

Committee Secretary
State Development , Natural Resources
and Agricultural Industry Development Committee
Parliament House
George Street
Brisbane Qld 4000

21 March 2018

Vegetation Management and Other Legislation Amendment Bill 2018

Dear Chair and Committee Members

Thank you for the opportunity to make a submission to the Committee on this critical piece of Queensland legislation, so necessary for the longer-term viability of Queensland's rich landscapes, which sustain and support critical habitats for our native species and ecosystems, whilst providing the resource base for our agricultural and other productive industries.

We write to you as concerned Queenslanders who are land managers, both as rural residents and as professionals, and in addition neighbours to the Wet Tropics World Heritage Area. We would like to see a swift return to strong laws and regulations which pro-actively protect the public good and our vital life-sustaining ecosystem services.

In summary, we express our support for the passing of the *Vegetation Management and Other Legislation Amendment Bill 2018*, although we first request certain amendments to the Bill. We provide specific details of these amendments, which seek to strengthen the Bill, below.

In an economic system where the physical resource base provided by our environments is not valued monetarily nor calculated as a cost of doing business, resultant externalities and associated rehabilitation / repair / mitigation / restitution costs are borne by the public as an escalating public expense. Loss of productive soils, degraded waterways, damaged coral reefs and escalating greenhouse gas emissions are becoming increasing cost burdens on the public. Industrial land users – whose actions impact the fragile, fragmented habitats of our native species and remnant ecosystems essential to their survival, and to ours – and which further, greatly profits as a direct result of non-costed natural resource inputs (our public assets), must learn to value the real worth of our environment, including our native vegetation.

Our understanding of the then Beattie Government's initial policy intent in developing the original *Vegetation Management Act 1999* (the VMA) and regulations in the late 1990s were to "ensure that all remnant vegetation is sustainably managed and protected, whilst still allowing economic development". In particular, the inaugural VMAⁱ provided for (amongst other matters):

- vegetated buffers of at least 50 metres where possible around wetlands, lakes or springs;
- placement and width of riparian buffers (200m each side of rivers, 100m each side for creeks and 50m each side of waterways in most areas) to enhance wildlife habitat, stream bank stability and the filtering capacity for sediments and nutrients;
- Viable networks of habitat to be maintained – where possible, vegetation is to be maintained in 20ha or greater clumps and strips; and
- no clearing of areas of high conservation value.

The current Bill does not reinstate these fundamental tenants of the original VMA.

As Committee members would be aware, during the term in office of the then Newman Government, radical amendments were made to the VMA in 2013. It is very clear that their decision was of demonstrable disservice to our biodiversity, ecosystems and the public good.

Rates of remnant, regrowth and riparian vegetation clearing escalated significantly, further fragmenting, degrading and destroying critical remnant vegetation, including native regrowth.

Indeed, we have observed this as fact in our region, and elsewhere and we have also earlier pointed this out in our April 2016 submissions to your Committee's Research Manager. It is indeed deplorable that attempts to reinstate earlier stronger VMA provisions following the election of the first Palaszczuk Government failed due to the vote of a single independent Member of Parliament. This review process also saw significant so-called 'panic-clearing'.

In 2018 it's evident that 'self-assessable' codes and regulatory schemes with minimal fines or minor breach penalties just do not work in protecting the little intact native vegetation left. For example, under the legislation as it currently stands, 'thinning' can include clearing up to 75% of a forest, with this activity responsible for significant clearing across Queensland without scientific justification of it being a necessary activity at all. Additionally, under the former Newman Government, significant areas of the state were locked in under property level maps facilitating clearing of unregulated 'category X', even though such clearing would impact mature, high value vegetation. 'Category X' proved a backdoor to rampant clearing. Further, rates of unsustainable vegetation clearing since 2013 have clearly impacted native habitats, wildlife corridors and previously largely undeveloped areas of very high ecological significance, including federally listed threatened species and ecological communities, including critically endangered remnant lowland and coastal (littoral) rainforest.

As a further example, the *Statewide Landcover and Trees Study* found that 10% of mature bushland clearing from 2013-2016 happened under permits issued for broad-scale vegetation clearing for high value agriculture and high value irrigated agriculture, with generally insufficient verification that the land was in fact high value agricultural land, was in fact needed for agriculture, and was subsequently actually utilised for the agricultural activity originally applied for. This situation, and this documented reality, is simply not acceptable.

Also of exceptional concern are the ever-increasing greenhouse gas emissions generated by broad-scale vegetation clearing. Land based impacts are amongst the most severe impacts on our Great Barrier Reef, with nutrient run-off and sediment loads exacerbated by grazing and monoculture production on coastal catchments entering the Great Barrier Reef.

As we know from direct personal experience, Category 5 cyclones are absolutely no fun.

Despite the hyperbole and concerted lobbying of Queensland's agricultural industries and other resource development sectors it is clearly evident that stronger protections are needed to ensure that the ecosystem services and biological underpinnings of our ongoing viability, health and prosperity as Queenslanders today and into the future can continue to support our existence on this, Earth's driest continent. And particularly so given the very real constraints and adverse implications arising for our health, wellbeing and livelihoods, across Queensland, as a result of anthropogenic global warming.

