

# Queensland Rangelands Dialogues



## Research Series

*Background papers supporting regional discussion and policy development*

<https://www.rangelandsqld.org.au>

## Discussion Themes arising from a Survey on the Vegetation Management Act (Qld)

03 June 2020

*Dr Philippa England*

### **DISCLAIMER**

This material represents the view of the author acting on a personal basis, contributing to the Rangelands Dialogue. In no way does it imply agreement or authorisation by the Rangelands Declaration co-signatories (AgForce Queensland, NRM Regions Queensland, and The Royal Society of Queensland)

## Discussion Themes arising from a Survey on the Vegetation Management Act (Qld)

(03/06/2020)

### Contact Info:

Dr Philippa England

Griffith Law School

[P.England@griffith.edu.au](mailto:P.England@griffith.edu.au)

GU Research Ethics ref no: 2020/231

### Introduction

In April 2020 members of Griffith University Law School trialled an on-line survey with a small number of stakeholders interested in the operation of Queensland's *Vegetation Management Act* (VMA). Respondents were mostly current or past landholders (85%) but other interested persons were invited to respond with their thoughts as well.

Respondents were asked to comment on seven topic areas. These were:

1. Mapping
2. Impacts on land management
3. Authorised clearing activities (including the codes)
4. Area management plans
5. Economic impacts of the VMA
6. Conservation areas on your land
7. Other comments and comparisons with NSW

A summary of the range of responses on each of these areas is attached (Appendix A). The responses are generally consistent with research from as far back as 2001 (Kelly 2001) and more recent, much larger surveys (Greenfield 2009).

This paper identifies and explores 5 cross cutting themes in the feedback received from the survey. These themes are generally consistent with the findings of the House of Representatives Standing Committee on Agriculture and Water Resources in its 2019, Inquiry into the impact on the agricultural sector of vegetation and land management policies, regulations and restrictions. Our aim is to encourage further reflection and additional dialogue in Queensland. The themes are:

**See the bigger picture** – embed the VMA in a bigger picture for land management and agricultural policy in Queensland

**Tailor to regional /on farm requirements** – different bio regions may require different levels of restoration v protection; as may different enterprises (depending on their starting point)

## Law Futures Centre

**Increase the environmental benefit** – the VMA reaps few environmental benefits on its own – it needs to be more closely aligned with progressive land management (and other Acts)

**Simplify processes across the board** – PMAVs, self-assessable codes and assessable development were all criticised on this account (as was the procedure for revising the codes)

**Repair relationships** – Trust has been eroded and environmental groups (and the ALP) are viewed as the enemies.

Each of these themes is explained and discussed further below.

### See the bigger picture

The survey feedback raised issues about how well the VMA sits with other regulatory requirements and policy objectives and whether improvements can be made.

**Survey comments:** On a number of issues, concerns were raised about the narrowness of the VMA mechanisms. A reoccurring view was that property reports and PMAVs need to be made more relevant to landscape management and they should be more comprehensive with references to other triggers in relevant laws and regulations. For example, PMAVs should be relevant to the Nature Conservation Act.

Some respondents also felt the overall policy goals of the VMA were too narrow or inappropriate. The environmental benefit of a no clearing regime was questioned. Pest species, fire risk and declining ecological value were identified as adverse consequences arising from the VMA's narrow scope and /or the mechanisms it relies on. Other comments cited a variety of concerns. For example:

- A trees only goal is not holistic.
- Lacks a sustainable agriculture approach.
- Landholders should not have to bear all the costs associated with meeting community requirements.

Respondents offered insightful recommendations for improving the goals of the statutory regime:

- develop a clear vision for landscapes;
- reward land managers who maintain the highest environmental values;
- use a sustainable agricultural approach;
- base system on sustainable land use and no erosion of property rights;
- accommodate climate sensitivities, eg, from intergenerational mega-droughts;
- improve conservation outcomes; and
- reward land managers who maintain the highest environmental values.

One respondent commented, “The real question is how to establish policy settings to allow landholders to earn a living without further clearing and public dis-benefits.”

