AGRICULTURE AND ENVIRONMENT COMMITTEE

Members present:

Mr GJ Butcher MP (Chair)
Mr AJ Perrett MP
Mrs J Gilbert MP
Mr R Katter 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 HEARING—INQUIRY INTO THE VEGETATION MANAGEMENT (REINSTATEMENT) AND OTHER LEGISLATION AMENDMENT BILL

TRANSCRIPT OF PROCEEDINGS

FRIDAY, 3 JUNE 2016

Brisbane

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Committee met at 10.58 am

POINTON, Ms Revel, Solicitor, Environmental Defenders Office

CHAIR: Good morning and welcome everyone. I declare open the Agriculture and Environment Committee's public hearing in relation to its inquiry into the Vegetation Management (Reinstatement) and Other Legislation Amendment Bill. My name is Glenn Butcher MP and I am the committee chair and the member for Gladstone. With me today are to my left Mr Tony Perrett, the member for Gympie, who is our deputy chair; to my right is Mrs Julieanne Gilbert, the member for Mackay; on my far right is Mr Jim Madden, the member for Ipswich West; Robbie Katter, the member for Mount Isa, is not with us at the moment but he should be joining us shortly; and Mr Ted Sorensen, is the member for Hervey Bay.

The bill was referred to the committee on 17 March 2016 and the committee is required to report to the parliament by 30 June 2016. Submissions accepted by the committee are published on the committee's inquiry web page. Witnesses are not required to give evidence under oath, but I remind witnesses that intentionally misleading the committee is a serious offence. I remind those present that these proceedings are similar to parliament and are subject to the Legislative Assembly's standing rules and orders. In that regard, I remind members of the public that, under the standing orders, the public may be admitted to or excluded from the hearings at the discretion of this committee.

Mobile phones and other electronic devices should now be switched off or turned to silent. Hansard is making a transcript of today's proceedings. The committee intends to publish the transcript of these proceedings unless there is a good reason not to. Those here today should note that the media may be present, so it is possible that you might be filmed or photographed. I ask witnesses to please identify themselves when they first speak and to speak clearly into the microphone and at a reasonable pace. I welcome this morning Ms Revel Pointon, a solicitor from the Environmental Defenders Office. Ms Pointon, would you like to make an opening statement?

Ms Pointon: Yes, please. Good morning, Mr Chair, and committee members. Many thanks for the invitation to appear before you today.

CHAIR: I will adjourn the hearing.

Proceedings suspended from 11.01 am to 11.08 am

CHAIR: I again welcome Ms Revel Pointon, a solicitor for the Environmental Defenders Office. Would you like to make a short opening statement?

Ms Pointon: Many thanks again for the invitation. I would like to start by quickly addressing the background behind this bill broadly and then I will touch on two legal points of issue with that there has been some confusion about, being the mistake of fact and the reversal of the onus of proof. Firstly, I would like to remind the committee that these laws are not new. Our Vegetation Management Act evolved from 1999 to 2012 to provide broadly accepted laws that included a solid permit system, improved regulation of broadscale clearing and the introduction of the protection of high-value regrowth vegetation.

In 2012, with the election, the previous government committed not to change the vegetation laws, because there was such widespread acceptance of them. I understand even AgForce requested at the time an election policy that the vegetation management laws not be changed. Since then—from 2012 onwards—we saw some changes to our Vegetation Management Act, which the current government is now trying to rectify, mostly by reinstating the laws that had evolved from the regulation of vegetation clearing previously. The key point is that these laws are simply being reinstated—there is not anything really new—with the exception of the self-assessable codes. Obviously, these were introduced under the previous government and we have raised concern about those in our submission.

Further, the commitment that the current government has made to Queensland to restore these accepted laws was made to the international community under the Reef 2050 Long-Term Sustainability Plan. Also, in the current government's pre-election commitments, their key tactic to address climate change was through a commitment to reintroduce the stronger vegetation clearing laws.

The two legal points I wanted to discuss today were the removal of the defence of mistake of fact and the reversal of the onus of proof. These provisions have been in effect since 2004 in our Vegetation Management Act. They were removed by the previous government, but while they sound controversial, there are some very good reasons they exist in the Vegetation Management Act as well as some other environmental frameworks. Firstly, the bill seeks to restore the reversal of the onus of proof, such that a landholder will be deemed to have undertaken clearing unless it can be demonstrated that the clearing was undertaken by someone else or that it simply could not have been the landholder if evidence can demonstrate that. This is seen to be necessary in regulating vegetation laws, simply because of the difficulty in obtaining evidence to discern who the person responsible at the time for the clearing was if the clearing has already happened, and often in extremely isolated areas in Queensland.

I know that the committee has heard the analogy of how this works with our speed camera system, whereby the government must assume the owner of the vehicle is the one operating it when it is caught speeding owing to the difficulty otherwise in proving who is driving the vehicle at the time on a camera. However, the owner can easily dispute this by providing evidence that it was not, in fact, them driving at the time. This is a well-accepted operation of our laws to ensure that the speeding laws are made effective.

The fundamental legislative principles, which are listed and explained in the Queensland legislation handbook, require that the onus of proof generally must not be reversed to ensure that the rights of individuals are not unduly infringed upon. We wholeheartedly agree with that. It is a recognised principle. However, the principles themselves expressly state that the reversal of the onus of proof is justified when a matter that is the subject of proof by the defendant is peculiarly within the defendant's knowledge and that it would be extremely difficult or very expensive for the state to prove, or the relevant fact must be something inherently impracticable to test by alternative evidentiary means and the defendant themselves would be particularly well positioned to disprove guilt. This is expressly provided for in the principles discussed in the handbook.

The circumstances for which the onus of proof is reversed in the Vegetation Management Act fit exactly these circumstances. It is extremely difficult and expensive for the state to prove the identity of the person who cleared the vegetation and the defendant is particularly well positioned to disprove guilt. Further, it is only the identity of the person which is assumed, which is relatively simple to debunk by a landholder. The burden of proving the whole offence still sits with the government.

Finally, the second point is the removal of the defence of mistake of fact. This defence is normally provided in our Criminal Code in section 24. In operation, it means that someone can rely on the fact that they were mistaken as to the belief of a particular state of things at the time they commissioned the offence as opposed to the mistake of law, for which there is no defence under our law under the Criminal Code. In section 24, though, there also is a subsection that expressly excludes this rule from applying either directly or by inference under a law. The drafters of the Criminal Code clearly envisaged that, in some circumstances, there is justifiable reason for not allowing the defence of mistake of fact to apply. The exclusion of this defence from operating in the Vegetation Management Act is justified on the basis that landholders have been aware that there have been vegetation clearing regulations since 1999 that apply to their properties. It is particularly hard to demonstrate that a person was not mistaken as to a fact at the time of an offence being committed, as this is a state of mind. More importantly, the department has, to its credit, invested significant resources in helping landholders understand the vegetation clearing laws and how they apply to them.

It is known across Queensland that you cannot clear vegetation anywhere you like. Therefore, there is no reasonable application for this defence. Even if a map was wrong—and I know that is frequently the case and the department recognises openly that errors occur in the mapping and, therefore, provides a simple mechanism for rectifying these areas, which landholders can easily take up—even if a landholder was relying on a map that was incorrect that they had not verified with the department, on my interpretation of the law, they would not be able to rely on the defence of mistake of fact if it did apply, because this is a mistake of law. The laws are set in place as to which vegetation can and cannot be cleared and where. Therefore, it is up to the landholder to be aware of the laws

generally and to understand how they relate to the vegetation on their site. This is also not unique to the Vegetation Management Act as it applies to the Water Act and the Forestry Act, where the defence of mistake of fact is not available in certain circumstances.

To conclude, planning laws and environment laws both also operate to ensure that a landholder does not use the land in a way that harms the public interest through pollution, or inappropriate development, for instance. Equally, vegetation laws ensure that our vegetation is managed sustainably in vulnerable vegetation communities and ecologies are protected for the common good. Thanks very much, committee and Mr Chair. I am open to any questions that you might ask.

CHAIR: In your statement you have said that you still have concerns about the self-assessable codes, which are in the act, and which this bill has not amended.

Ms Pointon: Yes.

CHAIR: Can you explain your concerns about the self-assessable codes that are still there?

Ms Pointon: Happily. The self-assessable codes were brought in under the previous government. They replaced a situation where permits would, I understand, usually have been required. Our key concern with them is that they are very vaguely and broadly defined in many circumstances. Particularly, the thinning and the fodder codes themselves are quite broad in their application and allow for quite broadscale clearing, which might not have necessarily been envisaged by the code itself. We recommend to the government that they are tightened to provide for more sustainable land use and not such broadscale clearing under these codes.

CHAIR: We did hear in our travels some concerns from the farming people that they thought the laws involved with the self-assessable codes were actually still too tough and they wanted them relaxed. It is sort of a bit opposite to what you are saying. They also said they were very difficult to understand and get a real understanding of what they can and can't do and that they were quite strict, they still had to apply and get permission. Do you believe that the laws that are there under the self-assessable codes force the farmers to do the right thing or do you think that they are not the right laws to make them do that?

Ms Pointon: I would say we would prefer a permit system potentially. It might be clearer for landholders if there was a permit system because they could more clearly understand what is or is not allowed of them as opposed to self-assessable codes where, while they have to notify the department, they are left to interpret the codes themselves somewhat. We would wholeheartedly support a review of the codes that did clarify what was allowed and what was not allowed and prevented the broad-scale clearing that is often allowed maybe unintentionally through the codes.

Mr PERRETT: Welcome. We have been out on the road and we have heard a lot of passionate and sometimes emotional witnesses putting forward various views, including other legal practitioners who put forward a different view to what you have in respect to this. One of the things that has come through this process is the inaccuracy of mapping, I know you have mentioned that before, and landowners having to go about a process of proving the department wrong in some cases. In the first instance landowners do not receive advice from the department when the maps change. Is that something that you think that the department should do? When the mapping on someone's property, be it a small lot or a large property, changes do you think that those landowners should be advised of any mapping changes and then potential issues that may come with that?

Ms Pointon: I guess it depends on the resources of the department at the end of the day. In an ideal circumstance it would be ideal that any landowner were advised of changes of the law that affect them, but I know that that probably would be quite a burden on the department to undertake specific notifications to landholders, if at least there could be some notification at a broad level. I imagine they probably do so on their website when laws or maps are changed as far as possible. I am not sure of that myself. Hopefully the department could clarify that. In a fantastic world where the department was given a lot of resources to do so that would be ideal.

Mr PERRETT: I will just put another question. I know you make the reference to red light cameras and the processes around that. The penalties that a court can impose with respect to contravening the legislation in respect of illegal clearing are significantly more than a fine with a red light camera. Given that some of these landowners do rely on the mapping and accept that the department get it right, and then the removal of mistake of fact if they do happen to go into an area where they don't, I just wonder whether from your perspective you could be a little perhaps stronger in and around those comments because we have certainly heard a lot of emotional concern. I put that to you and see whether perhaps you could suggest more firmly that perhaps the department does have a role given the significant penalties.

Ms Pointon: As I mentioned in what I was saying before, I consider the law of mistake of fact would not apply in the case where a map is incorrect because the department themselves—sorry, to step back. The law is in place under the framework that specifies when vegetation can be cleared and where and then the maps are simply a guide to specify the outcome of that framework. As I mentioned, the department makes clear that the maps are not necessarily always correct. There is a provision for the landholders to correct the maps. I consider that the reliance on an incorrect map would not even provoke the defence of mistake of fact. It would be a mistake of law for which there is no defence available. Reapplying the defence I don't think would fix that circumstance myself.

Mr MADDEN: Thank you very much for coming in today. Could you explain the role of the State Assessment and Referral Agency with regard to vegetation management in Queensland?

Ms Pointon: Sure. We did put that in our submission, and I realise it is outside of the scope potentially of this bill, but we do like to ensure that our submissions cover the broad circumstances around the matters that are being dealt with in a bill. The State Assessment and Referral Agency is essentially a brand name for the department of planning. Obviously the committee would be aware that the department of planning is involved in the assessment of applications which concern vegetation clearing. Under our laws previously the Department of Natural Resources and Mines was a concurrence agency for planning related applications that concern clearing, being an area of state interest that they have specialist knowledge about. Under changes to our planning laws under the previous government, the State Assessment and Referral Agency was introduced in essentially the concurrence agency role which I should explain means that a department, a specialist agency like DNRM, could direct the planning department to put in certain conditions or approve or reject an application which concerned an area of state interest to them. That power was taken away and the power lies under the planning department only. The other specialist departments can provide technical advice but that advice does not necessarily have to be followed.

Mr SORENSEN: Time and time again it came up that the mapping was wrong. Why should the landowner have to pay to rectify those mistakes? Isn't it the department's responsibility to get it right? That costs a lot of these people a lot of money. With the onus of proof, I spoke to a lady last night, it cost her $300,000 to prove their innocence. Why should landowners pay for incorrect mapping that can lead to this sort of thing? Why?

Ms Pointon: In regards to the costs that that woman unfortunately had to suffer, I would understand she would be able to seek to recover those costs.

Mr SORENSEN: You know as well as I do you don't get all the costs back.

Ms Pointon: Sadly that might be the case or not. In terms of the obligation around the mapping, I understand it would seem to a landholder potentially burdensome, but I understand also that if it is an obvious change that needs to be made to the map that the landholder can simply call up the department and provide evidence of the incorrect nature of the map and that can be changed.

Mr SORENSEN: Without ground-truthing? It comes up time and time again that it costs thousands of dollars to get it changed. Why shouldn't the department change the incorrect mapping?

Ms Pointon: I have not changed them myself, but I am aware of people who have been able to change the maps freely by simply providing evidence. Maybe it is worth investigating with the department this ability to actually, where there is a clear obvious error in the map, change the error without any charge. Ground-truthing obviously is a costly undertaking. At some point, the government being obviously paid by us as taxpayers, we are paying for the department to undertake that ground-truthing. Where that expense lies is at some point always being felt by the public. It could be also the case, I would argue, that if we were aware of which vegetation can be cleared where, and I understand obviously the mapping is made because it is an easier way of understanding the laws and how they apply to a site, but as I said the department makes it clear that those maps aren't necessarily correct and a landholder does have to go and just double check them against the law that does apply to it. If you were aware of which vegetation can be cleared where, then potentially you would be able to understand better the map and how it applies without needing to correct it and be able to undertake it on that basis.

CHAIR: Our time is up for your questioning. Thank you very much.

SEELIG, Dr Tim, Queensland Campaign Manager, The Wilderness Society

CHAIR: If you would like to make a short opening statement for us, please.

Dr Seelig: Thank you, Mr Chair. Thank you to the committee for the opportunity to present to you today. I wish to acknowledge the traditional owners of the land that we are meeting on today, the Jagera and Turrbal people and I would like to pay my respects to their elders past and present. I would also like to table hard copies of our submission for the committee, as it was quite a dense document and had a lot of colour photos and colour charts in it, and I will be referring to it.

This submission highlights why and how land clearing is a fundamental policy issue in Queensland. The clearing of native vegetation, woodlands and trees is the biggest threat to biodiversity and native wildlife in Queensland. Land clearing impacts on habitats, land degradation, hydrology, soil erosion and drought. 300,000 hectares—that is 300,000 Lang Park football pitches, for the footy fans—were cleared in just one year alone the last year that we had data for. That follows a trend. The chart that is in our submission clearly indicates that. The last two or three years of data that are available show a rise back up in land clearing in Queensland.

Land clearing is also a major source of carbon pollution. Just under 36 million tonnes of greenhouse gases were released in that same one year from land clearing in Queensland. This not only contributes to climate change and negative weather patterns but also adds to local rainfall reduction. Again a chart in our submission tracks pretty clearly that clearing rates and greenhouse gas emissions are very closely correlated. The more you clear the more greenhouse gases you see emitted from land clearing.

The Newman LNP's changes to the land clearing laws and enforcement since 2012, which contradicted earlier promises, have created a crisis that needs to be reversed. Land clearing is out of control again in Queensland. Stronger land clearing laws are urgently needed to protect wildlife and biodiversity, to keep landscapes intact and avoid erosion, to avoid carbon emissions, reduce drought and safeguard our economic and social welfare. The future of the Great Barrier Reef is in part tied to how Queensland deals with its land clearing.

In our submission we make nine recommendations. These include strong support for the bill, but we also highlight areas where the bill needs enhancement, such as removing the sustainable land use item from the purpose of the act, the need for greater concurrence powers across key government agencies and making greenhouse gas emissions a relevant factor in clearing approvals.

We also make proposals for further work on land use and carbon farming, which we believe have a place alongside climate mitigation work to reduce emissions, store carbon and create revenue streams for rural and Indigenous communities. You may have noticed in our submission we also address a series of myths and false claims about the impacts of stronger land-clearing regulation. When the Newman LNP changed the Vegetation Management Act, they sought not only to allow new forms of clearing and to de-protect important native vegetation; they also attempted to change community attitudes about land clearing. The most recent *Statewide landcover and tree study report*, the SLATS report, states—

> Clearing trends were also likely to be driven by a shift in clearing culture and perceptions brought about by the change in government in 2012. The change in landholder perceptions was supported by a new compliance approach, introduced soon after the change in government in 2012. The Department of Natural Resources ... shifted the priority to assisting landholders to undertake clearing rather than the previous priority on assessment and compliance.

This is an official government report, highlighting this. The Newman LNP's intended cultural revolution meant that many farmers, who by AgForce's own admission had essentially accepted the clearing laws as they had been, were now being told that clearing was good again and, in fact, was to be encouraged. There were risks that went along with that: fanning the flames on an incendiary issue, building up expectations among landholders, and chopping and changing laws and policies.

I note that AgForce and those that they supported to submit to this inquiry have made a big deal of the challenges of vegetation management laws constantly shifting. However, this did not appear to be a problem in 2012 for AgForce, when they themselves were the ones who lobbied for legislative change, incidentally also proposing the removal of 'reducing greenhouse gas emissions' from one of the purposes of the act.

The main effect of that lobbying was to create a surge in clearing and the expectation of being allowed to keep on clearing. In 2013 at a previous inquiry on the Vegetation Management Act, we warned that the Newman LNP's changes would lead to a return to both broad-scale clearing via bulldozers and chains, and a dramatic rise in-clearing rates. The Newman LNP and AgForce together have created a big problem that the current government is now having to sort out. The current bill is needed to draw a line under the LNP's regressive and terrible moves.

This bill represents a cautious approach to slowing the clearing of native woodlands in Queensland. It will not stop all clearing, nor will it negatively impact on overall agricultural productivity. Again, this is another chart in our submission. It has tracked trends in clearing rates with trends in agricultural productivity, both livestock and cropping. Unless you can see something that I cannot, there is no obvious connection or correlation between land clearing and land-clearing regulation and farm productivity.

The bill will not address the cultural issue yet, but it will restore a legislative line in the sand that, in our view, should never have been crossed. If this bill is not passed by parliament, we will see a lot more broad-scale clearing, we will see a rush on high-value agricultural applications, and we will see the mass clearing of high-conservation regrowing vegetation, all resulting in our overall clearing rates going through the roof. We believe this committee has an opportunity to stop all of that happening by supporting this bill. I hope that it takes that opportunity. Thank you. Happy World Environment Day for Sunday.

CHAIR: Thanks, Tim. On our journey around Queensland we have heard about clearing and replacement crops, for those high-value agricultural patches that they have done. A lot of the people who have been doing a bit of clearing around the place are saying that the land that they are clearing and the crop replacement is equal to if not better sometimes than the trees or what they call the rubbish trees. The crops that are there are better and hold the soil better than do the trees that were originally there. Can you give us some detail on that?

Dr Seelig: I have seen a number of claims in submissions and from reading the transcripts of claims that grass and crops are better carbon storers, are going to keep landscapes more intact and so on. I do not think you can compare crops and grasslands with established woodlands, either for carbon sinks or for the habitat of threatened species and generally something that is good for biodiversity. I think it is preposterous to argue that crops on riparian areas are a better way of protecting sedimentation and soil runoff than established riparian woodlands. Personally, I think that is a claim that is made without substance.

I have seen the crops that are being purportedly grown at Strathmore and Olive Vale. I think growing sorghum for cattle fodder, which has been grown through chopping down remnant woodlands, particularly in the case of Olive Vale in a Great Barrier Reef catchment area, the habitat of threatened species, is absurd and should never have been allowed.

CHAIR: We also heard concerns from those groups that the remnant vegetation that is there becomes thick and then becomes obviously too thick so native animals and wildlife do not make habitat in it. Also, because it is that thick, it is more susceptible to fire. When fire goes through it is very hot and absolutely destroys everything. Can you explain your thoughts on those comments?

Dr Seelig: Queensland is blessed in that a lot of its vegetation will naturally regenerate and that may result in some thickening that occurs, initially because of the fact that it has been cleared and then regrown. Nature will restore its balances, if allowed to continue to grow. In terms of the fire issue, I think that is a really good question. I think fire management is a key opportunity under broad carbon farming that Queensland should be endorsing more of and should be looking as an opportunity to support Indigenous revenue streams and other rural land holders, so that they can derive incomes from protecting nature and protecting woodlands, rather than chopping it down.

Mr PERRETT: Thank you for coming along, Tim. Tim, you obviously take a very political stance with respect to this. You mentioned that with respect to the former LNP and also AgForce. As we have been travelling the state, we have heard a lot of direct testimony from landholders that opposes what you have said today, particularly on-the-ground experiences from people who are directly affected. One of the issues that has been raised is this: let us say for the community good and to benefit the measures you have mentioned around greenhouse gas emissions and detrimental effects to the Great Barrier Reef, these areas need to be locked up. There may be a loss of production on those properties and many, many landholders have indicated that there will be a loss of production in some form on these properties. Given that there is a greater community good, should not the taxpayers of this state, in the broader scheme of things—the people who do not have the ability to keep remnant vegetation on their properties, be it a town lot or elsewhere—compensate those landowners, for the greater community good?

Dr Seelig: There are a couple of points I would make in response to that. Firstly, when the Vegetation Management Act was amended in the mid-2000s, compensation was paid—effectively, compensation—to landholders. It was about $150 million. About $8 million went to AgForce to help them promote the changes. I think about $130 million or $140 million was made available to landholders through rural adjustment programs. That was effectively in recognition that the prohibition

of broad-scale clearing may potentially have an impact on a number of landholders. I should add, another 500,000 hectares was allowed to be cleared under ballot at the same time. That was done and endorsed by us, broadly because we believed that this effectively was a historical compromise to bring an end to broad-scale clearing.

I think the changes that happened in 2013 unpicked that. They undid that. I do not support further compensation, because I think it has already been paid. We do not actually know whether any of the people who have been clearing in the last two or three years were the same people who received money in 2006. I think the committee should be asking that first, before it starts thinking about further compensation.

Just to come to the issue of individual landholders, certainly I noted that a number of individual landholders have been paraded in front of the committee. I guess that is an attempt to try to personalise the effects of the bill.

Mr PERRETT: Excuse me: I dispute the fact that they have been paraded in front of the committee.

Dr Seelig: I say that because AgForce—

Mr PERRETT: Please explain yourself with regard to that, because that is an insult to every single person who has come before this committee. They have not been paraded. They have come here under their own volition and, in a lot of cases, put a very emotional perspective to what we are doing and what the government is proposing to do. I ask you to withdraw that, please.

Dr Seelig: May I explain why I said that?

Mr PERRETT: I ask you to withdraw that, please.

Dr Seelig: I will withdraw the word 'paraded'.

CHAIR: Thank you.

Mr PERRETT: That is unparliamentary.

Dr Seelig: The reason I suggested that was because I have seen the emails from certain individuals who have corralled individuals to turn up to your hearings and to make the very points that I think you are alluding to.

