




Speech By
Glenn Butcher

MEMBER FOR GLADSTONE

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**VEGETATION MANAGEMENT (REINSTATEMENT) AND OTHER LEGISLATION
AMENDMENT BILL**

 **Mr BUTCHER** (Gladstone—ALP) (11.58 am): I rise to speak in favour of the Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016. The committee's task was to consider the policy outcomes to be achieved by the legislation, as well as the application of fundamental legislative principles—that is, to consider whether the bill had sufficient regard to the rights and liberties of individuals, and to the institution of parliament. The bill amends the vegetation management framework to reinstate many of the provisions which were in the Vegetation Management Act 1999 prior to the changes made by the former government in 2013.

The bill prohibits clearing for high-value agriculture and irrigated high-value agriculture, reinstates protections for high-value regrowth to freehold and Indigenous land, extends the existing protections for regrowth vegetation in watercourses to the Burnett-Mary, eastern Cape York and Fitzroy Great Barrier Reef catchments, reinstates parts of the riverine protection framework under the Water Act 2000 and reinstates the reverse onus of proof and removes the mistake of fact defence for vegetation clearing offences. The bill also makes amendments to the Environmental Offsets Act 2014.

The bill attracted significant interest, with the committee receiving over 680 submissions and over 870 form submissions. Given the contentious nature of the subject and the level of interest, the committee consulted widely, including holding regional public hearings in Cairns, Townsville, Emerald, Bundaberg, Gympie, Charleville and Roma, concluding with a full day hearing in Brisbane. In total, the committee heard from over 140 witnesses. The bill polarised views among submitters—with environmental and conservationist groups supporting the bill and landholders and their peak bodies strongly opposing the bill. The committee also heard differing views from members of the public on the bill.

On behalf of the committee, I thank those individuals and organisations who lodged written submissions and those peak bodies and individuals who took the time to share their views with the committee at its public hearings. I also thank the landholders who kindly accommodated the committee on its site visits. The committee benefited greatly from hearing firsthand the issues landholders are facing and to see on-the-ground examples of the issues they tackle on a daily basis.

I also thank committee members for their work on the bill. Throughout the inquiry members engaged passionately on the many issues raised and discussed by submitters. In the interests of agreeing to a report, the committee has taken the approach of including separate government and non-government members' comments in the report, where there was disagreement. While not being able to agree to recommend that the bill be passed, the committee was able to agree to a number of sensible recommendations to improve the bill and seek further information from the responsible ministers for the benefit of the House.

In 2015, the Queensland government made a number of commitments—both election commitments and actions under the Reef 2050 Long-Term Sustainability Plan. These commitments were to amend the vegetation management framework to reduce impacts on the Great Barrier Reef and to lower carbon emissions. Core to these commitments was the reinstatement of provisions of the Vegetation Management Act 1999 and the Water Act 2000 repealed by the previous government. Since coming into office, the government has been working towards meeting these commitments.

On 13 July 2015, the Department of Natural Resources and Mines held a stakeholders' roundtable meeting on the future of vegetation management with participants from AgForce, the Queensland Farmers' Federation, Canegrowers, WWF, the Wilderness Society, the Environmental Defenders Office and the Wildlife Preservation Society of Queensland. This meeting included discussions about potential future vegetation reforms. Following this meeting, the department engaged Professor Allan Dale of James Cook University to liaise with key stakeholders on this bill. The aim was to build consensus on the best possible approach for the government to meet its vegetation management election commitment. The stakeholders consulted included representatives from agriculture and conservation groups, as well as natural resources management and Indigenous representatives. In late 2015, it became clear to the government that the process to be facilitated by Professor Dale was not going to reach a consensus and that urgent action was required to deliver on the government's election commitments.