**Supporting documentation:** In 2004, the Productivity Commission argued native vegetation management schemes are “not particularly effective at achieving environmental goals” and “heavy

## Law Futures Centre

reliance on regulating the clearance of native vegetation on private rural land... has imposed substantial costs on many landholders who have retained native vegetation on their properties” (Productivity Commission 2004: xxiii). It made the case for clarifying landholder and community responsibilities; better targeting policies to promote clearly defined environmental outcomes and greater flexibility to allow variation in requirements at the local level (Productivity Commission 2004: xxii-xlvi).

In 2013, Kehoe argued the VMA is static rather than dynamic in its effect and inconsistent with provisions in other Acts, such as the Land Act (Kehoe 2013). In 2014, a review of NSW legislation observed, “We are not aware of anywhere in the world where long-term conservation of historical, cultural or biophysical resources has been successfully achieved solely through exerting the coercive powers of government. Educational, persuasive and incentive measures are invariably an important part of successful regimes – we believe that these mechanisms should be used more in NSW. Without such measures, there is a strong probability of perverse outcomes” (Independent Biodiversity Legislation Review Panel 2014: iv).

### For discussion:

- Is it clear what the goals of the VMA are? What is the overriding goal?
- Do the goals need to be reduced, clarified, expanded or changed?
- What goals would you like it to embrace?
- What laws /regulatory frameworks in particular does the VMA need to be better linked with?
- Are there specific examples of duplication or conflict you would like to see reduced or resolved?

## Tailor to regional / on farm requirements

This theme considers whether more should and could be done to tailor the regulatory framework to regional and /or on farm requirements.

**Survey comments:** Some respondents were looking to get more and better information relevant to their landholding. Relevant comments were:

- Property reports and vegetation maps need more ground truthing
- Accommodate lots in a property in the request system (for property reports)
- Reports and maps need to be useful for landscape management
- Raise standard of mapping with automatic notice of changes to landholders
- Changes to correct inaccuracies should be free

Other respondents felt there was scope for more area wide planning as well as devolved management and assistance. Comments included:

- The impact depends on the bioregion - some need some clearing, others some restoration
- Look again at pre-1999 Regional Vegetation Management Plan processes
- Adopt area management planning more like that in New South Wales
- Empower regions to develop the details need to make the VMA work
- Increase staffing in the department and in regional NRM bodies



## Law Futures Centre

- Rural industry leaders are not helping landholders adapt to uncertain futures
- There is a need to reinstate or establish a network of face to face advisers
- Farmer support people often lack scientific knowledge and policy nous

**Supporting documentation:** The 2016 Parliamentary Inquiry into the Vegetation Management (Reinstatement) and other Legislation (Amendment) Bill 2016, heard considerable evidence of inaccurate vegetation mapping. Consistent with comments made above, landholders argued the cost of disproving the accuracy of maps should be borne by the State (Agriculture and Environment Committee 2016: 18). The idea of regional plans and guidelines was raised by Rolfe as early as 2000.

### For discussion:

- Should area management plans be retained? If yes, how could they be improved?
- Are the codes a satisfactory substitute for AMPs?
- Is there a case for more devolved administration, management and extension services in relation to the VMA? If yes, what would this look like?
- Should responsibility for administering the VMA continue to rest with the Department of Natural Resources, Mines and Energy?
- How can diverse landscapes and circumstances in Queensland be best accommodated?

## Increase the environmental benefits

This theme considers how the VMA could be better aligned with and /or promote environmental benefits and goals.

**Survey comments:** Four positive environmental outcomes were identified: the VMA is beneficial for ecosystems and erosion control; remnant vegetation is important for ecosystem function; and it provides greater ability for ecosystems to regenerate and provide quality habitat and other ecosystem services. Most respondents, however, saw no environmental benefit from no clearing at all. Some of the identified problems were:

- Development of monocultures
- Adverse social and economic effects from carbon farming
- Drop in economic and ecological value
- Messed up planning
- Increased fire potential
- Pest animals and plants
- Erosion
- Lack of maintenance
- Lack of active management of disturbed landscapes
- Loss of ecological balance and economic productivity
- Previously cleared land too easily becomes high value regrowth
- Locks out areas from benefits of any market based programs

Some ideas for improving on the current situation were:

- Regrowth needs to be managed to facilitate desired floristic composition. Regrowth is not necessarily the same as the original ecosystem.