Mr PERRETT: I think that is a very strong statement to make.

Dr Seelig: I can show you the emails. Would you like me to take this as a question on notice and forward you the emails?

Mr PERRETT: If you want to do that you can do that.

Dr Seelig: Absolutely.

Mr PERRETT: I dispute the fact that they have ben paraded and corralled before this committee.

Dr Seelig: If I may take that question on notice, I will provide you with an email from Peter Spies—

Mr PERRETT: You will not provide it to me; you will provide it to the committee.

Dr Seelig: Sure. What I was going to say was that if you look at the submissions, it is clear that there are also rural landholders and farmers who support this bill. I suspect quite a large part of the rural community has a silent view on this, because they are worried about sticking their heads up and supporting the bill. I think the reality is that we are not going to land clear our way through climate change, the Great Barrier Reef, loss of biodiversity. We have to realise that there are big issues at stake here. The future of the Great Barrier Reef is not a small matter. There are 60,000 people employed through the Great Barrier Reef. It is a $7 billion part of the Queensland economy. We are risking that. The Auditor-General last year flagged that the LNP's changes to the Vegetation Management Act posed a direct threat to the reef through the loss of riparian vegetation, clearing and other practices in reef catchments. That is not us saying that; that is an official government body, an official government person—in fact, it is a statutory authority person—saying that same thing.

I understand that there are a number of landholders who feel aggrieved by this bill, but I think we also need to look at the big picture. We need to look at the future of the Great Barrier Reef. When you think about future generations that are affected by climate change and the loss biodiversity, I think this bill is an opportunity to draw a line under some bad policy, to get back to the program that we were on in the mid- to late-2000s and to start to have a much broader conversation about how we can place greater value on trees standing up rather than being knocked down.

Carbon farming and regulation are key opportunities that I think the committee—we have recommended setting up something like a task force to look at this in more detail. I think that is an opportunity for the committee to further this issue, as well.

Mr PERRETT: You mentioned the compensation that was made available in 1999. There have been 18 further amendments to the legislation since then, with no further compensation payable. Every time there is a further level of restriction on a landholder to retain more vegetation on their property, should not compensation be made available, at every legislative change that impacts the viability and profitability of rural landholders?

Dr Seelig: Firstly, the compensation was paid in 2006; not in 1999. Secondly, no, because I do not think government can feel responsible to pay compensation to every affected individual on every policy change it ever makes. If it did that—

Mr PERRETT: Even if it is in the community benefit, as you mentioned?

Dr Seelig: I would be a very rich person if I got money every time the government changed the planning laws, for example.

Mr PERRETT: So property owners can suffer loss based on a change of legislation without compensation being payable? Is that what you are suggesting?

Dr Seelig: If we are talking about landholders who have owned land for quite some time—

Mr PERRETT: Some for only short periods of time.

Dr Seelig: I am not going to answer hypotheticals because that is not fair. I do not know exactly what the specifics—

Mr PERRETT: Land changes ownership on a daily basis in this state.

Dr Seelig: If someone bought land three years ago, let us say, and had a serious business plan over the next 20 years to undertake agriculture, the first thing they would have done would have been to apply for a PMAV, presumably. If they had vegetation locked up in a PMAV, then they have no complaint. If it has been an idea they have been kicking around for the last few years and now the government is proposing to change the law, there is no substance to their plan other than it being an idea being kicked around. I do not think the government should feel obligated to compensate in that particular case, because it does not compensate you or I when the government changes planning law or other land use law. I think that is a can of worms that no government—

Mr PERRETT: This is based on community benefit.

CHAIR: I think he has answered the question, Tony.

Mr PERRETT: No, he has not answered the question.

CHAIR: I think he has answered the question to the best of his ability.

Mrs GILBERT: I want to go back to land clearing. I do not know whether you have the knowledge around this. As we were visiting different properties they showed us areas that have been locked up where they cannot do any thinning at all and where once upon a time there was grass growing in between the trees. Then they showed us that as the trees got taller the canopy became thicker and there is no longer any ground cover. The surface soils are washing off into the creek and it is silting up. The farmers were saying that if they could do a bit of thinning to let the grass grow that would be better for the environment and for the creeks. They were very concerned that the one-size-fits-all provision in the bill was not allowing them to make some decisions on their properties. Do you have any thoughts on that silting and thinning?

Dr Seelig: Firstly, thinning is not affected by this bill, as Revel said earlier. For better or worse, this bill does not affect the self-assessable codes for thinning or any of the other ones.

Mr PERRETT: This is category R areas.

Dr Seelig: If it is proposed now to be in category R, that means it is in a riparian area of a Great Barrier Reef catchment river.

Mr PERRETT: That is what the member is talking about—category R.

Dr Seelig: Again, it is hard to answer a hypothetical. If you know more information about the property than I do—

Mr PERRETT: This is not hypothetical.

Mrs GILBERT: It is my question.

Mr Seelig: If it is in a category R area, it is not really thinning; it is a question of whether you can still clear in a riparian area in the Great Barrier Reef catchment area. I do not think you should, no. If it is broadly about thinning, there was an independent review of the thinning codes conducted at the end of last year by Cardno Chenoweth—and that is available publicly—that flagged there were abuse problems with both the thinning and the fodder harvesting codes. Whilst it is not a focus of this bill, I would be thoroughly recommending the government have a god look at those codes and see where they could be tightened up.

Mr SORENSEN: One of the problems I see in the Gympie area with the cat's claw in the riparian areas is that, if you are going to take that out of productive areas for farmers, they are not going to look after it. Who is going to be responsible for the invasive weeds that wipe out vegetation anyway?

Mr Seelig: I would have thought a good progressive landholder would be undertaking weed management on their property regardless of—

Mr SORENSEN: But you are taking a 100-metre strip up every gully and he is not going to get anything out of that land because he cannot produce anything off it.

Mr Seelig: Again, that is why I think our thinking is so limited at the moment. Perhaps they are areas that in future could be identified as carbon farming opportunities. I think a lot of policy work needs to be done and a lot of hard grind between the state and the Commonwealth governments needs to be done to work out exactly how this is done and done properly—

Mr SORENSEN: You cannot expect the farmer or the landowner to go to his expense for community benefit and lock up these areas where these noxious weeds are. No mug is going to do that. Somebody has to do it.

Mr Seelig: As Tony Jones would say, that sounds more like a comment than a question.

Mr SORENSEN: Take it whichever way you want it, but at the end of the day farmers are not going to pay for something that they cannot get a benefit from while it is locked up. They will leave this cat's claw grow and it will take over all the trees. I was on the Mary River Catchment Coordinating Committee years ago and we tried to do a lot to eradicate it, but it is an environmental weed and it takes out big timber. It is not just little bushes. It grows up the trees. Who do you expect to do that—either the government or the landowner at the end of the day?

Mr Seelig: If you are asking me that formally, the landholder. But I think we also have a slightly perverse situation here where we are saying that the only way we can encourage landholders to undertake weed management is to allow them to do large scale clearing.

Mr SORENSEN: I did not say that—

Mr PERRETT: No, he did not say that.

Mr SORENSEN:—I said if they have not got any productivity coming out of that area. It is mostly cleared, grassed and has nice trees on it, but if you are going to restrict those people 50 metres either side of the bank—

Mr Seelig: Again, if you can provide me with the specifics. It is hard to answer a hypothetical question on a particular property that you know more about than I do.

Mr PERRETT: This is not hypothetical; it is fact.

Mr SORENSEN: There are a lot of creeks. It is not just one property.

Mr MADDEN: Tim, thanks for coming in today. I want to clarify something in your submission regarding the definition of high-value regrowth vegetation. I am finding it hard to follow. It is on page 5 of your submission, paragraph 4, to assist you, so you know what I am talking about. I am simply seeking clarification.

Mr Seelig: When the Vegetation Management Act was extended to include what was classified as high conservation value regrowth it adopted a cut-off date of 31 December 1989.

Mr MADDEN: Are you talking about our bill?

Mr Seelig: No, I am talking about the previous government's changes—the Bligh government I think it was at that stage. It used that cut-off for a couple of reasons. One, it fitted in with Kyoto Protocol accounting, but it was also a time at which it meant that regrowth was at least 20 years old, so there were established woodlands effectively. All we are saying here is that, rather than keeping

the 1989 cut-off point, we should be moving to a 20-year cut-off point, because that means that for high conservation value regrowth that is established woodland again but is in that gap between 1989 and 1996 protections should be extended rather than sticking with a 1989 cut-off point, because if that is perpetuated that is going to become a diminishing pool of high-value regrowth that could be protected.

Mr MADDEN: Why have you chosen 20 years?

Mr Seelig: Because that was the rationale at the time.

CHAIR: Thank you very much, Tim. Can you have that question on notice to us by close of business Friday 10 June?

Mr Seelig: You will email me reminding me of what that is?

CHAIR: Yes, we will get it to you.

BOYLAND, Mr Des, Policies and Campaign Manager, Wildlife Preservation Society of Queensland

CHAIR: Mr Boyland, would you like to make a short opening statement?

Mr Boyland: I thank the Agriculture and Environment Committee for the opportunity to appear and offer comment for consideration. I am appearing on behalf of Wildlife Queensland. Wildlife Queensland is a long-established and respected wildlife focused Queensland conservation group. Broadly speaking, our objectives are to protect wildlife by lawful means, influence choices, and engage and educate communities. With over 6½ thousand supporters, we are a strong voice for our wildlife.

Wildlife Queensland welcomes the Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016. The bill addresses and corrects, in part, amendments enacted by the previous government that set aside the intent of the Vegetation Management Act to regulate the clearing of vegetation in Queensland by weakening a number of provisions. The rate of clearing escalated under those amendments and, among other things, the loss of biodiversity and remnant vegetation occurred. Highly valued conservation regrowth was no longer protected, and land and water degradation resulted due to loss of native vegetation.

The bill does not prevent clearing but virtually restricts broadscale clearing, again protects high conservation regrowth and contributes to the enhancement of water quality of the catchments that feed the Great Barrier Reef. The bill is a significant step in the right direction. The retrospective regulatory powers to minimise panic clearing is a wise precaution, a lesson well learnt from the introduction of earlier vegetation management legislation in the early 2000s.

Compliance and enforcement criteria have been strengthened. However, additional amendments are required to further escalate the likelihood of arresting the decline in biodiversity. Matters of concern for Wildlife Queensland include the continued reliance on self-assessable codes instead of the need to obtain permits. The unintentional inappropriate use of self-assessable codes may lead to clearing of significant habitat for wildlife or the destruction of vulnerable or endangered flora. The definition of thinning in the act needs to be reviewed having due regard to all the scientific data available. Other issues also need to be addressed and, undoubtedly, they will be highlighted by various other organisations.

While Wildlife Queensland would prefer the bill to be strengthened, the enactment of the bill will be a positive step towards our wildlife and its habitat. Wildlife Queensland appreciates that for the common good there is a need for a balance between development, society and community needs as well as the environment. Unfortunately, the correct balance is yet to be achieved, with the environment being the big loser. This bill, if enacted, will commence to rectify the current imbalance.

From Queensland's perspective, this bill is the first step in reinstating a responsible vegetation management framework. Habitat loss is certainly one of the biggest threats to our wildlife, and this bill will address that issue. Furthermore, the bill will contribute to reducing greenhouse gas emissions that result from decomposing vegetation and fires—the aftermath of clearing activities. It is well established and underpinned by science that greenhouse gases play a significant role in climate change, which is of course a threatening process to our environment and wildlife.

This bill will contribute to the battle to save the iconic Great Barrier Reef by protecting the riparian vegetation in the catchments, reducing sediment loads that will enhance water quality that flows to the reef. While the World Heritage committee of UNESCO elected not to list the Great Barrier Reef World Heritage area as in danger, it is on a watching brief with reports required on the progress of delivering the 2050 long-term reef plan back to UNESCO in 2017.

Any actions that lead to improving water quality and assist in addressing climate change, both of which this bill will do, will be received well by the international community and the World Heritage committee. This is an opportunity to demonstrate to the broader community that the Queensland parliament cares for our environment and appreciates that a healthy environment and healthy people go hand in hand. Vegetation clearing is not being stopped. The bill merely restricts inappropriate methods, activities and reasons for broadscale clearing and reinstates, in part, an appropriate vegetation management that will benefit our environment and its wildlife. Wildlife Queensland strongly advocates that the committee consider the benefits that will flow to our environment—iconic natural wonders such as the Great Barrier Reef and our wildlife—during your deliberations and in arriving at your recommendations.

CHAIR: Can you explain more about your concerns with the self-assessable codes compared to a permit system? I see you mention you would rather a permit system than self-assessable codes. Can you explain how that will protect wildlife?

Mr Boyland: I believe the permit system will work to the benefit of the landholder. It will give certainty that the vegetation that he is addressing is in fact the area and allowable to be cleared. Our knowledge of vegetation is reasonable; it is not perfect by any stretch of the imagination. There can be endangered species in that area that should not be cleared. Unfortunately, the owner of the land would not know that.

I am a botanist by profession and actually a vegetation mapper. In fact I have mapped about 12½ per cent of Queensland. It all depends on the scale you are mapping. That is some of the problems with vegetation mapping—it is not done at an appropriate scale to get the accuracy that is actually needed. You do not have to go any further than night parrot. It was considered extinct and now there is a colony on an area, which has been released in newspapers, not far from national parks. In fact, they border national parks in the west, yet no-one had a clue that the night parrot was even there. Our knowledge of our flora is reasonable. Our knowledge of our fauna is abysmal and it needs to be worked through. Some of these areas that people will intentionally think they are doing the right thing in clearing could in fact be the home for threatened species. Let us face it, Australia has got a lot of good reputations, but unfortunately we are one of the worst killers of our native vegetation in the world. It is not a title we should be very proud of.

Mr PERRETT: I want to touch on a similar question that I put to Mr Seelig earlier with regard to the retention of this vegetation on these properties for threatened species or habitat and the like. Should the government be considering a method to either compensate or pay on an annual basis, as has been put to this committee, for the retention of this vegetation on this land for the specific purposes that you mention?

Mr Boyland: This is very difficult but I have got to be truthful. Wildlife Queensland for a long time has in fact been advocating changes to what is deemed to be the protected area estate in Queensland. Acquiring national park is a very expensive exercise, and management is even more expensive.

Prior to my engagement with the Wildlife Preservation Society, I actually worked for 23 years associated closely with national parks; in fact at one stage I was director of national parks et cetera. We appreciate that the current system is not working. Biodiversity is in decline. Wildlife Queensland has in fact proposed new methods for a protected area estate; in fact we have briefed both sides of parliament on this issue. Part of that is moving to a scheme where—provided it is well established, highly protected and that sort of thing, and it is for in perpetuity—in certain places farmers and graziers would be far better off actually being compensated to manage sections of their area. They could be paid a certain number of dollars per hectare to keep the ferals and the species out of it.

Mr PERRETT: It sounds like you are suggesting that, rather than the big stick approach that is advocated by some, the carrot incentive would be much better—that we work with landholders through a considered process that provides some financial incentive to landowners to do exactly what you are saying.

Mr Boyland: Yes. It has to be done on a scientific basis, it has to be done on a planned process and it has to be for in perpetuity—on title, cannot walk out of it if you sell the block or anything like that. They are some of the ways we believe we need to change to address that. We also need to work with our traditional owners et cetera, but I think this is getting a bit away from the actual purpose of the bill.

Mr PERRETT: I was just interested in your comments around that because we have heard that from people who are on the ground. We have been for visits on to properties. We have had testimony to this committee that suggests that, rather than the big stick approach that is advocated by some, an incentive process could be far more advantageous. That is why I was keen to get your opinion in a considered and responsible way around those issues.

Mrs GILBERT: My ears pricked up when you said you were a botanist. Some of the graziers were talking to us recently about the mulga vegetation. They said they were considered to be a woody weed and now they are classed as a tree that is protected. They were saying that, when they are thickened, nothing grows in amongst them, not even the birds. Have we got some species in the wrong categories?

Mr Boyland: Mulga is certainly not a woody weed. It is in fact a living haystack. I must admit to the committee that back in about 2006 I was engaged jointly by the government of the day and also AgForce to prepare a paper on the use of the mulga lands in Queensland because both governments had it wrong and they have still got it wrong today. If they want to know how to use the mulga lands, they should go and talk to Bean Schmidt in Western Queensland. Mulga does not grow in little rows. You cannot regulate it. I mapped most of the mulga lands; that was the area I specialised in—arid and semi-arid Queensland.

Unfortunately, mulga can grow to the thickness and biodiversity declines. That is an absolute fact. There is no question about that, but there is a way to do it properly. The whole trouble with the mulga lands—which is the most unstable natural land system in Queensland, by the way—is the mulga land blocks were chopped up in the 1950s, which was the wettest decade this century. Wool was a pound a pound. A grazing family underestimated the carrying capacity by a figure of about 600 per cent or 700 per cent. They were allocated 5,000 acres. They thought a sheep could have 1:5, which is absolutely ridiculous—it is 1:25—and they were cut up so small. You can push over 1,000 hectares of mulga, provided you have got 200,000 hectares and you can leave it to come back. Also, with the living haystack, silly animals will not eat each tree you push down. They are very selective. They will eat one, they will move on, they will pass one. I must confess that I still do not believe they have got it right.

Mr SORENSEN: One grazier we were talking to said that Land for Wildlife has dropped off the horizon at the moment. Do you think that is a good way to go with the landowners as well? It was pretty popular about 10 or 20 years ago. This gentleman is so upset with the way he is being treated he is wanting to take it off the records again. What are your thoughts on that?

Mr Boyland: Land for Wildlife?

Mr SORENSEN: Yes. Land for Wildlife projects.

Mr Boyland: We try to encourage people to enjoy wildlife. A lot of that Land for Wildlife, which is basically more in the urban areas and that sort of thing, can be a positive thing for wildlife. There is no question about that.

Mr SORENSEN: Do you think that is a better way to bring people together, rather than the big stick approach?

Mr Boyland: There needs to be both. I learnt a hell of a lot from graziers. In fact I dedicated my master's thesis to one grazier—Herb Rabig out at Cuddapan, which is between Birdsville and Windorah in case you do not know where Cuddapan is. Most graziers try to do the right thing. You would be surprised to know that a number of our 6,500 supporters are in fact graziers and farmers. We have quite a lot of graziers and farmers. You need carrot and stick; there is no question about that.

Mr SORENSEN: You cannot have one without the other.

Mr Boyland: I actually worked on the better management practice program that was funded by the previous government. It encouraged and went out to educate the people about the amendments to the legislation, which was the way to go. Unfortunately, with the amendments to the legislation last time, the education program did not go with it and it should not have because it was an absolute retrograde step. I could not understand why a wrecking ball was taken to the vegetation and conservation laws of Queensland by the previous government. I just could not understand it; I cannot understand it today.

Mr MADDEN: I want to talk to you about this provision in the bill that protects 50 metres of vegetation on each side of the watercourse. There have been suggestions made that that is a one-size-fits-all approach that does not really fit in with large holdings versus small holdings. You might have 100,000 acres on east Cape York but you might have 100 acres on the Mary River, so that 50 metres really cuts in. Do you think there should be some flexibility to the area that we protect?

Mr Boyland: I think it should be bigger, which is probably not the answer you wanted. In the vegetation management, there should be a certain size for drainage lines, there should be a certain size for creeks, there should be a certain size for rivers, and 50 metres is the absolute minimum that you need to compensate because things change. If we do not get the rain, you might not get the grass cover that you need.

Mr MADDEN: So you are saying that the buffer should vary depending on the type of watercourse?

Mr Boyland: Yes, unquestionably. The bigger the watercourse, the bigger the buffer. The 50 metres should be an absolute minimum for drainage lines.

CHAIR: Thank you very much, Des. They were very informative answers.

MACEY, Ms Kirsten, Campaigner, Queensland Conservation Council

CHAIR: Welcome. I will just advise everyone sitting in front of the committee today that we are getting a little bit behind time. I ask that you make sure your answers do not drag on too much and that they are short and to the point. I also ask for your opening speeches to be reasonably short. Would you like to make an opening statement?

Ms Macey: Thank you for inviting me here today. The Queensland Conservation Council provided a submission to the process and we are keen to talk further about this. QCC is the peak body in Queensland. We have over 60 environment organisations, with thousands of supporters from Cairns down to the Gold Coast and out west—some of whom you have already heard from in hearings where you have been going around the state.

My background is that I have been following the climate change issue for over 16 years now, working at local, state, national and international levels. I have also followed the United Nations negotiations on climate change for over 10 years, specialising amongst other things in the land use change and forestry area.

We know, of course—and you know this already—that land clearing is the single biggest threat to Queensland's biodiversity. It exacerbates salinity, reduces water quality and scientists have found that droughts are worsened by climate change. Of course it contributes significantly to greenhouse and gas emissions as well. The laws to control land clearing were in large part enabled by the Howard government and also the previous Beattie government to meet the Kyoto target. That was very important by the federal Liberal National Party to meet the Kyoto protocol target. QCC has a long history working to try to control land clearing. We were there when former premier Beattie called for the moratorium on land clearing. In fact, we handed out flowers to politicians—Labor, Liberal and Independents—who helped pass this legislation.

In 2015 the Queensland Labor government made an election promise to act within its scope to reduce greenhouse emissions and also to control land clearing again, and we welcome that. We know that climate change is real and the impacts are being felt right across Queensland and Australia. We have seen the worst coral bleaching event in history. The agriculture minister said last year that 86 per cent of the state is now in drought. Farmers on the ground are also seeing these impacts. In 2004 I was doing a workshop with the Climate Action Network Australia working with farmers to talk about the impacts of climate change. I think more work actually needs to be done on the impacts of climate change for farmers and the rural communities out there. We are, unfortunately, seeing little action by the federal government on climate change. They have a very weak target to actually reduce greenhouse emissions. What we are seeing is the work that they are doing in terms of the Emissions Reduction Fund is likely to be negated by the emissions that are coming from Queensland's land clearing. Of course, that is a key concern. I think it means that we need to be working in Queensland to reduce land clearing, but we also need to make sure that the federal government is involved in this issue as well because it does affect how Australia accounts for our emissions under the international negotiations.

We know internationally that Australia and the Queensland government both supported the Paris climate agreement in which 195 countries agreed to reduce greenhouse emissions and make sure that we come down to 1.5 degrees in global temperature rise above pre-industrial levels. I think everyone has felt the fact that winter has just started and we have had a very long, hot summer. QCC's goal is to make sure that we do keep under this level because if we do not, the Great Barrier Reef will suffer much more than what we are seeing.

We are concerned that greenhouse emissions from land clearing are contributing to six per cent of Australia's total emissions because when the trees are left to rot and burn, that is when the greenhouse emissions are released into the atmosphere. We were quite concerned about the recent data coming out from the SLATS report in Queensland that in 2013-14 the emissions released were approximately 35.8 million tonnes. I was trying to figure out what this equated to. It is almost the equivalent to Uruguay's emissions. This is an entire country's emissions coming from just one sector in Queensland.

As I said before, land clearing is a significant factor in Australia's recent drought and changing climate. Scientists have found that the importance of land cover change is a contributing factor to observe changes in climate. There are a number of studies out there that have said that the change in temperature can be attributed to land clearing. I think that it is important to recognise the scientific aspect of that. QCC commends this legislation as the first step. It is a first step to get back to where we were previously. In terms of consistency, we need to move on from here now. We cannot see any more retrograde actions in this area. This is 2016. We need to be moving forward and making sure that Queensland's environment is protected for our future generations.

