



WWF

AUSTRALIA

A large, mature tree with a thick, textured trunk and dense green foliage stands prominently on the right side of the frame. The tree is situated on a grassy bank next to a calm body of water. The sky is a soft, warm orange and pink, suggesting a sunset or sunrise. The water reflects the light from the sky and the tree. In the background, a line of trees and a distant shoreline are visible under the same soft light.

TECHNICAL REPORT TREES SCORECARD

Acknowledgements

WWF-Australia acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, water and culture. We pay our respects to their Elders past and present.

WWF-Australia wishes to express our gratitude to the Environmental Defenders Office (EDO) for their comprehensive analysis that informed the scoring for the commitment and land clearing indicators (Indicators 6, 7 and 8), and Frontier Economics for their comprehensive analysis that informed the scoring for the native forest logging indicators (9 and 10).

WWF-Australia wishes to express our gratitude to Barraband Consulting, 11 Butterflies, Acacia Consulting, Australian National University and Kuril and Currawong Consulting, which also contributed expertise to develop the Scorecard.

WWF-Australia acknowledges the Purves Environmental Fund, contributing members of the Australian Environmental Grantmakers Network, HP Inc., and WWF-Japan for their generous support in developing the Trees Scorecard.

We thank governments for their time in reviewing the accuracy of information used for the Scorecard, and for feedback and insights into differing government approaches that informed the scoring.

We look forward to ongoing collaboration with all jurisdictions to share the highlights, improve on the lowlights, enhance alignment and drive ambition towards Australia becoming a leader in protecting and restoring trees.

About WWF

WWF is one of the world's largest and most experienced independent conservation organisations, with more than 30 million supporters and a global network active in over 100 countries. WWF's mission is to stop the degradation of the planet's natural environment and to build a future in which humans live in harmony with nature, by conserving the world's biological diversity, ensuring that the use of renewable natural resources is sustainable, and promoting the reduction of pollution and wasteful consumption.

WWF-Australia is one of Australia's most trusted conservation organisations. For 45 years, WWF-Australia has worked to protect threatened species and habitats, meet the challenge of climate change, and build a world where people live in harmony with nature.

WWF-Australia National Office
Suite 3.01, Level 3, 45 Clarence Street
Sydney NSW 2000. Tel: +1800 032 551
enquiries@wwf.org.au

WWF® and World Wide Fund for Nature® trademarks and ©1986 Panda Symbol are owned by WWF-World Wide Fund For Nature (formerly World Wildlife Fund). All rights reserved. For contact details and further information, please visit our website at wwf.org.au.

To be cited as:

Keogh, V., Ward, M., Stewart, R., Blanch, S., and Cronin, T. 2023. *WWF Trees Scorecard 2023 Technical Report*. WWF-Australia, Sydney.

Some content in the Appendices is provided by the Environmental Defenders Office and Frontier Economics and is indicated where this occurs.

Table of Contents

Introduction.....	1
Methodology	1
RESULTS.....	6
STATE INDICATORS.....	7
Indicator 1: Proportion of forests and woodlands remaining intact	7
PRESSURE INDICATORS.....	8
Indicator 2: Ending of primary forest and woodland clearing (ha).....	8
Indicator 3: Ending of regrowth forest and woodland clearing (ha)	9
Indicator 4: Ending of native forest logging (log volume).....	10
RESPONSE INDICATORS	11
Indicator 5: Subregions achieving 30% protection target	11
Indicator 6. Commitment and programs in line with the Glasgow Declaration	12
Indicator 7. Land Clearing: Comprehensive regulatory framework	14
Indicator 8. Land Clearing: Strong enforcement and compliance	16
Indicator 9. Native Forest Logging: Commitment to end or prevent native forest logging.....	18
Indicator 10. Native Forest Logging: A clear, resourced, inclusive transition pathway.....	20
Indicator 11. Transparent information: Land clearing, logging, restoration and emissions.....	22
APPENDICES.....	24
Appendix A. Detailed Results Indicator 6 - Commitment and programs in line with the Glasgow Declaration	25
Appendix B. Detailed Results for Indicator 7 - Land Clearing: Comprehensive regulatory framework.....	42
Appendix C. Detailed Results for Indicator 8 - Land Clearing: Strong enforcement and compliance.....	68
Appendix D. Detailed Results for Indicator 9 - Native Forest Logging: Commitment to end or prevent native forest logging.....	85
Appendix E. Detailed Results for Indicator 10 - Native Forest Logging: A clear, resourced, inclusive transition pathway	87
Appendix F. Detailed Results for Indicator 11 - Transparent information: Land clearing, logging, restoration and emissions	91
Appendix G. Definitions.....	97

Introduction

This technical report has been produced to support the first edition of the WWF-Australia Trees Scorecard 2023 (from here on the 'Scorecard'), published July 2023.

The technical report describes the methodology used to produce the Scorecard including the development of the indicators, data collection process, and summarises the evidence used in scoring.

The goal of the Scorecard is to create a methodology that is informed by science and objective data, repeatable, is nationally applicable, sufficiently robust to critique despite its complexity, and is policy relevant and digestible by government and the public.

The following jurisdictions are considered in this Scorecard:

1. The Australian Federal Government;
2. The Queensland Government;
3. The New South Wales Government;
4. The Victorian Government;
5. The Tasmanian Government;
6. The South Australian Government;
7. The Western Australian Government;
8. The Northern Territory Government; and
9. The Australian Capital Territory Government.

Methodology

Indicator development

WWF-Australia developed the indicators based on knowledge of the policies and actions required by governments to implement Australia's commitment to halt and reverse forest loss and land degradation by 2030 under the Glasgow Leader's Declaration on Forests and Land Use.¹

Indicators were refined based on assessment of available information. Only indicators that could be assessed using data that has consistent and comparable national coverage was used. This was to ensure a robust, consistent and fair comparison across jurisdictions. A total of 11 indicators were developed on this basis. One implication of this approach is that jurisdictions that have invested in acquiring more accurate data are not necessarily assessed using that data. Another is that the indicators adopted cannot assess all actions, programs, investments and reforms made by all jurisdictions. Indicators were selected to allow comparison of the most significant measures of performance that have national relevance to demonstrating progress towards the goal of halting and reversing forest loss.

Scoring metrics were developed to support objective and transparent assessment. Given the subjective nature of this approach, a principle of transparency has been adopted; indicators, metrics and evidence used are described in detail in this report. The scoring methodology was also reviewed and supported by WWF-Australia's Eminent Scientists Group.²

¹ *Glasgow Leaders' Declaration on Forests and Land Use*, 2 November 2021, UN Climate Change Conference, UK 2021, available at <https://webarchive.nationalarchives.gov.uk/ukgwa/20230418175226/https://ukcop26.org/glasgow-leaders-declaration-on-forests-and-land-use/>

² WWF-Australia, 'Board of Directors', *WWF-Australia*, Committees of the Board, available at: <https://wwf.org.au/about-us/leaders/board-of-directors/>.

The Scorecard is a work in progress under an over-riding principle of continuous improvement. WWF invites reviews of the methodology to support a collaborative approach to improve monitoring and reporting of the performance of progress in halting and reversing forest loss and land degradation by 2030. Future Scorecards will incorporate improved and additional data, and scoring metrics will be adjusted where appropriate to accurately assess governments' actions to halt and reverse deforestation.

Pressure State Response

The indicators were developed using the driver-pressure-state-impact-response (DPSIR) model.³ Here, we focus only on pressures, states, and responses due to data limitations. The PSR model operates on the principle of causality, whereby human activities ('drivers') exert pressure on the environment ('pressure'), leading to changes in the environment ('state') which causes social, environmental, or economic changes ('impact'). Governments then respond to these changes through environmental, economic and sectoral responses ('response').

State: Current conditions and quality of the environment and related effects on the quality and quantity of natural resources.

Pressure: Pressures caused by human activities on the environment and the resultant effects on natural resources.

Response: Shows the extent to which governments respond to environmental concerns through environmental, economic and sectoral policies.

See Table 1 below to see how the indicators have been integrated into the PSR model.

Table 1: WWF Trees Scorecard Indicators

1	State:	Proportion of forests and woodlands remaining intact (% by jurisdiction)
2	Pressure:	Ending of primary forest and woodland clearing (hectares per jurisdiction)
3	Pressure:	Ending of regrowth forest and woodland clearing (hectares per jurisdiction)
4	Pressure:	Ending of native forest logging (Log volume, m ³)
5	Response:	Proportion of subregions achieving 30% protection target (% by jurisdiction)
6	Response:	Land Clearing: Commitment and programs in line with the Glasgow Declaration
7	Response:	Land Clearing: Comprehensive regulatory framework
8	Response:	Land Clearing: Strong monitoring and enforcement
9	Response:	Native Forest Logging: Commitment to end or prevent native forest logging
10	Response:	Native Forest Logging: A clear, resourced, inclusive transition pathway
11	Response:	Transparent information: Land clearing, logging, restoration and emissions

Quantitative and qualitative indicators

The Scorecard includes five quantitative indicators. These indicators were scored on a scale from 0-4, using quartiles from the highest result.

Where quantitative data was not available, a qualitative assessment was undertaken. The Scorecard includes six qualitative indicators, scored on a scale from 0-4. A scoring metric was developed for each qualitative indicator to enable more objective scoring, with each metric consisting of 4 equally

³ UN Environment (Ed.). (2019). *Global Environment Outlook – GEO-6: Healthy Planet, Healthy People*. Cambridge: Cambridge University Press, available at <https://doi.org/10.1017/9781108627146>

weighted criteria (each criterion equal to one point). To receive a full score, jurisdictions must meet all four criteria for that indicator. For criteria that were partially attained, a score of 0.5 was given. For all metrics, a score of 0 represented a negative score, and 4 represented a positive score.

All indicators were weighted equally (4), as were each criterion (1), to avoid explicit bias. As such, each indicator (as well as each associated criterion) was deemed to carry equal importance.

Data collection, analysis and scoring

As this is the first edition of the Scorecard, all relevant publicly available data up until the data cut-off date (30 May, 2023) was gathered and assessed.

Quantitative data

For quantitative indicators, relevant data that enabled a consistent national assessment was used. This included:

- Data from Australia's National Greenhouse Accounts, Land Use Land Use Change and Forestry (LULUCF) Activity Tables;⁴ and,
- Data from the Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES) timber volume data (log volume by state and type).⁵

Qualitative data

WWF-Australia engaged multiple consultants to provide a comprehensive evidence base to inform scoring of qualitative indicators. This enabled WWF-Australia to score each government's performance against each of the six qualitative indicators. The research underpinning the indicators is based on publicly available information and data.

Consultants commissioned to provide WWF-Australia with expert advice were:

- Environmental Defenders Office – Indicators relating to commitments and land clearing; and,
- Frontier Economics – Indicators relating to native forest logging.

Additional information and advice were sought from:

- Barraband Consulting
- 11 Butterflies
- Kuril and Currawong Consulting
- Australian National University (Prof. David Lindenmayer, Dr Chris Taylor).

Data was gathered from a variety of credible and relevant sources, including federal, state/territory government websites, legislation, budget papers, reports and news websites. All qualitative information has been referenced appropriately in the jurisdictional reports.

⁴ Department of Climate Change, Energy, the Environment and Water (Australian Government), 'Australia's National Greenhouse Accounts, Land Use Land Use Change and Forestry (LULUCF) Activity Tables 2021', *Australian Government* (2023), available at:

<https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.dcceew.gov.au%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2Fageis-activity-table-1990-2021-lulucf.xlsx&wdOrigin=BROWSELINK>.

⁵ Department of Agriculture, Fisheries and Forestry (Australian Government), 'Forest Data', *Australian Bureau of Agricultural and Resource Economics and Sciences*, Australian forest and wood products statistics, available at: <https://www.agriculture.gov.au/abares/research-topics/forests/forest-data#australian-forest-and-wood-products-statistics>.

Excluded information

We excluded policy proposals or policy initiatives yet to be materially implemented by jurisdictions. WWF looks forward to recognising improved performance by jurisdictions in future Scorecards as such policy proposals are implemented.

Only publicly available information was used to derive this scorecard. Confidential or private information was not used to ensure highest standards of credibility and transparency.

Scorecard Ratings

Scoring categories were used to assign ratings using equal intervals, where 'Very Good' rating is greater than 83%, a 'Good' rating is 67 – 82%, 'Average' rating is 50 – 66%, 'Poor' rating is from 33-49%, and 'Very Poor' is 0-32%. Very Poor represents the bottom two intervals.

Rating	Intervals
Very Good	83% - 100%
Good	67% - 82%
Average	50% - 66%
Poor	33% - 49%
Very Poor	0% - 32%

Scoring

The scoring was completed by WWF-Australia conservation scientists with relevant skills and experiences encompassing conservation science, geospatial science, vegetation ecology, native vegetation and forestry policy, landscape restoration, protected areas and environmental law. A minimum of three team members were required to be present at each scoring meeting. All information was reviewed as a team to agree on the score. Where there was insufficient evidence to confidently determine a score, the team would seek further information and clarification prior to determining the score.

Jurisdictions were afforded procedural fairness by providing them with evidence used for scoring prior to finalisation of the draft Scorecard. Scores were amended where errors or gaps in information were corrected by respondent jurisdictions.

Limitations

The following topics were considered for inclusion in this version of the scorecard, but were ultimately omitted due to data limitations following thorough investigation:

- **Restoration of forests and woodlands (funding, adequacy, and areas)** - data was unavailable to permit a consistent comparison of restoration across all jurisdictions.
- **Areas of native forest logging** – spatial data to support an analysis of the area of logging was requested from governments. Unfortunately, data was not consistently available to allow meaningful comparison.
- **Proportion of clearing in high environmental value areas** – to report on the amount of clearing in areas of high environmental value, we requested the Commonwealth Government provide access to its '*National Forest and Sparse Woody Vegetation Data*' spatial dataset to perform this analysis. However, data was not made available.
- **Protected areas** are a key mechanism available to governments to protect forests. Protected area commitments and policy often lack specificity, with quantitative data on the levels of protection of different forest types per sub-bioregion unavailable nationally. Thus, the

assessment was restricted to basic performance metrics of extent and ecological representation.

- **Private native forestry** was deemed out of scope in this first national assessment, particularly due to lack of publicly available detailed information regarding private forestry across the jurisdictions.
- **Integrity of carbon and biodiversity markets** was also deemed out of scope.

WWF-Australia aims to progressively include additional indicators in future Scorecards, including those listed above, to enable accurate and reliable assessments of these, and other matters, as data and information become available.

RESULTS

STATE INDICATORS

“State” indicators capture the current state of forests and woodlands loss across the nation.

Indicator 1: Proportion of forests and woodlands remaining intact

Indicator Type: Quantitative Indicator

Rationale

Intact forests are crucial for addressing the climate and nature crises. Intact forests provide habitats, breeding grounds, and food sources for countless species, play a crucial role in mitigating climate change and provide numerous ecosystem services essential for human well-being. As such, the Trees Scorecard has included an assessment of remaining forests and woodlands that are intact to provide a current state of play for each jurisdiction.

Metric:

Score	0	1	2	3	4
Proportion of forests and woodlands remaining intact	0-24%	25-49%	50-74%	75-99%	100%

Methodology

The Habitat Condition Assessment System (HCAS) maps habitat condition for all vegetation across Australia⁶. We clipped the national HCAS layer to the footprint of what the National Vegetation Information System v6.0⁷ maps as forest or woodland (in their title or description). This provided an estimate of the proportions of forest and woodlands present in 1788 that remained intact in 2018.

Results

	VIC	ACT	TAS	NSW	QLD	Fed	SA	WA	NT
Result	22%	33%	35%	36%	45%	52%	58%	62%	73%
Score	0	1	1	1	1	2	2	2	2
Score (%)	0%	25%	25%	25%	25%	50%	50%	50%	50%

⁶ Williams, K., et al., 31 December 2021, *Habitat Condition Assessment System (HCAS version 2.1) Enhanced method for mapping habitat condition and change across Australia*, CSIRO, Canberra, available at <https://publications.csiro.au/publications/publication/PIcsi:EP2021-1200>

⁷ Department of Climate Change, Energy, the Environment and Water (Australian Government), ‘Native Vegetation information System v6.0’, *Australian Government (2023)*, NVIS data products, available at: <https://www.dcceew.gov.au/environment/land/native-vegetation/national-vegetation-information-system>

PRESSURE INDICATORS

“Current pressures” captures the key pressures driving forest and woodland loss across the nation.

Indicator 2: Ending of primary forest and woodland clearing (ha)

Indicator Type: Quantitative Indicator

Rationale

This indicator is the absolute area in hectares of primary forest and woodland cleared over the most recent four-year period (FY18-FY21). This indicator recognises the values of primary forest and woodland as wildlife habitat, conservation of threatened species, and provision of ecosystem services such as carbon storage and rain production.

Metric:

Score	0	1	2	3	4
Result range	63,223 - 84,296+	42,149- 63,222	21,075- 42,148	1- 21,074	0

Methodology

This indicator assesses the absolute area (hectares) of primary forest and woodland cleared over the most recent four-year period (FY18-FY21). We used the Primary Conversion areas in the Federal Government’s LULUCF activity table (Table 1a)⁸ reported to the UNFCCC, which is derived from the Commonwealth’s *National Forest and Sparse Woody Vegetation Data*.⁹

To enable meaningful and comparative scoring relative to state and territory scores, the federal government is given an average area of clearing across all jurisdictions (*see table below). This is intended to encourage the federal government to work with each jurisdiction to lower clearing rates, given the often-overlapping regulatory frameworks. If the federal government were to be scored similarly to the other jurisdictions, then it would always place last, regardless of effort. Hence an average result is more reflective of possible future change. The clearing data is then broken into five scores based on quartile division from the highest value.

Results

	ACT	NT	SA	VIC	TAS	WA	Fed	NSW	QLD
Result Hectares of clearing	7	1,725	2,530	3,139	3,375	11,756	18,893*	44,314	84,296
Score	3	3	3	3	3	3	3	1	0
Score (%)	75%	75%	75%	75%	75%	75%	75%	25%	0%

*Average area across all jurisdictions

⁸ Department of Climate Change, Energy, the Environment and Water (Commonwealth of Australia), ‘Australia’s National Greenhouse Accounts, Land Use Land Use Change and Forestry (LULUCF) Activity Tables 2021’, *Australian Government* (2023), available at:

<https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.dcceew.gov.au%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2Fageis-activity-table-1990-2021-lulucf.xlsx&wdOrigin=BROWSELINK>.

⁹ It is noted the National Carbon Accounting System (NCAS) ‘National Forest and Sparse Woody Vegetation Data’ does provide the most consistent estimate of national forest cover change over time, the attribution of cause of change requires careful validation. Changes in cover may not reflect permanent loss through clearing but rather bushfire impacts, vegetation regeneration or regrowth following disturbance, or seasonal ‘thickening’ of woody vegetation following favourable weather conditions in rangelands and arid areas.

Indicator 3: Ending of regrowth forest and woodland clearing (ha)

Indicator Type: Quantitative Indicator

Rationale

This indicator focusses on forest and woodland regrowth to recognise the importance of restoring cleared and degraded landscapes for both recovering biodiversity and reducing carbon emissions.

Metric:

Score	0	1	2	3	4
Result Hectares of clearing	536,530 - 715,371+	357,687 – 536,529	178,844 – 357,686	1- 178,843	0

Methodology

This indicator looks at the area (hectares) of regrowth forest and woodland cleared over the most recent four-year period (FY18-FY21). We used the 're-clearing' areas in the Federal Government's LULUCF [activity table](#) (Table 1a)¹⁰ reported to the UNFCCC, which is derived from the Commonwealth's *National Forest and Sparse Woody Vegetation Data*.¹¹

To enable meaningful and comparative scoring relative to state and territory scores, the federal government is given an average area of clearing across all jurisdictions. This is intended to encourage the federal government to work with each jurisdiction to lower clearing rates, given the often-overlapping regulatory frameworks. If the federal government were to be scored similarly to the other jurisdictions, it would always result in last, regardless of effort. Hence an average result is more reflective of possible future change.

The clearing data is then broken into five scores based on quartile division from the highest value.

Results

	ACT	NT	TAS	SA	VIC	WA	Fed	NSW	QLD
Result Hectares of clearing	558	12,678	16,835	30,184	54,467	63,334	139,161*	219,856	715,371
Score	3	3	3	3	3	3	3	2	0
Score (%)	75%	75%	75%	75%	75%	75%	75%	50%	0%

*Average area across all jurisdictions

¹⁰ Department of Climate Change, Energy, the Environment and Water (Commonwealth of Australia), 'Australia's National Greenhouse Accounts, Land Use Land Use Change and Forestry (LULUCF) Activity Tables 2021', *Australian Government* (2023), available at:

<https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.dcceew.gov.au%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2Fageis-activity-table-1990-2021-lulucf.xlsx&wdOrigin=BROWSELINK>.

¹¹ It is noted the National Carbon Accounting System (NCAS) Forest and Sparse Woody Vegetation dataset does provide the most consistent estimate of national forest cover change over time, the attribution of cause of change requires careful validation. Changes in cover may not reflect permanent loss through clearing but rather bushfire impacts, vegetation regeneration or regrowth following disturbance, or seasonal 'thickening' of woody vegetation following favourable weather conditions in rangelands and arid areas.

Indicator 4: Ending of native forest logging (log volume)

Indicator Type: Quantitative Indicator

Rationale

Native forest logging is one of the main drivers of forest and woodland degradation. Currently, the nature, scale and intensity of native forest logging on public land are at odds with protecting intact habitat that is critical for the long-term survival of native animals. This indicator looks at the volume of logs harvested per jurisdiction as an indicator of the scale of native forest logging and, consequently, habitat loss.

Metric:

Score	0	1	2	3	4
Result range	3,758,888 - 5,011,849+	2,505,925 - 3,758,887	1,252,963 - 2,505,924	1 - 1,252,962	0

Methodology:

This indicator considers the volume of native forest logs harvested over a four-year period (FY18-FY21). We used Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES) timber volume data (log volume by state and type)¹².

To enable meaningful and comparative scoring relative to state and territory scores, the federal government is given an average log volume across all jurisdictions. This scoring approach is intended to encourage the federal government to work with jurisdictions to phase out native forest logging. If the federal government were to be scored similarly to the other jurisdictions, it would always result in last, regardless of effort. Hence an average result is more reflective of possible future change.

The volume data is then broken into four scores based on quartile division from the highest volume.

Results

	TAS	VIC	NSW	Fed	WA	QLD	ACT	NT	SA
Result Log volume (m ³)	5,011,849	4,141,910	2,950,698	1,342,733	1,590,165	1,140,299	0	0	0
Score	0	0	1	2	2	3	4	4	4
Score (%)	0%	0%	25%	50%	50%	75%	100%	100%	100%

¹²Australian Bureau of Agricultural and Resource Economics and Sciences, 'Forest Data', *Australian Government Department of Agriculture, Fisheries and Forestry* (2022), Australian forest and wood products statistics, available at: <https://www.agriculture.gov.au/abares/research-topics/forests/forest-data#australian-forest-and-wood-products-statistics>.

RESPONSE INDICATORS

“Response” indicators captures the extent to which governments respond to and address forest and woodland loss.

Indicator 5: Subregions achieving 30% protection target

Indicator Type: Quantitative Indicator

Rationale

Protected areas like national parks play a crucial role in conserving and safeguarding the natural environment and its biodiversity. As such, the Scorecard has included an assessment of how representative the protected area estate is, which is relevant to the Convention on Biological Diversity 2030 Global Biodiversity Framework target 3 ‘*Ensure and enable that by 2030 at least 30% of terrestrial, inland water, and of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem functions and services, are effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and other effective area-based conservation measures, recognising Indigenous and Traditional territories, where applicable, and integrated into wider landscapes, seascapes and the ocean, while ensuring that any sustainable use, where appropriate in such areas, is fully consistent with conservation outcomes, recognising and respecting the rights of Indigenous Peoples and local communities, including over their Traditional territories.*’ Here we take one part of the total goal around ecological representation and assume that means each subregion must be 30% protected. We note that no other part of the goal has been addressed due to data limitations.

Metric:

Score	0	1	2	3	4
Result range	0-24%	25-49%	50-74%	75-99%	100%

Methodology

This indicator uses Collaborative Australian Protected Areas Database (CAPAD) data¹³ to find the average proportion of sub-bioregions that have achieved a 30% protection target.

Results

	QLD	Fed	NSW	SA	VIC	NT	WA	ACT	TAS
Result	37%	44%	44%	49%	58%	61%	62%	66%	74%
Score	1	1	1	1	2	2	2	2	2
Score (%)	25%	25%	25%	25%	50%	50%	50%	50%	50%

¹³ Department of Climate Change, Energy, the Environment and Water, ‘CAPAD 2020’, *Commonwealth of Australia* (2020), available at: [capad2020-terrestrial-national.xlsx](https://www.capad.gov.au/capad2020-terrestrial-national.xlsx) (live.com)

Indicator 6. Commitment and programs in line with the Glasgow Declaration

Note: detailed results and information used in the assessment can be found in Appendix A.

