



SUBMISSION ON THE *VEGETATION MANAGEMENT FRAMEWORK AMENDMENT BILL 2013*

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1.0 INTRODUCTION

Desert Channels Queensland (DCQ) as a Natural Resource Management Body represents land managers in the Lake Eyre Basin section of Queensland. It covers almost a third of Queensland with wide ranging vegetation issues ranging from thickening, weeds, regrowth and biodiversity concerns. The Lake Eyre Basin is one of the world's last unregulated dryland river systems and there is a strong community agenda to protect and maintain the values of the area to ensure its productivity in the future.

DCQ appreciates the ability to comment on the *Vegetation Management Framework Amendment Bill 2013* (the bill). In summary, DCQ supports a range of amendments in the bill, particularly those that reduce red tape, provide certainty in the mapping and allow for more landholder control of their vegetation issues through the self-assessment codes.

DCQ however has a number of concerns in the bill. The ability to clear for agriculture raises a number of issues:

- It is contrary to the 2012 election commitment to maintain the vegetation management framework. This was stated by Premier Campbell Newman in written and verbal form;
- Clearing for broadscale agriculture is likely reduce biodiversity values, affect ecological processes and lead to increases in greenhouse gas emissions, which is contrary to the purposes of the act; and
- Such a significant reform, which has impacts on Government, Landholders, the community and the environment has not been subject to a 'Regulatory Impact Statement'.

In addition, enforcement provisions are proposed to be omitted, which is contrary to a successful regulatory framework given that the bill is aiming to move the Vegetation Management Framework to a self-assessment framework.

The DCQ submission will provide comments on amendments that are supported and amendments that are not supported. A conclusion will also be provided.

2.0 AMENDMENTS SUPPORTED

2.1 PROVISIONS RELATING TO SELF-ASSESSABLE VEGETATION CLEARING CODES. CLAUSE 11.

DCQ supports these provisions as they will provide additional avenues for landholders to manage vegetation in accordance with codes and minimise the need for approvals and associated red tape.

2.2 PROVISIONS RELATING TO VEGETATION MAPPING. CLAUSES 12 - 32

DCQ supports these provisions providing more certainty in mapping. This will assist with clarity about mapping for land managers.

However, clarification is required under clause 32. Under this clause, there is the requirement when a PMAV is certified or amended for the chief executive to subsequently *'amend the regulated the regulated vegetation management map in a way that reflects the certification or amendment'* (new section 20HB). Given the volume of PMAV applications made in Queensland, there may be confusion from landholders about what is the regulated vegetation management map if it is being recertified consistently. Furthermore, this will increase workloads on the assessing department to certify both the PMAV and the regulated vegetation management map.

It is recommended clause 32 is reconsidered to minimise confusion for the landholders and workload for the assessing Department about requiring amendments to the regulated vegetation management map.

2.3 PROVISIONS RELATING TO AMENDMENTS TO THE AREA MANAGEMENT PLANS. CLAUSES 33 - 46

DCQ supports the amendments to the Area Management Plans, providing greater flexibility in their implementation.

3.0 AMENDMENTS NOT SUPPORTED

3.1 PROVISIONS RELATING TO CLEARING FOR AGRICULTURE (BOTH HIGH VALUE AGRICULTURE AND IRRIGATED HIGH VALUE AGRICULTURE). CLAUSE 10, 46, 47

DCQ does not support the provisions allowing clearing of remnant vegetation for broadscale agricultural purposes in Queensland. This includes clearing:

- For establishing crops under 'high value agriculture'; or
- For establishing crops or pasture under 'irrigated high value agriculture'.

Such a regulatory proposal could result in large areas within the Lake Eyre Basin being subject to clearing, undermining the environmental credentials of the basin. Such impacts would involve a loss of terrestrial biodiversity relating to the clearing of habitat, but also any clearing for agriculture that requires irrigation would also disrupt the hydrological values of the basin. This would affect both aquatic biodiversity dependent on the available water, as well as other downstream pastoralists that are dependent on water flow. In addition, clearing that affects biodiversity and ecological processes is contrary to the purposes of the act.

Furthermore, within the current drafting of the provisions for clearing for agriculture, there are potentially a number of loopholes or issues. These are listed below:

- The ability to apply for clearing a 'irrigated high value agriculture' area requires access to a certain volume of eligible water (new section 22DAC (e)). Given that water legislation is moving towards tradeable water rights under the *Water Act 2000*, any application that demonstrates current existing water rights, could obtain a tree clearing approval, subsequently clear the vegetation, then sell the water rights to another user who could then apply for another application. This could lead to a cascade of clearing in a catchment, where although the original clearing met the requirements at a certain point in time, the area cleared is not actually being used for that original purpose applied for. This could be a significant loophole resulting in larger areas being cleared and undermining the policy intent.
- The decision making criteria listed in the proposed section 22DAC does not allow the chief executive to consider external effects of clearing for agriculture, such as the effect of salinity on the catchment and downstream landholders. Not providing the chief executive consideration of externalities from broadscale clearing will lead to poor environmental outcomes in the relevant catchment.
- Under the declaration by the Minister (new proposed section 19D), it includes restrictions on the size of the land that can be subject to a vegetation clearing application. However, there are no restrictions on the number of times a landholder could apply, potentially allowing for multiple applications. This could allow for a loophole for a landholder to apply multiple times undermining the policy intent.
- Clearing could occur in areas that are 'endangered' or 'of concern' regional ecosystems. Although a provision exists to ensure there is '*a significant beneficial impact on biodiversity values*', it is well known that 'offsetting' ecosystems is expensive, difficult and leads to reduced biodiversity outcomes, subsequently undermining the purposes of the act.

