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Agriculture and Environment Committee
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Submission to Committee on *Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016*

The Queensland Greens

The Queensland Greens represent members and supporters with diverse interests relating to the Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016 and the Vegetation Management Act 1999. Responsible land management, biodiversity protection, climate change impacts and sustainable agricultural production systems are important issues for all Queenslanders. A balanced approach to vegetation protection and rural land management is fundamental to our future prosperity.

Executive Summary

The Queensland Greens write this submission in support of the 2016 Vegetation Management (Reinstatement) and Other Legislation Amendment Bill (VMROLA Bill 2016). Whilst the Queensland Greens believe there are aspects of this legislation that could be improved, it is important that amendments made by the previous LNP government to the Vegetation Management Act (VMA) in the 2013 Vegetation Management Framework Amendment Bill (VMFRAB) be overturned as soon as possible, as these were inconsistent with the intended purpose of the Act, and have clearly led directly to a large increase in inappropriate and environmentally harmful land clearing.

Purpose of the Act

The Queensland Greens support the Vegetation Management Act's stated purpose to regulate the clearing of vegetation in a way that:

- (a) conserves remnant vegetation that is, an endangered regional ecosystem; or an of concern regional ecosystem; or a least concern regional ecosystem; and*
- (b) conserves vegetation in declared areas; and*
- (c) ensures the clearing does not cause land degradation; and*
- (d) prevents the loss of biodiversity; and*
- (e) maintains ecological processes; and*
- (f) manages the environmental effects of the clearing to achieve the matters mentioned in paragraphs (a) to (e); and*
- (g) reduces greenhouse gas emissions; and*
- (h) allows for sustainable land use.*

Failure of VMA to satisfy purpose of Act

The Queensland Greens consider existing provisions permitting unregulated or self-assessable clearing of native vegetation and high value regrowth is inconsistent with the *purpose* of the Vegetation Management Act 1999. The State Government has an obligation to regulate the clearing of vegetation in a way that conserves remnant vegetation, conserves endangered regional ecosystems, ensures the clearing does not cause land degradation, prevents the loss of biodiversity, effectively maintains ecological processes, and reduces greenhouse gas emissions.

The Queensland Greens note the loss of vegetation, including high value regrowth, from broadscale land clearing increased from 78 000 Ha in 2010, to an astonishing 296 000 Ha in 2014, (ref. November 2015 SLATS Report).

VMROLA Bill 2016 Policy Objectives

The Queensland Greens support the following policy objectives of the VMROLA Bill 2016. These are to:

- (a) reinstate a responsible vegetation management framework to more effectively manage vegetation clearing in Queensland thereby reducing clearing rates and consequential carbon emissions;*
- (b) guard against excessive clearing of riparian vegetation, especially in the Great Barrier Reef catchments;*
- (c) amend the Water Act 2000 (Water Act) to reinstate the application of the riverine protection permit framework to the destruction of vegetation in a watercourse, lake or spring;*
- (d) amend the Environmental Offsets Act 2014 (Environmental Offsets Act) to reinstate environmental offset requirements that ensure adequate conservation outcomes for prescribed environmental matters;*
- (e) reinstate the protection of high value regrowth on freehold and indigenous land;*
- (f) remove provisions which permit clearing applications for high value agriculture and irrigated high value agriculture; and*
- (g) broaden the protection of regrowth vegetation in watercourse areas to the Burnett-Mary, Eastern Cape York and Fitzroy Great Barrier Reef catchments.*

Vegetation management, Carbon Emissions and Climate

The Queensland Greens support the current State Government's election commitment to reduce carbon emissions by reinstating the vegetation protection laws previously repealed by the LNP government.

The significance of Qld's vegetation management on greenhouse gas emissions was outlined in a 2012 Griffith University paper on "Managing Vegetation Clearing in SEQ"

"The end of broadscale clearing in rural Queensland came into force on December 2006 and has been the greatest factor contributing to the reduction in Greenhouse

Gas emissions in Queensland and the largest contributor towards Australia meeting its Kyoto Protocol targets” Field, Burns and Dale

The adverse environmental impact of the LNP reversing vegetation protections in their 2013 Vegetation Management Framework Amendment Bill was noted by Deputy Premier, Hon Jackie Trad late last year:

“Land clearing rates nearly doubled in the first two years of the Newman LNP Government leading to the release of 35 million tonnes of carbon dioxide in the 2013/14 financial year alone”. November 28, 2015

Considering social and economic impacts of climate change on community, infrastructure and a variety of commercial sectors, including agriculture, the Queensland Greens believe any perceived benefit to undefined high value agricultural production from broadscale vegetation clearing, is far outweighed by the adverse consequences.