Indicator Type: Qualitative Indicator

Rationale:

Governments must show leadership by making strong commitments and providing programs to halt and reverse forest loss. This sends a strong signal to industries, producers, financial institutions, value chains and consumers about the importance of forests and woodlands to our climate, ecosystems, livelihoods, well-being and economy.

This indicator assesses government policy and legislative commitments to end deforestation and increase reforestation. It assesses whether policy and legislative commitments are in line with the Glasgow Declaration of:

'... working collectively to halt and reverse forest loss and land degradation by 2030 while delivering sustainable development and promoting an inclusive rural transformation'.¹⁴

The intent of the non-binding Glasgow Declaration is reflected in the binding Glasgow Climate Pact, to which Australia is signatory, which:

38. Emphasizes the importance of protecting, conserving and restoring nature and ecosystems to achieve the Paris Agreement temperature goal, including through forests and other terrestrial and marine ecosystems acting as sinks and reservoirs of greenhouse gases and by protecting biodiversity, while ensuring social and environmental safeguards;¹⁵

This indicator also assesses whether governments offer incentives for forest and woodland protection and restoration and whether frameworks to attract natural capital into nature repair are provided. While markets are often criticised, they offer opportunity to scale and accelerate and recognise that reversing forest and woodland loss will require a fundamental shift in how the breadth of goods and services that forests provide are accounted for in economic and financial terms. However, to be effective, they must be underpinned by effective governance that ensures high-integrity supply and demand only after priority actions to avoid and mitigate impacts are implemented as per the mitigation hierarchy.^{16,17}

This Scorecard assesses whether governments are providing frameworks to attract natural capital into nature repair but, at this stage, does not explicitly assess the integrity of these frameworks. This has been noted for consideration for future Scorecards.

¹⁴ *Glasgow Leaders' Declaration on Forests and Land Use*, 2 November 2021, UN Climate Change Conference, UK 2021, available at <https://web.archive.nationalarchives.gov.uk/ukgwa/20230418175226/https://ukcop26.org/glasgow-leaders-declaration-on-forests-and-land-use/>

¹⁵ United Nations Framework Convention on Climate Change (UNFCCC), Conference of the Parties serving as the meeting of the Parties to the Paris Agreement Report of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement on its third session, UNFCCC (13 November 2021), FCCC/PA/CMA/2021/10/Add.1, Decision 1/CMA.3, available at: https://unfccc.int/sites/default/files/resource/cma2021_10_add1_adv.pdf.

¹⁶ Department of Climate Change, Energy, the Environment and Water, undated. *Offsets mitigation hierarchy*. Australian Government, Canberra. Available at <https://www.dcceew.gov.au/environment/epbc/approvals/offsets/guidance/mitigation-hierarchy>

¹⁷ Cook-Patton, S.C., Drever, C.R., Griscom, B.W. *et al.* Protect, manage and then restore lands for climate mitigation. *Nat. Clim. Chang.* 11, 1027–1034 (2021). <https://doi.org/10.1038/s41558-021-01198-0>

Metric:

To score a 4 for this indicator, 4 criteria needed to be satisfied. As such, each criterion received up to 1 point:

- 1 = Yes
- 0.5 = Partial
- 0 = No

Scores and criteria					Considerations
0	1	2	3	4	
0 of:	1 of:	2 of:	3 of:	4 of:	
1. Policy commitment in line with the Glasgow Declaration					Terms in line with Declaration included: <ul style="list-style-type: none"> ● 'halt' - protect, maintain, preserve/ conserve, resilient ● 'reverse' - enhance, restore, improve, increase, nature positive.
2. Legislative commitments in line with the Glasgow Declaration					
3. Restoration program/s provide for a range of approaches					Programs available which incentivise halting and reversing forest loss.
4. Framework to increase investment of private capital into conservation and restoration					e.g. through carbon and biodiversity markets

Summary Results

Indicator 6. Commitment and programs in line with the Glasgow Declaration

	Fed	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
1. Policy commitment in line with the Glasgow Declaration.	1	1	0	0	0.5	1	0.5	0.5	0.5
2. Legislative commitments in line with the Glasgow Declaration.	0.5	1	0.5	0.5	0.5	1	0.5	0.5	1
3. Restoration program/s provide for a range of approaches.	1	0.5	1	0.5	1	1	0.5	1	1
4. Framework to increase private capital into conservation and restoration.	0.5	0	0.5	0	0.5	0	0	0.5	0
Score	3	2.5	2	1	2.5	3	1.5	2.5	2.5
Score (%)	75%	62.5%	50%	25%	62.5%	75%	37.5%	62.5%	62.5%

Indicator 7. Land Clearing: Comprehensive regulatory framework

Note: detailed results and information used in the assessment can be found in Appendix B.

Indicator Type: Qualitative Indicator

Rationale

Land clearing is one of the primary drivers of forest and woodland loss and degradation. Regulation has clear on-ground impacts and is a critical part of ending land clearing.¹⁸ This indicator assesses government regulation and considers exemptions, code-based clearing, safeguards and offsets.

Metric:

To score a 4 for this indicator, 4 criteria needed to be satisfied. As such, each criterion received up to 1 point:

- 1 = Yes
- 0.5 = Partial
- 0 = No

Scores and criteria					Considerations
0	1	2	3	4	
0 of:	1 of:	2 of:	3 of:	4 of:	
1.	Exemptions are clearly defined and limited to a narrow range of scenarios <i>(or no exemptions)</i> .				<ul style="list-style-type: none"> ● Are exemptions limited to a narrow range of scenarios? Are they well defined?
2.	Self-assessable clearing codes are clearly defined, limited to a narrow range of scenarios, and managed <i>(or no code-based clearing)</i> .				<ul style="list-style-type: none"> ● Are self-assessable clearing codes limited to a narrow range of scenarios? Are they well defined? ● Is notification and reporting required?
3.	Clearing requiring approval has appropriate safeguards to ensure consistent and robust assessment.				<ul style="list-style-type: none"> ● Does the decision framework ensure consistent and robust assessment (acknowledging assessment of clearing applications will always require a level of discretion)? ● Are there clear decision-making guidelines? Are the guidelines mandated? ● Are there opportunities for public comment on clearing applications, and appeals? ● Can decisions be overruled by the Minister/another party? And can this be challenged?
4.	Evidence that offsets deliver net gain against a clear baseline ^{19**} .				<ul style="list-style-type: none"> ● Is there a policy intent for net gain? ● Is there evidence that the mitigation hierarchy is being used effectively? ● Is there any evidence that offsets are delivering a net gain?

¹⁸ Ernst and Young 2022, 'Regulatory and market levers to support Queensland's beef industry towards its 2030 carbon neutral target', WWF-Australia, available at: <https://wwf.org.au/blogs/decarbonisation-pathways-for-queenslands-beef-industry/>.

¹⁹ Assessments for states and territories focus on their respective offset framework. It is noted that for controlled actions assessed under the EPBC Act the Commonwealth *EPBC Act Environmental Offsets Policy* may also apply.

Summary Results

Indicator 7. Land Clearing: Comprehensive regulatory framework

	Fed	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
1. Exemptions are clearly defined and limited to narrow range of scenarios.	0	0.5	0	0	0	0.5	0.5	0.5	0
2. Self-assessable clearing codes are clearly defined, limited to narrow range of scenarios, and managed.	1	1	0	1	0	1	1	1	1
3. Clearing requiring approval has appropriate safeguards to ensure consistent and robust assessment.	0	0.5	0	0	0	0.5	0.5	0.5	0.5
4. Evidence that Offsets deliver net gain against a clear baseline.	0	0	0	0	0	0	0	0	0
Score	1	2	0	1	0	2	2	2	1.5
Score (%)	25%	50%	0%	25%	0%	50%	50%	50%	37.5%

Indicator 8. Land Clearing: Strong enforcement and compliance

Note: detailed results and information used in the assessment can be found in Appendix C.

Indicator Type: Qualitative Indicator

Rationale

Land clearing is one of the primary drivers of forest and woodland loss and degradation. Effective enforcement and compliance are critical components of ending land clearing; land clearing regulation is irrelevant if it is not enforced. This indicator includes detection systems, proactive enforcement, opportunities for civil action, and transparency of information relating to enforcement and compliance activities.

Metric:

To score a 4 for this indicator, 4 criteria needed to be satisfied. As such, each criterion received up to 1 point:

- 1 = Yes
- 0.5 = Partial
- 0 = No

Scores and criteria					Considerations
0	1	2	3	4	
0 of:	1 of:	2 of:	3 of:	4 of:	
1. Detection system					<ul style="list-style-type: none"> ● Is there a system to detect and monitor clearing?
2. Effective compliance and enforcement.					<ul style="list-style-type: none"> ● Enforcement and compliance completed following detection? ● Are there clear governance arrangements? ● Is the scale of fines likely to be a deterrent.
3. Opportunities for third party enforcement.					<ul style="list-style-type: none"> ● Are there opportunities for civil proceedings?
4. Transparency of information relating to enforcement and compliance.					<ul style="list-style-type: none"> ● Is there reporting on: <ul style="list-style-type: none"> ○ number of compliance activities (and fines)? ○ number of hectares of unexplained clearing? ○ level of compliance, and trends (increase or decrease in activity, fines, prosecutions)?

Summary Results

Indicator 8. Land Clearing: Strong enforcement and compliance

	Fed	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
1. Detection system	0.5	0	1	0	1	1	1	0	1
2. Effective compliance and enforcement.	0	0	0	0	0.5	0	0.5	0	0
3. Opportunities for third party enforcement.	0.5	0.5	0.5	0	0.5	0	0.5	1	0
4. Transparency of information relating to enforcement and compliance.	1	0	0	0	0	0.5	0.5	0.5	0.5
Score	2	0.5	1.5	0	2	1.5	2.5	1.5	1.5
Score (%)	50%	12.5%	37.5%	0%	50%	37.5%	67.5%	37.5%	37.5%

Indicator 9. Native Forest Logging: Commitment to end or prevent native forest logging

Note: detailed results and information used in the assessment can be found in Appendix D.

Indicator Type: Qualitative Indicator

Rationale

Native forest logging is one of the main drivers of forest and woodland degradation. Currently, the nature, scale and intensity of native forest logging on public land are at odds with protecting intact habitat that is critical for the long-term survival of native animals and reduction in carbon emissions.

Native forest logging needs to end through a fair transition that includes moving away from native forest logging industry and towards plantations, innovative wood manufacturing and mass wood, as well as non-wood alternatives such as zero carbon steel, bamboo and industrial hemp. Australia's 50-year-old 'forest wars' are drawing to a close, with phase-outs or phasedowns of native forest logging in Victoria, Western Australia and Queensland. Tasmania and New South Wales are lagging behind and remain the hold-out states.

First Nations People can also benefit from this transition, such as through the hand-back of formerly logged state forests for cultural activities, forest restoration, wildlife conservation and carbon sequestration.

Box 1: Forest Stewardship Council

Globally, WWF helped establish and supports the Forest Stewardship Council (FSC) Forest Management (FM) certification scheme. WWF views it as the highest standard for sustainable forest management, including both native forest and plantation timber harvesting.

In Australia, several commitments and attempts have been made by state-run forestry agencies to achieve FSC FM certification for native harvesting operations. But so far, they are yet to meet the standard. This indicates that FSC is incompatible with the methods, scale and intensity of logging practices on public land in Australia, which is reflected in the growing evidence of biodiversity decline, land degradation and emerging ecosystem collapse associated with logging in Australia.

In principle, WWF-Australia recognises that low-impact highly selective harvesting practices could possibly achieve FSC FM certification. But significant changes would be needed to management practices, and the species and communities who rely on forests have little time to wait. FSC FM certification provides a viable pathway for timber plantations, as well as low-impact highly selective logging on private and Indigenous lands, particularly if coupled with carbon and biodiversity markets to improve the economic viability of low intensity harvesting.

Most jurisdictions have previously ceased logging in specific high conservation value public native forests, such as rainforest, and transferred tenure and management of the lands to the protected areas estate. For example, the commencement of the Regional Forest Agreements (RFA) process in the late 1990s and early 2000s involved the creation of new protected areas through applying the JANIS²⁰ criteria to progress towards a comprehensive, adequate and representative (CAR) reserve system. The RFA and other processes have led to the transfer of substantial areas of public native forest to the conservation reserve system. However, the Scorecard explicitly assesses jurisdictions' performance

²⁰ 'JANIS' stands for the Joint ANZECC/MCFFA National Forest Policy Statement Implementation Subcommittee, which developed the criteria. For more information, see https://www.agriculture.gov.au/sites/default/files/sitecollectiondocuments/rfa/regions/nsw-southern/info-kits/nsw_sthn_envher.pdf

against the goal of halting and reversing forest loss and land degradation by 2030. Hence the metric used in this indicator explicitly requires a timebound commitment to end native forest logging that is consistent with this goal and timeframe.

Metric:

To score a 4 for this indicator, 4 criteria needed to be satisfied. As such, each criterion received up to 1 point:

- 1 = Yes
- 0.5 = Partial
- 0 = No

Scores and criteria	Considerations
0 = No commitment to end or prevent native forest logging	<ul style="list-style-type: none"> ● Is there a commitment to end or prevent native forest logging? ● Is it across the entire jurisdiction? ● What is the timeframe for the commitment – by 2025 or earlier, or 2030 or earlier? ● Has native forest logging ended?
1 = Commitment to end or prevent native forest logging, part of state by 2030	
2 = Commitment to end or prevent native forest logging, part of state by 2025	
3 = Commitment to end or prevent native forest logging, all of state by 2030	
4 = Commitment to end or prevent native forest logging, all of state by 2025	
Or 4 = native forest logging ended	

Summary Results

Indicator 9. Native Forest Logging: Commitment to end or prevent native forest logging

0 = No commitment	1 = Commitment to end or prevent native forest logging, part of state by 2030	2 = Commitment to end or prevent native forest logging, part of state by 2025	3 = Commitment to end or prevent native forest logging, all of state by 2030	4 = Commitment to end or prevent native forest logging, all of state by 2025	Or 4 = native forest logging ended
0%	25%	50%	75%	100%	100%
Fed, NSW, NT, TAS		QLD, WA		VIC	ACT, SA

Indicator 10. Native Forest Logging: A clear, resourced, inclusive transition pathway

Note: detailed results and information used in the assessment can be found in Appendix E.

Indicator Type: Qualitative Indicator

Rationale

See rationale for indicator 9.

Metric:

To score a 4 for this indicator, 4 criteria needed to be satisfied. As such, each criterion received up to 1 point:

- 1 = Yes
- 0.5 = Partial
- 0 = No

Scores and criteria					Considerations
Transition package which includes:					
0 0 of:	1 1 of:	2 2 of:	3 3 of:	4 4 of:	
Supports affected communities in the transition.					<ul style="list-style-type: none"> ● Is there a plan to support communities in the transition? Has the plan been funded?
Funded plantation plan.					<ul style="list-style-type: none"> ● Is there a costed and funded plantation plan?
Prioritised exit from high environmental value areas, free from loopholes.					<ul style="list-style-type: none"> ● Are there commitments to prioritise an exit of HEV areas? ● Is there any evidence that logging continues in HEV areas?
Traditional Owner engagement.					<ul style="list-style-type: none"> ● Governance arrangements associated with the transition? ● Handback arrangements? ● Other First Nations involvement in the transition?
Or 4 = No current or planned high impact NFL.					

Summary Results

Indicator 10. Native Forest Logging: A clear, resourced, inclusive transition pathway

	Fed	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
Transition package which includes:									
1. Community support	n/a	n/a	n/a	n/a	0	n/a	n/a	1	1
2. Funded plantation plan	n/a	n/a	n/a	n/a	0	n/a	n/a	1	1
3. Prioritised exit from areas of high environmental value, free from loopholes	n/a	n/a	n/a	n/a	0.5	n/a	n/a	0.5	0
4. First Nations involvement	n/a	n/a	n/a	n/a	0.5	n/a	n/a	1	1
OR									
4 = No current or planned high-impact native forest logging	0	4	0	0	n/a	4	0	n/a	n/a
Score	0	4	0	0	1	4	0	3.5	3
Score (%)	0%	100%	0%	0%	25%	100%	0%	87.5%	75%

Indicator 11. Transparent information: Land clearing, logging, restoration and emissions.

Note: detailed results and information used in the assessment can be found in Appendix F.

Indicator Type: Qualitative Indicator

Indicator Rationale

The management of information and transparency around decisions are key drivers of public trust. Access to accurate and timely information is vital for effective decision-making and an important part of holding decision makers to account. Given this, the Scorecard includes an indicator to measure the transparency of information and the availability of information that can be publicly scrutinised.

Data should be available in a format that does not require manipulation and analysis to determine the answer. In many cases, information can be derived; however, this relies on individual interpretation of the best way to analyse the data, which ultimately leads to inconsistencies. This indicator assesses whether data is publicly available in a format that does not rely on data manipulation and interpretation.

Land clearing: Timely and accurate land clearing spatial data is essential for understanding the scale, location and impacts and underpins emissions reporting.

Native forest logging: Activities on public land involving publicly owned resources should be transparently reported and available for public scrutiny. This should extend to spatial mapping of native forest logging to enable accurate assessment of the impact and scale of these activities.

Restoration: Government investment in restoration and protection activities using public funds should provide spatial data relating to the activities to enable reporting and interrogation of the outcomes from the investment.

Emissions: Government efforts to reduce emissions and achieve emission reduction targets must be transparently reported. Emission reduction plans are key in monitoring and measuring progress, yet most fail to disaggregate emissions beyond 'land'. This means emissions from land clearing are not clearly estimated and reported, and subsequently, the roles of ending deforestation or native forest logging to help meet emissions targets aligned with the Paris Agreement are overlooked or, at best, not highlighted. More accountability and transparency on setting and implementing emissions targets related to reducing and ending deforestation and logging in emission reduction plans, together with finer scale reporting, including disaggregated losses and gains, is needed.

Metric:

To score a 4 for this indicator, 4 criteria needed to be satisfied. As such, each criterion received up to 1 point:

- 1 = Yes
- 0.5 = Partial
- 0 = No

Scores and points					Considerations
0	1	2	3	4	
0 of:	1 of:	2 of:	3 of:	4 of:	
Publicly available, timely and accurate land clearing spatial information.					Is there publicly available, timely and accurate land clearing spatial information?
Publicly available, timely and accurate native forest logging spatial information.					Is there publicly available, timely and accurate native forest logging spatial information?
Publicly available, timely and accurate restoration spatial information.					Is there publicly available, timely and accurate restoration spatial information?
Transparent emissions data in emission reduction plans (or equivalent).					Is there transparent emissions data in emission reduction plans (or equivalent)?

Summary Results

Indicator 11. Transparent information: Land clearing, logging, emissions and restoration

	Fed	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
1. Publicly available, timely and accurate land clearing spatial information.	0.5	0	0	0	0.5	0	0	0	0
2. Publicly available, timely and accurate native forest logging spatial information.	0	1	1	1	0	1	0	1	0.5
3. Publicly available, timely and accurate restoration spatial information.	0	0	0	0	0	0	0	1	0
4. Transparent emissions data in emission reduction plans (or equivalent).	0.5	0	0	0	1	0	0	0	0
Score	1	1	1	1	1.5	1	0	2	0.5
Score (%)	25%	25%	25%	25%	37.5%	25%	0%	50%	12.5%

APPENDICES

Appendix A. Detailed Results Indicator 6 - Commitment and programs in line with the Glasgow Declaration

Information to inform scoring of criteria 1 and 2 for this indicator has been drawn from analysis prepared by the Environmental Defenders Office (EDO)²¹ and analysis undertaken by WWF-Australia. The content below summarises some of the key information used in assessing each criterion. Further detail can be found in the EDO report.

Information to inform scoring of criteria 3 and 4 for this indicator has been drawn from analysis undertaken by WWF-Australia.

Federal

Indicator 6. Commitment and programs in line with the Glasgow Declaration	
1 Policy commitment in line with the Glasgow Declaration	1 (Yes) Australia has signed the Glasgow Leaders' Declaration on Forests and Land Use, which aims to halt and reverse forest loss and land degradation by 2030. The Government has also made other related commitments such as the Leader's Pledge for Nature ²² , High Ambition Coalition for Nature and People ²³ and Kunming-Montreal Global Biodiversity Framework. ²⁴ Following an independent review of the EPBC Act, the federal government has also released the Nature Positive Plan ²⁵
2 Legislative commitments in line with the Glasgow Declaration	0.5 (Partial) The <i>Environment Protection and Biodiversity Conservation Act 1999</i> ²⁶ (Cth) (EPBC Act) is the primary piece of Commonwealth legislation, and the objective of this Act includes 'protection' and 'conservation' of all matters of national environmental significance, however the objects fail to speak to the need to reverse forest loss through enhancement or restoration.
3 Restoration program/s provide for a range of approaches	1 (Yes) The Commonwealth Government funds a range of approaches including environmental markets and competitive tenders, range of priorities including emission reduction activities, threatened species and ecological communities, Ramsar wetlands, on-farm soil, biodiversity, and vegetation, and increasing the capacity of our farms to adapt to climate change.

²¹ Environmental Defenders Office, 2023, *Analysis of Vegetation Management Regulatory Frameworks in Australia*, Report prepared for WWF-Australia, Sydney, available at: https://assets.wwf.org.au/image/upload/f_pdf/file_EDO_WWF_Analysis_of_Vegetation_Management_Regulatory_Frameworks_in_Australia_WWF_Trees_Scorecard_2023_REPORT

²² UN Summit on Biodiversity, September 2020, Leaders' Pledge for Nature, available at <https://www.leaderspledgefornature.org/>

²³ UN Convention on Biological Diversity (CBD), January 2021, High Ambition Coalition for Nature and People (HAC), available at <https://www.hacfornatureandpeople.org/>

²⁴ UN Convention on Biological Diversity (CBD), December 2022, Kunming-Montreal Global Biodiversity Framework, available at <https://www.cbd.int/gbf/>

²⁵ DCCEEW 2022, *Nature Positive Plan: better for the environment, better for business*, Department of Climate Change, Energy, the Environment and Water, Canberra, December. CC BY 4.0., available at <https://www.dcceew.gov.au/sites/default/files/documents/nature-positive-plan.pdf>

²⁶ *Environment Protection and Biodiversity Conservation Act 1999* (Cth) ('EPBC Act') s 3.

	<p>Programs include Emissions Reduction Fund,²⁷ Environmental Restoration Fund,²⁸ Carbon and Biodiversity Pilots²⁹, and Regional Land Partnerships.³⁰</p> <p>Note: adequacy of programs and funding was not assessed due to lack of available information.</p>
4 Framework to increase private capital into conservation and restoration	<p>0.5 (Partial) In addition to public funding via the Emissions Reduction Fund, the carbon market established under the <i>Carbon Credits (Carbon Farming Initiative) Act 2011</i> (Cth) provides a mechanism for private investment in the market through the buying and selling of Australian Carbon Credit Unit (ACCUs). A Bill for a Nature Repair Market provides for a market to attract private investment in biodiversity restoration projects.³¹</p> <p>Note: While not assessed, it is noted that serious concerns have been raised over the integrity of the majority of the ACCUs issued under the ERF. An ANU research team found that 70% of carbon credits issued under the Emissions Reduction Fund’s methods for avoiding deforestation, human-induced regeneration of native forests and combusting methane from landfills do not represent genuine emissions abatement.³² The government commissioned the independent Chubb Review of ACCUs.³³ Notwithstanding, the findings of the Chubb review fails to address some of these criticisms of the ACCU market.</p>
SCORE: 3/4	

²⁷ Department of Climate Change, Energy, the Environment and Water, ‘Emissions Reduction Fund, *Commonwealth of Australia* (2015-) available at: <https://www.dcceew.gov.au/climate-change/emissions-reduction/emissions-reduction-fund>

²⁸ Department of Climate Change, Energy, the Environment and Water, ‘Environment Restoration Fund’, *Commonwealth of Australia* (2019-2023) available at: <https://www.dcceew.gov.au/environment/biodiversity/conservation/environment-restoration-fund>

²⁹ Department of Climate Change, Energy, the Environment and Water, ‘Carbon + Biodiversity Pilot’ *Commonwealth of Australia* (2021-) available at: <https://www.dcceew.gov.au/environment/environmental-markets/agriculture-stewardship/c-b-pilot>

³⁰ Department of Climate Change, Energy, the Environment and Water, ‘Regional land partnerships’ *Commonwealth of Australia* (2018-2023), available at: <https://www.dcceew.gov.au/environment/land/landcare/current-programs/regional-land-partnerships>

³¹ Department of Climate Change, Energy, the Environment and Water, ‘Nature Repair Market’, *Commonwealth of Australia* (2023) available at: <https://www.dcceew.gov.au/environment/environmental-markets/nature-repair-market>

³² Macintosh, A., Butler, D 2023, *Chubb review of Australia’s carbon credit scheme falls short – and problems will continue to fester*, The Conversation, 9 January, accessed 2 March 2023, <https://theconversation.com/chubb-review-of-australias-carbon-credit-scheme-falls-short-and-problems-will-continue-to-fester-197401>

³³ Chubb, I., Bennett, A., Gorring, A., Hatfield-Dodds, S., 2022, *Independent Review of ACCUs*, Department of Climate Change, Energy, the Environment and Water, Canberra, December. CC BY 4.0, available at https://www.dcceew.gov.au/climate-change/emissions-reduction/independent-review-accus#toc_4

Indicator 6. Commitment and programs in line with the Glasgow Declaration	
1. Policy commitment in line with the Glasgow Declaration	<p>1 (Yes) The ACT Government has a range of strategies containing policy commitments that are in line with halting and reversing forest loss.</p> <p>The ACT Nature Conservation Strategy 2013-23,³⁴ established under the NC Act, states that land clearing is one of the most critical threats to biodiversity to be addressed. Outcome 1 of the Strategy is to maintain and improve native vegetation and biodiversity.</p> <p>The ACT Planning Strategy 2018³⁵ contains commitments to maintain native vegetation. It aims to protect high value ecological areas by supporting a buffer zone between urban areas and adjoining land uses and sets the development target of 70% of development to occur within the existing urban footprint of Canberra.</p> <p>The ACT's Urban Forest Strategy 2021-2045³⁶ (Urban Forest Strategy) sets out the ACT Government's vision for a resilient and sustainable urban forest that supports a liveable city and the natural environment. Objective 1 of the Urban Forest Strategy is to 'protect the urban forest'.</p> <p>ACT Native Woodland Conservation Strategy (2019)³⁷ identifies objectives to:</p> <ul style="list-style-type: none"> • retain and protect native woodlands • reduce threats to native woodland biodiversity • enhance the resilience, ecosystem function and connectivity of woodlands.
2. Legislative commitments in line with the Glasgow Declaration	<p>1 (Yes) <i>Nature Conservation Act 2014.</i></p> <p>The main object of this Act is to protect, conserve and enhance the biodiversity of the ACT.³⁸</p>
3. Restoration program/s provide for a range of approaches	<p>0.5 (Partial) Programs include: - The ACT Environmental Grants Program³⁹</p> <p>ACT Environmental Grants Program is the only current program which has been in operation for over 25 years. While there is only one program, provides for enhancing ecological condition and connectivity, of woodlands, grasslands and/or aquatic ecosystems, connecting people with nature, and Caring for Country promoting opportunities for Ngunnawal Traditional Custodians and other Aboriginal and Torres Strait Islander people to engage with Country and/or share Traditional Knowledge.</p> <p>Note: adequacy of programs and funding was not assessed due to lack of available information.</p>
4. Framework to increase private capital into conservation and restoration	<p>0 (No) The ACT Government does not provide framework/s to increase private capital into conservation and restoration.</p>

³⁴ ACT Government, 2013. *ACT Nature Conservation Strategy 2013-23* available at: https://www.environment.act.gov.au/_data/assets/pdf_file/0004/576184/ACT-Nature-Conservation-Strategy_web.pdf.

