

SDNRAIDC

From: [REDACTED]
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Subject: SUBMISSION Vegetation Management and Other Legislation Amendment Bill 2018.

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to Save Hinchinbrook Inc

Alliance

PO Box 2457, Townsville Q 4810
Mobile

22 March 2018

Committee Secretary

State Development, Natural Resources and Agricultural Industry Development Committee

Parliament House

George Street

Brisbane Qld 4000

By email: sdnraidc@parliament.qld.gov.au

Please accept our submission on the Vegetation Management and Other Legislation Amendment Bill 2018.

Whatever the outcome of this Bill (which we strongly support), ASH urges the present government to further strengthen the Act so that it carries out the expectations of the Hon. Henry Palaszcuk, as expressed in 2000 in a letter to Margaret Thorsborne (now A.O.), just after the introduction of the first-ever *Queensland Vegetation Management Act (1999)*:

"That legislation was passed by Parliament in late 1999. It is intended to ensure that all remnant vegetation is sustainably managed and protected, while still allowing economic development.

"Some relevant policy criteria within that legislation and which will address your concerns include:

- *Vegetated buffers of at least fifty metres where possible around wetlands, lakes or springs;*
- *Placement and width of riparian buffers to enhance wildlife habitat, stream bank stability and the filtering capacity for sediments and nutrients. These buffers are to be 200 metres each side of rivers, 100m each side for creeks and fifty metres each side of waterways in most areas;*
- *Viable networks of habitat to be maintained. Where possible, vegetation is to be maintained in twenty hectares or greater clumps and strips; and*
- *No clearing of areas of high conservation value."*

We are particularly concerned about the mapping for the present Bill and what it actually means in terms of protection from clearing and support for native fauna. We have been unable to ascertain from the Queensland Government where exactly the clearing will stop – is there a limit? What does it look like? What is enough? Where are the decisions about the end goals: how much tree cover, how much habitat, how much biodiversity is “enough”?

Given the shocking losses over the last five years and pipeline losses to come, and the lack of strong enforcement measures in this Bill, the government must present what end-goal this legislation will serve; and develop further measures to ease the burden being cast on future Australians.

Please find our submission attached

Yours faithfully



Margaret Moorhouse

**Secretary The Alliance to Save Hinchinbrook Inc.
(ASH)**

Participant in the Cassowary Coast Alliance

Margaret J Moorhouse
Alliance to Save Hinchinbrook Inc



**Alliance to Save Hinchinbrook Inc**

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A handwritten signature in blue ink, reading 'Margaret Moorhouse'.

Margaret Moorhouse**For The Alliance to Save Hinchinbrook Inc. (ASH)****Participant in the Cassowary Coast Alliance**

Some Background

Among our members we have farming landholders present and past: cattle grazing, dairying, tree fruit cropping, horticulture; sailors and fishers who appreciate the deleterious impacts of land clearing on water quality in the Great Barrier Reef World Heritage Area (GBRWhA); and Cassowary Coast residents who have seen the countryside and flood events change under the influence of land clearing.

The Alliance to Save Hinchinbrook Inc. (ASH) and its predecessor Friends of Hinchinbrook Inc. (wound up) have a long history of active participation in contributing to planning legislation.

This includes the first *Queensland Coastal Act* (1994), the first *Queensland Coastal Plan* (1995) and the statutory *Regional Coastal Management and Protection Plans (RCMPs)* (2003 and 2004), the latter resulting as a condition on a Commonwealth Consent and upheld in the Federal Court in 1996/97. This original catchment-based Act and Plan was based on strong statutory mapping in each RCMP and enforced by DERM concurrence agency status.

In early 2012 however, the Bligh Government swept all this away – the lot – the only legislation that had ever actually protected the GBRWhA coast – and sought to replace protective zoning with statutory Maritime Development Areas, even in the statutory Habitat Protection Zones of the Great Barrier Reef Marine Park (all World Heritage Area). A current example is Boat Bay Mission Beach, where the state aims to accommodate Bob Katter and marina developer desires by constructing a rock structure over living coral at Clump Point.

