



20 March 2018

Committee Secretary
State Development, Natural Resources
and Agricultural Industry Development Committee
Parliament House
George Street
Brisbane Qld 4000
Email: sdnraidc@parliament.qld.gov.au

Dear Committee,

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

I am a retiree and a Fellow of the Environment Institute of Australia and New Zealand. I have had a long term commitment to land and tree management in Queensland as a past Director of Soil Conservation, Queensland Representative on the National Tree Program, Principal Policy Officer Strategic Policy Unit, QDPI and Director of Land Planning in the Department of Natural Resources and Mines.

I support any legislation that:

- meets the long term interests of the community (rather than of one sector);
- is based on facts,
- is understood and supported by the general community, and
- is able and intended to be enforced.

While I support the need for an appropriate legislative framework to manage vegetation and hence ecosystems within Queensland, I do not support a number of elements of the VMOLA Bill for the following reasons:

- Tree management is a long-term natural resource management issue and requires bipartisan support within the Queensland Parliament. Frequent changes to legislation do not serve the long-term interests of Queensland's economic, social and ecological environments. Community support will not be achieved for legislation that has not had an appropriate level of consultation with all affected parties - to do so is contrary to my understanding of democracy.
- Only legislation that is seen as being fair and reasonable to those having to comply with it is likely to be effective.
- Penalties should only be used as a last resort and to address aberrant behaviour of individuals not to address the general behavior of the community.
- Regulation is a blunt tool and it rarely provides an appropriate level of flexibility.

Based on the above, the following comments are made on the Draft Bill:

1. **Removal of the ability to obtain permits for high value agriculture and high value irrigated agriculture.** There is merit in all unjustified, indiscriminate clearing of mature bushland being prevented. However, justification for government involvement needs to be demonstrated in terms of achievement of community benefit. Having been involved in the drafting and implementation of the previous State Planning Policy 1/92 I support decisions being made on a case by case basis, by those with particular knowledge of the value of particular vegetation for the community.
2. It is suggested that the retention or removal of woody vegetation should be decided, as for all land use planning and development provisions, on the circumstances that exist. Permits should still apply and follow from the preparation of a property management plan developed by persons without a vested interest in the outcome. The plan should involve persons with land resource and rural industry expertise not just an agency regulator or statutory planner. Accordingly, I do not support the removal of high value agriculture and irrigated high value agriculture as relevant purposes for clearing under the Vegetation Management Act 1999, and consequential amendments to the Planning Regulation 2017 and the State Development Assessment Provisions (SDAP).
3. The only justification for a “blank ban” would be to prevent un-regulated tree clearing while bipartisan support is sought through appropriate consultation.
4. Contrary to what is stated, it is highly unlikely that this amendment will, by reducing clearing rates, have a measurable impact on carbon emissions in Queensland. This supposed justification is inconsistent with the Government’s policy of unregulated population growth and associated impacts on climate change.
5. **Extend the protection of high value re-growth vegetation by regulating it on freehold and indigenous land, and occupation licences under the Land Act 1994; and aligning high value re-growth with High Conservation Values.** To be non-discriminatory the proposed extension to all lands has merit. If a “blanket ban” were to be envisaged it should be and equally apply to clearing related to all forms of commercial development including mining and residential development.
6. There needs to be factual justification for adopting the arbitrary date of 31 Dec 1989 in the definition of High Conservation Values as much of the vegetation in Queensland has changed since European settlement and is likely to change due to climate change.
7. **Reintroduction of the requirement to obtain Riverine Protection Permits to better regulate damaging clearing in watercourses.** While tree clearing around watercourses is an issue and thus needs to be regulated, tree clearing is a development-related activity and would be more appropriately addressed as a component of land use planning rather than through single focused legislation such as the *Water Act 2000*. Why can’t it be handled under the *Planning Act 2017*?
8. **Provide consistent protection to re-growth vegetation in all Great Barrier Reef catchments, by extending category R areas to include re-growth vegetation in watercourse and drainage feature areas in three additional reef catchments—Eastern Cape York, Fitzroy and Burnett-Mary catchments.** If protection of re-growth can be justified it is reasonable for it to be applied to other catchments.

9. **Improving the ability to undertake compliance action where unlawful clearing has been undertaken, or where there is suspicion it is occurring.** Any regulation where compliance cannot be achieved should be removed. Without agency resourcing and community acceptance of a regulation, increasing penalties and agency powers are likely to be visible but ineffective mechanisms.
10. **Providing flexibility in provision of accepted development vegetation clearing codes.** It is not clear why codes within Planning Schemes are not being used.

Other Comments:

Alternative ways of achieving policy objectives: **The authors are brave to claim, without evidence that** the Reef 2050 Plan, the Vegetation Management Act 1999, the Planning Act 2016, and the Water Act 2000 must be amended **as there is no alternative way to achieve the policy objective.** This ignores the potential use of property management planning to regulate tree clearing and the use of subsidies and other incentives to encourage compliance. It is further noted that as stakeholders have not been consulted specifically on the *Amendment Bill* that it cannot be claimed that there are no alternative ways of achieving the community's interest in the management of native vegetation in the State.

Consultation: It is noted that “throughout 2015, the then Department of Natural Resources and Mines held discussions with key stakeholders including: Queensland Farmers’ Federation, AgForce, Canegrowers, World Wildlife Fund, The Wilderness Society and Environmental Defenders Office. Stakeholders are divided on the treatment of high value agriculture and irrigated high value agriculture. AgForce, Queensland Farmers’ Federation are concerned about how the government will support development of the industry. The conservation sector wants an end to broad scale clearing and has been critical of high value agriculture and irrigated high value agriculture clearing projects, especially in northern Queensland”. However, effective consultation depends on whether those consulted were actually heard, their advice acted upon and whether they were authorized to represent the groups identified.

In its 2017 Queensland State Election Message, the Environment Institute of Australia and New Zealand stated: *There is clear science based evidence that, as a result of policy change, the rate of woody vegetation clearance has increased. Rather than being a mechanism for the conservation of ecosystems and habitats, protection of catchments, the retention of environmental values, reduced delivery of sediments to locally and regionally sensitive aquatic ecosystems, and the reduction of greenhouse gas emissions; vegetation management has become politicized in a way that frustrates good practice environmental management and sustainable agricultural/horticultural and grazing practices. The EIANZ considers that collaboration with responsible rural landholders is the most effective approach in the long term*

I would be prepared to appear before the Committee in their hearing for this inquiry.

Yours sincerely

Howard Briggs