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Committee Secretary
State Development, Natural Resources
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Dear Committee,

RE: Submission to Vegetation Management and Other Legislation Amendment Bill 2018 ('VMOLA Bill') inquiry

We are academics in the area of international environmental law and policy. We provide the submission to demonstrate the need for reform to Queensland's vegetation management laws to contribute to Australia's obligations under international climate agreements, and other international environmental laws.

Based on our below analysis, we commend the following aspects of the proposed amendments to vegetation management laws:

1. Removal of the ability to obtain permits for "high value agriculture" and "high value irrigated agriculture": These permits were restricted to particular types of farms regardless of their actual contribution to Queensland economy, and resulted in significant land clearing, including of mature forests.
2. Reintroduction of the requirement to obtain Riverine Protection Permits to better regulate damaging clearing in watercourses;
3. Phasing out existing Area Management Plans which have allowed significant clearing under lower regulation across Queensland;
4. Extended protections of regrowth vegetation near watercourses across Great Barrier Reef catchments, to reduce damaging runoff, including Eastern Cape York, Fitzroy and Burnett-Mary catchments which were not protected under the VM Act currently.
5. Improved protection for high value re-growth.
6. The establishment of the $500 million Land Restoration fund including the Carbon Plus Fund.

We further suggest the following:

1. **Continued development of incentives for agri-environment measures that are results-based:** the Queensland Government should continue its work in creating schemes for environmental-related payments to farmers. These incentives should be result-based, and could take the form of direct payments to farmers, provided they were for environmental-related purposes (permitted under the Green Box subsidies under the World Trade Organization's Agreement of Agriculture).

2. **Move towards phasing out self-assessment codes for "thinning":** Self-assessment for vegetation "thinning" gives too much power to landholders, who have a conflict of interest when it comes to clearing. In Queensland, 60% of clearing is for "thinning".[1] Thinning is the removal of vegetation, and is therefore land clearing under a different name. On the one hand, they are stewards of the land and so understand the importance of vegetation. On the other hand, there is a belief within the community that removing vegetation will increase their income. As such, self-assessment codes puts farmers in a difficult position, which they do not need to be in.
3. **Review of property map of assessable vegetation:** these plans lock in areas of a farm as containing a particular type of vegetation. Yet, on-farm conditions change. There needs to be a avenue to review the maps and require/negotiate amendments with the maps.

International obligations relevant to vegetation management laws and greenhouse gas emissions

Australia is a party is the United Nations Framework Convention on Climate Change (UNFCCC)[2], the Kyoto Protocol[3] and the Paris Agreement.[4] Australia, therefore, holds emission reductions commitments under each of these instruments. Australia's future emission reduction commitments involve:

- a pledge under the second commitment period of Kyoto (2013-2020) to reduce emissions by 5-15% reduction from a 2000 baseline, and
- a Nationally Determined Contribution (INDC) under the Paris Agreement to reduce greenhouse gas emissions by 26-28% below 2005 levels by 2030.[5]
- A general obligation under all agreements to manage carbon found in sinks.[6]

Land management laws and policies adopted in Australia contribute to meeting these commitments.

Land use is a 'source' of emissions, but it is also a 'sink' for emissions with the appropriate management. Any activity leading to an increase in carbon being released from land such as vegetation clearing is a source emission activity. While other actions such as sustainable forest management, afforestation and reforestation are sink emission activities.

Queensland contributes the most to Australia's greenhouse gas emissions (28.3%) and land clearing is one of Queensland's key sources of emission releases.[7] It is critical, therefore, that Queensland reduce its emissions to contribute to:

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[1] WWF, *Bushland and destruction in Queensland since laws axed* (2018) <file:///C:/Users/Johnsoh2/Downloads/pub-briefing-bushland-destruction-in-queensland-since-laws-axed-9feb18%20(2).pdf>.

[2] *United Nations Framework Convention on Climate Change*, opened for signature 4 June 1992, 1771 UNTS 107 (entered into force 21 March 1994)

[3] Kyoto (Japan), 11 Dec. 1997, in force 16 Feb. 2005, available at: http://unfccc.int/resource/docs/convkp/kpeng.pdf.

[4] *Paris Agreement to the United Nations Framework Convention on Climate Change*, opened for signature 22 April 2016 (entered into force 4 November 2016) ('Paris Agreement').

[5] http://www4.unfccc.int/Submissions/INDC/Published%20Documents/Australia/1/Australias%20Intended%20Nationally%20Determined%20Contribution%20to%20a%20new%20Climate%20Change%20Agreement%20-%20August%202015.pdf

[6] Paris Agreement, article 5 (1).

[7] Australian Government, Department of the Environment and Energy, State and Teritory

- Avoiding the impacts of climate change, especially its expected impacts on agriculture and agricultural productivity,[8]
- Meeting Australia's commitments made on the world stage and
- Protecting the interests of future generations.

Australia's most recent submission to the UNFCCC concerning land based emissions can be found in the National Inventory Report of 2016, Volume 2.[9] This report is based upon data collected up to 2014, so it does not include information about the emission source activities occurring in Queensland and New South Wales as a result of weakened Vegetation Management Laws.

In 2014, total emissions from forest land converted to cropland and forest land converted to grassland were around 75% lower than the 1990 rates, with the Australian government attributing this reduction to the introduction of tighter regulations regarding vegetation management at the State level.[10]

Now, land clearing rates are the highest they have been for the last decade.[11] The Australian government will have to report upon the increases in emissions concerning woody vegetation in future national inventory reports if reforms to reintroduce tighter vegetation clearing restrictions are not passed.