There are some provisions of the bill that we support, including the ability to apply for permits for high-value agriculture clearing and irrigated high-value agriculture clearing. We support the restorations of protections for ecologically important regrowing of woodlands on freehold and Aboriginal lands. We welcome the proposal to extend the protection of regrowth along watercourses into all reef catchments. This is particularly important because of the government's commitment to protect the reef. That is already under threat not only from climate change, as we have seen, but also from water quality. That is welcomed. We support the provision of the reinstatement of the requirement to obtain a riverine protection permit to destroy vegetation in watercourses, lakes and springs. This is important for not only the reef but also agriculture, infrastructure and other property.

From our perspective, the bill still remains a significant compromise. There are loopholes that we believe should be closed in terms of exemptions, in particular, in the urban area. This leaves important vegetation in urban areas that are vulnerable to clearing. This is an important issue that needs to be looked at. As others have already mentioned before me, the reliance on self-assessable codes has been retained, which we would like to see going back to a permit system. I support the statements made by my colleagues who have said that that makes it much clearer. There are 22 million hectares of bushland made exempt on property maps of assessable vegetation that will continue to be open to repeated clearing regardless of whether this vegetation falls in stream buffer zones or compromises endangered ecosystems. It would be good to have a look at how we can limit that and continue to ensure protection for our biodiversity.

Mining is also exempt. We are about to see thousands of hectares of endangered and vulnerable black-throated finch habitat destroyed by the Adani Carmichael coalmine. That has been exempt. We need to look at this with a whole-of-government approach. In our submission we have raised the issue that there seems to be a competition between land uses. On the one side we have approval for a coalmine expansion on strategic cropping land in the Darling Downs. This is only for an expansion for another 13 years. It will destroy 1,300 hectares of strategic cropping land. Then on the other hand, we have land clearers wanting to clear woodlands and native vegetation for agricultural purposes. It seems to me that we are missing the bigger picture here. If we are allowing the coalmine on strategic cropping land and we are clearing native woodland and vegetation for agriculture, there seems to be something going wrong. We need an approach to land that works within the landscape rather than seeking this 'dominate and destroy' culture and an attacking culture that is causing an 'us and them' approach, which I do not think is helpful. QCC would really like to see all sides coming together to protect Queensland. Thank you very much for the time.

CHAIR: Just a quick question, I took note that you mentioned high-value agriculture and you actually supported that. Is that because of what is being replaced by the high-value agriculture? Do you deem that as being sufficient to help with emissions to the atmosphere and the like?

Ms Macey: Sorry, can you please repeat that?

CHAIR: You said in your comments that you supported high-value agriculture and irrigated high-value agriculture. I want to get an understanding of why you made that commit.

Ms Macey: For the permits to clear that. We are wanting to make sure that remnant woodlands are protected. It is basically reinstating provisions that existed prior to 2013 for remnant vegetation protection.

CHAIR: You do not support high-value agriculture or irrigated high-value agriculture, just the protection of the timber land?

Ms Macey: The protection of remnant woodlands in terms of if you were clearing these remnant woodlands for agriculture.

CHAIR: Just to clear that up for myself, if land is cleared for high-value agriculture and they have put a crop in, basically you are saying that you support the crops they are replacing are sufficient for the climate and the like? Is that what you are saying?

Ms Macey: In terms of carbon benefits, cropping land is a measure used in the international negotiations to store carbon. In terms of a crop land, it is a temporary benefit. What we need to see is long-term storage of carbon. We need to see carbon being stored long-term so it acts as a carbon sink so that it can regulate and take those greenhouse emissions out. In terms of crop land, it is short-term, so it is not effective as long-term storage.

Mr SORENSEN: You talk about the cropping lands. We had one farmer out at Roma or Charleville who said that he had his soil tested some years ago and he has had it tested recently and the carbon was a lot higher in the soil at this point. Do you take that into consideration when you are measuring the carbon loss and carbon sinks?

Ms Macey: In the international reporting and accounting that the Australian government has to do, they go out and do those kinds of things. There are farmers out there who are improving their soils, and if you see an improvement in soil you can actually increase the carbon in your soils.

Mr SORENSEN: That is what this guy is doing, but do you take that into account?

Ms Macey: He is clearly doing practices that are improving the—

Mr SORENSEN: Is there any measurements of that?

Ms Macey: That is the very difficult question about whether or not you need measurement because you actually need to go out there and be doing the testing. That is really an Australian government issue. My understanding from the experts in the UNFCCC, who review the reports of the Australian government, is that there are only eight sites in Australia where they do soil carbon. That was my understanding in 2009. That is an issue that you should raise with the Australian government.

Mr MADDEN: I have a question with regard to your submission. You would have heard today and in other hearings that we have held that there has been considerable discussion about the reversal of the onus of proof and the removal of the right to rely on mistake of fact. That reversal of the onus of proof has often been taken to mean the removal of the right of silence. With all that, I wonder if you would clarify what you meant in the final page of your submission where it says that one of your concerns with regard to the act is the ability to withhold incriminating evidence of illegal clearing for prosecution is retained. Given that the act removes the right of silence, why are you saying that there is some evidence that the act itself will allow the withholding of incriminating evidence?

Ms Macey: I would have to take that question on notice. Our submission was drafted by a number of colleagues in the organisation and I would have to refer that to them.

Mr MADDEN: If you could take that on notice that would be good.

CHAIR: Thank you very much, Kirsten, for your time and your comments. Could you get that question on notice to us by the close of business, Friday, 10 June, please? I would now like to call on Gecko, Ms Rose Adams, please.

ADAMS, Ms Rose, Gecko

CHAIR: I remind you to try to keep your opening statement relatively short as well as the answers to your questions, please.

Ms Adams: I appreciate the opportunity to address the committee. Coming last gives me a shorter opportunity. I will not repeat all the statistics that you have heard from the preceding speakers. We, too, have reviewed the SLATS data and included it in our submission.

The summary of our concerns—why we support the passing of this bill is because it will result in increased protection of habitat for native wildlife, enhancement of biodiversity, reinstatement of the broader requirement for environmental offsets to be required for any residual impacts from clearing development, increased protection for riverine systems, reduction of erosion and loss of topsoil, reduction in runoff from cleared land entering the Great Barrier Reef marine ecosystems and other systems along our coastline and retention of vegetation for carbon sequestration.

Gecko is a community organisation based on the Gold Coast, so it is an urban group. We look after many issues. One of the chief matters that we look after in response to the concerns of our members is vegetation clearing and vegetation management. Like many, many environmentalists and people who love the land, we were utterly dismayed at the changes in 2013. The submissions that were put in for this hearing even exceeded the submissions put in for the 2013 vegetation management framework bill which, at over 600 submissions, was the largest number of submissions the committee had ever received. It is a matter of enormous concern to many people.

We believe that this bill has to be passed. Since the submissions were called for we have had increasingly disturbing amounts of news. It is reported that the clarity of the Great Barrier Reef has gone down. They are calling for urgent action to control siltation, run-off and residues from farms containing pesticides and nutrients which are all damaging the reef in addition to the impacts of climate change. We assert that in the face of a drying climate, rapidly increasing temperatures and a predicted future of increasing climate instability, the very short-term gains to be made in the agricultural sector for increased production activity are destroying not only Queensland's biodiversity but its resilience and threatening the very industry it purports to benefit. At a time we are experiencing the starkest coral bleaching of the Great Barrier Reef ever, action to reduce greenhouse gas emissions—a key purpose of the vegetation management legislation—is critical.

Coming from an urban group we are presenting some Gold Coast perspectives. The vegetation management changes in 2013 not only impacted on broadscale clearing and farmers but very much on urban management. It was not very well protected at the best of times, but the protections disappeared almost entirely. We are concerned about the current regime of vegetation management, which is now reflected in our new city plan on the Gold Coast. Under the current framework, which allows greater clearing, koala habitat is less effectively protected, driving this beloved and iconic species ever closer to localised extinction in the wild. Prior to 2013, exemptions were provided for clearing under a development approval for a material change of use or configuring a lot if the loss was less than two hectares. In 2013 this was changed to five hectares, putting at extreme risk the few remaining patches of threatened regional ecosystems and wildlife species such as koalas and greater gliders which use these areas as refugia and will no longer be assessed.

That was an enormous concern to us, and I spoke about two issues that have arisen prominently since the bill was tabled. The second one is the plight of the koalas. A report released by the government shows that they could well be locally extinct in five years, and the government is now looking at fencing off habitat for koalas so the last remaining populations we have can be protected. The enormous loss of our koalas, their decline and imminent localised extinction, is directly as a result of land clearing. Once the Vegetation Management Act changed, anything under two hectares could be cleared. There were no concerns expressed by council officers. Clearing in rainforest and clearing in known koala habitat is allowed to go ahead. Borobi, the blue koala, is the emblem for the Commonwealth Games which are shortly to arrive. We think he is blue not because he comes from the ocean, but because he is depressed.

Enormous sums of money have to be thrown at the problems that arise from too much clearing. In our city, Coomera in the north was massively cleared for housing. The clearing should never have taken place and Coomera should have been located in farmland, but that was a fight from the 1980s. Nonetheless, they did not set aside adequate land. The government has now introduced a task force and will again be putting millions of dollars towards protecting koala populations there. Retrospectively fixing up the things we are doing now with too much vegetation clearing is only costly in the future.

Finally, we had some recommendations for the bill which we have put in our submission. We support the amendments to the offsets act which require offsets for any residual impact not only on prescribed environmental matters but rather only on significant residual impacts. We are strongly supportive of that, but we would like a review of those offsets and how they are managed. That too was a significant change in 2014 which negated the effects and the purpose of the Environmental Offsets Act, which is no net loss of biodiversity. We are seeing the results of these changes: we are losing biodiversity.

We would also like to see greater protection of endangered vegetation in urban areas, which I have touched on, and we certainly support the clearing of regrowth vegetation in watercourses. It is limited to a few catchments. We have recommended that the provisions apply to other catchments in Queensland; in fact, they should be applied to all watercourses. This was shown to be critical in the 2011 floods, which saw sediment flows in South-East Queensland catchments threatening our water supplies and seagrass beds in Moreton Bay.

Mr MADDEN: Briefly, the ultimate objective of this committee is to prepare a report which will be presented to the parliament. It will make suggestions with regard to possible amendments to the bill. You are proposing that one possible amendment would be that we revert back to two hectares—what was it?

Ms Adams: For a material change of use or reconfiguring a lot, yes.

Mr MADDEN: Should revert back to two hectares as it was pre-2013?

Ms Adams: Yes. I am not saying not clear lots under two hectares, but that they require a much higher level of scrutiny to see if they contain matters of environmental significance.

TAYLOR, Dr Martin, WWF Australia

Dr Taylor: On behalf of our five million supporters around the world, our more than 200,000 supporters in Australia and our 40,000 plus supporters in Queensland, I thank the committee for the opportunity to talk to our submission. I will note in passing that we have one submission, but we also put up a template submission, No. 688. Our record is that 1,072 of our supporters put their signatures to that template submission.

The WWF is very interested in consensus on the environment. We do not like political footballs because we believe they are counterproductive. The first thing we looked at when we looked at the Vegetation Management Act is the fact that there is bipartisan consensus on the purposes of the Vegetation Management Act; namely, to regulate clearing so as to conserve remnant vegetation, so as to reduce greenhouse gases, so as to prevent biodiversity loss and land degradation and to allow for sustainable land use. This is an agreed position by all parties; it is in the purpose of the act. There is no provision in the current bill to change those purposes, just as when the previous government changed the act in 2013 it retained those purposes.

Whether the act is fulfilling or furthering these purposes is something that can be tested against empirical evidence. On the evidence at hand, is the act as it stands conserving remnant vegetation? No, it is not. Remnant clearing tripled in the two years 2012 to 2014, according to the most recent SLATS report. The reinstatement bill will help repair this flaw by restoring the 2006 ban on broadscale clearing. If you recall—and it has been mentioned before—this ban was supported by Liberal party MPs and the Independent MP Peter Wellington in 2004 when the amendments were introduced during the Beattie government. It was reversed by the former government with regard to so-called high-value agriculture or high-value irrigated agriculture. The reinstatement bill will also help conserve remnant vegetation by restoring an effective compliance regime to stop illegal clearing. Illegal clearing, of course, undermines all the purposes of the act.

The reinstatement bill will not repair a very significant flaw in the act: self-assessable codes. Under these codes remnant forests can be bulldozed on virtually unlimited scales with no permit required. I direct members to figure 7 and the associated section in our submission and the Cardno review of self-assessable codes, which was mentioned previously in earlier testimony. For the benefit of the committee, footnote 67 of our submission gives the link to the Cardno review of self-assessable codes.

Moving on to another purpose of the act, does the act reduce greenhouse gas emissions that clause global warming? Global warming just gave us the warmest autumn on record and a massive wave of coral bleaching and death in the Great Barrier Reef. No, the act as it stands is not reducing emissions from land clearing, which have doubled since 2011 according to the SLATS supplementary report.

Turning to the loss of biodiversity, does the act as it stands fulfil the agreed purpose of the act to prevent the loss of biodiversity? We do not see, Mr Chair, how it can when over 200,000 hectares of mapped habitat for Commonwealth threatened species was cleared in the two years 2012 to 2014 and while another 800,000 hectares lost protection under the previous government. Most of this area is due to the reversal of the 2009 amendments which regulated the clearing of high-value regrowth.

Turning to those 2009 amendments which regulated the clearing of high-value regrowth, this is a reform of which the AgForce president John Cotter said at the time, 'The new legislation balances productive management while maintaining biodiversity values.' Mr Cotter's statement implies that the removal of protection from high-value regrowth on freehold land by the previous government in 2013 put land management out of balance with biodiversity values. We concur.

Mr Chair, the faunal emblem of Queensland is the koala, and four years ago the koala in Queensland was listed as vulnerable to extinction by the Commonwealth Government because the numbers in Queensland had dropped 43 per cent in two decades. The situation in South-East Queensland is even worse. Recent reports show that numbers have dropped by 80 per cent on the koala coast and have halved in Pine Rivers. It is a profoundly sad thought and an indictment on the ineffectiveness of our laws that in our lifetime the koala coast may have renamed the 'no more koalas' coast. The Department of Environment and Heritage Protection tells us why. They say—

The biggest threat to koalas is habitat loss. Much of the koala's habitat in Queensland overlaps with areas where significant clearing has occurred, and continues to occur, for urban, industrial and rural development.

Is the act as it stands preventing the loss of biodiversity, which is a purpose of this act and agreed on by all sides of politics? No, it is not. No, it is not when koalas are being driven to extinction by land clearing. No, it is not when the resurgence of land clearing is causing water and greenhouse gas pollution that is literally killing off one of the most biodiverse ecosystems on our planet: the Great Barrier Reef.

Let us turn now to the final purpose of the act. Is the act allowing for sustainable land use—a purpose added in the amendments of 2013 but which is retained in this bill and with which nobody, as far as I know—and certainly we—do not have any argument. We do not see how land use can be called sustainable if it is accelerating the loss of remnant vegetation and greenhouse gas emissions and if it is driving biodiversity loss and the loss of the Great Barrier Reef. We would love to see Queensland become a world leader in genuinely sustainable production. Unfortunately, the Vegetation Management Act in its current weakened state puts Queensland at odds with the world's major retailers, manufacturers, traders, producers and banks, who in 2010 committed to removing deforestation from global supply chains.

In response to the radical changes made to the act in 2013, WWF has reluctantly decided to add eastern Australia to the list of global deforestation fronts—an inglorious collection of places where 80 per cent of all future deforestation on earth in the next 15 years is going to take place. Thanks to the changes made to the act in 2013, Australia is now the only developed nation in the world on the list of deforestation fronts. In conclusion, the Vegetation Management Act as it stands is not delivering on its purposes—purposes on which there is bipartisan agreement. The reinstatement bill represents a sensible and effective reform which will go a long way to restoring consistency with these agreed purposes and we commend the bill to the committee.

CHAIR: Thank you. I want to touch quickly on self-assessable codes, and you did just touch on it briefly. We have heard today but we have not heard too much along our travels about the use of permits rather than self-assessable codes. Can you give me your thoughts on self-assessable codes and if a permit system would be a better approach rather than self-assessable codes?

Dr Taylor: Yes, we believe there is room for self-assessable codes if there is low ecological risk. In other words, if there is risk that there is a mistake in the execution of self-assessable codes, you do not suddenly get 4,000 hectares cleared—bulldozed—which includes endangered ecosystems, which has actually happened under the thinning code. Yes, we believe there is a scope for self-assessable codes if that scope is limited, and I believe we discuss that at length and made recommendations in our submission.

CHAIR: Thank you.

Mr PERRETT: Thank you, Dr Taylor, for coming in. I just want to touch on that compensation issue—and you have heard the questions previously—and get your thoughts in and around whether there should be a big stick approach or a carrot approach to this particular issue, so landholders being encouraged or required to retain certain vegetation on their property and whether there should be compensation or a mechanism that pays landholders to retain that vegetation in the broader community and world benefit, as you have indicated in your presentation today.

Dr Taylor: I thank you for the question. I think as has been mentioned before, the 2004-06 ban on broadscale clearing contained a very generous compensation package. Actually, it was an assistance package; it was not strictly compensation because there was no recognition then, as there should not be now, that there is any inherent right in being able to cut down native vegetation and cause degradation of the public interest in a clean environment. Nevertheless, at the time there was a substantial package of $150 million I believe. If the committee wishes I can table it, but there was a report at the time that the Beattie government had produced which estimated that the loss in agricultural value due to the pending ban on broadscale clearing was of the order of $180 million at the time. The Beattie government had a report done and the $150 million was pitched to be very close to that amount, but of course there was an additional consideration put into the mix which was that half a million hectares of broadscale clearing was allowed under ballot for properties that had to have had more than 30 per cent of their property in remnant clearing. There was ample opportunity made prior to the ban on broadscale clearing and as part of the package to assist landholders who would be adversely affected. I think all those considerations have been settled in the past. I do not think there is any doubt about that.

I remind you that we still have a policy of locking in exempt vegetation if it is mapped as exempt on a property map of assessable vegetation and there is 22 million hectares of Queensland, which is an area approaching that of the island of Great Britain, which is mapped as exempt on a property map of assessable vegetation. There is a presumed right associated with that—in other words, if you were to remap that vegetation as protected in some way, it would be a compensable right. There would be no doubt about it. Certainly, where such rights exist there would be a requirement for the government to compensate them and there are such rights that appear to be the case with PMAV X. I note in addition that only about half, according to my analysis of the land use map of Queensland, of that 22 million hectares has actually been converted to sown pastures, crops, buildings, roads et

cetera. In other words, we have a very substantial area of Queensland—about half the area of the island of Great Britain—which is totally exempt, can be cleared at any time, mostly has probably scrubby regrowth on it and can be converted to agriculture if the landholder so pleases.

Mr PERRETT: As a supplementary to that, you obviously then support that right being locked in perpetuity into the future, because we have heard some concern from landholders as we have travelled around the state given the various changes to the legislative status of vegetation over the period since 1999 that they are fearful that that right that may exist today could be changed by government. I want to get your thoughts about that being locked into perpetuity and giving that confidence to landholders that there will be no further change into the future on that particular land.

Dr Taylor: In our submission I think we say we did not agree with that, that you should not have an absolute right to clear endangered vegetation or endangered species habitats. Nevertheless, the bill before the committee preserves that right. It does not change it. As far as I know, if the government tried to change it, it would face quite a considerable legal claim from landholders who would say, 'No, you told me that was locked in as PMAV X, so you now need to compensate me.' I will add in passing that we have done a very extensive analysis. We have been very active trying to help landholders who have regrowth on properties that are PMAV X that they have a right to reclear. We are very active in helping landholders seek a grant from the Emissions Reduction Fund, the Commonwealth government's Emissions Reduction Fund, if that regrowth fits some of the methodologies that are available for them and we have identified thousands of properties—we are cooperating with a carbon broker—and are trying to encourage those landholders to take advantage of the Emissions Reduction Fund so that they can seek a carbon benefit.

CHAIR: Thank you very much, Dr Taylor. As there are no further questions from the committee, we will break for lunch and the hearing will resume, because of this morning's little hiccup, at 1.15 to hear from the next lot of speakers, the Queensland Farmers' Federation.

Proceedings suspended from 12.52 pm to 1.14 pm

HENRY, Mr Ross, Project Manager, Queensland Farmers' Federation

KEALLEY, Mr Matt, Senior Manager, Environment and Sustainability, Canegrowers

MURRAY, Mr Michael, General Manager, Cotton Australia

WADE, Ms Ruth, Consultant, Queensland Farmers' Federation

CHAIR: Good afternoon. Welcome back to the Agriculture and Environment Committee's public hearing in relation to its inquiry into the Vegetation Management (Reinstatement) and Other Legislation Amendment Bill. I welcome the representatives from the Queensland Farmers' Federation. Would you like to make a brief opening statement?

Ms Wade: Thank you, Chair. We are represented here today by three of our industries that made submissions to the committee. The Queensland Dairyfarmers' Organisation also provided a written submission. Our position is quite simply that the legislation in its current form should be rejected. We do not believe that we have been properly or appropriately consulted, contrary to the government's wishes to be consultative on this process.

We have some specific issues that are of concern, but those concerns are shared by everyone in the agricultural sector. We are very keen to sit down and talk about what options there might be. We believe we can contribute to a sensible and reasonable debate about where we need to get to to ensure there is a sustainable vegetation management framework in Queensland so that farmers can manage their properties into the future.

CHAIR: I go back to your opening statement about consultation. Are you saying that there was no consultation with any of your group in the federation at all?

Ms Wade: Chair, there was early consultation but since Christmas there has been virtually no consultation, and that has been difficult because the Queensland Farmers' Federation has not been front and centre in terms of the running of this issue. We were probably as disappointed and surprised as others to see the form of the legislation when it finally hit the parliament. We had been having discussions about what the middle ground might look like or what was really important for us to maintain in terms of being able to manage vegetation into the future. When we saw the legislation and saw that high-value agriculture, high-value irrigated agriculture and any other structures that might allow a sensible and responsible management framework into the future had been deleted we were not aware that that was where we were going to end up.

Mr Murray: From Cotton Australia's point of view, I am completely unaware of any discussions between our industry and government on this legislation.

Mr Kealley: From Canegrowers' point of view, we were involved in some roundtable discussions before the end of last year. They did not go anywhere. Now when we stand here is when this information has come forward. We would like to have a discussion on how we can make it better.

CHAIR: Other than high-value agriculture, what are some of your biggest concerns with the proposed bill?

Mr Murray: For our industry it is the high-value irrigated agricultural land and the high-value agricultural land pathway. From the cotton industry's view, there are certainly opportunities in Northern Queensland for further development. We have seen the government make available about another 350,000 megalitres of water for irrigated agricultural development in places like Richmond and Gilbert. It would seem to us strange that you would take away this pathway which is probably the most highly regulated pathway that was in the existing legislation because it was regulation so that could be changed by going through an application and assessment process. If people wanted to, you could change the criteria over time if you thought they were inadequate. It takes away some flexibility.

When I canvassed our growers, particularly in the Richmond-Gilbert, the response has been that it probably will not affect us because we have enough land that we can clear under the self-assessable codes, but I know Bill is affected. What we would like to think—and, as an industry, we pride ourselves on our best management practice program—is that if you were to do any development for agriculture you would do it at the very best level of practice. That may involve some clearing of native vegetation; that may mean significant offsets, but at the end of the day you would get something that was best for the state of Queensland as a whole and best for agriculture. It seems really foolish to take that away.

The other area that has been spoken about a lot is the removal of the mistake of fact defence. I must admit that I have not spent a lot of time pouring over the maps, but out of interest I did open up a map over the Theodore irrigation area and found some R protected land that was running right

through the middle of irrigation fields. I am not too sure what software did the mapping interrogation. Maybe they picked up a channel or something, but I can assure you that there is no creek, river or stream running through that particular field in Theodore.

