

28 April 2016

Research Director
Agriculture and Environment Committee
Parliament House
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Dear Sir

Submission on Queensland Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016

Gecko-Gold Coast and Hinterland Environment Council (Gecko) thanks the Committee for the opportunity to offer our comments on the above Bill.

As a community conservation organisation of long standing, Gecko presents the following submission for consideration for the better preservation of Queensland's environmental values in this era of great sensitivity and crisis with interconnected effects on our own species' survival.

Gecko is a not-for-profit environment association founded in 1989 and has been active for the past 26 years in protecting the environmental values and ecological sustainability of the Gold Coast, Queensland and, when appropriate, nationally. Our organisation has had a long involvement with issues relating to vegetation management protection and were active participants in the protracted but ultimately successful campaign to end broad scale land clearing in Queensland in 2006.

Gecko members joined with a host of environmental groups, scientists, biologists and land carers across Queensland who have expressed their grave concerns at the unravelling of effective environmental protection under the previous government's passing of the ***Vegetation Management Framework Amendment Act 2013***. This Act made substantial changes to the *Vegetation Management Act 1999* (Qld) and the *Sustainable Planning Act 2009* (Qld) concerning vegetation management. The relaxation of so-called red-tape, purely to serve economic interests, reversed decades of progressive environmental protection, failed to protect biodiversity and carbon sequestration and signalled a return of broad scale land clearing.

Gecko welcomes the introduction of the above Bill which is an important step towards restoring effective protection of our native vegetation.

Summary of concerns

This submission addresses some of the key reasons why Gecko supports the passing of this Bill, namely:

- Increased protection of habitat for native wildlife

- Enhancement of biodiversity
- Reinstatement of broader requirement for environmental offsets to be required for any residual impacts from clearing for development
- Increased protection for riverine systems
- Reduction of erosion and loss of topsoil
- Reduction in run-off from cleared land entering the Great Barrier Reef marine ecosystem and other systems along our coastline.
- Retention of vegetation for carbon sequestration

Historical Perspective

Queenslanders have undertaken land clearing and logging since early settlement using hand tools. Clearing rapidly escalated from the 1950's, reaching peak levels in the 1990's. Broad scale land clearing using bulldozers and chains resulted in massive loss of Queensland's old-growth forests and a public outcry against these policies grew strongly. The Vegetation Management Act 1999 slowed clearing rates but a more comprehensive package of amendment to phase out broadscale clearing was introduced in 2004, followed by additional reforms to protect high value regrowth.

These measures were introduced in 2005, in response to public demand and it is noteworthy that Liberal Members of Parliament, together with Independent Member Peter Wellington, offered bipartisan support, voting with the government of the day to end broadscale land clearing. The Bill was enacted on 29 April 2004 and it is illuminating to read from the preceding debate recorded in Hansard¹ on 21 April 2004 the support offered for the Bill. An extract is included under References.

Queensland residents had fought hard to have vegetation protection laws put in place, and had confidence that, once achieved, they would remain in place.

This was expected to be the case because tree clearing legislation was progressively taken to the people of Queensland over a number of elections by previous governments in response to significant high clearing rates of 750,000 hectares a year. These high profile election commitments were endorsed by the electorate at successive elections and then, as per those commitments, were progressively rolled out between 1999 and 2010. This saw the clearing rate reduced from that high of 750,000ha per year to less than 78,000 ha.

Recent legislative change to Vegetation Management

- In February 2012, the then incoming government made a commitment, promising that "On vegetation management, the LNP will be retaining the legislation". Only 10 days before the state election the then Opposition leader wrote to the WWF clarifying his commitment promising that "an LNP government will retain the current level of statutory vegetation protection." Queenslanders went to the election with confidence that Queensland's forests and wildlife habitat would continue to be protected.
- However, one year after the Newman government was elected, the then Natural Resources Minister announced he was "Taking the Axe to Queensland's Tree Clearing Laws." This was not only a huge betrayal of the people who had voted them into government, it has had significant consequences for the protection of Queensland's native species and habitat. As history now shows, the then government went on to repeal the laws taken to voters in 2009 that protected 20 year old endangered and of concern regrowth forests, amended the vegetation laws to free up clearing of endangered vegetation in urban areas and allowed broad acre clearing for agriculture, accelerating the risk of extinction for animals such as the Koala and the Cassowary and **resulting in the more than tripling of clearing rates.**