Along with being the biggest emitter out of Australian states and territories, Queensland has the largest area of land dedicated to agriculture. If Australia is to meet its obligations under international climate agreements, and its moral obligations to future generations, Queensland needs to take this first step in reverting the weakening of vegetation management laws.

Requiring and promoting less land clearing need not reduce economic opportunities for farmers. After all, vegetation improves soil quality and increases the capacity of soil to retain water.[12] Healthy soils improve grass growth to feed cattle and increase productivity for horticultural farms.[13] For instance, improving soil quality through maintaining or increasing vegetation is widely recognised as critical to reducing the impacts of drought on farmer productivity.[14]

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[8] Alvaro Calzadilla et al, 'Climate Change Impacts on Global Agriculture' (2013) 120(1–2) *Climatic Change* 357.
[9] Australian Government, National Inventory Report 2016, Volume 2.
[10] Ibid, p8 – 9.
[11] April E Reside et al, 'Ecological Consequences of Land Clearing and Policy Reform in Queensland' (2017) 23(3) *Pacific Conservation Biology* 219.
[12] Alexandra Bot and Jose Benites, 'The Importance of Soil Organic Matter: Key to Drought-Resistant Soil and Sustained Food Production' (Food and Agriculture Organisation of the United Nations, 2005).
[13] Associate Professor Ademola K Braimoh and Professor Paul LG Vlek, 'Impact of Land Use on Soil Resources' in Associate Professor Ademola K Braimoh and Professor Paul LG Vlek (eds), *Land Use and Soil Resources* (Springer Netherlands, 2008) 1 <http://link.springer.com.ezp01.library.qut.edu.au/chapter/10.1007/978-1-4020-6778-5_1>.
[14] Rattan Lal, *Principles of Sustainable Soil Management in Agroecosystems* (CRC Press, 1st ed, 2013).

International obligations relevant to Great Barrier Reef catchment areas

The Great Barrier Reef was included on the World Heritage List in 1981. Other international agreements that impose legal obligations to protect the Great Barrier Reef include: the Convention concerning the Protection of the World Cultural and Natural Heritage, 1972 ('WHC'), 10 the International Convention for the Prevention of Pollution from Ships, 1973 ('MARPOL')11 and the United Nations Convention on the Law of the Sea, 1982 ('UNCLOS'). The Convention on Biological Diversity is also relevant, as it requires regulators take measure to conserve areas of high biological diversity (article 8).

Like action on climate change, the management of the GBR relies on collaboration between the Queensland and the Commonwealth government.[15] It is critical that the Queensland Government contribute to the partnership formed with the Federal Government to preserve the reef by adopting the proposed amendments to the VMA. The Queensland government is the only governmental body that can introduce laws directly to reduce land-based run-off. The achievement of Australia's environmental protection goals and international obligations relies on a continued, cooperative relationship with the Federal Government, as identified in the 2050 Long-term Sustainability Plan, which identifies actions that both governments agree to take to protect the GBR.

While climate change is recognised as the main threat to the GBR, land-based run-off in GBR catchment areas weakens the reef to the effects of climate change while also harming the ecosystems on the reef. Land-based run-off was recognised under the 2050 Long-term Sustainability Plan for the reef as an immediate and system-wide threat to the reef.[16] In 2017, the United Nations Educational, Scientific and Cultural Organization (UNESCO), which administers the World Heritage List, observed that 'important legislation regulating land clearing has not been passed, and increased efforts are needed to ensure that all important legislation necessary to deliver the 2050 Long-term Sustainability Plan outcomes is put in place'.[17]

As recognised by the UNESCO, the amendments to the VMA is a critical step forward for addressing land-based run-off that weakens and harms the reef. It does this by placing restrictions on land clearing along streams in GBR catchment areas. This approach will reduce run-off that weakens the GBR because trees along waterways, and on land more broadly, acts as buffers against soil eroding forces and reduces the magnitude of run-off events.[18]

Along with satisfying international commitments and related moral obligations and principles, the GBR should be protected because of its contributions to Queensland's economy, and its social, cultural and environmental importance.[19] It follows then that protections are required

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[15] *Great Barrier Reef Marine Park Act 1975* (Cth); *Marine Parks Act 2004* (Qld); *Nature Conservation Act 1992* (Qld).

[16] Australian Government and Queensland Government, *Reef 2050 Long-term Sustainability Plan* (2015) < http://www.environment.gov.au/system/files/resources/d98b3e53-146b-4b9c-a84a-2a22454b9a83/files/reef-2050-long-term-sustainability-plan.pdf> 10.

[17] United Nations Educational, Scientific and Cultural Organization , *State of Conservation: Great Barrier Reef (Australia)* (2017) <https://whc.unesco.org/en/soc/3658>.

[18] Rebecca Bartley et al, 'Relating Sediment Impacts on Coral Reefs to Watershed Sources, Processes and Management: A Review' (2014) 468–469 *Science of The Total Environment* 1138.

[19] Deloitte Access Economics, *At What Price? The Economic, Social and Icon Value of the Great Barrier Reef* Deloitte Australia <https://www2.deloitte.com/au/en/pages/economics/articles/great-barrier-reef html>.

against run-off, and these protections should include restrictions on vegetation clearing in the GBR catchment areas. The amendments proposed are, therefore, in complete alignment with the interests of current and future Queenslanders, as well as international obligations.

Yours sincerely,

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