## Law Futures Centre

- Regulation should be based on agriculture department work, not that of the Queensland Herbarium.
- Identify sustainable land management principles and apply them.
- Establish policy settings to allow landholders to earn a living without further clearing and public dis-benefits.
- Biodiversity should be valued and rewarded.
- Reward the things you want.
- Make it relevant to constructive landscape management.
- Assess properties on an individual basis so changes can be made where the VMA is causing harm.
- Pay incentives to keep trees standing.
- Question the practice of financial institutions valuing cleared land higher.
- Start again with clear aims and purposes.

On the options for rewarding good land management practices some respondents showed preferences as follows:

- Payments contingent on undertaking on farm sustainable management activities under an independently audited management plan (2).
- Payments contingent on undertaking additional management /stewardship type activities in relation to regulated land (2).
- Direct payments to individuals adversely affected (2).

One respondent suggested a payment is not justified, while another considered that there should be no compensation for complying with the law. Payments should be made only for environmental improvements made after the purchase of land. Other comments were that a vision for the landscape was needed first and that the Act should be about land management, not clearing.

Respondents were asked whether they had initiated conservation agreements or similar under any legislative framework. Some respondents that had done so, had found Qld processes to be satisfactory but others voiced a number of concerns about securing conservation areas on private land:

- The processes need clear objectives and good management plans
- No faith, because of shifting goal posts and lack of longevity
- Accuracy of the mapping a major issue
- Need rewards
- Static model being imposed on dynamic systems
- No long term plans for management
- The processes are too hard for most landholders
- Simplification is needed
- A staged process would be easier rather than the whole end goal at once.
- The idea is good, but there is too much mistrust in the system now

**Supporting documentation:** Submissions to the 2016 Parliamentary Inquiry into the Vegetation Management (Reinstatement) and Other Legislation (Amendment) Bill voiced concerns the changes

## Law Futures Centre

proposed at that time would lead to adverse environmental consequences; restrict carbon income opportunities; limit future property improvements and restrict landholders' ability to manage invasive weeds and feral animals. Several submitters supported the concept of incentives or annual payments being provided to landholders to protect and maintain high value regrowth areas (Agriculture and Environment Committee 2016: 10-11).

The question of rewarding landholders for good environmental outcomes or for paying compensation for applying restrictions has been a live one in Queensland since the tree clearing debates of the 1990s (Rolfe 2000; Burrows 2019). The 2014 Independent Review in NSW accepted native vegetation law created "an uneven playing field between agricultural development and other forms of development". It recommended that, if approval for development activity is refused in order to protect vegetation then, "the Government should ensure that landholders are funded to manage and protect the biodiversity values on such land" (Independent Biodiversity Legislation Review Panel, 2014: 18).

### For discussion:

- How could the VMA be applied in a way that rewards good environmental management?
- What environmental objectives do you think should be included in the VMA goals and how much weight do you think any particular goals (eg. riparian management; soil health; sustainable agriculture; biodiversity; carbon capture) should be afforded?
- Does the Act need to set some priority environmental goals?
- What are the areas of overlap, duplication or conflict with other regulatory frameworks and is there scope for addressing those areas in a more cohesive way?

## Simplify processes across the board

This theme raises questions about the complexity, obscurity and administrative costs involved in following the Act.

**Survey comments:** The accepted development (Native Vegetation) codes were described as complex, confusing, subjective, unworkable, costly and "full of misconceptions". The cost of compliance is seen as enormous. One respondent recognised the codes are necessary and should only be used for the lowest risk clearing.

Respondents had many ideas for improvements. Some recommendations have been considered above:

- Be more comprehensive and show triggers and references to other regulations, in the property maps.
- Increase staffing in the department and in regional NRM bodies.
- Increase extension officers and face to face communication.

