



## Alliance to Save Hinchinbrook Inc

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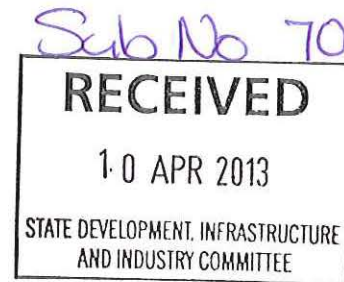
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10 April 2013

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Please find below our brief comments on the Vegetation Management Framework Amendment Bill 2013.

Our members have compared the present Act and the Bill in detail. Time does not permit a fuller submission of all the defects in the amendments proposed. Our conclusions are below, followed by some more detailed remarks on some of the proposed major amendments.

Yours sincerely

A handwritten signature in black ink, which appears to read 'Margaret Moorhouse'. The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Margaret Moorhouse

ASH

## COMMENTS: CONCLUSION

**The Alliance to Save Hinchinbrook (ASH) is totally opposed to virtually all the amendments proposed, none of which is consistent with the purpose of the Act and most of which are clearly contrary to the purpose of the Act.**

The only exceptions to our opposition to the amendments are related to those few amendments which appear to have no consequences for vegetation.

The removal of any possibility of legal challenge to approvals for clearing land under this Act removes the decision maker from being held accountable for the widespread destruction of native vegetation envisaged and allowed in the detail of the other proposed amendments.

The lifting of protection for all classes of native vegetation, introduction of self-assessment, removal of compliance requirements (via the defence proposed to be provided) and no legal redress for decisions made - these are what we see overseas in dictatorships in third world countries.

The potential consequences for our area of interest (the Hinchinbrook Region) have left our members deeply shocked that the state could be catapulted back to an ancient time when the natural world seemed limitless and uneducated, unscientific human societies could take whatever they wanted.

Many earlier human societies perished as their ability to destroy their part of the earth exceeded what the earth could deliver. This tradition of unbridled social and economic aspiration has now driven the planet into dangerous climate change - in a context of human overpopulation.

The Vegetation Management Act was drafted to ensure that Queensland was not driven to third world status by economic and political greed. This Bill, however, turns the Act on its head.

The Bill contravenes the principle of intergenerational equity by closing off land and water use options that our descendants would otherwise have had. It is also robbing them of the richness of Queensland's biodiversity and its life-sustaining properties.

## SOME DETAILED COMMENTS

### 4 Amendment of s 3 (Purpose of Act)

Section 3(1)—

*insert—* (h) allows for sustainable land use.

Given the purpose of the Act (below), this proposed insertion is redundant. "Clearing" assumes that land use will occur.

Further, "sustainable" is not defined in this Bill. The term "sustainable" is widely interpretable. It could mean economically sustainable (in the relatively short term) or simply some other practice considered to be sustainable (at the time of the approval) in its own terms.

The unqualified term "sustainable" should be defined to remove any doubt as to its meaning. Its meaning should be consistent with the international and national agreements to which Queensland is signatory (ie development must be ecologically sustainable).

What is the purpose of inserting this phrase? Is the purpose to allow for a general weakening of vegetation protection by specifying easier conditions for approvals?

### **Purpose of Act**

(1)The purpose of this Act is to regulate the clearing of vegetation in a way that—

(a)conserves remnant vegetation that is—

(i)an endangered regional ecosystem; or

(ii)an of concern regional ecosystem; or

(iii)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[s 3] Vegetation Management Act 1999 Part 1 Preliminary Page 14 Current as at 1 February 2013

(g)reduces greenhouse gas emissions.

(2)The purpose is achieved mainly by providing for—

(a)codes for the Planning Act relating to the clearing of vegetation that are applicable codes for the assessment of vegetation clearing applications under IDAS; and

(b)the enforcement of vegetation clearing provisions; and

(c)declared areas; and

(d)a framework for decision making that, in achieving this Act's purpose in relation to subsection (1)(a) to (c), applies the precautionary principle that lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment if there are threats of serious or irreversible environmental damage; and

(e)the phasing out of broadscale clearing of remnant vegetation by 31 December 2006; and

(f)the regulation of particular regrowth vegetation.

### **5 Amendment of s 11 (Minister must make regional vegetation management codes)**

Section 11(2)(a), 'vulnerable or near threatened'—  
*omit, insert*— or vulnerable

This change will result in a general widespread reduction in protection of biodiversity.

### **6 Amendment of s 16 (Preparing declaration)**

Section 16(8)— *omit*.

This represents a complete about-face for nature protection and its long term benefits for human beings. This contradicts the stated purpose of the Act.

**7 Amendment of pt 2, div 4 hdg** (Declaration of areas of high nature conservation value and areas vulnerable to land degradation)

Part 2, division 4, heading—  
*omit, insert*— Declaration of particular areas

On the face of it this change might be seen as merely a matter of style, but it also removes from prominence the previous formal recognition of vegetation and landscapes that are of high nature conservation value.

**8 Amendment of s 17 (Making declaration)**

Section 17(1A), (2A) and (4)— *omit*.

AND

**9 Omission of s 19D (Application of ss 19A–19C to wild rivers code)**

Section 19D— *omit*.

WHY trash the one chance Australia had for keeping relatively pristine rivers into the long term?

The amendments 8 and 9 will result in a major loss of biodiversity protection and of biodiversity. In the case of the Wild Rivers, it is the irreversible trashing of a present generation's obligation and great gift to future generations, of the only remaining relatively undamaged river systems in Australia.

