STATE DEVELOPMENT, INFRASTRUCTURE AND INDUSTRY COMMITTEE

Members present:

Mr DF Gibson MP (Chair)
Mr MJ Hart MP
Mr SA Holswich MP
Mr R Katter MP
Mr TS Mulherin MP
Mr BC Young MP

In attendance:
Ms J Trad MP

Staff present:

Dr K Munro (Research Director)
Ms M Telford (Principal Research Officer)
Ms M Westcott (Principal Research Officer)

INQUIRY INTO THE VEGETATION MANAGEMENT FRAMEWORK AMENDMENT BILL 2013

TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, 17 APRIL 2013

Brisbane

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Committee met at 9.31 am

CHAIR: Good morning, everyone. I declare open the public meeting for the committee's inquiry into the Vegetation Management Framework Amendment Bill 2013 and thank you for your attendance here today. I want to introduce members of the State Development, Infrastructure and Industry Committee. My name is David Gibson. I am the member for Gympie and chair of the committee. The other committee members are Tim Mulherin, our deputy chair; Michael Hart, the member for Burleigh; Seath Holswich, the member for Pine Rivers; Robbie Katter, the member for Mount Isa; Kerry Millard, the member for Sandgate; and Bruce Young, the member for Keppel. The committee has agreed to have Ms Jackie Trad, the member for South Brisbane, with us today.

The committee is a committee of the Queensland parliament and, as such, represents the parliament. It is an all-party committee which adopts a non-partisan approach to its proceedings. The hearings today form part of the committee's examination of the Vegetation Management Framework Amendment Bill 2013, and the Parliament of Queensland Act 2001 requires the committee to examine the bill to consider the policy effect given by the bill and the application of fundamental legislative principles. The program for today is as follows: we will hear from AgForce from 9.30 to 10 and we will then hear from the environment peak bodies and then environment and natural resource management bodies. We will break at 11 o'clock. After 11.20 we will hear from local government, industry and peak bodies, landholder and AgForce members. The hearing today will conclude at 12.45. Although the committee is not swearing in witnesses, I remind all witnesses that this hearing is a formal process of the parliament and, as such, any person intentionally misleading the committee is committing a serious offence. It is the committee's intention that the transcript of the hearing be published. Before I commence, can I ask that all mobile phones and pagers be switched off or put on silent mode. I now call the representatives from AgForce.

BADENOCH, Ms Tamara, Policy and Project Officer, AgForce Queensland

BURKE, Mr Charles, Chief Executive Officer, AgForce Queensland

CHAIR: Would you like to make a two-minute opening statement?

Mr Burke: Yes, I would like to make an opening statement. The first thing I want to say is that AgForce welcomes the opportunity today to present to the committee in relation to the Vegetation Management Framework Amendment Bill. Just by quick way of background, AgForce is a member based organisation in Queensland that represents almost 6,000 primary producers predominantly in beef, sheep and wool and the grains industry, so essentially we represent almost 6,000 primary producers in broadacre agriculture. As I have said, AgForce certainly welcomes the opportunity today to present and answer any questions that relate to our comprehensive submission that we made. Our members have long maintained that the current vegetation management framework is constrained by red tape and bureaucracy, and these issues have been compounding since the Vegetation Management Act was first implemented while landholders have attempted to understand and work within the legislation. To this end, AgForce has over a number of years made representation to all state governments that these excessive red-tape and bureaucratic processes be refined and streamlined. It is pleasing to note that after some period of many years we are finally starting to see some move towards refining those red-tape and bureaucratic processes.

AgForce's views were confirmed by the Queensland Competition Authority's Office of Best Practice Regulation review into red-tape reduction which recommended that the VMA be reviewed as a matter of priority on the basis of the concerns that we have noted which we have pointed out in our submission. AgForce supports the Queensland government's objective to double the value of food production by 2040 and we are also acutely aware of the need to achieve a cost-effective reduction in red tape not only for industry and business but also for government. The Vegetation Management Act in its current form restricts sustainable development on rural land and is punitive rather than incentivising for landholders in the management of woody vegetation cover.

For this reason, AgForce supports many of the changes proposed in the bill and our submission has highlighted areas of the bill that require further clarification as well as areas AgForce believes need further consideration. But in particular we support the main headings of the

changes proposed in the areas of regrowth, the new purpose of the act, self-assessable vegetation clearing codes, new relevant clearing purposes and, just as importantly, a simplification of the current mapping system as well as offence provisions. With that, I want to conclude by saying that we believe that agriculture has proven its credentials in being able to make effective change in the area of vegetation management. We certainly strongly are of the view that productive agriculture and environmental outcomes are not mutually exclusive. With that, I will conclude my comments and we are happy to take questions.

CHAIR: Thank you, Mr Burke, and I thank you for your comprehensive submission to the committee. Could I start the questioning by seeking your organisation's views. With regard to the original Vegetation Management Act, there was a fair bit of criticism with regard to it being in breach of fundamental legislative principles and its denial of the principles of natural justice. In terms of these changes that are occurring within this bill, could you share with us whether you feel that that addresses the inconsistencies in the original act?

Mr Burke: I will make some comment and then I might hand over to Tamara to value-add into that, but certainly that has always been an issue. I know there has been work done by other legal groups that actually substantiated our claim that it was a reversal of onus of proof essentially and in every other law in this land that is not the case. It certainly was something that we were always very strongly of the view needed to be changed, and this certainly will go some way towards rebalancing what is essentially something that is not accepted in normal law.

CHAIR: You say 'some way towards'. Do you believe that it should go further?

Mr Burke: I guess it remains to be seen as to whether we get all this through in its current form. I guess, yes; it is one or the other. If this is done, then, yes, it will change it and it will be sufficient to remove the reverse onus of proof.

CHAIR: Excellent.

Mr KATTER: I have a particular interest in the distinction between leasehold and freehold. Most of the Mount Isa electorate is leasehold land. Would you like to make a comment on how you feel the act treats those two separately and just expand on that—that is, what the impact is on both of those?

Mr Burke: Sure. Again, I will make a broader statement and Tamara may like to value-add. We share the same interests. Many of our members have leasehold tenure on land and are unable to take advantage of the proposed changes when it comes to regrowth on leasehold land. If we were to be critical at all of this, it is the fact that it has not addressed that leasehold regrowth issue at this stage. That does not mean that we will not continue to advocate on that part because—Tamara, correct me if I am wrong—60 per cent of the state's primary production is essentially on leasehold land. So we are still looking at a fair proportion of our membership and primary producers in this state who will not be able to take advantage of these very positive proposed changes.

Ms Badenoch: Just to give you a better indication, with that high-value regrowth layer it is about a quarter of the area that will be affected by those leasehold regulations not being removed.

Mr MULHERIN: You question the scientific basis of this high-value regrowth. Do you want to elaborate more on that, Charles?

Mr Burke: I am going to ask Tamara to elaborate on that one.

Ms Badenoch: I think it is important to remember that regrowth vegetation is vegetation that has previously been cleared, so we are not talking about remnant vegetation here. The high-value regrowth layer was retrospective regulation reform and so the date was put on for December 1989 that the vegetation dated back to. Basically, this was in line with the Kyoto protocol and the greenhouse gas emissions. So we question the scientific basis of, firstly, that date and, secondly, many properties had saved this vegetation or had put aside areas of their land for future proofing—that is, whether they were to spell a paddock so that they could graze one part of their paddock and then move on to the other. When these reforms came in in 2009, they lost that ability to do that and so then there is potential for other areas to be overgrazed or even perverse environmental outcomes to come of that. So I guess what we are questioning is have you looked at it as a whole-of-property outcome rather than just looking at this vegetation dating back to that date.

Mr HART: Charles, you have raised some issues with the mapping. Can you just expand on what your problems are with the proposed mapping layer?

Mr Burke: We have always called for a simplification of the mapping. There are an enormous amount of producers who, over the course of the existence of the Vegetation Management Act, have tried to work within the confines of the regulations and have been incredibly frustrated with the inaccuracy of the mapping and a process to be able to rectify those issues. What we are hoping is that that mapping will be a lot more simple. To be fair, we are advancing in mapping capabilities, but we have been restricted and constrained by second-grade mapping quality and inaccurate mapping which was being used as a tool against people being able to get adequate approvals for development.

Ms Badenoch: Just to add to that is the number of maps that landholders have to refer to. You are talking about three to four maps that they have to check and crosscheck to be able to manage vegetation on their property, and these maps are mapped out on a 1:100,000 scale. So if you are looking at a map and you are looking at one centimetre on the map, that equals one kilometre on the ground and it is very hard to be extremely accurate. The Herbarium has indicated to us that they try to aim for an 80 per cent accuracy and yet a landholder must have 100 per cent accuracy when they are working on the ground with these maps.

CHAIR: Sorry, but can you just expand on that concept? So we have the Herbarium stating that it is only 80 per cent and they are the organisation that are developing these maps and yet the requirement on the landholder is to be 100 per cent accurate to a map that may only be 80 per cent accurate?

Ms Badenoch: That is correct.

CHAIR: Can you give us examples of how this has played out poorly then?

Ms Badenoch: If you can imagine a landholder who is working on these maps, they are looking at an area of vegetation that they may think is—and if you consider that GPS technology relies on satellites, which are not necessarily accurate to a point. So say you are out by 500 metres on ground, if the satellites then come over and pick that up and see that you have mistakenly cleared that land—a 100-metre line that you have mistakenly cleared—the landholder then has to go through the process of proving why they have done this or, basically, they are guilty until it is proven in court that they are not.

Mr Burke: Essentially, there would not be a mathematical equation that would tolerate a 20 per cent deviation or variance. Therefore, if we have to work with that and then there is a reverse onus of proof, then essentially the landholder could have cleared inadvertently 100 hectares by mistake because the mapping was wrong, but then is subject to punitive cases. So therein lies the frustration that we have been saying that, 'This is not about managing the vegetation; this is about making changes to make process applications and measurement much more simple and accurate.'

Mr HART: Just carrying on from that, with the changes that are proposed by this legislation and simplifying the mapping system, if the maps become accurate and the onus of proof is reversed, that goes a long way towards fixing these issues, doesn't it?

Ms Badenoch: Within the bill, a landholder is now allowed to use mistake of fact as a defence. So essentially, yes, it does make it easier for them to work with those maps.

Mr Burke: But it is not about making things easier; it is about making things accurate and justifiable. We all like to know what parameters we work within. If they can be clearly demonstrated, identified and measured, then we can all work with them. We do not mind working with parameters. We do not mind working with guidelines and maps, as long as the things are right. That is one of the biggest frustrations we have had.

CHAIR: Can I pick up this issue: the bill provides for self-assessment provisions. Could you share with us your organisation's views on that?

Mr Burke: Self-assessment provisions would allow for an over-arching guide that would be based on a regional planning type process and you would then have the provision to be able to assess what you wanted to do on an individual basis against the regional outcomes. Tamara will probably jump in at any moment now, but, essentially, the self-assessable provisions allow for—and we work within a lot of systems within agriculture of quality assurance where the guidelines are set over-arching and then we work within our assessable guidelines underneath that that fit into that system. It just provides flexibility. It eliminates some of that long, arduous and excessive application process simply to clear things like fence lines.

Again, as I said at the outset, agriculture production and environmental outcomes are not mutually exclusive. If you want the opportunity to be able to establish watering points to better manage your vegetation, you might have to run pipe to extremities of the property to allow cattle, to essentially balance the grazing impact. At the moment, you cannot clear a line to lay poly pipe to lay that water. A self-assessable code would allow the opportunity for somebody to say, 'Right, I want to run water two kilometres to that back part of the property. I can clear that pathway to be able to lay the poly pipe.' Those sorts of things, to us, make business sense, that we should be able to write the self-assessable codes, write the guidelines and self assess against those guidelines and say, 'Yes, we can do that'.

Ms Badenoch: I think it is important to remember that we are not talking about development; we are talking about essential management activities on a property. They are the day-to-day things that landholders need to be able to run their properties to a sustainable manner. We are talking, as Charles said, about fence lines and laying pipes, but we are also talking about weed control and fodder harvesting. These are not things that are going to clear mass amounts of vegetation. This is just essential management.

CHAIR: The committee has received submissions, though, that are quite critical of the self-assessment provisions. In fact, if I was to sum it up, they are saying, 'We can't trust farmers'. Would you like to respond to those assertions that have been made?

Ms Badenoch: I guess we would never expect you to just trust that we would be doing the right thing. That is why we have never advocated for a lack of compliance or a lack of auditing processes. You will notice in our submission that we have said the same things. There are still rules and regulations that landholders need to follow and comply to with these codes. We would expect that to be the case.

Mr MULHERIN: You have pointed out some of the difficulties that farmers and graziers have with managing the vegetation. What are some of the positive things from the Vegetation Management Act, from a primary producer's point of view?

Ms Badenoch: From the current act?

Mr MULHERIN: Yes, from the original act?

Mr Burke: I think it is safe to say that primary production has moved on from, I guess, the previous method of doing things. I think the Vegetation Management Act has in some ways created a sense of discipline and a different understanding of things. We are not suggesting for a minute that we are looking to revert back to unsustainable practices. But what this represents is an opportunity to rebalance the administration of something that essentially went too hard and too far. But we have worked with that and I think primary producers—

In answer to the groups who think we cannot be trusted, Tamara was certainly far more diplomatic than I in answering that. It is offensive to us. There will always be outliers in any industry who will do things that go against the tide and against the norm. We do not wish to represent those either and we do not represent their interests. But with the majority of people, in reference to Mr Mulherin's point, we have come a long way. We think that this opportunity is in recognition that we have learnt a lot. We have implemented disciplines that make us look differently now at how we do things.