In conclusion, DCQ does not support the regulatory proposals relating to clearing for agriculture to establish crops or pasture.

In addition, to allow for organisations such as DCQ to comment with greater information on such a significant proposal, DCQ recommends that such a proposal is subject to a 'Regulatory Impact Statement' process. As per the RIS guidelines (dated March 2013), carrying out a RIS will ensure the following:

- The full magnitude of the impacts of such a significant policy change can be analysed, including the potential area to be cleared and the impacts on the environment. To date there is no quantifiable information on the potential area to be cleared or impacts on the environment. In particular understanding the impacts on threatened ecosystems would be important given that many floodplain

communities suitable for high value agriculture have already been cleared extensively and are likely to only contain large areas of 'endangered' and 'of concern' ecosystems.

- The RIS will identify costings and impact on Landholders and Government to better inform such a change. To date there is no full costings on the impact of landholders or the Government. This is significant given that applications for broadscale agricultural clearing could be received from anywhere around the state, could be very expensive for landholders and could lead to large backlogs in the assessing department and delays for landholders.
- Other benefits of carrying out a RIS as outlined by the RIS guidelines (March 2013) include developing a better understanding of the need for a regulation, identifying alternative options, consulting more thoroughly with affected stakeholders and generally improving the standard of the regulation.
- Performing a RIS will also support the findings made by reports by the Office of Best Practice Regulation (OBPR), who state in the final report (February 2012) on page 40 in relation to vegetation management that '*An inquiry is needed to establish how environmental benefits can be preserved with reforms that reduce red tape*'. Furthermore on the same page OBPR finds that well established estimates on the potential benefits of VM framework reforms are not available. Carrying out a RIS will follow through on recommendations made by the OBPR.

DCQ would be willing to contribute as a stakeholder on any RIS carried out for significant regulatory proposals such as broadscale clearing for agriculture under the Vegetation Management Framework.

3.2 REMOVING HIGH VALUE REGROWTH VEGETATION FROM FREEHOLD AND INDIGENOUS LAND BUT NOT LEASEHOLD LAND

The proposed bill removes the protection of High Value Regrowth from freehold and Indigenous land. It is not clear in the explanatory notes why this is occurring only on these tenures and not on leasehold land for agricultural and grazing purposes.

Given the purposes of the act is to maintain ecological processes and conserve biodiversity, it seems that retaining high value regrowth in the fragmented areas would be recommended, and this is along the coastal bioregions, which is where the majority of freehold land is. Turning off protections in this area, but retaining protections in the intact western leasehold areas seems contrary to the purposes of the Vegetation Management Act.

DCQ does not support removing high value regrowth protections in highly fragmented landscapes, such as in the coastal bioregions where the majority of freehold land is.

3.3 REMOVING ENFORCEMENT PROVISIONS. CLAUSES 51 - 56

A number of provisions are being removed that will reduce the ability to carry out effective enforcement of the framework, in particular the ability to carry out prosecutions. Such

omissions are contrary to good compliance models, given that other features of the bill are moving the framework to a more self-assessment model.

Removing enforcement provisions, whilst at the same time moving to a self-assessment model may affect the attitudes of landholders to uphold the law, limit the ability for government to undertake enforcement and could result in increases in unlawful clearing.

DCQ does not support the proposed omissions of the enforcement provisions whilst shifting to a more self-assessment model.

4.0 CONCLUSION

Overall, DCQ supports the red tape reduction measures in the bill and these should be progressed as soon as possible. These predominantly include:

- Introduction of self-assessable codes for the current and proposed clearing purposes;
- Mapping reform; and
- Amendments to the Area Management Plans

DCQ does not support the reforms to allow clearing remnant vegetation for agriculture such as crop or pasture establishment, or removing regrowth protections in fragmented landscapes, such as on freehold land within coastal bioregions.

To allow DCQ to comment with greater information on significant proposals, such as clearing for agriculture, it is recommended that a RIS is carried out on such reforms. This will ensure that there is the ability to more clearly justify the reasons, document the impacts, costs and benefits and identify alternative options for stakeholders to comment on.

DCQ does not support the removal of enforcement provisions from the bill, given that it is moving towards a self-assessment model.

DCQ appreciates the ability to comment on the features of the bill.

5.0 REFERENCES

Officer of Best Practice Regulation. (2013) *Final Report – Measuring and Reducing the Burden of Regulation, February 2013*. Accessed from here: <http://www.qca.org.au/files/OBPR-GOV-FinalReport-MRBR-0313.pdf>

Queensland Government. (2013) *Regulatory Impact Statement System Guidelines, March 2013*. Accessed from here: <http://www.treasury.qld.gov.au/office/knowledge/docs/ris-system-guidelines/ris-system-guidelines.pdf>