would be looking at the types of vegetation, like endangered vegetation, or essential habitat under the code. It is largely prohibited to clear in those areas and also to keep buffers away from the watercourses and the wetland areas.

The code is available to landholders. To use the code, all they need to do is notify the department of their intention to clear in accordance with the code. Once they notify the department, they are then free to actually go and undertake the clearing in accordance with the code. The department will then, through a matter of practice, do audits of the clearing to ensure that the code is operating as it should and also to get an understanding of how the landholder is applying the code on the ground.

CHAIR: Can you explain your definition of 'high-value regrowth', for those of us who have not had much to do with this sort of stuff?

Mr Nicholas: High-value regrowth is regrowth vegetation that has not been cleared since 1989. Probably you are looking at vegetation that is around 26 years old. When it was first introduced back in 2009, it was 20-year-old vegetation. They did an analysis of that vegetation and mapped that as the high-value regrowth. Since 2009, it has been regulated on leasehold land. Even prior to 2009, vegetation was regulated on leasehold land and then, since 2009, the government regulated high-value regrowth not only on leasehold for agricultural purposes, but also for freehold and Indigenous land. In 2013, the then government removed the regulation of high-value regrowth on freehold and Indigenous land. The bill now proposes to re-regulate that high-value regrowth on freehold and Indigenous land.

CHAIR: Is there any information on why they decided to remove that part to do with high-value regrowth?

Mr Nicholas: Back in 2013?

CHAIR: Yes.

Mr Nicholas: There was a policy decision of the government at the time to remove the regulation around freehold and Indigenous land.

Mr BENNETT: I can explain that after the meeting, Chair.

CHAIR: Thank you, Steve.

Mr BENNETT: There is a reason and it was policy. One of the things that I find disturbing is the retrospectivity of this, with section 22A existing already; the fact that it is the government's policy to date it back to 17 March. Has there been a regulatory impact statement? Is there any talk of compensation to the people who will be caught up in that issue? I know there was talk about current activities that are approved that will not be affected. I wonder about all the other consultants working with landowners on what could be seen as sensible development who will be caught up from 17 March. Is there any compensation and has a RIS been done on this?

Mr Hinrichsen: No, there has not been a regulatory impact statement. As you will see in the provisions of the bill, there will be no compensation in relation to these changes.

Mr BENNETT: With the high-growth agriculture that the chair was just talking about, is there an explanation as to why we would remove that when we do have section 28A, which has a fairly rigorous process for review on assessment now? It seems to be fairly rigorous. Again, things such as quarrying and mining are not caught up in there, but high-growth agriculture is. I think one would have more impact on the environment than the other.

Mr Hinrichsen: Just as a point of clarification, are you referring to high-value agriculture?

Mr BENNETT: Yes. Why is it being caught up in the legislation when we have section 28A, which sets a fairly rigorous process of assessment and review? It does exclude quarrying, mining and other activities such as those.

Mr Hinrichsen: It is the policy position of the government to re-regulate high-value regrowth and to remove high-value agriculture from the provisions of the Vegetation Management Act.

Mr MADDEN: Following on from the opening remarks of the chair, I am curious why the department did not undertake wide consultation on the bill with landholders who would be impacted? Why didn't they undertake consultation with regard to the Environmental Offsets Act? Why was that not done?

Ms Ryan: On 13 July 2015, DNRM held a stakeholder round-table meeting on the future of vegetation management with participants from AgForce, the Queensland Farmers' Federation, Canegrowers, WWF, the Wilderness Society, the EDO, and the Wildlife Preservation Society of Queensland. At that meeting, background information on clearing rates was provided and discussions held on potential future vegetation management reforms. Following that meeting, DNRM engaged Professor Allan Dale of James Cook University to liaise with the key stakeholders to build consensus on the best possible approach for the government to meet its election commitment in relation to vegetation management. The stakeholders the professor has been talking to included agriculture and conservation groups and natural resource management and Indigenous representatives.

In late 2015, it became clear to the government that the process being facilitated by Professor Dale was not going to meet consensus and that urgent action was required to deliver on the government's election commitments. While the government has continued to communicate and consult with stakeholders on its policy commitments, no consultation could be taken by the department on the provisions of the bill itself. Consultation by ministerial officers on the bill was undertaken with key stakeholders prior to cabinet consideration of the reinstatement bill. Stakeholders included AgForce, the Wilderness Society, the WWF and the Environmental Defenders Office. Obviously, DNRM will brief key stakeholders on the bill during the parliamentary committee process and, if passed, on implementation issues.

CHAIR: How does Queensland compare to other jurisdictions regarding carbon emissions resulting from tree clearing?

Mr Hinrichsen: That probably relates to the response that I gave to the member for Burnett. I again refer to the 2013 Australian government report, National Greenhouse Accounts. For the whole of Australia, the emissions in 2013 were 25.7 million tonnes of CO2. There are also sequestration activities and, obviously, revegetation does sequester carbon. That resulted in 18.2 million tonnes of CO2 sequestration. Net emissions associated with land-use change was 7.5 million tonnes for Australia. Of the CO2 emitted, Queensland contributed 25.2 million tonnes or 98 per cent of the nation's land sector emissions.

Mr BENNETT: How many per cent?

Mr Hinrichsen: Ninety-eight per cent of the land sector emissions.

Mr BENNETT: You quoted 38 before on Queensland emissions, when we spoke about CO2 emissions.

Mr Hinrichsen: That is in terms of the net emissions, when you take into account the sequestrations, the total balance—

Mr BENNETT: Sorry, percentage to me.

Mr Hinrichsen: Most of the other states have also got significant sinks; Queensland does not. Most of the other states' land-use change is sequestering carbon, rather than emitting carbon. If you look at the total contributions associated with land sector emissions, Queensland contributed 334.8 per cent of the national land sector emissions. I would be more than happy to provide that information to the committee.

CHAIR: If you can, please, it would be much appreciated.

Mr BENNETT: This is probably to DNRM: there is emotive stuff creeping into the media about panic clearing. Are there any examples that you can give of that? I know that there are a couple that we cannot talk about, as they are under litigation at the moment. Have any examples gone through the process that you could mention, although I do not think we can name them? Are there any examples of panic clearing? It is the media stuff that is creeping in.

Ms Ryan: No, not at this stage.

CHAIR: That brings the committee's meeting to a close. I thank the departmental officers for your briefing and your answers to our questions. Some questions have been taken on notice and we would like to have those answers back by Tuesday, 29 March, please. Finally, I remind anyone with an interest in the bill that the closing date for lodging written submissions is Monday, 25 April 2016. I declare the meeting closed.

Committee adjourned at 11.27 am