



Brisbane Region Environment Council
P O Box 479 Morningside 4170
Ph 07 39015577
Fax 07 38991953
Ph 38011208H Fax 38064479
webink@powerup.com.au

Dr Neil Byron
The Director
Productivity Commission

Re Impacts of Native Vegetation and Biodiversity Regulations

Dear Sir,

Brisbane Region Environment Council wishes to comment on the Issues Paper and upon the Terms of Reference as relates to Queensland BREC has had Representation on the Qld VMAC 1999 and MACVM 2002-3 committees and its executive members and project officers have experience working in Queensland Regions and sitting on about 20 state and local government committees
The Web has a fledgling interstate Ozecol network. BREC will be making further submissions in several capacities on all Qld RVMPs based on G.I.S, Bioregional Planning analysis and policy analysis

Background

The Background mentioned in the Terms of Reference of the Issues Paper refers to the **EPBC Act 1999**. However the Act and its administrative arrangements omits reference to some International Treaties, US Legislation and other mechanisms, which fall under its umbrella. Future application of the EPBC Act in Qld may be hampered by a bilateral agreement with the Old Government which would have powers delegated by the Commonwealth particularly to the State Works Act....and the inadequate Integrated Planning Act 1997- .This IPA has featured many rollbacks of environmental standards, and EIS provisions, removal of prohibited use schedules and Institutionalisation of code provisions. About six types of code exist in Old. generally poorly drafted and removing appeal and third party actions. IPA is an octopus act, is much more complex than its preceding legislation . *It is an anathema to most communities and to many thinking Councillors.*

This has made issues difficult for example for riparian owners and neighbours of feedlots, but also for hundreds of groups in the coastal Plains and Hinterlands contesting land use change.IE loss of Canelands, Dairy, grazing and bushlands and wetlands

EPBC Actions

The amplitude of the EPBC Act describes 6 areas of jurisdiction and a number of triggers which are considered to be narrow and insufficient

For Example the EPBC protection of some of the ecosystems In the Brigalow Bioregion does not cover the same or closely related Brigalow Regional Ecosystems in 5 or 6 surrounding Bioregions.

Further the previous committee (Prof Beaton ?) rejected the

Queensland Conservation Council nomination of Endangered Regional Ecosystems in the SEQLD Bioregion. Other Qld nominations by Humane Society International and WWF have sunk.

The Queensland Legislation

The prime legislation is generally considered to be The Nature Conservation Act (Qld), It is generally considered to be lacklustre and its

Administration and committee work near invisible. . The Vegetation Management Act is a contentious Act in that it does not scope enough landscape, it has jurisdictional inadequacies in relation to freehold, regrowth and urban designations, it does not have an appropriate data base, within and without its statutory provisions. The VMA flags about another dozen pieces of legislation .Some parts of the Lands Act 1994 deal with landclearing

It is the viewpoint of the Conservation Movement that the Vegetation Management Act 2000 is seriously flawed, has been badly administered by the DNR and the RVMP process warrants a public inquiry and National and International exposure . This is clearly seen from International statistics that Qld is in the top 5 of clearing nations list.

The Integrated Planning Act permits a range of biodiversity attributes to be added to core values and supporting information policies and codes. About a dozen Local Councils have Tree Preservation Local Laws at risk from the Vegetation Management Act(Thinning and clearing Permits etc)

Framework for the Inquiry

The direction of the Inquiry is on economic issues and impacts on landholders and related issues... inter aliaof regulation of Native Vegetation clearance and biodiversity conservation..

It is contended that the “regulation of native vegetation clearance and/or Biodiversity conservation “ has been substantially under designed ,under resourced and poorly enforced and maladministered across 4 levels of government. The rollback of Legislation, staff cuts,program losses , grants cuts, and destructure of Environment Australia and Qld National Parks and Wildlife Service and savage cuts to BCC Environment Branch are prime examples of that contention .

There is a caveat on the development of the terms of reference in that the Productivity Commission is “to have over-arching concern for the community as a whole, rather than the interest of any particular industry or group”

Given that the wider community has an interest in the continued existence of leasehold (including Native Title) the Commission should be mindful of the balance of the TOR and possible inadequacies of 2.2 The answers to many questions would require research, subpoena, F.O.I.or M.O.U.across agencies.

Without an audit of Australian Biodiversity and native vegetation it is almost impossible to establish what we have lost before and during different periods of regulatory regimes (even with the National Land and Water Research Audit) the lack of baseline surveys of natural sciences across all bioregions is encyclopaedic. The bioregional invertebrate studies, and aquatic biology of rivers and assessments and mapping of Half the wetlands are nonexistent. The cost of the ecological losses triggered by land clearing and estimated by WWF recently as millions of some individual species is huge and cannot be valued at present by traditional means.

