

29 April 2016

Agriculture and Environment Committee
Parliament House
Brisbane Qld 4000

**RE: QCC's Submission on the Vegetation Management (Reinstatement) and Other Legislation
Amendment Bill 2016**

Queensland Conservation Council (QCC) is Queensland's peak environment organisation since 1969, representing almost 60 member groups including ten regional conservation councils across Queensland. These member groups in turn represent a wide range of conservation interests and many thousands of individual members. QCC is pleased to provide a submission to the Committee regarding the Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016 (the Bill).

Introductory Comments

QCC supports the Bill as the amendments if enacted would restore a reasonable vegetation management regime for Queensland. QCC was centrally involved in the campaign for an end to broadscale land clearing in Queensland, as was ultimately reflected in amendments to the Vegetation Management Act in 2004 and the associated \$150M industry adjustment package. We have been disappointed to see vegetation management regulatory arrangements weakened in recent years and we welcome the Bill.

QCC is very concerned that after weakening of land clearing regulation in Queensland in 2013, land clearing rates have increased from the lowest reported rate of around 78,000 hectares per year in 2009–10, to around 296,000 hectares per year in 2013–14, approximately 103,000 hectares of which was remnant (original) vegetation¹.

This submission briefly outlines the key issues land clearing presents for Queensland's environment, community and economy. It then makes comments on provisions of the Bill.

Key Issues

Global Warming

QCC emphasises that the Bill is being considered in the context of continuing and serious global warming. NASA recently announced that in 2015, global surface temperatures were the warmest since modern record keeping began in 1880². Meanwhile heightened sea temperatures have contributed to the most pristine section of the Great Barrier Reef currently experiencing what has been described by the National Coral Bleaching Taskforce as the worst mass coral bleaching event in its history, with the overwhelming

¹ Supplementary report to the Statewide Landcover and Trees Study (SLATS) Report 2012-14, Queensland Government

² <http://www.nasa.gov/press-release/nasa-noaa-analyses-reveal-record-shattering-global-warm-temperatures-in-2015>

majority of reefs being ranked in the most severe bleaching category³. Land clearing in Queensland is directly linked to global warming, as burning and rotting bush left after land clearing operations emits significant amounts of greenhouse gases into the atmosphere.

Between 2002–03 and 2009–10, with a clear link to the introduction of improved vegetation management regulation from 2004, estimated carbon dioxide emissions from vegetation clearing in Queensland fell from 60 Megatonnes (Mt) to approximately 16 Mt⁴, a hugely significant reduction.

Greenhouse gas emissions from landclearing in Queensland increased from 16 Mt in 2009–10 to around 27 Mt in 2012–13. In 2013–14 emissions increased again, to approximately 35 Mt⁵, again clearly associated with changes to state vegetation management laws and policies.

Greenhouse gas emissions from landclearing in Queensland have thus risen to more than 6% of Australia's total emissions. This is counter to the purposes of the *Vegetation Management Act 1999* to conserve remnant vegetation, prevent the loss of biodiversity, prevent land degradation and reduce greenhouse gas emissions. Furthermore, the increase in greenhouse gas emissions from landclearing undermines the Australian Government's commitments in Paris in 2015 under the United Nations Framework Convention on Climate Change to reduce greenhouse gas emissions.

Global warming threatens Queensland's community and economy, as well as all marine and terrestrial plant and animal species and their ecosystems. Land clearing in Queensland makes a serious contribution to Australia's greenhouse gas emissions, and measures to protect vegetation can also be seen as measures to protect the climate.

The Great Barrier Reef

Impacts on the Great Barrier Reef from land clearing include those associated with global warming, and runoff of sediment and chemicals. Land cleared in Queensland's reef catchments increased from 31 000 ha per year in 2008–09 to 102 000 ha per year in 2013–14.

Land clearing leads to an increase in the extent of bare ground which, depending on the occurrence of storms and the amount of ground cover provided by the replacement land use, increases the risk of soil erosion within the catchment. Therefore a rise in tree clearing rates can contribute greater sediment runoff.