I reiterate the point: agricultural production and environmental outcomes are not mutually exclusive. We have a lot of producers who are implementing things like BMP, best management practices, which is a holistic approach to managing vegetation. We are encouraging that. We are heading down that path. What we are looking for is to ensure that government regulation allows us to get on with that, rather than puts a whole host of undue and unnecessary hoops and roadblocks in our way.

Ms TRAD: Mr Burke, before you were talking about farmers inadvertently clearing land or potentially inadvertently clearing land because the maps were only 80 per cent accurate issued by the herbarium. Can you detail, for the committee's benefit, how many people have been fined? How many leaseholders have been fined from this inadvertent clearing?

Mr Burke: We do not actually have that information.

Ms TRAD: You do not collate it? You do not collect it?

Mr Burke: No, because that is not something that is our core business. Obviously we are not exactly sure how many there are. We are saying that that is a potential.

Ms TRAD: That is an anxiety?

Mr Burke: That is an anxiety and, therefore, people are very concerned about that, but there will definitely have been people. I know, for example, that there have been some people who had issues with clearing lantana on country, because the mapping and the rules were so restrictive that they cleared lantana, which is essentially a good practice and I do not think that anybody would suggest that clearing lantana is something that you should be fined for, but there have been issues of that with the complexities of the mapping. We can certainly have a look—

Ms TRAD: Yes, that would be good.

Mr Burke:—to see if there is some information.

Ms TRAD: I am on the Agriculture, Resources and Environment Committee and we heard from AgForce last week in relation to the future conservation areas within the Land Act and their removal. AgForce expressed that there was a high degree of anxiety amongst leaseholders that the future conservation area would cancel leases, but in fact there has not been a lease cancelled for that reason at all. It would, I think, benefit legislators' thinking to get some idea about how real this is. In terms of high-value agriculture, could you explain exactly what that is?

Mr Burke: I think the definition is still yet to be determined, but high-value agriculture is where there is some intensification of the agricultural system. I think in this particular proposed change it is talking about irrigation and high-value horticulture or high-value cropping.

Ms TRAD: Are you working with the government on those definitions, Mr Burke; AgForce, I mean, not you personally?

Mr Burke: We have had an active interest in this whole area for a long time. We are very keen to participate, to hopefully make sure that we get a good balance and, yes, we want to work with the definitions. We also want to work with the government to help establish what would be adequate and balanced self-assessable codes.

Ms TRAD: Sure, I understand that.

Mr Burke: We also want to make sure that our credentials, albeit in question by some groups apparently, are certainly up there with best practices.

CHAIR: Mr Burke, I will just cut you off: I am conscious of time. I know one of the other committee members wanted to ask a question.

Ms MILLARD: Mr Burke, you made a specific point in your notes about supporting the goal to double the value of food production by 2040.

Mr Burke: Yes.

Ms MILLARD: As we know, we hear a lot of conversations around the world and throughout this country as well with regards to food shortages in the future. You did touch on the fact that there is some need, obviously, to assist with the vegetation management for farmers, whether that be cropping or, in some cases, you said sometimes it is just a matter of clearing an area so you can have your irrigation lines put through. Would you like to explain to people who might not understand what this really means, doubling our capacity versus the restraints that you carry or that your associates carry at the moment?

Mr Burke: We like the idea of having a notional or an aspirational goal to double the value of agricultural production. That might seem that it should all be domiciled in the Department of Agriculture, but essentially we are running businesses in agriculture, so we need a lot of buy in from right across government. Some of those gains for us will be in areas that are not necessarily traditionally agriculture focused, like cropping techniques or herd fertility and things like that. We need gains to be had in other areas. It is about red tape reduction, it is about over-bureaucratic processes, complex processes that add time to everybody's ability to actually get on with the job of production. The government has instigated an agricultural land audit to see where it is that we need to probably focus on developing. Changes to the Vegetation Management Act will allow primary producers to be able to do those small incremental things, like being able to better utilise larger areas with creating watering points and have better use, better balance of use. It just might help with a couple of per cent productivity off a particular property. Small, incremental, but it all adds up to be large growth in production to hit that 2040 target.

Mr MULHERIN: With doubling production, isn't it more about profitability?

Mr Burke: It is all the same, I believe.

Mr MULHERIN: You can increase production, but that does not necessarily equate to profitability either.

Mr Burke: It is a balance.

CHAIR: I am conscious that the time for this session has expired. In summary, would you like to give us a few brief remarks as to whether or not you feel this bill is heading in the right direction?

Mr Burke: I think in short, yes, we are heartened by this bill. We think it is heading in the right direction. We think it is a recognition of the gains that we have made in environmental outcomes within agriculture. Again, I will reiterate, at the risk of repeating myself, that agricultural productivity and environmental outcomes are not mutually exclusive.

CHAIR: The time has expired. Thank you both for your attendance here today. We appreciate that.

BRAGG, Ms Jo-Anne, Principal Solicitor, Environmental Defenders Office (Qld) Inc.

HEATH, Mr Nick, National Manager, WWF Australia

MAXWELL, Ms Fiona, Marine Campaigner, Australian Marine Conservation Society

PARRATT, Mr Nigel, Spokesperson, Queensland Conservation Council

SEELIG, Dr Tim, State Campaign Manager, The Wilderness Society (Teleconference)

CHAIR: I welcome and thank the peak environmental bodies that we have gathered here today. You have been invited as peak bodies. Can I note for the record, and I think we responded in writing to you Dr Seelig, that your invitation is as a professional courtesy. Your submission reflected poorly on your organisation in terms of the reflection you made on committee members. Can I state for the record that, were you to do that in any future hearings that I was the chair of, I would not be extending that professional courtesy to you. That being the case, can I invite you all to make a two minute opening statement. Dr Seelig, would you like to begin?

Dr Seelig: My apologies for not being there in person. I thank the committee for the invitation to come in by phone. Strong landcare resources are needed to protect biodiversity in landscapes to safeguard our economic and social welfare and fundamentally to maintain our national and international reputation. Queensland has some of the most ecologically sensitive and important landscapes, rivers and marine areas on the planet. Our long-term economic prosperity depends on the state of our environment given that it is our best long-term economic competitive advantage.

Queensland used to be the land-clearing capital of Australia, and almost the world, with trees being bulldozed and removed at one point at near Amazonian rainforest proportions. A number of endangered species including the mahogany glider, the koala, the cassowary and others were directly impacted. Queenslanders recognised the need to stop this madness. In the mid-2000s, with broad political and community support, this state moved to ensure that broadscale land clearing of remnant and native vegetation was to be no longer permitted in the state. This was consolidated in 2010 I think it was around regrowing native vegetation.

The community also expected that future governments would ensure that significant clearing would not occur through incremental exemptions and relaxations and that enforcement would be taken seriously. In the mid-2000s compensation and adjustment packages in the order $150 million were provided to a number of stakeholders, particularly farmers and leaseholders. The current legislative model, whilst protecting remnant and regrowing native vegetation under the Vegetation Management Act, represents good public policy, good environmental policy, and it enabled the Howard government, for example, to claim that it was meeting its implicit Kyoto carbon target which would have been applied to Australia if we had been a signatory.

The bill before parliament now and the subject of this inquiry will, in the view of the Wilderness Society, have devastating impacts on biodiversity, on landscapes and ultimately on our economy. For these and other reasons, which I am happy to expand on subject to questions, and which I am sure my fellow conservationists will highlight in the proceeding minutes, the Wilderness Society believes the amendments foreshadow a return to the madness days of widespread land clearing in Queensland and this bill should be rejected for the reasons we have outlined in our submission.

CHAIR: Thank you Dr Seelig. We will move through each of the people here.

Mr Parratt: Thank you for this opportunity to appear before you. I am going to touch on three key concerns that we have with regard to the bill. Alongside the very real concerns that we have about the environmental and broad landscape degradation that is likely to occur from these amendments we are very concerned about the lack of due proper process with regard to this particular bill. This bill has been out for virtually only 13 working days. For people and organisations such as ours to provide informed comments on this bill has been extremely difficult. We are very concerned about the process. You will certainly note from other submissions that this issue has also been raised by a broad range of other stakeholders. We are very concerned about that part of the process.

Additionally, we do not think there has been due and proper process with regard to the feasibility and consequential implications of this bill across all sectors of society. From our understanding, there has been no regulatory impact assessment of this bill on other parts of the Queensland economy and environmental outcomes. So with that, I would like to table the Queensland government's regulatory assessment guidelines which have to be followed.

CHAIR: There being no objection, the document is tabled.

Mr Parratt: That particular document outlines the processes which should be followed for legislation with regard to broader feasibility, economic assessment, stakeholder engagement, community engagement and so forth. We do believe that, with regard to this particular bill, due process has been followed.

Another major concern for us is the changing of the purpose of the act to allow for sustainable development or, as it is described in the bill, sustainable land use. It is very problematic in that, as the previous speaker has identified, a very clear definition of what is sustainable land use has not been provided in the bill. We do not know what the government is talking about with regard to its views and definition of sustainable land use. What is irrigated high-value agriculture? What is environmental clearing? We do not know and consequently we think that is problematic for us and problematic for the government with regard to informing community and stakeholders just what the intention is.

CHAIR: Nigel, just allowing for time, I would like to give everyone an opportunity. You have gone over the two minutes.

Ms Bragg: Thank you to the committee members for inviting me to present. As mentioned, I am the principal solicitor at the Environmental Defenders Office. I have had that position for 20 years. Arriving in Queensland in 1991 I have seen no protection for vegetation, then I have seen the full on clearing in the mid-1990s and then I have seen the introduction of regulation. I have an overview of the law reform process that has occurred. I have taken a keen interest in environmental regulation of all types over that time. As some of the committee members would know, the Environmental Defenders Office offers free legal advice to people throughout Queensland—community groups, environmental groups, landholders. So I have experience with both rural and urban clients and groups.

I have also been the solicitor on a number of cases in the Federal Court and the Planning and Environment Court which were all about civil enforcement actions. While I am by no means a criminal prosecutor, as you might find address you, I have experience with what it takes to run a successful enforcement action and also experience in how often there is not the evidence there and cases are simply not run.

I could make a lot of points but I am respecting the two minute limit. Firstly, it is my opinion that if this vegetation reform bill were passed it would be the biggest leap backwards in environmental regulation, certainly for the last 20 years. I will not elaborate on that, but my submission talks about the sheer quantity of regrowth vegetation which would be at risk of clearing. I understand from colleagues that it is in the order of 700,000 hectares. That is the basis on which I have formed the opinion that passage of this bill would be a step backwards.

Now I will jump to enforcement. Contrary to what AgForce has said, which gives the impression that there are all sorts of inappropriate enforcement actions occurring, and contrary to what Minister Cripps said—in April last year he talked about current enforcement and compliance laws being out of balance, pandering to the extreme movement and being too aggressive—I actually think there has been very little enforcement really compared to the amount of clearing that has occurred. I note AgForce made a lot of issues and raised a lot of concerns and anxieties. I am not aware they have given any examples of this actually being a problem in practice.

CHAIR: Jo, due to the time, we will move to Fiona.

Ms Bragg: Could I table one document?

CHAIR: By all means.

Ms Bragg: This is from the 2010-11 DERM annual report. This is about the prosecutions that were taken under the Vegetation Management Act which links into planning system. In that year there were only six.

CHAIR: There being no objection, that document is tabled. We are very limited for time so I invite Fiona to make some opening remarks.

Ms Bragg: Can I draw you to one small point in my submission?

CHAIR: You may be able to do that in the questioning. I am conscious of the limited time that we have.

Ms Bragg: It is about the onus of proof issue.

CHAIR: Sure.

Ms Maxwell: Thank you for the opportunity to appear today. I am representing the Australian Marine Conservation Society which is also referred to the AMCS. As Jo explained, AMCS also is very concerned about the extent to which the legislative amendments will result in large scale clearing throughout Queensland. We are very concerned about the flow-on effects that this will have to the health of our waterways and, in the end, our marine and coastal environment. We are particularly concerned about the flow-on impacts it could have on the reef, which is currently under the international spotlight due to a UNESCO process which is looking at, assessing its status as world heritage at danger.

We know when we have extensive clearing of vegetation that it significantly impacts water quality. It increases nutrient levels, pollutants and also sediments that flow into our rivers and eventually into the sea. For example, in the Great Barrier Reef we see about 14 million tonnes of sediment that flows onto the reef annually. This is largely attributed to land degradation from our cleared grazing lands.

When sediments are deposited within our marine environment they smother some of our most fragile ecosystems—that is sea grasses and coral reefs—killing off the critical habitat for some of our most iconic and threatened species, our turtles and our dugongs, not to mention the impacts that it has on our commercial and recreational fish species. In the 2011 floods, more than 80 per cent of Moreton Bay seagrass habitat in some areas was completely lost due to large sediments flowing into Moreton Bay. When you have increases in nutrients and pollutants flowing into your rivers and marine ecosystems you see increases in algal blooms which has a flow-on impact in that it can smother your sea grasses and coral reefs and also cause fish kills. We have seen that in the past.

Clearing along our watercourses, which is proposed under the legislation, can also increase the risk and the intensity of flooding. The last few years have emphasised the need to guard against floods. But what this legislative amendment is doing is basically the opposite.

CHAIR: Thank you for that. I will move across to Mr Heath and then we will have the opportunity to question you all.

Mr Heath: Thank you for this opportunity. This is an important moment. There is a very central ambiguity in the direction that government has given in this area over the last 12 months. WWF received a written commitment from the Premier of Queensland that the level of vegetation protection in Queensland would not be reduced. Our analysis of this bill is that there is a very, very significant reduction in protection of vegetation in this state if this bill is passed.