You will hear later, if you have not already heard, from the Queensland Law Society and they can go into the details around this, but at the very least until there is absolute confidence in the mapping removing that mistake of fact defence seems very dangerous to me.

Mr Kealley: From Canegrowers' point of view, we have the same concerns about high-value agriculture and high-value irrigated agriculture. How do we open up the north with opportunities for new cane areas under the current bill? How do we effectively manage the category R 50-metre setbacks, particularly in the cane industry? A lot of our remnant vegetation is along watercourses and along those areas. How is that tied back into reef regulations and the reef programs that are trying to improve water quality and practice changes on farm. We need some certainty about this bill and what the future holds for growers, because it seems to keep chopping and changing. They cannot make longer term decisions on how to effectively manage their lands. That is a longer term view.

My view on ecosystem services is that growers potentially have some opportunities into the future, depending on how they manage their land, which can bring some value back to their farming business, whether it is looking at offsets, greenhouse gas, carbon abatement and those types of opportunities. We would like to see those explored more effectively and not just say, 'This is locked up; you can't do any more about that.'

Ms Wade: Can I come back to the reef? We chair the Reef Alliance, which is an alliance between industry, WWF and NRM groups. We work intensively with all sorts of government agencies on how to protect the reef in the long term. The water science task force report was released I think last week. It recommends voluntary retirement of marginal land from production. We recognise that potentially there are some areas along the reef catchments that potentially should not be. We would argue that this will not be able to occur under this legislation. People will lock in place their current footprint. They will not be prepared to allow anything that is currently in production to be taken out of production even though there may well be evidence that there is an alternative and much more sustainable area that can be developed. We think there are some perverse outcomes in terms of legislation and recommendations that government is dealing with that are not consistent.

Mr PERRETT: Thank you for being here today. You may all be able to answer this. I want to touch on the issues around economic development in regional Queensland and job opportunities that are linked to that by the expansion of agriculture. I cite specifically, and this is with regard to canegrowers, MSF Sugar in Maryborough, which had planned an expansion of their operation to provide not only a broader economic base within that region but also job opportunities. The member for Maryborough and the state Treasurer made certain comments around that. Do you think this bill will either enhance or stifle—and I say that in the fairest possible way—job opportunities within agriculture across Queensland?

Mr Kealley: Not intimately knowing what Maryborough sugar will do in Maryborough, I see there are quite a few opportunities for expanding our cane footprint in these regional areas. Some of these regional towns are sugar towns. If you look at the Herbert River, it is a sugar town. If you look at Mackay, it was a sugar town which went to mining. Mining has gone and now it is back to sugar being the core industry. A lot of people who have gone off farm, particularly in the Mackay area, are coming back on farm looking for jobs as there are more opportunities.

The cane industry in maintaining that footprint will secure some of those jobs in those regional areas. I know I am probably sounding a big vague and broad, but it tends to be the backbone in those regional areas and communities. There will be a flow-on effect in support services to agriculture such as agronomists, fertiliser resellers and all the things that go along with that. Having some certainty as to how much land we can use and how we can utilise that land into the future supports that community and it supports those job opportunities.

Ms Wade: I will add that there is also a restructuring going on in the south-east corner, particularly horticulture. Some of our intensive animal and bird industries are major employers. For obvious reasons of periurbanisation, with the expansion of urban areas into the south-east corner some of our industries need to relocate over the range. They will need to locate to greenfield sites. If they do not, then the jobs and industries will disappear. That is a very real issue now.

It is a live issue for chickens. They are looking at expanding and putting new sheds on new sites. In terms of horticulture, it is relevant everywhere because lots of the development potential that we are seeing in the south-east corner and in the north of the state will be horticulture—intensive crops that have intensive job opportunities around them. It will not be huge broadacre areas. They

will be smaller, niche areas. Pineapple growers, for instance, are looking to the north to secure their annual production. There is massive expansion of macadamias and avocadoes—a whole range of tree crops and horticulture. All of those provide opportunities for jobs in the regions they are relocating to.

Mr PERRETT: When we were in Cairns we heard from the Cape York Land Council some fairly strong testimony to this committee that they do not support the current legislation based on the stifling of opportunity in that region, particularly within those communities that have some challenges in and around a number of issues. Do you work with our Indigenous communities, particularly in the north, in looking for agricultural opportunities to assist not only their communities but also the broader agricultural benefit to the state?

Ms Wade: Queensland Farmers' Federation has not been actively working at the moment, but we are very alert to the fact that because our industries are all irrigation industries as there are opportunities for expansion in irrigation we certainly will be looking at what the opportunities are to engage Indigenous people in employment opportunities but also potentially in business opportunities.

Mr Murray: The cotton industry at various times has engaged very closely with the Indigenous community, most recently at St George where we were running an employment program with the department. Unfortunately, the timing coincided with the onset of the drought so it has not grown as much as we would have liked. In terms of opportunities in the north, I go back to water being made available in the Flinders-Gilbert area. As a very rough rule of thumb, within the cotton industry each megalitre of water will generate about $500 on farm each year. If my maths is right, 300,000 is about $150 million worth of on-farm agricultural activity in those regions. That certainly would be a major boost. It is a long time since all the funding from *Crocodile Dundee* has been spent in that part of the world so it would be a good follow-up.

Mr MADDEN: As you would be well aware, the bill will add three new catchments for coverage in Queensland—east Cape York, Fitzroy and the Burnett Mary. You have not mentioned that in your submission. Would any of you like to comment with regard to the addition of those three catchments?

Mr Henry: Category R is somewhat of concern in the Great Barrier Reef catchment because of the water quality issues or outcomes. There is an argument to say that the one-size-fits-all bill is not necessarily the right fit for the whole catchment. Some scientific research into the proper riparian zones for certain areas, stream size, creek size, river size and also soil types is probably needed to actually make it a more effective on-ground application of category R. If category R is to go ahead that type of scientific evidence to back up the proposed legislative changes would definitely be worthwhile.

Mr Murray: That reinforces our position that we did not want to come to this committee with a whole range of alternatives. We believe the proper time for that discussion is in consultation with the government in developing a bill. That did not occur prior to this bill. We would like to see this bill rejected and have those conversations. We have raised some key issues and some are more negotiable than others. Basically, we are prepared to talk to get a long-term outcome. As an industry, we are tired of the pendulum swinging one way and then another. We are happy to talk, but we cannot talk with this current bill on the table.

Mr SORENSEN: I was going to ask the same question. With regard to the sugarcane industry in Maryborough and Bundaberg and the river systems there being included in this bill, how is that going to affect the sugar industry?

Mr Kealley: Following on from what Ross said, originally the reef regulations brought in 50-metre setbacks from watercourses to try to improve water quality going out to the reef. I see that the current task force report brought down last week by the Chief Scientist had some recommendations about extending those regulated areas as well. From my point of view, I am seeing that it is going to be inevitable that those areas will include the whole reef catchment.

In terms of setbacks and the detail behind that, when the reef regulations were first brought out we did a bit of a back of envelope view of how much land that might take out of production in a cane area. It comes back to the definition of a watercourse. The first thing is to exactly understand the definition of watercourse and the impacts on the cane area under production.

From our back of envelope work we identified that there is a potential risk on those sorts of numbers that you could actually impact the production area and make the mill unviable which then creates flow-on effects back to employment, back onto the economy and alternatives in the region. I do not have exact figures, but they are some of the issues we are thinking about and how it might impact our industry.

Mr KATTER: I have a question for the Queensland Farmers' Federation. There appears to me to be a bit a misconception that if you completely deregulated vegetation management there would be the onset of large scale clearing. What I have picked up from these tours is that there is a real commercial inhibitor. It is an expensive activity. In the vast majority of the western areas most of what we are talking about is unviable to do anyway. Can you give us a bit of feedback on that?

We heard from one of the places we visited that they have a budget to do a little bit of this each year because it costs them a lot of money to do it. The commercial barriers to doing this are not acknowledged. Yes it is part of vegetation management clearing but it is an expensive process. Most people do not have the money to go out and do a big heap of clearing. Could you comment on that for us?

Ms Wade: I think there is a misconception that there is wide-scale clearing for clearing sake. That is nonsensical. No good business operates on that basis. What we have been talking about is a very strategic approach—that is, where it actually delivers business outcomes, it delivers increased productivity, it increases the opportunity for us to diversify our industries into different seasonal environments, water environments or water catchment so that we have year round coverage to supply to our markets. It is all driven by what happens at the market. The final, and probably the last decision, is actually how much you clear and when you clear it and what that will do in terms of the business plan.

I think we need to get over the perception that anybody is out there waiting to just go out and clear. What we are suggesting is that we sit down and work out how we can actually build that into a long-term business strategy that is sensible, careful, considered and delivers all of the outcomes that the business owners want and that our industries need in terms of where we are going and environmentally. The first thing my members will say is that we need to protect our environment because that is what generates our returns year on year into the future.

I think it is nonsensical that we are having a discussion about anybody just blindly going ahead and clearing. What we are talking about is careful, considered and responsible vegetation management that fits with good business plans. Many of my members have full farm plans with full soil types described. They know where they should be farming and how they should be farming. They are doing more of that because that is the future of our industries in Queensland.

Mrs GILBERT: Matt, there were a couple of questions from the other end of the table about the sugar industry in Bundaberg and Maryborough. In my area or Mackay, which is already in the reef catchment area, the farmers are working really well and have improved their farm practices. Have you seen any ill effects on farming by being in the reef catchment area?

Mr Kealley: Ill effects from vegetation clearing or ill effects in general?

Mrs GILBERT: From land management laws.

Mr Kealley: If I quote my chairman, Paul Schembri, the drivers of the environment and economics are aligned. You cannot have a successful business or profitable business unless you manage those two things effectively. The cane industry has its Smartcane BMP, best management practice program. We now have 58 per cent of the area under cane benchmarked in that program in just over two years. I think that is a pretty good outcome. Almost 100 growers are accredited in that program which demonstrates their social silence but also productivity profitability.

The challenges we face is continued water quality and the impact on the Great Barrier Reef. Managing our vegetation is part of that, as well as managing our farm inputs and production on farm and chemicals and fertiliser use. Riparian zones are all part of our BMP program. There are things in place to manage that.

In terms of adverse effects, it comes back to how you manage the edges of your farm. If a farm is cleared it is managed for cane, but then you have your riparian areas. It is how you manage that. Some of the challenges we face coming out of these areas is managing pigs, weeds and those sorts of things. That management is for the public good. It does not necessarily get recognised in the community the benefit growers put back into the community. Hopefully that answers your question.

Mrs GILBERT: I just say that the farmers in my area have a really good reputation for looking after the soil and the run-off and their use of fertiliser.

Mr Kealley: Yes.

CHAIR: Thank you very much for appearing before us.

FINNEGAN, Ms Tracy, Member, Vegetation Management Policy Advisory Committee, AgForce

LEACH, Dr Greg, Senior Policy Officer, AgForce

MAUDSLEY, Mr Grant, President, AgForce

CHAIR: Grant, I acknowledge that you have tried to speak to us at a few places, but for the benefit of the committee and timing wise you stood aside. We were thankful for that. That helped us with our tour of the state. We appreciate and thank you for that. Would you like to make an opening statement?

Mr Maudsley: AgForce is the peak rural group representing beef, sheep and wool growing producers in Queensland. Collectively the industries contribute about $5 billion a year in gross farm gate production. Our members provide high-quality food and fibre products to Australian and overseas consumers. They manage more than half of Queensland's landscape and contribute significantly to the social fabric of rural and remote communities. AgForce members are totally opposed to the changes proposed in the Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016.

Since 1999 Queensland primary producers have borne the brunt of 18 major changes and 38 amendments to the vegetation management laws. This has left farmers with a lack of security of tenure and certainty with which to plan for the future. The vast majority of these changes have been made on the back of political promises not on the basis of environmental logic. Yet again, farmers face more changes driven by what the government thinks is good politics rather than good policy.

Queensland agriculture has the potential to grow from $17 billion to $30 billion over the next decade, delivering thousands of jobs and opportunities in our regions. To grow we need sensible land management laws. The proposed changes in this bill are anything but sensible. The proposed changes will restrict supply, drive up food prices, stifle regional development and make it harder for farmers to grow their businesses.

A particularly offensive element of the proposed legislation is the reversal of the onus of proof, making farmers guilty until they prove their innocence. This means that farmers have fewer rights and are treated worse than murderers and outlaw motorcycle gangs. As the committee has heard, the state government's property and ecosystem mapping across the state is notoriously inaccurate yet these new laws take away that mistake of fact of the inaccuracy defence. This means that if farmers clear land based on the wrong map, it is the farmers who cop the rap not the government.

The committee has heard about the forgotten people—the people who are carrying the lonely burden of environmental expectation while facing economic disempowerment. You have heard from people like Cynthia Sabag, the 70-year-old Tully fruit grower, who spoke of the emotional and financial distress her family had been through over time, after more than a decade of vegetation management laws locked up the majority of her land. Cynthia spoke of being told she would have to pay $3.6 million in environmental offsets for a net gain to her farm of 3.4 hectares of land. Her whole property is worth $700,000, by the way. I do not think anyone in their right mind would think that is reasonable.

People like Colin and Noleen Furguson, who run Cardigan Station near Charters Towers, want to clear just 29 hectares to drought proof their property. They still want to leave 17,100 hectares. They have not actually asked for you to throw the VMA out, they just want to clear 29 hectares. They are happy to leave the rest of the country. They understand the role they play in the environment, but they want to do 29 hectares of clearing.

The reality is that Queensland farmers are world leaders in environmental sustainability and food safety. Queensland farmers are the true environmentalists. Unlike professional, career-driven environmental lobbyists we live, breathe and work in our environment every day. Queensland's primary producers are directly engaged in conservation activities such as biodiversity projects, nature refuges, tree planting and the voluntary retention of category X vegetation that could be cleared legally. All these direct ecosystem are provided on behalf of and for the people of Queensland with no market reward. Carbon rights have been removed. This legislation removes more opportunity for producers to diversify their income streams with the expansion of category C and R vegetation. Every time you legislate away from producers you take away our carbon rights. You will do it in this case if this gets through.

The committee has seen graphic examples of increased soil erosion from unmanaged reef gullies as a result of the legislation. You saw that in Roma yesterday with the demonstration from Anthony Dunn. Landholders need to be able to actively manage stream buffers which can be achieved voluntarily via fencing projects and management—for example, reef trust funding. Do not take away the right to manage the buffers.

Managing vegetation does not mean there are fewer trees in Queensland. The state government's own figures show an increase of more than 400,000 hectares of new wooded vegetation cover for the period 2010 to 2014. They are not AgForce figures. They are figures we found from looking through the numbers.

Agriculture is the lifeblood of many regional and rural communities. Only last week agriculture minister Leanne Donaldson said that farmers' value to the Queensland economy cannot be overstated. With the downturn in the resources sector, agriculture is even more important as an employer and economic driver in our regions.

The federal government's white paper on developing the north focuses on unlocking the great potential and opportunities of North Queensland, with an expanded agricultural sector a priority for the federal government in that vision. The state government has also claimed it supports developing the north, but at the same time is introducing unfair laws like these that stifle opportunities for new high agriculture development.

The state government needs to either support new opportunities and take the lead on developing new priority agricultural areas or draw a line at Townsville—it could perhaps be called the regional area of disadvantage line, the TRAD line—and say no economic development is going to happen above there. That is the reality of what is going to happen if this legislation gets through—the TRAD line.

This government, like many before it, talks about how they want to creates jobs, jobs, jobs, but you do not create jobs by introducing laws that cripple job-creating opportunities. Townsville's unemployment rate is 14 per cent. I do not know where you think jobs are going to come from if you keep shutting down agriculture.

Mr Chairman, it is AgForce's belief that this legislation should be rejected by your committee and rejected by the parliament. Farmers are fed up with constant changes to veg management laws and being used as a political football. We want veg management framework that has bipartisan support so it stands the test of time. We need a framework that will provide certainty to landholders. We want a framework that allows farmers to get on with the job of producing high-quality food and fibre for Australia and the rest of the world. We have not asked for the VMA to be thrown out; we just need sensible laws to get on with it.

CHAIR: We have not heard too much about self-assessable codes, which remain as part of this bill, but there has been some interest from other groups today about changing some of that to a permit system. Can I get your thoughts on that?

Mr Maudsley: We used to operate under a permit system. I have experience with it. The reality was that under the permit system it was time-consuming and it took quite a long time to get through. To be perfectly honest, the permit system gave us more tree-clearing rights than the self-assessable codes do. One thing that has happened under self-assessable codes is we have had a few rights removed in terms of what we can clear, so it is tougher than the permit system because you have to leave more trees. We are obviously working under a framework that was developed by the Queensland Herbarium. This is not developed by AgForce or anyone else. It is developed by the scientists who say that these are the tree retention numbers you need on your certain RE type, whether that is 30 trees per hectare, 70, 90 or 150, and you thin to that extent to maintain the diversity of the system. We need the security to go forward. We have offered the process that was undertaken by DNRM.

Our thoughts on self-assessable codes are we believe the system is pretty good but we just need the certainty to go forward, because every time you fiddle with those laws people wonder where their rights are going next. We need sensible laws that stand the test of time so people do not feel like their rights are being taken away and clear something that should be cleared over a five-year period instead of a one-year period.

Dr Leach: The audits that were done, those self-assessable codes proved quite strongly that people were clearing as per what they were saying.

Mr Maudsley: They were actually leaving more trees than they were supposed to leave, so instead of leaving 70 they were leaving 150 just out of precaution.

CHAIR: In the investigations we have done we have listened to a lot of farmers. As you know, we have heard from over 100 farmers as part of what we are doing. There is obviously a lot of emotion with this new bill, and I just worry about the difficulty there may be understanding self-assessable codes and what they can and cannot do. Someone would tell me a story, and I was thinking to myself that some of this might fit under self-assessable codes. Then we heard stories from farmers about how it is sometimes all just too hard or it is such a complex system, 'I don't know who to look to or who to turn to, so I just do it.' Do you think that if there was more consultation from the government about these type of self-assessable codes or if it was easier to understand, that people might get an understanding of how to do it and the best practice to do it?

Mr Maudsley: Certainly when the self-assessable codes came out people were obviously very nervous of the 'eye in the sky' going over every 16 days, as you well know. As time has gone by important changes happened, and the whole notion of compliance and extension essentially came from the same people so that you knew the person who was going to do the extension and show you how maybe to do it on a test one-hectare plot. He would paint through and say, 'Leave that tree. Leave that one alone. You are allowed to touch these.'

That extension person was also the compliance person, so when they came back to audit you, you knew you were going to be audited. Because the trust has built up with the compliance and extension officers, they are very confident in asking them to come back and just check that they doing the right thing still because they don't want to break the law. People do not like breaking the law. They know what the rules are so they act in good faith and openly, which is a totally different concept to the pre-LNP era where it was the tree police and no extensions.

Dr Leach: As you would have heard in Gympie there was a presentation that called for more extension, particularly with things like self-assessable codes that are reasonably complex for some people and helping them understand.

Mr Maudsley: They are complex.

CHAIR: Is there a belief that there are not enough of these people on the ground? Particularly in Gympie a few of the farmers said there was no-one to go to in any department to find out about codes or to find out what they can and cannot do or ask questions.

Mr Maudsley: The reality is that, in an environment of distrust and uncertainty and animosity and anxiety, some people do not want anyone near their property. That is what happens when this stuff comes in. The trust goes clean out the door and the last bloke you want on your place is a DNRM officer. However, there are good officers around the state who are good people who are happy to work with us on the process going forward. It is more of a cultural thing within the department about how you deal with your clients, and we believe in places there are some exceptional public servants out there who do a great job at helping us with what we need to achieve in our environment.

CHAIR: Do you think there are enough of these compliance officers on the ground?

Ms Finnegan: As a grazier I would say absolutely categorically no, there are not enough. I know graziers in our area who are reluctant to manage their vegetation, and this is a question of vegetation management; this is not about locking areas up and leaving them, because we all know what the perverse outcomes of that are. I think what happens is that perversely farmers now under the SACs particularly have such a fear of the audit process and what goes with that, that they do not manage areas of vegetation appropriately. Perversely we see further environmental degradation because they are not prepared to take the risk of having DNRM coming and knocking on their door and they fear getting fined or getting whatever the outcome might be. I think that is the irony here.

I have a science degree. I consider myself a highly educated individual, and I think the SAC are complicated and hard to follow. Certainly from the perspective of implementation it is onerous, time-consuming and the mapping does not support it. My biggest issue in the Scenic Rim is that I have hugely heterogeneous landscapes that I am dealing with, multiple REs on my property, and I cannot guarantee that the line where my PMAV protected X country finishes is there rather than 100 metres that way or that way. When I am telling my guys, 'I need you to go up there and thin that area', or 'Take that lantana out', or do whatever it is that I have to do to manage my land, I cannot guarantee that I am necessarily going to be within that grey area. That is a big problem for us as land managers. That is me going in with the knowledge that I have.

I consider myself to be well across the regulation. I consider myself well able to navigate the regulatory landscape, and for most of my neighbours—who are ageing farmers who do not even have the internet, have no idea what that means and do not want to use it—they do not know what the rules are because the majority of the publications and the information that is out there regarding this

stuff is internet based. It completely excludes an entire category of farmers in Queensland, and we have an ageing population. I would like to see a situation where we create some equity for those guys. Most of my neighbours would probably be an average age of about 65 to 75. They are old boys. They are trying to do the right thing, and nine times out of 10 they do do the right thing; they just do not realise they are doing the right thing. They are damn afraid of the government in terms of what might happen to them if they dare do this or dare do that.

Dr Leach: Is it okay if we give a bit of a presentation? I want to talk about two case studies.

CHAIR: We are running very short of time. It may come out during the rest of the questions from the committee, if that is all right. We are very short of time.

Mr Maudsley: You are the boss.

Mr PERRETT: Early this morning we had a lot of conservation groups come in and I put a series of questions to them around the carrot or big stick approach. Most of them supported the big stick approach, but not all. I just wondered about your thoughts around incentives for farmers to retain vegetation, whether it be compensation, whether it be ongoing payments for the greater community good, if it can be demonstrated that the retention of that for environmental reasons, be it habitat, be it greenhouse gas or other things that they mentioned this morning. I would just like some comment firstly around the carrot or big stick approach.

Ms Finnegan: My suggestion in that regard is I am a really big fan of the FAO's approach, which is credit stacking. That means that if you can encourage via market-driven mechanisms preferably—if not, stewardship payments would be ideal—direct to farmers in order for them to be able to manage their properties for multiple benefit. That includes the triple bottom line concept that it has to be economically, socially and environmentally sustainable. The FAO looked at things like if a project or program can deliver carbon offsetting or sequestration, if it can deliver good social outcomes at a community level and if it allows for biodiversity offsetting, which is a really core principle at a global level. That is a core driving principle behind environmental protection on a global level. I think that is where the ideal would be.

From a personal perspective, we have just under 1,000 acres of grazing land. Most of that is marginal at best for grazing purposes. I voluntarily locked up 400 acres of my property under nature refuge. Part of that is to do with EHP's koala offsetting program. For the next five years I have a contract with EHP to manage 15.5 hectares of our property for koala planting, so we have 10,000 trees in the ground that they have to maintain.

One of the things that I would really like to stress is the issue of dealing with government departments. I agree with Grant that there are some really great public servants out there; but there are some equally belligerent individuals. It took me 18 months to negotiate parts of our contract that needed to be unlocked, and the irony was that I wanted them unlocked and changed to improve the environmental protection of those contracts to do with those nature refuges. I had to fight for 18 months with legal in order to make that happen, and that was ridiculous. I am a persistent individual so I just kept banging my head, and I was really lucky that behind me I had one of the staff working at EHP who was really supportive.

