Submission to the Vegetation Management and Other Legislation Amendment Bill 2018

State Development Natural Resources and Agricultural Industry Development Committee

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Introduction

For more than a century, The University of Queensland (UQ) has maintained a global reputation for delivering knowledge leadership for a better world. UQ has won more Australian Awards for University Teaching than any other university. This commitment to quality teaching empowers our 52,000 current students, studying across UQ's three campuses, to create positive change for society.

Our research has global impact, delivered by an interdisciplinary research community of more than 1500 researchers at our six faculties, eight research institutes and more than 100 research centres. The most prestigious and widely recognised rankings of world universities also consistently place UQ among the world's top universities.

School of Biological Sciences

The UQ School of Biological Sciences is home to a vibrant community of life scientists, whose research spans the scales of biological organisation from molecules and cells to organisms, populations, species and communities. The School has more than 60 postdoctoral researchers, who contribute to a diverse undergraduate and postgraduate teaching program.

The School is in the top 50 universities globally for research productivity in plant and animal biology, and ecology and environmental biology. In the 2012 Excellence in Research Australia Report, UQ was the only university to consistently perform above or well above world standard across all sub-disciplines of biological sciences. Ecology, evolutionary biology, plan biology and zoology were all rated as well above world standard.

School of Communication and Arts

The UQ School of Communication and Arts has a wealth of expertise and creativity across all facets of communication, journalism, writing, literature, art history and the arts. The two parts of the School's name point to a unity: the acknowledgement that creative expression has to communicate and that every act of communication is expressive in some way.

The School is well recognised as a global leader. Its communication and media studies research is ranked 25th in the world (QS World University Rankings by Subject 2016), and its Cultural Studies; Film, Television and Digital Media; and Communication and Media Studies research were all rated above or well above world standard in the 2012 Excellence in Research for Australia Report.

Summary and recommendations

Agricultural land and the way it is managed and protected are vital to Queensland's natural environment and economy, both now and into the future.

The *Vegetation Management and Other Legislation Amendment Bill 2018* has been two terms of government and three years in the making. Ensuring the Bill's ability to practically deliver for all stakeholders – as well as the environment – is of paramount importance. The current Bill has addressed issues identified in the 2016 Bill, including removing the reverse onus of proof that had been placed on landholders.

We hope that our recommendations enable the proposed legislation to be further enhanced and streamlined to ensure its long-term feasibility for all stakeholders. Our primary recommendation is that the Queensland Government optimise the capacity of stakeholders to align their professional practices to the legislation by:

1. Utilising simple and clear definitions
2. Reducing complexity around self-assessment requirements
3. Providing adequate support to landholders, to enable them to transition and adopt new practices.

It is with pleasure that we make this submission.

Response

a. Strengths

In developing the *Vegetation Management and Other Legislation Amendment Bill 2018* (the Bill), the Queensland Government is outlining its intention to recognise the value of remnant vegetation and high value regrowth, which are currently un- or under-protected in Queensland.

Since 2012, 10 per cent (120,000 hectares) of clearing has been of high value regrowth vegetation[i]. The Bill has a strong focus on high value regrowth vegetation protection, which realigns the Queensland vision to meet international expectations around high conservation value areas and enhances environmental protection for the future. The current legislation, developed in 2009, defines high value regrowth vegetation as that which has not been cleared since 31 December 1989. With the passing of time this definition has become outdated. The proposed Bill targeting high value regrowth vegetation that has not been cleared for at least 15 years will protect young vegetation as it grows.

In addition, the Bill's intent to extend the regrowth protection area into new watercourses in the Fitzroy, Burnett-Mary and Eastern Cape York catchments is necessary and will extend protection to 1.1 million hectares of important vegetation in the Great Barrier Reef catchment. Amendments to the *Water Act 2000* to accommodate these extensions will be crucial to achieving protection targets.

Additionally, the Bill contains steps towards allowing landholders to voluntarily re-categorise their land holdings containing remnant vegetation – however this adjustment should not be overstated. While the flexibility is welcomed, enabling landholders to re-categorise themselves (i.e., from category X to category A) may not make a significant difference unless there are future incentives for the landholders to undertake these changes. There is the opportunity to build on this measure by offering greater reward for farmers and graziers to hold category A properties in the future, some of which may be possible under the impending Land Restoration Fund.

b. Reforms

It is estimated up to 10 per cent of all clearing of regulated vegetation in Queensland during 2013-2016 was undertaken for high value agriculture[ii]. While this is a relatively small figure, the tightening of legislation will have an undoubted impact on farmers and graziers, whether financially or emotionally. Compounding this impact has been the considerable inconsistency regarding land clearing laws in Queensland over the last quarter of a century.