We have done early estimates, because no estimate has been provided by government of the areas unprotected by this bill. Our estimate, based on material provided when the 2009 reforms were put through, is that at least 700,000 hectares of endangered habitat and habitat for endangered species and vulnerable landscapes—vulnerable to degradation because they are on 12-degree slopes—will be unprotected and, given the rhetoric of the minister, encouraging landholders to clear endangered forests and habitats of endangered animals, including koalas and cassowaries. Koalas lost 43 per cent of their population in the last 20 years and this blow will come at exactly the wrong time.

Given the ambiguity of such a clear commitment and yet such a clear breach of a commitment, we feel that there may be unintended consequences from the drafting of this bill. We think there may be a mistake. We feel that there is still time for amendments. Amendments to bills are made all the time and we beg you—we beg you—to put through amendments that honour, honour, the Premier's election commitment to no reduction in the level of vegetation protection in Queensland. Thank you.

CHAIR: Thank you for that. Perhaps I can start with the questioning and Jo-Anne, I might pick up where you were. At the time the Vegetation Management Act was introduced it was identified that it was in breach of a whole range of fundamental legislative principles. Since then there has been a variety of analysis of the act. If I can draw from one academic paper, it noted that it granted ill-defined administration powers, it was inconsistent with the principles of natural justice, reversal of the onus of proof, provided entry into private premises and search and seizure of private property without a judicial warrant, there was a retrospective imposition of deprivation, there was

compulsory acquisition of property provisions without compensation and there was the inappropriate delegation of legislative powers. These are fairly damning positions on an existing piece of legislation. This bill brings about some changes to that. I would be interested, as it addresses fundamental legislative principles, whether you feel that this provides a greater balance in addressing some of the concerns that the existing act had.

Ms Bragg: Can I refer you to the appendix of prosecutions that I handed up. I have a few spare copies here for other committee members. So this shows that in the 2010-11 financial year there were actually only six. So the concept that these provisions led to an explosion of unfair prosecutions against landholders is not borne out by that official government document as to the amount of prosecutions and I guess—

CHAIR: Me question is not with regard to prosecutions; it was in regard to breaches of fundamental legislative principles.

Ms Bragg: This is the fruit, if you like, of the enforcement provisions—who, in fact, was successfully prosecuted or not. There were only six in 2010-11. In relation to the onus of proof issue, which is certainly a fair point for you to raise about whether landholders are being unfairly treated, the onus of proof is only reversed to the extent that, in the existing law, if clearing occurs on a landholder's land it is assumed that the landholder carried out the clearing. They can produce evidence to show that it was nothing to do with them. It is not a reversal of the onus of proof for the whole case.

AgForce unfortunately gave not a very well based presentation in relation to this issue. In fact, on one point they said that there were no other laws in Australia that carried such provisions, but if you look at the Environmental Defender's Office legal submission—I emphasise that I am a solicitor with 20 years experience in this field—it was pretty easy for me to look up vegetation laws in South Australia and New South Wales. If you have my submission, if you go down to page 3, committee members, you will see there is a reference at footnote 11. There is section 44 of the Native Vegetation Management Act New South Wales and section 34(2) of the Native Vegetation Management Act South Australia, which have the same types of provisions.

CHAIR: Do those acts have similar provisions for entry into private premises—search and seizure of private property without a judicial warrant?

Ms Bragg: I have not had time, given the tight time frames—

CHAIR: Appreciating your 20 years of experience in the environmental area, are you aware of other acts that have such fundamental breaches of the legislative principles?

Ms Bragg: In environmental legislation generally, authorised officers are able to go on to private property and see if they anticipate there is a breach of the law. There is nothing unusual about that. In fact, given the nature of these type of activities—clearing which may happen in urban areas or areas far away—it is absolutely essential that officers—

CHAIR: Let me open it up to other members. Jackie, would you like to ask a question?

Ms TRAD: I might ask the QCC this question. I know some people have raised the addition of ministerial discretion in terms of the new amendment bill. Do you have any comments to make in relation to that?

Mr Parratt: Yes, we are particularly concerned about the range of new discretionary powers that may be granted to the minister if this bill is successful. Once again, there is absolutely no detail in the bill as to what are the criteria and guidelines that the minister must be obliged to follow when utilising these discretionary powers. The way it is stepped out in the bill, it seems to be at the minister's beck and whim, if you like, as to when and where these so-called areas of high-agricultural value are going to be established.

In our view, in regard to broader public interest type of issues, there has to be some justification behind the minister's decision to exercise those powers. There is nothing in the bill and/or the explanatory notes as to what those criterion guidelines are. Coming back to the lack of due process, if we follow the guidelines in regard to the regulatory impact assessment, that really steps out the processes that are needed to be utilised by government and government agencies to ensure that a broader range of issues and considerations are taken into account when these things are put into practice. So we are very concerned that what we call the consequential implications of this bill have not been adequately thought through nor has granting these discretionary powers to the minister. What does that mean in regard to how, when and where these new agricultural areas are likely to be established?

CHAIR: So just to clarify, you are not completely opposed to the discretionary powers; it is your concern about the guidelines that the minister would use in exercising those discretionary powers.

Mr Parratt: Correct

Mr MULHERIN: Ms Bragg, in your opening statement you were going to make some comments about onus of proof. Could you just elaborate more on that?

Ms Bragg: Certainly. One of the comments was referring to those other laws in South Australia and New South Wales which had similar provisions, which are in the submission. So the onus of proof is just reversed in terms of who is assumed to have cleared the land on a landholder's land. It is very hard to get prosecutions at the best of times and this just means it is assumed that the landholder did the clearing if it is on their property. It is not a very dangerous provision and it is easily rebutted. The fact that there were so few clearings in 2010-11 shows that the enforcement has not been out of control.

CHAIR: Sorry, I think you have made the point there. Michael?

Mr HART: Jo-Anne, you seem to be heading towards, I think, that fundamental principles maybe should not apply when it comes to the environment. Is that where you were heading with your suggestion before—that these things in other states allow for these things to happen? So fundamental principles should not apply when it comes to the environment? Is that what—

Ms Bragg: The fundamental legislative principles are more of a checklist for members of parliament, such as yourself, to seek briefings on and see whether in a particular bill they are appropriate or not appropriate.

Mr HART: So they are not appropriate when it comes to the environment?

Ms Bragg: In relation to vegetation clearing—and remember we have seen only six prosecutions, as I have told you, in that particular year—it is very hard when events occur remotely far from the public servants who are meant to be monitoring and enforcing. AgForce agreed that there should be good-quality monitoring and enforcing. Unless you have provisions such as we have in the Vegetation Management Act now, the law will not be enforced; it will be held in disrespect, it will be persistently broken. We do need these types of provisions. They will not produce a raft of enforcement actions; just a small trickle, as you saw in 2010-11. I think it is a very fair question about the fundamental legislative principles, but looking at this particular case we need these types of provisions so the law can at least occasionally be enforced and deter noncompliance.

Ms TRAD: With the leave of the committee, can I table one of the chapters from the *State of the environment* report, which was tabled in parliament last year by Minister Powell. Can I ask Mr Heath to have a look at it. Can I seek leave?

CHAIR: Is leave granted? Yes.

Ms TRAD: If I can ask Mr Heath to have a look at it. With the figure in relation to clearing rates in Queensland, is it WWF's contention that if these laws go through we will go back to vegetation clearing rates similar to the 1999-2000 clearing rates as they are there?

Mr Heath: It is not, no. No, we do not feel that those rates will return, but we are very concerned about the values that will be lost. We actually do not think the economics support broadscale clearing anymore. We do not support the contention that you need to clear more land to double agricultural production. We very much support the contention that we should be focusing on profit from better maximising our best soils and our best agricultural areas, not clearing the most marginal ones. So we do not feel that it will go back to the same rates, but what we do feel is that those very valuable areas—habitats for endangered animals, habitats that are endangered themselves—and by endangered, just let me clarify that that means habitats where 90 per cent of that habitat has been killed, destroyed, concreted over, or grazed. That means animals that have lost 90 per cent of their population or more. This bill will, if it is passed, allow the clearing of endangered habitats that are less than 10 per cent of their original extent. It will allow clearing of habitats for animals that are down below 10 per cent of their original population. We do not feel that anybody has a right to accelerate the extinction of any animal. So please, please, do not let this bill go through without amendment, because it is the number of species in extinction that will rise quickly.

Mr HOLSWICH: Ms Bragg, I am interested in this DERM prosecutions list that you have provided. The six prosecutions for that year 2010-11, how does that compare to other years around it? Is it a similar figure? Is it more or less?

Ms Bragg: To be honest, I looked for the next year in the annual report and I could not find a similar table. So I had hoped to be able to give you the up-to-date information and

Mr HOLSWICH: Prior to that?

Ms Bragg: I believe it is probably pretty similar, that is, there has not been a huge spike. I believe it is pretty similar but I do not have those figures with me.

Mr MULHERIN: Maybe we can get that from the department. We heard from AgForce that the Herbarium said that the accuracy of the maps are about 80 per cent but a landholder has a 100 per cent responsibility to ensure that any clearing is 100 per cent accurate. Do you want to comment on that? Can you understand the sort of pressure that a landholder might be under if you are looking at a one-in-100,000 scale on the map?

Ms Bragg: Sure. The maps, in fact, are among, as I understand it, the best quality in Australia. They are far from perfect and the environment sector acknowledges that, as does the Herbarium. But if someone is unsure if they are entitled to clear, it is possible to ask the Herbarium to revise the maps. A landholder can apply for a PMAV—a property map of assessable vegetation—which can assist to clear up where the boundaries are. There are mechanisms to help the landholder clarify things before they start clearing. I know if the landholder is very busy—it is the middle of the season—they do not have time maybe for that, but the whole purpose of the educational campaign that came in with the legislation and the many tens of millions of dollars that went to AgForce and QFF on education was to help and assist landholders to try to work out a better balance of being well informed. So I actually think the Herbarium maps are excellent and it is wonderful that we have, to date at least, had mechanisms that they can be corrected if they are found to be inaccurate.

CHAIR: How long does it take to correct a map?

Ms Bragg: I can't say. It could be a while, I will admit, but that probably goes to another issue, which is for the efficient administration of the act and respect for the law you need adequate and sufficient staff working at the Herbarium and other parts of the Public Service.

CHAIR: So your view is that over the last 10 years there has not been sufficient staff at the Herbarium to do that?

Ms Bragg: I was more responding to the issue of how long it takes. I cannot tell you how long it takes, but that is a direct function of the staff you have available.

Mr KATTER: I am not sure whom it is best to direct my question to, perhaps Nigel. I would like to be educated on something because not a lot of clearing goes on in the area that I represent. If anything, I wish we were talking about prickly acacia, which to me is a huge biodiversity threat. Over the Mitchell Grass Downs there is going to be prickly acacia woodlands. You know, landscapes change and that is not a good outcome. I attended a forum in the gulf and some cutting-edge surveying people were addressing it. A lot of the things they were saying were pretty controversial and were not well received. One comment they made was about getting under the tree line and from what they see from satellites in the sky they are detecting there is more vegetation in these areas. I will admit that not a lot of clearing goes on there but the net result is that there is more vegetation in those areas. I have seen a similar study in the Burdekin catchment area through the DPI years ago that said, since white man has been there, there have been more trees in that Burdekin catchment area.

We are talking about attention between preserving vegetation and being able to clear it. I would be interested in your comments on that. In some cases I would argue there have been encroachments and a lot of that Gidgee country is encroaching heavily on the Mitchell Grass Downs. I wonder what your position is on that where there is actually net gains in a lot of the state in some woodlands and scrub areas.

Mr Parratt: I will do my best to answer that. One of the major criticisms in regard to the Vegetation Management Act when it was introduced was that it literally used a very broadbrush stroke across the whole state in regard to clearing regulation. The same thing is occurring this time around with these amendments. We are talking about some pretty broadbrush stroke approaches to how vegetation is likely to be managed under these amendments in that these new provisions which allow clearing for certain new practices are going to be applied potentially indiscriminately of the high biodiversity and ecological value of those ecosystems. What I would be suggesting as a

way forward is that we need to take a much more catchment or subcatchment focus approach with vegetation management. In areas of the state where you do have those issues that you have identified we need to be identifying the right sort of management provisions and methods in order to get the best outcomes in regard to increasing productivity and also increasing environmental outcomes.

It is not a one-size-fits-all approach. The amendments in this bill are attempting to produce a one-size-fits-all approach to how vegetation is going to be managed across the state, which is basically raising the same sort of issue that was brought up in regard to when the Vegetation Management Act was first introduced. I think we need to think about more refined approaches in terms of how we manage vegetation. Given that we have so many different types of ecosystems in Queensland that broadbrush approach is not suitable and appropriate for individual ecosystems in different parts of the state. We need a lot better refinement and I suppose sophistication in how we approach these issues.

As AgForce said, and certainly my personal view is, primary production and environmental outcomes are not mutually exclusive but what we are very concerned about is that as a result of these amendments we are going to see primary production values placed over and above the environmental values of particular landscapes.

Mr KATTER: I hope I am following you correctly, but from following that rationale I would conclude that there would be some areas where you would be advocating it would be easier for graziers to clear because there would be areas of encroachment or a changing landscape for them. You are saying that one size does not fit all. So in areas where it was a problem or the landscape was changing it might be better that they are allowed to take care of that.

Mr Parratt: Under the Vegetation Management Act as it currently stands you can clear vegetation for weed management. You can clear vegetation for necessary infrastructure such as fences and other similar infrastructure. You can clear for a whole range of purposes. It is a matter of the landholder having to identify what those clearing activities are and how to then go about undertaking that clearing in order to meet the objectives of the act. It is not about allowing indiscriminate clearing. It is about how you go about clearing vegetation to achieve certain outcomes, weed management being one of them, with a degree of sensitivity and sophistication and how you go about doing that.