One of the things that I find at Jingeri, which is the name of my farm—I will give you my submission at the end of this—is that we are able to manage for both conservation and production outcomes quite successfully. We do so, but we do not do it alone. We have multiple partnerships with EHP, BirdLife Australia and Bitari Ecological Engineering. We are about to enter into a carbon farming initiative offset project which was been approved last November, so that is going to contract.

Mr Maudsley: There are options, Tony. There are lots of options out there. I think from that you can get that—

Mr PERRETT: I was wondering about the incentive process rather than the big stick coming down.

Ms Finnigan: I have a background in NRM economics, so I am always going to drive through that a market mechanism is always going to be the best option. Failing a market mechanism that has bipartisan support, then we need to move down the route of probably stewardship payments so we come in line with America and Europe in particular.

Mr PERRETT: The other question I had just quickly is around mapping. We have obviously had many, many representations to the committee about the inaccuracy of mapping. We have heard from the department that the mapping interacts directly with the law, and we had that direct testimony. Whether it is accurate or inaccurate it is up to the landholder, as I understand it, to prove the department wrong with respect to that. If they do not, it is considered to be accurate. As I understand

it, whether that is tomorrow, five years or 10 years, if it goes unchallenged it remains in place until it is proven otherwise. What are your members saying about the accuracy of the mapping and how that interacts directly with the proposed legislation and ultimately prosecutions under the reverse onus of proof and mistake of fact?

Dr Leach: Consistently from these case studies, from our submission and also from Bruce Wagner, who is with us today, there is a very strong disagreement with a lot of the science behind this. The regional ecosystem mapping was actually never intended for the Vegetation Management Act as a legal instrument. Vegetation in Queensland is quite complex. It is a wonderful gesture. There has been a lot of good action to map regional ecosystems. However, consistently the mapping has proved to be extremely wrong.

Bruce, who is here today, is a timber clearer from South-East Queensland—a dozer operator—is a student of vegetation management and says he consistently finds that the properties he is involved with have quite wrong mapping. He wanted to invite the committee to come on a bus tour of the Burnett to see how wrong it really is.

Ms Finnegan: I would back that up. It has just cost me $15,000 to have my REs corrected. That is a big bill. That is going to take me a long time to get a pay back on that.

Mr Maudsley: We consistently have to pay the cost for the change in those maps.

Ms Finnegan: The reason I did that was not because I was concerned about being challenged by the department, I was actually concerned about how I am supposed to manage an RE when I do not know what it is. I knew that my REs are incorrect because I have a science background. It made sense. If I want to start to look at things like biodiversity offsetting from a market perspective then I need to know exactly what it is I am offering up as an offset.

The big problem with the regional ecosystems is that a large majority of them lack ground truthing. The SLATS report itself makes a statement in terms of its limitations that any area that is identified as clearing within that reporting period is completely unvalidated. It is a retrospective validation process.

I did an internship with Remote Sensing down at the ecoscience precinct so I understand how SLATS works. I also worked in carbon labs at the UQ in terms of the carbon side of things. I think that these broad sweeping claims around annual clearing rates, carbon loss and all of that are misrepresentative at best and probably a lie at worst. I think it skews the debate unnecessarily. I think it alienates farmers and pushes farmers even further into a corner. Farmers generally feel quite victimised by broader society. It is about time we actually started to get behind our farming families a little more than we have done in the last 20 or 30 years, I would argue.

Mr KATTER: The suite of new laws in 2009 would have dramatically changed the behaviour of farmers and created a lot of apprehension among farmers. They would have said, 'I am going to be apprehensive when I touch anything and I am not really up to date with a lot of this technology and the internet. I will park all of that.' There were some changes made a few years ago that lightened some of that, but fundamentally you still had all those sweeping changes from 2009. We are having more changes now.

My interpretation of the events historically was that from 2009 there would have been a cutback in a lot of clearing activity because it is difficult to get permits and it is so technical and people do not want to do the wrong thing. Even though some people argue that technically you can do it, I want to get a sense from you practically on the ground about this. From what I am picking up, I would say it is near impossible from here. Practically you will have most people walking away saying it is too tough.

Mr Maudsley: The only way you can really do that is via the self-assessable code or manage your category X on the PMAV. The PMAV is the only planning tool we have in terms of what you can do—lock in the white and control the regrowth when you can afford it or when it needs doing or do not touch it at all for that matter, which a lot of people choose to do—surprise, surprise.

You are right that you need good advice to be able to manage some of the thickening processes. Back in 1999 I leased a property that is 10,000 hectares and 75 per cent is locked up. Half of it is remnant and untouchable. Another 25 per cent of it was caught up as high-value regrowth under Anna Bligh. That leaves 25 per cent of the property available for livestock production which is what agricultural land is actually supposed to be for. There is no market for that. It is regulated. I cannot sell any of the 75 per cent for carbon. Recent valuations of that property suggest it is worth $100 per acre and my property is worth $300 per acre. It gives you a good idea of the lack of value and the lack of capital available for some properties. Multiple iterations of the vegetation management laws have a multiple impact all the way through.

Dr Leach: In terms of the technology and our ability to use it, the mapping that is provided for a regulated vegetation map is a 1:100,000 scale. For a dozer operator working at a much bigger scale and, in many cases, an inability to use GPS technology and be able to translate the GPS technology from the map that is printed out to the hand held GPS, it is nigh impossible.

Ms Finnegan: Well, you cannot, because there are no GPS points on those maps. They are PDF printed format. The other big problem with this is how you can establish a firm boundary on something when you do not actually have a GPS coordinate to back that up. We use precision agriculture for cropping and yet I cannot go in there and say with certainty that if I drop a point on a map that that is exactly where that X country and where the remnant begins—so the category B. I battle with that all of the time because the resolution of the map is way too low.

Mr SORENSEN: For the lady up north who was asked for offsets of $3.5 million do you have any answers as to how they came to that figure?

Mr Maudsley: I am actually not across the environmental offset bills. I thought it was an absurd piece of policy.

Ms Finnegan: I have contacts in the commercial biodiversity offset space. One of the issues I have heard with regard to this is that the DEHP have a set of modelling software and they put in their data. It works on a value of $250,000 per hectare, particularly for koala offsets country. That is the value. The commercial value of that would probably be about $24,000 a hectare if that was something that a commercial biodiversity offsets type arrangement in the private or voluntary system. The assumptions built into these models are wholly incorrect.

Yes I agree that we have to place an economic value on these things. That is the basis of environmental economics. You have to make sure that the numbers are fair and reasonable. That is not fair and reasonable.

CHAIR: Thank you for your time today. If you would like to table your case studies you mentioned we are willing to take them on board.

Ms Finnegan: On behalf of the Scenic Rim farmers, this book has been put together with the assistance of the Scenic Rim council. It is a collection of stories and recipes from local farmers. I want to leave each of you with one. There is one there for Deputy Premier Trad. I think it is a really good reminder of the fact that this is about families and this is about families into the future and not just now. It is a really nice book and there are some great recipes in it.

CHAIR: We will take advice on whether we can accept them as a committee.

DRISCOLL, Mr Mark, Private capacity (via teleconference)

CHAIR: Welcome Mr Driscoll. Thank you for your time today.

Mr Driscoll: I appreciate your time. I am the managing director at Driscoll Pastoral Co. I have 35 years experience with brigalow regrowth control in Central Queensland.

Thank you very much. I will not take up much of your time. I know you are very busy. I am going to start off as being one of the cast of thousands talking about the maps. I will add one more to your list. The maps are not accurate. If your department was making aeronautical maps you would have crashes every day of the week. It would be a horrendous situation.

The problem with the maps is that there are a lot of areas of Central Queensland where the maps are so wrong. There is thick regrowth there that you guys want to keep in the system but the maps show they are completely clear. I have a lot of evidence of panic clearing. These maps are not working either way. They are working at one end of the spectrum, but it is being taken off at the other end, if that makes any sense to you. There is panic clearing out here because these maps are nowhere near accurate. They should be a lot better than they are.

I have areas of regrowth which I have cleared three times since 1989. It is like your lawn in Brisbane in summer time. Every Saturday it has to be mowed. It is an ongoing thing. It is a maintenance issue. It is not cheap, but it is something we have to do. The brigalow grows on our best grazing country. Our best beef comes off that type of country.

I had a chemical application three years ago. That chemical application did not work. The contractor came in three months ago and agreed it did not work and was prepared to redo it. The 17 March proposed legislation now says that the contractor cannot come in and redo his contract. This lets the contractor off the hook and puts me in a position where I cannot do any more thinning. It does not allow me any tax deductibility for this financial year, which is very ordinary.

Under the new assessable code for thinning regrowth in category C, I am not allowed to use any chemical clearing from the air—that is, aerial application. I am allowed to do mechanical clearing on the ground. In my situation I have spasmodic weed outbreaks of giant rat's tail grass. I understand a few of your committee members will understand what giant rat's tail is.

If I put two machines in there to thin this country I am going to spread all these weeds even further. I have spent the last seven years walking these paddocks and riding these paddocks on horses looking for individual plants of giant rat's tail grass to eradicate them. I have just about got there now. They are like trying to find a needle in a haystack. It is a dreadful weed. I am not game to put a machine into this ground. If I do I will disturb it. If I drag a chain I will drag any ungerminated seeds all over the paddock, and that will put me back 15 years.

I have a problem with proposed category C. It is classified as an endangered species. I looked up endangered species in the dictionary. It says it is a plant or animal at serious risk of extinction. We have the situation now where we have certain landowners who have a piece of paper—that is, a PMAV—and who were locked in five years ago which basically says under the law that they are allowed to destroy that endangered species, but a person living next door who does not have a piece paper not allowed to destroy it. I guess it is bit like being a bit pregnant—it is either endangered or it is not. A piece of paper should not allow you to say I can destroy it or I cannot.

I suppose that is really it in a nutshell. I am concerned that paddocks where we clear on a regular basis—for example, every decade—all of a sudden is deemed to be stopped. It is a major concern to those of us who have a lot of money invested in rural agriculture. That is my assessment. Thank you very much indeed.

CHAIR: Thank you very much, Mr Driscoll. We appreciate your time today.

WILLIAMS, Ms Jen, Queensland Deputy Executive Director, Property Council of Australia

CHAIR: Good afternoon. Would you like to make a short statement?

Ms Williams: Good afternoon. Thank you very much for having me here today. I know that over the past few days and weeks the committee has heard a lot from the agricultural sector and from different environmental groups, not surprisingly given the intention of the legislation is around reducing carbon emissions and protecting the Great Barrier Reef. One sector that has been missed a lot in this conversation is the property industry. That is why I am here today.

The Property Council definitely supports action to protect our natural environment. However, we believe that stakeholders should be working together to look forward to better ways to do so, rather than seeking to reinstate policies that fail to provide a strategic, holistic view of protecting environmental matters of significance.

You all have a copy of my submission so I will not go through that in any detail, but there are two points that I would like to make. Firstly, urban land is very different from agricultural and mining land and should be treated as such. Secondly, this legislation is not a reinstatement and nor should it aim to be a reinstatement. Resources land is typically based where resources are found, which is very different from urban land which has been through a rigorous planning process undertaken by often several levels of government to figure out where it should be placed. This planning work always involves community consultation and through stakeholders working together to balance out social, economic and environmental outcomes together they have determined that urban is the highest and best use of that given land.

The removal from the offsets act of the threshold to determine significance of an impact threatens to add exorbitant costs to the delivery of new housing. An example I came across this morning when I was going through the mapping showed that, where you removed the term 'significant' on a site zoned for low-density residential property in Brisbane, it had the potential to add $197,000 to each dwelling. This is despite the development site going through a comprehensive planning framework and formally being identified in the planning scheme as a site desirable for housing.

I turn to my second point regarding reinstatement. You cannot unscramble an egg. Prior to the development of the offsets act, there were five separate and often conflicting environmental offsets policies here in Queensland. To achieve consistency across all of these, the Environmental Offsets Act was created. To align with the terminology used by the Commonwealth, the term 'significant' was included and that provided a necessary test of the materiality of any given impact.

When introduced, the offsets act also provided a framework for local governments to introduce offsets into their own planning schemes. The majority of high-growth local government areas now have their own offsets policies and associated revenue streams which operate in addition to state and Commonwealth offsets. It would therefore be impossible to reinstate the former arrangements as the current provisions are now entrenched into local government planning schemes. Given the complexity and the poor environmental outcomes we saw from the previous five policies, reinstatement should not be a desirable intention.

The legislation before us has far-reaching and unintentional consequences for urban development. The Property Council would encourage the committee to consider exemptions for urban land and in the longer term to work towards a more holistic view of environmental protection such as working with the Commonwealth government to deliver a strategic assessment of environmental matters.

CHAIR: Quite a few landholders and farmers today and on our regional tour asked why they are separate from urban development. I am not into urban development or planning. What is happening now in the urban development process where the environment is taken into place and what would change under this bill? Could you explain that to me?

Ms Williams: In Queensland there are several layers of the planning framework. We have the state government which does the state planning act. From there we have the state planning policy which outlines the state's intentions. Then we have regional plans—for example, the South East Queensland Regional Plan, which provides a map that has an urban footprint which says, 'This is where urban land is going to be located to cater for our growing population.' From there it is reflected into local government planning schemes.

In terms of how the environmental impacts work with that, once we have been through all of these different layers and the feds have had a look as well then the environmental stuff comes in underneath. Once we have been through all of the community conversations and everyone has

decided the highest and best use of this land is for urban development, then we have legislation like this that comes in underneath it. Some of the legislation—for example, the Vegetation Management Act—has some exemptions for urban areas. However, the way that they are drafted they do not pick up a lot of the new urban areas. The interaction between different levels of planning is such that the state sets the urban footprint in the regional plan which is then reflected by local governments. The exemptions, unfortunately, sit with how the local governments have reflected that regional plan.

In the past we have seen that takes up to 10 years to do so and the market is not going to sit and wait for that. That means our urban areas are developed ahead of that. They still seek their approvals through the local government—a slightly different process—but they do not get the benefit of the exemptions that sit in the Vegetation Management Act. On top of all of that, even where we have decided that these exemptions do not exist the offsets act will apply. If you clear in urban areas, you can still be liable for offsets.

Really importantly, in its current drafting the offsets act has a measure of significance. There is a materiality test in there. A lot of urban sites will fall under that threshold, but by removing that significance test it means that all of them will be brought into it. The site that I looked at this morning is probably seven or eight kilometres from Brisbane's CBD. It is zoned for low-density residential housing, but because it has category B vegetation on it, while it has not been affected by the vegetation management changes, the removal of significance means that that entire site could potentially require offsetting.

The way that our offsets framework and the calculator associated with it works is that it is based on the underlying cost of the land. In Brisbane City Council you can imagine that offsetting 12½ hectares will cost you a pretty penny. That is then added onto the cost of the housing. If you look, for example, at mining or agricultural land, the underlying cost of that land is a lot cheaper. It means that delivering the offsets is also a lot cheaper, whereas in urban areas, by definition, they are more expensive and there is a premium associated with them.

CHAIR: That is a very thorough answer. Thank you very much.

Mr PERRETT: Thank you for coming in. It is enlightening to hear that because that is of significant concern. We talk about housing affordability, and there is a fair bit of mention of it and first home buyers in the current federal election campaign. What you are saying is that the bill in its current form has a very real prospect of significantly increasing the cost of housing to not only first home buyers but to any buyer of a new home in a new urban development?

Ms Williams: That is correct. In its current drafting, there is no materiality threshold in terms of the impact. It basically says that any impact will have to be offset. That impact may be one single tree. That one single tree then means it has to be offset at a rate of typically four, and the cost of that will go to the first home buyer. One of our concerns with the offsets framework is that typically it is a societal issue protecting our environment and we all have a role to play in that. However, under the current arrangements it means that it is generally the first home buyer on the outskirts of our cities who is paying to offset for the benefit of the broader community.

Mr PERRETT: Given the state's growth projections over the next 20 to 30 years—I think the current population is about 4.6 million, predicted to grow well over six million in that period of time—do other states have the same regulatory impositions through the Vegetation Management Act on new housing developments? Are you aware of that?

Ms Williams: I am. I am very aware of that. Last year the Property Council took the Deputy Premier to Melbourne to look at how they deal with this very issue, because they are a perfect example of how to take a holistic approach to the protection of environmental matters and how to provide for the growth of the community and in a way that keeps housing a lot cheaper. We have been asking for a strategic assessment of environmental matters, particularly within areas like the SEQ where we are expected to see a lot of growth. That would mean all of the levels of government work together and they look at where are the environmental matters that we 100 per cent want to protect and where are the people going to go.

We all know that the koalas are not benefiting from this framework at all. They did not benefit from the old one and they do not benefit from the current one. We need to look at what they are doing interstate where they say, 'This is where the people are going to go. This is where the koalas are going to go,' or whatever types of trees are going to go. It does not mean there will not be green spaces in amongst where the people are, but it means there is certainty and it is dealt with in a single holistic view. When offsets are provided, for example, they are provided in that area which we are seeking to further protect rather than having a piecemeal approach and little trees kept here and there that are not forming corridors or allowing the populations to continue.

Mr PERRETT: So Queensland will be disadvantaged compared to other states?

Ms Williams: Correct.

Mr PERRETT: And the Deputy Premier is aware of that?

Ms Williams: Correct. The government is currently undertaking a review of the South East Queensland Regional Plan, and it is my understanding that they are looking at undertaking a strategic assessment as part of that which we 100 per cent support. In light of that, we see that this piece of legislation undermines the regional plan and the work that should be going on in that space.

Mr MADDEN: Thank you for coming in today. Was there consultation with the government departments and the Property Council prior to the bill being presented to parliament?

Ms Williams: No, there was not.

CHAIR: Thank you very much.

BUNN, Professor Stuart, Director, Australian Rivers Institute, Griffith University, Queensland Environmental Scientists

CATTERALL, Professor Carla, Professor of Ecology, Griffith School of Environment, Griffith University, Queensland Environmental Scientists

MARON, Associate Professor Martine, ARC Future Fellow and Associate Professor of Environmental Management, University of Queensland, Queensland Environmental Scientists

POSSINGHAM, Professor Dr Hugh, Director, ARC Centre of Excellence for Environmental Decisions and Director of the NESP Threatened Species Hub and ARC Laureate Fellow, Centre for Biodiversity and Conservation Science, University of Queensland

RESIDE, Dr April, Postdoctoral Research Fellow, Threatened Species Recovery Hub, University of Queensland, Centre for Biodiversity and Conservation Science, University of Queensland

CHAIR: Good afternoon. Would you like to make an opening statement?

Prof. Maron: Thank you for the opportunity to appear. We are here on behalf of a group of 28 senior environmental scientists from institutions across Queensland. Collectively we represent a very broad range of expertise that is relevant to this bill and we are internationally recognised in those fields. Our group includes 14 full professors, three ARC laureate fellows and the directors of eight research institutes and centres that are focused on environmental science around terrestrial, marine and freshwater ecosystems, carbon accounting, remote sensing, conservation and natural resource management.

The aim of the Vegetation Management Act is to protect native vegetation biodiversity, manage ecosystem processes, avoid land degradation and reduce carbon emissions, but instead the current version of the act is seeing over 100,000 hectares of native ecosystems being cleared each year including endangered ecosystems. Run-off from terrestrial land uses is reducing water quality and increasing the stress on the Great Barrier Reef. Biodiversity is continuing to decline and opportunities for the recovery of threatened species and ecosystems are being foreclosed.

In the most recent figures carbon emissions from land clearing have increased to 35.8 million tonnes per year just in Queensland, so our ability to comply with our international obligations on climate protection, land degradation, biodiversity and World Heritage protection are all being compromised by Queensland's land clearing. This bill restores many of the protections that were responsible for previously reducing land clearing in Queensland.

We are quite keen to answer your questions about our submission and about the science or any questions that may have arisen over the last few weeks. We will take on notice any questions that relate best to the expertise of members who are not present. We are aware of some confusion and misunderstanding around two particular scientific issues, and I would like my colleagues to perhaps quickly update you on those. I will turn first to Professor Catterall.

Prof. Catterall: I want to say a few things about wooded vegetation extent, which I understand has come up a bit in discussion. I will refer to the SLATS report. I presume everybody knows what that means. There is a question about whether the SLATS report shows that total wooded vegetation cover in Queensland has increased in recent years. Has it really increased?

On page 28 of the report, table 3 shows an estimated total wooded vegetation extent of 87.1 million hectares in 2011-12 and 87.6 million hectares in 2013-14. This would appear to be an increase of about 500,000 hectares of wooded vegetation. What I need to say is that scientifically this is spurious information. It does not necessarily represent any increase in the amount of wooded vegetation. The reason is that the way in which the SLATS data is obtained is through a very technical and complex process involving satellite imagery and its analysis, which is described in about 10 pages in the SLATS report in its full detail. The bottom line is that when you have some wet years you get an increase in the growth of grass and herbs and weeds as well as an increase in the foliage density of existing trees, so a little spindly tree can become a tree with lots of leaves. That gives what is essentially a false reading of increased vegetation cover. Without actually delving technically in much more detail than ever has been done into these data, it is really impossible to use the SLATS data to argue for an increase in vegetation extent.

The second point is that there is of course likely to be some regrowth happening. There will be some young regrowth occurring. However, the clearing of that young regrowth is not restricted under the Vegetation Management Act or under the proposed amendments.

The third point relates to the idea of tree thickening in areas of land that are grazed. The question is has there been a recent increase in the number of trees in a sort of general sense due to vegetation thickening? There has been some research done in Central Queensland looking at that in the very long term, and that shows that when you have a series of wet years you get more trees coming into the system, but then when you have a series of drought years more trees die. Really it is just a long-term cycle of thickening and thinning that we are looking at over time. Essentially, that is irrelevant to the current act that is being discussed or its amendments. I believe the next issue will be tackled by Professor Bunn.

Prof. Bunn: One of the claims that is often made is if you clear vegetation and promote a good grass cover that is going to be beneficial in terms of reducing erosion. It is based on the observation that if people have a hill slope that has good grass cover, then that is going to yield less sediment from a run-off event than one that is bare, and that is certainly the case. But what we know is that in nearly every catchment that you look at, whether it is the Gulf of Carpentaria or from the Normanby all the way down to Brisbane, most of the sediment that gets into the channel, channel network and then out into the coastal zone comes from the channel network. Most of it is coming from channel erosion, gully erosion that is generated within that network. When I say 'most', in most of the catchments that we have looked at 'most' is greater than 90-95 per cent of the sediment load. Playing around with grass cover on hill slopes is tackling in some cases about one per cent of the sediment problem.

The problem, of course, is that when you clear vegetation you increase amount of surface run-off that gets concentrated down into the channel network and increase the power of the stream to cause erosion. That is exacerbated when the vegetation clearing goes into those gully networks and the riparian zones as well. Not only do you decrease what they call the roughness, the slowing down of water in those landscapes, but you also reduce the resistance of the ground to erosion from that event. Those two things work in unison to create a greater erosion potential. What we see then is the generation of increased channel erosion, further concentration of the flow into the channel network, deepening and widening of channels and the propagation of gullies, whether they be hill slope gullies or alluvial gullies. Certainly when you look at where the big erosion problems are across the Queensland coast, these are usually in places where those events, gullying and channel erosion, have occurred. That, of course, is a problem even right down here in South-East Queensland.

