

**Submission**

Senate Inquiry: GBR 2050 Partnership Program



# **Senate inquiry into the 2018-19 Budget measure, the Great Barrier Reef 2050 Partnership Program**

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July 2018



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## Introduction

The Wilderness Society is pleased to provide this submission to the Committee. In it we focus on part A of the terms of reference: *the delivery of the Reef 2050 Plan, including through the Great Barrier Reef 2050 Partnership Program and through other avenues.*

We strongly encourage a high level of scrutiny on the *Great Barrier Reef 2050 Partnership Program* as there appears to be serious issues regarding the process of awarding the program and its overall efficacy. However, our key area of expertise and the focus of this submission is on the comprehensive failure of the Federal Government to control widespread deforestation in Great Barrier Reef catchments, and therefore the delivery of the *Reef 2050 Plan* as a whole.

This serious failure of environmental governance does raise related questions about the *Great Barrier Reef 2050 Partnership Program*, as the costs of rehabilitating land and controlling poor water quality from deforestation events outweighs, in monetary terms, the investment in this and other programs. The first, most effective and cheapest step the Federal Government can and must take to improve the water quality of the Great Barrier Reef is to strictly control deforestation and land clearing. Any funding should be complementary to this and strong action on climate change - the major threat to the Reef.

We expand further on the points raised about deforestation and the failure of environmental governance in the rest of this submission.



## Deforestation and the Reef

At a time when the majority of indicators of the health of the Great Barrier Reef World Heritage Area are in decline, and the Great Barrier Reef has recently been severely impacted by back-to-back coral bleaching events, it is clearly essential to minimise harmful impacts to it. However, the rate of deforestation and land clearing in Great Barrier Reef catchments has escalated dramatically in recent years, more than doubling since 2012.<sup>1</sup> In 2015–16, the Great Barrier Reef catchments had a total land clearing rate of 158,000 hectares per year (up from 74,000 in 2011-12).<sup>2</sup>

Recent data released by the Federal Government – in response to question on notice in Australian Senate Budget estimate hearings in May 2018 – has revealed that 595,000 hectares of forest were bulldozed in Great Barrier Reef catchment areas from 2012-16, equivalent to twice the size of the ACT, or over 2000 Sydney CBD's.

Deforestation and land clearing in Great Barrier Reef catchments leads to erosion and run-off of sediment into the Great Barrier Reef World Heritage Area. This reduces sunlight to seagrasses and smothers coral and other reef organisms. Increased chemical use as part of agricultural intensity in some areas adds further pollutants into Reef waters, further damaging the Outstanding Universal Value of the Reef. As the *2017 Scientific Consensus Statement on Reef water quality* notes:

*“The decline of marine water quality associated with land-based run-off from the adjacent catchments is a major cause of the current poor state of many of the coastal and marine ecosystems of the Great Barrier Reef.”<sup>3</sup>*

## Commitments to control deforestation

The Federal and Queensland governments committed to a number of actions under the Reef 2050 Plan relevant to controlling deforestation and tree clearing in Reef catchments:<sup>4</sup>

- *EHA2: Develop guidelines for assessing cumulative impacts (including climate change pressures) on matters of national environmental significance including ecosystem and heritage values in the World Heritage Area.*

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<sup>1</sup> Great Barrier Reef catchment clearing has increased from 74,000 ha in 2011-12: Queensland Department of Science, Information Technology and Innovation (2016), Land cover change in Queensland 2014–15: a Statewide Landcover and Trees Study (SLATS) report, p. 27.

<sup>2</sup> Queensland Department of Science, Information Technology and Innovation (2017), Land cover change in Queensland 2015–16: a Statewide Landcover and Trees Study (SLATS) report.