We would certainly agree with AgForce's comments that primary producers, as a result of the introduction of the Vegetation Management Act, have certainly moved a long way in regard to their management practices at the property level. Hopefully, the bad old days of broadscale indiscriminate land clearing will not recur because everybody now recognises the value that remnant vegetation and ecosystems actually provide both to primary production as well as to the environment.

CHAIR: Just picking up on that, are you saying we really are at a point with landholders where self-assessment is feasible because of the education that has occurred and the activities that they have undertaken to date?

Mr Parratt: No, I am not saying that. There is a very real danger with self-assessment codes that it can go too far the other way in our mind.

CHAIR: But, in light of the positive things you are saying, isn't it the case that it could just be there is a maturity now and an understanding that self-assessment is a good way to enable this and reduce the red tape associated with it?

Mr Parratt: It could be, but it needs to be tested and we are not seeing that it has been tested. As a way forward in this bill we might think about some sort of pilot program to see how effective self-regulatory approaches are and that does result in indiscriminate land clearing as a result then obviously self-assessment regulation is not a good approach.

CHAIR: But, if it did not, it would be a good approach for a rollout?

Mr Parratt: It needs to be tested, and we need to have agreed outcomes and principles in place—

Ms Bragg: I might say that I do not agree with that. I think it is fundamentally risky.

CHAIR: I understand. It is lovely to hear a diversity of opinion.

Mr HART: Nick, you mentioned ambiguity before. There is no ambiguity about the government's intention to double food production over the coming years or that agriculture is one of the four pillars that we want to promote in the state. You were here for AgForce's submission

earlier. Given that it says it is arduous to put through a process of clearing fence lines or digging a pipeline to provide water for their crops, wouldn't you think that that would impact on food production in the future? Are we going the right way around putting that target forward and allowing farmers to get on with doubling food production?

Mr Heath: They are great questions. Unfortunately, there has been no economic assessment of this bill. There has been no economic assessment of the so-called claimed economic—

Mr HART: Double the food production, though, right?

Mr Heath: And the best way to do it is in our best soils. MLA put out a study last year saying that, unfortunately, grazing is very poorly profitable at the moment. Almost all of the graziers get below a three per cent return on investment. It is not about adding to our level of investment; it is about getting more productivity out of our best areas.

CHAIR: I am conscious of the time. Tim, Jackie Trad has a question for you so we are going to be able to bring you back in. I would hate to think you were here for the whole time without at least getting grilled once.

Ms TRAD: Dr Seelig, I want to ask a question about regrowth. Obviously this is land that has been previously cleared. We have heard from AgForce that many leaseholders partition that land or separate that land for future use. If it has been cleared before, why can it not be cleared again?

Dr Seelig: I guess the short answer to that is the terminology 'regrowth' makes it sound like it is stubble, it is short, it is a foot high. What we are talking about in some cases is 30-year old woodlands that have grown back. They are rich in biodiversity. They are essential habitats for a few species and for biodiversity generally. I do not think we should fall into the trap of thinking that because it has been cleared once it is no longer of biodiversity value. It is the exact opposite. I think the analysis that the groups before you today have done is project that about 700,000 hectares of regrown natural vegetation are at risk now. That is bad for nature. It is bad for a whole variety of reasons, and it is bad for carbon sequestration.

CHAIR: Thank you very much, everyone. The time for this session has now expired. I thank everyone for being involved today.

FITZPATRICK, Mr Barry, Conservation Ecologist

JINKS, Mr David, Representative, Gold Coast Botany Pty Ltd

McDONALD, Mr Paul, Manager, Offsets, SEQ Catchments Ltd

PAGE, Ms Anne, President, Logan and Albert Conservation Association

CHAIR: Welcome. Could you commence with a two-minute statement? I need to keep things tight because unfortunately the committee has to be out of this room at 11 o'clock. We have an engagement that we then need to return to. We will start with Anne.

Ms Page: Thank you for the opportunity to talk to you this morning. The Logan and Albert Conservation Association is very concerned about the lack of time for the broader community to have an input into this really important and significant process. Past vegetation clearing in South-East Queensland has resulted in less than 30 per cent of our habitat remaining. Current scientific knowledge and evidence in Australia and internationally and within Queensland indicates that less habitat results in lower biodiversity and degradation to our critical ecosystem services. The current amendments under the bill are not sustainable. This is not protecting vegetation, which is the original intent of the Vegetation Management Act. It is clearing vegetation. Clearing vegetation results in a loss of biodiversity. That is proven through scientific research. Koalas and other endangered and threatened species in Queensland and Australia are currently threatened by those key threatening processes as identified under the EPBC Act.

Remnant vegetation and regrowth vegetation are both of significance. Regrowth vegetation is often supporting and buffering connecting areas of small remnant patches, particularly in South-East Queensland. This makes them of high biodiversity value. They are under considerable threat through the exemptions proposed in the bill and also through proposals to protect nothing other than high-value regrowth vegetation. LACA does not support the lack of protection for regrowth vegetation. We do not support changes in the lot size triggers from two hectares to five hectares because the majority of lots within South-East Queensland are under the size of five hectares. This potentially creates huge threats in terms of small patches of biodiversity that potentially are of very high significance being threatened.

CHAIR: Thank you, Ms Page. We will move to Mr McDonald.

Mr McDonald: Thank you. The concerns that we have mainly lie around the nature of South-East Queensland and the impacts of the framework on our region. Seventy per cent of the state's population lies in only 1.2 per cent of the land mass for Queensland. That obviously creates some significant issues. Of major concern is the change in the regrowth conditions, not so much for the standard reasons but because in South-East Queensland category R under the new proposed bill offers us a great opportunity to do something about the threats and impacts on our water supplies and on our bay and other things. SEQ Catchments is concerned about some recent studies which show the bay itself contributes around about $5 billion to the economy, similar in size and contribution to what the reef does for our economy. So we think there are significant risks associated in not analysing and looking at the impact of that. You will see in our submission that we recommend that we do something about a risk analysis at a landscape scale, reintroduce some catchment management principles and then have a look at how the bill affects those so that we do have a reliable and safe water supply.

The lifting of the trigger from two to five for MCR-ALs, again we believe in our analysis that there is some 42,800 hectares of remnant or endangered ecosystem at risk by changing that. That in itself is a major issue. The average lot size for our region is only two hectares if you calculate it out. The last thing, I guess, associated with the triggers is that there is probably an assumption by the agency that local government will be able to assist. In some cases that is very true; in other cases, certainly in South-East Queensland and I know across the state, local governments do not have the resources or the expertise to be able to look after those amounts of vegetation.

CHAIR: Thank you Mr McDonald. Mr Jinks?

Mr Jinks: Thank you for the opportunity, Mr Chair and members of the committee. I will first start by saying that I have about 25 years experience as a field botanist. I also represent the Gold Coast and Hinterland Environment Council (Gecko) and Wildlife Preservation Society of Queensland, Gold Coast Branch. So I am reasonably familiar with the vegetation communities being expressed as part of the subject here. I would like to make a couple of general points. One is the concern of some of the terminology being used. Whether it is deliberate or not I don't know.

'Environmental responsibility' seems to be now 'regulatory burden', 'duty of care' seems to be 'green tape'. That does concern me. I am also concerned about the four-pillar economy which this act seems to be based upon. It does not seem to consider the environment. My concern is that the environment should be a foundation to those four pillars or they might just collapse.

The main point I would like to make is the purpose of the act seems to have changed from regulating the clearing of endangered and of-concern vegetation, maintain or increase biodiversity and to allow for ecologically sustainable land use to just that of sustainable land use. We don't know yet what sustainable land use actually means. If I can give one example of one endangered community in South-East Queensland called eucalyptus pilularis or blackbutt forest, there is about 7 per cent of the original 7,800-odd hectares remaining. It is endangered because it is less than 10 per cent. That was in 2006. The mapping by the Herbarium showed that there was 7 per cent remaining. In 2010 a study was done by a UQ student Natalie Hoskins under the supervision of Dr Kerrie Wilson. Another 40-odd hectares has been cleared in just the four years to 2010. My concern is that under the current legislation, the current Vegetation Management Act, there is a further significant amount of clearing that can still occur in that endangered ecosystem. One hundred and eighty-nine hectares can be cleared for urban development, roads and infrastructure, a further 234 hectares has high to medium risk of reduced biodiversity from weeds and other factors including altered fire regimes. That leaves us about 1.1 per cent under the current regulatory framework. So my concern with the new bill is that a lot of those protections have been lifted or will be lifted. I don't know, I don't have the facts in front of me, as to the state of other endangered regional ecosystems in Queensland, but if this is an example it does make me very concerned about the future preservation of these very important areas.

CHAIR: Thank you Mr Jinks. We will move to Mr Fitzpatrick.

Mr Fitzpatrick: I would just like to read some of these points to you, if I may. Firstly, the intent of the existing Vegetation Management Act was to protect remnant vegetation and high-value regrowth. That recognised the importance to Queensland of protecting vegetation ecosystems and biodiversity. On the other hand, the new amendments to the act now being considered have a different intent—quite clearly. They are about enabling the clearing of remnant and high-value regrowth in Queensland and there is a distinct difference there. The federal EPBC Act rightly identifies land clearing as a key threatening process. These amendments therefore cannot be about sustainable land use. The word 'sustainable' has been misused in the amendments accordingly. The oxymoronic term 'environmental clearing' is listed as an exception, where landholders are able to assume the role of engineers and make possibly adverse alterations to the landscape. That appears in the amendments. These terms appear to have the role of sanitising what will be environmentally destructive practices—that is, they act as greenwash and as such I believe they should be removed from the amendments. The amendments should be saying it as it is.

The amendments have come out of old thinking. One of the core exemptions proposed for clearing remnant vegetation—that is, for high-value agriculture—is aimed at doubling food production by 2040, as we have already heard. Theoretically this could require clearing as much land as has been cleared from settlement. Obviously that will not happen in practice, but if we are going to double things, doubling food production appears to be a political aspiration that cannot be achieved through these amendments and, rather, the opposite. Embracing the short sighted, unscientific third-world method of simply clearing more land and erasing biodiversity will make our current agriculture areas and waterways less productive and more vulnerable to climate change impacts, reducing our capacity to control diseases and pests and encouraging even greater use of chemicals and other interventions. To remain competitive in the face of new technologies and the impacts of climate change, Queensland will need to be smarter than this, making better use of what we have, enhancing waterway protections to connectivity while encouraging agricultural innovations that will add value to our economy beyond food production.

CHAIR: Thank you Mr Fitzpatrick. We will have to cut it short there so that we can start the questioning. Can I start with just a general question across the board. The changes that are proposed within this bill, from an environmental perspective the protections that are existing under the Environmental Protection and Biodiversity Conservation Act will still be in place. Are you confident that the EPBC Act will provide those environmental protections as an overlay on what is being proposed in this bill for your concerns?

Mr Jinks: Not at all. It only relates to certain types of organisms, if you like, endangered and vulnerable species, not near-threatened species, and there are only a few listed regional ecosystems or vegetation communities that actually fall under that act. A lot of the areas of Queensland that are now protected under both the Queensland Nature Conservation Act and the Vegetation Management Act are outside, over and above, that that is controlled by the EPBC Act to my knowledge.

CHAIR: Other views?

Mr McDonald: I guess the other addition to that is that the EPBC Act only looks after controlled actions and, for example, the change in trigger more than likely will not even register on the EPBC Act radar.

Mr Fitzpatrick: I would like to make a point, too, that under the current moves to and probably likely outcomes to devolve the EPBC Act to a state approval level, and given that states are cutting back their staffing levels and so on, the capacity of the EPBC Act to be effectively applied in this is going to be limited more and more down the line.

Ms Page: I concur with the comments made already. In the local context of the Logan City Council area and the Scenic Rim Regional Council area there are significant major infrastructure projects proposed under the South East Queensland Regional Plan that involve major satellite city developments and also major pieces of community infrastructure that would be exempt under the amendments for this bill. Both of those have significant impacts on reducing connectivity of habitat. Some of the habitat is remnant habitat but also significant areas of regrowth habitat to the point where co-locating infrastructure—a major motorway extension proposed corridor routes of six lanes wide—in addition to major power line easements of Powerlink easement widths, in addition to sewerage and water infrastructure, all compounded and co-located together, makes really significant barriers for disbursal of genetic material. This is in a context of six kilometres wide and an existing 10-lane proposed Mount Lindesay Highway and in the centre this massive, massive corridor of proposed road corridor through state reserve which is remnant vegetation. So under the current proposal it stands to lose huge.

Mr HART: The general stream of what you are telling us appears to me to be that the Vegetation Management Act is about protection. The bill that we are introducing here is about management. That is why it is called a Vegetation Management Act. One of the streams of that, of course, needs to be protection. Should this be about management or should it all be about protection?

Mr Jinks: It should be about sustainable land use. We still don't know what that term is from the government's point of view. I would put to the committee that the most sustainable land use is of natural vegetation. It gives us air, water, the life support that we depend on. I am not quite sure what could be more sustainable and therefore should be managed under this act.

Mr McDonald: I guess the easiest way to explain it is about management, management of our natural assets as well as management of economic outcomes and other results that the government is after under its four pillars. I guess the premise that we take it from is in doing that management you can have it all. And I guess listening to the World Wildlife Fund that was the message as well. It is just this bill proposes measures which compromise that and it really is behoven on the agency to do some research about those impacts so that you can make an informed decision.