Climate impact

Scientific studies indicate broadscale removal of vegetative cover has a range of adverse impacts, including on existing agricultural enterprises by increasing the severity of drought conditions. We note the study “More than Co2” by McAlpine *et al* which found the intensity and duration of high temperatures in Queensland are likely to have increased due to vegetation clearing.

Riparian Vegetation, the Riverine Protection Framework and the Great Barrier Reef

The Queensland Greens support measures in the VMROLA Bill 2016 to prevent sediment and pollutant run-off to reverse the decline in the health of the Great Barrier Reef (GBR) and note the *Reef 2050 Long-Term Sustainability Plan* (Reef 2050 Plan)

The Queensland Greens also support the objective of the Bill to reinstate application of the riverine protection framework to the destruction of vegetation in a watercourse, lake or spring by amending the provisions of the *Water Act 2000*.

We note the current provisions only apply to activities that involve the excavation or placing of fill in a watercourse, lake or spring. The amendments proposed by the Bill must reinstate the destruction of vegetation back into these provisions as they were prior to amendments that were made through the *Land, Water and Other Legislation Amendment Act 2013*.

Reinstating the application of the riverine protection provisions to the destruction of vegetation in a watercourse, lake or spring will assist with maintaining the integrity of watercourses, however the adverse impacts of development, mining and agriculture have already had a profound impact on Queensland’s environment.

Great Barrier Reef

Riparian vegetation plays an important role in reducing sedimentation and nutrient run-off entering waterways. Deteriorating water quality caused by catchment run-off is recognised as the most immediate risk to the condition of the Great Barrier Reef.

Recent reports of up to 93% of Queensland's coral reefs suffering an unprecedented bleaching event indicates the rapid decline in the health of the Great Barrier Reef is a matter of national priority.

The Queensland Greens note the role State government commitments to vegetation management in Great Barrier Reef catchments had in avoiding the United Nations World Heritage Committee classifying the Reef as “in danger”. Should Australia and Queensland fail to deliver on these commitments, we risk the UN categorising the GBR as “in danger” when this decision is reviewed.

With coral bleaching directly attributable to climate change and poor water quality, the Queensland Greens believe current systems of assessing the environmental impacts of development, agricultural production and resource extraction require urgent review.

Financial case for Vegetation Protection

According to a 2013 SEQ Catchments ‘*Healthy Waterways*’ report commissioned after the January 2013 floods, Queensland’s weather events during 2011 and 2013 caused over \$10 billion dollars of flood damage to productive farmland, houses, roads and bridges.

Scientific modelling predicts that planting vegetation in the upper catchments can reduce the speed of flood water by up to 50% therefore protecting roads, bridges and other infrastructure downstream.

Conversely, removal of vegetative tree cover doubles the speed of flood water. It is estimated conversion of forested area to broadacre agriculture can also double flood peaks in weather events and double sedimentation.

The SEQ Catchment Report states:

“If we fail to respond to the warnings from recent flood events and neglect to restore floodplains and increase vegetation in the catchments we will:

- continue to lose valuable agricultural land*
- disrupt and endanger lives*
- increase the cost of repairing or replacing infrastructure following future floods*
- risk the security of our drinking water supply*
- increase sediment and nutrients entering our waterways*
- smother aquatic habitats that support recreational and commercial fisheries as well as endangered species.”*

Retaining vegetation and rehabilitating in catchments has proven economic and environmental benefits. The Queensland Greens believe in addition to passing the VMROLA Bill 2016, further legislation to provide landholder incentives to retain and improve vegetative cover and balance greenhouse gas emissions must be considered.

Amendments to the Environmental Offsets Act 2014

In relation to the VMROLA Bill 2106, the Queensland Greens support amending the Environmental Offsets Act 2014 to reinstate environmental offset requirements to deliver adequate conservation outcomes for prescribed environmental matters under the Vegetation Management Act.

The Queensland Greens recognise implementation of the VMROLA Bill 2016 relies on a suite of amendments to the Environmental Offsets Act, the Sustainable Planning Act 2009 and the Water Act in order to deliver the Reef 2050 Plan.

However, the Queensland Greens note the interaction between the above legislative mechanisms prior to (VMFRAB) 2013, failed to adequately to protect vegetation. Therefore reliance on the Environmental Offsets Act with a system of possible offset payments to the State, including for development that requires assessment against the Environment Protection and Biodiversity Conservation Act, may not deliver the necessary environmental outcomes.

