



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

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To:

**Agriculture and Environment Committee
Parliament House, BRISBANE QLD 4000**

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The Australian Conservation Foundation (ACF) welcomes the opportunity to make a submission to the Agriculture and Environment Committee regarding the *Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016* (the VMROLA Bill).

ACF is a not-for-profit community organisation committed to achieve a healthy environment for all Australians. For over 50 years we have been a strong voice for the environment, promoting solutions through research, consultation, education and partnerships. We work with the community, business and government to protect, restore and sustain our environment.

Executive Summary

ACF has a long history of support for the development and implementation of Queensland's Vegetation Management Act, first introduced in 2006.

ACF supports the *VMROLA Bill* 2016 and the welcome delivery on a number of key election commitments. It will help address critical inconsistencies between state, national and international policy objectives which protect that state's valuable biodiversity.

The passage of the *VMROLA Bill* through Queensland's parliament will return protection to endangered ecosystems and habitat of threatened species that occur on private land.

The proposed amendments are also essential in reducing Queensland's greenhouse gas emissions and will contribute to national reduction targets. In addition, the Great Barrier Reef will be better protected through greater controls on vegetation clearing in reef catchments.

Based on the actual experience after the 2006 Vegetation Management Act was implemented, claims that Queensland's agriculture industry will come to a halt are demonstrably false. In fact, failing to reform the vegetation clearing laws in Queensland will not only cause long term damage to the environment, it will also likely damage the State's reputation for providing clean and green produce.

A shortfall of the Bill is its failure to address self-assessable codes including for thinning vegetation. Without addressing this it will still be possible to undertake broad-scale clearing in a modified way that will still result in biodiversity loss, greenhouse gas emissions and potential run-off the Great Barrier Reef.

ACF recommends:

That the Committee support the *VRMOLA Bill* 2016 with changes to the self-assessable code to limit the amount of clearing regrowth and thinning.

Introduction

Policy changes made by the former government led directly to an increase in broad-scale land clearing in Queensland. Changes were first made by weakening regulation and were then followed by legislative amendments in 2013. In the two years between 2012 and 2014, this has contributed over 60 million tonnes of greenhouse gas emissions, the bulldozing of 200,000 hectares of known threatened species habitat, increased soil loss and pollution of streams and increased risks to the Great Barrier Reef. Cumulatively, these impacts have enormous implications for Australia and our environmental health, some of which are captured in State of the Environment reporting.

ACF has previously welcomed the commitments made by Queensland Labor¹ prior to the last election on a range of measures to address the declining health of Queensland's natural environment. In relation to land clearing and protecting flora and fauna this included:

- pursue economic growth consistent with the principles of ecologically sustainable development (ESD) (5.2, p.33),
- recognising the importance of off-park conservation and the use of agreements, education, assistance (5.34, p.37),
- provision of incentives to secure significant ecosystems and corridors on private land (5.35, p.37),
- using regional planning systems and legislative tools to ensure environmental protection on private land (5.36, p.37),
- ensuring that threatened species are adequately protected by both the Queensland's Nature Conservation Act 1992 and the Commonwealth's Environment Protection and Biodiversity Conservation Act 1999 (5.38, p.37),
- recognising that the protection of native vegetation as the most effective, large scale means of carbon sequestration (5.44, p.38),
- controlling land clearing (5.47, p. 39)
- preventing broad-acre clearing and clearing of endangered ecosystems (5.50, p.39),

ACF supports this Bill and the proposed changes that will end broad-scale clearing and limit the amount and type of regrowth that can be cleared.

Consistent with these public commitments ACF supports the Vegetation Management (Reinstatement) and Other Legislation Amendment Bill to Parliament seeking to end broad-scale clearing and limit the amount and type of regrowth that can be cleared.

Impacts on Biodiversity

Australia is a signatory to the 1993 United Nations *Convention on Biological Diversity* (CBD) which underpins our *National Strategy for the Conservation of Australia's Biological Diversity*². Queensland's

¹ Queensland Labor State Policy Platform 2014.

² National Strategy for the Conservation of Australia's Biological Diversity, Dept. of Environment Sport and Territories, 1996.

subsequent Biodiversity Strategy, *Building Nature's Resilience*³ was developed to provide a State framework that gave effect to international and national agreements, policies and legislation.

In Queensland's Biodiversity Strategy, it is noted that 70% of habitats have been cleared in eastern Queensland (p.3), re-establishing links and corridors is required in areas subject to extensive clearing (p.6) and clearing remains one of the most significant threats to terrestrial ecosystems (p.8).

This earlier Biodiversity Strategy noted that broad scale clearing had ended in December 2006, protecting over 70 million hectares of remnant woodland, forest and other communities (p. 11). ACF believes the earlier *Building Nature's Resilience* (DERM 2011) strategy document needs to be revised and implemented and core to its success will again be the ending of broad scale land clearing.