Additional ideas and requests were:

- More on firebreaks
- Simplify, provide clearer fact sheets and use extension officers.
- Focus on desired outcomes and best practice.
- Be scientific and accurate
- Provide more numerous and more detailed examples of what is acceptable.

## Law Futures Centre

- An agreed plan is needed
- Use pre-assessment where there is uncertainty (for development approvals)
- Make approvals quicker with appeals processes (for development approvals)

Respondents were also asked how helpful any relevant information was. Responses ranged from extremely helpful (identified new information and clarified options) and helpful (good guidance materials, helpful Departmental staff) to not helpful (obstructive, front line people stressed) to waste of time (no point, obvious from preamble), conflicting and unclear (from overlapping laws and different advice from different advisers), and complex (the development codes). With respect to the development approval process (for assessable development) one respondent said the process was unhelpful, another gave up and another said that the statutory planning process was clunky and inefficient. Some recommendations on how to improve the available information were:

- automatically provide a PMAV showing non-remnant land;
- changes to correct inaccuracies should be free;
- reduce the complexity of codes;
- provide more explanation of codes;
- increase extension officers and face to face communication;
- simplify, provide clearer fact sheets and use extension officers; and
- use pre-assessment where there is uncertainty (about assessable development).

**Supporting documentation:** Submissions to the 2016 Queensland Parliamentary Inquiry observed that self-assessable codes are too complex and difficult to understand. Environmental groups favoured replacing or updating codes to limit them to genuinely low ecological risks (Agriculture and Environment Committee 2016: 11).

At a more general level, the Productivity Commission has twice considered and reported on the complexity of regulatory regimes governing Australian agriculture (Productivity Commission, 2010; 2014). In 2014, it recommended regulatory burdens could be reduced by improving consultation and engagement practices to support landholders in understanding environmental regulations, as well as reducing duplicate information gathering and better coordinating the many agencies and governments' actions (Productivity Commission 2014: 2).

### For discussion:

- How could the codes be simplified?
- What costs would you most like to see reduced or waived?
- What additional information or support would you like to see?
- What additional support is needed to help landholders operate in accordance with the codes?

## Repair relationships

This theme recognises the existence of polarised views and negative debates about the VMA.

**Survey comments:** Conflicting views about the balance between environmental and economic issues have characterised debates about the VMA for many years. That tension is evident in many of the responses to the survey:



## Law Futures Centre

- Landholders should not have to bear all the costs associated with meeting community requirements
- Miners are not expected to meet the same standards as farmers
- Alignment with one side of politics is not helpful
- Rural industry leaders are not helping landholders adapt to uncertain futures
- The VMA is just a political weapon (Paris Accord, appease 'environmental' voters)
- Biodiversity should be valued and rewarded
- The idea is good, but there is too much mistrust in the system now (re securing conservation areas on private land).

One respondent believed the ALP is seen as the enemy of farming with little understanding. The problem has been compounded by the demise of agricultural extension services.

Without glossing over how entrenched these views have become, many respondents had ideas for improving the Act and moving beyond this dilemma. Ideas included:

- Currently the VMA does not meet its conservation purpose: any review should be based on improving conservation outcomes, not easier tree clearing.
- Recognise that agriculture is a primary economic driver in regional areas.
- Start again, avoiding a 'war' and changing to a land management approach.
- Start again and support farmers.
- Encourage people to take it up in a way that promotes conservation outcomes.
- Use a sustainable agriculture approach.
- Reward land managers who maintain the highest environmental values.
- Empower regions to develop the details need to make the VMA work.
- Get farmers onside.
- Use good science and long term monitoring.
- Develop one simplified Act.
- Reward the things you want.

**Supporting documentation:** In 1990, the Review of Land Policy and Administration in Queensland (the Wolfe Report) recognised the problem of land degradation in Queensland (Wolfe 1990). Since that time, managing the trade-offs between development and environmental protection has been a vexed issue. This tension arises in part because, historically, State policy has encouraged clearing for grazing and agriculture (Burrows 2019). Concerns about a resulting lack of trust have been raised by several authors (Greenfield 2009; Kelly 2001; Kehoe 2013). The many changes over the years has exacerbated the problem by a failure to deliver certainty to landholders despite promises to do so (Kehoe 2013).