The other key thing is if we are really serious about tackling erosion and tackling the delivery of sediment and nutrients that are derived from that into our coastal zones and indeed into our water storages, then the solution to that is of course regrowing and revegetating up those sensitive areas. That requires us to protect and restore and allow the regeneration of vegetation in those sensitive areas.

Dr Reside: I want to speak about the biodiversity aspects, particularly the biodiversity aspects of intact ecosystems. We heard this morning a query about thickening vegetation and what that means for biodiversity. The studies in Queensland's savannah landscapes, the wooded landscapes, generally show that the thicker the vegetation the more bird species you get, the more mammals and reptiles. If you take it to the extreme, you end up with a rainforest. Rainforests are the most highly biodiverse systems we have. They are also the thickest and most densely vegetated areas that we have.

Queensland has remarkable biodiversity, as we are all well aware, and it has the highest number of endemic animals—animals found nowhere else on the planet—than any state in Australia. Queensland's biodiversity is just incredibly remarkable. What is also remarkable is that we do not know a lot of the species that are in Queensland. We are still describing new species every year—species not just that we think might be a bit different, but they have never been seen to science ever before and they are completely different—these are geckos and frogs and skinks and lizards—and this is happening every year. I know of several new species that have been described this year, 2016. A lot of these in North Queensland are on Cape York in the desert uplands, and most of these that I am aware of are on private land. We have the highest number of species found nowhere else on the planet and we have one of the highest rates of discovery of new species still in 2016.

Queensland also has a lot of threatened species. We have nearly 400 threatened species in Queensland, and over 90 per cent of those are at threat from land clearing. This remarkable biodiversity is at threat from land clearing, and it occurs on private land. We need to regulate the clearing. We are not necessarily saying 'do not clear'; we are saying we need to regulate this so we

protect our biodiversity. Some of the species that occur solely on private land and are vulnerable to land clearing include: the black-throated finch, a species that I have worked a fair bit on; Coxen's fig parrot; the golden-shouldered parrot; and of course koalas, which we have heard a bit about today. The southern black-throated finch has lost over 80 per cent of its extent, and that is all from land clearing. If any more of its habitat is cleared that species is very likely to go extinct, so we really need to look after that biodiversity and we need to regulate habitat use.

Intact ecosystems, the systems that are most likely to withstand any kind of perturbations in the system, are going to be the ecosystems most likely to withstand climate change, cyclones and they tend to be less flammable if there are more trees and less grass, so keeping ecosystems intact is really important. For species that need to shift as the climate shifts, they need to have that habitat so that they can do that. Intact ecosystems are absolutely the most important that we need to protect, but high-value regrowth is also really important and also supports a lot of species, endemic species and threatened species.

I just want to quickly touch on the fact that Queensland's biodiversity has a lot of economic opportunities but most of which is unrealised. Believe it or not, there are a lot of people in the world who really like birdwatching and pay a lot of money to come to Queensland to see Queensland's birds, and they are going to need to go to intact landscapes to see most of those bird species. It is a huge tourism opportunity and it happens elsewhere in the world. Queensland's biodiversity is economically important for carbon farming opportunities, ecosystem regulation and many other things. Reinstating this bill is really important for saving Queensland's biodiversity.

Prof. Possingham: My colleagues have covered much of what I would like to say, so I will just underline a couple of points. The first one, I suppose, is do not underestimate your environmental scientists. There are three global ranking schemes, and remarkably the University of Queensland is ranked fifth, 10th and 12th in the entire planet in environmental science. There are over 10,000 universities in the world, and we are ranked fifth, 10th and 12th ahead of places like Yale, Oxford and Cambridge. The only two centres of excellence in the environment in Australia are in Queensland: one hosted at UQ and one hosted at James Cook University, so by any measure this is the best and highest concentration of conservation biologists and environmental scientists basically on the entire planet. We have visitors from all over the world seeking advice. Some of the expertise is very relevant, for example, to the recent discussion from Jen from the Property Council of Australia, strategic assessment work and offsetting work. Martine is probably the world expert on world biodiversity offsets. We have worked for 10 years with the federal government and state governments on strategic assessments. Strategic assessments are almost certainly the way to go for South-East Queensland if you really want to have koalas here for the next 20 years, so I agree entirely with what Jen said. There is an enormous depth of talent and breadth, and the science we do is highly multidisciplinary. We are economists, an honours mathematician, hydrologists and we are water scientists. We are not just a whole heap of ecologists; we are very diverse.

I would just to underline a couple of things. It is a fact that extinction rates are 100 to 1,000 times the background rate. Triple-bottom-line sustainable eco-systems would mean that ultimately everything should be stable—the economy, social issues and the environment—and they should all be going flat or up. That is what I consider to be triple-bottom-line accounting. At the moment we are losing on the biodiversity side. The fact is that we are losing species at 100 to 1,000 times the normal historical rates.

I will finish by saying that I consider in some senses—and this may surprise you—land clearing is a big threat to rural communities and a big threat to agricultural profitability. A month ago I was in China and I met the richest man in mainland China, Jack Ma, and his colleagues who are very interested in the environment. They have formed a land trust and they are doing a lot of conservation. In that conversation with those people—wealthy and important people in China—they talked about food all the time. They talked about clean food, which you know all about, and they talked about sustainable clean food. I am very, very worried that many of our buyers will be saying, 'We just don't want clean food,' which I know we can produce and the Chinese love. They want to know that the food we produce is being done in a sustainable way and that it does not cause extinction, does not cause increased threats to the Great Barrier Reef and all the things in these documents. I think we need to think about that from an economic and social side as well.

CHAIR: Thank you very much for your statements; they are very informative. My first question is about the regeneration and repair of land, particularly in riparian areas. I note your comment, Professor Bunn. You say we need to look after those areas, and doing that is to ensure that they are locked in as riparian areas. How do the people who own land within these areas manage it, particularly

with the really bad weeds that generate 10 to one to any other plant and strangle the trees and kill them? The question is if we lock these areas away and the farmers do not look after them, who is going to do it?

Prof. Bunn: I guess it comes down to the issue of whether we are locking it away or we are managing it. I think the key thing to riparian management, and certainly all the guidelines that were developed 20 years ago in the national riparian program that was undertaken, is the recognition that these are important parts of the landscape that need to be managed differently.

If we are talking about erosion potential, for example, in some cases woody weeds are serving the function to reduce erosion in the same way that native vegetation is. There is this dilemma about are we using vegetation to control erosion and stabilise the ground. It may well be that there is a need in some cases to even retain vegetation of any sort to try to reduce that. Certainly the goal is to manage them in a more effective way.

We know that disturbing those landscapes, particularly in some of the areas in the north where we have highly dispersive soils, and any intensive land use in there—stock intensification or road activity—that generates that instability will lead to these erosion events. They are very difficult to stop when they occur. In some cases it is hard to see how you would get vegetation back into those areas without controlling stock access. It is really saying, 'Do not lock them up and think that they are going to manage themselves.' Certainly, they do need to be managed in a much better way than we are doing.

CHAIR: We heard stories on our tour that some of these riparian zones have regenerated and become thick and full. Obviously with four years of drought in a lot of these catchment areas it is so thick that a fire goes through and absolutely destroys things. We saw one property where that had happened five or six years ago. There was nothing there other than a few trees. There was mass erosion in and around big clumps of grass. How do we get around that type of issue happening in these areas? When we get them to the point where they regenerate and they are exactly how we want them—they are thick—how do we remove the potential for lightning strikes and wild bushfires to not remove it totally?

Prof. Bunn: Fire management in those areas is equally important. One of the issues we see, even in South-East Queensland, is that some of the riparian areas are actively burned every year as well. A lot of it is not accidental burning. In the drier landscapes where there is vegetation cover you do see fires that will propagate along some of the corridors. In most landscapes when you see a fire go through it is the last place that gets burned that is the wetter and moister part of the landscape. It is lower in the catchment as well.

Managing fire is like managing weeds. It is one of the active things that we need to do. The key thing about it though is ultimately still keeping vegetation cover in those areas. That is the bottom line. In South-East Queensland if we do not solve the problem here Moreton Bay will continue to fill up with mud and our drinking water supply will be under threat. That is pretty much the same story you see up and down the eastern coast.

Targeted investment is the other key to this. In a lot of cases, with riparian management and erosion it is not saying you have to do that on every kilometre of stream. It is knowing that there are parts of the landscape that are more vulnerable than others and making sure that those areas are well managed.

Mr PERRETT: Professor Bunn, the legislation in its current form is one-size-fits-all with respect to these riparian zones whether you are at the mouth of the river going into the ocean or whether you are at the head waters. These buffer zones do not differentiate between anything other than just being an arbitrary percentage. I want to get your thoughts in and around that, particularly with regard to weed management.

I know that you talk about, in some cases, it being better to have weeds there than nothing. One of these weeds—and I think the chair may have alluded to it—is cat's claw creeper. In some of the areas that we have seen, it has completely destroyed every tree that is there and is out of control. There is no effective biological control. The other one is giant rat's tail grass. How can landowners in a sustainable and economically viable way manage these areas? The first question is about the arbitrary percentage. The second question is around these weeds. They do not respect boundaries either.

Prof. Bunn: In terms of the arbitrary nature of putting in protections about riparian buffers as a guide to saying that that is a sensible thing to be doing from a protection point of view, it is certainly true that if you want to manage and reduce the impacts to freshwater systems and the receiving water

environment that is a good strategy to use. If you are prioritising where you would spend money to do restoration, there are approaches that we would recommend that you could identify the places to do that in a much more targeted and cost-effective way.

For example, in South-East Queensland we know that 70 per cent of sediment comes from 20 per cent of the region. Within those regions 60 per cent of that sediment coming out of a small catchment might come from 10 per cent of the channel network. If you are trying to fix some of these areas and prioritise where you would do it, we can certainly say that that is a much more targeted way to do it. If you are saying that as a general rule we need buffers to protect that then that, in my mind, is a very sensible way to start.

You are right, these are very difficult things. If it is not cat's claw it is a rubber vine or gamba grass or whatever. Certainly that does come with a real cost to managing the landscape. If we are serious about fixing some of these problems these are costs that need to be met. I would certainly be the first to argue that it is not a cost that landowners need to be meeting on their own. The benefits from a lot of these things are mostly downstream. That is the nature of the problem. You cannot sit there and say that the answer to that is to clear all the vegetation. Solving the weed problem is—

Mr PERRETT: I was not suggesting that. I was just broadening it out to a lot of areas that tend to get missed through this. Ultimately, the economic responsibility is back on the individual landowner, in a lot of cases, who simply cannot afford to do it.

Prof. Bunn: That is right. I fully understand that.

Mr PERRETT: My second question is to Professor Catterall and relates to the SLATS report. I note in your submission to the committee that on the one hand you use that to justify the provisions within this legislation but on the other hand you are prepared to dismiss components of it too. I am very confused because I do not know that you can selectively use figures from a report to justify one position with respect to current clearing rates and what they may mean, without drilling down into that, and on the other hand dismiss the other components of the report. Given that you made those comments, could you clarify why you use it on one hand and not the other?

Prof. Catterall: I should have been clearer about that in my original statement. I was trying to do it rapidly. The SLATS methodology is actually targeted at detecting vegetation clearing. They have a lot of systems for checking for that detection of clearing which includes time series of these remotely sensed data. They are looking for areas that have been the same and then change and then looking at diagnosing the causes of clearing. The methodology is very robust when detecting clearing.

When detecting regrowth, where you are moving from no woody vegetation to being detected as woody vegetation, the technical issues are a lot more complex. The way in which the SLATS methodology has been developed has not really been targeted at detecting regrowth. Those methods have a lot more warts on them. As I understand it, the SLATS team are looking at changing the methods to make that better. As technology has evolved over time it has become better. Basically, the SLATS report tells us a lot more about clearing rates than about regrowth rates or the total extent across the state.

Prof. Maron: I think it might be important to point out that that is in fact what the report itself says. It says, 'Do not use these data to infer regrowth rates only use these data to understand clearing rates.' The methodologies behind them are utterly different. They are different data.

Mr PERRETT: So there is no ground truthing?

Prof. Maron: Yes, there is ground truthing of the clearing rates. There is not ground truthing of these regrowth fluctuations.

Mr PERRETT: Do you understand why that is not the case? I think that should be a very important part given that it is used by some elements of the argument to justify their position. There is other data that would not appear to be collected accurately and may very well give a different perspective if that were the fact. Obviously it has been used today by Professor Catterall to dismiss certain arguments.

Prof. Catterall: I had prepared a submission to table which detailed the things that I said, but my computer actually had a glitch this morning which meant that I am unable to table that. I would be really happy if it is okay to provide that document to the committee later on in an electronic format.

Mr PERRETT: I am happy with what you have said. I just wanted to raise that issue because there was some ambiguity around what you said.

Prof. Catterall: There was something important that I needed to say. I agree with you when you say that we need a better understanding of regrowth. We need to be able to measure it better and understand its values better. That is an area of scientific knowledge deficiency.

CHAIR: Can you take it on notice to give a copy of that information that is a stuck in your computer somewhere.

Prof. Catterall: Yes.

Mr KATTER: There are two parts to my question. What is the base line for what we are talking about here as a layperson talking to scientists? All the properties along the Burdekin River are called downs because they used to be open. They are moderately to heavily timbered forests now that no-one would ever recognise as downs country. The Gouldian finch, which is a prized species of bird that we have up in my area, is dying off because there is no burn off anymore. Under best land management practice people are not trying to burn to keep humus layers and ground cover and that sort of thing which is killing off birds. There is an example where a national park has been turned back on an artificial water because it was felt that there was a loss animal or bird life around there. My first question relates to the base line.

We are trying to apply science to practical issues on rural properties. In the world where I come from we are talking about one or two per cent of a place being cleared. That is their intention to clear one or two per cent of a property. We are applying laws that will shut that opportunity off. Even from a scientific perspective, is one or two per cent of clearing really going to have an impact on a bioregion? That opportunity will shut down. We have been given examples of where that could be the critical 200 hectares of the 50,000 hectare place or 100,000 hectare place that is needed to create hay. How does that fit into your scientific approach? The other part of the question related to the base line?

Prof. Bunn: Can I start from the sediment point of view. We know in most of these catchments that the rate of erosion now is much greater than it was prior to European settlement. If you look at the accumulation of sediment in Moreton Bay, the first major flood in Brisbane that we know of in the early 1800s is associated with no increased settlement yield to Moreton Bay. For floods after the 1890s, when clearing first started up in this region, you start to see floods associated with increasing sedimentation. We know from an erosion point of view that that has greatly accelerated since European arrival.

Coming back to the spatial specificity of this, it really does come down to, from an erosion point of view, where in the landscape the activity is occurring. It might be intensification on two per cent of the entire property, but if it is in a sensitive area that could be generating nearly all of the sediment.

With regard to some of the proposals that we have seen—Olive Vale Station, for example, in the Normanby—there are areas proposed for clearing that are at a very high risk of accelerating gully erosion there and ultimately out into the GDR catchment. To answer your question, the question would be: to what extent are those places where people are targeting for development likely to also be the really sensitive areas in the landscape?

Prof. Maron: On the question about the amount of clearing, I suppose the signal that what we are doing is too much is that all these things are heading downhill. Biodiversity is declining with what we are doing already. If the suggestion is perhaps it is only a very small amount more and then we stop, that is a very different question to what we are facing and what we are observing in the data that have been released. We are seeing hundreds of thousands of hectares being cleared a year. We are seeing a tripling of the rate of clearing of of-concern regional ecosystems, and they are ecosystems that have already been cleared too much so they are at risk of becoming extinct and endangered regional ecosystems of which less than 10 per cent remains. One per cent when you are talking about already less than 10 per cent is quite significant. If you are talking about threatened species habitat, all they have left is clearly not enough or they would not be endangered. That death by a thousand cuts is certainly a very big issue.

Dr Reside: Land needs to be managed absolutely. We need to manage the fire and where the fire is not managed well we are seeing biodiversity decline, but this is not about managing the vegetation; this is about broadscale clearing and clearing large tracts of vegetation. As you say, with Gouldian finch and a lot of grass-seed-eating birds they need to have appropriate fire management. The fire regime changing over the last few hundred years is one of the biggest threats to most of our native species. We are not saying do not manage it, we are not saying do not weed, we are not saying stop burning, but we are saying keep them intact for a clearing point of view.

Mr MADDEN: Would any of you like to comment on the proposed addition of three catchments under the act—the east Cape York catchment, the Fitzroy catchment and the Burnett Mary catchment?

Professor Bunn: Again, from a water quality perspective we know that there are major erosion problems in the Burnett Mary. These are the same problems and the same approach to fixing them that we see right up and down the Queensland coast. If you think of protecting the Great Barrier Reef in a warming climate, those small southern catchments will be increasingly important. It is interesting that the whole Mary Burnett River system is one that gets a bit ignored in the debate about the GDR, but I think increasingly that is going to become a much more important region to be tackling in terms of dealing with future climate.

Professor Catterall: It is noteworthy that the Brisbane River catchment is excluded from the current proposed amendments. As we detailed in our submission, there is very good reason to make sure that riparian vegetation in the Brisbane River catchment is retained and restored, although it is outside of what is currently being discussed.

CHAIR: Thank you very much for your time today and for answering our questions. I am sure we could sit here all afternoon if we had time.

Proceedings suspended from 3.03 pm to 3.08 pm

DEVINE, Ms Wendy, Policy Solicitor, Queensland Law Society

DUNN, Mr Matthew, Government Relations Adviser, Queensland Law Society

POTTS, Mr Bill, President, Queensland Law Society

CHAIR: Before you start, I seek leave from the committee to table a document from the last group about erosion potential. There being no objections, it is so tabled. I welcome the Queensland Law Society. The Agriculture and Environment Committee's public hearing in relation to its inquiry into the Vegetation Management (Reinstatement) and Other Legislation Amendment Bill is resumed. Mr Potts, would you like to make a brief opening statement? Please be mindful that we are a little behind time so in answering your questions could you make sure they are direct and to the point, if possible.

Mr Potts: You are asking a lawyer to be short?

CHAIR: That is why I thought I would say it, Mr Potts.

Mr Potts: Firstly, I thank you all for the opportunity to provide observations from the Queensland Law Society on this bill. The society wishes to confine itself to three key issues only for the committee's consideration. I wish to emphasise that by not commenting with respect to the full scope of the provisions of the bill we are not expressing endorsement or otherwise of the remaining provisions. Those issues are clearly matters for government and for other stakeholders. The Law Society would like to comment about the law.

For those of you who do not know, the Queensland Law Society represents 12,000 solicitors in Queensland. It is effectively the peak representative body. The society has a number of policy solicitors, and we are essentially about good law. Policy is always a matter for parliament, but we try to do our best to assist parliament in the making of good laws by, in essence, commenting, submitting and assisting. We are apolitical entirely.

We also want to make it clear that this society strongly supports persons who commit environmental offences being diligently prosecuted in accordance with clear and certain law. If you are an environmental vandal, then let us prosecute them. That is not our issue, but we are very concerned about the way in which the law is to be promulgated.

The society has a responsibility for furthering the society's leadership of the profession through its advocacy for good law and by providing expert advice, positions and guidance for submissions for reform across the entire legal sector. I indicated to begin with that there are three issues, and I shall go to those. In the context of upholding the rule of law and the fundamental legislative principles, the society holds serious concerns in relation to three key aspects of the bill and the society wishes, with the permission of this committee, to extrapolate upon those further today.

The issues are as follows: one, the reversal of the onus of proof for vegetation clearing offences; two, the removal of the mistake of fact defence for vegetation clearing offences; and, three, the proposed retrospective application of some of the amendments back to 17 March 2016. I will deal with those seriatim if that is of assistance. Dealing firstly, therefore, with the reversal of the onus of proof, the explanatory notes suggest that it is justifiable that the bill reverses the onus of proof for a charge of unlawful clearing, placing the responsibility for unlawful clearing with the occupier—that is the term the act uses—of the land. That would include obviously the owner or the lessee of the land in the absence of any evidence to the contrary.

The society strongly considers that removing the presumption of innocence is unjust in the circumstances of this act. I understand from public comments that have been made today by the minister there has been commentary about this type of law where a deeming provision exists, and it exists for red-light camera offences, offences relating to being in possession of forestry products and the like. This, I might add, might take a few points off your licence and might end up with a very small fine. The penalties which this act deals with is up to five years imprisonment. The liberty of the people who are deemed to have committed the offence is clearly at stake. In addition to that, the penalty unit being $117.80 is somewhere around about $736,000. A conviction for this carries maximum penalties of five years and fines sufficient to effectively bankrupt or take away the farms of people who are deemed by law to have committed offences. We say without any shame that the proposed amendment is comparable to the former Newman LNP's government stance with respect to the LNP laws. Deeming culpability in the absence of evidence and shifting the burden of proof is a highly serious departure from the fundamental legislative principles which are set out in section 4(3) (d) of the Legislative Standards Act 1992 which you are familiar with and which are set out in the discussion paper around the act.

We regard this as a step backwards for justice in this state. It is a departure from well-established rule of law principles and must be thoroughly and rigorously justified if parliament is to move forward with it. We say it is a step backwards for justice in this state because, to use a graphic situation, let us imagine that any one of you as a committee decide it is a great idea to go away for the weekend—leave your constituency and perhaps come down to parliament. You go back and there in your backyard is a dead body. If this law was to be applied to those circumstances it does not matter that you did not kill the person. What does matter is that as the owner or the occupier of the land you would be deemed to have committed that offence, carrying substantial penalties including jail and fines.

Is that something that we really want to visit upon the people of Queensland? In most cases, of course, where you carry significant penalties there is required evidence of intent or knowledge—high degrees of recklessness and the like. That is absent here. It is simply a deeming provision—reversing the onus of proof and deeming a person to be guilty until they can prove themselves innocent. To move to that step is, in the society's view, a step too far. It is anathema, quite frankly, and in our strong and respectful submission should not be moved forward with unless there was a proper justification for that.

We state that administrative convenience or prosecutorial efficiency, which is what, in essence, the discussion around the act is promoting to this parliament, does not justify erosion of the principle that a person is presumed innocent of an offence until they are proven guilty. I will interpolate at this point. For those who do not know me, I have been a practising criminal lawyer for 36 years. I have seen the rough end of the pineapple every single day. I state to you that in my experience, and I will get to that shortly, in the way in which this act may work, we have to be certain and sure that unintended injustices do not occur, such as the example I have previously given.

The recent task force headed by retired Justice Wilson in relation to the antibikie laws emphasised that it is unjust to remove the presumption of innocence which is a right which is enshrined in law for the protection of all Queenslanders. The content of this legislation we accept is different, but the issue remains the same. The presumption of innocence is a foundation principle of our justice system. Essentially, the reason given for taking away this fundamental right is to facilitate the prosecution of offences because of what the author of the document says is the difficulty of obtaining evidence. Two reason are cited. They are variously that the offence occurs in a remote area or that the accused refuses to hand over copies of contracts because they are 'commercial in confidence'.

We, the society, consider that in the relevant provisions of the bill there is no justifiable reason or proof provided to reverse the onus of proof in this. The society considers that a more appropriate response to the perceived issues in prosecuting offences is to ensure that prosecutors are in fact properly funded and resourced so that a prosecutor can gather as part of the investigative process sufficient evidence to demonstrate at least to a court that an offence has been committed.

The legislation currently includes a range of investigation enforcement powers which are really those which we do not quibble with. They include significant powers such as the right to enter land, to require a person to give information or to produce documents relating to the clearing of vegetation. If in fact, as the discussion alleges, a person claims, 'We will not give you this document because it is commercial in confidence,' then the parliament could clearly consider options to authorise investigators to have such access to documents. Subpoenas are well known. They are used. It is the easiest thing in the world to issue a subpoena for a document, whether it is commercial in confidence or not. If an offence of a serious nature relating to these things has occurred or is reasonably suspected of having occurred the document should be handed over and the simple giving of such a power is something that is well within this parliament's power and is noncontroversial.