³⁵ ACT Government, 2018, *ACT Planning Strategy 2018* available at: https://www.planning.act.gov.au/_data/assets/pdf_file/0007/1285972/2018-ACT-Planning-Strategy.pdf.

³⁶ ACT Government, 2021, *Urban Forest Strategy 2021-2045* available at https://hdp-au-prod-app-act-yoursay-files.s3.ap-southeast-2.amazonaws.com/5616/1710/4101/Urban_Forest_Strategy_2021-2045.pdf.

³⁷ ACT Government, 2019, *ACT Native Woodland Conservation Strategy and Action Plans* available at https://www.environment.act.gov.au/_data/assets/pdf_file/0003/1444098/Woodland-Conservation-Strategy.pdf.

³⁸ *Nature Conservation Act 2014* (ACT) s 6.

³⁹ ACT Government, undated, *ACT Environmental Grants*, available at: <https://www.environment.act.gov.au/act-nrm/grants-and-support-packages/act-environment-grants>

Total score: 2.5/4

Indicator 6. Commitment and programs in line with the Glasgow Declaration	
1. Policy commitment in line with the Glasgow Declaration	0 (No) The NSW Government does not have an overarching policy commitment to halt or reverse deforestation.
2. Legislative commitments in line with the Glasgow Declaration	<p>0.5 (Partial) The NSW Government has legislative commitments that are in line with halting forest loss, however there are no legislative commitments to reverse forest loss.</p> <p>The purpose in the <i>Biodiversity Conservation Act 2016</i> (NSW) (BC Act) is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future,⁴⁰ consistent with the principles of ecologically sustainable development (described in section 6(2) of the <i>Protection of the Environment Administration Act 1991</i>), and relevantly:</p> <ul style="list-style-type: none"> (a) to conserve biodiversity at bioregional and State scales, and (b) to maintain the diversity and quality of ecosystems and enhance their capacity to adapt to change and provide for the needs of future generations, and ... (h) to support conservation and threat abatement action to slow the rate of biodiversity loss and conserve threatened species and ecological communities in nature, and ... (j) to encourage and enable landholders to enter into voluntary agreements over land for the conservation of biodiversity, and ... <p>The objects of the <i>Local Land Services Act 2013</i> (NSW) (LLS Act) are,</p> <p>...</p> <p>(e) to ensure the proper management of natural resources in the social, economic and environmental interests of the State, consistently with the principles of ecologically sustainable development (described in section 6 (2) of the <i>Protection of the Environment Administration Act 1991</i>),</p> <p>...</p> <p>(i) to provide a framework for financial assistance and incentives to landholders, including, but not limited to, incentives that promote land and biodiversity conservation.⁴¹</p> <p>Notably, the objective 'to prevent broadscale clearing unless it improves or maintains environmental outcomes' in the former <i>Native Vegetation Act</i> was repealed.</p>
3. Restoration program/s provide for a range of approaches	<p>1 (Yes) Programs include:</p> <ul style="list-style-type: none"> - Biodiversity Conservation Trust - Conservation Management Program - Biodiversity Conservation Trust - Conservation Partners Program Grants - Environmental Trust - Protecting our Places Program - Environmental Trust - Environmental Restoration and Rehabilitation Program - Box-gum koala habitat restoration (under development). <p>Programs include a range of approaches including environmental markets and grant programs, and a range of priorities including carbon abatement, biodiversity, woodlands, First Nations and threatened species.</p> <p>Note: adequacy of programs and funding was not assessed due to lack of available information.</p>
4. Framework to increase private capital into conservation and restoration	0.5 (Partial) The Biodiversity Conservation Trust is largely funded by the state government, combined with funds from developers provided to discharge their offset obligations, as well as enabling co-investment from private entities and philanthropic contributions through a private funding stream. However, investment of private capital to date has been limited. ⁴²

⁴⁰ *Biodiversity Conservation Act 2016* (NSW) s 1.3.

⁴¹ *Local Land Services Act 2013* (NSW) s 3.

⁴² Biodiversity Conservation Trust, November 2022, Annual Report 2021 – 22, NSW Government, Sydney, available at https://www.bct.nsw.gov.au/publications#annual_reports_2471

	<p>The Nature Capital Statement released by the former NSW Government remains in place. The statement 'sets out the vision and pathway to enable New South Wales to use its position as a natural capital leader to attract international capital investment and increase opportunities for landholders to voluntarily take part in carbon, biodiversity and emerging natural capital markets'. This holds the promise to provide a framework to increase private capital into conservation and restoration in the future.</p>
SCORE: 2/4	

Indicator 6. Commitment and programs in line with the Glasgow Declaration	
1. Policy commitment in line with the Glasgow Declaration	<p>0 (No) The NT Government has made no public commitment to reduce or end land clearing by 2030. There are a number of policy documents that have been issued by the Northern Territory Government to support the regulation of land clearing under the <i>Planning Act</i> and the <i>PL Act</i>. These include the:</p> <ul style="list-style-type: none"> • <i>Land Clearing Guidelines</i>⁴³ (made under the <i>Planning Act 1999</i>⁴⁴); • <i>Pastoral Land Clearing Guidelines</i>⁴⁵ (made under the <i>Pastoral Lands Act 1992</i>⁴⁶); • <i>Simplified Pastoral Land Clearing Applications Policy</i>.⁴⁷ <p>None of these documents express, or indicate, a commitment by the NT Government to end or reduce land clearing in the territory by 2030.</p>
2. Legislative commitments in line with the Glasgow Declaration	<p>0.5 (Partial) While progress has been made over recent years to reform environmental legislation, the objectives of the relevant legislation do not demonstrate a commitment to end or reduce clearing by 2030. Rather, they focus on facilitating the sustainable development of land, and, to various (and, in some instances, lesser) degrees, the protection of the environment.</p> <p>The <i>Planning Act 1999</i> (NT) (<i>Planning Act</i>) and the <i>Pastoral Land Act 1992</i> (NT) (<i>PL Act</i>) comprise the principal regulatory tools that regulate land clearing in the NT. A draft Native Vegetation Management Bill was released for comment in 2011 but not tabled in the Legislative Assembly.⁴⁸</p> <p>These Acts facilitate sustainable use/development with environmental outcomes a consideration.</p> <p>Where an application to clear native vegetation poses a significant risk to the environment, The <i>Environment Protection Act 2019</i> (NT) may also apply. The objects of the <i>Environment Protection Act 2019</i> relevantly include:</p> <p>(a) to protect the environment of the territory.</p> <p>(b) to promote ecologically sustainable development so that the well-being of the people of the territory is maintained or improved without adverse impact on the environment of the territory;</p> <p>(c) to recognise the role of environmental impact assessment and environmental approval in promoting the protection and management of the environment of the territory.⁴⁹</p>
3. Restoration program/s provide for a range of approaches	<p>0.5 (Partial)</p> <p>Programs include:</p> <ul style="list-style-type: none"> - Aboriginal Ranger Grants Program⁵⁰ <p>Only one program, with limited range of approaches, including protection and management of important habitat, weed control and protection of sacred sites.</p>

⁴³ Available at: https://nt.gov.au/_data/assets/pdf_file/0007/236815/land-clearing-guidelines.pdf

⁴⁴ *Planning Act 1999* (NT) ss 81B(c) and 135B.

⁴⁵ Available at: https://nt.gov.au/_data/assets/pdf_file/0003/902289/northern-territory-pastoral-land-clearing-guidelines.pdf

⁴⁶ *Pastoral Land Act 1992* (NT) s 91E.

⁴⁷ Northern Territory Government, February 2021. 'Simplified Pastoral Land Clearing Applications policy', Darwin, NT, available at https://nt.gov.au/_data/assets/pdf_file/0004/1133536/simplified-plc-policy.pdf

⁴⁸ GreenCareer, 25 March 2011, *NT Government releases draft vegetation management bill*, available at <http://www.greencareer.net.au/archived-news/nt-government-releases-draft-vegetation-management-bill>

⁴⁹ *Environment Protection Act 2019* (NT) s 3.

⁵⁰ Northern Territory Government, July 2022. 'Aboriginal Ranger Grants Program Guidelines: Land and Sea Management and Ichthys LNG Conservation Management Offset 2022/2023 Guidelines', Darwin, NT, available at https://depws.nt.gov.au/_data/assets/pdf_file/0003/1027578/2022-2023-aboriginal-ranger-grants-program-guidelines.pdf#:~:text=The%20Land%20and%20Sea%20Management%20Fund%20support%20projects,be%20available%20over%20four%20financial%20years%20from%202021-2022.

	Note: adequacy of programs and funding was not assessed due to lack of available information.
4. Framework to increase private capital into conservation and restoration	0 (No) The NT Government does not currently provide framework/s to increase private capital into conservation and restoration.
SCORE 1/4	

Indicator 6. Commitment and programs in line with the Glasgow Declaration	
<p>1. Policy commitment in line with the Glasgow Declaration</p>	<p>0.5 (Partial) In 2017 the Palaszczuk Labor Government made a pre-election commitment to ‘drive down tree clearing rates by legislating to end broadscale clearing of remnant vegetation.’⁵¹ The commitment outlined in the policy document titled ‘<i>Saving Habitat, Protecting Wildlife and Restoring Land: Ending broadscale tree clearing in Queensland (again)</i>’ lacked a timeframe and was specific to remnant vegetation.⁵² Upon election the Palaszczuk Labor Government re-introduced provisions in the <i>Vegetation Management Act 1999</i> that were in place prior to the Newman Government’s changes, however some of the Newman Government’s changes were retained.</p> <p>Conserving Nature – a Biodiversity Conservation Strategy for Queensland (the Biodiversity Strategy) includes a vision ‘Nature is actively supported to thrive in Queensland’ and goals including ‘protect’, ‘restore and recover’, ‘adapt’ and ‘connect’⁵³.</p> <p>However, Queensland has the highest level of deforestation in Australia. A clear policy commitment to end deforestation is needed.</p>
<p>2. Legislative commitments in line with the Glasgow Declaration</p>	<p>0.5 (Partial) The QLD Government has legislative commitments that are in line with halting forest loss, however there are no legislative commitments to reverse forest loss.</p> <p><u><i>Nature Conservation Act 1992</i></u>⁵⁴ The object of this Act is the conservation of nature while allowing for the following -</p> <ul style="list-style-type: none"> (a) the involvement of Indigenous Peoples in the management of protected areas in which they have an interest under Aboriginal Tradition or Island custom; (b) the use and enjoyment of protected areas by the community; (c) the social, cultural and commercial use of protected areas in a way consistent with the natural and cultural and other values of the areas. <p><u><i>Vegetation Management Act 1999</i></u>⁵⁵ (1) The purpose of this Act is to regulate the clearing of vegetation in a way that—</p> <ul style="list-style-type: none"> (a) conserves remnant vegetation that is— <ul style="list-style-type: none"> (i) an endangered regional ecosystem; or (ii) an of concern regional ecosystem; or (iii) a least concern regional ecosystem; and... (b) conserves vegetation in declared areas; and (c) ensures the clearing does not cause land degradation; and (d) prevents the loss of biodiversity; and (e) maintains ecological processes; and (f) manages the environmental effects of the clearing to achieve the matters mentioned in paragraphs (a) to (e); and ... <p>Notably, the purpose of the <i>Vegetation Management Act</i> is to manage, not prevent, clearing.</p>

⁵¹ Queensland Labor Party, *Saving Habitat, Protecting Wildlife and Restoring Land: Ending Broadscale tree clearing in Queensland (again)* (Policy Document, 2017) 3, available at: <https://pdf4pro.com/view/protecting-wildlife-and-restoring-land-2202ae.html>

⁵² Queensland Labor Party, *Saving Habitat, Protecting Wildlife and Restoring Land: Ending Broadscale tree clearing in Queensland (again)* (Policy Document, 2017) 4, available at: <https://pdf4pro.com/view/protecting-wildlife-and-restoring-land-2202ae.html>

⁵³ Queensland Government, *Conserving Nature – a Biodiversity Conservation Strategy for Queensland*, 2022, available at: https://www.qld.gov.au/_data/assets/pdf_file/0015/222081/queensland-biodiversity-conservation-strategy.pdf.

⁵⁴ *Nature Conservation Act 1992* (Qld) s 4.

⁵⁵ *Vegetation Management Act 1999* (Qld) s 3.

<p>3. Restoration program/s provide for a range of approaches</p>	<p>1 (Yes) Programs include:</p> <ul style="list-style-type: none"> - Land Restoration Fund⁵⁶ - Natural Resource Recovery Program⁵⁷ - Queensland Great Barrier Reef Water Quality Program, including Reef Assist⁵⁸ - Community Sustainability Action Grants⁵⁹ <p>These programs provide a range of approaches including environmental markets and grant programs, and a range of priorities including carbon abatement, biodiversity, First Nations, threatened species and outcomes for the Great Barrier Reef.</p> <p>Note: adequacy of programs and funding was not assessed due to lack of available information.</p>
<p>4. Framework to increase private capital into conservation and restoration</p>	<p>0.5 (Partial) The Land Restoration Fund is a carbon market promotion, extension and incentivisation program that supports landholders to deliver carbon abatement actions whilst providing additional financial support for co-benefits in economic, environmental, and social avenues. The LRF will be supported by the Natural Capital Fund, which will facilitate private sector investment co-investment. In the 2021–22 state budget, the Queensland Government allocated \$35m seed funding to co-invest in more projects with business through the Queensland Natural Capital Fund. The Natural Capital Fund will facilitate private-sector co-investment in projects which will, ‘will help with greenhouse gas reduction, capture carbon in soil and native forest renewal.’⁶⁰</p> <p>To date, it is unclear if the seed funding has resulted in an increase in private capital.⁶¹</p>
<p>SCORE: 2.5/4</p>	

⁵⁶ Queensland Rural and Industry Development Authority, ‘The Land Restoration Fund’, *Queensland Government* (2017-) available at: <https://www.dcceew.gov.au/climate-change/emissions-reduction/emissions-reduction-fund>

⁵⁷ Business Queensland, ‘The Natural Resources Recovery Program (NRRP)’, *Queensland Government* (2021-) available at: <https://www.business.qld.gov.au/running-business/environment/natural-resource-funding>

⁵⁸ Queensland Government, ‘Queensland Reef Water Quality Program’, (2003-) available at <https://www.qld.gov.au/environment/coasts-waterways/reef/reef-program>

⁵⁹ Queensland Government, ‘Community Sustainability Action grants’, (2017-) available at <https://www.qld.gov.au/environment/management/funding/community-sustainability>

⁶⁰ Palaszczuk, A (Premier and Minister for Trade) 2021, *21/22 Budget to regenerate reef, land and create QLD jobs* [media release], 11 June, <https://statements.qld.gov.au/statements/92335>

⁶¹ DES. 2023. *Land Restoration Fund: Priority Investment Plan*. Department of Environment and Science, Queensland Government. , available at https://www.qld.gov.au/_data/assets/pdf_file/0024/116547/lrf-priority-investment-plan.pdf

Indicator 6. Commitment and programs in line with the Glasgow Declaration	
1. Policy commitment in line with the Glasgow Declaration	<p>1 (Yes)</p> <p>In the 2020 Nature Conservation Directions Statement, the South Australian Government commits ‘to preserving and enhancing South Australia’s enviable diversity of natural systems’.⁶² One of the nature conservation goals is to ‘protect and restore ecosystems.’ Vegetation clearance is noted as a continuing threat to South Australia’s ecosystems. The compounding impacts of climate change are also noted.⁶³</p> <p>South Australia has also made a Green Infrastructure Commitment, which aims to increase urban green cover by 20% by 2045.⁶⁴</p>
2. Legislative commitments in line with the Glasgow Declaration	<p>1 (Yes)</p> <p>The objects of the <i>Native Vegetation Act 1991 (SA) (NVA)</i> focus on preserving and enhancing native vegetation and limiting its clearance to certain circumstances.</p> <p>The objects of this Act include⁶⁵—</p> <p>(a) the conservation, protection and enhancement of the native vegetation of the State and, in particular, remnant native vegetation, in order to prevent further— ...</p> <p>(i) reduction of biological diversity and degradation of the land and its soil; and</p> <p>(ii) loss of quantity and quality of native vegetation in the state; and</p> <p>(iii) loss of critical habitat; and</p> <p>(b) the provision of incentives and assistance to landowners to encourage the commonly held desire of landowners to preserve, enhance and properly manage the native vegetation on their land; and</p> <p>(c) the limitation of the clearance of native vegetation to clearance in particular circumstances including circumstances in which the clearance will facilitate the management of other native vegetation or will facilitate the sustainable use of land for primary production; and</p> <p>(d) the encouragement of research into the preservation, enhancement and management of native vegetation; and</p> <p>(e) the encouragement of the re-establishment of native vegetation in those parts of the state where native vegetation has been cleared or degraded.</p>
3. Restoration program/s provide for a range of approaches	<p>1 (Yes)</p> <p>Programs include:</p> <ul style="list-style-type: none"> - Grassroot Grants⁶⁶ - Landscape Priorities Fund⁶⁷ <p>Grassroot grants aims to support individual landholders, volunteers, schools, community organisations, First Nations and not-for-profit groups working locally for environmental and primary production benefits. Each NRM region manages its own Grassroot Grants program. The Landscape Priorities Fund invests in large, landscape scale environmental projects through regional landscape boards (includes feral animal control, weed control and restoration). While there is a limited number of programs, they provide for a range of activities.</p>

⁶² Government of South Australia, Department of Environment and Water, *Nature Conservation Directions statement 2020: A new relationship with nature* (2020) available at: <https://cdn.environment.sa.gov.au/environment/docs/nature-conservation-directions-statement-gen.pdf>, (**Directions Statement 2020**).

⁶³ *Directions Statement 2020*, p5.

⁶⁴ Government of South Australia, *Green Infrastructure Commitment* (September 2021) available at: https://www.dit.sa.gov.au/_data/assets/pdf_file/0006/958236/DOCS_AND_FILES-17839389-v4-Technical_Services_-_Green_Infrastructure_Commitment.pdf.

⁶⁵ *Native Vegetation Act 1991 (SA)* s6.

⁶⁶ The Landscape Boards South Australia, ‘Grassroots Grants’, *Government of South Australia*, available at: <https://www.landscape.sa.gov.au/grassroots-grants>

⁶⁷ The Landscape Boards South Australia, ‘Landscape Priorities Fund’, *Government of South Australia*, available at: <https://www.landscape.sa.gov.au/priorities-fund>

	Note: adequacy of programs and funding was not assessed due to lack of available information.
4. Framework to increase private capital into conservation and restoration	0 (No) The SA Government does not provide framework/s to increase private capital into conservation and restoration
SCORE: 3/4	

Indicator 6. Commitment and programs in line with the Glasgow Declaration	
1. Policy commitment in line with the Glasgow Declaration	<p>0.5 (Partial) Tasmania’s Policy for Maintaining a Permanent Native Forest Estate, the current version of which was adopted in 2017, clearly states that ‘broadscale clearance and conversion of native forest on public or private land is not permitted’.⁶⁸ (Prior to this, an earlier version of the Policy outlined an approach for phasing out broadscale clearing and conversion of native forest). Notably, this Policy does not apply to the ‘clearance and conversion of threatened native vegetation communities’ (clause 2.2. of the Native Forest Policy) which is regulated in accordance with the <i>Forest Practices Act 1985</i> and the <i>Nature Conservation Act 2002</i>. There are no commitments relating to reversing forest loss.</p>
2. Legislative commitments in line with the Glasgow Declaration	<p>0.5 (Partial) <u><i>Land Use Planning and Approvals Act 1993 (LUPA Act)</i></u> The LUPA Act is one piece of legislation that falls within Tasmania’s ‘Resource Management and Planning System’ (RMPS). Objectives of the LUPA Act include⁶⁹ – (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and, (b) to provide for the fair, orderly and sustainable use and development of air, land and water.</p> <p><u><i>Forest Practices Act 1985 (Tas) (FP Act)</i></u> The FP Act does not fall within the RMPS and does not include a set of objectives for the purposes of the FP Act. Rather, Schedule 7 sets out the ‘objectives of the forest practices system of Tasmania’, which is to achieve sustainable management of Crown and private forests with due care for the environment and taking into account social, economic and environmental outcomes while delivering, relevantly, the conservation of threatened native vegetation communities.</p> <p>The objectives of the relevant legislation do not reflect the ‘ban’ on broadscale clearance and conversion of native forest on public land, nor a commitment to end or reduce clearing by 2030. Rather, the focus is on facilitating sustainable development of land and, where relevant, maintaining ecological processes and genetic diversity and conserving threatened native vegetation communities.</p> <p>There are no commitments relating to reversing forest loss.</p>
3. Restoration program/s provide for a range of approaches	<p>0.5 (Partial) Programs include: - Trees On Farms Grants</p> <p>The focus of this program is on establishment costs of shelterbelts and woodlots, thereby reducing pressures on native forests. However, the range of activities and associated biodiversity outcomes area limited.</p> <p>Note: adequacy of programs and funding was not assessed due to lack of available information.</p>
4. Framework to increase private capital into conservation and restoration	<p>0 (No) The Tasmanian Government does not provide framework/s to increase private capital into conservation and restoration.</p>
SCORE: 1.5/4	

⁶⁸ Tasmanian Government, Department of State Growth, *Policy for Maintaining a Permanent Native Forest Estate* (30 June 2017) s 3.1.

⁶⁹ LUPA Act, s 5.