Queensland supports 72% of Australia's birds, 85% of our nation's mammals and over 12,000 species of plants in Queensland (DERM 2011). Supporting most of Australia's biodiversity, 935 Queensland species (or sub-species) are listed as threatened under the Nature Conservation (NC) Act 1992⁴. In addition, about 400 Queensland species are also listed as threatened under the Commonwealth's Environment Protection and Biodiversity Conservation (EPBC) Act 1999. Both the NC Act and the EPBC Act are integral instruments of Australia's commitments to protect biodiversity.

Unless the VMROLA Bill is passed, Queensland's policy, regulatory and legislative framework will remain out of step with national and international instruments to protect biodiversity.

Since changes to Queensland's *Vegetation Management Act* 1999 in 2013, approximately 200,000 hectares of habitat for threatened species has been cleared⁵.

Unless the VMROLA Bill is passed, Queensland's policy, regulatory and legislative framework will remain out of step with national and international instruments to protect biodiversity.

Threatened Species

The impact of broad-scale land clearing as a result of changes made to the *Vegetation Management Act* in 2013 are demonstrably contributing to the decline of habitat for threatened species. Some of these species have joint Commonwealth and Queensland Government Recovery Plans.

For example at one property on Cape York Peninsula, 33,000 hectares was approved for clearing without any regard for threatened species listed under Queensland and Commonwealth legislation. This includes (but is not limited to) the vulnerable Rod Goshawk (*Erythrorhynchus radiatus*) and Crimson Finch (white-bellied) (*Neochmia phaeton evangelinae*), the endangered Buff-breasted Button-quail (*Turnix olivii*) and Golden-shouldered Parrot (*Psephotus chrysopterygius*). All of these species are adversely affected by clearing, as identified in their joint Commonwealth and Queensland government Recovery Plans. The Recovery Plan for the Crimson Finch makes a specific reference to the important populations found on Olive Vale, the property where 33,000 hectares has been approved for clearing.

³ Building Natures Resilience; Biodiversity Strategy for Queensland, Dept. of Environment & Resource Management, 2011.

⁴ Queensland Govt. Environment & Heritage Protection website accessed April 2016:

<https://www.ehp.qld.gov.au/wildlife/threatened-species/>

⁵ WWF-Australia: <http://www.wwf.org.au/?15660/More-than-40000-hectares-of-koala-habitat-cleared>

As demonstrated by approvals to clear over 200,000 hectares of land across Queensland which is identified as threatened species habitat, the current Vegetation Management Act is contributing to the loss of biodiversity and directly undermines the effectiveness of other legislation.

In 2015 the Commonwealth released a statement after investigating one of the properties in North Queensland asserting further clearing was may have an impact on matters of national environmental significance (MNES), protected under the EPBC Act 1999.

Threatened communities

Throughout Queensland, the removal of high value regrowth vegetation from the regulated code places a number of endangered ecosystems at risk. This occurs across multiple bioregions and local authority jurisdictions.

High value regrowth urgently requires re-protection through Interim Declared Areas or State Planning Regulatory Provisions under the Sustainable Planning Act and includes areas where the vegetation is greater the 20 years in age, endangered regional ecosystems, essential habitat for threatened species, slopes greater than 10%, near or overlapping erodible soils, and streamside/ water course buffers.

Case Study: Mabi Forest

Mabi Forest is a rare upland tropical rainforest restricted to the Atherton Tableland. Once found extensively around the township of Atherton, it is now listed as critically endangered under the Commonwealth's EPBC Act and as endangered under Queensland's Vegetation Management Act (as Regional Ecosystems 7.8.3 and 7.3.37). Many species of flora and fauna unique to the Wet Tropics World Heritage area are found in Mabi Forest including the Cassowary and Tree-kangaroo.

With less than 5% of the original ecosystem left, the Mabi forest ecosystem is vulnerable to extinction. A number of small regrowth remnants are found on private property

The regrowth condition of the many Mabi forest fragments, combined with its restricted occurrence on the fertile volcanic soils of the Atherton Tableland, makes this community highly vulnerable to loss through clearing through the inadequate provisions of the self-assessable code for regrowth.

Impacts on Greenhouse Gas Emissions

In the two years between 2012 and 2014, land clearing in Queensland has generated over 60 million tonnes of greenhouse gas emissions.⁶ This is a direct result of weakening regulation and amending legislation in Queensland.

Allowing clearing to continue under the current legislative framework will result in further emissions and is inconsistent with current State government policy. It also directly undermines the Commonwealth's Emissions Reduction Fund initiative, at great cost to the Australian taxpayer.

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⁶ Supplementary report to the Statewide Landcover and Trees Study Report 2012-14,
<https://publications.qld.gov.au/dataset/supplementary-report-to-the-statewide-landcover-and-trees-study-report-2012-14>

The VMROLA Bill 2016 will help Queensland to reduce its carbon emissions in line with stated policy objectives.