To meet the Queensland government's vegetation management election commitment, in November 2015 the Deputy Premier announced plans to introduce legislation in the first quarter of 2016 to reinstate a responsible vegetation management framework for the whole of Queensland. From this time, the Deputy Premier engaged in extensive consultation with stakeholders, ministers and government agencies. The Deputy Premier met and spoke with the president and chief executive officer of AgForce multiple times during this time, as well as representatives from WWF and the Wilderness Society. The Deputy Premier also met and consulted with the Queensland Herbarium and representatives of a group of concerned Queensland scientists.

The government's election commitment was fulfilled with the introduction of this Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016 into this House on 17 March 2016 and its subsequent referral to the Agriculture and Environment Committee. The government consulted key stakeholders including AgForce, the Wilderness Society, WWF and the Environmental Defenders Office prior to the introduction of this bill.

Following the introduction of the bill into parliament, the department undertook briefings with a range of stakeholder groups, outlining the proposed amendments and highlighting the opportunity for stakeholders to make a submission if they desired. These briefings included representatives from the agricultural sector, the urban development industry, resource industries, local governments and natural resource management groups.

The reinstatement bill was considered by the Agriculture and Environment Committee, which provided the opportunity for the public and stakeholders to express their views on this bill. The committee has published online the 688 submissions received for the inquiry. Public hearings and site visits were also held by the committee in Cairns, Townsville, Emerald, Bundaberg, Gympie, Charleville, Roma and Brisbane. The hearings did offer the opportunity for stakeholder groups and the public to have their say on this bill. The committee's report on the reinstatement bill was released on 30 June 2016. In summary, initial consultation occurred with key stakeholders on vegetation management prior to development of the bill, on the bill before its introduction into parliament and during the parliamentary committee process.

During the public hearing in Brisbane, the last day of our hearings, on 3 June we heard from Professor Stuart Bunn, Director, Australian Rivers Institute, Griffith University, Queensland Environmental Scientists, and his comments in relation to the science involved in this process. He stated—

One of the claims that is often made is if you clear vegetation and promote a good grass cover that is going to be beneficial in terms of reducing erosion. It is based on the observation that if people have a hill slope that has good grass cover, then that is going to yield less sediment from a run-off event than one that is bare, and that is certainly the case. But what we know is that in nearly every catchment that you look at, whether it is the Gulf of Carpentaria or from the Normanby all the way down to Brisbane, most of the sediment that gets into the channel, channel network and then out into the coastal zone comes from the channel network.

He went on to say—

The problem, of course, is that when you clear vegetation you increase amount of surface run-off that gets concentrated down into the channel network and increase the power of the stream to cause erosion. That is exacerbated when the vegetation clearing goes into those gully networks and the riparian zones as well. Not only do you decrease what they call the roughness, the slowing down of water in those landscapes, but you also reduce the resistance of the ground to erosion from that event. Those two things work in unison to create a greater erosion potential.

He also stated—

The other key thing is if we are really serious about tackling erosion and tackling the delivery of sediment and nutrients that are derived from that into our coastal zones and indeed into our water storages, then the solution to that is of course regrowing and revegetating up those sensitive areas. That requires us to protect and restore and allow the regeneration of vegetation in those sensitive areas.

He also stated—

I think the key thing to riparian management, and certainly all the guidelines that were developed 20 years ago in the national riparian program that was undertaken, is the recognition that these are important parts of the landscape that need to be managed differently.

With regard to some of the proposals that we saw on our trip—Olive Vale station, for example, in the Normanby—there are areas proposed for clearing that are at a very high risk of accelerating gully erosion there and ultimately out into the Great Barrier Reef catchment.

I will now move on to the government members' comments in the report that we tabled. Government members of the committee supported the proposed prohibition of clearing for HVA and IHVA. In reaching this view, we noted submitters' comments that the amendments would help protect remnant vegetation, improve water quality in the Great Barrier Reef, enhance biodiversity and reduce carbon emissions. Government members also understand that larger scale agriculture activities may still continue under the State Development and Public Works Organisation Act 1971 or on Aboriginal land on Cape York Peninsula under the Cape York Peninsula Heritage Act 2007.

