VMAOL Bill Witness Speech

- Take questions on notice if I do not know answer
- If no answer: I am not an expert and this question would be more appropriate for the department to answer.

Thank you for inviting EDO NQ to present before you today.

I wish to acknowledge the traditional owners of the land that we are meeting on today, I pay my respect to their elders past and present and I recognise their emerging leaders.

EDO NQ was established in 1996 as a community legal centre to service an area roughly from Sarina west to the Cape and Torres Straits, on public interest matters of environmental and planning law. EDO NQ has built strong connections with the north Queensland community and assisted many individuals and community groups to use the legal process to ensure strong environmental protections are enforced.

We support the reforms that have been made in the Bill and related policies to achieve the State Government’s 2017 election policy.

Notes on potential questions

- removing provisions that allow clearing for high-value agriculture and irrigated high-value agriculture
- extending the protection of high value regrowth vegetation on freehold and Indigenous land, and on occupation licences and agriculture and grazing leases under the Land Act 1994
- including near-threatened species in the Essential Habitat layer for remnant and high-value regrowth vegetation
- protecting regrowth vegetation along waterways in all reef catchments
- regulating the removal of vegetation in a watercourse under a riverine protection permit
- enhancing compliance measures; to modernise enforcement tools, and increasing penalties to align with other natural resource and planning legislation in Queensland
- allowing vegetation mapped as category X in a property maps of assessable vegetation to be converted to category A with the landholder’s agreement.

The EDO NQ fully endorses the Submission and statements before this Committee made by EDO Queensland and we take this opportunity to further extrapolate on these for matters we believe are necessary for Northern Queensland.
Recommendation 1: Discontinue “locking in” property maps and allow for periodic updates. Property Map of Assessable Vegetation

PMAVs are property specific maps which provide more detail and accuracy as to the categorisation and regulatory application of the VM Act to the property.

Under this Bill the PMAVs will remain in effect and land holders can continue clearing vegetation in accordance with any available exemptions.

We urge the government to consider establishing provisions that allow PMAV’s to be amended to ensure that they respond to the developing environmental sciences and environmental changes and impacts. This could be achieved by incorporating periodic reviews as seen in Planning legislation for lapsing preliminary approvals. This provides landowners with certainty of tenure but allows for flexibility and provides room for the legislation to be reactive to environmental issues and science as they develop.

Notes on potential questions

Clause 85 clarifies that a development approval lapses at the end of the currency period, if development has not started. The currency period is either the period stated in the development approval, or where not stated, it is the ‘default’ period for an aspect of development of a type stated in the clause. The clause is intended to ensure development approvals are subject to lapsing arrangements to ensure that development conforms to current public expectations about the nature and standard of development.

Recommendation 2: Expand the Category R Regulations to the Cape York Peninsula

The Category R regulations proposed for regrowth vegetation within 50m of a watercourse in the Burnett-Mary, Eastern Cape York and Fitzroy Great Barrier Reef catchments should be enlarged to include waterways, lakes and springs outside of Reef catchments as there was an explicit election commitment to protect them. Specifically we would urge that the westward flowing streams and watercourses in the Cape York Peninsula of Far North Queensland be protected as well.

Notes on potential questions

Cape York Peninsula contains some of Australia’s most significant rivers including, the Mitchell, which probably has the highest river discharge, the Wenlock, which probably has the greatest fish species diversity and the Jardine, which has the highest baseflow of any river in Queensland. The area is of high wilderness value with several watercourses and wetlands being nearly pristine.
Recommendation 3: Buffer Extension

While there is a buffer of 50 metres in the Reef catchments, these are small in the context of the amount of clearing that will continue to occur under exemptions such as "Category X" in PMAVs) in these catchment areas. We urge the Committee to consider extending the buffer to 100 metres to provide better protection for our coastal waterways and the GBR to counteract the exemptions.

Consideration 4: Vegetation Clearing Applications under the Cape York Peninsula Cultural heritage Act

The cape is home to some of the most incredible landscapes in the country, this land that traditional owners have tended to for tens of thousands of years and now we’re bulldozing hundreds of thousands of hectares at a time. The traditional owners can still develop the land under these amendments and do so sustainably.

A range of opportunities will still exist by virtue of Vegetation Clearing Applications for a special indigenous purpose under the Cape York Peninsula Cultural heritage Act.

This Act allows for traditional owners to seek vegetation clearing Permits on Cape York for development and as far as I understand these are not being utilised.

The purpose of Part 4 of the Act is to provide for how the Minister may be satisfied, that development under a vegetation clearing application under the Vegetation Management Act 1999 is considered to be for a special indigenous purpose.

Notes on potential questions

Clause 18 states that the vegetation Minster may be satisfied that an application is for a special indigenous purpose if the proposed development is on Aboriginal land, in Cape York Peninsula, and the clearing is of a minor nature and will not have a significant impact on the natural values of the area.

The area proposed to be cleared cannot be an endangered or of concern regional ecosystem, nor can the purpose for clearing be for planting plantations for export wood chips or planting invasive species. When considering the application, the vegetation management Minister must also consider any other clearing that has been approved on the land to ensure that incremental clearing over a large area does not occur.

Clause 19 describes what must be included in an application for proposed development in an indigenous community use area, where the application being considered is for a special indigenous purpose. The application must be accompanied by a property development plan that includes particulars of the development, including a business plan showing the viability of the proposed
project. The clause also describes that the Minister must be satisfied that a number of additional criteria have been met, before making a decision to accept that an application to clear vegetation is for a special indigenous purpose.

**Land Restoration fund**

It is also critical that the promised $500 million Land Restoration Fund is established and operational as soon as possible to support landholders, lessees and native title holders enter into the emerging carbon economy. Protecting intact forests and bushland to reduce emissions, and re-planting new forests and woodlands to absorb carbon, is good public policy, in line with the Paris Climate Change Agreement. It is also an important opportunity to support diversification in regional economies.

**Notes on potential questions**

The Land Restoration Fund is a critical complementary policy to the Bill and should be supported by effective legislation establishing how the scheme will work and providing the bedrock for the long term operation of effective emissions reduction schemes from the “land sector”. Queensland should and can become a leader in large-scale restoration and reafforestation instead of holding the unwanted title of a global leader in deforestation.

The Land Restoration Fund will support projects such as:

- Protecting native forests on land earmarked for clearing
- Restoring and revegetating degraded grazing land to provide income diversification for farmer and other landholders by creating carbon credits, while reducing sediment pollution and improving water quality in the Great Barrier Reef
- Rehabilitating and revegetating private land by removing pest and weed species and replacing them with native trees
- Improving the condition of wetlands in Great Barrier Reef catchments, helping reduce nitrogen pollution.