- At the 2015 election, the newly elected government made it clear that they would reinstate the vegetation management laws. Although clearing has continued and it has taken much longer than Gecko would have liked to progress this commitment, the *Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016* delivers on that commitment.
- Without amendment, the vegetation management laws as they currently stand directly threaten our unique biodiversity, threaten our natural assets like the Great Barrier Reef and Moreton Bay Marine Park and endanger our threatened species like the koala through habitat destruction, and contribute to greenhouse gas emissions as well as loss of carbon sequestration.

Gold Coast perspective

As the peak regional environmental organisation on the Gold Coast, Gecko has serious concerns about the current regime of vegetation management which is now reflected in the new City Plan. 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 reconfiguring a lot, if the lot was less than 2 hectares. In 2013 this was changed to 5 hectares, putting at extreme risk the few remaining patches of threatened regional ecosystems and wildlife species, such as koalas and greater gliders that use these areas as refugia, and will no longer be assessed. We offer further discussion on this under Recommendations, below.

Increasing rates of clearing under current legislation

Despite denials that we would see a return to broadscale clearing and a rapid rise in clearing rates, the latest Statewide Landcover and Trees Study (SLATS) Data₂ for the period 2013-2014 has revealed that land clearing rates have tripled.

Almost 300,000 hectares of Queensland bush was cleared in 2013/14 alone, equating to some 35 million tonnes of carbon release, and there were no signs that clearing rates were doing anything other than continuing to rise rapidly. From this document we learn that:

- The rate of clearing in areas mapped as remnant vegetation has risen by 150% in the three annual periods from the lowest reported clearing rates in 2009–10 to 2012–13. The rate of clearing in areas mapped as non-remnant vegetation has risen by **289%**.
- The rate of clearing in areas mapped as remnant vegetation has risen by **71% from 2012–13 to 2013–14**, while the rate of clearing in areas mapped as non-remnant vegetation has fallen by 4% over the same period.
- Since broadscale clearing was phased out in 2006, the remnant vegetation clearing rate rose by 5% from 2007–08 (the first full SLATS period after the phase-out) to 2012–13 and **79% from 2007–08 to 2013–14**.

Impacts on greenhouse gas emissions

This steady loss of woody vegetation, a crucial carbon sink, has serious implications for Australia's ability to meet its Kyoto obligations and make a meaningful contribution to reducing greenhouse gas emissions.

This is discussed in a comprehensive report commissioned by WWF from environmental consultants CO2 Australia, **Tree clearing in Australia: Its Contribution to Climate Change**³ in which the authors state that *“Rates of tree clearing and deforestation emissions have increased from 2013 levels through 2014-15. Based on the latest Australian Government projections, deforestation emissions for the period 2013-2020 will average 46 Mt CO₂-e per annum, representing an 8.8 Mt CO₂-e per annum, or 23.7% increase, on 2013 levels.”*

The report highlights the elevated rate of tree clearing in QLD and refers to the Australian Government Department of Environment report on the latest National Greenhouse Gas Inventory (NGGI) data (2015). This shows that net emissions in the LULUCF sector have increased each year from 2013, through 2014 and 2015, indicating acceleration in tree clearing rates. The Department of the Environment comments that *“The primary driver for this increase has been increased emissions from deforestation.”*

Bulinski, Enright and Tomsett³ reach the conclusion that *“Reducing impediments to clearing at the State and Territory level, with subsequent escalation in deforestation related emissions, simply increases the burden on the Australian Government to achieve emissions reductions in other areas of the economy”* and that *“Any resultant increase in deforestation emissions adds to the abatement challenge required to be met if Australia is to achieve its 2030 targets.”*

Gecko asserts 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 when 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.

