

Nathan Frazier

Thornlands QLD 4164

28th April, 2016

Research Director
Agriculture and Environment Committee
Parliament House
BRISBANE QLD 4000
vminquiry@parliament.qld.gov.au

Dear Chair and Committee Members,

Submission to Committee on *Vegetation Management (Reinstatement) and Other Legislative Amendment Bill 2016*

I am writing this submission to the inquiry regarding the *Vegetation Management (Reinstatement) and Other Legislative Amendment Bill 2016*. The purpose of this submission is to outline the need for Queensland's Parliament to pass these proposed laws, as well as the need for these laws to go further and more effectively regulate than what the Bill proposes.

The *Vegetation Management (Reinstatement) and Other Legislative Amendment Bill 2016* seeks to reintroduce regulatory frameworks for vegetation management in Queensland to the degree seen previous to 2013. Changes made without the people's mandate under the Cripps Ministry contrary to Campbell Newman's election commitment, saw clearing rates increase dramatically to an average of 250,000 hectare per annum. These figures greatly diminish the ability of the Act to fulfill many of its purposes, including but not limited to the phasing out of broadscale clearing, reducing greenhouse emissions, and allowing for sustainable development.

The importance of removing the dubious provisions of clearing remnant vegetation (Category B) for High Value Agriculture is paramount, as we have seen the clearing of 50, 000 hectares on Strathmore Station under these permissible activities. It is clear that these provisions seek to allow clearing for cropping that is never to be successful, with cleared land subsequently becoming pastures. Similarly, Olive Vale near Laura was another high profile case that used the loopholes in legislation to clear vast areas of woodland. These were conducted under a framework that only required offsets for projects with "significant" impacts, rather than all residual environmental impacts. This resulted in only one registered offset since 2014.

Reintroduction of the "reversal of onus of proof" is a common sense aid in prosecutions, were it is assumed that due to alleged illegal clearing episodes existing on your property, it is assumed that you conducted the clearing. This should be nothing for landholders to be concerned about if they did not conduct the clearing, just something that a landholder would have to prove that they did not do if innocent. Much like receiving a speeding ticket in the mail for a car registered in your name, it is assumed that you were driving. This is a simple and common use of a legal framework that encountered no issues of over-reaching in its previous existence.

I congratulate the Government on taking the steps to introducing this legislation and making minor improvements on it, such as extending watercourse protections for High Value Regrowth on all Great Barrier Reef catchments. The return of these laws will have its benefits, in land and soil stability reducing erosion, regulation of local climate, weather patterns, reductions in drought severity, reducing the risk and instances of salinity, improving riverine, coastal and Great Barrier Reef water quality. The additional reinstate of riverine protection permits is also of significant importance to achieve these benefits. This will all occur while still allowing landholders to manage encroachment and regrowth on pastoral or cropping land exempt from regulation (Category X). This unregulated land (Category X) still covers millions of hectares of land yet to be cleared, and can be cleared tomorrow. This debunks any argument that suggests this legislation will remove any opportunity for landholders to grow their businesses.

Further to the reinstatement of previous legislation, I make several recommendations to assist the Government in achieving the purposes of the Act.

The reinstatement of the Department as a concurrence agency, as the Department presides over the Act reviewing and determining appropriate applications. This can ensure that applications permitted are in the interests of the purposes of the Act, with those that do not suffice the purposes of the Act not being permitted.

The reinstatement of High Value Regrowth protections only take the 1989 benchmark for the protection of vegetation not cleared since. I suggest that due to nearly a decade passing since these amendments were made, at least a benchmark should be made protecting vegetation not cleared since 1996. In addition to this, an even greater sustainable approach would see a progressive benchmark of vegetation not cleared in 20 years being legislated, creating a net gain in protected High Value Regrowth.

During the Cripps Ministry, the Department of Natural Resources and Mines staff were actively encouraged to not enforce regulations and tolerate illegal behavior by landholders. This can be seen in not only media reports but Ministerial Statements from Andrew Cripps himself stating that no offences will be investigated and ongoing investigations suspended. His Ministry actively sought to change a culture in not only the people of Queensland but the regulator itself. This can be seen as a regulatory capture in the highest degree, supported by those presiding over it. This State had progressed from the days of early 2000's when clearing rates of 750,000 hectares per year were seen, to an attitude of protection and sustainability. Landholders had become used to working with these laws and accepted them. Due to this, I suggest that those staff in regional centres that experienced this culture change and may be some of the greatest champions of land clearing in regional areas require ongoing retraining to realign their roles with the aims of the department and ensure that enforcement is by the Act and regulatory provisions, rather than their discretion. Disciplinary measures for those not conducting themselves in the interests of the department and the Act should not be dealt with lightly.

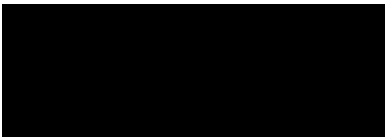
This may be impractical due to embedded attitudes, which my next recommendation aims to address. The addition of staff, both new and retrained, to regional areas to monitor clearing at the desktop level and regulate clearing in the field is essential. Engagement with the community is essential to inform the public of the frameworks, yet remaining impartial to the industries interests to negate this regulatory capture is of equal if not more important to serve the purposes of the Act.

To drive down clearing rates, an intervention is required on vegetation exempt from regulation (Category X). This accounts for the highest clearing by category. A regulatory approach would not be looked upon fondly by industry, as it is viewed as property with which a landholder can do with as they please. An option to combat this could be through use of incentive to not clear. This could be a State-based Carbon Farming Initiative, or look to the Federal Government Direct Action climate policy for funding, or a combination of both. With a targeted approach to lands that prioritise criteria such as: quickly regenerating, rapid carbon sequestration, ecologically significant, and cost efficient.

Lastly, I recommend that the Department run regional workshops to aid communities to accept and understand the frameworks in which vegetation can be managed under these proposed laws. Criticism has been directed at the onerous nature and difficulty in navigating these regulations. This is not acceptable. All assistance must be given to allow an easy transition to accepting and working within these laws. It has been suggested that in Cape York Indigenous landholders are seriously restricted in their ability for sustainable development of their communities due to vegetation laws. This is untrue and displays that not everybody understand the laws fully, as under other legislation, the *Cape York Peninsula Heritage Act 2007* allows for certain clearing for certain uses by Traditional Owners. To date, these provisions have never been pursued. This displays a lack of knowledge and understanding on the horizontal and vertical integration of Queensland planning and environment law and how activities, while evidently may not be permitted under one framework, are permissible under another.

Thank you for taking the time to peruse this submission and I recommend that the Agriculture and Environment Committee come to an agreement that sees the legislating of this Bill, and those recommendations such as mine and others in favour of strengthening the Act and operational procedures are taken into account.

Yours Sincerely,

A solid black rectangular box used to redact the signature of Nathan Frazier.

Nathan Frazier