In this regard we state our support for the following aspects of the current Bill:

- Clause 14: Phasing out existing Area Management Plans which have allowed significant clearing under lower regulation across Queensland;
- Clause 16: Removal of the ability to obtain permits for high value agriculture and high value irrigated agriculture.
- Clauses 51 and 52: Reintroduction of the requirement to obtain Riverine Protection Permits to better regulate damaging clearing in watercourses;
- Clauses 133 and 38: 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. See *also below*.

The following proposed amendments included in the current Bill are supported by us *in principle* but must be strengthened as indicated to truly reduce excessive clearing of wildlife habitat, impacts to the Great Barrier Reef and climate change emissions:

- Clause 38: Improved protection of ‘high value regrowth vegetation’, being vegetation that has grown back well after being cleared. The Bill creates a broader definition, including vegetation not cleared for 15 years and re-extending regulation to freehold, indigenous land and occupational licences.
‘High value regrowth vegetation’ must be extended to fully meet the government’s 2017 election commitment by protecting high conservation value regrowth vegetation.
Extra amendments are needed to allow much more extensive protection including endangered vegetation species and communities, vegetation in reef catchments, riparian areas, threatened species habitat and areas where landscape integrity is at risk.ⁱⁱ
- Clauses 4 and 38: Provisions for ‘managing thickened vegetation’ are supported in so far as these act to ‘maintain ecological processes and prevent loss of diversity’ as mandatorily required.
To ensure this definition is given effect there must be a requirement that it be demonstrated prior to clearing being allowed.
To truly reduce the significant clearing allowed for ‘managing thickened vegetation’ under the current Bill, it must no longer be an allowable activity by permit or code, particularly not for mature or high value regrowth vegetation – or indeed under existing Area Management Plans.
- Whilst the Bill’s provision for landholders to have the ability to seek to amend their property map of assessable vegetation (PMAV) to re-regulate clearing in areas which were locked in across Queensland as not needing assessment under Newman Government laws is considered somewhat helpful, it fails to regulate any requirements for land holders to do so.
In this specific respect, the Bill needs to be changed to *require* amendment of PMAVs locking in unregulated clearing of all high value vegetation. Leaving map amendment up to land owners will leave significant areas of Queensland where clearing is unregulated.
- The Bill does not tighten excessive clearing allowed under fodder harvesting codes so amendments are needed. Fodder harvesting should be limited to where there is an official drought declaration.
- The Bill does not include the reversal of the onus of proof offence provision, nor the removal of the mistake of fact defence provisions, both being previously in the VM Act prior to the Newman Government amendments.

However, we are disappointed that the Queensland Government is not proposing to substantially tighten up fodder harvesting provisions, including major restrictions and tying any clearing to official drought declaration. Whilst we appreciate the concern, and duty of care, that land holders may have for the survival of their livestock, we do not believe that livestock takes precedence in any way over our threatened or other native flora and fauna.

The Queensland Government must work with primary industries to find realistic, longer-term solutions to the climate vulnerabilities impacting productive landscapes across the state. Appeasements in response to orchestrated lobbying efforts of producer groups don’t help in future proofing the primary industries of our state in the face of escalating global warming.

In this respect we welcome the Minister for Natural Resources' recent statement in respect of retrospective action and penalties for any illegal clearing taking place in reaction to this re-launched initiative to strengthen our vegetation management statute and key regulations.

In summary, we strongly endorse the Bill in seeking to scrap high value agriculture as a relevant clearing purpose, protect high conservation value regrowing woodlands, scrap the thinning code, extend Reef riparian areas, and to terminate current Area Management Plans.

We also strongly endorse amendments to the Bill to totally remove 'managing thickened vegetation' provisions, to guarantee no new self-assessable code for thinning or new Area Management Plans were possible in the future.

We respectfully ask that the Committee examine options for recommending changes to the Bill and codes accordingly, and to ensure that the above reforms are fully translated into practice.

In closing, whilst we welcome this first step in correcting the negative implications of the former Newman Government's radical and ecologically destructive reforms, we firmly believe that more must be done by the Queensland Parliament during this term to end the unacceptable and short-sighted clearing of our native woodlands and remnant vegetation in Queensland, so that koalas and our other treasured native fauna and flora species can still be enjoyed by our grandkids in their natural environs, not only in zoos or botanical gardens.

Yours sincerely,



Ellen Bock



Kevin Blackman



ⁱ the Honourable Henry Palaszczuk, former Queensland Minister for Primary Industries and Rural Communities writing to the patron of the Alliance to Save Hinchinbrook Margaret Thorsbourne (A.O.) at the time of the original legislation's enactment through the Queensland Parliament.

ⁱⁱ Queensland Labor, 2017 '[Saving Habitat, Protecting Wildlife and Restoring Land](https://www.queenslandlabor.org/media/20226/alpq-saving-habitat-policy-document-v3.pdf)' Policy Document, <https://www.queenslandlabor.org/media/20226/alpq-saving-habitat-policy-document-v3.pdf>