In 2010, the Commonwealth Senate Inquiry into native vegetation laws identified the relationship between landholders and government agencies is vital to improving environmental outcomes. It argued a more cooperative approach would be in the best interests of all stakeholders and suggested "steps be taken to rectify the deteriorating relationship between landholders and respective bureaucracies" (Senate Standing Committee on Finance and Public References Committee 2010: 62).

The 2014 Independent Review in NSW accepted native vegetation law created "an uneven playing field between agricultural development and other forms of development" and argued "rebuilding trust will be critical to developing a workable system" (Independent Biodiversity Legislation Review

## Law Futures Centre

Panel: 18, 5). It recommended repealing that State's Native Vegetation Act because "the Act has not met expectations as a central pillar of biodiversity conservation in NSW. It has been contentious because of difficulties in implementation and the inequitable distribution of the costs involved, in particular sectors and in particular regions of the state" (Independent Biodiversity Legislation Review Panel 2014: v).

### For discussion:

- Are there any areas of existing or potential agreement between different sides of the debate?
- What compromises would you be willing to make in order to address other viewpoints to your own?
- What processes do you suggest for generating common visions among the different interests involved?
- What aspects of the framework could work well for all sides of the debate?
- Do we need to start again with a new Act or simply improve the existing one?
- How could a new Act avoid some of the problems that have characterised the VMA?

### Where to from here?

In addition to wishing to promote further discussion on the cross cutting themes identified above, we welcome your views on options for advancing this research:

- Should we survey a bigger sample?
- Should we present more supporting evidence (from existing reports etc)?
- Should we start drafting more precise recommendations?
- Should we start drafting or lobbying for a completely new Act to start afresh?
- Any other ideas?

We look forward to hearing your views.

Philippa England

Nelson Quin

## Law Futures Centre

### References

Agriculture and Environment Committee 2016, *Vegetation Management (Reinstatement) and other legislation Amendment Bill 2016*, 55<sup>th</sup> Queensland Parliament, Report no.19.

Burrows, B, 2019, *Submission 14 Inquiry into the impact on the agricultural sector of vegetation and land management policies, regulations and restrictions* (House of Representatives Standing Committee on Agriculture and Water Resources)

Greenfield, R, 2009, *Anticipating the Future: Today's solutions, tomorrow's problems?* (University of Queensland PhD thesis)

House of Representatives Standing Committee on Agriculture and Water Resources, 2019, *Discussion Paper: Inquiry into the impact on the agricultural sector of vegetation and land management policies, regulations and restrictions* (Parliament of Australia)

Independent Biodiversity Legislation Review Panel, 2014, *A review of biodiversity legislation in NSW Final Report*, State of NSW and the Office of Environment and Heritage

Kehoe, J, 2013, *The making and implementation of environmental laws in Queensland: the Vegetation Management Act 1999 (Qld) and the Land Act 1994 (Qld)* (Australian National University PhD thesis)

Kelly, D, 2001, *Community Participation in rangeland management* Rural Industries Research and Development Corporation, RIRDC Publication No 01/118)

Productivity Commission 2004, *Impacts of Native Vegetation and Biodiversity Regulations*, Australian Government,

Productivity Commission 2014, *Regulation of Australian Agriculture*, Australian Government

Rolfe, J, 'Broadscale Tree Clearing in Queensland' (2000) *Agenda* 7(3) 219

Senate Standing Committee on Finance and Public References Committee 2010, *Native Vegetation Laws, Greenhouse Gas Abatement and Climate Change Measures*, Commonwealth of Australia,

Wolfe, P, D Murphy and R Wright, 1990, *Report of a review of Land Policy and Administration in Queensland* (Land Policy and Administration Review Committee, Queensland)

## Law Futures Centre

### Appendix 1: VMA Survey - Summary of responses

The purpose of the survey was obtain information about the operation of the Queensland Vegetation Management Act (VMA) to inform discussion about the future of the Act.