Reasons for supporting the Bill

Having studied the provisions of the Bill, Gecko strongly believes that it will strengthen Queensland's ecosystems and wildlife.

The Policy objectives of the Bill are supported by Gecko members, including to:

- reinstate the protection of high value regrowth on freehold and indigenous land;
- remove provisions which permit clearing applications for high value agriculture and irrigated high value agriculture;
- broaden the protection of regrowth vegetation in watercourse areas to the Burnett-Mary, Eastern Cape York and Fitzroy Great Barrier Reef catchments;
- reinstate the application of riverine protection framework to destroying vegetation
- reinstate compliance provisions for the reverse onus of proof and remove the 'mistake of fact' defense for vegetation clearing offences.
- amend the *Sustainable Planning Act 2009* (Sustainable Planning Act) to ensure that operational works and material change of use development applications must be for a relevant clearing purpose under section 22A of the Vegetation Management Act.
- reinstate environmental offset requirements that ensure adequate conservation outcomes for prescribed environmental matters

Further recommendations

While Gecko strongly supports the objectives of the Bill, we consider there are some omissions from the Bill that could go further with respect to endangered vegetation in urban areas, and aspects of the Offsets framework which should be re-drafted. These matters deserve consideration for inclusion:

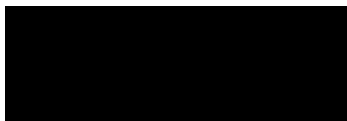
- **Amendments to the Environment Offsets Act (and associated instruments):** While offsets are generally not supported by Gecko members as the destruction of habitat of the most vulnerable species should simply not be allowed, the amendment to require offsets for any residual impact on prescribed environmental matters rather than only significant residual impacts is strongly supported, to ensure that any residual impacts to Queensland's most vulnerable species and habitats are mitigated and compensated for. However, further amendment is needed as the previous government's changes to the offsets framework removed many of the triggers for offsets (such as for near-threatened species), placed limitations on local governments imposing offsets on matters of state and local environmental significance (such as of concern vegetation) if the State government had exempted them and put a cap on the quantum of offsets (no greater than 4:1) needed to achieve ecological equivalence, even when the science demonstrated a greater ratio was required.
These changes collectively resulted in fewer offsets being triggered for threatened species and ecosystems, constrained local governments in delivering their biodiversity objectives and limited the ability to achieve no net loss of biodiversity values, which is the objective of the framework. Further changes are needed to both the Environmental Offsets Act (and the statutory instruments supporting it) and the Sustainable Planning Act instruments (eg State Planning Policy) in order to achieve the policy objective of the *Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016* to reinstate environmental offset requirements that ensure adequate conservation outcomes for prescribed environmental matters.
- **Protection of endangered vegetation in urban areas** - the vegetation management legislation has always provided fewer protections in urban areas, with only endangered regional ecosystems being triggered for assessment. Prior to 2013, exemptions were provided for clearing under a development approval for a material change of use or reconfiguring a lot, if the lot was less than 2 hectares. In 2013, this was changed to 5 hectares, putting at extreme risk the few remaining patches of threatened regional ecosystems and wildlife species, such as koalas and greater gliders, that use these areas as refugia, and will no longer be assessed. While ideally Gecko would ask that all regional ecosystems in urban areas require assessment, if this is truly a reinstatement Bill, the 2 hectares exemption should at the very least be reinstated to preserve important habitat values in urban areas. The result of this policy is clearly seen in the Coomera area of the Gold Coast where essential koala habitat is being cleared for development with no attempt to protect or relocate the traumatised animals into the dwindling remaining habitat, with the result that they are being attacked by dogs, run over by vehicles and drowning in backyard pools in a desperate effort to get a drink. If it is good enough to have a koala Borobi as the mascot for the Commonwealth Games, the least that Government can do is ensure that koala habitat is protected for the real life koala.
- **Clearing regrowth vegetation in watercourses** - while the amendments are supported to extend protections for regrowth vegetation in additional watercourses in Great Barrier Reef catchments, the impacts of clearing in watercourses are equally relevant in other catchments across Queensland and should be applied to all watercourses in Queensland. This was shown

to be critical in the 2011 floods, which saw sediment flow in southeast Queensland catchments, threatening our water supplies and Seagrass beds in Moreton Bay.