Impacts on the Great Barrier Reef

The conversion of forests, woodlands and other native vegetation to land uses such as agriculture over the last century has had a significant effect on the health of the Great Barrier Reef. While some sources of sediment and agricultural pollution have been halted and in some instances reversed⁷, the changes made to the Vegetation Management Act 1999 threaten to undermine these gains and open up new regions of development. Under the current regulatory and legislative framework, broad-scale clearing for agriculture is slated for reef catchments without that are likely to have a significant impact on the Great Barrier Reef.

The 2013 changes to the Vegetation Management Act 1999 have facilitated agricultural expansion on Cape York Peninsula, putting the most healthy and intact section of the Great Barrier Reef at risk. Approximately one-third of Cape York Peninsula, or 32.5%, falls within seven major basins of the Great Barrier Reef. The most significant of these is the Normanby River Basin at 24,353km², which accounts for just over half of all of Cape York's Great Barrier Reef catchment area.

Subsequent deregulation of water use, vegetation clearing, increased mining and agricultural development throughout eastern Cape York will significantly increase threats to the Great Barrier Reef. The so-called high value agriculture approved for clearing within the Normanby Basin has the potential to result in serious impacts on the Great Barrier Reef Marine Park.⁸

Sediment and agricultural pollutants are highly likely to enter the water stream and end up in Princess Charlotte Bay, one of the most important turtle and dugong habitats within the Marine Park. During the wet season, flooding rains will carry nutrient laden sediment from the Normanby Basin, which includes Olive Vale, to the outer reef as it has done in the past. Increased nutrients will trigger a crown of thorns outbreak, as happened in 2014.

This decline of Cape York's Great Barrier Reef was predicted in Commonwealth's 2013 Strategic Assessment. Despite UNESCO ruling it is not in danger, the Reef is still clearly threatened.

Ending clearing for high value agriculture and introducing greater protections in reef catchments is strongly supported by ACF.

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Self –assessable Codes

Amendments to the Vegetation Management Act in 2013 established significant reliance on self-assessable codes. This included the ability for landholders to self-regulate in relation to thinning. As WWF-Australia have identified, this is perhaps one of the most damaging aspects of the 2013 amendments that remains unaddressed in the VMROLA Bill 2016.

It is recommended that where self-assessable codes apply to clearing applications these are limited to 1% of a property or no more than 50 hectares (whichever is less) and excluded from endangered

⁷ Australian Government, Dept. of Environment, The Reef 2050 Plan
<http://www.environment.gov.au/marine/gbr/long-term-sustainability-plan>

⁸ Olive Vale Erosion Hazard Report by Dr Andrew Brooks & Mr John Spencer 2015

ecosystems, essential habitat and other critical landscape features such as steep slopes and proximity to water courses.

Concluding Comments

Failing to reverse the return to broad-scale clearing in Queensland undermines costly efforts by the Australian Government to reduce greenhouse gas emissions, will damage Queensland's "clean and green" reputation and comparative advantage in the agriculture and fisheries sectors, and increases the stress on already overstressed reefs, river systems and threatened species.

In the two years between 2012 and 2014, land clearing in Queensland has generated over 60 million tonnes of greenhouse gas emissions, led to the bulldozing of 200,000 hectares of known threatened species habitat, increased soil loss and pollution of streams and increased pressure on to the already damaged Great Barrier Reef.

Allowing this to continue will cause long term and irreversible damage to the environment and to the reputation of Queensland's clean green produce for export markets.

The urgency for action cannot be understated. The Bill restores provisions that the agricultural sector were easily able to accommodate in 2006 despite dire warnings at that time.

In 2009, the Bligh government moved to regulate, not ban, clearing of high value regrowth in endangered ecosystems, threatened species habitat on steep slopes and along waterways. At the time Agforce [welcomed the changes](#), saying; "the new legislation balances productive land management while maintaining biodiversity values."

The end of broad-scale land clearing was a settlement arrived at after extensive community consultation and with a generous \$130 million assistance package for the agricultural sector. With more consultation and another \$2 million provided to industry to adapt, these modest improvements were widely accepted.

But in 2015, over 112,000 hectares of tropical woodland and forest was slated for clearing under the guise of so-called 'high value agriculture' with nearly half already destroyed. This occurred almost exclusively on two properties in Queensland's Gulf country and on Cape York Peninsula.

An independent review of one property's application by the Palaszczuk Government found that approval was not justified, as there was too little information to meet even the weakened criteria set out by the previous government. The Bill will close the loophole that currently allows broad-scale clearing.

There is no correlation between agricultural productivity and vegetation clearing control laws in Queensland. In fact, to the contrary, international consumer demand is growing for products that are genuinely "clean and green" and this would include eliminating products in the supply chain which are based on the need for broad-scale land clearing.

Queensland should be taking up the opportunity to be a leader in the provision of clean green produce to domestic and international markets, not repeating the short sighted mistakes made in southern Australia where unregulated land clearing led to salinity, soil loss, river degradation and species extinctions leaving people with both a degraded environment and a huge multi-billion dollar repair bill.