#### Mapping

Most respondents have applied for a **property report and vegetation map**.

Several, but not all, found inaccuracies in the maps. Those who found it useful cited better understanding of the regulatory system's usefulness in determining regional ecosystems, clarifying threatened species issues, and to keep up to date with any changes made by the Herbarium, and in demonstrating the categories of vegetation and some triggers. One respondent found it very useful, because it clarified some issues and provided certainty about controlling regrowth.

Recommendations to improve the property reports were:

- More ground truthing
- Reports and maps need to be useful for landscape management
- Overcome the problem that there are more inaccuracies with more complex ecosystems
- Accommodate lots in a property in the request system
- Make relevant to constructive landscape management
- Increase staffing in the department and in regional NRM bodies
- Be more comprehensive: vegetation on site, triggers, references to other regulations, eg, Nature Conservation Act, a guide, ie, may not cover all protected plants
- Raise standard of mapping, with automatic notice of changes to landholders
- Need to relate to PMAVs.

One comment was simply to start again.

Most, but fewer than for property reports, have applied for a **PMAV**. One had not applied because the property was mostly virgin timber, another because of no need to loosen protections or develop the land.

The most common reason given was to obtain certainty, eg, about regrowth control. Others were to correct errors and avoid business risk.

Some found the outcome positive:

- Certainty, locked in area not subject to the VMA
- Helped maintain tree/grass balance
- Protection from business risk
- Peace of mind
- Helped understand the regulatory reach
- Supported regrowth control strategy.

One respondent said that the PMAV frustrated a grazing program.

Recommendations to improve the PMAVs were:

- Automatically provide a PMAV showing non-remnant land
- Start again with rural support
- Increase certainty
- Recognise them for the Nature Conservation Act

## Law Futures Centre

- More explanation of coloured areas
- Ensure compatibility with Nature Conservation Act
- Adopt area management planning more like that in New South Wales
- Increase staffing in the department and in regional NRM bodies
- Raise the standard of mapping
- The permanent lack of protection for category X is perverse, as new information might suggest the need for protection.

One respondent thought it important not to allow PMAVs to lock in weak regulation, but keep the arrangements adaptable.

### Impacts on land management

Almost all respondents had familiarity and experience with **land classed as A,B,C or R**.

Two respondents considered that there was little or no commercial or environmental benefit: the outcome was stopping broad scale clearing. Most saw no **environmental benefit** from no clearing at all, with four positive comments: beneficial for ecosystems and erosion control; remnant vegetation is important for ecosystem function; greater ability for ecosystem to regenerate and provide quality habitat and other ecosystem services. One respondent pointed out that the impact depends on the bioregion - some need some clearing, others some restoration.

One respondent had seen no **Adverse impacts** from the not clearing; adverse impacts had come more from general land management practices, eg, overstocking. Others included the following as adverse impacts from no clearing:

- Development of monocultures
- Adverse social and economic effects from carbon farming
- Drop in economic and ecological value
- Messed up planning
- Increased fire potential
- Pest animals and plants
- Erosion
- Lack of maintenance
- Lack of active management of disturbed landscapes

One respondent pointed out that the impact depends on the bioregion.

Most respondents agreed with the statement that reinstating the regulation of high value regrowth vegetation would *“restrict landholders’ ability to manage their land.”*

One agreed with the qualification that there is a need to accommodate public needs, while others pointed out the lack of evidence to support the statement, and agreed with the qualification that it stopped the destruction of vital biodiversity. Despite the rhetoric, it can be difficult to get onground support. Another agreed, on the basis that land use needs to be regulated to accommodate public good needs and recover from past overclearing. One saw the issue as more complex than the question, with the intent of the Act being opaque and confusing. It appeared to be related to climate change, and the respondent thought most farmers were sceptical about that. Regrowth needs to be managed to facilitate desired floristic composition. Regrowth is not necessarily the same as the original ecosystem. The capacity to mitigate degradation from spread of native species has been curtailed.

Incorrect mapping can jeopardise agricultural production.