Indicator 6. Commitment and programs in line with the Glasgow Declaration	
1. Policy commitment in line with the Glasgow Declaration	<p>0.5 (Partial) The Victorian Government’s biodiversity strategy, <i>Protecting Victoria’s Environment - Biodiversity 2037</i>,⁷⁰ developed in 2017, was developed with the overarching goal of stopping the decline of biodiversity in Victoria. It includes a vision: Victoria’s Biodiversity is healthy, valued and actively cared for. It acknowledges that the declining condition of Victoria’s biodiversity is in part due to the extensive clearing of native vegetation in Victoria. At a broader level, the plan states that the Victorian Government is committed to achieving an overall ‘net gain’, expressed as an improvement in the overall extent and condition of native habitats across terrestrial, waterway and marine environments. However, there is no strong commitment to halt land clearing in line with the Glasgow Declaration.</p>
2. Legislative commitments in line with the Glasgow Declaration	<p>0.5 (Partial) Victoria’s land clearing laws are primarily regulated under the <i>Planning and Environment Act 1987 (PE Act)</i> which aims ‘to establish a framework for planning the use, development and protection of land in Victoria in the present and long-term interests of all Victorians.’⁷¹ The purpose of this Act is to establish a framework for planning the use, development and protection of land in Victoria in the present and long-term interests of all Victorians.</p> <p>Objectives (1) The objectives of planning in Victoria are—</p> <p>...</p> <p>(b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;</p> <p>...</p> <p>Victoria’s previous native vegetation management framework aimed to achieve a ‘net gain’ in the quality and extent of vegetation across Victorian landscapes, indicating a desire to improve or enhance Victoria’s native vegetation. The revised vegetation regulations contain a less ambitious target to the framework in force prior to 2013 that there is no net loss of biodiversity as a result of the removal, destruction or lopping of native vegetation.</p> <p>The <i>Flora and Fauna Guarantee Act 1988 (Vic) (FFG Act)</i> aims to ‘enable and promote the conservation of Victoria’s native plants and animals and to provide for a choice of procedures which can be used for the conservation, management or control of flora and fauna and the management of potentially threatening processes’.⁷²</p> <p>There are no legislative commitments relating to reversing forest loss.</p>
3. Restoration program/s provide for a range of approaches	<p>1 (Yes)</p> <p>Programs include:</p> <ul style="list-style-type: none"> - BushBank private land restoration and protection⁷³ - Victorian Landcare Grants⁷⁴

⁷⁰ Department of Environment, Land, Water and Planning, *Protecting Victoria’s Environment – Biodiversity 2037* (2017) available at: https://www.environment.vic.gov.au/_data/assets/pdf_file/0022/51259/Protecting-Victorias-Environment-Biodiversity-2037.pdf.

⁷¹ *Planning and Environment Act 1987* (Vic) s 1.

⁷² *Flora and Fauna Guarantee Act 1988* (Vic) s 1.

⁷³ Department of Energy, Environment and Climate Action, ‘BushBank private land restoration and protection’, *Victoria State Government*, available at: <https://www.environment.vic.gov.au/grants/bushbank-private-land-restoration-and-protection>

⁷⁴ Department of Energy, Environment and Climate Action, ‘Victorian Landcare Grants’, *Victoria State Government*, available at: <https://www.environment.vic.gov.au/grants/victorian-landcare-grants>

	<p>The programs provide for a range of approaches including environmental markets and grant programs, as well as a range of activities including protection and restoration of native vegetation, habitats, waterways and wetlands, capacity building activities and community education and engagement.</p> <p>Note: adequacy of programs and funding was not assessed due to lack of available information.</p>
<p>4. Framework to increase private capital into conservation and restoration</p>	<p>0.5 (Partial) In May 2021, the Victoria Government announced its BushBank program.⁷⁵ This program is investing \$30.9m to revegetate and restore 20,000 hectares of native habitat across private land in Victoria. Cassinia Environmental is the Victorian Government’s delivery partner for the private land stream of BushBank. Cassinia Environmental will use government funds to leverage and secure \$50m of co-funding from various partners, including from carbon markets and philanthropic biodiversity-focused partners.⁷⁶ Results from this program have not yet been published.</p>
<p>SCORE: 2.5/4</p>	

⁷⁵ Department of Energy, Environment and Climate Action, ‘BushBank private land restoration and protection’, *Victoria State Government*, available at: <https://www.environment.vic.gov.au/grants/bushbank-private-land-restoration-and-protection>

⁷⁶ WWF-Australia was a member of the consortium of organisations which supported the Cassinia Environmental-led application for BushBank funds.

Indicator 6. Commitment and programs in line with the Glasgow Declaration	
1. Policy commitment in line with the Glasgow Declaration	<p>0.5 (Partial)</p> <p>In 2022 the WA Government introduced its Native Vegetation Policy which acknowledges the need to reverse the decline in native vegetation and the role clearing plays in this. The key aim of the Native Vegetation Policy is to achieve a net gain in vegetation.</p> <p>Outcome 1: Enable all sectors to contribute to a net gain and landscape-scale conservation and restoration.</p> <p>The approach of net-gain is not fully aligned with halting forest loss as per the Glasgow Declaration.</p>
2. Legislative commitments in line with the Glasgow Declaration	<p>1 (Yes)</p> <p>The <i>Environmental Protection Act 1986 (WA) (EP Act)</i>⁷⁷ is the main Act that regulates native vegetation clearing in WA. Broadly, the EP Act has many functions including ‘to provide for an Environmental Protection Authority, for the prevention, control and abatement of environmental pollution, for the conservation, preservation, protection, enhancement and management of the environment and for matters incidental to or connected with the foregoing.’</p> <p>The object of this Act is to protect the environment of the state, having regard to the following principles —</p> <ol style="list-style-type: none"> 1. The precautionary principle where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation... 2. The principle of intergenerational equity. The present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations. 3. The principle of the conservation of biological diversity and ecological integrity conservation of biological diversity and ecological integrity should be a fundamental consideration. 4. Principles relating to improved valuation, pricing and incentive mechanisms <ol style="list-style-type: none"> (1) Environmental factors should be included in the valuation of assets and services. <p>....</p>
3. Restoration program/s provide for a range of approaches	<p>1 (Yes)</p> <p>Programs include:</p> <ul style="list-style-type: none"> - Carbon Farming and Land Restoration⁷⁸ - Environmental Revegetation and Rehabilitation Fund⁷⁹ <p>The programs provide for a range of approaches, including environmental markets and grant programs, and a range of priorities, including carbon farming with environmental, economic and social co-benefits, and vegetation protection and restoration for cockatoo habitat.</p> <p>Note: adequacy of programs and funding was not assessed due to lack of available information.</p>

⁷⁷ *Environmental Protection Act 1986 (WA)*.

⁷⁸ Department of Primary Industries and Regional Development, ‘Western Australian Carbon Farming and Land Restoration Program’, *Government of Western Australia* (2020), available at: <https://www.agric.wa.gov.au/carbon-farming/western-australian-carbon-farming-and-land-restoration-program>

⁷⁹ Government of Western Australia, ‘Environmental Revegetation and Rehabilitation Fund (2020), available at: <https://www.wa.gov.au/service/environment/business-and-community-assistance/environmental-revegetation-and-rehabilitation-fund>

4. Framework to increase private capital into conservation and restoration	0 (No) The WA Government does not provide framework/s to increase private capital into conservation and restoration. Carbon Farming and Land Restoration Program (CFLRP) provides assistance and funding to access Federal Government’s Emission Reduction Fund where private investment is an option. But CFLRP itself does not provide a framework for private sector investment.
SCORE: 2.5/4	

Appendix B. Detailed Results for Indicator 7 - Land Clearing: Comprehensive regulatory framework

Information to inform scoring of this indicator has been drawn from analysis prepared by the Environmental Defenders Office (EDO)⁸⁰ and analysis undertaken by WWF-Australia. The content below summarises some of the key information used in assessing each criterion. Further detail can be found in the EDO report.

Federal

The *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) is the primary piece of Commonwealth legislation and is the focus of this section.

Indicator 7. Land Clearing: Comprehensive regulatory framework	
<p>1. Exemptions are clearly defined and limited to narrow range of scenarios (or no exemptions).</p>	<p>0 (No) The EPBC Act indirectly regulates land clearing at the federal level, where that clearing is likely to have a significant impact on a matter of national environmental significance (MNES). The EPBC Act does not contain exemptions for 'low risk' activities the way other legal frameworks do. However, this is primarily because the EPBC Act is only triggered if there is likely to be a significant impact on a MNES. As such, all clearing that is not deemed a significant impact is effectively exempt, which relates to a broad range of scenarios.</p> <p>Section 158 of the EPBC Act also allows the Minister to exempt a person wishing to take a controlled action from provisions of Part 3 (which outlines the environmental assessment and determination process) if it is in the national interest.⁸¹ The term 'national interest' is not defined and there does not appear to be any guidance material guiding the Minister's exercise of power under this section. There is a risk that such broad powers can undermine the objectives of the EPBC.</p> <p>There are also a range of scenarios where environmental approval under the EPBC Act is not needed (see Chapter 2, Part 4 of the EPBC Act). Notably these include:</p> <ul style="list-style-type: none"> • Forestry operations undertaken in accordance with a Regional Forest Agreement (RFA): There are 10 RFAs, covering approximately 20.5 million hectares of forest.⁸² The RFAs were established as long-term plans seeking balance economic, social and environmental demands on forests, including by setting aside area for conservation, identifying areas and controls for timber logging. Based on this premise, forestry operations are exempt from the environmental approval requirements of Part 3 of the EPBC Act if undertaken in accordance with an RFA.⁸³ • An action does not require approval Part 3 of the EPBC Act if the action is associated with a lawful continuation of a land use that was occurring before the commencement of the EPBC Act in July 2000.⁸⁴

⁸⁰ Environmental Defenders Office, 'Analysis of Vegetation Management Regulatory Frameworks in Australia', Report prepared for WWF-Australia, Sydney available at: https://assets.wwf.org.au/image/upload/f_pdf/file_EDO_WWF_Analysis_of_Vegetation_Management_Regulatory_Frameworks_in_Australia_WF_Trees_Scorecard_2023_REPORT

⁸¹ EPBC Act s 158(1).

⁸² Australian Bureau of Agricultural and Resource Economics and Sciences, 'Australia's State of the Forests Report 2018', Australian Government Department of Agriculture, Forestry and Fisheries, 58, available at https://www.agriculture.gov.au/sites/default/files/abares/forestsaustralia/documents/sofr_2018/web%20accessible%20pdfs/SOFR_2018_web_higherquality.pdf.

⁸³ EPBC Act, s 38.

⁸⁴ EPBC Act ss 43A and 43B.

	<p>There is broad community concern about the RFA exemption. It is evident that the Regional Forest Agreements are outdated, based on science that does not account for climate change, and are no longer tenable regulatory instruments. There are many instances where logging of native forest continues to contribute to the incremental loss of habitat, and decline in listed threatened species and communities, and as such do not achieve the objects of the Act. The Commonwealth government must regain and strengthen oversight of forestry including through enforceable assessment, approval and offence provisions for forestry activities, rather than exemptions under inadequate and outdated Regional Forest Agreements. WWF recognises that the Australian Government’s Nature Positive Plan states that it ‘will work with stakeholders and relevant jurisdictions towards applying National Environmental Standards to Regional Forest Agreements to support their ongoing operation together with stronger environmental protection.’⁸⁵</p>
2. Self-assessable clearing codes are clearly defined, limited to narrow range of scenarios, and managed (or no code-based clearing).	<p>1 (Yes) There are no self-assessable clearing codes.</p>
3. Clearing requiring approval has appropriate safeguards to ensure consistent and robust assessment.	<p>0 (No) There are two distinct steps in the assessment and determination process – referral and determination. Key concerns relating to the regulation of land clearing include:</p> <ul style="list-style-type: none"> ● Referrals: Between 2000, when the EPBC Act came into force, and 2017, over 7.7 million hectares of threatened species known or likely-to-occur forest and woodland habitats were cleared without referral to the EPBC Act, accounting for 93% of such threatened species habitat destruction.⁸⁶ That is, only 7% of all potential habitat cleared in Australia was referred to the Australian Government for assessment and approval during this period.⁸⁷ The failure of land clearing actions that impact MNES to be referred to the Commonwealth, which undermines the effectiveness of the EPBC Act. This may be due to proponents ignoring or downplaying the impacts of their action in order to avoid triggering the Act, significant impact criteria being ambiguous, or lack of awareness of needing EPBC Act approval. ● Determination: Even once the Minister decides an action is a controlled action, the extent to which the EPBC Act can regulate land clearing is limited. The Minister can only regulate land clearing to the extent it impacts on an MNES. There are no absolute protections for MNES. No areas are off limits and there are no safeguards that would trigger a mandated refusal (e.g. serious or irreversible) impacts. Further, a 2022 study found that even once a matter was deemed to be controlled action under the EPBC Act, the Act was not necessarily providing greater protection for the habitat of threatened or migratory species or threatened ecological communities.⁸⁸
4. Evidence that Offsets deliver net gain against a clear baseline.	<p>0 (No) The Commonwealth’s biodiversity offsetting framework is set out in the <i>Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy (EPBC Environmental Offsets Policy)</i>.⁸⁹ The current offset arrangements under the</p>

⁸⁵ DCCEEW 2022, *Nature Positive Plan: better for the environment, better for business*, Department of Climate Change, Energy, the Environment and Water, Canberra, December. CC BY 4.0., see page 19, available at <https://www.dcceew.gov.au/sites/default/files/documents/nature-positive-plan.pdf>

⁸⁶ M. Ward et al, ‘Lots of loss with little scrutiny: The attrition of habitat critical for threatened species in Australia’ *Society for Conservation Biology* 1(11) (2019)

⁸⁷ Ibid

⁸⁸ N Maitz, M Taylor, M Ward and H Possingham, ‘Assessing the impact of referred actions on protected matters under Australia’s national environmental legislation’ (2022) *Conservation Science and Practice* e12860.

⁸⁹ Department of Climate Change, Energy, the Environment and Water, ‘Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy’, *Australian Government Department of Climate Change, Energy, the Environment and Water* (October 2012), available at: <https://www.awe.gov.au/environment/epbc/publications/epbc-act-environmental-offsets-policy>

	<p>EPBC Act Environmental Offsets Policy are failing to compensate for loss of habitat or heritage values and are often not enforced or maintained.⁹⁰</p> <p>The following specific concerns are noted:</p> <ul style="list-style-type: none"> • Commonwealth biodiversity offsetting rules are not mandated in legislation, rather the rules are set out in the non-statutory EPBC Environmental Offsets Policy. This means there are limitations on implementing and enforcing the policy. • There is little guidance on how to apply the avoid, mitigate, offset mitigation hierarchy. There are concerns that its application is subjective, and not rigorously applied in practice. • In-perpetuity protection is not guaranteed. While the EPBC Environmental Offsets Policy recognises that the best legal mechanisms for protecting land are intended to be permanent and secure, it does not provide certainty that protection will be in perpetuity. Instead, it outlines suitable offset mechanisms, including state and territory-based mechanisms, and acknowledges that “<i>in some situations there may be difficulties in permanently securing a site for conservation purposes due to the existing tenure of the land. Such situations will be considered by the department on a case-by-case basis</i>”. Additionally, even those state and territory-based mechanisms that are intended to provide permanent protection, can be overturned.⁹¹ <p>The <i>Nature Positive Plan</i> proposes a National Environmental Standard for environmental offsets to be made under law to provide certainty and confidence about its implementation.⁹² The Plan commits \$12m towards reforming offset arrangements.⁹³ These reforms are yet to be realised.</p>
<p>SCORE: 1/4</p>	

⁹⁰ Department of Climate Change, Energy, the Environment and Water, ‘Nature Positive Plan: better for the environment, better for business’, *Australian Government Department of Climate Change, Energy, the Environment and Water* (December 2022) 3 available at: <https://www.dcceew.gov.au/sites/default/files/documents/nature-positive-plan.pdf>

⁹¹ For example, section 5.10 of the BC Act, allows a Biodiversity Stewardship Agreement to be terminated in certain circumstances.

⁹² Department of Climate Change, Energy, the Environment and Water, ‘Nature Positive Plan: better for the environment, better for business’, *Australian Government Department of Climate Change, Energy, the Environment and Water* (December 2022) available at: <https://www.dcceew.gov.au/sites/default/files/documents/nature-positive-plan.pdf>

⁹³ Ibid 21.

ACT

Land clearing in the ACT is indirectly regulated by a range of legislative schemes:

- The *Nature Conservation Act 2014* (ACT) (**NC Act**) has specific provisions regulating the clearing of native vegetation on reserved public land.
- Clearing associated with development is currently regulated under the *Planning and Development Act 2007* (**PD Act**), however new planning rules, set out in the *Planning Bill 2022* (ACT) (**Planning Bill**) are expected to commence in 2023.
- Tree clearing in urban areas is currently regulated under the *Tree Protection Act 2005* (ACT) (**TP Act**), however this Act is intended to be replaced by the *Urban Forest Act 2023* (ACT) (**UF Act**), which, passed the ACT Parliament on 30 March 2023, and is expected to commence in January 2024. This assessment relates to the Tree Protection Act 2005.

Indicator 7. Land Clearing: Comprehensive regulatory framework	
1. Exemptions are clearly defined and limited to narrow range of scenarios (or no exemptions).	<p>0.5 (Partial)</p> <p><u><i>Nature Conservation Act 2014 (NC Act)</i></u></p> <p>- There are no ‘exemptions’ under the NC Act in the general sense of the term (i.e. – clearing that does not require approval).</p> <p><u><i>Planning and Development Act 2007 (PD Act)</i></u></p> <p>- Under the PD Act, certain development is exempt from requiring a development approval (exempt development).⁹⁴ It is notable that there are specific restrictions limiting clearing in the case of certain exemptions. However, there is no government oversight of this process, which means there is a risk of development that should have been subject to a DA could slip through the cracks.</p> <p><u><i>Tree Protection Act 2005 (TP Act)</i></u></p> <p>- The TP Act permits minor pruning of registered and regulated trees without an approval.⁹⁵ Exemptions are considered to be limited and defined.</p>
2. Self-assessable clearing codes are clearly defined, limited to narrow range of scenarios, and managed (or no code-based clearing).	<p>1 (Yes)</p> <p>There is no self-assessable code-based clearing pathway under ACT laws. Under the PD Act, development may fall into the ‘code track’, but development approval is still required, providing some level of oversight.</p>
3. Clearing requiring approval has appropriate safeguards to ensure consistent and robust assessment.	<p>0.5 (Partial)</p> <p><u><i>Nature Conservation Act 2014 (NC Act)</i></u></p> <p>The NC Act itself does not contain an assessment and approval process for the clearing of vegetation. Clearing may occur in a reserve area if authorised under a separate legal framework.</p> <p><u><i>Planning and Development Act 2007</i></u></p> <p>Because of limited exemptions and codes, most clearing requires approval. While this provides important oversight, the process includes significant discretion and lacks transparency. For example, there are limited obligations to give reasons for decisions and there is wide discretion for the Chief Planner/Minister to approve development contrary to the Conservator’s advice, even where development is likely to have a significant adverse environmental impact on a protected matter.⁹⁶ Otherwise, the requirement for a decision-maker to take into account ‘the probable environmental impacts’ of the development is a positive (though expected) feature and may allow the decision-maker</p>

⁹⁴ *Planning and Development Act 2007* (ACT) ss 133 - 135.

⁹⁵ *Tree Protection Act 2005* (ACT) s 13(2).

⁹⁶ *Planning and Development Act 2007* (ACT) s 128(2); *Planning Bill 2022* (ACT) s 187(2).

	<p>to consider cumulative impacts, as well as the ways in which land clearing (for example) contributes to compounding environmental impacts.⁹⁷</p> <p><u>Tree Protection Act 2005</u></p> <p>The decision criteria, especially for approval to damage a regulated tree⁹⁸ is robust, requiring remedial treatments and risk mitigation measures to be ineffective before removal is considered. However, the extent to which the conservator has regard to such criteria is unclear. The decision criteria to carry out groundwork within the tree protection zone of a regulated or registered tree⁹⁹ is more vague requiring that the groundwork has 'minimal' impact. The Guidelines for Tree Management Plans incorporates some approval criteria focused on protecting trees such as the conservator is to consider whether the proposed conditions protect retained trees from damage, including the roots, during development that may occur at the site and whether the removal of a regulated tree will clearly enhance the environmental value of the site. The extent to which and how these factors are considered when approving a tree management plan are unclear.</p>
<p>4. Evidence that offsets deliver net gain against a clear baseline.</p>	<p>0 (No)</p> <p>There was limited evidence available to assess this criterion as there have been no reviews undertaken of the ACT's offset scheme. As such, there is no oversight as to whether offsets are delivering a net gain. It is noted that the scheme's aim is to 'maintain or improve', it does not require net gain.</p> <p>There is scope to improve the use of offsets under ACT laws. For example:</p> <ul style="list-style-type: none"> - Offsetting principles should be enshrined in the Planning Bill; and the Bill should clearly state that offsetting should only be allowed in limited circumstances and in line with the best practice science-based principles.¹⁰⁰ - The Canopy Contribution Framework,¹⁰¹ proposed under the Urban Forest Bill appears to be a quasi-offset scheme. It does not appear to be based on best-practice offsetting principles so there are questions as to whether it is ecologically sound.
<p>SCORE: 2/4</p>	

⁹⁷ Environmental Defenders Office, *Submission on the Planning Bill 2022* (17 June 2022) 28, available at: <https://www.edo.org.au/wp-content/uploads/2022/06/220617-EDO-Submission-on-the-ACTs-Planning-Bill-2022-1.pdf>.

⁹⁸ *Tree Protection Act 2005* (ACT) s 32, pt 4.

⁹⁹ *Tree Protection Act 2005* (ACT) s 22(a)-(b).

¹⁰⁰ See Environmental Defenders Office, *Submission on the Planning Bill 2022* (17 June 2022) 25 available at: <https://www.edo.org.au/wp-content/uploads/2022/06/220617-EDO-Submission-on-the-ACTs-Planning-Bill-2022-1.pdf>.

¹⁰¹ *Urban Forest Act 2023* (ACT) ss 34-42.

NSW

In NSW, there are different rules for regulating land clearing, depending on the type of activity being undertaken (e.g. clearing only, or clearing associated with development), the scale of the activity, and type of land (e.g. rural land or non-rural land). Most simply, clearing can be described as:

- *Rural land clearing* – regulated under Part 5A, *Local Land Services Act 2013* (NSW) (**LLS Act**).
- *Clearing on non-rural land* – regulated under Chapter 2 – Vegetation in non-rural areas, *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (**Biodiversity and Conservation SEPP**).
- *Clearing associated with development* - regulated *Environmental Planning and Assessment Act 1979* (**EP&A Act**).

Indicator 7. Land Clearing: Comprehensive regulatory framework	
<p>1. Exemptions are clearly defined and limited to narrow range of scenarios (or no exemptions).</p>	<p>0 (No)</p> <p><i>Rural Land:</i> Part 5A of the LLS Act regulates clearing (not associated with development) on rural land.¹⁰² Clearing undertaken on category 1 -exempt land is not regulated (i.e. it can be carried out with being an authorised activity, code-based clearing or requiring approval from the Native Vegetation Panel (NVP)). On category 2 -regulated land, some activities are described as 'allowable activities' and can be carried out without approval or other authorisation. Allowable activities are listed in Schedule 5A of the LLS Act and include firewood collection, grazing practices, gravel pits, maintenance of power lines, fire breaks, maintenance of water and gas supply infrastructure. EDO has previously raised concerns about the breadth of allowable activities and whether this category of activities is realistically limited to genuinely low impact activities.¹⁰³ Exemptions are not considered to be limited to a narrow range of scenarios, and in many cases lack area or width restrictions.</p> <p><i>Non-rural Land:</i> A list of allowable activities (similar to those available on rural land) can be carried out in certain conservation and semi-rural land zones. Generally, the types of activities are similar to those in category 2-vulnerable and category 2-sensitive land under Schedule 5A, Part 4 of the LLS Act. Exemptions are not considered to be limited to a narrow range of scenarios, and in many cases lack area or width restrictions.</p> <p><i>Clearing associated with development:</i> In the case of exempt development under the EP&A, provisions providing that exempt development must not remove trees without the appropriate permit, approval or development consent ensures there is important oversight and provide an important safeguard against the unchecked clearing of vegetation.</p>
<p>2. Self-assessable clearing codes are clearly defined, limited to narrow range of scenarios, and managed (or no code-based clearing).</p>	<p>0 (No)</p> <p><i>Rural Land:</i> The Native Vegetation Code is a self-assessable clearing code that has been highly criticised for being poorly regulated and for contributing to increased land clearing rates in NSW. Both the Audit Office of NSW and NSW Natural Resources Commission have undertaken independent assessments of the Code, highlighting key areas of regulatory failure.¹⁰⁴ Key concerns include that purported environmental safeguards in the Native Vegetation Code are inadequate, the scope of category 2-sensitive land is too narrow, and set asides are arbitrary and have little ecological basis.</p> <p><i>Non-rural Land:</i> There is no code-based clearing on non-rural land.</p>

¹⁰² Section 60A of the LLS Act outlines areas that are not considered to be rural land for the purpose of Part 5A.

¹⁰³ EDO, *Submission on the draft Local Land Services Amendment Bill 2016*, June 2016 available at:

https://www.edo.org.au/wp-content/uploads/2020/08/160628_EDO_NSW_Submission_on_the_draft_Local_Land_Services_Amendment_Bill_2016-1.pdf.

¹⁰⁴ See:

- Audit Office of NSW, *Managing Native Vegetation*, June 2019 available at: <https://www.audit.nsw.gov.au/our-work/reports/managing-native-vegetation>.
- Natural Resources Commission, *Final Advice on Land Management and Biodiversity Conservation Reforms*, July 2019, available at: <https://www.nrc.nsw.gov.au/land-mngt>.