The Queensland Government's 2011 State of the Environment Report advised that coastal rivers in Queensland were degraded by high sediment and chemical pollution, potentiated by land clearing and conversion. Many of these coastal rivers drain to the Great Barrier Reef, delivering the sediment and chemical load to this precious asset. Further, up to 30% of Queensland's coastal wetlands – vital for good water quality – had been cleared and lost as at 2011.

QCC notes the commitments the Queensland Government made in an updated report to the UNESCO World Heritage Committee in early 2015, as a key element of the package that led UNESCO to defer listing the Great Barrier Reef as “in danger”. These commitments included:

- “the new Queensland Government will introduce riverine protection permits to guard against excessive clearing of riparian vegetation” and
- “Queensland will strengthen vegetation management laws to protect remnant and high value regrowth native vegetation (including in riparian zones)”⁶

³ <http://www.coralcoe.org.au/media-releases/coral-bleaching-taskforce-documents-most-severe-bleaching-on-record>

⁴ Supplementary report to the Statewide Landcover and Trees Study (SLATS) Report 2012-14, Queensland Government

⁵ *ibid.*

Land Degradation and Salinity

Land clearing is a primary cause of dryland salinity, which reduces land productivity, increases land's susceptibility to erosion, and damages rivers and human water supplies. The Queensland Department of Natural Resources and Water advised in the 2007 Queensland State of the Environment Report⁷ that unless urgent action is taken to reverse rising watertable levels (for example by planting of deep-rooted native trees, and changing farming systems) about 3.1 million ha of land in Queensland may be saline by the year 2050. The report goes on to note that since 2001, Queensland has been actively involved with the National Action Plan for Salinity and Water Quality (NAPSWQ), investing \$162 million across several priority catchments. Improved regulation of land clearing through the Bill would support and reinforce this public investment, whereas continued increases in land clearing undermine efforts to combat salinity.

Wildlife and Biodiversity

Land clearing is by far the most serious threat to Australian wildlife, placing many species at risk of extinction. Before effective land clearing controls were enacted in Queensland in 2004, an estimated 2.1 million mammals were killed by land clearing each year, along with about 8.5 million birds and about 89 million reptiles⁸. Wildlife is killed either directly by physical impacts related to felling of vegetation, including with heavy machinery, or indirectly by loss of habitat. In almost all cases wildlife cannot relocate to any remaining nearby vegetation, due to either difficulties physically relocating to another area, or competition with the wildlife already living in that habitat. Ultimately, the displaced animals die. As at the 2011 Queensland State of the Environment Report, 90 regional ecosystems in Queensland were listed as “endangered” and 532 as “of concern”.

Competition between land uses

QCC is concerned that the competition between land uses in Queensland is not being dealt with in a strategic way. Currently the Queensland Government has approved a major coal mine right on top of strategic cropping land in south west Queensland. The Acland Coal mine Stage 3 expansion is for an open-cut mine that would cover around 1500ha and destroy 1360ha of Strategic Cropping Land, the size of 2000 football fields. This area is responsible for approximately one quarter of Queensland's agricultural production and is widely known as Queensland's ‘food bowl’. The expansion will leave 457 ha of ‘Final Voids’ – huge holes in the ground that can never be rehabilitated. This means that Queensland loses out strategic cropping land to a massive coal mine that is only set to last for another at most 13 years. QCC along with 22 other environment and community groups have written to all Queensland Members of Parliament asking them to say no to this expansion. The competition between land uses in Queensland must be appropriately addressed to ensure that this new legislation can be effectively implemented.

Provisions of the Bill

Removal of ability to apply for a permit to clear for high value agriculture and irrigated high value agriculture

QCC strongly supports the proposal in the Bill to remove the ability to apply for permits for High Value Agriculture Clearing and Irrigated High Value Agriculture Clearing. The ability to apply for permits for these purposes allowed broadscale clearing of remnant woodlands in Queensland, and the removal of the ability to apply for clearing permits for these purposes is entirely appropriate in reinstating the protections that existed prior to 2013 for remnant vegetation.