Government members of the committee supported the reinstatement of the regulation of high-value regrowth on freehold and Indigenous land. We shared submitters' views that the amendments would provide major biodiversity benefits and that landholders may continue to manage and use their land where it is identified as proposed category C including the thinning of regrowth and grazing under the self-assessable codes.

We also understand that Indigenous landowners still have the ability to use their land. The government is committed to ensuring that Indigenous communities in the Cape York continue to have opportunities to benefit from ecologically sustainable development on their land. Since 2007, Indigenous communities have been able to apply to clear for a special Indigenous purpose in Indigenous community use areas under the Cape York Peninsula Heritage Act 2007. Applications for special Indigenous purposes can be made to clear for agriculture, grazing, animal husbandry or aquaculture or for minor clearing such as subsistence farming on Indigenous land in the Cape York Peninsula. The special Indigenous purpose requirements ensure that economic development in the cape can occur when supported by appropriate scientific and economic assessment. The reinstatement bill will not impact on the ability of Indigenous communities to apply for clearing for agriculture under the Cape York Peninsula Heritage Act.

Government members of the committee supported the expansion of the current protections for regrowth vegetation in watercourse areas to the Burnett-Mary, eastern Cape York and Fitzroy Great Barrier Reef catchments. Government members considered that the amendments would help minimise soil erosion and run-off into the Great Barrier Reef catchment areas and are in line with the recommendations of the Great Barrier Reef Water Science Taskforce report.

Government members also noted that the amendments would not prevent landholders from managing land which falls within the 50-metre buffer zone for proposed category R, in line with the self-assessable codes, or cultivating crops that are already growing in those areas. Government members of the committee noted significant concerns raised by submitters about the accuracy of the maps used as part of the vegetation management framework and the impact such inaccuracies have on landholders' ability to manage their land and comply with vegetation management legislation.

Government members of the committee noted concerns raised by submitters about the proposal at clause 6 to clarify that the defence of mistake of fact, established under section 24 of the Criminal Code, does not apply to the VM Act. Government members noted DNRM's comments that procedural fairness and natural justice for landholders is maintained with the removal of the mistake of fact defence provision due to the extensive information freely available to assist landholders to determine where they can or cannot clear and the rules they must follow.

Government members considered that the committee's recommendation No. 2 in relation to steps to ensure the accuracy of vegetation mapping is necessary to ensure that procedural fairness and natural justice for landholders is maintained with the removal of the mistake of fact defence.

Government members of the committee supported the reinstatement of the riverine protection framework, including the issuing of riverine protection permits, to the destruction of vegetation in a watercourse, lake or spring. Government members noted DNRM's advice that it would be reviewing and updating the relevant water regulations and associated forms and guidelines including exemptions from the riverine protection framework. Government members encourage DNRM to take into account the issues raised by submitters as part of its review.

Government members of the committee noted the concerns raised about the impact of the proposal to require offsets for any residual impact on prescribed environmental matters may have on housing, resources and development sectors. Government members noted DEHP's comment that stakeholders would be provided with a copy of a draft residual impact guideline which will define the term 'residual impact' for consultation prior to the second reading debate on the bill.

Government members of the committee supported the retrospective commencement of certain provisions of the bill and the associated transitional provisions. Government members considered that the provisions were necessary to deter what some submitters have referred to as panic clearing while the bill is being considered by this parliament. Government members noted DNRM's advice about the assistance packages previously provided to landholders in relation to earlier changes to the vegetation management framework.

While I have a few minutes left, I would like to thank the committee which travelled extensively, as was said before, particularly the deputy chair, Mr Tony Perrett, from Gympie. I would also like to thank the secretariat, who have done a lot of work on this bill, and Hansard who travelled with us across the breadth and width of Queensland. To all those people, I thank you very much for allowing us the latitude to get the report completed and tabled. Once again, I commend this bill to the House.