	<p><i>Clearing associated with development:</i> Under the EP&A Act there are safeguards related to removal or pruning of a tree or other vegetation, and as such, code-based complying development is unlikely to be driving significant vegetation clearing.</p>
<p>3. Clearing requiring approval has appropriate safeguards to ensure consistent and robust assessment.</p>	<p>0 (No) Despite critical reviews by both the Audit Office of NSW¹⁰⁵ and NSW Natural Resources Commission,¹⁰⁶ the regulatory framework remains largely unchanged.</p> <p><i>Rural land:</i> For clearing of rural land that is not an allowable activity or regulated under the Native Vegetation Code, clearing approval is required. Applications for approval are assessed and determined by the Native Vegetation Panel (NVP). The NVP is not operating as intended - as of May 2023 only one application has been lodged and determined by the NVP, approved in February 2021.¹⁰⁷ This is concerning given the alternative approval pathways (i.e. allowable activities provisions and the Native Vegetation Code) are less rigorous in terms of environmental assessment requirements. It also suggests that the scope of allowable activities provisions and the Native Vegetation Code are too broad or open to misuse.</p> <p><i>Non-rural land:</i> Under the Biodiversity and Conservation SEPP, tree clearing in non-rural areas requires approval by either the local council, in accordance with their respective Development Control Plan, or the NVP if clearing exceeds the Biodiversity Offsets Scheme threshold. There is significant discretion in terms of councils updating Development Control Plans to identify vegetation requiring a permit, and as to whether a permit will be issued – this is entirely discretionary with no evaluation criteria. Similarly, the NVP has broad discretion to approve clearing permits, and offsets can be used. There are also no public consultation requirements and no public register of clearing applications.</p> <p><i>Clearing associated with development:</i> There is no absolute protection for native vegetation under the EP&A Act. That is, in most cases the decision maker ultimately has discretion to approve development that will clear trees. Some safeguards, including those aimed at protecting environmentally sensitive areas, do seek to provide some protection but could be strengthened.</p>
<p>4. Evidence that Offsets deliver net gain against a clear baseline.</p>	<p>0 (No) For any clearing in NSW that exceeds the Biodiversity Offsets Scheme (BOS) Threshold, the BOS applies. The BOS has been highly criticised for failing to meet best-practice.¹⁰⁸ It permits an inappropriate level of variation to like-for-like offsetting rules and does not contain the ecologically necessary limits to prevent extinctions.</p> <p>For clearing under the Native Vegetation Code, set asides may be required. Set asides are essentially ‘quasi-offsets’. Set asides side-steps genuine, commensurate evidence-based offsets. Instead, set-asides are based on simple area-based ratios and do not prevent a net loss of biodiversity.</p>
<p>SCORE: 0/4</p>	

¹⁰⁵ Audit Office of NSW, *Managing Native Vegetation*, June 2019 available at <https://www.audit.nsw.gov.au/our-work/reports/managing-native-vegetation>.

¹⁰⁶ Natural Resources Commission, *Final Advice on Land Management and Biodiversity Conservation Reforms*, July 2019, available at <https://www.nrc.nsw.gov.au/land-mngt>.

¹⁰⁷ Environmental Defenders Office, *Have your say on the statutory review of NSW native vegetation clearing rules (Part 5A of the Local Land Services Act 2013)* (2022) 5 available at: <https://www.edo.org.au/wp-content/uploads/2022/12/EDO-submission-guide-land-clearing-rules.pdf>.

¹⁰⁸ Environmental Defenders Office, ‘Analysis of Vegetation Management Regulatory Frameworks in Australia’, WWF-Australia, Bo1 1, available at: [NEW HYPERLINK](#)

NT

The *Planning Act 1999* (NT) (Planning Act) and the *Pastoral Land Act 1992* (NT) (**PL Act**) comprise the principal regulatory tools that regulate land clearing in the NT. The *Environment Protection Act 2019* (NT) (**EP Act**) also applies in some circumstances.

Clearing on freehold land (that is, land owned in perpetuity, including Aboriginal land and Crown land) is regulated by the *Planning Act*. Almost half (45%) of the land in the NT is managed under pastoral lease and the majority of broadscale land clearing in the NT occurs on pastoral leases.¹⁰⁹ Clearing on pastoral land is regulated by the PL Act.

Indicator 7. Land Clearing: Comprehensive regulatory framework	
1. Exemptions are clearly defined and limited to narrow range of scenarios (or no exemptions).	<p>0 (No)</p> <p><u><i>Planning Act 1999</i></u> Freehold Land: The exemptions from requiring consent to clear land on freehold land do not always have genuinely low impacts.¹¹⁰ Many of the exemptions are broad and drafted in vague terms. For example, any clearing less than 1ha is exempt (unless in a Conservation Zone).¹¹¹</p> <p><u><i>Pastoral Land Act 1992</i></u> Pastoral Lease: Under s 91D of the <i>Pastoral Land Act</i>, the Pastoral Land Board (PLB) gazetted a wide range of exemptions from the requirement to obtain a permit for clearing on pastoral land. The exemptions are broad and drafted in vague terms and are therefore open to excessive use. For example, a permit is not required for clearing: ‘for a pastoral purpose that is reasonably necessary for construction and maintenance of buildings, vehicle tracks, airstrips, helipads, yards, fenced laneways, holding paddocks, water storages’. The inclusion of words like ‘where practical’ and ‘reasonably necessary’ means enforcement action would likely be very difficult.</p> <p>For exemptions under both freehold land and pastoral leases, there are no notification requirements (nor a clear monitoring and compliance reporting system), making it unclear as to how this clearing is being overseen (if at all) to ensure lessees are not exceeding the limits of the permitted activities. It is also ambiguous how clearing that exceeds the above exemptions would be enforced.</p>
2. Self-assessable clearing codes are clearly defined, limited to narrow range of scenarios, and managed (or no code-based clearing).	<p>1 (Yes)</p> <p>There is no self-assessable code-based clearing pathway under NT laws.</p>
3. Clearing requiring approval has appropriate safeguards to ensure consistent and robust assessment.	<p>0 (No)</p> <p>The NT lacks standalone native vegetation/biodiversity conservation and land management laws and a biodiversity conservation strategy. While the EP Act could act as an important safeguard, it is not being utilised.</p> <p>There is a lack of appropriate safeguards under the <i>Planning Act</i> and the PL Act to ensure the consistent and robust assessment of potential impacts of land clearing. The lack of clear decision-making tests and guidance leads to inconsistent determinations that are frequently lacking in rigor. For example:</p> <p><u><i>Planning Act 1999</i></u></p>

¹⁰⁹ Pastoral Land Board Northern Territory, 2019, Annual Report 2018-2019, p ii. Available at: <https://depws.nt.gov.au/boards-and-committees/pastoral-land-board>

¹¹⁰ Clause 3.2(4) of the Planning Scheme.

¹¹¹ Department of Environment, Parks and Water Security, *Land Clearing Guidelines: Northern Territory Planning Scheme* (13 September 2021) 10 available at: https://nt.gov.au/_data/assets/pdf_file/0007/236815/land-clearing-guidelines.pdf.

	<p>Freehold Land: Under the <i>Planning Act</i> there is no guidance on how all the elements of an application should be synthesised in the decision-making process and how competing factors should be weighed. Additionally, proponents are only required to demonstrate consideration of factors, or how they have addressed certain matters, listed in the Planning Scheme, or Land Clearing Guidelines, rather than demonstrating that they meet minimum standards or environmental outcomes. Problematically, the Land Clearing Guidelines are oriented towards land capability rather than focusing equally (or primarily) on protecting biodiversity, ecological integrity, and water resources. The Simplified Pastoral Land Clearing Applications Policy is likely to accelerate the approval process for pastoral land clearing.</p> <p><u>Pastoral Land Act 1992</u></p> <p>Pastoral Lease: Almost half (45%) of the land in the NT is managed under pastoral lease and the majority of broadscale land clearing in the NT occurs on pastoral leases.¹¹² Since 2018, the PLB has approved approximately 59,000ha of clearing on pastoral land.¹¹³</p> <p>The PL Act does not impose any specific decision-making requirements on, or provide any guidance to, the PLB when determining a land clearing application (including ecologically sustainable development and climate change). Moreover, unlike under the Planning Act, given the members of the PLB are not specifically required to have environmental expertise¹¹⁴ significant potential conflicts of interest arise resulting from the fact that the PLB’s members are themselves, in many cases, also pastoralists (or at least have been). This poses clear risks in relation to the objectivity of the decision-making process for land clearing permit applications. The ‘requirement’ in the Pastoral Land Clearing Guidelines to refer clearing applications exceeding 5000ha (or that have a potential for significant impact) to the NT EPA illustrates the highly arbitrary policy approach taken to assessing the environmental impacts of land clearing.</p> <p>It is also noted that the Native Vegetation Assessment Panel (NVAP) panel assesses land clearing applications on unzoned land under the planning system and may also have delegated authority to assess other clearing applications. However, this has no legislative/legal basis and is therefore subject to limited accountability or transparency over its operation.</p>
<p>4. Evidence that Offsets deliver net gain against a clear baseline.</p>	<p>0 (No) Section 125 of the EP Act provides a legislative power to require offsets for projects. While the NTG has established the NT Offsets Framework and associated Policies and Technical Guides, neither the Planning Act nor the PL Act are prescribed Acts under the EP Regulations. Unless a land clearing proposal under either the Planning Act or the PL Act triggers an assessment under the EP Act (because it ‘has the potential to have a significant impact on the environment’), or the Planning Act and/or the PL Act become prescribed Acts under the EP Regulations, the NT Offsets Framework will not apply to land clearing activities in the NT.</p> <p>The Offsets Framework also needs to be strengthened, including providing details of net-gain measurement and mechanisms, providing mechanisms to monitor and enforce the avoid, minimise, mitigate hierarchy, like-for-like offsetting requirements, or similar, or providing no-go areas (i.e. where offsets not appropriate). It should be consistently</p>

¹¹² Department of Environment, Parks and Water Security, ‘Pastoral Land Board Northern Territory Annual Report 2018-19’, Northern Territory Government, p2. Available at: https://depws.nt.gov.au/_data/assets/pdf_file/0006/957588/pastoral-land-board-annual-report-2018-19.pdf

¹¹³ Northern Territory Government, ‘Pastoral Land: Current land clearing applications and approvals’, available at: <https://nt.gov.au/property/land-clearing/pastoral-land/pastoral-land-clearing-applications-and-permits>

¹¹⁴ See s 13 of the Pastoral Land Act for the qualification requirements of the PLB. This section provides that ‘in appointing members to the [PL]Board, the Minister shall ensure that 2 persons who have experience as pastoralists are included, and, as far as practicable, the members collectively have expertise or experience that, in the opinion of the Minister, is relevant to their role as members’.

	applied to land clearing activities under both the Planning Act and the PL Act, even if those activities are not assessed under the EP Act.
SCORE: 1/4	

QLD

The clearing of native vegetation in Queensland is primarily regulated under the vegetation management framework, which applies to freehold land, Indigenous land, leasehold land, and occupational licenses under the *Land Act 1994* (Qld). It is a complex legislative framework incorporating multiple pieces of legislation.

The framework consists chiefly of the *Vegetation Management Act 1999* (Qld) (**VMA**) and the *Planning Act 2016* (Qld) (**PA**) and subordinate regulations, codes, and policies. Together, they make the clearing of native vegetation ‘operational work’, a form of development that can require approval. Clearing may also be regulated under other laws.

Indicator 7. Land Clearing: Comprehensive regulatory framework	
<p>1. Exemptions are clearly defined and limited to narrow range of scenarios (or no exemptions).</p>	<p>0 (No)</p> <p>Over 23 million hectares of Queensland is mapped as ‘Category X’,¹¹⁵ these areas are not generally regulated by the vegetation management laws and are effectively exempt from assessment.</p> <p>Additionally, Schedule 21 of the <i>Planning Regulation</i> lists numerous clearing activities that are exempt from requiring notification or development approval under the PA. Exemptions are dependent on (and many repeated across) seven different land tenures, and on the purpose of the clearing. They cover a wide range of activities, for example: private and public safety reasons (fire management and prevention, emergencies); construction or maintenance of residential, utility and community infrastructure (e.g. roads, airports, fences, buildings); Aboriginal or Torres Strait Islander peoples cultural purposes; resource activities under the <i>Environmental Protection Act 1994</i> (mining, petroleum or gas) and public forestry on state land.</p> <p>Exemptions are phrased in broad terms, making it difficult to know when they apply and widening the applicability of the exemption. One such example is the urban purpose in an urban area freehold land exemption. An urban area is identified by the chief executive in a gazette notice. An urban purpose is defined as purposes for which land is used in cities or towns, including residential, industrial, sporting, recreation, and commercial purpose, but not including environmental, conservation, rural, natural or wilderness area purposes.¹¹⁶ This definition is broad, widening the scope of the exemption and potential for vegetation to be cleared without assessment.</p> <p>Another example of a broad exemption is with respect to Priority Development Areas (PDAs), which applies to a number of land tenures specified in Part 2 Schedule 21 of the <i>Planning Regulation</i>. A priority development area is declared under section 37 of the <i>Economic Development Act 2012</i> (Qld) to facilitate economic development and can be amended from time to time.¹¹⁷ The discretion to declare such an area, and the changing nature of what is defined, indicates a broad, uncertain exemption. This is compounded where the government has broad discretion in declaring what specific planning prescriptions apply for development in an area. PDAs also apply to, and therefore can undermine the protections in place for, environmentally sensitive areas.</p> <p>It is also noted that the <i>Planning Regulation 2017</i> (Qld) provides for regulations which apply to restrict clearing of koala habitat in South East Queensland. However, exemptions are still applicable in areas of mapped koala habitat. The Queensland Government is undertaking a Post Implementation Review. Consultation has found several elements of the framework have not been working as intended, diminishing the success of the 2020</p>

¹¹⁵ *Vegetation Management Act 1999* (Qld) s 20AO.

¹¹⁶ *Planning Regulation 2017* (Qld) sch 24.

¹¹⁷ *Economic Development Act 2012* (Qld) sch 1.

	koala regulations, including exemption use that has continued to enable clearing of koala habitat areas within the koala priority area. ¹¹⁸
2. Self-assessable clearing codes are clearly defined, limited to narrow range of scenarios, and managed (or no code-based clearing).	<p>0 (No)</p> <p>The Minister has the power to make accepted development vegetation clearing codes (Codes) under the VMA.¹¹⁹ The Codes permit 'routine' and 'low risk' clearing activities without the need for a development approval.¹²⁰ The Minister has wide discretion in making a Code, with s 19O(2) of the VMA stating they can make a Code 'for any other matter about clearing vegetation the Minister considers is necessary or desirable for achieving the purpose of this Act.'¹²¹</p> <p>There are Codes for managing encroachment, clearing for an extractive industry, managing fodder harvesting, clearing to improve agricultural efficiency, managing regulated regrowth vegetation, managing a native forest practice, necessary environmental clearing, clearing for infrastructure and managing weeds.¹²² Each of these Codes outlines the scope of the activities covered by that Code, the compulsory notification process, the compliance requirements and the clearing requirements.¹²³</p> <p>The Codes allow extensive clearing with no robust environmental assessment or approval process. The self-assessable Codes generally permit extensive clearing that is not 'negligible', 'low risk' or 'necessary' as claimed by the Queensland Government.¹²⁴ The Managing Encroachment and Managing Weeds Codes allow up to 400ha of clearing, which is arguably not negligible or low risk. It is understood that in 2018-19, clearing activity under the Accepted Development Clearing Codes (ADVCC) occurred on 100,000ha. Of this, 69,000ha was fodder harvesting.</p>
3. Clearing requiring approval has appropriate safeguards to ensure consistent and robust assessment.	<p>0 (No)</p> <p>Clearing that cannot be carried out as exempt clearing, or under the Codes or an AMP, requires approval under the PA.</p> <p>If the application is solely for clearing native vegetation, the chief executive, who administers the PA, is the assessment manager through the State Assessment and Referral Agency (SARA). The assessment of the clearing application will be undertaken in accordance with the State Development Assessment Provisions (SDAP): State Code 16: Native Vegetation Clearing.¹²⁵ Some performance outcomes under this code are vague, such as clearing for an extractive industry includes the performance outcome 'clearing avoids and minimises impacts.' To achieve this, the applicant must demonstrate the clearing and adverse impacts of clearing have been either 'reasonably avoided' or 'reasonably minimised where it cannot be reasonably avoided.' This is a broad</p>

¹¹⁸ Department of Environment and Science, 'Consultation Post Implementation Review report - Improving South East Queensland's Koala Habitat Regulations, *Queensland Government* (April 2023) p31. Available at:

https://environment.des.qld.gov.au/_data/assets/pdf_file/0027/309717/Consultation_PIR.pdf

¹¹⁹ *Vegetation Management Act 1999* (Qld) s 19O.

¹²⁰ *Vegetation Management Regulation 2012* (Qld), Queensland Government, 'Clearing codes' (Web Page)

<https://www.qld.gov.au/environment/land/management/vegetation/clearing-approvals/codes>

¹²¹ *Vegetation Management Act 1999* (Qld) s 19O.

¹²² *Vegetation Management Regulation 2012* (Qld) reg 3; Queensland Government, 'Clearing codes' (Web Page)

<https://www.qld.gov.au/environment/land/management/vegetation/clearing-approvals/codes>

¹²³ Queensland Government, Department of Natural Resources, Mines and Energy, *General guide to the vegetation clearing codes* (7 February 2020) 5, available at: https://www.resources.qld.gov.au/_data/assets/pdf_file/0006/1447098/general-guide-vegetation-clearing-codes.pdf

¹²⁴ Department of Natural Resources, Mines and Energy, *Accepted development vegetation clearing code: Managing Encroachment* (21 June 2019) available at:

https://www.resources.qld.gov.au/_data/assets/pdf_file/0005/1446908/encroachment-clearing-code-2019.pdf;

Department of Natural Resources, Mines and Energy, *Accepted development vegetation clearing code: Managing Weeds* (7 February 2020) available at: https://www.resources.qld.gov.au/_data/assets/pdf_file/0011/1446914/managing-weeds-clearing-code.pdf

¹²⁵ *Planning Regulation 2017* (Qld) sch 10 Div 2; Queensland Government, 'Development approvals for clearing native vegetation' (Web Page, 16 March 2021) available at:

<https://www.qld.gov.au/environment/land/management/vegetation/clearing-approvals/development>

	<p>requirement with no further explanation or guidance of what ‘reasonably’ entails, suggesting the chief executive and SARA have the discretion to interpret such terms.¹²⁶</p> <p>Clearing for extractive industries also includes the performance outcome ‘conserving endangered and of concern regional ecosystems.’ However, the acceptable outcomes provide the option of clearing in endangered regional ecosystems and of concern regional ecosystems if it is within the widths and areas prescribed by the SDAP State Code 16: Native Vegetation, which are dependent on the regional ecosystems structure category.¹²⁷ This allows clearing to take place in endangered and of concern regional ecosystems and exemplifies the type of broad requirements of the application process.</p> <p>If the application involves both the clearing of native vegetation and other aspects of assessable development, then the assessment manager will be determined under sch 8 of the <i>Planning Regulation</i>. Commonly, the relevant local government will be the assessment manager and applications are assessable against the relevant local government planning scheme. SARA may be a referral agency exercising concurrence agency powers under the Planning Act. In the case of clearing associated with development, exact controls vary between local government areas in accordance with the relevant local government planning scheme.</p> <p>It is noted that the Queensland Government undertakes scientific reviews of programs, such as the offsets framework review and the Native Vegetation Scientific Expert Panel¹²⁸, and a post-implementation review of the 2020 Koala regulations. While WWF commends this approach, the results of these reviews are yet to take effect.</p>
<p>4. Evidence that Offsets deliver net gain against a clear baseline.</p>	<p>0 (No)</p> <p>Queensland’s Environmental Offsets Framework consists of the:</p> <ul style="list-style-type: none"> ● <i>Environmental Offsets Act 2014</i>, which coordinates offset delivery across jurisdictions; ● <i>Environmental Offsets Regulation 2014</i>, which details the activities and environmental matters regulated under the legislation; and ● <i>Queensland Environmental Offsets Policy Version 1.13</i>, which outlines the policy for assessing offset proposals to satisfy offset conditions.¹²⁹ <p>A 2019 Government review of Queensland’s Environmental Offsets Framework noted multiple current failings of the offset’s framework including:</p> <ul style="list-style-type: none"> ● The process to legally secure an offset is difficult and lengthy. ● Financial settlement offsets are too low to encourage landholder participation. ● The legislation is too complex. One policy is better than five policies. ● Offset ratios should be based on scientific evidence. ● There should be a greater supply of advanced offsets. ● There is need for only one significant residual impact guide.¹³⁰

¹²⁶ *State Development Assessment Provisions Version 3.0: Code 16 Native Vegetation Clearing* (Qld) 16-11, available at: https://planning.statedevelopment.qld.gov.au/_data/assets/pdf_file/0030/67287/version-3.0-state-development-assessment-provisions-complete-version.pdf

¹²⁷ *State Development Assessment Provisions Version 3.0: Code 16 Native Vegetation Clearing* (Qld) 16-13, available at: https://planning.statedevelopment.qld.gov.au/_data/assets/pdf_file/0030/67287/version-3.0-state-development-assessment-provisions-complete-version.pdf

¹²⁸ Office of the Queensland Chief Scientist, ‘Native Vegetation Scientific Expert Panel’, *Queensland Government*, available at: <https://www.chiefscientist.qld.gov.au/publications/reviews-audits/native-vegetation-scientific-expert-panel>

¹²⁹ Queensland Government, ‘Environmental Offsets’ (Web Page, 5 December 2022) available at: <https://www.qld.gov.au/environment/management/environmental/offsets/legislation>

¹³⁰ Department of Environment and Science, *A review of Queensland’s environmental offsets framework a discussion paper – February 2019*, 9, available at: https://www.qld.gov.au/_data/assets/pdf_file/0018/94131/qld-enviro-offsets-framework-discuss-paper.pdf

	<p>Demonstrating the long lag in the provision of offsets from the point of approval and clearing of vegetation, the review found that, between 1 July 2014 and 30 June 2018 \$9.6m received by the state as financial settlement offsets. Of this:</p> <ul style="list-style-type: none">● \$5.1m is allocated towards delivering offset projects● only \$1.5m has been contracted, committed or spent delivering offset projects.¹³¹
SCORE: 0/4	

¹³¹ Department of Environment and Science, *A review of Queensland's environmental offsets framework a discussion paper – February 2019*, 10, available at: https://www.qld.gov.au/data/assets/pdf_file/0018/94131/qld-enviro-offsets-framework-discuss-paper.pdf

SA

Native vegetation removal in South Australia is primarily regulated under the *Native Vegetation Act 1991* (NVA) and *Native Vegetation Regulations 2017 (NVR)*. The NVA applies to all of SA except some parts of metropolitan Adelaide, which are identified in the DEW's online maps.¹³²

It is notable that SA has standalone native vegetation legislation, with a clear objective of the conservation, protection and enhancement of the native vegetation of the state, and clear principles for native vegetation clearing. However, the legislation is complicated, and there are key components that could be strengthened.

Indicator 7. Land Clearing: Comprehensive regulatory framework	
1. Exemptions are clearly defined and limited to narrow range of scenarios (or no exemptions).	<p>0.5 (Partial)</p> <p>The NVR provides a number of exemptions under which native vegetation clearing can occur without approval:</p> <p><u>Permitted clearance – Exemption - no notification</u></p> <p>Schedule 1, Part 1, Division 1 of the NVR sets out 12 types of clearing activities that are exempt from approval. These include clearing vegetation within 10 metres of existing buildings, dam maintenance, ongoing grazing, some clearance under the <i>Electricity Act 1996</i> or <i>Emergency Management Act 2004</i>, and cultural activities. The NVC's <i>Guide to Native Vegetation Regulation 2017 (NVR Guidelines)</i> provides guidance on the parameters for these activities and examples of clearing that fall outside the scope of the exemptions.¹³³ Exemptions include area and width restrictions and are generally aimed at limiting clearing.</p> <p><u>Permitted clearance – Exemptions requiring notification to the NVC</u></p> <p>Schedule 1, Part 1, Division 2 sets out four additional activities (vehicle tracks, fences, plant and animal control and native vegetation causing natural resource management problems) that are exempt from approval, but proponents intending to undertake vegetation clearing activities must provide notification to the NVC about the amount and location of clearance.¹³⁴</p> <p><u>General</u></p> <p>While exemptions are generally clearly defined and limited to a narrow range of scenarios, the NRC's Interim Report on South Australia's Native Vegetation laws found that stakeholders held significant concerns about the current regime's complexity and the ability for laypeople to understand it.¹³⁵ The complexity of the system is evident where, for example, proponents seeking to rely on exemptions are required to consider a minimum of four different documents, which set out the requirements for exemptions under the NVR.¹³⁶ Given the complexity of the regime, there is a heightened risk that people will misapply the NVR when seeking to rely on exemptions.</p> <p>Because in most instances there are no notification requirements, the NVC, has little oversight of the relevant vegetation clearing activity and a limited capacity to identify illegal clearing. The exemptions also create a risk that the cumulative impacts of native vegetation clearing are not properly understood or assessed under the native vegetation framework. For example, the Conservation Council SA found that approximately 75,000</p>

¹³² *Native Vegetation Act 1991* (SA), s4; Government of South Australia, 'Maps of where the Native Vegetation Act applies in SA', available at: <https://www.environment.sa.gov.au/topics/native-vegetation/clearing/maps>

¹³³ Native Vegetation Council, 11 April 2017, 'Guide to the *Native Vegetation Regulations 2017*', South Australian Government, Adelaide, see p 18, available at <https://cdn.environment.sa.gov.au/environment/docs/guide-to-native-vegetation-regulations-2017-rep.pdf>.