**10 Insertion of new pt 2, div 4, sdiv 1A**

After section 19C—

*insert*— **Subdivision 1A Declarations by Minister**  
**19D Minister may make declaration**

This proposed amendment is not consistent with the stated purpose of the Act.

What is now recognised as high conservation land should be excepted from this proposed amendment. If not, it will mean that Queensland is not even pretending to be a state of rich biodiversity but one where genetically restricted groups of functionally extinct species and disintegrating species communities are kept as living museum specimens. Our national parks are so small, the remnants of a vanishing wild world. They and their wildlife are already threatened because of the small size of each national park area, edge effects, invasive species etc. Queensland had been progressing slowly towards better enabling wildlife to flourish via corridors and other rehabilitation and conservation schemes.

**11 Replacement of pt 2, divs 4B and 4C**

Part 2, divisions 4B and 4C—

*omit, insert*—

**Division 4B Self-assessable codes**  
**19O Self-assessable vegetation clearing code**

This proposed amendment is contrary to the stated purpose of the Act.

How is "reasonable" defined? if not defined to be consistent with the purpose of the Act it will be widely interpreted according to other shorter-lived values, such as expected economic returns.

Given the rest of this Bill, and the stated priority of social and economic development over biodiversity in the in the recent NCA Framework review, and the rest of the proposed points (a) to (b), "*can not reasonably be avoided or minimised*" exposes the entire state to mining, logging and any other destructive land use.

### **13 Amendment of s 20AC (What is the *essential habitat map*)**

This proposed amendment is contrary to the stated purpose of the Act.

This amendment reduces the chance of rehabilitation and restoration of areas that with care could provide vital connectivity and habitat area for many threatened species. Many native species are in dire need of restoration of their damaged/cleared habitat, if they are to be securely perpetuated into the future, specially given that climate change is already threatening the integrity of ecosystems world wide. One of the crucial resilience factors for any species is the variability of its gene pool. This variability is the once chance a species really has for some of its members to make it through a climate bottle neck and continue into the future. Any actions which allow the limiting of genetic variability (eg reduction in population size, removal of local populations, restriction of range, relying on captive breeding etc) are hastening extinction.

Many species are already functionally extinct, requiring expensive management to protect the remaining populations from the "ordinary" threats (eg cats, dogs, weeds, restricted range) which in effect is artificially maintaining a species as an example in a living museum, which politicians can use to give the idea that they are "saving" the species. Koalas, different populations suffering from disease or inbreeding, have no future without human care. Dugongs, another specialist feeder, have lost the habitat it needs (seagrass) mainly due to coastal development, farm run off and riparian degradation. The dugongs of the southern GBR are probably best described now as functionally extinct, because their population has shrunk below what is viable.

### **20AKA What is a *vegetation category area***

A *vegetation category area* is a category A area, category B area, category C area, category R area or category X area.

*Note—*

The effect of sections 20AL to 20AO, 20BA and 20CA is that there is no overlap of the boundaries of the vegetation category areas.

This assumes that the real overlaps which occur in nature do not exist. This simplistic model of the real world makes life easier for politicians and bureaucrats but loses connection with reality.

### **51 Amendment of s 51 (Power to require information)**

(1) Section 51(4)— *omit, insert—*

(4) It is a reasonable excuse for an individual not to comply if doing so might tend to incriminate the individual or expose the individual to a penalty.

### **53 Amendment of s 53 (Failure to certify copy of document)**

Section 53— *insert—*

(2) It is a reasonable excuse for an individual not to comply if doing so might tend to incriminate the individual or expose the individual to a penalty.

**54 Amendment of s 54 (Failure to produce document)**

(1) Section 54(2)— *omit, insert*—

(2) It is a reasonable excuse for an individual not to comply if doing so might tend to incriminate the individual or expose the individual to a penalty.

**56 Omission of s 67A and pt 4, div 2A**

Section 67A and part 4, division 2A— *omit*.

**58 Replacement of s 68CB (Non-application of Judicial Review Act 1991)**

Section 68CB— *omit, insert*—

**68CB Limitation of review and appeal**

(1) This section applies to a decision by the chief executive.

(2) Unless there is a determination by the Supreme Court that the decision is affected by jurisdictional error, the decision—

(a) is final and conclusive; and

(b) can not be challenged, appealed against, reviewed, quashed, set aside or called in

**NO COMPLIANCE EQUALS UNREGULATED CLEARING**

**EVEN THIRD WORLD COUNTRIES DO BETTER THAN THIS**

**NO ACCESS TO JUSTICE EQUALS DICTATORSHIP**

These proposed amendments reflect truly primitive, scientifically ignorant and morally uneducated thinking. In modern times it is no longer possible to pretend that the planet's floral biodiversity and the fauna it supports can dispensed with. The real world is overpopulated and in the grip of competition for the remaining resources - the tragedy of the commons writ large.

Our "leaders" will be seen in the future as knowingly inflicting future generations with difficult lives on a much impoverished earth.

This insertion is entirely consistent with the statement of the Premier this year that there would be no prosecutions for illegal clearing.

I wonder what his esteemed grandfather would have to say about that.

The proposed removal of this Act from the Judicial Review and all avenues of legal challenge is not merely anti democratic. It amounts to dictatorship.

It legalises nepotism.

It is socially divisive.

It is highly destructive of Queensland's natural world.

There is no way that these proposed amendments can be said to be anything but contrary to the purpose of the Act.

*end*