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Committee Secretary  
State Development, Natural Resources  
And Agricultural Industry Development Committee  
Parliament House  
George Street  
Brisbane QLD 4000

Dear Committee,

**Submission regarding Vegetation Management and Other Legislation Amendment Bill 2018**

The Ecological Society of Australia (ESA) welcomes the opportunity to comment on the *Vegetation Management and Other Legislation Amendment Bill 2018* ('VMOLA Bill'). As the peak body for ecological science in Australia, our members study the impacts of vegetation clearing on native species and ecosystems, as well as the consequences of land clearing for erosion, weeds, feral animals, changes in soil condition, water quality and supply, and other ecosystem services. Many of our members are also researchers and consultants to the agricultural and grazing industries across Queensland and so are familiar with best-practice land uses, and with the impacts of agricultural and grazing practices, including vegetation clearing.

Evidence shows that native vegetation clearing causes enormous damage to species, ecosystems, soils, water supply and quality, and makes large contributions to carbon emissions. The ESA is deeply concerned by the substantial rate of clearing of native remnant and regrowth vegetation in Queensland since the *Vegetation Management Act 1999* was amended in 2013.

Legislative controls are the most effective measures for promoting or curtailing habitat loss through native vegetation clearing, and the associated loss of our natural heritage, clean water and other services. We encourage coupling legislative controls with incentives for landholders, and education about the benefits and impacts of vegetation clearing. We recognise that most clearing occurs on agricultural and grazing lands, and that the combination of legislative instruments, education and incentives are necessary to change attitudes to clearing. Positive engagement with landholders and relevant industry bodies is vital for the future of Queensland's native vegetation, wildlife and ecosystems.

Thus, we welcome the introduction of the VMOLA Bill, as we think it will improve the protection and sustainable management of native vegetation in Queensland. We support the Bill because it will likely drive clearing rates down again as the Government has promised. But we urge the

Government to go further and close loopholes left open by the Bill that will still allow significant clearing to take place as detailed below.

*The following key provisions are generally supported, with suggestions for improvements indicated where necessary:*

1. **Removing high value agriculture and high value irrigated agriculture as allowable purposes;** (*see clause 16*) Between 2013-2016, about 10% of mature bushland clearing occurred under approvals for high value agriculture. The high value agriculture loophole was one of the two main mechanisms by which the 2006 ban on broadscale clearing was undermined in 2012-13. Closing this loophole was an express election promise by the Government and we welcome its fulfillment in this Bill.
2. **Phasing out certain Area Management Plans (AMPs);** (*see clause 14*) These plans were the main mechanism by which codes for self-assessable clearing of mature bushland were created prior to the amendments of 2013. These amendments then created an explicit new mechanism for self-assessable clearing, where consent is automatic and no permit is required if a code is followed and prior notice is given. Self-assessed clearing is the other major mechanism by which the 2006 ban on broadscale clearing of mature bushland was undermined. This has resulted in substantial clearing with limited oversight across southwest Queensland. Because the government intends to keep self-assessable code clearing outside of Area Management Plans, the plans are now obsolete. The Bill would nonetheless allow new Plans to be made at the Department's discretion. This would be unnecessary and duplicative, because self-assessable clearing would still be allowed under Sect 19. **Suggestion:** Rather than phase AMPs out they should all be revoked immediately, moreover the provision that the Department can make new Area Management Plans should be removed.
3. **Extending the protection of regrowth vegetation in riparian buffer zones across all Great Barrier Reef (GBR) catchments,** which will also reduce damaging runoff; (*see clauses 133 and 38*) At present, clearing of this regrowth (Category R) is only regulated in northern Reef catchments. The Bill would extend regulation to all Reef catchments, a significant and welcome improvement. However, this does not mean clearing is banned. Clearing may still be conducted under the self-assessable code for clearing of Category R, for which the 2013 code still remains current. The Bill should not leave the details of how much of Category R can be cleared to subordinate codes. **Suggestion:** Within Category R, areas of high conservation value should be identified and banned to clearing in the primary legislation, not left to self-assessable codes.
4. **Reintroducing the requirement for Riverine Protection Permits,** which will help to better regulate damaging clearing in watercourses is supported; (*see clause 16*).
5. **Stronger provisions for control of 'thinning' activities, now known as 'managing thickened vegetation';** (*see clauses 4 and 38*) We support the requirement for such activities to be allowable only where absolutely necessary to 'maintain ecological processes and prevent loss of diversity'. To meet the definitions in the Act, a proponent should have to
  - i. demonstrate that vegetation thickening has actually taken place relative to appropriate reference sites,
  - ii. that it is an unnatural phenomenon resulting from past land management,