¹³⁴ *Native Vegetation Regulations 2017* (SA), Sch 1, Pt 1, Div 2.

¹³⁵ Natural Resources Commission, *Review of the Native Vegetation Act 1991* (Interim Report No 10, 28 October 2021) 12.

¹³⁶ Native Vegetation Council, 11 April 2017, 'Guide to the *Native Vegetation Regulations 2017*', South Australian Government, Adelaide, see p 8, available at <https://cdn.environment.sa.gov.au/environment/docs/guide-to-native-vegetation-regulations-2017-rep.pdf>.

	trees are cleared in Greater Adelaide per annum. ¹³⁷ Where notification is required under Sch 1, Pt 1, Div 2, this at the very least enables the NVC to maintain a record of clearing taking place under the relevant pathway for data collection purposes. ¹³⁸ However the framework does not provide the NVC with any powers, other than data collection, in relation to the proposed clearing. It cannot, for example, disallow the clearing where it is concerned that the clearing will have a significant cumulative impact.
2. Self-assessable clearing codes are clearly defined, limited to narrow range of scenarios, and managed (or no code-based clearing).	1 (Yes) There is no code-based clearing.
3. Clearing requiring approval has appropriate safeguards to ensure consistent and robust assessment.	<p>0.5 (Partial)</p> <p>SA has established an independent body, the Native Vegetation Council. Decisions must be made having regard to principles of native vegetation clearance, however decisions at variance with these principles can be made.</p> <p>To clear native vegetation in SA (unless an exemption applies), either:</p> <ul style="list-style-type: none"> ● consent is required under the NVA; ● the activity is listed in the NVR, in which case there are different approval pathways dependent on the different activities. The pathways under the NVR that require approval include fire hazard reduction activities, native vegetation management plans and the risk assessment pathway (which also captures certain clearing associated with development being assessed under the PDI Act). <p><u>Approval under NVA</u></p> <p>The Native Vegetation Council (NVC) are responsible for assessing and approving applications under this pathway. The NVC must take into account the following principles when performing a function or exercising a power under the NVA and in relation to applications for consent:</p> <ol style="list-style-type: none"> 1. the objects of the NVA; 2. the objectives of the State Natural Resources Management Plan; and 3. the principles of clearance of native vegetation and must not, generally, make a decision that is seriously at variance to the principles.¹³⁹ <p>When deciding whether to consent to an application to clear native vegetation the NVC:</p> <ol style="list-style-type: none"> a. must have regard to the principles of clearance of native vegetation so far as they are relevant to that decision; and b. must not make a decision that is seriously at variance with those principles.¹⁴⁰ <p>Schedule 1 of the NVA lists the principles of native vegetation clearance. These principles are framed as circumstances where native vegetation should not be cleared. For example, they include that native vegetation should not be cleared if in the opinion of the NVC:</p> <ol style="list-style-type: none"> a. it includes plants of a rare, vulnerable or endangered species; or b. the vegetation comprises the whole, or a part, of a plant community that is rare, vulnerable or endangered; or c. it is significant as a remnant of vegetation in an area which has been extensively cleared; or d. the clearance of the vegetation is likely to cause deterioration in the quality of surface or underground water.¹⁴¹

¹³⁷ Conservation Council SA, “A Call to Action: Protecting Adelaide's Tree Canopy (2021)” available at: https://www.conservation.org.au/trees_call_to_action

¹³⁸ Native Vegetation Regulations 2017 (SA) sch 1.

¹³⁹ Native Vegetation Act 1991 (SA), ss 14(2); See also s29(1); Cf s29(4a).

¹⁴⁰ Native Vegetation Act 1991 (SA) s 29(1).

¹⁴¹ Native Vegetation Act 1991 (SA) Sch 1(c), (d), (e), (i).

	<p>The NVC can, however, still make a decision seriously at variance with these principles in multiple circumstances. Firstly, if:</p> <ol style="list-style-type: none"> a. the vegetation comprises one or more isolated plants; and b. the applicant is engaged in the business of primary production; and c. in the opinion of the NVC, the retention of that plant, or those plants, would put the applicant to unreasonable expense in carrying on that business or would result in an unreasonable reduction of potential income from that business.¹⁴² <p>Second, the NVC can give its consent to the clearance of native vegetation seriously at variance with the principles of native vegetation clearance if:</p> <ol style="list-style-type: none"> 1. the NVC adopts guidelines under s25 that apply in the region where native vegetation is situated; and 2. the NVC is satisfied a Significant Environmental Benefit (SEB) will be achieved through conditions and outweigh the value of retaining the vegetation; and 3. the circumstances justify the consent.¹⁴³ <p>Finally, the NVC may also give consent if satisfied a SEB outweighs the value of retaining the vegetation and this has been achieved under s 25A, s25B or s25C of the NVA.¹⁴⁴</p> <p><u>Approval for activity listed in the NVR</u></p> <p>Examples:</p> <ul style="list-style-type: none"> • <i>Fire Hazard Reduction 2 Activities</i> require approval from the Chief Officer of the South Australian Country Fire Service (CFS) and not the NVC.¹⁴⁵ The CFS appears to have a broad discretion to permit native vegetation, with seemingly no controls over the amount or type of native vegetation that can be cleared. • <i>Native Vegetation Management Plans</i> enable native vegetation clearing for certain activities where a management plan is in place, or the proposed clearing is conducted in accordance with guidelines developed by the NVC under s25 of the NVA (as determined by the NVC).¹⁴⁶ The NVR prescribes limited requirements for native vegetation management under this pathway. The NVC has the complete discretion to determine if activities should be self-assessable or subject to a management plan and is empowered to develop the parameters for what it considers to be permissible self-assessable clearing with limited scrutiny under s25 of the NVA. In some cases, the threshold for limiting clearance is that it will not cause 'permanent degradation or loss of native vegetation', and does not align with the NVA's objects to preserve, enhance and properly manage native vegetation. Guidelines relevant to Management Plans, much like the activities listed under the NVR, appear to be geared towards the removal or managing the degradation of native vegetation, rather than encouraging the preservation, enhancement and proper management of native vegetation in accordance with objects of the NVA. For example, the NVC's Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation have increased the age of vegetation regrowth, requiring approval from the NVC from five to twenty years.¹⁴⁷ • <i>Risk assessment pathway</i>: this pathway applies to major developments and projects; mining, petroleum and exploration activities; and 'Other activities', being activities where the level of risk associated with the activity is undefined.
--	---

¹⁴² *Native Vegetation Act 1991 (SA)* s 29(4).

¹⁴³ *Native Vegetation Act 1991 (SA)* s 29(4a).

¹⁴⁴ *Native Vegetation Act 1991 (SA)* s 29(4b).

¹⁴⁵ *Native Vegetation Regulations 2017 (SA)*, Sch 1, Part 2, Div 2.

¹⁴⁶ *Native Vegetation Regulations 2017 (SA)* Sch 1, Div 3.

¹⁴⁷ Native Vegetation Council, 'Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation' 4 (September 2020), South Australian Government, Adelaide, available at: https://cdn.environment.sa.gov.au/environment/docs/native_veg_guideline_for_roadside_sept2020.pdf

<p>4. Evidence that offsets deliver net gain.</p>	<p>0 (No)</p> <p>SA's native vegetation regime heavily relies on an offset scheme, known as a significant environmental benefit (SEB). The majority of applications to clear native vegetation are approved by the NVC because the NVC has satisfied itself that the clearing can be offset through a SEB or a payment to the Native Vegetation Fund. One of the fundamental principles underpinning the SEB scheme is that SEBs should create an overall environmental gain. The NVC and DEW have noted that much of the research that exists today suggests that payments or management costs need to increase significantly to support the restoration of native vegetation to ensure that SEBs are in fact generating gains.</p> <p>Research undertaken by EDO has also found that there are limitations in the information available about both clearance and SEB areas, which has made it very difficult to evaluate the effectiveness of the SEB scheme in achieving significant environmental benefits, in terms of quantity and quality of vegetation.</p>
<p>SCORE: 2/4</p>	

TAS

In Tasmania, clearing of vegetation is regulated under both the:

- *Forest Practices Act 1985 (FP Act)*;
- *Land Use Planning and Approvals Act 1993 (LUPA Act)*

The Acts are not mutually exclusive. In some cases, both Acts apply, and a landholder may need a certified Forest Practices Plan (FPP) under the FP Act and a permit under the LUPA Act.

Indicator 7. Land Clearing: Comprehensive regulatory framework	
1. Exemptions are clearly defined and limited to narrow range of scenarios (or no exemptions).	<p>0.5 (Partial) While the exemptions are limited, they could be better defined.</p> <p><u><i>Forest Practices Act 1985</i></u> There are a number of activities identified in the FP Act (i.e. fuel reduction burning, pruning/lopping, weed control, harvesting of timber or other vegetation products), that, so long as they are carried out to not deliberately remove a threatened native vegetation community, can be carried out without a certified FPP. The activities are, at times, described in broad and vague terms (e.g. 'constructing fire breaks'), meaning some of them could be exploited/open to excessive use. There are also no notification requirements, which makes it difficult to determine how much clearing is being carried out and to ensure people are clearing within the limits of the exemption.</p> <p>Exemptions in the Forest Practices Regulations 2017 are extensive and may contribute to clearing, particularly as they are difficult to enforce non-compliance. For example, clearing less than 100 tonnes or one hectare of trees in one year, provided the land is not 'vulnerable land' is exempt.¹⁴⁸ There are also no notification requirements. Most of these activities (particularly e.g. clearing of trees or native vegetation regrowth from an area of previously cleared and converted land, clearing for dam works, large-scale electricity infrastructure) warrant rigorous assessment, approval, and oversight, but are exempt from the requirement to obtain a Forest Practices Plan (FPP).</p> <p><u><i>Land Use Planning and Approvals Act 1993</i></u> The exemptions in the Tasmanian Planning Scheme (TPS) may contribute to clearing. For example, the exemption 'vegetation removal for safety or in accordance with other Acts' may be exploited to clear unwanted vegetation. Some clearing may occur with no oversight by a local council or Forest Practices Authority if the activities are also exempt from requiring a FPP (e.g. to enable the construction and maintenance of electricity infrastructure, which is a key issue in Tasmania at present).</p>
2. Self-assessable clearing codes are clearly defined, limited to narrow range of scenarios, and managed (or no code-based clearing).	<p>1 (Yes) There is no self-assessable code-based clearing pathway under Tasmanian laws.</p>
3. Clearing requiring approval has appropriate safeguards to ensure consistent and robust assessment.	<p>0.5 (Partial) <u><i>Forest Practice system</i></u> Under the FP Act, a person must not carry out, or cause or allow the carrying out of, the clearing and conversion of a threatened native vegetation community, or the clearing of</p>

¹⁴⁸ As per s. 3 of the FP Regulations, **vulnerable land** means land that (a) is within a streamside reserve or a machinery exclusion zone within the meaning of the *Forest Practices Code*; or (b) has a slope of more than the landslide threshold slope angles within the meaning of the *Forest Practices Code*; or (c) is within the High or Very High Soil Erodibility Class within the meaning of the *Forest Practices Code*; or (d) consists of, or contains, a threatened native vegetation community; or (e) is inhabited by a threatened species within the meaning of the *Threatened Species Protection Act 1995*; or (f) contains vulnerable karst soil within the meaning of the *Forest Practices Code*; or (g) contains an area of trees reserved from the harvesting of timber or the clearing of trees under a forest practices plan where the period specified in the plan has expired.

	<p>trees (amongst other things), unless authorised by a Forest Practices Plan (FPP),¹⁴⁹ except if that person is carrying out a ‘management practice’ (in the case of clearing and conversion of a threatened native vegetation community), or the activity falls within one of the other exemptions.</p> <p>Strengths:</p> <ul style="list-style-type: none"> - Establishment of the Forest Practices Authority (FPA), a statutory body established under the FP Act. The FPA is independent and regulates all the activities that are defined as ‘forest practices’. - FPPs are required to be assessed and certified by the FPA. - FPA may revoke a certified FPP ‘for any reason it considers sufficient’. <p>Weaknesses:</p> <ul style="list-style-type: none"> - Forest Practices Code (Code) is replete with discretionary rather than mandatory language (such as ‘should’ instead of ‘must’). While the Code provides a practical set of guidelines aimed at managing natural and cultural values, there are concerns that the Forest Practices Code does not adequately protect biodiversity values and could be strengthened. - FPA’s broad discretion to certify (or vary) an FPP. - Other than threatened native vegetation communities, the FP Act does not impose any specific decision-making requirements/provide any guidance for when determining a FPP there are no other mandatory matters that the FPA must consider when deciding to certify a FPP for the clearing of trees. <p><i>Planning system</i></p> <p>A person will generally need to seek planning approval if they want to, amongst other things, undertake a new development on an area of land.¹⁵⁰ As per the LUPA Act, the definition of development includes the ‘carrying out of works’, and the definition of ‘works’ includes the ‘removal, destruction or lopping of trees and the removal of vegetation’.¹⁵¹</p> <p>However, whether a person ultimately requires a permit to clear land will depend on the applicable planning scheme, and:</p> <ul style="list-style-type: none"> • whether the clearing is exempt (as per the discussion above); • the purpose of the clearing; and • the location of clearing. <p>It is a general strength of the planning system that a planning authority must consider a number of matters when determining a development application¹⁵² (including the objects of the Resource Management and Planning System (RMPS) which includes sustainable development), and that a permit is generally required for development/use. However, there is no requirement for a person to carry out environmental assessment under the planning schemes, nor for an application to consider the likely impacts of the development/use on a specified area (there is only a requirement to, for example, show the presence of threatened species and the type and volume of native vegetation that is proposed to be removed – there is no requirement to show how any impacts to those threatened species will be mitigated/minimised).</p>
4. Evidence that offsets deliver net gain against a clear baseline.	<p>0 (No) <i>Planning System</i></p>

¹⁴⁹ FP Act, s 17.

¹⁵⁰ See generally LUPA Act s 51(1).

¹⁵¹ LUPA Act, s 3.

¹⁵² LUPA Act, s 51(2)

	<p>While there is no specific statutory basis for offsets under the planning system, planning authorities have a broad power to impose conditions,¹⁵³ meaning offsets can be imposed as a condition of a planning permit, and the condition can require a landowner to enter into an agreement with a planning authority under Part V of the LUPA Act to protect the offset area.¹⁵⁴ Issues include:</p> <ul style="list-style-type: none"> - although they can be placed on the land title, they are not required to be; - they are not required to be considered in the assessment of future development applications, meaning there is a possibility that other activities can be approved on land subject to a Part V agreement; and, - they only bind the council and landowner (no third-party enforcement) and can be amended or revoked by agreement. <p><i>Forest Practice system</i></p> <p>There is no statutory basis for offsets under the FP Act (nor under the NC Act, or <i>Threatened Species Act 1995</i>). However, the FPA has a policy entitled ‘The use of offsets to compensate for the loss of significant biodiversity values within forest practices plan’ (FPA Offsets Policy).¹⁵⁵ The FPA Offsets Policy applies the Department of Natural Resources and Environment’s (DNRE) General Principles for Biodiversity Offsets (which has been developed for Threatened Species) and thereby adopts, in theory, a mitigation hierarchy and ‘like for like’ principles. However, because the FP Act does not provide for the imposition of offsets in the FPP certification process, the Forest Practices Code does not provide any further guidance, the FPA Offsets Policy is at a very high level, and certified FPPs are not publicly available, it is unclear how offsets are applied in practice and how effective they are at compensating and improving native vegetation loss, especially as no reviews of the framework appear to have been carried out (and there is no legal obligation to assess or report on the framework).</p>
<p>SCORE: 2/4</p>	

¹⁵³ LUPA Act, s 51(3A)-(4).

¹⁵⁴ See section 71 which allows planning authorities to enter into agreements with owners of land.

¹⁵⁵ Forest Practices Authority, 2017, ‘The use of offsets to compensate for the loss of significant biodiversity values within forest practices plans’, Tasmanian Government, Hobart, available at https://fpa.tas.gov.au/Documents/FPA_policy_on_offsets_April_2017.pdf.

VIC

There is no standalone native vegetation legislation in Victoria. Rather, management of native vegetation broadly occurs under Victoria's state planning system, which is governed by the *Planning and Environment Act 1987* (Vic) (**PE Act**) and subordinate legislation, the Victorian Planning Provisions (VPP). The VPP is a form of delegated legislation and are, therefore, rules with legal effect. The VPP provides the template on which Victoria's planning schemes are based. It sets standardised planning scheme provisions that are implemented through local council planning schemes.

Indicator 7. Land Clearing: Comprehensive regulatory framework	
<p>1. Exemptions are clearly defined and limited to narrow range of scenarios (or no exemptions).</p>	<p>0.5 (Partial) Exemptions could be better defined with improved oversight. For example:</p> <p>Clauses 52.17-7 and 52.16-8 of the VPP list activities involving the removal, destruction or lopping of native vegetation that do not require a permit/approval.¹⁵⁶ Such exemptions appear to broadly serve two purposes, to remove:</p> <ul style="list-style-type: none"> • the need for an approval or permit, where the policy intent is to permit clearing for certain activities (e.g. routine management activities, land management activities, emergency works or hazard reduction); or, • duplication, where the activity may require separate approval under other rules (geothermal energy exploration and extraction, greenhouse gas sequestration, mineral exploration and extraction, stone extraction, harvesting for timber production). In the case of clearing that requires approval under a different framework, there is no guarantee that the assessment of the impacts of clearing will be consistent with the planning framework. <p>While some exemptions are clearly defined, others are broad. For example, under clauses 52.17-7 'Site Area: Native vegetation that is to be removed, destroyed or lopped on land, together with all contiguous land in one ownership, which has an area of less than 0.4 hectares.' The inclusion of words like 'minimum extent necessary' also means enforcement action would likely be very difficult.</p> <p>The Department of Energy, Environment and Climate Action lacks key data in relation to vegetation clearing occurring under exemptions and more broadly. This impacts its ability to assess and understand the cumulative impacts of clearing across the state.</p>
<p>2. Self-assessable clearing codes are clearly defined, limited to narrow range of scenarios, and managed (or no code-based clearing).</p>	<p>1 (Yes)</p> <p>There is no self-assessable code-based clearing pathway under Victorian laws.</p>
<p>3. Clearing requiring approval has appropriate safeguards to ensure consistent and robust assessment.</p>	<p>0.5 (Partial)</p> <p>There are two ways that clearing requiring approval is regulated under the Victorian framework:</p> <ul style="list-style-type: none"> • Clause 52.16 sets out the requirements for removing native vegetation under a Native Vegetation Precinct Plan (NVPP) • Clause 52.17 outlines the requirements for seeking a permit (where an NVPP is not in place) <p><u>Native Vegetation Precinct Plan (NVPP)</u></p> <p>The application process to establish an NVPP requires a site assessment to be undertaken and the aim of an NVPP generally is to manage native vegetation within a specific area by identifying which native vegetation can be removed and which must be protected</p>

¹⁵⁶ We note that there are also other exemptions not listed in the table for bushfire protection (clause 52.48 of the VPPs), specific sites and exclusions (clause 52.03 of the VPPs) and exemptions incorporated into the schedule to clause 52.17 in planning schemes.

based on conservation significance. They are also incorporated into the planning scheme with changes to an NVPP to generally be exhibited.¹⁵⁷ They can, however, allow clearing with no approval process if clearing is undertaken in accordance with the NVPP, placing extra importance on the rigor of the NVPP application process and the conditions for removal.

Permits

The VPP requires landholders to obtain permits for native vegetation clearing (unless an exemption applies, or clearing is in accordance with an approved NVPP).

There are three assessment pathways for an application to remove native vegetation, dependent upon the amount of native vegetation to be removed, whether any large trees are to be removed and the location of the native vegetation (the framework adopts three location categories that indicate the potential risk to biodiversity vegetation).¹⁵⁸

These three assessment pathways are:

1. basic, where the removal of native vegetation will have limited impacts on biodiversity;
2. intermediate, where the removal of native vegetation could impact on large trees, endangered ecological vegetation class (EVCs), and sensitive wetlands and coastal areas; and,
3. detailed, where the removal of native vegetation could impact on large trees, endangered EVCs, sensitive wetlands and coastal areas, and could significantly impact on habitat for rare or threatened species.¹⁵⁹

Information about impacts on rare or threatened species habitat is not necessary in an application to clear vegetation in the basic or intermediate pathway.¹⁶⁰ Therefore, where proposed vegetation clearing falls within the basic or intermediate pathway, the impact of the clearing on habitat for rare or threatened species is not considered.¹⁶¹ Further, the basic and intermediate assessment pathways do not require proponents to provide site assessments, which include habitat hectare assessments that consider the relevant vegetation's condition, extent, EVC and bioregional conservation status.¹⁶² There is also no discretion for decision-makers to require an applicant in the basic or intermediate pathway to request a site assessment where the decision-maker forms the view that they require further information to consider the application.¹⁶³

The Minister has the power to:

- grant a permit that is contrary to an NVPP; and,
- permit the clearing of native vegetation that is contrary to Habitat Conservation Orders.

¹⁵⁷ Department of Environment, Land, Water and Planning, *Preparing a Native Vegetation Precinct Plan* (December 2017) 5 available at: https://www.environment.vic.gov.au/_data/assets/pdf_file/0016/91222/Preparing-a-Native-Vegetation-Precinct-Plan.pdf

¹⁵⁸ Department of Environment, Land, Water and Planning, *Assessor's Handbook: Applications to remove, destroy or lop native vegetation* (October 2018), s 6.2, available at: https://www.environment.vic.gov.au/_data/assets/pdf_file/0022/91255/Assessors-handbook-Applications-to-remove,-lop-or-destroy-native-vegetation-V1.1-October-2018.pdf. Location categories are shown in the Location map as Location 3, Location 2 and Location 1, see Figure 2. Location 3 – includes locations where the removal of less than 0.5 hectares of native vegetation could have a significant impact on habitat for a rare or threatened species. Location 2 – includes locations that are mapped as endangered ecological vegetation classes (EVCs) s and/or sensitive wetlands and coastal areas (section 3.2.1) and are not included in Location 3. Location 1 – includes all remaining locations in Victoria.

¹⁵⁹ *Ibid*, s 6.1, 6.3.

¹⁶⁰ *Ibid*, cl 6.4.2.

¹⁶¹ *Ibid*, cl 6.4.1; See VPP, cl 12.01-25.

¹⁶² See *Ibid*, 3.10 for details on a site assessment report.

¹⁶³ *Ibid*, cl 6.5.1.

	<p>The Minister also has the power, under Section 97 of the P&E Act to call-in and determine a planning permit application, including if it raises a major issue of policy and that the determination of the application may have a substantial effect on the achievement or development of planning objectives.</p> <p>While the Native Vegetation Precinct Plan (NVPP) process appears to provide appropriate safeguards, the permit system lacks rigour, and ministerial powers could undermine the NVPP process.</p>
<p>4. Evidence that offsets deliver net gain against a clear baseline.</p>	<p>0 (No) The Victoria Auditor-General’s Office (VAGO) report ‘Offsetting Native Vegetation Loss on Private Land’ raised serious shortcomings with Victoria’s offset framework,¹⁶⁴ concluding that:</p> <ul style="list-style-type: none"> • The oversight by the (then) Department of Environment, Land, Water and Planning (DELWP) is undermined by data quality issues of its datasets for the offset credit register and native vegetation calculator. The native vegetation calculator operates by determining the nature and extent of biodiversity that will be affected by proposed clearings based on habitat distribution models (HDMs). This is used to calculate the offset requirements for landholders to compensate for biodiversity loss. DELWP does not have habitat distribution models for 477 or 25% of threatened species in Victoria, meaning in areas where these species reside the calculator will not provide sufficient offset requirements or fully compensate for the biodiversity loss. • There are also many incomplete DELWP native vegetation reports about the number of council-approved permits and state offset sites. DELWP’s management of the credit register allows the oversubscription of offset credits. The ‘accuracy’ and ‘completeness’ of DELWP’s datasets and processes are rated poorly against the Department of Premier and Cabinet’s <i>Data Quality Guideline—Information Management Framework</i>.¹⁶⁵ <p>The VAGO report concluded that “Victoria is not achieving its objective of no net biodiversity loss from native vegetation clearing on private land”.¹⁶⁶</p> <p>It is noted that Victorian offsets framework and no net loss objective relate to compensation for native vegetation at the time of removal. It is not intended to provide for net gain, which is a broader policy objective for Victoria. Nevertheless, this indicator for the Trees Scorecard focusses on net gain.</p>
<p>SCORE: 2/4</p>	

¹⁶⁴ Victorian Auditor-General’s Office, May 2022. ‘Offsetting Native Vegetation Loss on Private Land’, Victorian Government, Melbourne, available at <https://www.audit.vic.gov.au/report/offsetting-native-vegetation-loss-private-land?section=>

¹⁶⁵ Ibid, p3.

¹⁶⁶ Ibid, p1.

WA

Clearing is regulated primarily under the *Environmental Protection Act 1986 (EP Act)* and its subsidiary instruments, including the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (**Clearing Regulations**).