CHAIR: I am conscious of time so I will go to the member for South Brisbane.

Ms TRAD: Mr McDonald, just in relation to SEQ Catchments, are you familiar with the penalty regime under the Vegetation Management Act and are you aware of the prosecutions, if it has been an onerous and vexatious—or aggressive I think the minister used last year—approach to the management or the application of the law in South-East Queensland?

Mr McDonald: The short answer is there is a fairly strong and onerous responsibility on the field people collecting data that then goes into head office into the prosecutions area. And in the last couple of years the mentality around that changed. I guess, nonetheless, the onus of proof that the agencies had to go through is as high as anything I know of in any other process.

CHAIR: When you say the attitude changed in the last couple of years, changed from what to what?

Mr McDonald: It changed from one of, I guess, a standard approach using those provisions that put the onus of proof back on a landholder through to one of perhaps more vigorously pursuing penalties, higher penalties and those sorts of things. It was really only in the last couple of years that I am aware of that.

CHAIR: But there was a noticeable shift in that attitude?

Mr McDonald: There was in terms of the court side of that action, not in terms of the investigations process.

Mr MULHERIN: This is probably a question to the whole panel, is there any way that the introduction of self-assessable codes could be supported by the conservation sector and, if so, how would they need to be developed and what would they need to include?

Ms Page: Our current experience in the Logan and Albert Conservation Association, we have really big concerns in relation to self-assessable codes. The implication there is that the onus is on the person who is applying to basically be truthful and factual. The majority of the community will be truthful and factual, however, there will be people who will colour their application to make it fit their purpose. We have had this experience where we have had, with code-assessable development, developers who have basically argued that koalas are extinct in the suburb of Greenbank and it was only through community informed sightings that we were able to prove that that is not the case.

In the issue of self-assessment, often the person who is making the assessment is not necessarily an expert in all fields. So, for example, people may not be aware of what the biodiversity values are of their local area. In the area of the old Beaudesert shire, which is currently now Logan City Council west and Scenic Rim Regional Council north, there is a big black hole of biodiversity flora and fauna data and this has caused huge issues in terms of the whole planning processes at various state and local levels.

CHAIR: Would any other members like to answer because we will have to wrap up.

Mr Jinks: I would like to make a quick comment that I believe code assessable would be a minimal requirement and that is on the back of I spent several years as a part of the vegetation management working group for the current act where all stakeholders spent a lot of effort and energy to come up with codes that were acceptable to all parties. I concur that I do not believe that it is possible for any landowner to have the extent of expertise in all the criteria required to be able to self-assess.

Mr McDonald: I guess our view is we are half owned by a members' association which includes landholders and I guess our belief is that as long as there are appropriate education awareness programs, plus a form of compliance, at the very least an assessment process to back it, self-assessable codes are possible.

Mr Fitzpatrick: I concur with Anne's comments about the self-assessment not working. Our experience on the ground has been that continually we are finding that failing through the Logan region.

CHAIR: Can I thank you all very much. The time for this session has now expired.

Mr Jinks: Mr Chair, if I may table the research paper that I based my information on?

CHAIR: Is leave granted to table that? Leave granted. Thank you.

CHAIR: I thank you all for your attendance here today. This hearing will now adjourn until 11.20.

Proceedings suspended from 11.00 am till 11.20 am.

ERHART, Ms Dorean, Principal Adviser, Local Government Association of Queensland

McDONNELL, Mr James, Environment and Sustainability Manager, Logan City Council

CHAIR: We will now resume the public hearing for the inquiry into the Vegetation Management Framework Amendment Bill. Would you care to make an opening statement, Mr McDonnell?

Mr McDonnell: Yes; thank you, Mr Chair. The Logan City Council has a very high interest in the Vegetation Management Act and, to an extent, both the Nature Conservation Act and other acts that to a large extent impact on development, that both constrain development but also assist in us planning a greener future for Logan City Council. We have expressed some concerns in relation to the proposed legislation, but I think probably the first point is that we think that we have not really been afforded sufficient time to actually do it justice. The net result is that my officer had four days in which to review—come to grips with—the act, the changes and the legislation. There is a significant lack of detail with regard to really what are the costs, the benefits, the risks et cetera and certainly the implications for local government. I think that that is what I would potentially like to briefly focus on today if I could.

CHAIR: I then commend you. Given the brief time, your submission addressed a range of issues which were important. For the benefit of the committee, what aspects of the bill do you support and what aspects of the bill do you have serious concerns with?

Mr McDonnell: I think it would be fair to say that what I do support very strongly is the drive to cut green tape and red tape. It is confusing to say the least, even at the local government level, in relation to how we assess developments, the range of requirements and steps and the complexity of that. It is a full-time job for the local government officers just to keep up with that, let alone for the industry to actually try to comprehend it as well. Obviously that leads to significant cost to industry and a significant burden to local government. We certainly applaud a rationalisation of the legislation, but I, to a large extent, do not think that the proposals as we see them today go far enough with regard to the alignment of matters such as vegetation protection under the NCA, the Vegetation Management Act and all of the measures that exist out there with regard to conservation generally—that is, legislation as a whole package—which leads to, I think, wasted resources. So we certainly applaud the approach of actually looking at it, but I would be recommending more broadly that you deal with some of the immediate overlaps but actually take a much broader scope in looking at a number of pieces of legislation that could be rationalised.

CHAIR: Thank you, Mr McDonnell. Ms Erhart, would you also care to make a brief opening statement?

Ms Erhart: Yes, I will. I will actually read from a statement. I want to thank the ladies and gentlemen of this committee for the opportunity to appear at this hearing. The Local Government Association of Queensland, for those of you who may not be aware, is the peak body for local government and it is a not-for-profit association set up solely to serve councils and their individual needs. We have been advising, supporting and representing local councils since 1896 and allowing them to improve their operations and strengthen relationships with their communities. The LGAQ's membership comprises all of the 73 councils in Queensland.

We would like to address the purpose of the bill to begin with. The LGAQ supports the bill in principle with the resolution of some of the issues that I will be outlining in this statement and pending consultation on the associated regulations and codes with the LGAQ and with local government. The LGAQ also supports regulatory simplification and green-tape reduction where the processes and regulations do not practically contribute to or obstruct obligated persons in meeting the purposes and objectives of the relevant legislation, and that is an important point. A fundamental principle of making legislation is that the effects must be measurable and enforceable. This is not possible without the clear definition of terms, particularly in the purposes and objectives of the legislation.

The purpose of the Vegetation Management Act 1999 is proposed to be amended in this bill to include the term 'sustainable land use'. However, the bill does not include a definition of what sustainable land use is. This was a shortcoming in the original legislation and it should be rectified in this amendment bill. A number of the proposed changes are being made to remove the overlap between the Vegetation Management Act and the Nature Conservation Act. However, the proposed

amendments do not completely remove the need to obtain approvals under both acts for different aspects of vegetation management, and this may cause confusion by creating a new and unfamiliar process, so we are supporting what Jim has said about taking a broader approach across all of the relevant legislation.

With regard to consultation, the LGAQ is concerned that the bill was presented to parliament without prior consultation with local governments. In this instance, local governments are a stakeholder across the full spectrum of the effects of this bill. They are applicants lodging permits to clear for their operations, they are also called upon to advise and facilitate this process for development proponents, they are land managers with community mandated goals for the achievement of conservation of natural values in their local government areas, and they have an enforcement role under the Environmental Protection Act which may come into play should the effects of these amendments result in environmental damage such as erosion and sedimentation.

The proposed changes to the Vegetation Management Act have the potential to negatively impact the effectiveness of local governments' roles and operations as they relate to this legislation. Neither the development of the bill nor the committee's allocated consultation period were in line with the agreed time frame for consultation with local government as set out in the Partners in Government Agreement which has been signed by the Premier and Minister for Local Government on behalf of the government of Queensland and the president and chief executive of the LGAQ. As a result, the LGAQ has not had the opportunity to meaningfully engage with its members to determine a consensus position. Also, many individual councils were unable to make a submission because the time frame was too short to allow submission to undergo due council process prior to being made to the committee. Further, the bill is presented without accompanying regulations and codes. It will not be possible to understand the full effect of the proposed amendments without this documentation.

CHAIR: Ms Erhart, I might just pull you up there. I am keen for us to be able to ask questions.

Ms Erhart: Sure.

CHAIR: Appreciating what you have is valuable—and you may wish to table that for our benefit later—I am keen to move to questions. Mr McDonnell, I do note that in your submission you make reference to a council's committee-of-the-whole meeting which was scheduled for 16 April and a submission following that. Do you have anything that you wish to table from that meeting? I would just like to extend you the opportunity, that is all.

Mr McDonnell: No, there were no changes as a result of that.

CHAIR: No changes as a result; okay. I just thought it would be wise to clarify that.

Mr MULHERIN: Mr McDonnell, is there any danger that a simplified mapping process will make it impossible to actually assess the amount of land that has been cleared? You made some reference to remnant regrowth not being able to have the opportunity to reach maturity and that a simplified mapping process will impede the ability to assess how much clearing has been done.

Mr McDonnell: Probably prior to answering that, I will just give you a perspective as well. I was with the Queensland Parks and Wildlife Service for 17 years as area manager on the Gold Coast and district manager at Charleville, so I also look at legislation changes from a broader perspective, particularly some of the issues in the mulga lands. I would applaud simplification of the mapping as it stands. To my mind, there was a lack of science in relation to some of the criteria that we used and some of the aspects of how it was mapped. It is confusing to the parties involved that there are different maps. The problem, however, I see is that the mapping itself of the scale that it was conducted originally is not particularly accurate on the ground for local government purposes, and we had undertaken a complete review in working with the Queensland Herbarium to rectify that for the whole of Logan City. For some of the sites that we mapped, particularly in Park Ridge for the Park Ridge development area, at the time I think 40 per cent of the mapping was in error and of that 10 per cent of it needed to go up in classification but the other 30 per cent needed to go down in classification. The framework as it is set at the moment looks as though the classifications can only go down as opposed to up and that is the detail that I think is potentially missing. Once you map something and say that that is the map—that is the law—how do we then go about, when you get down to the detailed assessment of a site, determine that it is not actually what it is perceived to be? More often than not it is overrated; other times it is underrated. The problem as I see it is that it locks it in at a point of time with a certain level of science that may not be right at the time. I think there is some more work. The regrowth mapping, from a local government perspective at our scale, was unsatisfactory.

We developed a new methodology to be able to better map that because we were having to apply some of the regrowth mapping in areas where there was simply no vegetation but it was mapped as regrowth. And vice versa: there were areas that had very good quality regrowth vegetation that were not mapped at all. It is important to get the science right on that. It is particularly important for the development sector to get that right. I think locking them in on the maps at a point in time always has a certain risk to it.

Mr MULHERIN: We heard earlier today, not from the Herbarium but from AgForce, that the Herbarium says that 80 per cent of the maps are correct but there is a 20 per cent error in the maps. Do you agree with that assessment?

Mr McDonnell: I suspect that would probably be right. It is a scaling matter. When Queensland was mapped it was obviously mapped at a certain scale. I think it was 1:100,000. When we come to putting vegetation mapping on to properties at the local government level, we go down to 1:30,000. So it is much finer. At the same time, that comes with difficulties as well. Certain landowners and sectors will hire consultants to give them the answer they want, and it is quite easy to modify the mapping as well—simply go through and mark all of your trees. If it is endangered habitat dominated by a particular species you go through and mark all the trees, use a computer model to get transects and position your transects so that your important trees do not show up and the less important do, and suddenly you have a classification that is one level down from what it should be. There are tricks and games that are played all the time, and I think no matter what you do with legislation it really comes down to what is assessed on the ground at the time.

Mr MULHERIN: How do you feel about self-assessment codes? Are you in support of self-assessment codes?

Mr McDonnell: I would say generally it depends on the scope and the level of it. If it is self-assessment for a really large scale, where the person has a vested interest in a certain outcome, you have a potential risk issue to deal with. Some of that self-assessment can come back and bite you politically. We have attempted at different times to allow more flexibility in our vegetation protection at the local government level and 90 per cent of the people will do the right thing and will apply it well. It is the other 10 per cent that cause you some embarrassment at times.

Mr MULHERIN: You heard from AgForce about self-assessment, particularly with watering points on properties and the experience out at Charleville with setbacks from fence lines. Would you support that level of self-assessment?

Mr McDonnell: Certainly. There was a huge amount of work done—I cannot remember the years—with the regional vegetation management planning process, which I think was really, to a large extent, put to the sword by the regional forest agreement. There was a lot of very valuable work done at that time to actually develop up in effect what would have been codes. It is practical land management and looking at the broader situation across Queensland. I think the way to go forward is to potentially revisit those things and develop up codes that are reasonable and workable. I think the problem that I saw, particularly in the mulga lands, was legislation that really did not make sense for mulga, which is effectively a fodder and it is being pulled for the third time. That said, there are different regional ecosystems in Queensland which warrant some better attention.

I think the failure, to an extent, of governments in the past has been to not actually go out and be proactive with the rural sector—they are extremely inventive—to come up with solutions that actually work for particular land systems. It is almost a land system by land system process—how to get the maximum production and have your cake and eat it, too.

CHAIR: Earlier one of the submitters made the point that the earlier act was a broad brush that was across all of Queensland. That picks up on the point you make about the difficulty in adapting to certain areas. Do you feel that this bill provides the opportunity to modify and adapt for particular areas across the state?

Mr McDonnell: I think it may well. The problem is that without the detail we do not know how the codes or any of that would work. It is sort of missing the detail to give one confidence that that might be the case. I think therein lies one of the challenges in relation to marketing it as a good outcome—the lack of detail, to a large extent.