- **Retrospectivity and Compensation** - Gecko supports the retrospectivity of some elements of the Bill, to ensure no panic clearing occurs that would have significant impacts on vulnerable species and ecosystems. Gecko also supports that no compensation be payable for these changes. Previous governments provided \$170 million in structural adjustment funding to landholders and clearing businesses to transition to the vegetation management laws. It would be interesting to understand if any of those landholders previously paid not to clear vegetation, have since cleared it.

We thank the Committee for its consideration of Gecko's comments on the Bill and our further recommendations. We hope the bipartisan spirit which enabled the passing of landmark vegetation protection measures in the 2004 will again prevail.

Yours sincerely



Rose Adams
Secretary

References

1. Queensland Government Legislative Assembly. Hansard Record of Proceedings 21 April 2004
<http://www.parliament.qld.gov.au/documents/hansard/2004/040421HA.PDF>

2. **Vegetation clearing rates in Queensland**
Supplementary report to the Statewide Landcover and Trees Study Report 2012–14
November 2015 <https://publications.qld.gov.au/dataset/9a49e739-ac5d-40f3-9dc8-241bf3cc5032/resource/7aa336f9-c9c8-486c-81a3-8bab2a52b350/download/slatssupplementaryreport201214.pdf>

3. Bulinski J., Enright R. and Tomsett N. **Tree clearing in Australia: Its Contribution to Climate Change**
15th February 2016 CO2 Australia Limited. Report commissioned by WWF.
<https://www.wilderness.org.au/sites/default/files/PDFS/CO2%20Lead%20Report.pdf>

Extract from Hansard Record 21 April 2004

21 Apr 2004 Vegetation Management and Other Legislation Amendment Bill pg 297- 297
<http://www.parliament.qld.gov.au/documents/hansard/2004/040421HA.PDF>

Pg 296 Mr LANGBROEK (Surfers Paradise—Lib) (2.41 p.m.): I am pleased to rise to speak on the

Vegetation Management and Other Legislation Amendment Bill as Liberal shadow minister for natural resources.

Pg 297 Mr LANGBROEK: As for the legislation, though, I believe it is necessary for the proposed changes to occur. Again, as was mentioned by Mr Quinn, this is a policy that the Liberal Party has held since the Surfers Paradise by-election three years ago. I was a candidate in that by-election and it has been my view that this policy **is the best policy for a sustainable triple bottom line in Queensland**. Once again it is the Liberal Party on the cutting edge of policy. While three years ago the Labor Party could make neither head nor tail of this issue, the Liberal Party unveiled a solid policy—a policy that has now been adopted by the state government. It may very well be in part due to the surprising success of the Liberal Party in that by-election in which we outpolled the Labor Party and the National Party.

This is a policy that ensures the sustainability of the environment. In doing so, the sustainability of industry is also assured and western Queensland industrial centres can continue to function. Lack of support for this bill would not strike that same balance. While industry would thrive even more so, the benefit to industry would be disproportionate compared with the detriment to the environment.

Moreover, we are a party that looks at the big picture. As a signatory to the Kyoto protocol as well as many other environmental treaties, our federal colleagues have shown a great commitment to measures that will reduce environmental destruction. **One of the positive outcomes of this move is the massive reduction in greenhouse gas emissions.** It is very good to see Queenslanders hopping on the federal bandwagon by taking positive steps to reduce carbon emissions. **The move has certainly been a long time coming.**

The bill finally brings about the carbon emission savings that Queensland has been promising the federal government for years. The bill is estimated to result in Queensland coming in very close to the 25 megaton saving the federal government asked the state government to provide during the limited negotiation the state government allowed on this issue. I also join with my learned colleague Dr Flegg in his warning to government members that, while we support this bill, we will also be watching closely to ensure that the government continues to live up to its commitment to protect remnant vegetation.