



Speech by

**Hon. R. WELFORD**

**MEMBER FOR EVERTON**

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Hansard 8 December 1999

**VEGETATION MANAGEMENT BILL**

**Hon. R. J. WELFORD** (Everton—ALP) (Minister for Environment and Heritage and Minister for Natural Resources) (11.34 a.m.): I move—

"That the Bill be now read a second time."

This is an historic day for Queensland. The introduction of this legislation will provide a flexible and balanced framework for sustainable land management well into the future. This Bill has been developed following extensive consultation amongst all stakeholders, including our rural industries, conservation groups, urban development industry, local government and Government agencies.

I would like to express the Government's appreciation for the goodwill and genuine efforts of all parties during these consultations, which began with the Vegetation Management Advisory Committee in March this year. With the introduction of this legislation, the Beattie Government is resolving a critical issue for Queensland—an issue which the previous coalition failed to resolve.

Land clearing has long been recognised by the scientific community as a significant factor in land degradation, the loss of biodiversity and accelerated greenhouse gas emissions. It should also be recognised that it has been Labor Governments which have acted on this issue on behalf of all Queenslanders.

In 1994 the Goss Government amended the Land Act to provide for the effective management of trees on leasehold and other State lands. Subsequently, a draft broadscale tree clearing policy for leasehold and other State lands was adopted by the previous coalition Government in 1997.

The Borbidge Government did recognise clearing on freehold land as a significant issue, but there was never any real action. It is important to note, however, that in November 1997 the Borbidge Government signed a partnership agreement with the Commonwealth to allow for the release of funds to Queensland from the Natural Heritage Trust. That agreement, in part, committed the Queensland Government to assist to—

"Reverse the long term decline in the quality and extent of Australia's native vegetation cover."

And to have—

"Effective measures in place to retain and manage vegetation, including controls on clearing."

After signing that agreement, the previous coalition Government established a "Regulatory framework task force for vegetation management". This task force recognised the need for regulatory arrangements and proposed the Integrated Planning Act as the vehicle for this. But the coalition failed to act. As with all the hard issues, and as with the RFA, it has been left to the Beattie Government to develop appropriate solutions.

In March this year, I established the Vegetation Management Advisory Committee, independently chaired by Professor John Holmes, to look at native vegetation management across all land tenures in Queensland. I take this opportunity to publicly thank Professor Holmes for his committed and dedicated efforts in overseeing the very important work of that committee. At the same time, a Leasehold Policy Review Committee, representing all stakeholders, was reactivated. This committee

recommended that there be no further clearing of "endangered" and "of concern" ecosystems on leasehold land, subject to further scientific validation and financial assistance.

Subsequently, VMAC endorsed this recommendation and provided a comprehensive report on freehold and leasehold land to the Government for consideration. As members would be aware, more intense and detailed discussions with all stakeholders have taken place in the past month to try to reach agreement on clearing controls.

This is a difficult issue but the Beattie Government is a Government for all Queenslanders. We will not back away from our responsibility to make decisions, no matter how difficult, for the benefit of the whole community. There has been a national spotlight on Queensland recently over the tree clearing issue, with national assessments showing Queensland accounts for over 80% of all land clearing in Australia. At the same time, Queensland is the only State that does not regulate land clearing across all tenures. It is also well documented that the Commonwealth has been urging Queensland to act on this issue.

The Commonwealth Minister for the Environment, Senator Robert Hill, has indicated that he would make the continuing provision of Natural Heritage Trust funds conditional on moves by Queensland to address land clearing. This is not just a few dollars: a total of \$35.3 million in NHT funds was provided to Queensland during 1998-99.

In a letter to the Queensland Government on 9 August this year, Senator Hill wrote—

"I believe that if we are to achieve our agreed national goal, and given the potential land degradation and loss of biodiversity in your State, we need to substantially reduce the net loss of native vegetation in Queensland."

Prior to coming to office in June 1998, Labor made it clear that management of native vegetation would be a priority. If we are to sustain our land for future generations, there must be a consistent and systematic approach to the management of native vegetation across all land tenures.

At risk is Queensland's unique biodiversity and the long-term productivity and profitability of our agricultural and pastoral lands.

We know high rates of land clearing are occurring in regional ecosystems considered in the categories of "endangered" and "of concern". This includes vegetation in the Brigalow Belt, the desert uplands and the mulga lands of south-west Queensland. Such clearing is unsustainable and, in many cases, is causing irreversible damage to land on which our rural industries depend.

There are a range of benefits in managing our land sustainably. Scientific evidence shows that retaining native vegetation maintains biodiversity, not just protecting many species but thereby retaining the resilience of the landscape to climate stress and other impacts. It reduces salinity problems, limits soil erosion, helps retain water quality in our catchments, provides windbreaks and shade for stock, improves the condition of the soil, helps maintain the hydrological cycle, and reduces greenhouse emissions.