The Department of Water and Environmental Regulation (**DWER**) is the chief regulator of the clearing provisions of the EP Act, except for clearing associated with mineral and petroleum activities. Clearing associated with mineral and petroleum activities is regulated under the EP Act by the Department of Mines, Industry Regulation and Safety (**DMIRS**) acting under delegation.

Indicator 7. Land Clearing: Comprehensive regulatory framework	
1. Exemptions are clearly defined and limited to narrow range of scenarios (<i>or no exemptions</i>).	<p>0 (No)</p> <p>Schedule 6 of the EP Act and the Clearing Regulations provide for approximately 40 clearing exemptions, allowing proponents to clear native vegetation without being required to apply to DWER for a clearing permit. Language used in Schedule 6 and the Clearing Regulations is extremely broad. For example, in Clause 5 of the Clearing Regulations terms such as ‘reasonable’ and ‘no wider than necessary’ are used and are not defined. While DWER has published a guide to the exemptions and regulations for clearing native vegetation, which provides some guidance on the application of the exemptions, these vague terms may still create ambiguity. The exemptions therefore give substantial leave it to the discretion to of the person wishing to clear native vegetation/proponent to determine what is reasonable or necessary.</p> <p>It is also noted that a new referral process was introduced into the EP Act in October 2021, which broadens the CEO’s discretion substantially to allow landholders to clear land that will likely have a ‘very low environmental impact’ without a permit.</p>
2. Self-assessable clearing codes are clearly defined, limited to narrow range of scenarios, and managed (<i>or no code-based clearing</i>).	<p>1 (Yes)</p> <p>There is no self-assessable code-based clearing under Western Australian laws.</p>
3. Clearing requiring approval has appropriate safeguards to ensure consistent and robust assessment.	<p>0.5 (Partial)</p> <p>When assessing applications for a permit to clear, the decision-maker (including both DWER and DMIRS) must have regard to the ‘clearing principles’ set out in Schedule 5 of the EP Act, however, the assessment process is still ultimately discretionary. DMIRS has delegated authority under s 20 of the EP Act to administer clearing of native vegetation permits for mining and petroleum activities, and regulatory responsibility. This means implementation of land clearing rules may not be consistent across agencies.</p> <p>There is a clear process for decision making and the ‘clearing principles’ provide some safeguard - i.e. decision-makers (both the CEO of DWER and DMIRS (as delegate of the CEO)) must have regard to the principles. However, the framework could be strengthened to give the clearing principles more weight in decision making (e.g. by requiring decisions to be made consistent with the principles, rather than the decision maker simply having regard); and by not allowing serious variance to the principles (see 51O(3) of the EP Act which provides that ‘The CEO may make a decision that is seriously at variance with the clearing principles if, and only if, in the CEO’s opinion there is a good reason for doing so. That reason must be recorded under section 51Q.’</p>
4. Evidence that offsets deliver net gain against a clear baseline.	<p>0 (No)</p>

	<p>Offsets are implemented in accordance with WA’s environmental offsets framework, which includes the <i>WA Environmental Offsets Policy</i>¹⁶⁷ and <i>WA Environmental Offsets Guidelines</i>.¹⁶⁸</p> <p>A 2019 review of WA’s environmental offsets framework concluded that environmental offsets have not completely countered the significant impacts of clearing approvals.¹⁶⁹ The avoid, mitigate, offset hierarchy is not being applied effectively. In October 2021, the WA Government released its Implementation Plan for addressing the recommendations of its review. It includes updating the offsets policy and linking reform with the introduction and implementation of the Native Vegetation Policy. Updates to the framework following these findings are yet to be finalised.</p>
<p>SCORE: 1.5/4</p>	

¹⁶⁷ Environmental Protection Authority, undated, *WA Environmental Offsets Policy*, Western Australian Government, Perth, available at https://www.epa.wa.gov.au/sites/default/files/Policies_and_Guidance/WAEnvOffsetsPolicy-270911.pdf

¹⁶⁸ Environmental Protection Authority, August 2014, *WA Environmental Offsets Guidelines*, Western Australian Government, Perth, available at http://www.epa.wa.gov.au/sites/default/files/Policies_and_Guidance/WA%20Environmental%20Offsets%20Guideline%20August%202014.pdf.

¹⁶⁹ Department of Water and Environmental Regulation, *Review of the Western Australian environmental offsets framework* (Final Report, October 2019) v available at: https://www.wa.gov.au/system/files/2021-10/Review_of_the_WA_environmental_offsets-framework.pdf

Appendix C. Detailed Results for Indicator 8 - Land Clearing: Strong enforcement and compliance

Information to inform scoring of this indicator has been drawn from analysis prepared by the Environmental Defenders Office (EDO)¹⁷⁰ and analysis undertaken by WWF-Australia. The content below summarises some of the key information used in assessing each criterion. Further detail can be found in the EDO report.

Federal

Indicator 8. Land Clearing: Strong enforcement and compliance	
1. Detection system	<p>0.5 (Partial)</p> <p>The Federal Department of Climate Change, Energy, the Environment and Water (DCCEEW) is responsible for enforcing the EPBC Act. The Department has not taken an active role in identifying and remedying breaches of the EPBC Act from clearing activities. The Commonwealth Government has a <i>National Forest and Sparse Woody Vegetation Data</i> system that uses Landsat satellite imagery to record woody vegetation extent products divided into the categories forest, sparse woody land and non-woody land.¹⁷¹</p> <p>The most recent data released is version 6.0 which maps forests from 1988 to 2021.¹⁷² Land clearing statistics derived from these land cover products are released in the annual LULUCF Activity Tables as part of the national greenhouse gas inventory. However, this data does not appear to be used to detect illegal destruction of habitat under the EPBC Act and have also been found to underestimate land clearing rates.¹⁷³</p>
2. Effective compliance and enforcement	<p>0 (No)</p> <p>The failure of land clearing actions to be appropriately referred to the federal government is a key issue and undermines the effectiveness of the EPBC Act in protecting MNES. The department has not taken an active role in identifying and remedying breaches of the EPBC Act from clearing activities that have not been appropriately referred.</p> <p>The Samuel Review of the EPBC Act found there has been limited compliance activity under the EPBC Act and a lack of transparency about such compliance.¹⁷⁴ Further, serious enforcement actions are rarely used. The Review concluded the compliance and enforcement powers under the EPBC Act are outdated and applied in a piecemeal way across the Act, further undermining these powers. The fact the legislation is also complex, uses 'impenetrable terminology' and the infrequency of many people's interaction with law, makes voluntary compliance and pursuing enforcement action</p>

¹⁷⁰ Environmental Defenders Office, 'Analysis of Vegetation Management Regulatory Frameworks in Australia', Report prepared for WWF-Australia, Sydney, available at:

https://assets.wwf.org.au/image/upload/f_pdf/file_EDO_WWF_Analysis_of_Vegetation_Management_Regulatory_Frameworks_in_Australia_WWF_Trees_Scorecard_2023_REPORT

¹⁷¹ See Australian Government, *National Forest and Sparse Woody Vegetation Data (Version 3.0) 2018* (April 2019) available at: https://data.gov.au/data/dataset/d734c65e-0e7b-4190-9aa5-dbb5844e86d/resource/bf7420cc-2ec7-470d-87ba-f0a2c0ea1b60/download/woody-vegetation-extent-v3_0-metadata_2018.pdf

¹⁷² Department of Climate Change, Energy, the Environment and Water, 27 September 2022, *National Forest and Sparse Woody Vegetation Data (Version 6.0 - 2021 Release)*, Australian Government, Canberra, available at <https://data.gov.au/dataset/ds-dga-b0d6b762-fe24-4873-91bd-ae0a8bbb452e/details?q=National%20Forest%20and%20Sparse%20Woody%20Vegetation%20Data>

¹⁷³ Taylor, M.F.J., and Schoo, A., November 2022, 'Double standard The failure of Australia's national environment law to prevent the pastoral industry bulldozing threatened species habitat in Queensland', Report prepared for Australian Conservation Foundation, available at https://assets.nationbuilder.com/auscon/pages/21249/attachments/original/1668483392/Qld_land_clearing_report_Nov_2022.pdf?1668483392

¹⁷⁴ Graeme Samuel, *Independent Review of the EPBC Act* (Final Report, Foreword, October 2020) available at: <https://epbcactreview.environment.gov.au/resources/final-report>

	<p>difficult. The present federal government's <i>Nature Positive Plan</i> seeks to address some of these shortcomings and proposes a federal EPA to be responsible for assessing and approving actions and compliance under the EPBC Act.</p> <p>The Samuel Review also noted that penalties and remedies for non-compliance and breaches of the EPBC Act need to be appropriate to actively deter non-compliance rather than being viewed as a 'cost of business'.</p> <p>Ward <i>et. al.</i>, (2019) found that over 90% of threatened species habitat loss since the EPBC Act commenced was not referred and has not attracted any enforcement action.¹⁷⁵</p>
<p>3. Opportunities for third party enforcement</p>	<p>0.5 (Partial) 'Interested persons' may apply to the federal court for an injunction to stop a party from engaging in conduct that constitutes an offence or other contravention of the EPBC Act or Regulations.¹⁷⁶</p> <p>However, there are no provisions for interested parties to seek a review of the merits of decisions. The threat of adverse costs orders, the significant cost of legal action, and lack of merits review remain considerable barriers to government accountability being achieved through the EPBC Act framework.</p>
<p>4. Transparency of information relating to enforcement and compliance</p>	<p>1 (Yes)</p> <p>Outcomes from breaches of the EPBC Act are published on the Department of Climate Change, Energy, the Environment and Water's (DCCEEW) website,¹⁷⁷ and include details relating to fine amounts, total area cleared, and matters impacted.</p> <p>There are also some general reporting requirements and provisions for monitoring of compliance under the EPBC Act.</p> <p>For example:</p> <ul style="list-style-type: none"> ● Section 516 of the EPBC Act requires the Secretary to prepare an Annual Report, which the Minister must table in Parliament; ● Section 516 of the EPBC Act requires the Minister to prepare an Australian State of the Environment (SoE) report every five years; and, ● Sections 407-412A of the EPBC Act provide authorised officers with powers to undertake monitoring for the purpose of compliance and enforcement, but there is no systematic framework of monitoring for this purpose. <p>The <i>Nature Positive Plan</i> proposed establishing the Data Division, which would be an independent environmental information office within the DCCEEW to oversee and coordinate improvements to Australia's environmental data and information.¹⁷⁸ The Plan also states that the government will improve environmental data using remote imaging through satellite and drone technology combined with advances in machine learning algorithms to monitor the environment. Detecting illegal land clearing is provided as an example of how such technology and data can be utilised.</p>
<p>SCORE: 2/4</p>	

¹⁷⁵ Ward, M., *et. Al.*, 'Lots of loss with little scrutiny: The attrition of habitat critical for threatened species in Australia' (2019) 1(11) *Society for Conservation Biology* 9.

¹⁷⁶ 'Interested person' is defined as a person or organisation whose interests have been, or would be, affected by the conduct in question, or who has been engaged in a series of activities for the protection or conservation of (or research into) the environment at any time within the past two years – see EPBC Act, s 475 (6) and (7).

¹⁷⁷ Department of Climate Change, Energy, the Environment and Water, 'Outcomes of compliance and non-compliance cases under the EPBC Act' available at: <https://www.dcceew.gov.au/environment/epbc/compliance/audit-outcomes>

¹⁷⁸ Department of Climate Change, Energy, the Environment and Water, *Nature Positive Plan: better for the environment, better for business* (December 2022) 1 available at: <https://www.dcceew.gov.au/sites/default/files/documents/nature-positive-plan.pdf>.

Indicator 8. Land Clearing: Strong enforcement and compliance	
1. Detection system	<p>0 (No) ACT does not have a system to detect illegal clearing.</p> <p>Note: the ‘mature tree loss in the ACT Urban Area from 2015 to 2020’¹⁷⁹ can be used to assess the loss of mature trees across the landscape from 2015-2020. However, there is an opportunity to expand upon this to establish a system to detect illegal clearing in real time.</p>
2. Effective compliance and enforcement	<p>0 (No) There is no central authority regulating land clearing in the ACT. Instead, clearing is regulated by different agencies under respective legislation (e.g. NC Act, PD Act and TP Act). This fragmented approach can hinder compliance and enforcement – the legal framework can be complicated, monitoring and reporting is piecemeal and largely absent.</p> <p>Further, while there are clear offences for clearing set out in legislation, the effectiveness of compliance and enforcement of land clearing regulations in the ACT is undermined by:</p> <ul style="list-style-type: none"> • Limited prosecutions under the NC Act and TP Act: Our understanding is prosecutions rarely occur under the NC Act. There have also been reported difficulties in enforcing offences against damaging protected trees under the TP Act. Figures from Territory and Municipal Service (TAMS) reveal only one individual was prosecuted for damaging protected trees in 2017. The difficulties surround evidence and the lack of witnesses coming forward. ‘People generally don’t want to get their neighbours offside’ so TAMS can’t prosecute. In addition, people often damaged street trees by drilling holes into the trunk and applying herbicide – often undetected until it was too late.¹⁸⁰ • Prioritisation approach for enforcement: Regulatory authorities use a prioritisation approach for enforcement, which risks overlooking smaller breaches of the PD Act including smaller instances of clearing without approval, compounding adverse environmental impacts of these smaller breaches. • Lack of effective compliance programs: For example, in the specific case of land management agreements under the PD Act, the ACT Auditor-General found that: ‘There is no regular and systematic program of compliance activity to monitor rural leaseholders’ compliance with their Agreement obligations and there is no evidence of any enforcement activity being undertaken by any ACT Government agency in relation to rural leaseholders and their Agreements’.¹⁸¹
3. Opportunities for civil proceedings	<p>0.5 (Partial) There are limited opportunities for third party civil enforcement under ACT land clearing frameworks.</p> <p><u>NC Act</u> While there are no broad civil enforcement powers to enforce any breach of the NC Act, any person may seek an injunction to restrain contravention of urgent directions and conservator’s directions (s 336 NC Act).</p> <p><u>PD Act and Planning Bill</u></p>

¹⁷⁹ Australian Capital Territory Government, ‘Mature tree loss in the ACT Urban Area from 2015 to 2020’, *Australian Capital Territory Government* (2023), available at: <https://actmapi-actgov.opendata.arcgis.com/apps/ACTGOV:mature-tree-loss-in-the-act-urban-area-2015-2020/about>

¹⁸⁰ C. Coley, ‘Government struggles to stop people killing protected trees’ (23 April 2018) *The Canberra Times* available at: <https://www.canberratimes.com.au/story/6140805/government-struggles-to-stop-people-killing-protected-trees/>.

¹⁸¹ ACT Auditor-General, Act Auditor-General’s Report. Land Management Agreements, Report No. 1 / 2021, https://www.audit.act.gov.au/data/assets/pdf_file/0007/1697029/Report-No.-01-of-2021-Land-Management-Agreements.pdf

	<p>There are no broad civil enforcement powers to enforce any breach of the PD Act. Any person who believes that a person is carrying out, or has carried out, a controlled activity may submit a complaint to the authority which then decides whether to investigate the complaint.¹⁸² Additionally, any person may seek an injunction to restrain contravention of controlled activity orders and prohibition notices.¹⁸³ Eligible and interested entities can also seek the review of decisions to approve or reject certain proposed developments where the requirements of Schedule 1 of the PD Act are met. The Planning Bill generally retains these same provisions and fails to expand third party civil enforcement rights to bring the ACT framework in line with other jurisdictions (like NSW, which has broad civil enforcement powers under its planning system).</p> <p><u><i>TP Act and Urban Forest Act</i></u> There are no third-party civil enforcement provisions under the TP Act or Urban Forest Act.</p>
<p>4. Transparency of information relating to enforcement and compliance</p>	<p>0 (No) Because clearing is regulated under various legal frameworks there is no central register capturing information about approvals for clearing. This makes understanding and monitoring proposed and approved clearing difficult. While some agencies report enforcement action in their annual reports, the information is piecemeal and not specific to clearing. Where information about approvals is publicly available (e.g., on a DA tracker), clearing information cannot be easily distilled.</p>
<p>SCORE: 0.5/4</p>	

¹⁸² PD Act (ACT) Part 11.2

¹⁸³ PD Act (ACT) s381

NSW

In NSW, there are different rules for regulating land clearing, depending on the type of activity being undertaken (e.g. clearing only, or clearing associated with development), the scale of the activity, and type of land (e.g. rural land or non-rural land), making a single overarching assessment of the laws challenging. Most simply, clearing is described below as:

- *Rural land clearing* – regulated under Part 5A, *Local Land Services Act 2013* (NSW) (**LLS Act**).
- *Clearing on non-rural land* – regulated under Chapter 2 – Vegetation in non-rural areas, *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (**Biodiversity and Conservation SEPP**).
- *Clearing associated with development* - regulated *Environmental Planning and Assessment Act 1979* (**EP&A Act**).

Indicator 8. Land Clearing: Strong enforcement and compliance	
1. Detection system	<p>1 (Yes)</p> <p>NSW uses a Statewide Landcover and Tree Study (SLATS) to monitor and detect land clearing and has also implemented 'early change monitoring' (ECM). The satellite imagery from the SLATS and ECM is analysed and cross-checked against available government databases to check for approvals. This aids compliance as the landholder can be contacted and if the clearing is explained and an investigation may take place. The department also released periodic Native Vegetation Report Cards with statistics on areas of woody vegetation cleared.</p>
2. Effective compliance and enforcement	<p>0 (No)</p> <p><i>Rural land:</i></p> <p>The Audit Office of NSW found that the processes in place to support the regulatory framework are weak and there is no evidence-based assurance that clearing of native vegetation is being carried out in accordance with approvals.¹⁸⁴ There are lengthy delays, up to two years, in assessing compliance and identifying unlawful clearing. It found there needs to be increased coordination among agencies responsible for the for the management of the native vegetation in NSW. There are three agencies that are responsible for delivering on the reforms, each with their own specific objectives for the pillar of the reform for which they are responsible.</p> <p>The Natural Resources Commission found that the 'compliance frameworks are inadequate and high rates of clearing pose a major risk'.¹⁸⁵ Unexplained clearing has increased since before the native vegetation reforms, with a long-term average of just under 60% of agricultural land cleared being unexplained. This, alongside significant increases in approvals, undermines the well-being of NSW's biodiversity and the legitimacy of the reforms.¹⁸⁶</p> <p><i>Non-rural:</i></p> <p>There is no central or consistent information about enforcement of Chapter 2 of the Biodiversity and Conservation SEPP. Because tree-clearing rules are set by individual councils and because some clearing requires approval by the NVP, enforcement is likely to be uneven and inconsistent. As a result, the aims of the Vegetation SEPP, including protecting the biodiversity values of trees and other vegetation in non-rural areas, are unlikely to be achieved.</p> <p><i>Clearing associated with development:</i></p>

¹⁸⁴ Audit Office of NSW, *Managing Native Vegetation* (27 June 2019), NSW Government, Sydney, available at: <https://www.audit.nsw.gov.au/our-work/reports/managing-native-vegetation#:~:text=Download%20PDF-Overview,out%20in%20accordance%20with%20approvals.>

¹⁸⁵ NSW Government response to the Natural Resources Commission, *Land management and biodiversity conservation reform*, available at <https://www.dpie.nsw.gov.au/news-and-events/articles/2020/land-management>

¹⁸⁶ Ibid

	Local councils are responsible for enforcing local development consents. Because each council is responsible for regulating local development, compliance and enforcement can be inconsistent across Local Government Areas.
3. Opportunities for third party enforcement	<p>0.5 (Partial)</p> <p><i>Rural land:</i> Section 13.14 of the <i>Biodiversity Conservation Act 2016</i> allows any person to bring civil proceedings to remedy both a breach of the BC Act or the land clearing rules under Part 5A of the LLS Act. However, this can be challenging, especially as it is extremely difficult for a member of the public to determine whether observed clearing is lawful because the NVR map is still not complete and the public registers that record authorised clearing do not, for the most part, identify the relevant property.</p> <p><i>Clearing on non-rural land and clearing associated with development:</i> Section 9.45 of the EP&A Act allows any person to bring to remedy a breach of that Act. However, in the case of merits appeals, the restriction of third-party merit appeal rights where there has been a public hearing of the IPC reduces oversight and accountability of decision-making.</p>
4. Transparency of information relating to enforcement and compliance	<p>0 (No)</p> <p>The Department of Planning and Environment publishes a summary of their compliance functions in its annual report. However, it is not broken down into specific offences, so it is difficult to establish which compliance and enforcement action relates to clearing-related offences.</p> <p>In the case of local councils, there is no readily available information about compliance and enforcement action undertaken by councils.</p>
SCORE: 1.5/4	

Indicator 8. Land Clearing: Strong enforcement and compliance	
1. Detection system	<p>0 (No) NT does not have a system to detect illegal clearing.</p> <p><u>Freehold Land (Planning Act):</u> There do not appear to be any statutory imposed monitoring and reporting requirements under the Planning Act in relation to land clearing. It is, therefore, unclear what monitoring or reporting, if any, the NT government carries out for unlawful clearing on freehold land.</p> <p><u>Freehold Land (Planning Act):</u> There do not appear to be any statutory imposed monitoring and reporting requirements under the Planning Act in relation to land clearing. It is therefore unclear what monitoring or reporting, if any, the NTG carries out for unlawful clearing on freehold land.</p>
2. Effective compliance and enforcement	<p>0 (No) While under the PL Act the enforcement powers of the Minister are broad, they are highly discretionary and are not targeted to an offence of unlawful land clearing (because they are only engaged when a person has breached a condition of their pastoral lease, not a clearing permit). They appear unlikely to be utilised by the Minister and therefore unlikely to operate as a suitable deterrent. The PLB is not afforded the same powers in respect of land clearing offences, and it is unclear how often it utilises its powers (e.g., there are no details provided in its annual reports, and they are not required to publicly report on compliance and enforcement efforts).</p> <p>While there are some (albeit fairly limited) enforcement mechanisms provided for under the <i>Planning Act</i>, it is unclear how and when these are used to address unlawful clearing. The penalty amount under both the PL Act and the <i>Planning Act</i> is small in comparison to other jurisdictions and will not necessarily act as a strong deterrent from breaching the relevant Act.</p> <p>While one of the significant strengths of the EP Act is its compliance and enforcement regime,¹⁸⁷ its utility will depend on whether it is being applied to land clearing applications (which it is not to date), and the commitment of the NT EPA to take strong compliance action.</p>
3. Opportunities for third party enforcement	<p>0 (No)</p> <ul style="list-style-type: none"> - There are no third-party civil enforcement provisions under either the <i>Planning Act</i> or the PL Act. - There are very limited third-party merits appeal rights in the Planning Act, and they are heavily curtailed by Part 4 of the Planning Regulations 2000 (NT), and generally are available only in relation to residential zones.¹⁸⁸ - There are no provisions for open standing for judicial review in either the Planning Act or the PL Act. However, a person may commence judicial review proceedings under Order 56 of the Supreme Court Rules 1987 (NT), providing some opportunities for decisions to be challenged. - Any person may lodge a complaint with a consent authority that a person has contravened the <i>Planning Act</i>,¹⁸⁹ but the consent authority is not required to

¹⁸⁷ See EP Act, Part 10 – 12. The EP Act allows a limited form of a third-party civil enforcement. Section 230 provides that ‘a person who is affected by an alleged act or omission that contravenes or may contravene this Act may apply to the court for an injunction or another under this Division’.

¹⁸⁸ Merits appeal rights are limited to where the subject application adjoins land that is zoned ‘residential’, which in many cases would not be relevant for land clearing applications: cl 14 of the Planning Regulations 2000.

¹⁸⁹ *Planning Act* (NT) s 78(1)-(2).

	<p>investigate that complaint (and may refuse if satisfied that the complaint is trivial, frivolous or vexatious, or no grounds exist).¹⁹⁰</p> <ul style="list-style-type: none"> - While the EP Act has an extended form of standing for judicial review, this will only become relevant where an application has been referred, assessed, or approved under the EP Act. There are no third-party merits review rights under the EP Act.
4. Transparency of information relating to enforcement and compliance	<p>0 (No)</p> <p><u>Planning Act</u></p> <ul style="list-style-type: none"> - Published enforcement action in relation to the Planning Act was not found. <p><u>PL Act</u></p> <ul style="list-style-type: none"> - Pastoral Land Board issues annual reports.¹⁹¹ Some of these reports (for e.g. the report for 2019-20¹⁹²) include information about compliance and enforcement activity, though it is limited/high-level information only.
SCORE: 0/4	

¹⁹⁰ *Planning Act* (NT) s 79.