<sup>3</sup> Scientific Consensus Statement (2017). Land use impacts on Great Barrier Reef water quality and ecosystem condition. <http://www.reefplan.qld.gov.au/about/scientific-consensus-statement/>

<sup>4</sup> Commonwealth of Australia (2015), Reef 2050 Long-Term Sustainability Plan, p. 36. <https://www.environment.gov.au/system/files/resources/d98b3e53-146b-4b9c-a84a-2a22454b9a83/files/reef-2050-long-term-sustainability-plan.pdf>





- *EHA7: Prioritise functional ecosystems critical to Reef health in each region for their protection, restoration and management.*
- *EHA20: Strengthen the Queensland Government's vegetation management legislation to protect remnant and high value regrowth native vegetation, including in riparian zones.*

Priority means of addressing these actions include the Queensland Government's vegetation management legislation (hereafter called 'land clearing laws') and the Federal Government's *Environmental Protection and Biodiversity Conservation Act 1999*, as acknowledged in the Federal Government's *Reef 2050 Plan—Update on Progress*:

*"... the Queensland Government remains committed to strengthening the State's land clearing laws ... In addition, the national Environment Protection and Biodiversity Conservation Act 1999 also regulates actions that are likely to result in a significant impact on the Great Barrier Reef and offers important protections in relation to large scale land clearing."*<sup>5</sup>

UNESCO in July 2017 raised concerns about water quality in the Great Barrier Reef and both the World Heritage Centre and the IUCN reinforced the need for stronger land clearing laws as a key measure required to deliver on the goals set out under the Reef 2050 Plan:

*"... important legislation regulating land clearing has not been passed yet, and that increased efforts are needed to ensure that all important legislation necessary to deliver the 2050 LTSP outcomes is put in place."*<sup>6</sup>

In May 2018 the Queensland Parliament successfully strengthened state land clearing laws, including in Great Barrier Reef catchments. This provides stronger protection for native vegetation, mandates a 50m vegetation protection buffer around watercourses flowing into the Reef, and bans the issuing of certain land clearing permits (called as 'High Value Agriculture' permits in the laws). This is an important step to bringing this serious threat under control.

However, legacy 'High Value Agriculture' permits remain, which would allow about 36,000 hectares of land clearing in Reef catchments (9,000 ha has already been cleared under these permits). In addition, Queensland's land clearing laws continue to allow clearing of mature and regrowing forest and bushland where landholders have taken certain steps to obtain an exemption under the laws (named 'Category X' vegetation under the land clearing laws). There could be as much as 13 million hectares of Category X vegetation in

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<sup>5</sup> Commonwealth of Australia (2016), *Reef 2050 Plan—Update on Progress*  
<https://www.environment.gov.au/system/files/resources/d12a31fc-7dac-42ae-a8c9-b39898cbfa26/files/reef-2050-update-progress.pdf>

<sup>6</sup> World Heritage Committee (2017), *State of conservation of properties inscribed on the World Heritage List, Great Barrier Reef*, Forty-first session, Krakow, Poland 2-12 July 2017, p. 24.  
<http://whc.unesco.org/archive/2017/whc17-41com-7BAdd-en.pdf>





Reef catchments that can be cleared, and in some cases developed for intensive irrigated agriculture, further exacerbating water quality threats to the Reef.

The Federal Government has acknowledged that it has the power and responsibility to control deforestation in Reef catchments. When asked about Federal Government responsibilities to protect the Reef on ABC's AM program in July 2017, Australia's Environment Minister Josh Frydenberg stated that:

*"... we, at the federal level have particular powers around the Environmental Protection and Biodiversity Conservation Act when it comes to land clearing, we'll continue to implement those."*<sup>7</sup>

## Failure of environmental governance

Despite the high level of threat to the Reef and the commitments made, the Federal Government is failing to use the *Environment Protection and Biodiversity Conservation Act* (EPBC Act) to prevent deforestation and land clearing in the catchments of the Great Barrier Reef.