- iii. that it is having proven negative effects on the faunal and floral composition of the Regional Ecosystem concerned, and finally
- iv. that simply changing land management to best practice has been proven to be ineffective necessitating intervention with machinery.

Assessment of whether these tests are met requires detailed expert scientific study of the natural dynamics of the ecosystem concerned, and it is appropriate to require comprehensive scientific assessment of each case prior to approval. We note the strong scientific expertise of the Queensland Herbarium and associated State Agencies to support such assessments.

We are still concerned that the Bill at present will permit 'thinning', particularly of mature and high value regrowth vegetation, through phasing out or new Area Management Plans and other loopholes.

**Suggestion:** The Bill should be further amended to ensure that any further 'thinning' activities must be proven to meet the above tests i) - iv) using expert scientific assessment before being approved.

6. **Protection of 'high conservation value regrowth vegetation';** (*see clause 38*) We support the redefining of 'high value regrowth vegetation' (Category C) to vegetation that is regrowing but hasn't been re-cleared for 15 years, and re-extending regulation of Category C to freehold, indigenous land tenures and occupational licences. Again as for category R above, the concern lies with the fact that what is actually able to be cleared depends entirely on self-assessable clearing codes. Also, to achieve adequate protection of high conservation value regrowth vegetation the definition of 'high value regrowth vegetation' must be extended to enable broader protection of endangered vegetation species and communities, vegetation in Reef catchments, riparian areas outside the GBR, threatened species habitat, and areas where landscape integrity is at risk. **Suggestion:** Within Category C, areas of high conservation value should be identified and banned to clearing in the primary legislation, not left to self-assessable codes.
7. **Stronger provisions for control of clearing for fodder harvesting:** Revision of the self-assessable code for fodder harvesting is an improvement on the previous code. However, the Bill still permits fodder harvesting under self-assessment that is not linked to necessity of drought, and permits fodder harvesting in 'of concern' regional ecosystems. It also still allows bulldozing of mature forest rather than limiting clearing to selective methods, or just lopping of boughs which is already exempt. **Suggestion:** The Bill should be amended to limit fodder harvesting to where there is an official drought declaration only, and that large scale bulldozing be excluded as a practice.
8. **Removing exemptions:** At present most clearing is of vegetation mapped as exempt on regulatory maps. Moreover, exemptions are to a large extent "locked-in" indefinitely on Property Level Maps of Assessable Vegetation (PMAVs). This is of great concern because no consideration is given to the fact that the areas mapped as exempt may nonetheless contain remnant that has regrown back to maturity (which would normally be in category B), or high conservation value regrowth (which would normally be in categories C or R). We strongly support the proposed remapping of high value regrowth or Reef watercourse regrowth areas currently mapped exempt as new Category C and R respectively as a result of changing the definitions of these categories (see points 3 and 6 above). However, this does not include areas that have been made exempt on property maps. The Government