The Queensland Greens have raised concerns with biodiversity offsets in a number of submissions over the past twelve months to the Department of Infrastructure Local Government and Planning as part of public consultations regarding State Planning Policy.

Compliance

The Queensland Greens support the VMROLA Bill 2016 amendments to the Act to reinstate compliance provisions for the reverse onus of proof and remove the ‘mistake of fact’ defence for vegetation clearing offences.

It is unacceptable unlawful clearing can avoid any penalty through a ‘mistake of fact’ defence, as this provides land owners or contractors little incentive to remain compliant with the Act and ensure due diligence in carrying out their operations.

The Queensland Greens note the Explanatory Notes to VMROLA prediction of a likely reduction in compliance costs by reinstating reverse onus of proof and removing mistake of fact defence provisions.

Does the VMROLA Bill 2016 go far enough?

Although the Queensland Greens support the passing of the VMROLA Bill 2016, we do not believe the Vegetation Management Act 1999 provides sufficient legislative protection to prevent further biodiversity loss, land degradation or greenhouse gas emissions from vegetation destruction.

The Queensland Greens retain fundamental concerns about the potential to lawfully carry out destructive and ecologically unsound land clearing under the self-assessable codes (SACs) prepared under the VMA. An urgent review of the current SACs is required to address the

various ways in which the SACs fail to achieve the purpose of the Act, such as those identified in Cardno's 2015 *Independent Review of Vegetation SACs*.¹

We note in particular Cardno's concerns that the 'thinning' SACs in their current form are less likely to meet three of the purposes of the Act, namely to regulate clearing of vegetation in a way that:

- i. prevents the loss of biodiversity;
- ii. maintains ecological processes; and
- iii. manages the environmental effects of the clearing (mainly with respect to (i) and (ii)).

We highlight for the committee the range of additional concerns Cardno raises in relation to the all SACs, and urge the Committee to consider the importance of immediate amendment of the SACs to ensure the purposes of the VMA are achieved.

The Queensland Greens consider the scale of broad acre vegetation destruction permitted prior to the Vegetation Management Framework Amendment Bill (VMFRAB) in 2013 was already excessive. The clearing of 153,638 hectares of vegetation in 2011-12 was simply unacceptable.

Poor land management in Queensland has caused widespread loss of flora and fauna biodiversity in every ecosystem type across the State. A variety of species are listed as threatened or endangered, including the Koala, predominantly due to loss of habitat. According to World Wildlife Fund, as a result of VMFRAB 2013 de-protecting 405 000 Ha of koala habitat, an estimated 40 000 Ha of koala habitat was cleared between 2012 and 2014.

The Queensland Greens understand as responsible custodians of the land the State government has an obligation and a moral responsibility to conserve and improve the fragments of vegetation and regrowth to protect the range of species under threat in Queensland.

Although the Queensland Greens believe reinstatement of the VMROLA Bill 2016 must be supported, further measures must be undertaken to preserve all of Queensland's remnant vegetation.

The Queensland Greens believe the VMA will be unable to deliver on its stated purpose unless the Act:

- Also protects remnant vegetation on the 27% of the State area not covered by this Bill, particularly in the SEQ Urban Region where development is causing loss of biodiversity ;
- Accounts for extreme weather events including extended droughts, flood events etc;
- Avoids land degradation , particularly soil erosion caused by broad scale vegetation removal adjacent to watercourses in marginal regions;
- Includes further measures to mitigate agricultural and resource extraction impacts on water quality and run-off in Great Barrier Reef catchment areas;

¹ Available online at: https://www.dnrm.qld.gov.au/data/assets/pdf_file/0020/342092/independent-review-sac-cardno.pdf

- Includes measures balance our carbon emission by increasing forested and vegetative cover through programs to rehabilitate regions previously destroyed by poor land management practises;
- Provides incentives to landholders to preserve existing vegetation and rehabilitate deforested areas; and
- Reviews the range of exemptions for land clearing not covered by the VMROLA Bill 2016.

As noted in previous submissions, the Queensland Greens believe consideration must be given to reinstating the Department of Natural Resources and Mines as a concurrence agency for impact assessable development applications, particularly when remnant vegetation or fragmented biodiversity is adversely affected.

The Queensland Greens thank the Research Director and the Agriculture and Environment Committee for the opportunity to provide this submission. Considering our members and supporters interest in this matter, we would appreciate the opportunity to put forward a representative to appear before the Committee in their hearing into this inquiry.

Yours sincerely,

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Spokesperson, on behalf of the Queensland Greens