We state further that funding the timely and comprehensive investigation of offences is more just and a justifiable outcome than removing the presumption of innocence. What we need—and I am sure you are all going to pardon me for this, but I will say it anyway—is a clearing offence prosecutor—a COP. We need a COP with the resources and powers to hold those breaking the law to account.

If this is an important issue to government—and, of course, it is; it is an important issue to all Queenslanders; saving the reef is an important issue to all—then we need to ensure that the prosecution of environmental harm is given the importance that it deserves rather than simply trying to erode the basic tenets of our rule of law. Simply, you have better resources. There has been one prosecution in the last 12 months. I will get to what that might mean in a minute. Better resources for investigators, better prosecutors, quite frankly, better investigations and many of the concerns which this parliament may have and this committee may have are adequately dealt with without breaching that fundamental tenet of law.

Can we go to that? The society is in fact aware that the Department of Natural Resources and Mines is in fact doing excellent work in relation to satellite image driven early detection systems which update images of vegetation every two weeks. The department has an eye in the sky. It takes photographs of every farmer's backyard every 14 days. This is able to be compared and the easiest way is through computers.

The department's eye in the sky can literally tell them when and where clearing is taking place and with fulsome powers for investigators how can the department literally not be able to obtain enough evidence to prosecute or at the very least form the basis of a warrant for entry to investigate and seize things when there are suspected offences? The first argument that is put there is that we need these things because they occur in remote locations—'Gosh, it is difficult to get evidence.' You get it easily every 14 days. That is not mentioned. The eye is sky works; use it for prosecutions. Use it to utilise the proper powers that the COP might have or be given.

In response to the reasons outlined in the explanatory notes, the society is of the view that the remote areas in which the offences of this nature are likely to occur do not preclude investigators accessing or collecting evidence. Displacing the expense and other resources by shifting this burden does not accord with natural justice. If environmental protection is seen as an important function of government, the investigation and prosecution of environmental harm should be well resourced and diligently prosecuted. A third party's unlikelihood to clear property due to the expense involved in our view seems speculative and does not align with the established sound evidence based policy. A landholder's right to provide evidence establishing innocence does not justify the onus being reversed. The state can neither, we state, by appearance nor actuality uphold its status as a model litigant if it seeks to transfer responsibility for disproving an offence to the accused. We say that the reversal of the onus of proof principle is inconsistent with the approach taken to other environmental and developmental issues which, in many cases, can in fact have more serious environmental or public interest impacts than the activities that are proposed to be regulated.

I dealt earlier on with the analogy that Minister Trad has used with respect to red light cameras and speed offences. They are what lawyers refer to as strictly liability offences. They have, generally, modest penalties. Environmental harm offences are not strict liability generally and involve significant penalties. There is simply no equivalence between the two and, with respect to the minister, it is like comparing a grape to a watermelon.

Just dealing, if I can, with that there is some reference to the Forestry Act in explanatory notes. The Forestry Act 1977 refers to people being found in possession. That is not committing an act of environmental vandalism. It is being in possession of a seed, a pod, a piece of wood, some dirt or soil or whatever from a place. They are deemed to have committed the offence if they in fact fail to give an account to the satisfaction of an officer as to the manner in which they became possessed of such products, quarry material or earth. This is something which carries a penalty of approximately $10,000. We are talking about a quarter of a million dollars for these offences. You simply cannot compare them. It is just, with respect, not proper, appropriate and is a nonsense.

Can I deal with the mistake of defence for vegetation clearing offences which is the second issue. Criminal lawyers refer to this as the section 24 defence that is contained within the Criminal Code. It holds that, in essence, a person cannot be found guilty of an offence if they do so under the honest and reasonable but mistaken belief in a fact. We all know, and I will just tell you, that mistakes as to law are not defences.

The reason for that is that back in the old days in England where our laws were developed even though you could not read and write and you crawled out of the bog you were told what the law is every week when you went to church. I think sometimes in Latin, too. What you were told was, 'Thou shalt not kill. Thou shalt not steal. Thou shalt not covet one's ass,' and all the rest of that wonderful stuff. Even if you could not read and write you knew that you could not nick the king's deer from the park. These things were likely to lose your nose or your hand or other parts of your anatomy.

The end effect of it is that that is enshrined in principle. We know that mistakes of law do not amount to a defence. A mistake of fact does. The reason it does is because as humans we are fallible to making mistakes. We can make errors. The error can occur both in the perception of the person committing the offence or the error can occur in other ways. We know from computers that if you put garbage in you get garbage out. It is the same thing with laws, quite frankly.

It is also the same with maps. So let us imagine a situation where a diligent public servant creates a map and the map is wrong. It turns out to be wrong—one digit to the left, one digit to the right. The map is provided to the farmer. The farmer honesty and reasonably says, 'Fine, that bit of brigalow over there and those gums over there are not on the map', so he removes it. The map is

wrong. Take away this defence and that farmer gets prosecuted; deemed by law to be guilty until he proves that he did not do it. He cannot rely on the defence that, 'Gosh, I was reading a map produced by some public servant'—no disrespect to public servants—'in some remote place who is not on my property and does not see it.' With respect, wars have started in Europe over wrong maps. Do we want to have prosecutions in Queensland over a wrong map? It is a fundamental right. It exists for a purpose.

When I look at the explanation in the explanatory notes, if there has been only one prosecution in 12 months where is the real evidence that is some kind burden on prosecutors? If someone raises it there are two parts to it. The belief first of all has to be honest. Honesty is something that courts assess. But secondly there is what we call an objective test—the test that lawyers throw in. It is not just about what I think. What I think is subjective, but what would an ordinary reasonable person, as the legislation used to refer to, as being on the Clapham omnibus—it shows how long ago the test was—a bystander, think? Was the person being both honest and reasonable—reasonable to themselves and reasonable objectively?

We say that that is simply good law, it is enshrined law, it has been in the Criminal Code as a defence since 1900. That is 116 years now. I can tell you from 36 years of experience as a criminal lawyer, it is not raised often and even when you do raise it it is hard to raise successfully because there is a two-limb test. The argument here is that the act says and explanatory notes say we cannot do this and we should remove that because the prosecutions are going to be a bit difficult. We know that they are not because of the eye in the sky and proof elements. If there have only been such a small number of prosecutions, where is the evidence that it is in fact having chilling effect on prosecutions? The acts only refer to the first limb—that is, the honesty. The actual test is twofold—honesty and reasonableness.

We say that although it is not a defence which is raised often it plays a very, very important role and it in fact prevents injustices. Can you imagine a court fining someone or being asked to fine someone, taking away their livelihood and imprisoning them because someone did not do the map right and they cannot rely upon that as a defence? How is that fair? How is that reasonable? Does it pass, quite frankly, what some people used to refer to as the sniff test, the pub test?

Our imploring submission to you is that this parliament and this committee would not find the removal of that defence to be reasonable at all. Indeed, the removal of it is not justified, in my submission, for lack of due diligence and wilful blindness in conducting land clearing. A concerted lack of due diligence with this intention is clearly going to preclude the employment of this defence because it is premised on both, as I have said, honest and reasonable belief. Removal, therefore, of the defence we submit does not achieve the explanatory notes' stated objective, as the defence is based solely on an honest and reasonable belief in a fact—not in the law—and it has to be raised in all of the circumstances in the case by the defence.

CHAIR: Can I just step in there. This is very entertaining and it is taking quite a long time. We are on a very tight time frame here. If I could get you to get to the point, please. I think you can.

Mr Potts: We say that if information is readily available to landholders it will be difficult to demonstrate a reasonably held belief in the fact. The mapping information is accurate; we know that. Not necessarily the maps, but the mapping information is, we hope. Accurate information is already available to all stakeholders, so we say that landholders should be able to rely upon that as a defence. In those circumstances, we submit finally on the point that the removal of the defence is unfair and unjust when the key policy objective should be to ensure that the necessary information is available. Then there can be no mistake as a fact.

The final point we make is in relation to the retrospective operation of amendments. The proposed retrospective application of certain amendments to 17 March 2016, which is when the legislation was introduced, have the potential to create significant complexity for determining clearing activities that are lawfully undertaken and a landholder's ability to defend any prosecution relating to the transition period. Again we state it is a breach of fundamental legislative principles which is contained within the Legislative Standards Act, which provides that legislation should not adversely affect rights and liberties or impose obligations retrospectively.

The society acknowledges that the bill does not impose retrospective criminal liability on people who clear vegetation during the interim period; however, the information on the DNRM website suggests that although certain development applications can still be made after 17 March 2016, if the legislation is ultimately passed any clearing undertaken under those types of development approvals will become unlawful and restoration of the area will be required. Retrospectivity always introduces uncertainty, and the Queensland Law Society submits and considers that this is simply not justified. I will pause to allow questions.

CHAIR: Thank you very much. I am quite happy with your opening statement. It did go on for a while, so I do not have any questions.

Mr PERRETT: I just have one very quick question. Obviously we have travelled the state extensively listening to a lot of landholders, a lot of submissions and a lot of witnesses who have come before the committee. The three specific areas that you have mentioned today have been raised consistently. From your dealings are you hearing these concerns from landholders, the fear that they are going to be prosecuted and that this legislation could, as you have correctly identified, mean that some of these landholders lose their farms? There is a significant amount of concern, and I wondered whether that was feeding back through your society and what you are hearing as a layperson.

Mr Potts: Two things, member for Gympie: I am a city boy from the Gold Coast but with our 12,000 lawyers I have, during the period of my presidency, also travelled the entire state. I have spoken to our members, both within Brisbane who act for large groups, I have spoken to AgForce and the Queensland Farmers' Federation, who I know are passionate about these matters. I have also spoken to solicitors in Townsville, Cairns and Mount Isa most recently two weeks ago, and I can tell you that there is considerable concern around these matters. When I say that our members act for people, the Law Society is not here over any specific interest, but I can tell you that people who are involved in these type of industries, who run farms, are concerned with their own properties and they are concerned about the environment. It is wrong to try and suggest that farmers are vandals. They live on the land and they are working the land, but the people I speak to, the lawyers who are in great and close contact with their lives, suggest that there is a considerable chilling concern with the legislation as it is currently formed.

Mr MADDEN: I do not have a question, but I have to declare myself a member of the Queensland Law Society.

Mr Potts: Well done. I will not cancel your practising certificate on that basis.

Mr MADDEN: I have to declare that.

CHAIR: Thank you, member for Ipswich West. Thank you very much for your time this afternoon. I do appreciate the address you gave us.

HAYTER, Ms Frances, Director, Environment Policy, Queensland Resources Council

KAVANAGH, Ms Chelsea, Adviser, Environment Policy, Queensland Resources Council

CHAIR: Good afternoon. Would you like to make a short opening statement?

Ms Hayter: It is a pleasure to appear again. It has only been a couple of weeks since I was here last. We welcome the opportunity that you have given us to present here today. As you would be well aware, the QRC is the peak representative organisation of the Queensland minerals and energy sector, and our membership encompasses minerals and energy exploration, production and processing companies and associated service companies.

The key amendments to the Vegetation Management Act for the reinstatement of the vegetation management framework to more effectively manage clearing in Queensland, particularly in the catchments of the Great Barrier Reef, certainly demonstrates the government's aim to capture more of the impacts associated with agricultural activities. However—and this is our biggest concern—the bill has, without any prior warning to the sector, strayed beyond its intent of amending the VM Act to revising the Environmental Offsets Act, a piece of legislation that has only been in existence for less than two years. This will have a major direct impact on the resources industry, and you will see that we have provided quite a series of case studies with some significant amounts of money in our submission. Because of this, we are not able to support the bill in its current form.

We must bring to the committee's attention our concerns yet again with a bill that was rushed into the parliament in the absence of proper consultation. Again this has resulted in a missed opportunity for what could have been a sensible approach to address government's intent of creating accountability for agricultural impacts without any unintended consequences for the resources industry. While the government is of the opinion, as we have been told by the minister, that the bill will not affect the resources sector, we do not support this view and it does not give our members any confidence. We are also aware that the government has not taken any assessment of impacts of the bill to industry.

The most fundamental concern is the removal of the significant threshold in the context of residual impact. I know that has been mentioned a couple of times today, and it is probably a slightly different topic from most of the ones you have been listening to so far. The removal of this test has the potential to remove the critical option of staging in the offsets act, as well as any minor modifications to an environmental authority, as similar to have to be reassessed when they have previously been determined that they would not have a significant impact on a matter of state environmental significance.

While the government has indicated to us that yet again they are working on yet another guideline to define residual impact, this does not allay our concerns. If it does not set the threshold for residual as it currently does for significant, then there is not any benefit. Nor is it acceptable that there is not a parallel commitment that the guideline will be completed to the satisfaction of all parties prior to the bill being debated. This continues an ongoing trend of governments—not just this one—progressing the introduction of new legislation without having developed core supporting documentation, whether that is regulations or associated guidelines. The removal of this threshold is also entirely inconsistent with the Commonwealth's offsets policy, which has been in place for more than a decade.

Driving industry down the path for accounting for any residual impact will be an extremely costly exercise for both companies and taxpayers, who will ultimately fund the unnecessary reassessment of developments. As I said, we attached a number of detailed case studies to our submission which describe the impact to the resources sector in the event that particular businesses did not have that significant threshold at the time of their current project approval process. The solution is a very simple one: that the bill's proposed provision to omit the word 'significant' from the threshold of residual impact in the Environmental Offsets Act be removed. If the focus is only to focus regulatory changes on agricultural development, there are far better options available such as the existing guidelines which could be readily modified, and there are two—which we have always said is silly—guidelines which could be combined into one and may be reviewed rather than starting from scratch again.

We emphasise our serious concerns with this bill, particularly in the context of coming so hard on the heels of various other pieces of legislation which have just passed: the chain of responsibility act, the re-opening of options to all parties through the Mining and Other Legislation Amendment Act and just very recently the premature closure of mining operations on North Stradbroke Island. Any unnecessary cost impacts on the resources sector in the current economic context as well as any

further loss of investor confidence must be recognised as potentially having consequences for jobs and the economic return to the people of Queensland. We therefore seek recommendations from the committee which will see a fairer outcome for the resources sector. We also have other matters in our submission which I will not raise here but I am happy to take questions on. We urge the committee to recommend against the substantial change. I would be very happy to take any comments.

CHAIR: Your submission states—

Driving industry down the path of accounting for any residual impact will be an extremely costly exercise for both companies and tax payers, who will ultimately fund the unnecessary reassessment of developments.

Can you explain a little bit more about that and why you think costs will be passed on?

Ms Hayter: There are a couple of matters there. If we are talking just in the first instance about the assessment process, every time a company puts in an application for an amendment there is a cost associated with that. There is a cost associated then if the government says, 'Now you have to go back and reassess.' There is a processing cost, there is an administrative cost and there is a time cost. There is an associated government officer who has to work on that. The company has to potentially get consultants out, flora and fauna experts et cetera. It is about a package of having to reassess something which is currently in approval condition, and that is also related to a key issue with the act, which is that there aren't any transitional arrangements recognised either.

Then of course there is the actual cost that a company needs to find an additional offset or a much larger offset because of the change in threshold. As we said in our submission, we are talking about millions. In fact, the resources sector is really the only industry that has actually spent any considerable amount of time being involved in the Environmental Offsets Act.

Mr PERRETT:. I know other governments made certain claims that this legislation will not affect the mining and resources sector. It seems quite clear from your submission and testimony today that it will have significant potential impacts on that sector. Can you inform the committee what consultation the government had with the resources council prior to the introduction of this legislation into the parliament?

Ms Hayter: Zero. I can expand on that if you would like.

Mr PERRETT: I am interested because the claim has been made with respect to certain aspects that will not affect the resources and mining sector of this state. I am keen to know, given the claim that that was the case, your experiences around the consultative process and what contact the government had with you. I note that your submission mentions it being rushed into parliament and the absence of proper consultation, so I am keen to get your views on why it is important that government consult properly with all sectors.

Ms Hayter: The bill went in on the 17th, as has been noted before. The following day the usual announcement comes out from the parliament that such and such a bill has been introduced. I saw that it included some amendments to the offsets act and I thought I would have a look. At least the last two pages were all omit the word 'significant', omit the word 'significant'. Consequently I rang my boss in a bit of a panic who immediately got on to the minister's office and we were able to have a meeting with him the following Monday at which we were informed that he had been advised by his department that the bill would not impact the resources sector. What can I say? That is clearly not the case or at the very least there was never any question of asking our views on that. I have absolutely no idea the basis for the advice which the minister appears to have been given.

CHAIR: Thank you very much.

CHESSHER-BROWN, Ms Kirsty, Director of Policy, Research and Sustainability, Urban Development Institute of Australia (Queensland)

MACOUN, Ms Sarah, Chair, Planning and Environment Committee, Urban Development Institute of Australia (Queensland)

CHAIR: Welcome. Would you like to make a brief opening statement?

Ms Chessher-Brown: Thank you for the opportunity to provide further feedback to the committee. We appreciate it. UDIA represents all sectors of the development industry throughout Queensland, and our aim is to help our members deliver better communities. This bill is critically important to the urban development industry and we believe it will directly impact on the future of communities throughout the state. It is our view that it will add significant uncertainty and additional cost and that burden will sit with homebuyers which will threaten future investment in Queensland and a redirection of funds and jobs to other Australian states. Our submission details our concerns with the bill in full. Today we would specifically like to focus on one of those issues which is the removal of the word 'significant' in relation to the offsets act.

Firstly, it is important to note that it is the institute's view that this is not a reinstatement and the changes to the offsets act are not a reinstatement. The offsets act and the corresponding framework were introduced to combine five pre-existing state offsets policies, some of which even included exemptions for urban uses. The removal of the word 'significant' will apply to urban areas, significantly increasing the offset liabilities for urban development sites throughout Queensland.

Since the introduction of the offsets act in 2014, the number of opportunities for an offset to be taken by various levels of government has increased. Today on any given development site a developer may be required provide an offset to three levels of government. The removal of the word 'significant' has substantial cost implications which would impact the cost of housing in Queensland and, importantly, really affect the viability of development sites.

Since our submission on the bill UDIA Queensland has undertaken analysis on some of our member sites, focusing on South-East Queensland at this stage, which reveals that on those sites the removal of the word 'significant' has the ability to add between $10,000 to $197,000 as an additional cost to each house. This is an extraordinary additional cost impost on urban development which is occurring on land that is zoned urban within the urban footprint. These areas have been identified urban with the explicit purpose of providing and delivering houses for a growing population within Queensland.

The impact of this policy will directly impact sites which contain matters of state environmental significance of less than five hectares in size. Our case study analysis shows that this proposed change has the ability to impact even small development sites—for example, a site with four townhouses to be developed and that may occur by the removal of a single tree. That would trigger an offset obligation. On these sites—we are again talking about a single site with perhaps four townhouses to be developed—the ability to avoid and mitigate the removal of a matter of state environmental significance is highly constrained yet this type of development is often developed in response to the government's preferred urban form which is in-fill development.

In addition to the cost impacts of this policy, this proposed change will cause significant disruption to the industry across Queensland. We have been operating under the existing Environmental Offsets Act for not even two years and this is a significant change to the legislation that we are currently operating under. Given the time frames involved with delivering a development project, even though small development projects can take five years from the time of acquiring a site to the time that you start construction, an alteration to this relatively new legislation and framework combined with those significant additional costs that I spoke of earlier is likely to disrupt the provision of housing for all Queenslanders. Sarah will now talk on one of the other key issues that has arisen.

Ms Macoun: I will speak very briefly in addition to what Kirsty has raised. The change that is proposed in removing the word 'significant' will also create a misalignment between the federal government's regime and the state government's regime. I do not know if you are aware but since the offset act was introduced in 2014 there was quite a bit of progress made in aligning the state and Commonwealth's offset regimes, and a critical part of that is this notion of significant and impacts being significant. Under the federal legislation, a party is required to offset residual impacts if those impacts are significant, but with the change that is proposed now at a state level it is all residual impacts. It is any residual impacts that are required to be offset. We are going to end up with a misalignment between the two approaches to offsetting.

CHAIR: I do not have any questions. I will pass over to Tony.

Mr PERRETT: Thank you for coming along and putting forward your perspective with respect to the current provisions within the legislation. I am interested to hear more about your knowledge of other states. I got a response from the Deputy Executive Director of the Property Council of Australia earlier today, and she raised some serious concerns about misalignment with other states that could potentially impact the growth of this state and jobs that are linked to it. What is your knowledge of how this legislation aligns, or misaligns in this case, with other states?

Ms Chessher-Brown: As Sarah was saying, the core issue is the removal of the word 'significant'. That is common language when we are considering offsetting and measurement of residual impact. That will certainly put us out of step with other states.

Mr SORENSEN: How long does it take for the process to go through from one end to the other when you are dealing with three different levels of government?

Ms Chessher-Brown: A very long time. It can be very complex. Sarah is able to talk a little more about the Commonwealth system.

Ms Macoun: It can take a very long time, and the difficulty that the industry has faced, particularly recently, is that the laws keep changing. You start off with one set of parameters and they keep shifting. There is continual shifting of what you are required to offset. Every time something changes, there is cost and time associated with that. Ultimately the person who pays the price for that in the development industry is the end user, so the homebuyer.

Mr SORENSEN: How far does it go down? I saw a situation on an industrial estate where they had to leave so many trees per hectare—blocks of land. When the person wants to build a building, does he have to go through that again to shift a couple of trees out of the road?

Ms Macoun: It would depend on the status of those trees. If those trees had some measure of protection at a local level then, yes, potentially you would be looking at an application to remove those trees and possibly an offset requirement for those trees. Similarly, they might have a level of protection at a state level. It is probably unlikely at a Commonwealth level if it is just a couple of trees. As I said, the Commonwealth has this notion of 'significant'. They are not interested in looking at something unless it has a significant residual impact. You do not even get into their system. There is a preliminary step whereby those sorts of things are filtered out.

Mr SORENSEN: Do you think some blocks of land will become undevelopable?

Ms Chessher-Brown: Under this proposed bill, yes. Also for sites that have previously been bought we imagine that the feasibility will collapse on this basis so they will not be developed.

Mr SORENSEN: I can see a block of land in Hervey Bay come to that situation with this legislation. I do not believe it will ever stack up.

Ms Chessher-Brown: That is part of our concern, particularly when there is the South-East Queensland Regional Plan and individual planning schemes which have targets for housing and accommodating a growing population, providing jobs and employment centres that simply will not happen under this scenario.

CHAIR: Thank you very much for your time today.

GUYMER, Dr Gordon, Director, Queensland Herbarium, Department of Science, Information Technology and Innovation

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

LAZZARINI, Mr Peter, Director, Land and Mines Policy, Department of Natural Resources and Mines

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

WEINERT, Mr Nick, Acting Director, Conservation and Sustainability Services, Department of Environment and Heritage Protection

CHAIR: I welcome the officers from the Department of Natural Resources and Mines, the Department of Environment and Heritage Protection and the Department of Science, Information Technology and Innovation. Would you like to make a brief opening statement?

Mrs Ryan: Good afternoon. The Department of Natural Resources and Mines will address the committee in relation to the key issues raised in public submissions and hearings on the Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016 that are relevant to the vegetation management framework and the Water Act. Mr Nick Weinert from the Department of Environment and Heritage Protection will address public submissions as they relate to the Environmental Offsets Act and Mr Gordon Guymer from the Queensland Herbarium is attending today's hearing as requested by the committee.