## Law Futures Centre

The real question is how to establish policy settings to allow landholders to earn a living without further clearing and public disbenefits

One asserted that the regulation should be based on agriculture department work, not that of the Queensland Herbarium.

### Authorised clearing activities

One respondent had conducted **development activities**, for encroachment control.

Others thought the processes too complex, preventing farmers responding quickly to events, while another thought area management processes like those in New South Wales would be a better basis. The process needs to be made clearer and simpler. Now often there are costs and the complexities of meeting VMA, Planning Act and Nature Conservation Act and, sometimes, local Council requirements.

Many **sources of information** have been used:

- Government databases and guidelines
- Industry bodies
- Many guides from many sources
- Aerial photography
- Neighbours
- Non-government organisations
- Councils
- Planning law framework
- Development codes
- Property reports.

How **helpful** was the information?

The responses ranged from extremely helpful (identified new information, quick response) and helpful (good guidance materials, helpful Departmental staff) to not helpful (obstructive, front line people stressed) to waste of time (no point, obvious from preamble), conflicting and unclear (from overlapping laws and different advice from different advisers), and complex (the development codes).

How could the **Government information**, help or guidance be improved?

One respondent thought that the systems are satisfactory, but people do not use them. Another agreed that the available information is satisfactory, but the Act is the problem. Suggestions for improvement were:

- More on firebreaks
- Use the term landscape rather than clearing
- Start again with clear aims and purposes
- Make approvals quicker with appeals processes
- Focus on desired outcomes and best practice
- Reduce confusion
- Make it easier to understand explanation of different categories of vegetation
- An agreed plan is needed
- Identify sustainable land management principles and apply them
- Be scientific and accurate
- Use regional planning
- Increase extension officers and face to face communication
- Reduce complexity of codes

## Law Futures Centre

- Use pre-assessment where there is uncertainty
- Simplify, provide clearer fact sheets and use extension officers.

Almost all respondents had not been involved in consultation processes about codes under the Act. Some had indirectly through organisations, eg, Agforce, another through meetings and submissions, another had provided scientific information, while another had been involved in development of one of the Codes. One respondent said there were other priorities at the time. Others believed that the government had not consulted, and another that consultation had been very limited.

Comments about the codes were:

- A complex issue
- Unworkable and costly
- Full of misconceptions
- Codes are necessary in regulated systems
- Not clear enough to prevent inappropriate clearing
- Should be used only for the most low risk clearing
- Too subjective and confusing to implement
- Need for more numerous and detailed examples of what is acceptable.

No respondent had applied for or conducted vegetation clearing in accordance with a development approval.

One respondent who had sought permits was discouraged by 'vague and threatening' responses. One used industry advocacy groups for advice. Another suggested benefits from an area management approach. One said that the process was unhelpful, another gave up and another said that the statutory planning process was clunky and inefficient. Another said that the process was helpful, as options were clarified.

### **Area management plans**

Two respondents had participated in area management plans. One gave up on the process.

One thought area management processes were hard to set up with another suggesting that the aim of such processes should be progress, not suppression. One respondent gave up when told 'green groups' would have to be convinced before progress could be made, thus highlighting 'the total futility of trying to achieve progressive land management.'

### **Economic impacts of the VMA**

One respondent had received a benefit as a paid consultant, two others had received compensation or grants, eg, a \$100,000 grant for productivity enhancement.

About half the respondents claimed a disadvantage from the Act because of costs, monocultures and inability to clear ideal farming land. One would have been disadvantaged if an area management plan had not been involved. One respondent believed that the ALP is seen as enemy of farming with little understanding. The problem has been compounded by the demise of agricultural extension services. The cost of compliance is seen as enormous.

Options for compensating or providing benefits were favoured as follows:

- Payments contingent on undertaking on farm sustainable management activities under an independently audited management plan (2)
- Payments contingent on undertaking additional management /stewardship type activities in relation to regulated land (2).

## Law Futures Centre

- Direct payments to individuals adversely affected (2).