As a result, the most significant challenge – and opportunity – of this process is to develop legislation that is broadly accepted by government, farmers, graziers and businesses alike. Put simply, the legislation must be feasible and achievable – both now and in the long term – to ensure long-term management solutions. If, for example, enormous push back led to the legislation being changed at the next change in government, then this process would have failed both its stakeholders and the environment.

The legislative process is far more effective if the stakeholders impacted by the proposed changes are appropriately engaged in the change process. To this end, we recommend that implementation of the legislation is accompanied not only by enforcement, but also by meaningful extension activities and stakeholder support to enable adoption of new practices. Research demonstrates that effective behaviour change requires more than just regulation, and should include strategies such as rewarding success, enabling change across multiple contexts and making legislation easy to follow.

Poor environmental outcomes may also occur if the legislation is difficult to interpret or apply within the context of day-to-day decision making. For that reason, the legislation needs to be clearly defined, and specific opportunities to achieve this are apparent in the Bill. For example:

1. Shift the focus of the Bill to unambiguous guidelines that landholders can use to perform a self-assessment of their property. Landholders can feel burdened by self-assessable codes, which can be time-consuming, difficult to navigate and redirect blame onto the landholders. A government-operated service that provides tailored guidelines and requirements for individual properties could ensure timely access to clear and correct information, and thus facilitate appropriate land management.

   For example, this could be achieved with the development of an online tool that would allow landholders to insert their property information and view their current property map of assessable vegetation (PMAV), along with clear instructions stating what can and cannot be done on their property based upon their property's category status. This individualised guide would also need to be available through offline services, such as by an official representative over the phone or in person at respective regional offices. This would enhance compliance and enforcement, as providing this option to all landholders would clarify the grounds under which illegal activities are explicitly defined and made accessible.

2. Capitalise on significant opportunities for the proposed Bill to be more specific, which would in turn assist landholders to ensure compliance. While there is recognition that the Bill must *stop* remnant vegetation clearing as per the pre-election commitment[iii], the stated purpose of the legislation is to *conserve* remnant vegetation. Such action requires clear boundaries and understanding from all parties, and there is scope to improve the legislative framework.

For example, the Bill currently replaces “thinning” with “managing thickened vegetation”. While we support the Bill’s clarification that thinning can be a valuable management practice for regrowth vegetation, the Bill must provide a firmer definition of the latter activity in order to avoid misunderstanding or exploitation of the code. For example, the Bill should specifically state the conditions which warrant thinning and how it must be carried out: e.g., “Thickened vegetation management must not reduce high value regrowth below a density of 6000 stems per hectare, and this practice must be distributed evenly throughout the hectare.” This is in line with research undertaken by ecologist Dr John Dwyer[iv], provides a clear directive and becomes much easier to enforce at a later time.

Recommendation:

Optimise capacity of stakeholders to align their professional practices to the legislation by:

1. Utilising simple and clear definitions
2. Reducing complexity around self-assessment requirements
3. Providing adequate support to landholders to enable them to transition and adopt new practices.

Contributing authors

This submission is the result of a collaboration between The University of Queensland's Centre for Policy Futures; The Australian Research Council Centre of Excellence for Environmental Decisions in the School of Biological Sciences; and the School of Communication and Arts.

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End notes

[i] Source: Data from Statewide Landcover and Trees Study (SLATS) 2012-2013, 2013-2014, 2015-2016, and Department of Natural Resources and Mines "Vegetation Management Act former high value regrowth vegetation version 2.1" available at http://qldspatial.information.qld.gov.au/catalogue

[ii] WWF (2018) "Bushland Destruction in Queensland Since Laws Axed" available at http://www.wwf.org.au/ArticleDocuments/360/pub-briefing-bushland-destruction-in-queensland-since-laws-axed-9feb18.pdf.aspx

[iii] Letter from MP Jackie Trad available at http://d3n8a8pro7vhmx.cloudfront.net/queenslandconservation/pages/1236/attachments/original/1512697517/Qld_Labor_policy_resposnes_to_QCC_conservation_priorities_UPDATED.pdf?1512697517

[iv] Dwyer JM, Fensham R, Buckley YM (2010) Restoration thinning accelerates structural development and carbon sequestration in an endangered Australian ecosystem. Journal of Applied Ecology, 47, 681-691.