CHAIR: Dorean, do you want to pick up on that as well? I just note that you nodded your head quite vigorously.

Ms Erhart: From the conversations we have had with councils in the available time, that is one of the issues that has resounded throughout all of that—that is, without the detail we do not know exactly how successful these amendments are likely to be. We understand that this is a head of power, but the extent and scope of the effect of this are going to be in that finer detail and the other documentation.

Mr MULHERIN: You made some reference to the Partners in Government Agreement between the state government and the Local Government Association for consultation on legislation.

Ms Erhart: Amongst other things, yes.

Mr MULHERIN: What is the length of time for that consultation?

Ms Erhart: It is a four-week time frame.

Mr MULHERIN: That is the reason you are saying you cannot speak on behalf of all of the local governments in Queensland, because the time period to consult with them has not been brief?

Ms Erhart: It is short. Most council time frames for them to actually get a submission out is a minimum of four weeks—sometimes six, preferably. So we have in the agreement the minimum time frame required. Obviously this government is very busy and so are we in making submissions generally, so, yes, a four-week time frame is preferable.

Mr MULHERIN: So the submission from Logan could be different from the submission from Murweh?

Ms Erhart: Yes.

Mr McDonnell: If I can briefly speak to that, I think certainly councils in South-East Queensland have significant resources in comparison with the western councils. I visited a lot of councils out there whilst I was district manager. My broader vision would be that the Vegetation Management Act would contain a component that would allow the chief executive officer to devolve all of the regulatory components to local governments that meet a certain standard with regard to vegetation protection, offsets and the like and that the state takes no part in that whole process.

The Logan City Council is already doing the vegetation assessment. We are doing the regulation. We are doing the compliance components. And we have been for some time, at the behest of the community, which wants a measured approach to how you manage vegetation for the whole of the community. That has resulted in us having fairly broad protection that goes way beyond what the Vegetation Management Act contemplates. But we do rely on our biodiversity assessments, which are extensively mapped over the whole city on those classifications of remnant vegetation—endangered is the top of the tree and working our way down. We have some 20 criteria that we map to the 100,000-odd parcels of land in the city.

Our preference would be that, certainly from our government's perspective, to ease the burden on the business sector they should only need to apply to one level of government for their relevant approvals if that level of government is dealing with the matters that the state is concerned about. I have an environment assessment team. In the past we have waited sometimes an inordinate amount of time to actually get responses from government in relation to some matters. Very often the mechanisms that go with that vegetation protection have been poorly developed from a policy perspective. For example, the offsets for koala conservation were more designed such that, even after you had your approval, the cost of the offset made it prohibitive to do the development. That is not the way it should be. Once a development decision is made, the offset should be at the true cost of offsetting that unavoidable harm.

CHAIR: Can I just pick up on that. It is quite an innovative proposal you put forward, that the regulation side is being developed at the local government level. How would you see consistency, or at least a degree of consistency, between different local government areas? Or is it something that you would be saying each local council could develop respective to their area and their community and what their values were?

Mr McDonnell: Certainly. One of the unfortunate parts of poor policy development, from my perspective over the last 10 years with the state government, is that they have developed policies and regulations and forget the detail—forget the implementation of it. As a consequence, every local government then goes and tries to interpret that and how to manage it. They come up with their own local laws or their own scheme or they have something different in a planning scheme, and every council is consuming a lot of resources doing that. If it were not for the state that actually worked through that with local government and actually set a set of standards that could be met, the

state would not need to deal with quite a lot of these matters. It would be simply a matter of the local government having a certain standard of vegetation protection that exceeded the state interest—for example, that was protected more. And we do. We protect a lot more. Effectively, it is a broad vegetation cover across the city. And that is not to say that we do not approve vegetation clearing, but it is on our shoulders and it is much simpler and cleaner. And that, to my mind, is one of the issues.

We have not had the time to explore where we sit with the situation where the state says under the VMA that a property owner can clear vegetation and at the local government level we say, 'No, you can't.' Normal rules in relation to the legislation are that the state legislation overrides the local government legislation, but that puts at risk the community's view that the vegetation should be protected until such time as development proceeds.

Mr HART: Just following on from that—I think you have already answered half the question anyway. So are you suggesting that a local council authority may have their own vegetation management system ticked off by the government once a year and that is an overarching acceptance by the state government that the council then makes all those decisions?

Mr McDonnell: That is what I am alluding to, but it is not something that you could, because of the resources of some local governments—

Mr HART: But it could apply to some local governments.

Mr McDonnell: It would not happen in Ilfracombe. Honestly, the councillors in local governments in South-East Queensland take the service to their community seriously and they believe that they should be making the decisions and then the matter goes off somewhere else. But there need to be the policy checks and balances and the state needs to set the rules. It needs to meet a standard and there needs to be some reporting back to the state in relation to that. It is as simple as it needs to be.

Ms TRAD: I understand that Logan City Council still has quite a bit of, I guess, regrowth and remnant vegetation that allows for koala populations to continue existing within an urban setting. Can you comment on the impact this legislation will have on some of those koala populations, if your unit has done some preliminary thinking around it?

Mr McDonnell: Given the time frame, we did not have the time to dig down into that assessment. There may be 30,000 to 40,000 hectares of regrowth vegetation that the state sees may well be at risk in relation to these changes, but therein lies the question. We have protection over it at the local government level. We have to deliver a net gain in koala habitat under the changes in relation to the protection of koalas, and we take that seriously. So we have an offset scheme which is at cost. It is not designed to prohibit development or make it unnecessarily costly. We can trade those offsets to allow development to proceed in those areas. So we will still be looking for the capacity to continue that on in the future. I am uncertain as to where we stand legislatively on that.

Mr HART: This legislation should not make a difference to that then at all?

Mr McDonnell: In the past we have had vegetation protection that certainly exceeded that of the Vegetation Management Act. We have not been challenged in court yet with regard to—

Mr HART: That should not make a difference at all then?

Mr McDonnell: Hopefully it will not but we would seldom get situations where we are given refusals. Where we do have some real challenges—we have some sites in the city where, historically, we have not had vegetation protection. It has been low value regrowth. Only just recently we had another 12 hectares that was cleared. Certainly there was a small loss of koala habitat in that—and it is within the property owner's right to do that under the legislation as it stood. But they removed everything—every blade of grass off that property—and now we have an erosion and sediment issue to deal with and complaints from neighbours.

Mr HART: As far as koala habitat goes, this legislation will not impact at all in your view?

Ms TRAD: With all due respect, I do not think the analysis has been done, as Mr McDonnell said. I am not sure that pressing him for an answer not based on evidence is pretty—

CHAIR: I was districted by the moment there and I apologise for my colleagues. Are there any other questions that we would like to pick up on?

Mr HART: You both mention you would like to see a definition of 'sustainable land use'. Have you given any thought to the wording of what the definition might be?

Mr McDonnell: No, I certainly have not had time to address that.

Ms Erhart: Neither have we. We would not frame something like that without consultation with our counsels.

Mr MULHERIN: I think the draft legislation needs a lot more work before it goes into parliament for debate.

Ms Erhart: Our opinion is that we would like to see the regulations and the codes associated with the draft legislation before we could state an opinion on that.

CHAIR: Thank you. In my time in parliament a consistent criticism has been that governments of all persuasions have introduced bills without the regulations associated with them and people wish to see where it goes through.

Ms TRAD: Definitions, David.

CHAIR: We are talking about the regulations here. Can I pick up on a point that was made with regard to self-assessment clearing in the context of a natural disaster and ask if you would like to expand a little bit upon that? I think it was in the Logan submission with regard to flooding issues and watercourse areas.

Mr McDonnell: We would just express some general concerns. One of the key components in relation to our planning scheme is the protection of our waterway network. I would certainly implore the process of getting some better definition around what watercourses are because it leads to significant confusion across the state. So better mapping of that is applauded. We classify vegetation along the waterways depending on the category of the waterway and protected out 15 metres, 30 metres, 50 metres or 100 metres. We put our highest level of protection on that basically for sediment and erosion control. That is for the upper storey vegetation. We certainly allow treatment of the understorey and management of it appropriately.

CHAIR: In the context of the recent disasters, have there been any issues with regard to the ability as part of the recovery effort to clear in any of those waterways? Do you see that this bill would assist or hinder in that?

Mr McDonnell: I would say it is more a potential risk that a person wanting to clear vegetation on their waterway will use it basically for other ends as opposed to—I have seen plenty of situations across Queensland where some of the vegetation did need some treatment, but it is predominantly the understorey. I would be concerned that if you have legislation that just simply allows landowners—I would be less concerned about the rural sector. I think they are far more pragmatic but certainly in the periurban environment the tendency is for people to buy larger properties and clear as much vegetation off them as they possibly can to ensure that their potential development in the future is assured. For every hour that I could spend trying to work out ways to prevent that they have probably 10 hours to sit in a pub and try to work out a different way.

CHAIR: Some of the best decisions are made in pubs! Are there other questions?

Mr HART: This legislation seeks to fix some issues that the government saw with the 1999 Vegetation Management Act. Is there anything else in the 1999 act from a local government perspective that you think should be rectified in this legislation?

Mr McDonnell: We have had some difficulties with the sustainable forestry code, but I am not quite sure whether that relates back to the 1990 act; it was structured underneath that. That was people speculating on land coming in and then using the sustainable forestry code to clear as much vegetation off the property as they can, predominantly in the area west of the Mount Lindesay Highway where they perceive that they had a future development potential. But the reality is that is in the Karawatha-Flinders corridor. Most of the land is relatively steep, highly erodible and not really suitable for development. Given the supply of land, it is pretty well assured that, with Yarrabilba, Flagstone and others, land for development that they contemplated would probably not be needed for another 75 years is being misused to clear as much vegetation as they can under sustainable forestry. I think we would ultimately like to get to the situation where we actually rein that in but also have a proper sustainable forestry code. Property owners should have the right to be able to harvest a certain amount of vegetation and timber off their land given the fact that they are growing it. I think getting the code right is the important bit.

Mr MULHERIN: Earlier you said that some years ago there was progress being made on working with rural landholders around code assessable practices but then a forestry agreement impacted on that work and undid that work. Do you want to elaborate more on that?

Mr McDonnell: Yes. It was an interesting time. Out at Charleville there were some clearing practices that were even frowned on by the Warrego Graziers Association at the time and others. They related to people coming in and basically pulling major properties of 30,000 hectares at a go. Someone from Sydney has a lot of money to spend, not necessarily as a tax avoidance scheme, as a taxation exercise and a large investment goes into that clearing. So the rural sector out there was as concerned about that as probably many environmentalists would be. Those regional agreements and the practices were being built up to develop a good set of codes. It is not all about knocking down all the trees on your land. You need a good balance. The ideal mix in the mulga lands, for example, is about a thousand trees per hectare, but there are some properties out there that would have 30,000 to 40,000 trees per hectare and a dog could not bark in it. That land, because of some of the policies that exist at the moment, simply sits there until a massive fire burns through.

I would be recommending that in addition to there needing to be that consultation with local government on the finer detail of this and how it should work, they also need to go out to those communities and work through those codes and get the practices right for each different land system, and they are markedly different land systems and they require that expert management from people who have been on the land there for many years.

CHAIR: Dorean, do you have views on that?

Ms Erhart: I have to say that Jim has actually covered off pretty much all of the things that I would have raised with regard to that and with regard to other points that we made in our submission as well. It has been very consistent.

CHAIR: Thank you very much for your time. We really appreciate your ability to be here today and the submissions that you have provided for us. Just for clarification purposes, your existing submission had an in-confidence request.

Mr McDonnell: Yes, that is now gone.

CHAIR: You are now happy for that submission to be available on the web along with all the others?

Mr McDonnell: Yes.

CHAIR: Thank you for that clarification. The time allocated for this session has now expired. I thank you all for your attendance. I call forward Mr Brett Campbell from Origin.

CAMPBELL, Mr Brett, Team Leader, CSG Policy and Strategy, Origin Energy

CHAIR: Mr Campbell, thank you for your presence here today. Could you please state your name and the capacity in which you appear before the committee.

Mr Campbell: My name is Brett Campbell. I am from the CSG Environment Group in Origin Energy. I am team leader for policy and strategy.

CHAIR: Would you care to make an opening statement?

Mr Campbell: Yes. Thank you for the opportunity to address the committee. Origin welcomes the committee's work in reducing red tape and the regulatory burden. Origin largely supports the amendments made specifically such as consolidating the RE mapping into one regulated map. In principle, Origin also supports the proposal to have regulated mapping for wetlands and waterways as it will streamline the current issues faced by industry, developers—basically anyone who is trying to do any development, whether it is sustainable or not, associated with wetlands.

We do have a couple of concerns with the mapping process. It is mainly around the detail and how that is going to go forward. Our first concern is that the mapping may be based on some of the mapping out there. The largest suite of mapping is based on the Queensland Wetlands Program and it covers everything from the internationally listed wetlands through to regional ecosystems that may have a wetland component to features on topographic maps ranging from 1 to 25,000 to 1 in 100,000. So we are concerned that if Queensland Wetlands Program mapping is used as a basis we will have some of the errors that have been talked about previously. There are huge problems where waterways are mapped where they do not occur—they could be just drainage channels—and wetlands cover large expanses of land. If that actually happened, it would be against the whole objective of this bill. You would be stifling sustainable development and not achieving any ecological outcomes.

Just a note, the CSG industry is exempt from the Vegetation Management Act under the petroleum and gas act. However, under the Environmental Protection Act we have to consider category A, category B and—under our environmental authorities—category C environmentally sensitive areas. Those relate back to this mapping that is done under the Vegetation Management Act. So it does impact us on a day-to-day basis.