One respondent suggested a payment is not justified, while another considered that there should be no compensation for complying with the law. Payments should be made only for environmental improvements made after the purchase of land. Other comments were that a vision for the landscape was needed first, that the Act should be about land management, not clearing, and that a better approaches would be assessing properties on an individual basis so that changes could be made where the VMA was causing harm, or pay incentives to keep trees standing.

About half agreed with the proposition that reinstating the regulation of high value regrowth vegetation would: *“significantly devalue the land and assets of freehold owners and indigenous landowners without any compensation.”* One respondent could not see how any-one could agree, as in many cases the regrowth would provide a substantial revenue opportunity, eg, carbon farming, and increase property value. Another suggested that the practice of financial institutions valuing cleared land higher needs to be addressed.

Comments included:

- The issue needs deeper discussion
- Need to start again
- Trees interfere with food production
- Previously cleared land too easily becomes high value regrowth
- Loss of ecological balance and economic productivity
- Locks out areas from benefits of any market based programs
- Land values are affected
- The codes add confusion
- Biodiversity should be valued and rewarded
- Miners are not expected to meet the same standards as farmers
- Any approach has winners and losers
- Landholders were given a benefit by the Newman government changes, but did not have to pay for it
- Less impact if land used more efficiently and if regenerative activities were valued.

### **Secured conservation areas on your land**

Half of the respondents have initiated conservation agreements or similar, using the Carbon Farming Initiative, Queensland biodiversity offsets, the Nature Conservation Act, the VMA and the Land Act. One respondent would not use the Queensland framework. The areas involved were 14 hectares, 400 hectares, 4,500 hectares and, in Victoria, 1,594 acres.

The maintenance arrangements included a contractor, a responsible Trustee and the landholder.

The process in Queensland was described as lengthy and complicated and very unsatisfactory, but easy in Victoria with the Victorian Trust for Nature. Notwithstanding the previous comment, three respondents found the Qld process to be satisfactory - ‘very professional.’

The comments on about securing conservation areas on private land were:

- The processes need clear objectives and good management plans
- No faith, because of shifting goal posts and lack of longevity
- Accuracy of the mapping a major issue
- Better property mapping processes in New South Wales
- Need rewards
- Static model being imposed on dynamic systems
- No long term plans for management

## Law Futures Centre

- The processes are too hard for most landholders
- Simplification is needed
- The idea is good, but there is too much mistrust in the system now
- The law does not protect conservation areas
- There is a need to reinstate or establish a network of face to face advisers
- The formulae are outrageous
- VMA just a political weapon (Paris Accord, appease 'environmental' voters)
- The process should be made easier
- Encourage people to take it up in a way that promotes conservation outcomes
- A staged process would be easier rather than the whole end goal at once.

### Other comments and comparisons with New South Wales

One respondent noted that clearing has increased to record levels in New South Wales. The connection between offset outcomes and vegetation seems easier in New South Wales. The other comments were:

- Start again in Queensland
- Develop a clear vision for landscapes
- More explanation of the code
- Get farmers onside
- Reward the things you want
- Use good science
- Long term monitoring
- Recognise that agriculture is a primary economic driver in regional areas
- Carbon farming decreases rural employment
- Develop one simplified Act
- More explanation of codes
- Changes to correct inaccuracies should be free.

Any other comments:

- Start again and support farmers, ALP seen as enemy of agriculture and regions
- Alignment with one side of politics is not helpful
- Rural industry leaders are not helping landholders adapt to uncertain futures
- VMA is not achieving its objectives
- Accommodate climate sensitivities, eg, from intergenerational megadroughts
- Base system on sustainable land use and no erosion of property rights
- Start again, avoiding a 'war' and changing to a land management approach
- A trees only goal is not holistic
- Use a sustainable agriculture approach
- Reward land managers who maintain the highest environmental values
- Farmer support people often lack scientific knowledge and policy nous.
- Look again at pre-1999 Regional Vegetation Management Plan processes.
- Empower regions to develop the details need to make the VMA work
- Landholders should not have to bear all the costs associated with meeting community requirements
- Currently the VMA does not meet its conservation purpose: any review should be based on improving conservation outcomes, not easier tree clearing.