In 2015 the Queensland government committed to reinstate Queensland's nation-leading vegetation management laws to reduce impacts on the Great Barrier Reef and lower carbon emissions. The Vegetation Management (Reinstatement) and Other Legislation Amendment Bill is the manifestation of this commitment. DNRM and EHP have reviewed the public submissions made to the committee and provided a written response to the issues raised in the submissions. I would like to respond briefly to the major issues raised in the submissions. As you are aware, there are strongly divergent views on the provisions of the bill that entail removing high-value agriculture and irrigated high-value agriculture as purposes for which clearing of regulated vegetation can occur. Removing the HVA and IHVA clearing purposes is a key component of meeting the government's election commitment to reduce carbon emissions by reinstating the nation-leading vegetation protection laws repealed by the previous government. This is the policy basis for the provisions contained in the reinstatement bill.

I would also like to clarify that a range of options will remain for landholders to undertake or expand agriculture including clearing in areas identified as category X, clearing in accordance with the category C or category R self-assessable codes, and clearing remnant vegetation consistent with the self-assessable code for improving operational efficiency of existing agriculture.

Larger scale agriculture activities may also continue to take place under the State Development and Public Works Organisation Act 1971 where designated as a coordinated project or on Aboriginal land on Cape York Peninsula under the Cape York Peninsula Heritage Act 2007. These acts are unaffected by the reinstatement bill.

The regulation of high-value regrowth is also a key component of fulfilling the government's election commitment. High-value regrowth is mature regrowth that has not been cleared for more years and provides habitat for wildlife, protects waterways and restores carbon. Landholders with proposed category C areas can clear vegetation, including during the transitional period, in accordance with the category C regrowth vegetation self-assessable code. Clearing can occur for a range of activities such as agriculture and grazing, thinning of thickened regrowth vegetation, encroachment of vegetation on native grasslands, control of non-native plants and declared pests and fodder harvesting. Under the self-assessable codes landholders are not required to lodge an application for a vegetation clearing permit; however, they are required to notify DNRM prior to clearing and clear consistent with the provisions within the self-assessable code. Clearing can also occur in line with existing exemptions under the Sustainable Planning Regulation 2009 for activities such as routine and essential property management which includes clearing for fence lines, fire management lines, road and vehicle tracks and any necessary built infrastructure. The bill does not propose to change existing exemptions relating to clear category C in urban areas or in key resource areas.

Expanding category R protections to all Great Barrier Reef catchments is an action supported by the Reef 2050 Plan. The final report of the Great Barrier Reef Water Science Taskforce in May 2016 states that agricultural land uses are the main sources of nitrogen, sediment and pesticides entering the reef and its ecosystems and contains a recommendation to extend regulations to protect riparian areas and natural wetlands to all the reef regions. Similar to category C areas, landholders can still undertake clearing including during the transition period consistent with the category R self-assessable code or existing exemptions. Importantly, where there is no native vegetation or existing crops in category R areas, then activities are unaffected. The bill does not require landholders to revegetate these areas where none exist.

The bill's provisions relating to mistake of fact and the reverse onus of proof were both strongly supported and strongly opposed in many of the submissions. Submitters noted that inaccuracy of the vegetation mapping, inaccurate information and inability to access information would lead landholders to make errors. As I will highlight in the next section, the department has considerable resources freely available to assist landholders to understand the potential implications of the bill. It is also important to note that the state remains responsible for establishing and proving that a vegetation clearing offence has actually occurred.

Certain aspects of the bill are proposed to commence retrospectively from the date of the bill's introduction to parliament on 17 March 2016. This is to ensure that pre-emptive clearing and a rush of PMAV and development applications does not occur. If such pre-emptive clearing were to occur, achieving the government's election commitment would be less effective because the extent of vegetation the bill moves to protect would be reduced. The department has undertaken a number of steps to help landholders understand the possible implications of the bill. The department made the proposed regulated vegetation management map showing proposed category C and R areas freely available on its website and data sites. For your information, there have been over 11,000 downloads of regulated maps since the introduction of the bill. We have also published a public notice about the bill in 26 newspapers across the state and we have made information available on the website, which has had 12,407 hits, and through social media channels of which there were seven posts reaching around 9,500 people. The department has also received 933 calls since the introduction of the bill, assisting landholders to identify if their property is affected by the proposed changes and the possible implications of the bill on their activities.

As you are aware, the reinstatement bill amends the offence and restoration requirements for the retrospective period of 17 March 2016 to the assent of the reinstatement bill. Some submitters have expressed concern at the issuing of the restoration notice as the penalty for clearing that becomes illegal if the bill is passed. It is believed that there is insufficient discretion in relation to this requirement and there is no consideration as to whether restoration is an appropriate outcome for the unlawful clearing. However, clause 10 of the reinstatement bill outlines that unlawful clearing is not an offence during the retrospectivity period. This means that a conviction would not be recorded nor a penalty infringement notice issued. As unlawful clearing during this period is not an offence, the only avenue for addressing the unlawful clearing is through requiring the issuing of a restoration notice. However, a person issuing a restoration notice can seek an external review of the decision to the Queensland Civil and Administrative Tribunal, or QCAT.

Mapping inaccuracies were also identified more broadly by rural stakeholders, and some of these stakeholders also identified that landholders should not have to pay to have the map corrected. The department has briefed the committee on how the map was prepared and how inaccuracies can be amended through the PMAV process, which has been in place since 2004. Also obvious errors will be fixed free of charge. However, DNRM is currently working with the Department of Science, Information Technology and Innovation to improve the accuracy of the proposed category C mapping.

Regarding the vegetation management framework and its impacts on urban development, the vegetation management framework currently provides exemptions for clearing all category C and category R vegetation and category B areas that are of concern or least concern regional ecosystems in urban areas for urban purposes. The framework only regulates clearing of endangered remnant regional ecosystems in urban areas. This has been the case since the introduction of the vegetation management framework and the bill does not propose to change these exemptions. This bill will largely return the vegetation management framework to the same arrangements the property development sector operated under for many years previously.

The reinstatement of riverine protection permits for the destruction of vegetation in a watercourse, lake or spring fulfills a government election commitment to reintroduce riverine protection permits to guard against excessive clearing of riparian vegetation. The department will be reviewing and updating the water regulation and any necessary forms and documentation, including

exemption documents, to support the new legislation framework. The bill does not change an exemption in the Sustainable Planning Regulation 2009 that exempts a person from acquiring a development permit for clearing vegetation within a watercourse or lake if the clearing is authorised or a consequence of an activity authorised under the riverine protection framework under the Water Act. Reinstating riverine protection permits for the destruction of vegetation in a watercourse, lake or spring will properly consider and manage the risks and impacts of riverine activities, including the destruction of riparian vegetation, impacts on watercourse integrity, the environment, infrastructure and agriculture.

I will now pass to my colleague from the Department of Environment and Heritage Protection to provide an overview of submissions relating to the Environmental Offsets Act.

Mr Weinert: Thanks for the opportunity to address the committee. I would like to start by reiterating the provisions of the bill that relate to the environmental offsets framework and then address some of the feedback on these changes that have been the subject of discussion between the department and stakeholders since the bill was introduced. Some of these issues have come up today.

The committee will recall from its previous hearing in March that an environmental offset is an action taken to protect and enhance an environmental value so that the environmental gain compensates for the loss caused by a particular development. Offsets can either be delivered by a proponent who then holds the liability or financially settled by the proponent and delivered by the state with the proponent holding no further liability. An offset requirement applies to impacts that remain after a proponent has first sought to avoid and mitigate the impacts of that development.

The objective of the offsets framework is that, insofar as possible, important environmental values that are lost or damaged are replaced elsewhere in the landscape to ensure the maintenance of biodiversity and quality. This requirement for offsets has been a component of vegetation management practices in Queensland since 2006 and for other development activities such as mining since 2011.

What the bill does is that included in the changes are three proposed changes to the environmental offsets framework. Firstly, the bill will enable the act to require offsets for residual impacts on environmental matters rather than only significant residual impacts, as has been discussed. Simply put, this represents a change to the scale of impact on important environmental matters—for example, certain types of vegetation—that will be approved before an offset is required. The government's stated policy intent here is to return this part of the offsets framework to an equivalent set of arrangements that were in place prior to changes that were made by the previous government.

The previous complexity of legislative arrangements with respect to offsets means that this is not as simple as rescinding a single former amendment, but the policy objective remains insofar as possible to return to a situation that does not impose further obligations than was the case in 2012. The department is working with colleagues across government and with stakeholders to arrive at this outcome, and this will continue.

As the committee was briefed in March, this bill does not reinstate all offset requirements that existed under the pre-2012 offsets framework, nor does it seeking to go further than was the case at that time. For example, as my colleague Sue just stated, a range of exemptions from offset requirements that were introduced in 2014 are not affected by these proposed amendments. Consequently, the range of matters that trigger an offset will still be considerably lower than was the case under the pre-2014 framework.

With respect to the second amendment, legal security, the bill provides the ability to legally secure offset areas for Commonwealth imposed offset obligations using the tools of the Queensland framework. An offset area must be legally secured to ensure its ongoing protection. Legal security requirements under the Queensland framework may be simpler and cheaper for proponents to achieve, especially where they have both state and Commonwealth obligations.

The third amendment removes the current impediment to a proponent making financial payments for Commonwealth offsets into the Queensland offsets account. As I said, a proponent can financially settle an offset obligation and pass the obligation to the state, who retains it, and that can happen with respect to Commonwealth and state obligations. What this does is that it enables a Commonwealth obligation to be paid into the state account. Again this amendment aims to have a streamlining and simplifying effect for proponents whose development affects matters that are in Queensland but may be of national environmental significance. This has been advocated for by industry since the current environmental offsets framework was introduced in 2014; for example,

payment into a single account where permitted by the Commonwealth rather than the requirement to locate and arrange a land based offset for Commonwealth matters may be simpler for some proponents.

Incidentally, this amendment also serves to promote better environmental outcomes as it enables 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.

I will now speak a bit about what stakeholders said about the bill. With respect to the notion of significance, there was general support for this amendment amongst conservation groups who made submissions to the committee, from some scientific organisations and from members of the public, who see it as likely to lead to improved conservation outcomes. The amendment was opposed by the property development industry as well as, we have heard, the energy and resources sectors. Property industry stakeholders submit that the amendment is unjustified and will lead to increases in the cost of housing. I would like to introduce some comments on that by saying that the extent of those implications remains the subject of discussion between the department and industry, so the department is assessing now the urban area of vegetation where this change has the potential to increase offset obligations; for example, in respect of property development. Notwithstanding discussion that has been had about the accuracy of maps, where the amendments are likely to have most impact in urban areas we are talking about less than one per cent of the urban area in South-East Queensland, so we are not talking about the entire urban area and we are not talking about potential costs applying to all housing in the urban area. We are talking about a small part of that area.

While this area of vegetation is relatively small and may be considered not to be sufficiently large or important to retain, it is in the most endangered category of regional ecosystem and is considered vulnerable to extinction, as some other submitters pointed out this afternoon. The environment department and the planning department are also currently examining a number of case studies that have been provided to us by the Urban Development Institute of Australia on likely cost impacts, and the institute made a submission to you just now on those. We each are at a disadvantage in that we have not had the opportunity to finalise the analysis of those case studies, and while they are ongoing I can say that the department is of the view that on face value the impacts anticipated by the institute in its case studies are not likely to derive from this bill.

Discussions with the property development sector are also ongoing regarding implications of the bill for the ability of local governments to require offsets for matters where the state does not. Likewise, the department is working with the resources sector to examine the concerns that it has raised and to clarify the government's intent.

With respect to agricultural activities, the department is in discussions with AgForce, including today, on the implications of this bill for the provisions of offsets under the framework. Until such time as residual impact—which is the standard that will now exist in the bill—has been defined, it is not possible to accurately quantify those impacts, so that is still ongoing. The framework does not apply to all clearing due to exemptions from clearing approvals. The fact is that many activities are undertaken in accordance with self-assessable vegetation clearing codes where the offset framework is not triggered.

Finally, I would like to note that a guideline that will provide guidance to assessment agencies on how offsets should be assessed and imposed will be developed in consultation with stakeholders before the bill is debated. The department has given that undertaking to the industry representatives it has met with, and this will continue the dialogue that has occurred between the department and industry since the bill's introduction. That is the matter of significance.

With respect to legal security, this amendment—that is, the ability to legally secure a Commonwealth offset obligation using the state framework—is broadly supported by the conservation sector and the property sector. The Property Council of Australia, however, has raised an issue with the department in relation to this provision. The concern is that the wording of the bill leaves some ambiguity in relation to enforcement provisions, and the department is in the process of clarifying this matter directly with the Property Council.

With respect to the third amendment, that is, financial payments for Commonwealth matters and the ability to pay financial obligations into the state account, based on submissions this provision is broadly supported by the conservation sector, by industry and by other submitters because, as I said, it has the potential to simply offset arrangements for developers. Although some submitters did note concerns about the environmental effectiveness of offsets per se, some of the environmental

groups, for example, questioned the outcomes that are achieved from environmental offsets per se. That is outside the scope of the bill. The property sector raised two specific concerns with these provisions, both of which relate to concerns about potential outcomes of ambiguous wording rather than policy intent.

The first of these is a concern that the state may be able to require offsets from proponents in addition to those required by the Commonwealth for the same matters. The legislation currently does not allow that, and the bill will not affect that. It is not the intent of the act as amended. The act will continue to provide effective provisions to avoid or remove double dipping for offset provisions. The second concern that was raised with the department in relation to this amendment is in relation to the state's ability to refuse to accept financial payment for Commonwealth matters. Committee members may recall that there is provision in the bill such that notwithstanding that the Commonwealth may permit a financial offset to be paid into the state offset account, if the state's view is that that financial settlement payment is insufficient to meet the financial obligation which would transfer to the state, the state under the bill effectively retains the right of refusal to accept that payment into its account. Related to that, representatives of the property sector raised a concern that the state might be in a position to—rather than simply reject the Commonwealth payment—in fact require it to be increased to meet the state's standards, if you like. I can confirm that the state legislation will continue to prevent this from happening. Nonetheless, with respect to that relationship between the state and the Commonwealth frameworks, the department will continue to discuss this with industry as required in the interests of gaining that clarity. That concludes my opening remarks.

CHAIR: We have heard a fair bit about the 50-metre riparian buffer zones and water catchment areas. We received a document during some of our hearings called Understanding Floods in Queensland. There was some information saying that they are going through a study at the moment, and barriers between 30 to 50 metres wide along the banks of waterways have been trialled in South-East Queensland. The report says it has merit. We have heard that the one-size-fits-all 50-metre barrier seems too harsh for those people with smaller lots. Is there any other information you can provide to the committee about that? Potentially is it something for the committee to look into regarding smaller zones for different areas, as we have heard?

Mr Lazzarini: With the category R areas there are a few points to make here. Firstly, that 50-metre buffer either side or the 50-metre zone is like a trigger area. That is the area where you can apply the self-assessable code. The first point is that if there is crops there now or if there is no native vegetation, then there is no effect on activities. There are some perceptions out there that it is a lockup of that area and we have to replant that area, but that is not the case. It is about if you have, as I said, native woody vegetation in there then you can apply the self-assessable code. That code has then, when you apply it, different areas and differ buffer zones that you can clear within depending on the size of the watercourse, so that is already built in to the self-assessable code.

CHAIR: Even in riparian zones you can have a self-assessable code to clear?

Mr Lazzarini: That is right. It allows some clearing to occur in those zones. Depending on the size of the watercourse, there are different buffers that come into play.

Mr SORENSEN: One lady up in Cairns was asked to make a contribution of $3.5 million to assess that one.

Mr Weinert: I do not believe that we did assess that. As I understand it—and I may be mistaken—the person in question may have made that assessment themselves.

Mr SORENSEN: No, the department made the assessment that the offset would be $3.5 million, as I understand it, at the meeting and the department asked for $3.5 million for the offsets. How do you come to that figure?

Mr Weinert: Offsets in this instance are assessed using a financial calculator, and information is put into a calculator about the scale of the impact and the nature of the environmental matter that the impact will happen to. My understanding is that the environmental offsets calculator, if used in this case, would have come up with a figure significantly less than $3.6 million. In the order of $1.4 million. So I cannot comment, I am afraid, on how the proponent may have arrived at this figure. I can say that the environmental calculator, if used in relation to that matter, from the understanding of the department, would have come up with a different figure.

Mr SORENSEN: At the end of the day the property is only worth around $700,000. How can it be worth more than the property itself?

Mr Weinert: The cost of the offset includes a number of things; that is, to achieve replacement of an equivalent environmental value—what is called a conservation outcome—that is the cost of managing land to achieve that conservation gain to offset the impact, the cost to the department in

this case of administering that and a landholder incentive such that a person who is prepared to have an offset on their land. In the interests of maintaining that offset they obviously have some foregone other use of that land. Those are the three components of the cost.

Mr SORENSEN: I am still not with it, because it would still be cheaper if you just went and bought the property and they would make a profit out of it.

Mr Weinert: It may be.

Mrs GILBERT: Can I just ask about how the watercourses are defined? When some landowners got their maps they had watercourses marked on them which are flat ground where they say they have only had water on that area when it has been flooded and it has come across flat ground, so they do not know where the banks actually start and finish. How do you define the watercourses on those maps?

Mr Lazzarini: Those category R maps are developed using Australian Government Geoscience Australia one to 100,000 watercourse mapping. I would say in those situations there would have been some sort of drainage line prior to farming and laser levelling, or whatever has happened in that cropping area, but it still indicates that on the map. Our category R areas are developed using that information. I think I said last week in the mapping briefing that it is not based on whether there are trees there or not; it is based on that watercourse mapping. Again in this case if there is no watercourse there, the map can be amended by a PMAV process or, if it is an obvious error, removed free of charge and it has no impact on that cropping area.

CHAIR: We are due to finish but we will continue a bit longer. We have a few more questions we want to ask.

Mr PERRETT: Thank you to all the departmental officers who have come along today to assist us with this process. I would like to get a couple of clarifications probably from Mr Lazzarini around the mapping. I know we have had a very detailed briefing that is on the public record, but I just wanted to get some further clarity around how the mapping interacts with the law. Given we have had some very strong testimony today with respect to the Law Society around various aspects that they are limited to, I want to get some clarity around the mapping. There have been many landholders that have indicated inaccuracies, and I know there are processes to rectify that, albeit in some cases—some evidence has been presented to this committee—very expensive to go about changing that mapping. How does it interact with the law? The map as it stands today unchallenged informs the law; is that the way it is considered?

Mr Lazzarini: That is right. It acts as a trigger map. The sustainable planning regulations are where the triggers for clearing native vegetation sit in schedule 24. Assessable development is a clearing of native vegetation shown on particular categories of vegetation generally or shown on particular regional ecosystems, in particular categories shown on the regulated vegetation management map. The first thing there is if there is no native vegetation then you are not affected, you are not triggered. If there is some native vegetation there but the map is wrong, that is where the path is available to have that map corrected, as I spoke about last week, through the PMAV process and have the correct map for your property developed.

Mr PERRETT: But as it stands, unchallenged. If there is a tree on there that would be considered assessable under those various codes and then potentially it is cleared, that could then trigger a prosecution?

Mr Lazzarini: Potentially it could be assessable development for clearing that vegetation. But once you worked through the exemptions, the self-assessable code options, then a single bush or single shrub is unlikely to cause any sort of investigation or any follow-up.

Mr PERRETT: The other question probably is to Ms Ryan regarding the mapping. There seems to be significant changes to mapping from time to time. This particular legislation is proposing that, particularly with the category R and category C high-value regrowth. Tell me why the department does not inform landholders when there is change to vegetation mapping. I ask that question in the context of the serious nature of potential prosecutions and some of the proposals in the legislation that could bring criminal charges against landowners. In a lot of cases landowners do not have access to internet and do not have access to these sorts of devices to be able to go online. I know there may be other methods, but it was indicated today there are many landholders who simply are not aware of what is going on with their property. I just ask the question why the department does not inform landholders when there has been a change to vegetation mapping on their property.

Mr Ryan: I will ask Lyall to provide you with that level of detail.

Mr Hinrichsen: Landholders are not notified directly. I think that is the key point that you make. That is certainly correct. I think in her opening address Mrs Ryan outlined the lengths that the department has gone to to notify of the changes associated with this bill in introducing category C and category R. Any other changes that are made would normally be as a result of information that landholders are providing. That might be those very obvious areas that Peter has referred to, or it may well be more

river is half a kilometre wide, it is measured from the banks?

Mr Lazzarini: often than not any changes to the regional map are the result of lock-in PMAVs. Where PMAVs are locked down, that is the best way a land holder can get absolute certainty. Once a PMAV is locked down there is no more adjustment to do with any additional information that comes available and the PMAV is what applies.

Certainly PMAVs have been very, very popular. I think at the last count we had well in excess of 10,000 PMAVs across the state, something like 22 million hectares of category X being locked down. Our website materials are very, very accessible, but I take the member's point that not every person out there is internet savvy. We use the internet as just one of the mechanisms by which people can get information. They can ring up our 135 VEG number. They can make arrangements to talk to one of our vegetation management officers, either on their property or they can come into one of our service centres. We can send copies of maps to them in hard copy form. We have all of those mechanisms. We do not do direct mail-outs because of the logistics associated with doing that.

Mr PERRETT: There is nothing that would prohibit that from happening. I use the example of property valuations. When a property valuation changes, that landowner is obviously notified of any change in valuation. That seems to be a fairly straightforward process. The department mails each landowner individually, be it urban or rural, to notify them of the change and a challenge process. I put it to you that perhaps given the significance and the penalties that are associated with getting it wrong, it would be advisable for the department to consider a process where they could advise property owners, similar to the property valuation process, of any change to the vegetation mapping on those properties.

Mr Hinrichsen: Sure. If the committee were so minded to make such a recommendation, then if resources were appropriated for that then the department would consider it.

Mr PERRETT: That would be possible? I am trying to establish that that can actually happen and it is not something that is impossible.

Mr Hinrichsen: The department has obviously, through its responsibilities with managing titles, mailing addresses for all landholders, both electronic and written. I know the valuation mail-out annual cost is close to a million dollars to do that notification, so it is not an insignificant amount associated with manually notifying landholders.

Mr PERRETT: I accept that is the case, but given the seriousness of the penalties that are associated with this a couple of fines would potentially cover the cost. I am trying to look for mechanisms that—as we report back to the parliament—perhaps make that process a little bit clearer to landholders, who have given evidence to this committee that they are unaware of some of the changes.

Mr MADDEN: The first question is to do with the word significant environmental offsets. Why are we taking that word out?

Mr Weinert: The policy position of the government was that the vegetation management framework was to be returned to a previous state, that is, the state that existed a couple of years ago pre-2012. That is the policy intent behind it. As I said, in terms of the definition of what that means, the policy intent follows that the guidelines around how that will be assessed will likewise be returned to that point in time, if you like, and no further. The guideline that will articulate what a residual impact means is under development and, as I said, will be developed in consultation with stakeholders in advance of the debate on the bill.

Mr MADDEN: With the vegetation buffers, is that measured from the centre of the watercourse or the banks?

Mr Lazzarini: From the banks.

Mr MADDEN: If the Fifty metres from the bank, that is right.

CHAIR: Unfortunately, time has beat us. I have to get on a flight back to Gladstone, so if there are any other questions that we feel are relevant we will make sure that we address them in an email through the secretariat to you, if that is okay. Thank you very much, department, for your time this afternoon.

The time allocated for the hearing has now expired. I thank all witnesses who have appeared today before the committee. The committee would appreciate any answers on questions as we have discussed to be back by close of business Friday. I declare this hearing of the Agriculture and Environment Committee closed.

Committee adjourned at 4.39 pm.