Our second point with the legislation is that there seems to be no mechanism put in there for validation of these wetland areas. As opposed to the PMAV process, there does not seem to be any mechanism where we can dispute, based on ecological grounds, an error in the mapping such as where a wetland is shown and it does not actually exist or does not have the characteristics that you are trying to conserve or where a wetland is not picked up that does have conservation values. Similar to the previous presenters, we are concerned about how quickly this has gone through. It just needs a bit more detail to avoid any issues that we have had in the past about REs and validation. Generally, we are supportive but we just need to see a bit more detail and hopefully it will be a good outcome.

CHAIR: Thank you very much. The committee has heard evidence today—and I think you might have been here for a little bit of Logan's evidence as well—with regard to errors in the mapping. Can you take us through your specific concerns with regard to ground truthing—whether that is occurring enough or whether there is just a reliance on the satellite imagery?

Mr Campbell: I guess there are two points to that. I am actually an ecologist of 21years experience as well and I have worked from Far North Queensland to out west and South-East Queensland. The figures given before of the 20 and 80 per cent accuracy, that is probably correct for a lot of areas. On Cape York, for instance, probably 50 per cent of the REs are adequately mapped. It needs a lot more detailed mapping. We are also finding probably about 60 per cent is accurately mapped out in the gas fields. That is just off the top of my head, though. Under the EP Act and our environmental authorities, we have a process where we actually ground truth the REs. As I said, we do not go through a PMAV process, but we just put the information back into the Queensland Herbarium. We are doing that regularly. Unfortunately, that impacts us greatly through the ESA buffers, because we go out there just prior to settling on a well location or a gas processing facility location and find that that vegetation has to be upgraded and then we get a 500-metre buffer, but that is another issue.

In terms of the accuracy of the wetland mapping, the Queensland Wetlands Program has done some wonderful work. They have prepared this map that covers all different types of wetlands from the internationally listed ones and the Bonn Convention and Ramsar, but they have included the regional ecosystems with a wetland component. That includes wetlands like 11325, which has a blue gum component, eucalyptus tereticornis, which grows on flood plains. So these REs are quite large polygons and only a small component of that is actually wetland.

CHAIR: But the whole area is mapped as wetland?

Mr Campbell: Is considered in the Queensland mapping program. So we have to then go out and validate that those ecological characteristics of a wetland are actually there when we are planning our process. This is one of the issues with duplication. Many of these REs that are mapped as wetland REs or listed as wetland REs of concern are endangered anyway. So you are actually doubling up and you are not capturing the specifics that you are trying to, through this wetland mapping to conserve wetlands.

CHAIR: And your concern is that this bill then does not go far enough in addressing that doubling up and that additional red tape and regulation that is in place?

Mr Campbell: Yes. The process of how these wetlands will be mapped, because at the moment the Queensland Wetlands Program mapping just covers so many different areas. It is just a catch-all. In saying that, the Queensland Wetlands Program has been an excellent program. They have a number of guidelines that have come out to actually further define wetlands in the field based on scientific principles and other guidelines on how to manage those, how to apply buffers. The mapping is not there yet. They know the process to move forward with that mapping. But that will take a lot of time and a lot of government resources to get that mapping to a decent scale.

Mr MULHERIN: Are you happy with the guidelines?

Mr Campbell: Yes. If there was a PMAV type process or a wetland amendment process written into the bill, these guidelines could be easily transferred into a guideline for applications under that process. I guess some of the issues we have faced before. I have also worked as a consultant previously in almost every industry from residential, industrial, linear infrastructure, et cetera. When we come across referable wetlands, they could be around a one-hectare turkey nest dam and they have a buffer put on them through the mapping process. To get that changed off the mapping process, it is done in a batch by the chief executive and that might not happen for a couple of years.

CHAIR: A couple of years?

Mr Campbell: Yes. How I read this legislation is that from time to time, basically, the chief executive can amend the map. We wanted a process where land developers and farmers can actually put in applications based on scientific evidence and get these map changes quickly, very similar to a PMAV process.

Mr HART: On the mapping side of things, it seems from what you are telling us and what other people have told us that the scale is just too big?

Mr Campbell: Absolutely.

Mr HART: What sort of scale do you think is appropriate for us to define an area as anything?

Mr Campbell: I think all this mapping is an interactive process and has to be updated from time to time. Starting off at a 1:25,000 scale would probably be very useful, but the creeks and waterways shown at even that scale are often not creeks themselves. I define a real creek as something that has riparian vegetation, et cetera. I am sure Mr Katter would be aware of many of the drainage channels in his area. The vegetation does not change when you get to these depressions, yet they are shown on the map as a watercourse and you are getting these large buffers over areas not protecting any of the objectives of the act.

Mr HART: What sort of buffer are you talking about?

Mr Campbell: I have not got many of the details—

Mr HART: Kilometres or—

Mr Campbell: No. I think for the EAs, they are 100 metres and 200 metres for different activities. In our EAs, they probably refer in the future to this regulated map and we get these buffers put on incorrectly mapped watercourses, so we just need a mechanism to change those.

Mr MULHERIN: It needs a lot more ground truthing.

Mr Campbell: Absolutely. The state does not have the ability to put ecologists out there to do this work. Industry developers do and it can be done piece by piece to adapt these maps.

CHAIR: The committee received evidence from one landholder where their homestead was actually, according to the map, in a watercourse and, as they said, the homestead has been there for a long time and it has never washed away. I think that is a great example of just how inaccurate the mapping of watercourses in particular has been.

Mr Campbell: Absolutely, and wetlands are exactly the same.

Mr HART: Just on that point, is this a surveying issue as well?

Mr Campbell: In the original mapping, yes. For the wetland boundaries, a lot of them are done from aerial photography, so to further the point you asked about before, aerial photography is not very accurate. In wet years, the wetlands will be expanded but a lot of the mapping was done during very dry years. It has to be mapped on an ecological basis. There will be changes in soil type and vegetation type that will define boundaries.

CHAIR: Perhaps a final question, Mr Campbell, for the benefit of the committee: from Origin's perspective, how would this bill as it is currently presented benefit your company's operations?

Mr Campbell: When we plan anything, we do detailed scouts. We rely on a lot of the government mapping, say, for REs and regrowth prior to doing any planning of our gas fields, where we put plants and that sort of thing. If we get more accurate mapping we will be able to plan a lot better. We have conflicting requirements from strategic cropping land to distances from owners, residents, all the REs, et cetera. So better mapping and consolidated mapping would be great for us. Giving us a mechanism to change wetlands based on ecological grounds would be advantageous to both us and to the state. We hire ecologists to do all our scouting. It is tens of millions we have spent on ecology in the first couple of years.

CHAIR: And the state benefits from that information that is passed around?

Mr Campbell: Yes. All our information for veg. mapping goes back to the state.

CHAIR: Excellent. Thank you very much for your time. We appreciate your submission and your time here today.

Mr Campbell: Thank you.

CHAIR: I now call forward a collection of AgForce members and landholders.

DINGLE, Mr Arthur, private capacity

FALDT, Ms Kathy, private capacity

GOLDEN, Mr Richard, private capacity

KELMAN, Mr John, private capacity

STENT, Mr David, private capacity

TAYLOR, Mrs Laurie, private capacity

CHAIR: I thank you all for your attendance here today before this committee's hearings. We might start at the end and work our way through.

Ms Faldt: I have been a resident at North Maclean since 1978 on 15 acres of land. I purchased the land in 1972. It had formally been used as a cattle property, so it was a large acreage subdivision of various acreage lots. I am concerned about the implications of this, what it will have on my particular area; not just my property but for the whole region.

CHAIR: Thank you.

Mr Golden: Thanks, Mr Chairman. I am an agricultural landowner and manager, along with my family. We have been varyingly impacted by the vegetation management laws as they had applied prior to this. I certainly would not pretend to have reviewed the amendments to the legislation that are proposed in any way. I have read media and I have read ministerial statements about it and I am aware of some of the things that are there. I am more wishing to address some of the things that I think are still not there.

Mr Stent: I have a small farm outside Warwick, which is fully cleared. I am here representing the Spicers Group, which is owned by my brother-in-law and sister, Graham and Jude Turner. We own and operate 7,500 hectares of almost fully forested land to the west of Brisbane. We have some views. Actually, I am primarily here to support the AgForce submission and can speak to some other matters. I am also a member of the committee of the Queensland Trust for Nature. Last night, Minister Powell announced that we were given responsibility from the government—because we are not a government committee—to look after the applications for nature refuges on non-nature assist applications and non-koala nature refuge applications. I appear in those three capacities.

Mr Kelman: I have been a cattleman since 1960 when I bought a property in the Emerald area, which was fully covered in brigalow. Over the years I cleared that. I moved down to Maryborough about 15 years ago and I have done some clearing down there. I am a member of AgForce and I support the AgForce submission.

Mrs Taylor: I am from the Daintree area in the Wet Tropics of North Queensland. I have a 400-acre meat-producing property. Three hundred acres of that is remnant forest and I have about 100 acres cleared. I have put in my submission that I was concerned about high-value regrowth in the Wet Tropics and our management of it, our riparian areas and selective logging, which has been taken away from us with the Vegetation Management Act. I am also a member of AgForce. I am the chairman of the Daintree branch of AgForce and also am in AgForce north region and a state councillor as well. Of course, I support the AgForce submission as well, but I feel as though the amendments have not gone far enough.

Mr Dingle: Thank you very much for the invitation. It has come as a bit of a shock to me. My wife and I have a property at Mount Perry, which is 100 kilometres west of Bundaberg, roughly. I have lived in Mount Perry all my life. The total area is around about 4,000 hectares. We have built it up over 40, 50-odd years nearly. I have been a chemical treatment contractor for 42 years. I have retired now. I am a bit long in the tooth. We had done a lot of primary industry work years ago and a fair bit for Ergon Energy and Powerlink.

CHAIR: Excellent. Can I thank you all for making the time to come forward today. If I could perhaps pose the first question. It is an open question and I would be interested to hear different people's views and experiences. Could you share with us the problems that you face under the existing Vegetation Management Act? Anyone can take the lead on this?

Ms Taylor: Can I start?

CHAIR: Please do.

Ms Taylor: Going to riparian areas, some of the restrictions and the regulations that you have to abide by, especially in the Wet Tropics where you have numerous trees falling into waterways, I feel as though this actually causes more erosion and soil and sediment going out to the Barrier Reef than the regulations that we have had because of the myriad regulations that you have to go through. I will just give you a short example. If a tree falls into a creek or into a waterway, the farmer can usually see that it is going to cause some damage, but under the regulations as they stand now you cannot touch that tree. So you have to go to your local council, who will refer you to the river improvement trust, who will refer you to the natural resources department, who will refer you to what used to be the EPA and then all of those people have to come and have a look at it. If you live in a remote area and away from government offices, how much this costs is ridiculous.

We have had the instance in the Daintree area where we reported quite a large tree had fallen in the creek to the council. This is what happened. It is now 2013. I think that was 2003. Ten years later, the tree is still there, because we just gave up in the end. The tree is still there and half the paddock has gone. So this is how this Vegetation Management Act has affected people in our area, and this is only one tree.

CHAIR: Sorry to interrupt. Ten years. How many people have come out to see a tree lying in the creek?

Ms Taylor: No-one.

CHAIR: No-one has come out to see the tree lying in the creek?

Ms Taylor: No.

CHAIR: Are there other examples that anyone would care to share?

Mr Golden: Yes, this is one of the things, as I understand, which should be sorted out with the amendments—I maybe not quite correct—of what we all have regarded as and spoken of as clawback. My father and I have adjoining—they are one now; he has passed away, but at the time in 1999 he was owning adjoining the holding. These were two 10,000-acre holdings. On mine I made the decision that we would conduct all of the legal and legitimate development, which we wanted to do—what one of the past Premiers used to call panic clearing when he was talking to the media. It was not done in a panic; it was done very, very carefully. We were granted with an ISO 4001 audit and I imagine you would understand the rigour of that. The auditor gave us a letter to say that, should we decide to proceed to certification, it would be granted. So our management is not unplanned and it is not panicked.

However, my father just said 'Well, no politician would be dumb enough to do this, so I'm not going to do anything that I wouldn't have done,' as a result of which nearly 2,500 acres of his country was remapped as remnant. On the aerial photographs at the time it was quite obvious where the demarcation was between the true remnant and the regrowth timber. In his whole life managing that block he had conducted a rotation treatment and retreatment program and he did not believe that this would happen. We went through an agonising objection process to at least try to recover as much as we could out of that clawback. That led to my concern about the accuracy—or I should say the inaccuracy—of the mapping process, how it was conducted and the outputs of it, which were the PMAV maps and the shapefiles attached to those PMAV maps. As well, unfortunately, the shapefiles of the DHEP all have some serious inaccuracies in them. Most have inaccuracies, but some are serious. As well, the category mapping within the PMAV process is less important to an agricultural land manager simply because if it is coloured we cannot touch it. However, there may be under this legislation some scope for that to be relevant again and we might actually bother to go and get the PMAV categorisation corrected. At the moment, we have no intention to do that. I hear the Origin person, because we have conflicts with the gas companies, which are all over the top of us right now as we speak. They are having to take account of certain mapping, which is irrelevant under our freehold PMAV, but we cannot force them to place a well, or an access track, or a processing plant in a place which is more appropriate to our management because it contravenes some buffer that does not apply to us. So there is lots of stuff.

CHAIR: Okay. Thank you. Other examples?