has stated that it will honour, that is not reverse, areas mapped exempt on property maps. This means that the only mechanism now available to protect such vegetation is non-regulatory, through voluntary agreements with landholders. The Bill provides that property maps may be amended by agreement to protect currently exempt areas as Category A (fully protected). However, this will only be pursued at any meaningful scale if sufficient incentives such as the proposed Land Restoration Fund are appropriately focussed toward protection of high conservation value areas that are currently exempt on property maps. We question whether this will be sufficient as an approach. **Suggestion:** The Bill should be amended to remove the ability to continue to permanently “lock-in” areas as exempt on property maps. Despite the Government’s stated intent to honour areas made exempt on property maps, the ESA urges that this be reconsidered and that the Bill be amended to allow for the regulatory protection of areas made exempt if those areas contain threatened ecosystems. This provision should apply whether or not a PMAV is in place for that area.

Finally, the ESA is very concerned that the VMOLA Bill relies too heavily on self-assessable codes for native vegetation clearing. Pervasive self-assessable clearing, along with the high value agriculture ‘loophole’, provided the major means by which the 2006 ban on broadscale clearing of remnant or mature bushland has been undermined.

All clearing that has significant conservation impacts, including on threatened species and ecosystems, should be required to follow a full assessment of environmental impacts and should not evade the requirement for explicit approval, regardless of who is doing the clearing or why. Non-agricultural developments such as mines, roads, rail, electricity infrastructure and pipelines all require proper assessment under various legislation, so exclusion of clearing for agricultural purposes is anomalous, especially considering the substantial amount of clearing for agriculture compared with these other purposes. This assessment of environmental impacts should take place through an independent scientific assessment process and take into account regional level cumulative impacts. Piecemeal clearing of small areas at one time is the major underlying threat to many species because the cumulative impact of clearing many small areas over time and space amount to very large areas and impacts.

Self-assessment of the benefits of clearing generally fails to assess the risks to the environment, does not consider the regional context, and over-inflates the claimed benefits, so should not be widely permitted. There is a fine balance between managing environmental risks and minimising regulation costs, and in this case it is our position that the Bill falls too heavily on the side of minimising regulation costs rather than achieving its goals to reduce environmental risks.

We also challenge the assumption that clearing native vegetation is necessary for agricultural development. There is ample published economic and scientific research to show that this is not the case, and that much of the proposed, current and recent past clearing has little or no economic benefit, and has substantial environmental detriment<sup>1</sup>. We urge the government to

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<sup>1</sup> For example: Seabrook et al. (2006) *Cattle, crops and clearing*, Landscape and Urban Planning. **78**(4): p. 373-385; Seabrook et al. (2008) *What influences farmers to keep trees?* Landscape and Urban Planning. **84**(3): p. 266-281; McAlpine et al. (2009) *Increasing world consumption of beef as a driver of regional and global change*. Global Environmental Change. **19**(1): p. 21-33.; Grice et al.

consider undertaking further work and investigations in this field to determine the true costs and benefits of clearing, and the long-term costs to the environment, society and agriculture. Research into alternative agricultural improvement practices exists, and would benefit from further work. ESA members can contribute to such work.

Yours sincerely,

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*This submission has been prepared in consultation with members, and is approved by the President on behalf of the ESA.*

*The ESA ([www.ecolsoc.org.au](http://www.ecolsoc.org.au)) is the peak body for ecological science in Australia, with over 1200 members from all states and territories. Our members work in universities and other research institutions, government departments, NGOs, private industry and consultancies. We are a national not-for-profit organisation formed in 1959.*

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(2013) *Mosaic Irrigation for the Northern Australian Beef Industry. An assessment of sustainability and potential. Technical Report.*, in A report prepared for the Office of Northern Australia. 2013, CSIRO: Brisbane. p. 271.; Neilly et al. (2018) *Profitable and Sustainable Cattle Grazing Strategies Support Reptiles in Tropical Savanna Rangeland*. Rangeland Ecology & Management. **71**(2): p. 205-212.; Walsh& Cowley (2016) *Optimising beef business performance in northern Australia: what can 30 years of commercial innovation teach us?* The Rangeland Journal, **38**(3): p. 291-305.