⁶ <http://www.environment.gov.au/system/files/resources/cb36afd7-7f52-468a-9d69-a6bdd7da156b/files/2015-state-party-report-addendum.pdf>

⁷ https://www.ehp.qld.gov.au/state-of-the-environment/report-2007/contents/land_salinity.html

⁸ http://awsassets.wwf.org.au/downloads/sp128_impacts_land_clearing_on_australian_wildlife_qld_1jan03.pdf

Re-regulation of clearing of high-value regrowth on freehold and Indigenous Land

The restoration of protections for ecologically important regrowing woodlands ('High Value Regrowth') on freehold and Aboriginal land is supported. Amendments to the Vegetation Management Act in 2009 protected High Value Regrowth, a term which includes bushland that had not been cleared since 1989, and regrowth of any age within 50 m of certain Great Barrier Reef watercourses. QCC notes that bushland that has not been cleared since 1989 is now 27 years old; in almost all cases such vegetation would embody a wide range of environmental values and should be protected wherever possible.

Extending protection of regrowth along watercourses into all Reef Catchments

QCC welcomes the proposal in the Bill to extend protection of regrowth along watercourses into all Reef Catchments. As above, the negative impacts of land clearing on the Reef are multifaceted - landclearing contributes to global warming and causes increased runoff of sediment and nutrients to the Reef. Also as above, QCC notes that these provisions align with commitments the Queensland Government made to the UNESCO World Heritage Committee in early 2015 regarding protection of the Great Barrier Reef and avoidance of its listing as "in danger".

Reinstatement of the requirement to obtain a riverine protection permit to destroy vegetation in watercourses, lakes and springs

QCC supports this provision as destruction of vegetation in watercourses, lakes and springs can not only have significant ecological consequences both at the location in the watercourse and up- and down-stream, including the Reef, but can also affect agriculture, infrastructure and property, as noted in the explanatory notes to the Bill. QCC also notes that, similar to many others, this provision simply reinstates reasonable arrangements that were in place prior to the weakening of vegetation management laws in 2013. This provision also implements the commitments the Queensland Government made to UNESCO regarding the Great Barrier Reef.

Commencement date of the Bill

QCC supports the provisions making much of the prospective legislation retrospective to 17 March 2016, as action to minimise panic clearing and panic permit applications is supported.

Reinstatement of offset requirements that are more meaningful

QCC has significant reservations regarding the environmental outcomes achieved through the use of offsets in vegetation management, but it does support the provisions in the Bill that seek to make the offset requirements more meaningful and legally secure. QCC would like to see an investigation into the environmental outcomes of the offsets undertaken to ensure that they are more meaningful.

Responsibility for unauthorised clearing of vegetation on a property

QCC supports these provisions that the occupier of a property is responsible for a land clearing offence in the absence of any contrary evidence. As the explanatory notes for the Bill indicate, under these provisions the state would still be required to prove that a vegetation clearing offence has occurred. The occupier of the land would then be required to take responsibility for the clearing carried out on their land, or provide evidence regarding who was responsible. It is a reasonable argument that the cost and effort involved in clearing vegetation makes it highly unlikely that a third party would enter another's property and clear vegetation without the knowledge or consent of the occupier of the land.

Removal of the mistake of fact defence

QCC agrees that unlawful clearing has significant environmental impacts and facts such as boundaries and conservation status of any vegetation proposed to be cleared should be carefully checked by the land occupier before clearing commences.

The Bill as Compromise

From QCC's perspective, the Bill remains a significant compromise, as loopholes remain in the vegetation management framework for Queensland which should be closed. QCC has identified the following areas that need to be addressed to ensure that the landclearing bill delivers needed environmental outcomes:

- Most exemptions will remain, in particular the 'urban area' exemption, which leaves important vegetation in urban areas vulnerable to clearing.
- The reliance on self-assessable codes introduced in 2013 is retained.
- The ability to withhold incriminating evidence of illegal clearing from the prosecution is retained.
- And finally, 22 million hectares of bushland made exempt on property maps of assessable vegetation will continue to be open to repeated clearing regardless of whether the vegetation falls in stream buffer zones, comprises endangered ecosystems, represents habitat for threatened species or lies on high slopes.

The Bill does not by any means deliver a perfect outcome from QCC's standpoint, but restores important aspects of the previous reasonably effective Queensland vegetation management framework.

Thank you again for the opportunity to make a submission on the *Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016*.

Yours sincerely



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Campaigner
On behalf of Queensland Conservation Council