Given the Bligh government's 2012 abolition of the original catchment based Coastal Zone, strong statutory-mapping based protections (RCMPs) and DERM concurrence agency status, and the Newman government's subsequent abolition of clearing controls, the introduction of voluntary measures to protect GBRWhA water quality has pushed collective responsibility, the business and purpose of government, onto largely self-interested individuals.

ASH members contributed to the original *Vegetation Management Act 1999* and followed every change since. In the Conclusion of our submission on the *Vegetation Management Framework Amendment Bill 2013* we said:

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.

The predicament in which humanity finds itself now (climate change) has occurred precisely because predictable consequences have been denied; the culture of land users too often continuing in the habit of empire, pillaging the land for “resources”, expecting there will always be more. The earth system, once thought unimaginably large and complex, is undeniably finite and rapidly losing its capacity to sustain most human life beyond the next few generations.

By 1992, our governments had signed the *Intergovernmental Agreement on the Environment (IGAE)*, which incorporates the four principles of Environmentally Sustainable Development (ESD): the precautionary principle, intergenerational equity, conservation of biological diversity and ecological integrity, and improved valuation, pricing and incentive mechanisms (IGAE Sect 5). Nevertheless, and despite the seriousness of the threats, the historical efforts of some governments to reduce the extent and pace of land clearing, and the signing of the IGAE, land clearing in Queensland continues to be perceived not only as a landholder right, but as a right to clear the commons as well – whether as “new” parcels of land to be handed out by government, or as vegetated areas on private land once accepted as not for clearing.

Rural newspapers typically reflect the irrational belief that there exists a simple static balance *between* environmental conservation and economic growth (including agricultural production) and that the former should not outweigh the latter; rendering meaningless the usual simultaneous verbal support for environment protection:

Of course the environment must be protected and conserved. But what happened to the importance of economic growth and development?

Effective agricultural regulation draws a reasonable line between environmental protection and agricultural production.

It is undeniable that efficient agricultural production requires the felling of trees ...

Removing exceptions for high value land specifically burdens the most productive farmers and removes the possibility that economic growth outweighs environmental conservation.

(<http://ipa.org.au/news/3447/whytheproposedtreelawsaretheveryworstkindofredtape>)

This view shows a failure to understand science, systems, efficiency and balance. The balance of the natural world is dynamic, not static as with a simple see-saw.

The see-saw scales view is not merely mistaken; its public promoters know better. They simply have no concern for anyone's future or comfort beyond their own lifespan:

Labor plans would impede agriculture Qld Farmers Fed Jan 2015

O'Sullivan "green activist inclinations" on land-clearing Queensland Country Life April 2016

Labor ... drive up cost of food by axing sensible Newman government tree clearing Courier Mail March 2016

Although many Queensland farmers understand climate change and the significance of protecting biodiversity, farms are commonly portrayed as petty fiefdoms under siege, denying the proper role of government to make decisions to protect the common good against the "death by a thousand cuts" otherwise inflicted by a multitude of private interests and agendas:

Lynham sidelined as Palaszczuk belts farmers ... Qld Country Life Nov 2015

Miles ramps up attacks on Qld farmers Stock & Land April 2016

New tree clearing legislation 'an attack on farmers', rural lobby ABC Rural News March 2016

Below is Noel Pearson's partisan view (that indigenous people should be able to do as they wish on native title land):

... "It's death by a thousand cuts, the ability for the people of the Cape - including Indigenous people who now have vast areas of land back on our title - to do anything on that land is severely restricted.

"Our opportunities for our future generations to develop have been cut off at the past, so I just think this is an unfortunate agenda the State Government is pursuing here."

(Noel Pearson tells land owners ABC RURAL 09 March 2016)

Although, having a bob each way, he recognised that clearing:

... can have a negative impact on the land if not done correctly.

"There has got to be proper processes and assessments and clearances in place," he said.

(ibid)

Regardless of how it is done, in the end, clearing means clearing; that is, the loss of growing trees and other associated vegetation and fauna, the loss of carbon sequestration, and the irretrievable loss of associated biodiversity. There are ways to halt and reverse the loss of carbon into the atmosphere, but there are no ways to retrieve lost biodiversity. The diminution in size of every natural population is a permanent reduction in genetic diversity.