For example, one analysis by WWF-Australia has found 7,658 locations in Queensland where clearing had occurred or was planned in which the landowner should (or probably should) have sought approval (at the initial stage, called a 'referral' under the EPBC Act), yet in 99% of cases no steps have been taken by the Federal Government. Over half of that clearing was in Great Barrier Reef catchments.<sup>8</sup> Indeed, since the commencement of the Reef 2050 Plan in 2015, there have been only five referrals under the EPBC Act for land clearing in Great Barrier Reef catchments. To provide more context, in 2015-16 alone 158,000 hectares of native vegetation was cleared in Great Barrier Reef catchments, and yet there was only one referral under the EPBC Act, which the Federal Government has failed to act on.

Further, we understand that the Federal Government has developed guidelines to assess the "cumulative impact" of land clearing. However, the Federal Government has not implemented them. As a result, there appears to have been no attempt to assess the cumulative impacts of individual instances of proposed land clearing in Great Barrier Reef catchments - which is where the primary threat lies. The very few land clearing projects that have been assessed by the Federal Government have been treated as isolated cases at the property level. This is despite a commitment from the Federal

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<sup>7</sup> ABC AM (2017), 'Frydenberg claims UNESCO decision on the Great Barrier Reef as 'a big win' for the Turnbull Government'

<http://www.abc.net.au/am/content/2016/s4697272.htm>

<sup>8</sup> WWF-Australia (2017), Pervasive inaction on national conservation law in Qld. Available online via <http://www.wwf.org.au/knowledge-centre/resource-library#gs.gD39tiE> Also reported in The Guardian on 12 July 2017 <https://www.theguardian.com/environment/2017/jul/12/exclusive-government-inaction-leading-to-increased-pollution-on-barrier-reef-says-wwf>





Government to conduct such a cumulative impact assessment under the Reef 2050 Plan as referenced above (EHA2).

One glaring example of this systemic failure of national environmental regulation is the recent recommendation by the Federal Government to allow the bulldozing of 1,846 hectares of primary forest in a Reef catchment and subsequent development of intensive agriculture at “Kingvale” station on Cape York Peninsula. This is despite strong independent advice from the Great Barrier Reef Marine Park Authority that the development is likely to “*impact key values and attributes of the GBRWHA through increasing the amount of fine sediments and nutrients entering the Reef,*”<sup>9</sup> and advice from erosion expert Dr Jeff Shellberg that the development is “*likely to cause erosion and sediment movement which is likely to impact the Reef.*”<sup>10</sup>

Thus, while the Federal Government may be attempting to give the Australian public and the World Heritage Committee the impression that it is taking significant regulatory action to prevent deforestation and land clearing in Great Barrier Reef catchments, there is ample evidence to the contrary. This includes:

- The small number of referrals under the EPBC Act, or more precisely the failure of the Federal Government to ascertain why such areas can be cleared without any referrals being made (ie. the Federal Government’s failure to ensure compliance with its legislation);
- The incorrect (and un-rescinded) assertion by the Minister for the Environment that claims that a landowner wrongly cleared were “unfounded” when subsequent investigation showed that was not the case.<sup>11</sup>
- The active campaign against the Queensland Government’s land clearing laws being conducted by Federal Government ministers including Senator Matt Canavan.<sup>12</sup>
- Instead of taking action to ensure landowners comply with the EPBC Act, the Minister for the Environment has announced a review by a former president of the National Farmers Federation to, amongst other things:

*“...outline options to improve how the agriculture and food production sector is regulated under the EPBC Act and reduce the regulatory burden faced by farmers and applicants, including but not limited to: a. making recommendations in relation to environmental referrals, assessment and approval requirements, and listing and delisting processes for species and ecological communities under the*

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<sup>9</sup><http://epbcnotices.environment.gov.au/entity/annotation/aae7671b-5d44-e811-886f-005056ba00a8/a71d58ad-4cba-48b6-8dab-f3091fc31cd5?t=1526277622508>

<sup>10</sup><http://epbcnotices.environment.gov.au/entity/annotation/42c47d5a-5e44-e811-886f-005056ba00a8/a71d58ad-4cba-48b6-8dab-f3091fc31cd5?t=1526277406602>

<sup>11</sup><http://www.abc.net.au/news/2018-01-08/north-qld-station-owner-cleared-land-without-federal-approval/9312742>