Mr Stent: We are closer to Brisbane. I am talking about a Spicers Group example. We did not have problems with the last Vegetation Management Act because we were not looking at clearing this large forested area. However, we turned 5,500 ha into a nature refuge and we conduct a cattle operation on the nature refuge. So we have a balance of conservation and production going together and have done now for six or seven years. We also run tourism businesses. We had one particular example where we chose a site. We fenced off all our riparian zones—there were

something like 14 or 15 kilometres on one property—and we chose one site to put up a set of tents on a riparian zone. We were not allowed to do that—this is about five years ago—even though we have, as I said, about 7,500 ha of forestry. We could not knock down a few trees just to put them in the middle of the forest where pretty well no-one has ever been before. So we had to move to a category X area and we got approval there.

So the state government was a referral agency from a local government development application that we put in. So we have, if you like, lost a beautiful site, which was well protected, as I have just said, because we have our own sustainability plan across the properties. That was what we considered to be a little bit unnecessary given that our credentials were already demonstrated that we were looking after 5,500 ha.

Mr Kelman: I started clearing my land before the previous Vegetation Management Act and I have the not done any since, mainly because it is in the too-hard basket. At the property at Emerald, we had pretty well cleared it all over the 40 years that I was there. We had an area of about 400 acres. The previous government felt, I think, that all landholders were tree wreckers and I think most of us got pretty upset about that. So prior to any land-clearing regulations, I left 400 acres of bendee bonewood country on my Emerald property, which is probably one of the only areas of that left in Australia, or Queensland. We got no credit for that and we did not need any. We just wanted to leave it and we did so. That is on some of the best soil. We could have cleared it and we would have had buffel grass this high—halfway up a cow's belly.

Then when we moved down to the Maryborough area we did the same thing there. Back in 1999, we cleared it. We harvested the timber off it and then we cleared most of it. Once again, I left a 50-acre area there of rainforest—once again, without having to have any compulsion to do so. My thought is that we should be allowed to do our own clearing and make our own decisions. Most of us are conservation minded. We certainly do not wreck the land—99 per cent of us, anyway; there are a few, I must admit. So that was what my feelings were. Thank you.

CHAIR: Thank you. Excellent.

Mr Dingle: Through observation and working for a lot of different areas throughout Queensland—possibly a third of the whole state I have worked in over a period of 42 years—I have probably killed more trees than anyone else in Australia. I know you did not want to hear that. I invite everyone to come and have a look at what I have done at home. If I have done something wrong, I would like to know and if I have done something right, I would also like to know. We wanted to bring up the place as good as we can. We are 50 per cent conservation and 50 per cent landholders that we try to derive our income from.

At the moment it is pretty hard because the cattle price is not too good. The cattle industry has been going down and down for the last three to four decades. It has indeed improved one little bit, but because of that we need to keep our timber. We have sold $500,000 worth of timber in the last 15 years and every 15 years we could expect to do that because of keeping the smaller timber and letting the younger smaller stuff grow up.

I also believe, through observation again, that timber in the forest areas should be harvested. I say that because I liken a tree to humans. As we get older, we are buggered. We look for the younger trees to come up and take our place—young children, in other words. So if you relate that, I feel it is very easy. We all grew up and we flourished and possibly absorbed a lot of carbon in our lifetime, but a fire comes along—it could be started by lightning or somebody drops a match, or whatever—and those big trees get burnt. That carbon has gone. It has gone forever back into the atmosphere. If a tree is cut down with a chainsaw and sawn up, the majority of that carbon is still locked up into the housing field or whatever it is used for. Also, when you thin country out, you get a lot of benefit in the soil. It gets a richer soil. The grass grows better. The trees grow better. It also locks up carbon. It may not be feasible to be able to measure it at this stage, but I am looking for some way that you can measure it. If you can improve your soil, it is going to be of benefit for the whole world as such. That is through observation and things like that. I have no initials behind my name, but a bit of common sense.

CHAIR: Thank you.

Mr MULHERIN: A lot of your clearing was to keep the lights on on transmission line easements.

Mr Dingle: That is right. Trees and powerlines just do not mix.

Ms Faldt: My property has, unfortunately, been subject to clearing which happened kilometres and kilometres away. My property was level when I bought it but over a period of time there was what was a shallow drainage line that would you not have been able to see unless you put a level on it and it was a drop of one foot over half a kilometre or more. It was a very shallow drop. It was there and then because of clearing that had happened some distance away—a road was put in which altered the drainage lines in the area—my property has been subject to a lot of erosion from trees that were cleared kilometres away and no-one was responsible for that except me. It was on my property. But I have not cleared any trees from my property since I purchased it. If a tree dies, it stays there for 60 or 80 years and there had been dead trees there when I bought the property and they are still there and they are serving a purpose in the environment for the wildlife that depends on those trees. So I am speaking for not just humans but for the wildlife that depend on the trees. We are dependent on the wildlife to keep propagating some of those trees. They will not grow without the assistance of some particular wildlife.

The other thing is that all of the vegetation—whatever it is—is part of a bigger ecosystem. What you do in one place will impact on what you do on other places. Queensland is not yet talking at state government level, that I am aware of, of the value of natural capital. For the people who have 400 acres or hectares of rainforest, there is a whole lot of natural capital in that. I am not suggesting that we need to put dollar values on that, but maybe that is the only way we can get that recognised. I would just like to say that it is not just a simple matter of going down and saying, 'I can clear that' or 'I can't clear that,' or whether there is a law that you can say that you can do it or whether you cannot.

I do not think that I said it, but I am in the process of having five of my six hectares declared a koala nature refuge as well. I am really concerned that my six hectares might be the only remaining bit of bush in the area, which is all being developed. That is not going to be any good to anyone.

CHAIR: Thank you for that.

Mr Dingle: Could I just say something else?

CHAIR: Please.

Mr Dingle: I believe that five per cent of property owners, in freehold country anyway, are possibly rednecks—as we like to call them or they have been labelled that name—but 95 per cent of people are wanting to improve their country and leave it in a better state than what we first started with when we first bought it. People forget that that is our biggest asset we have ever owned, so why would we want to destroy it?

CHAIR: I think that is a very fair point. The committee has heard evidence today about how the majority do the right thing, but it seems that we regulate for the minority and, as a result, place an unfair burden on all people rather than just having appropriate mechanisms in place to hold those who do the wrong thing to account and to enable the flexibility for those who do the right thing to be able to get on with it and continue to do the work that they do. So I think it is a very valid point.

Mr HART: Richard, you said right at the start that you had not read the legislation. Taking that into account, what other changes would you like to see or would you propose for the legislation?

Mr Golden: Thank you. Again, I do not propose that I know how this could ever be implemented either, but as a result of all of the things that we did through the mapping process, which included buying the PMAV which—it did then; it may not now—at that stage had written on the bottom of it, 'Basically, this map is certified as being useless for any purpose,' which irritated me quite a lot. Having paid $56 to buy it, I thought, 'Well, what was the point of buying the thing?' There really was not. Then we bought the shapefiles from which the PMAV was derived and we paid a Greening Australia staff member with a differential GPS with an accuracy level down to 200 millimetres on the ground because in the objection process in which we were able to claw back some clawback an ex-soil conservation officer who had been rebadged as a vegetation management officer was given a hand-held GPS and a 200cc ag bike and told to drive around through the countryside picking the changes between remnant and nonremnant. Honestly, it was more about where he could ride the bike than whether there was any difference. We could not define where the PMAV edges were by going into that landscape, so we paid a very large amount of money to Greening Australia to get an absolutely accurate, safe boundary line put around those areas.

The hand-held GPS was just not accurate. Where there were patches of remnant, which no-one contested, with open grassland beside them, the edge of that would be anywhere up to 50 metres into the grass or 60 metres into the timber. They were easy. We did not have a problem with

that. Where we had the problem was that, if we followed the shapefiles to the letter where they were mapped on the ground in the areas where we could not define the difference that the RE mapping process had defined, if we were in breach we were in breach regardless of how much care and trouble and money we had spent to make certain that we were not. So my comments were that I believe that a landholder who is effectively forced to purchase a PMAV and then to use the PMAV is forced to purchase shapefiles and then needs to hire somebody to map that on the ground needs to be able to rely on the accuracy of that material that he has purchased; or if it is not possible to get that degree of certainty the very fact that they have done that should be able to be a defence at law against a breach being identified.

Mr HART: I think I am right in saying that we have changed the burden of proof here back to the way it was before.

Mr Golden: Yes. That was an important start.

Mr KATTER: Is everyone freehold landowners? Are there any leasehold?

Mr Dingle: It is freehold my way.

Mrs Taylor: Freehold.

Mr Golden: Yes. We have several large leasehold holdings in the family next door, but ours is freehold.

Mr KATTER: In your experience across the table I would be interested if you saw many instances of encroachment or thickening. Does anyone have anything to share in that regard? It might be anecdotal, but I would be interested to hear about that.

Mr Dingle: I will start off if you like: the trees come up and you need to kill them again. That is true in some places, but in other places because we have areas of top timber country we leave the top timber country—that is where we got the 500,000 from—and that is supplementing our income when prices are bad. So that is a very important asset to us. But in timbered country if you leave timber to come up on their own right and forget about it, you will not run any cattle. It just gets too thick. If you go into forest country where it has never been allowed to ever run cattle, that is what it will turn out like. In terms of what we paid capital dollars for years ago, the value of that country would deteriorate to an extent where you might as well give it away. I am not just saying everywhere in Queensland, but 200 to 300 kilometres from the coast the same would apply. As you go west it is different soil and different situations.

Mrs Taylor: I have something to add to that, and this was part of my submission as well. You have not included the Wet Tropics in the freehold land regrowth regulations that you have changed. I just want to point out that in the Wet Tropics we have a completely different soil structure and vegetation structure. Everything is completely different to, say, the Fitzroy or the Burdekin area or the western dryer areas. In the Wet Tropics we have very thick rainforest—jungle, if you like. We used to refer to it as jungle—not rainforest but as jungle. As Mr Dingle has just pointed out, it is a constant battle against regrowth and encroachment. The 300 acres I have got of remnant rainforest is continually coming out on to my grazing land. I have to maintain the grazing land really strictly all of the time so that I do not get into a regrowth situation. It is a constant battle. If I do have areas, then I have big problems on getting permits and everything to remove it and go back to my 100 acres of grazing land.

I did bring a Wet Tropics satellite picture here. All of the red area is all of the World Heritage area from Ingham up to Cooktown. The lighter areas are the areas that have agriculture on them, mostly cane growing but a lot of small vegetable and fruit growing and of course grazing land. The little bit that I come from is that little strip there, so we have all of these regulations. In the Daintree area our open land is actually 0.3 of a per cent of the whole Daintree River catchment. We are the closest point to the Great Barrier Reef and our reef is pristine up there, so we have little effect, and I would say that it is the same in the whole Wet Tropics area. We have such thick vegetation that I do not think that any regrowth regulations are going to make any difference.

Mr MULHERIN: Laurie, you said earlier about the tree in the creek. You said that it has taken 10 years and you have given up basically. What percentage of your land was eroded as a result of that?

Mrs Taylor: It was not my land; it was on another property in the Daintree area. It probably took about two or three acres because of one tree.

Mr Kelman: On my land in the Tiaro-Maryborough area we harvested the trees in 1999 and cleared what was left, and we left a lot of the trees to regrow. Now the useless timber has gone up through it to the stage where in a lot of it you cannot even ride a horse through it because it is so thick. I need to get back into it, but the way of going about that in the past has been so hard that it has gone into my too-hard basket and so it is still there. I need to knock it down.

Ms Faldt: If I can just add something about the tree in the creek, my property had in the drainage line big gum trees which in my particular area would have been at least 120 years old. It was cleared for all of its millable timber in the forties, but there was some left. So it was fairly large. It fell over. It fell into a hole that the water coming through caused, and I am talking about an erosion channel 250 yards across the whole of my property, three or four metres deep and about 50 metres wide—from nothing. That was all solid land when I bought. So this is the result of clearing upstream, as I say, coming across there because of the type of soil. So trees in one place are not necessarily the same as trees in another; it depends on the soil. It depends on a whole lot of complex issues.

CHAIR: Fair comment.

Ms Faldt: It depends on the whole ecosystem.

Mr YOUNG: Kathy, what was the nature of the clearing upstream?

Ms Faldt: I believe it was probably for housing or something; I am not sure. I consulted with Irrigation and Water Supply at the time and it was people from that department that said there was a 30 square kilometre catchment area up there where the water was coming through. This clearing happened in the 1970s and eighties, so it is all that clearing up there.

CHAIR: Excellent. Are there any further questions from members?

Mr Golden: Mr Chairman, sorry, but there is one other issue that I raised in the submission to the committee. I have left it till last because it has probably not got a feather to fly with. In genuinely open forest mapped remnant, silviculture practices have been code assessable on freehold so we have had the legal freedom to conduct that sort of an operation. However, as we are well aware, people on $180 or $200 a day with a whipper snipper with a Tungsten tipped blade on it is a pretty cost-ineffective process for this type of activity. Much of the silviculture practice code compliant activity in our area could have always been conducted by mechanical means, except of course that that is against the law. That is something that I would love to see revisited—that is, code assessable compliance for mechanical operations for thinning and silviculture practice. I believe thinning is now coming back into code assessable as well. In terms of thinning and silviculture practices, I would dearly love to see that revisited as being legal by mechanical means.

CHAIR: Thank you for that. I thank you all for your attendance here today. The time for this session has now expired and I thank everyone who has been involved in these hearings. As always, the committee gains a great deal of benefit from hearing examples that are put forward in the real-life situation that currently exists. That will assist us in the examination of the Vegetation Management Framework Amendment Bill 2013. Pursuant to section 50(2)(a) of the Parliament of Queensland Act 2001, the committee authorises the publication of the public evidence given here before it this day. I now declare this hearing closed.

Committee adjourned at 12.44 pm