Clearing affects *everyone* on the planet. No-one, however justly or unjustly arrived at their current place in life, can escaped the contributions of land clearing to climate change and biodiversity collapse.

When the ship is at risk of sinking, fights among the pump hands over perceived injustices will only jeopardise the wished-for state of safety, for everyone; we are running out of time - and trees.

Special threats to biodiversity protection

Current legislation is demonstrably unable to maintain landscape and catchment integrity and biodiversity.

Often overlooked in the bureaucratic obsession with maps are the realities of species whose future prospects are restricted by imaginary lines drawn over a living landscape, and further diminished by roads and fences.

Neither the *Wet Tropics World Heritage Area* (WTWHA) nor the *Great Barrier Reef World Heritage Area* (GBRWHA) have buffer areas, as is preferred by the United Nations Educational and Scientific and Cultural Organisation (UNESCO). Combined with the shape and fragmentation of the WTWHA, land clearing outside the WTWHA poses threats to species whose habitat occurs within and without the WTWHA boundaries. Clearing of land adjacent to the WTWHA and further afield will diminish the populations of species that are not only important values of the WTWHA (eg Mahogany Glider, Southern Cassowary, Spectacled Flying Fox) but species crucial to the perpetuation of the forests they inhabit. Loss of habitat outside the boundaries of the protected areas of the WTWHA can only lead to reduced species viability and consequent vegetation decline within the WTWHA: a positive feedback system, a vicious cycle.

River Bank Integrity

Queensland's river banks have suffered enormously since 2000, when the Hon. Henry Palaszczuk MLA, Minister for Primary Industries and Rural Communities, wrote to Margaret Thorsborne (now an Officer of the Order of Australia) expressing confidence in the original *Vegetation Management Act 1999* to protect river banks.

Landholder Complaints and the Future

It is fair to say that landholders' complaints about land clearing restrictions in Queensland are largely based on short-term material self-interest and denial of responsibility to the common good; ignoring scientific information and principles of intergenerational equity (eg the future-oriented Precautionary Principle) to which all Australian governments have signed agreement and have supposedly expressed in domestic law.

The *Vegetation Management Act 1999* (see its Purpose, below) should be a prime instrument for the expression of these principles.

Given that the vegetation management legislation has demonstrably never been strong enough to protect the land (just look at the outcomes), the argument that this legislation is unwarranted is just not supportable.

Landholder endeavours are not always good business. The public does not owe unprofitable businesses gifts from the public good (eg more land clearing) when business decisions fail. Sometimes it is just bad luck, because the bottom has dropped out of the market for products; or seasons have failed. The answer is *not* to mine the block for what can be extracted as a way of allowing the owner to get out or move on, *not* to clear more to keep going a bit longer, but to re-think the business model altogether and support affected people in other ways.

Our members are aware of the many inequities in the range of farming practice. My personal experience of quitting farming (NSW, 1981) was of discovering I was counted as “not being in the work force 10 years”.

Example:

Tree crops along the tropical coast may not be viable, given the time scale of tree farming (25 years for timber) and the frequency of severe cyclones, with consequent loss of trees and reduced crop value of survivor trees. Sometimes there is nothing to do but cut your losses and get out. No business, including farming business, can be guaranteed not to fail.

Future generations will bear the burdens of lost soil, lost carbon sink capacity, and lost biodiversity. These inevitable outcomes cannot be wished away.

The purpose of the Act

- 3 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
 - (g) reduces greenhouse gas emissions; and
 - (h) allows for sustainable land use.

Current as at 3 July 2017

Page 9

Authorised by the Parliamentary Counsel

While ASH supports generally supports the amendments in this Bill, our view is that they do not sufficiently fulfil the purpose as set out in the Act (above). Leaving aside the references to specifically defined types of vegetation and areas, the current amendments cannot properly serve purposes (c) (d) (g) and (h) unless further more precise measures are enacted; including compliance and enforcement measures that will deter illegal clearing.

Whatever the outcome of this Bill, which we strongly support, ASH urges the present government to further strengthen the Act so that it serves its purpose and carries out the expectations expressed in 2000 by the Hon. Henry Palaszczuk. ###