In introducing this legislation, it is important to point out that all stakeholders are unanimous on two key issues: first, the need for consistent rules across all tenures; and second, the need for incentives and adjustment funding. What this legislation will achieve is a continual improvement in the management of Queensland's native vegetation. It reconciles environmental objectives in vegetation management, including the maintenance of regional biodiversity, with the sustainable economic development of our State's lands. It allows sufficient flexibility to take into account local and regional circumstances within a consistent Statewide framework. It provides planning certainty for land-holders and the community. It recognises business innovation, best practice in property management and planning, and long-term farm profitability. It has as its base an integrated approach to planning.

This Government has a commitment to help meet Australia's international obligations for controlling greenhouse gas emissions. This legislation will assist in meeting those obligations. The legislation establishes processes for the development of comprehensive regional vegetation management plans that will complement and promote revegetation strategies already being undertaken by Landcare and catchment management groups. It envisages individual property vegetation management plans to enable primary producers to proceed with certainty.

The Beattie Government is calling on the Commonwealth to support these new guidelines with a financial package for land-holders. The availability of such a package will win and maintain the confidence of land-holders as they develop and implement property vegetation management plans. I urge the Commonwealth to respond positively to this Government's initiative in doing the hard yards and developing this legislation.

This Bill establishes an implementation framework developed around consequential amendments to the Integrated Planning Act 1997. The features of the Bill include the following: first, the Bill proposes the vegetation management legislation will bind all persons and the State, as well as the Commonwealth and other States, as far as the legislative power of the Parliament permits. The

core purpose of the legislation will be to protect remnant vegetation in either "endangered" or "of concern" regional ecosystems. It will also protect vegetation in areas of high nature conservation value and areas vulnerable to land degradation. Vegetation clearing on freehold land will be regulated through the development approval provisions of the Integrated Planning Act 1997.

Second, the provisions will allow the Governor in Council to make a State policy for vegetation management on freehold land. The development of a State policy for vegetation management will be used as a code for assessing vegetation clearing applications under the Integrated Planning Act. The Bill requires the Minister to prepare regional vegetation management plans. Input to the development of these plans will come from a Statewide advisory committee, regional vegetation management committees and relevant local governments. This Bill ensures the public availability of these regional plans once they are made.

These regional vegetation management plans will become the assessment codes under the Integrated Planning Act for the approval process. Areas of high nature conservation value, or areas vulnerable to land degradation, can be declared following consultation, so any obligations of land-holders to protect vegetation in these areas are clear. Where a development application is made and the chief executive officer administering the legislation is either the assessment manager or has a concurrence agency role, the applicant will be required to develop a property management plan. This is similar to the requirements on leaseholders to develop tree management plans for applications to clear vegetation on leasehold land. To ensure the administration of these new regulations can be introduced sensibly, the time limits established under the Integrated Planning Act for dealing with vegetation clearing applications will be temporarily suspended until the end of next year.

Third, the Bill establishes a regime for enforcement and investigations. It proposes maximum penalties of 1,665 penalty units— currently \$125,000—in accordance with the existing provisions of the Integrated Planning Act for clearing in contravention of the Act, in other words, clearing in breach of an approval or without an approval. It also refers to the Environmental Protection Act 1994 for penalties in cases of wilful environmental harm.

Entry by an authorised officer to investigate potential breaches will be permitted only with the consent of the land-holder or under a warrant issued by a magistrate. Compliance notices may be issued and, as with other legislation such as the Environmental Protection Act, these compliance notices may be given without first giving a show cause notice. Appeals against an enforcement notice will not stay the operation of the notice. These provisions will ensure that prompt action can be taken where required to prevent irreparable harm.

Fourth, the Bill contains miscellaneous provisions allowing the Minister to establish advisory committees and regional vegetation management committees to advise the Minister about vegetation management. It also allows the Minister to make regulations under the Act.

Fifth, the Bill sets out transitional arrangements, which provide for existing development approvals to remain in force after the commencement of the Act.

Sixth, the Bill proposes amendments to the Integrated Planning Act 1997 to extend its scope to include vegetation clearance on freehold land. The Bill also amends the Land Act to ensure consistency of the new principles, definitions, penalties and fees on both freehold and leasehold land.

After months of consultation, this legislation will address an issue of concern to all Queenslanders. This legislation is forward thinking: it will help sustain our land for generations to come, yet it retains the flexibility necessary to recognise the differences across Queensland's regional landscapes. It will provide the basis for a balance between the protection of our environment and the sustainable development of our State for years to come. I commend the Bill to the House.

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