The purchaser /provider split from N.C.P. has severed the feedback roles that once existed in many regulating and assessment agencies
It is noted that DNR and Logan City Council have had successful prosecutions against illegal tree clearing

One nexus is that the majority of the area under review relates to the leasehold land About 67% of Qld. is leasehold which largely cannot be turned into cropping or Horticulture, without freeholding

See DNR Leasehold Land Review 2001-2

This places limitations on land use and hence redirection on the scope of the inquiry

The leasehold land use is generally determined by previous studies and inquiries into land capability, climate, rainfall, carrying capacity and other provisions of the Lands Act 1994, More recent phenomena across all tenures have been accelerated land clearing and the necessity for the Vegetation Management Act, Salinity hazard Mapping and declaration of non Clearing of catchments in about half of the Old Murray Darling Basin.

The position and provisions of the \$150 M Beattie Howard Tree Clearing Moratorium remain to be worked out

The Minister of Natural Resources has given some leasehold exemptions for minor ancillary uses

BIODIVERSITY

The information from the Land and Water Audit leaves a range of detrimental Audit gaps for QLD. and South East Old. Only some of these are listed on the NLWRA website with a blanket statement of each subregion in SEQB "Little information on riparian or wetland condition trend" and " little information on private land" Corelation of what is deleteriously happening to "vegetation and to biodiversity" are part of the frame of the inquiry.

COASTAL LANDS

The extremely important omission is that Wet Tropics Lowlands and SEQLD Bioregion are the Biodiversity Hotspots of Australia.

Most of the lands in coastal Queensland are "private land" (freehold)

This is not acknowledged by four levels of government even though SEQ is recognised by Professor Hugh Possingham University of Old. as **the Biodiversity Hotspot**. of Australia. SEQB should be split near Noosa.

In a range of State processes, the coastal zone, which has 250 proposed resorts/marinas is facing the loss of 50 000 hectares for urban development for say 1.2 Million persons over the next 18 years A similar amount is projected for commercial, retail, centers, industrial and infrastructure. Probably another area of 100 000 hectares will be affected by resubdivision, rural residential and periurban fringe land use change.

The Coastal Zone and Hinterlands have not been recognised as a separate case or division to the Broadscale clearing lands by State and Federal Governments. Most of it is geared for urbanization and its related land use, speculative clearing or land use change

The target for urban development is farmland, and Good quality agricultural land, remnant vegetation and regrowth, Significant Bioersivity lands, and Very High Conservation Value bushlands (VHCV)

Ineffective Biodiversity Legislation, Planning and Assessment

The fact that state biodiversity legislation is not forthcoming and to some extent biodiversity assessment is not (DNR) being done, or not being done appropriately (HCV Centres of Endemism etc)

and assessment reports not being released by Local Authorities undermines other processes at 4 levels of Government. (Regional Planning is frequently forgotten AND UNDERFUNDED)

- Only 4 or 5 out of 13 Old Bioregions have Biodiversity Planning Assessments by Qld EPA Biodiversity Planning Unit and special panels.
- **Decisions are being made on BioRegional Vegetation Management Plans By RVM Committees and MACVM without High Conservation Areas being mapped or HCV reports being released or published. About 6 other Natural Environment layers mandatory under the Vegetation Management Act remain to be seen or developed by DNR for most bioregions**
- **Intact Bioregions such as Einasleigh Uplands, Cape York and Desert Uplands could end up in theory as a 50% patch work quilt of clearing UNDER THE Vegetation Management Act unless the state federal agreement holds**
- **Contemporary Fauna Surveys have not been done for each Bioregion except Desert Uplands and Southern Brigalow**
- Most Local Authorities don't have a State of Environment Report or Biodiversity Strategy, Policy or Inventory.
- Caloundra City Council could assume the Queensland and Australian Biodiversity mantle on a range of ecological attributes inside and outside existing legislation and reporting, and numeracy of flora and fauna species. Such lack of reporting hampers acquisition and reservation other planning, decision-making and inquiry processes at 4 levels of government. It sits inside the McPherson Macleay (biogeographical) overlap- Cooloola to Brunswick Heads? Described by Nancy T. Burbidge in 1959 and not recognised by IBRA

NRM and Vegetation Management Act and the next to useless Regional Vegetation Management Plans,

The RVMPs do not have adequate maps indicating HCV etc and INDICATING what can be cleared or thinned although DNR Atherton

Are giving out maps to clear by.

B.R.E.C. has made previous submissions in 1999 on 13 types of Incentives for rural land holders and for Catchment Bonds

There are further undiscussed problems of thinning, regrowth

Fire management and fodder harvesting which haven't been

Researched or adequately addressed. These challenge remnant vegetation structure and the future of biodiversity in some Bioregions

Real time imagery (airphotos) and Inspections are needed to inform the agencies and the public .

Some areas remain unmapped for vegetation(Western Mulga)incomplete (Wet Tropics)or at inappropriate scales(SEQ Coast and Cape York). Most mapping is 2.5 years out of date