<sup>12</sup> Senator Matt Canavan op ed in The Australian (2018). *Labor’s dirty deal to stop land clearing*. <https://www.theaustralian.com.au/opinion/labors-dirty-deal-to-stop-land-clearing/news-story/79d667a7795a4e543307c6c04bd0c10a>





EPBC Act.<sup>13</sup> [emphasis added]

As the custodian of a World Heritage property, it is incumbent upon the Federal Government to take urgent action to halt clearing in Reef catchments and end its detrimental impacts on the Outstanding Universal Value of the Great Barrier Reef World Heritage Area.

## Cost of prevention vs rehabilitation

The Federal Government recently announced \$444 million of funding for the Great Barrier Reef Foundation to fund projects to improve the health of the Reef. Notwithstanding the issues surrounding the process by which this funding was awarded, The Wilderness Society in general supports funding for improving the health of the Reef.

But such funding should be strategic, as part of an open and transparent tender process, and critically, needs to be done in tandem with strict controls on deforestation and land clearing and action on climate change - addressing the two biggest threats to the Reef. In other words, prevention needs to accompany rehabilitation, or else the rehabilitation is at serious risk of being rendered meaningless. At this stage the Federal Government is investing only in band-aid solutions and is not fully addressing the root causes of the problem.

For example, Greening Australia is attempting to raise \$132 million to rehabilitate 2000 hectares of land at about 35 different locations by 2030 in Reef catchments to help improve water quality.<sup>14</sup> While this is undoubtedly attempting to target the most problematic areas of erosion, the scale of funding, effort and time required to rehabilitate damaged land is extraordinary.

Compare this now with the approximate 150,000 hectares of forest and land bulldozed every year in Great Barrier Reef catchments. By way of broad comparison, only 4-5% of this land each year needs to be in bad condition and contributing serious run off to quickly negate the \$444 million investment.

## The need for nature laws that work

While there is clearly scope for the Federal Government to act on deforestation and land clearing under the EPBC Act, the very fact that no Federal Government action is occurring points to a regulatory system in bad need of overhaul.

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<sup>13</sup><http://www.environment.gov.au/system/files/resources/920b4808-a1a2-4785-8591-b044f913e6f9/files/epbc-agriculture-review-tor.pdf>

<sup>14</sup><https://www.smh.com.au/environment/conservation/great-barrier-reef-sediment-flow-reduced-by-97-per-cent-at-test-site-20180517-p4zfwb.html>



By every major indicator of environmental health, Australia's nature is declining fast. Forty-one new species were added to the threatened species list this year. Water and soil quality is declining all over the country. 50% of our forests are gone. Much of this is due to deforestation and land clearing.

The problem is our environmental regulations are a mess: they encourage the destruction of our natural wealth. Scientists consistently rate Australia's failed laws in the top threats to biodiversity, along with invasive species and climate change.

The lines of responsibility between Federal and State are constantly in flux, creating a shifting soup of regulations. Some sectors are given special exemption from the rules (or the in case of agriculture, de-facto exemption), laws are not enforced, and decision-making is political and done behind closed doors. This means even the most basic of protections aren't enforced, as is clearly the case with deforestation.

In order to properly protect nature in Australia, including comprehensively controlling deforestation and land clearing and delivering on the *Reef 2050 Plan*, the Federal Government should:

- 1. Establish a new National Environment Act** to give the Federal Government greater powers and responsibilities to protect the environment, including to protect High Conservation Value forests and bushland (this includes all primary, old growth and remnant vegetation, and regrowth vegetation where it meets one of the six criteria as defined by the High Conservation Value Network).
- 2. Establish an independent National Environment Commission** to develop a National Environment Plan laying out a series of common goals for improving environmental indicators and to report regularly and publically on progress, including on forest and bushland protection and Reef health.
- 3. Establish a new independent National Environmental Protection Authority** to act as a watchdog over the system, with responsibility for environmental impact assessments, monitoring, compliance and enforcement of all national environmental laws.

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