¹⁹¹ Department of Environment, Parks and Water Security, 'Pastoral Land Board', *Northern Territory Government*, Available at: <https://depws.nt.gov.au/boards-and-committees/pastoral-land-board>

¹⁹² Department of Environment, Parks and Water Security, 'Pastoral Land Board Northern Territory Annual Report 2019-20', *Northern Territory Government*, p2. Available at: https://depws.nt.gov.au/_data/assets/pdf_file/0010/1063639/pastoral-land-board-annual-report-2019-20.pdf

Indicator 8. Land Clearing: Strong enforcement and compliance	
1. Detection system	<p>1 (Yes)</p> <p>The Queensland Government has a world leading woody change detection system the Statewide Landcover and Trees Study (or SLATS), which publishes spatial data and reports annually, although both are usually three years out of date by the time they are released. The Department of Resources is responsible for monitoring compliance with the vegetation management framework and combines SLATS outputs and high-resolution satellite imagery in the Early Detection System (EDS), to monitor changes in regulated vegetation across the state for non-compliance. EDS information is cross-referenced with information about exemptions, current notifications and clearing approvals, so unexplained clearing of native vegetation can be identified, allowing a proactive approach to compliance.</p>
2. Effective compliance and enforcement	<p>0.5 (Partial)</p> <p><u>Prosecutions and infringement fines</u></p> <p>Between 2013 and 2019, the number of fines for illegal clearing steadily increased; however, prosecutions for illegal land clearing have significantly reduced, despite the increasing rate of land clearing in Queensland.¹⁹³ This may be a result of regulatory approach taken with the introduction of the EDS. While the enforcement approach should not be affected by the EDS (i.e. if illegal clearing has occurred, prosecution should be considered as an option), the EDS may play a role in detecting illegal clearing early, preventing more serious clearing before it is undertaken – leading to a trend in more infringement notices being issued than matters leading to prosecution. The penalty amounts will not necessarily act as a strong deterrent from breaching the relevant Act. For example, a man was fined only \$6,000 for clearing more than two hectares of National Park.¹⁹⁴</p> <p><u>Enforcement notices</u></p> <p>Recent appeal cases highlight that enforcement notices require sufficient detail to be an effective enforcement tool. In <i>Serratore & Anor v Noosa Shire Council</i> [2022] QPEC 505, enforcement notices were issued for vegetation clearing without a development permit to ‘create a series of bush fire access track and firebreaks/fire lines.’¹⁹⁵ Despite the council establishing a development offence had occurred, the enforcement notices were set aside by the court because it found that the notices were too general and did not provide sufficient detail of the action to be carried out, which is necessary under s 168(3)(c)(i) of the PA.¹⁹⁶</p> <p>The <i>Serratore</i> decision also raises the potential challenges of drafting detailed actions to remedy a clearing offence. While enforcement notices can be an effective tool, the strict legislative requirements of and opportunity to appeal enforcement notices can mean that enforcement is not carried out in practice.</p> <p>A further issue is that there is no public register of enforcement notices, unlike the case for such action by DES under the EP Act.¹⁹⁷</p> <p><u>Restoration notices</u></p> <p>Details of restoration notices and plans are not publicly available in regular reports or a register, making it difficult to comment on how often they are used, how effective they are in restoring native vegetation and their overall effectiveness in enforcing native vegetation legislation. While prevention of vegetation clearing is preferred, restoration</p>

¹⁹³ E Hamman, ‘Clearing of Native Vegetation in Queensland: An Analysis of Finalised Prosecutions over a 10-Year Period (2007-2018) (2019) 36 *Environmental and Planning Law Journal* 658, 658.

¹⁹⁴ [Fine for unlawful land clearing – Carnarvon National Park | Department of Environment and Science, Queensland \(des.qld.gov.au\)](https://des.qld.gov.au)

¹⁹⁵ *Serratore & Anor v Noosa Shire Council* [2022] QPEC 505.

¹⁹⁶ *Serratore & Anor v Noosa Shire Council* [2022] QPEC 505 [67]-[69].

¹⁹⁷ Department of Environment and Science, undated, ‘Enforcement actions’, Queensland Government, Brisbane available at <https://apps.des.qld.gov.au/public-register/search/enforcement.php>

	plans may provide an opportunity to strengthen native vegetation growth if they are effectively enforced.
3. Opportunities for third party enforcement	0.5 (Partial) Third party enforcement rights under the PA permits a third party to bring proceedings for an enforcement order. This provides a potential safeguard against lack of regulator action. Further, proceedings are brought in the Planning and Environment Court, where risks of an adverse costs order if unsuccessful are lower than other courts – making it more open to potential action by a concerned third party. However, a significant proportion of clearing is exempt or under a code and does not go through the PA and has no opportunities for 3rd party enforcement.
4. Transparency of information relating to enforcement and compliance	0 (No) Public information about compliance and enforcement is limited. For example: <ul style="list-style-type: none"> • <i>Prosecutions and infringement fines:</i> Transparency and public access to information about prosecutions is limited, making analysis of their potential regulatory impact difficult. Prosecutions occur in the magistrate’s court, where decisions and outcomes are not generally published. Further, the Department of Resources does not appear to regularly publish the outcomes of its completed prosecutions and/or penalty infringement fines issued under the VMA/PA, unlike the Department of Environment and Science which publishes some outcomes of its prosecutions for its matters under the EP Act. • <i>Enforcement notices:</i> There is no public register of enforcement notices. • <i>Restoration notices:</i> Details of restoration notices and plans are not publicly available. While prevention of vegetation clearing is preferred, restoration plans may provide an opportunity to strengthen native vegetation growth if they are effectively enforced.
SCORE: 2/4	

Indicator 8. Land Clearing: Strong enforcement and compliance	
1. Detection system	<p>1 (Yes)</p> <p>Since 2004, satellite imagery has been used to detect changes in native vegetation cover and potential breaches of the NVA. The NVC carries out an annual Change Detection Program to monitor loss in quantity or quality of native vegetation in rural agricultural regions of SA. The program uses satellite imagery to detect changes in vegetation cover.</p>
2. Effective compliance and enforcement	<p>0 (No)</p> <p>The Native Vegetation Council and Department of Environment and Water state that in recent times resourcing for compliance has been limited and it has been challenging to maintain an active presence in the state’s regions in relation to native vegetation regulation.¹⁹⁸ This is evidenced through the lack of resourcing available for the Change Detection Program and the NVC’s annual reporting on enforcement. Currently, due to the NVC’s limited enforcement activities, there is limited incentive for persons to comply with the NV Act. The extent of illegal clearing and compliance action is also not known, nor whether landholders follow approval decisions.</p> <p>The NVC Annual Reports suggest there are only a small number of prosecutions and low penalties for illegal clearing. The 2021-22 NVC Annual Report recorded that the NVC received 183 reports of potential illegal clearing.¹⁹⁹ For matters that were found to be a breach the enforcement actions taken included:</p> <ol style="list-style-type: none"> a. 19 caution letters (14%); b. 8 enforcement notices (6%); and, c. 2 (1%) of serious offences referred for investigation and further evidence for legal proceedings.²⁰⁰ <p>The above figures demonstrate that penalties for non-compliance are low, and that there are minimal incentives for compliance with the native vegetation regime.</p>
3. Opportunities for third party enforcement	<p>0 (No)</p> <p>The NVA lacks broad third-party appeal rights or enforcement rights, which limits the robust enforcement of the NVA and scrutiny of the NVC’s decisions. There are no third-party appeal rights or limited enforcement rights for decisions made by the NVC in relation to clearing applications under s 28 of the NVA, even for proposed large scale vegetation clearing. Only specified persons have civil enforcement rights to enforce a breach of the NV Act, including the council, a person who owns or who has any other legal or equitable interest in land that has been, or will be, affected by the breach, or in the case of a contravention of, or failure to comply with, a heritage agreement—a party to the agreement.²⁰¹</p>
4. Transparency of information relating to enforcement and compliance	<p>0.5 (Partial)</p>

¹⁹⁸ Native Vegetation Council and Department of Environment and Water, ‘Submission to Natural Resource Committee - Review of the Native Vegetation Act 1991’ (October 2021), available at <https://prodinterappst.blob.core.windows.net/committees-doc-cache/519d7704-50de-4eac-9cdd-e202d4927973?sv=2019-02-02&sr=b&sig=P711KlCe%2BrTQFbeYtIp1CRRFinnkQG9g46rK%2Bemers%3D&se=2023-07-24T23%3A33%3A11Z&sp=r>

¹⁹⁹Native Vegetation Council, 31 October 2021, Annual Report 2020-21, Government of South Australia, Adelaide, see page 24, available at <https://cdn.environment.sa.gov.au/environment/docs/Native-Vegetation-Council-Annual-Report-2020-21.pdf>

²⁰⁰ Ibid, page 26.

²⁰¹ *Native Vegetation Act 1991 (SA)* s 31A.

	The NVC's Annual Report details clearance decisions, illegal clearance complaints and the enforcement action taken in the relevant year. However, details on area of alleged (or proved) illegal clearing are not reported.
SCORE 1.5/4	

TAS

Indicator 8. Land Clearing: Strong enforcement and compliance	
1. Detection system	<p>1 (Yes)</p> <p>Tasmania has the Monitoring Vegetation Extent Program (MVEP), which aims to improve Tasmania's ability to report on vegetation indicators. It uses satellite imagery, primarily Landsat and Sentinel-2 imagery, to identify areas of native vegetation that have changed from woody to non-woody cover within a time period. It is largely based on Queensland's SLATS program.</p>
2. Effective compliance and enforcement	<p>0.5 (Partial)</p> <p><i>Forest Practices system</i></p> <p>Tasmania's forest practices system is based on a co-regulatory approach,²⁰² which is comprised of self-management by the forest industry and monitoring and enforcement by the FPA.²⁰³ This approach has been criticised for resulting in little to no regulation.^{204,205}</p> <p>A key feature of the co-regulatory system is the training, accreditation, and performance monitoring of Forest Practices Officers (FPOs) by the FPA. The FPA appoints FPOs²⁰⁶ who are responsible for monitoring²⁰⁷ and enforcement²⁰⁸ of FPPs. In some cases, FPOs will be employees of the FPA, but they can also be employees of Sustainable Timbers Tasmania (the state-owned forestry corporation), or other, private logging companies or consultants.²⁰⁹ This has given rise to cases concerning allegations of apprehended bias in FPOs in certain circumstances.²¹⁰ However, the FPA has, in recent times, increased its level of enforcement.²¹¹</p> <p>It is noted that the penalty amount under the FP Act is small in comparison to other jurisdictions and will not necessarily act as a strong deterrent from breaching the FP Act.</p> <p><i>Planning System</i></p> <p>Under Tasmanian planning laws, there are a range of enforcement measures available, which can be used to address non-compliance with planning requirements. Including infringement notice,²¹² or an enforcement notice²¹³ for non-compliance with planning laws. There is also a general obligation on planning authorities to enforce observance of</p>

²⁰² FP Act, Schedule 7.

²⁰³ FP Act, s 4G.

²⁰⁴ Rainforest Action Network, 2018, 'The Truth Behind Tasmanian Forest Destruction and the Japanese Paper Industry Who Logs Them? Who Buys Them?', San Francisco, USA, available at https://www.ran.org/wp-content/uploads/2018/06/ran_thetruthbehindtasmanianforestdestruction_final.pdf.

²⁰⁵ Pullinger, P., undated, 'Pulling a Swiftie: Systemic Tasmanian Government approval of logging known to damage Swift Parrot habitat', Report prepared for Environment Tasmania, Hobart, available at https://d3n8a8pro7vhmx.cloudfront.net/marine/pages/488/attachments/original/1427079734/Pulling_a_Swiftie_Report_WEB.pdf?1427079734

²⁰⁶ FP Act, s 39.

²⁰⁷ FP Act, s 40.

²⁰⁸ FP Act, s 41.

²⁰⁹ FP Act, s 38(1).

²¹⁰ See *Blue Derby Wild Inc v Forest Practices Authority* [2022] TASSC 67. This Supreme Court decision is currently the subject of an appeal to the Full Court of the Supreme Court of Tasmania.

²¹¹ See, for example, Forest Practices Authority, 2022, 'Annual Report 2021-22', Tasmanian Government, Hobart, available at: [2021-22-FPA-annual-report.pdf](https://www.fpa.tas.gov.au/2021-22-fpa-annual-report.pdf)

²¹² LUPA Act, s 65A.

²¹³ LUPA Act, s 65C.

	<p>the planning scheme.²¹⁴ And planning authorities may also prosecute offenders for breaches of the LUPA Act (or relevant planning scheme).</p> <p>Local councils, acting as planning authorities, are primarily responsible for enforcing compliance with planning laws. This means that the effectiveness of regulation and enforcement will vary across local government areas. There is no clear reporting by local councils on compliance and enforcement actions specifically in relation to land clearing. While there are fairly strong enforcement mechanisms provided for in the LUPA Act, it is unclear how and when these are used by planning authorities to address unlawful clearing.</p>
3. Opportunities for third party enforcement	<p>0.5 (Partial)</p> <p><i>Forest Practices system</i></p> <p>The Forest Practices Systems lacks options for third-party civil enforcement.</p> <p><i>Planning system</i></p> <p>It is a general strength of the system that third parties with a ‘proper interest’ may bring third party civil enforcement proceedings, though it would be stronger if the LUPA Act included ‘open standing’ provisions.</p>
4. Transparency of information relating to enforcement and compliance	<p>0.5 (Partial)</p> <p><i>Forest Practices system</i></p> <ul style="list-style-type: none"> - The FPA’s annual reports include information on enforcement actions and compliance audits. This includes information on number of notices and quantum of fines but lack information on areas cleared. - The 2021-22 annual report revealed that non-industrial private forest activities accounted for 63% of below sound findings and 82% of unacceptable practices regarding compliance with FPPs. However, these figures are based on only a small number of FPPs that are audited every year. <p><i>Planning System</i></p> <p>Local councils, acting as planning authorities, are primarily responsible for enforcing compliance with planning laws. There is no clear reporting by local councils on compliance and enforcement actions specifically in relation to land clearing.</p>
SCORE 2.5/4	

²¹⁴ LUPA Act, s 48.

Indicator 8. Land Clearing: Strong enforcement and compliance	
1. Detection system	<p>0 (No)</p> <p>Victoria does not have a system to detect illegal clearing. The statement in DELWP's 2020 Net Gain Accounting Qualitative Update, for example, that 10,380 hectares of native vegetation habitat are annually lost on private land, is based on modelled data and a range of assumptions rather than actual data.</p>
2. Effective compliance and enforcement	<p>0 (No)</p> <p>The VAGO Report found in relation to compliance and enforcement of native vegetation laws on private land:</p> <ol style="list-style-type: none"> 1. unauthorised land clearing continues to take place across Victoria. DELWP has acknowledged that it is possible substantial unauthorised clearing is occurring with little to no enforcement. Further, as these clearings do not go through the permit process, there are no offsets to compensate for their biodiversity loss; 2. councils do not effectively manage native vegetation clearing in their areas. Under the native vegetation regulations, councils are required to ensure native vegetation cleared is either permitted or exempt, to monitor landowner's compliance with requirements for first party offset sites and to monitor landowner's compliance with native vegetation permit conditions. VAGO found that councils do not currently have any processes to proactively identify illegal clearing. As such, they cannot meet their first function under the native vegetation regulations. Currently councils rely on community complaints about clearing to have knowledge of clearing.²¹⁵ Councils have also advised that they have insufficient resources to effectively enforce the native vegetation regulations. VAGO found that from July 2018 to June 2020, only 50 per cent of permits could be matched to proof of purchased offset credits;²¹⁶ 3. DELWP has been slow to address known issues to support councils' implementation of the regulations; 4. While permitted clearing is offset, limitations in DELWP's assessment tools mean that in some parts of the state, DELWP cannot determine if the required offset fully compensates for biodiversity loss.²¹⁷ <p>VAGO recommended that DELWP improve, relevantly, its monitoring of clearing across the state, including using spatial imagery analysis. VAGO found that DELWP's reports on native vegetation clearing in relation to council approved permits and established offset sites were incomplete. Some of the councils audited did not require landowners to present proof of purchased offsets before allowing the removal of native vegetation and in most cases, councils did not ensure that the vegetation removed is consistent with the permit.²¹⁸ All audited councils stated that unauthorised clearing occurs, yet their knowledge about illegal clearing relies on community complaints or permit holders consulting the council about their plans. VAGO also found that it is likely that more clearing has occurred than what is recorded in DELWP's database regarding permitted clearing. It made this finding by comparing DELWP's data against spatial imagery.²¹⁹</p>
3. Opportunities for third party enforcement	<p>1 (Yes)</p> <p>Under s 114 of the PE Act, a responsible authority or any person may apply to the Tribunal for an enforcement order against any person specified in subsection (3) (the owner of the land, occupier of the land, any other person who has an interest in the land and any other person by whom or on whose behalf the use or development was, is being, or is</p>

²¹⁵ Victorian Auditor-General's Office, May 2022. Offsetting Native Vegetation Loss on Private Land, Victorian Government, Melbourne, p28, available at <https://www.audit.vic.gov.au/report/offsetting-native-vegetation-loss-private-land?section=>.

²¹⁶ Ibid p29.

²¹⁷ Ibid pp1-2.

²¹⁸ Ibid p6.

²¹⁹ Ibid p27.

	carried out to be) who has contravened the Act (including not obtaining a relevant permit), or contravened a condition of a permit.
4. Transparency of information relating to enforcement and compliance	<p>0.5 (Partial)</p> <p>The VAGO's report found that monitoring and reporting of native vegetation clearing is inadequate in Victoria, with little oversight of the extent of native vegetation clearing.</p> <p>However, there is some reporting under DELWP's monitoring, evaluating and reporting plan (MER), which is supposed to report on whether the native vegetation removal regulations are achieving Victoria's 'no net loss' to biodiversity objective. The 2020-21 Annual Report found that:</p> <ul style="list-style-type: none"> • 47% of sites had minor compliance issues, which are considered as having negligible risk and are not urgently responded to; • 24% of sites had moderate compliance issues, which landowners are provided with guidance to resolve the issue and asked to report back with evidence by a certain date; and • 3% of sites were not compliant, meaning they failed to address compliance issues identified and DELWP is to follow up with landowners in these circumstances. <p>Some case studies of successful enforcement outcomes area also provided in Native Vegetation Regulations Compliance and Enforcement Toolkit²²⁰, but this falls well short of a comprehensive register of enforcement and compliance activities.</p>
SCORE: 1.5/4	

²²⁰ Department of Environment, Land, Water and Planning, 2019, 'Native Vegetation Regulations Compliance and Enforcement Toolkit A Guide for Councils', Victorian Government, Melbourne, available at https://www.environment.vic.gov.au/_data/assets/pdf_file/0014/520313/NVR-Compliance-and-Enforcement-Toolkit.pdf

Indicator 8. Land Clearing: Strong enforcement and compliance	
1. Detection system	<p>1 (Yes)</p> <p>The Department of Water and Environmental Regulation (DWER), has a proactive satellite surveillance program which uses the European Space Agency’s Copernicus Sentinel-2 mission satellite to flag areas of vegetation clearing. This proactive program has led to several successful prosecutions for unlawful clearing.</p> <p>It is also noted that DWER is investigating the development of a pilot for a contemporary vegetation extent mapping and monitoring system. The pilot would train a computer to interpret satellite imagery to generate annual vegetation maps (across the state’s various vegetation types).</p>
2. Effective compliance and enforcement	<p>0 (No)</p> <p>DWER and the Department of Mines, Industry, Regulation and Safety (DMIRS) are the main bodies that regulate land clearing in WA. However, there are over ten government departments and authorities that contribute to managing activities that affect the clearing of native vegetation, and there is a lack of coordination between these regulatory bodies.²²¹ Multiple regulatory agencies lead to the inconsistent application of environmental standards.²²² There is also a risk that those other agencies do not have the relevant expertise to properly assess the impacts of clearing on the environment or do not give environmental impacts as much weight in decisions, especially where there is significant decision-maker discretion.</p> <p>DWER’s Compliance and Enforcement Policy uses a risk-based compliance priority method that considers the nature and scale of the activity, the mitigation impacts in place, the location of water resources and the environment and any suspected impacts to public health.²²³ DWER (and DMIRS) has discretion as to the type of enforcement action taken dependent on the nature of the breach. However, the enforcement action must be consistent, transparent, and proportionate to the seriousness of the offence.²²⁴</p> <p>The fines imposed for illegal land clearing appear to be inadequate to discourage unauthorised clearing in the future. The latest recorded fine of \$30,000 appears to be inadequate for illegally clearing 210 hectares of native vegetation over a seven-year period (see case study below – Perth Magistrates Court). The maximum penalty for unlawful clearing (s 51C of the EP Act) for an individual is \$250,000 and for contravening clearing permit conditions (s 51J of the EP Act) for an individual is \$62,500.²²⁵</p>
3. Opportunities for third party enforcement	<p>0 (No)</p> <p>There are no opportunities for third party enforcement of clearing provisions. This is a key weakness of the EP Act.²²⁶</p>

²²¹ Environmental Defenders Office, *Native Vegetation Issues Paper: Submissions* (2020) 3 available at: <https://www.edo.org.au/wp-content/uploads/2020/02/EDO-submissions-Native-Vegetation-Issues-Paper-20200210.pdf>; Department of Water and Environmental Regulation, *Native Vegetation in Western Australia: Issues paper for public consultation* (Issues Paper, November 2019) 6 available at: https://www.wa.gov.au/system/files/2021-09/Native_Vegetation_in_Western_Australia_Issues_paper.pdf

²²² Environmental Defenders Office, *Native Vegetation Issues Paper: Submissions* (2020) 3 available at: <https://www.edo.org.au/wp-content/uploads/2020/02/EDO-submissions-Native-Vegetation-Issues-Paper-20200210.pdf>

²²³ Department of Water and Environmental Regulation, *Compliance and Enforcement Policy* (May 2021) 7 available at: https://www.wa.gov.au/system/files/2021-05/Compliance_and_Enforcement_Policy_0.pdf

²²⁴ Department of Water and Environmental Regulation, *Compliance and Enforcement Policy* (May 2021) 12 available at: https://www.wa.gov.au/system/files/2021-05/Compliance_and_Enforcement_Policy_0.pdf

²²⁵ *Environmental Protection Act 1986* (WA) Sch 1.

²²⁶ Environmental Defenders Office, *Native Vegetation Issues Paper: Submissions* (2020) 4 available at: <https://www.edo.org.au/wp-content/uploads/2020/02/EDO-submissions-Native-Vegetation-Issues-Paper-20200210.pdf>;

<p>4. Transparency of information relating to enforcement and compliance</p>	<p>0.5 (Partial)</p> <p>There is some reporting of enforcement actions with prosecutions and Vegetation Conservation Notices published on the DWER website and through DWER’s annual reports and quarterly regulatory performance report. However, DWER’s Compliance and Enforcement Policy states the outcomes of compliance and enforcement activities and actions will be made publicly available where possible, suggesting reporting is not comprehensive.</p> <p>Where notices are published, they are published in full including property details, details of offence and requirements of notice, but lack details on area of clearing.²²⁷</p> <p>Information on compliance action in the DWER Annual Report is limited. While information in DWER’s quarterly regulatory performance report is more detailed, it is difficult to distinguish clearing enforcement from other environmental enforcement.</p>
<p>SCORE: 1.5/4</p>	

²²⁷ Department of Water and Environmental Regulation, 2023, *Environmental enforcement*, Western Australian Government, Perth, available at <https://www.wa.gov.au/service/environment/business-and-community-assistance/environmental-enforcement>

Appendix D. Detailed Results for Indicator 9 - Native Forest Logging: Commitment to end or prevent native forest logging

Information to inform scoring of this indicator has been drawn from advice prepared by Frontier Economics²²⁸, and analysis undertaken by WWF. The content below summarises some of the key information used in assessing each criterion. Further detail can be found in the Frontier Economics report.

Federal

Indicator 9. Native Forest Logging: Commitment to end or prevent native forest logging	
0 = No commitment	0 The Commonwealth government has not committed to ending native forest logging. Additionally, the 20-year Regional Forest Agreements, which are exempted from environmental assessment under the EPBCA, were recently rolled-over without any significant environmental or climate assessments. ²²⁹

ACT

Indicator 9. Native Forest Logging: Commitment to end or prevent native forest logging	
4 = Native forest logging ended	4 No public or private harvesting of public native forests in the ACT. ²³⁰ In the ACT, timber was harvested in native forests from the early 1900s until the early 1970s. A conservation and recreation emphasis has applied to the ACT's public native forest estate since 1980, with no harvesting of native forests for sawlog timber.

NSW

Indicator 9. Native Forest Logging: Commitment to end or prevent native forest logging	
0 = No commitment to end or prevent native forest logging	0 The former NSW Government has not committed to end native forest logging. Instead, the former NSW Coalition Government rolled over wood supply agreements for the NSW North Coast for an additional five years till 2028 and rejected a community petition calling for an end to native forest logging. The recently elected NSW Government has not committed to end native forest logging.

NT

Indicator 9. Native Forest Logging: Commitment to end or prevent native forest logging	
0 = No commitment to end or prevent native forest logging	The NT Government has not committed to preventing native forest logging and appears to be exploring the development of this industry. For example, the timber industry with the support of the NT and Australian governments and local development organisations have funded investigations into whether commercial native forest logging is viable in Indigenous owned and managed lands. WWF understands that there are no plans for large scale commercial native forest logging, and that the support relates to timber plantations and small scale highly-selective logging on Aboriginal lands, but this is ambiguous based upon publicly available information.

²²⁸ Frontier Economics, Native forest logging – research summary. A report for WWF-Australia (Q1, 2023), *WWF-Australia*, available at:

https://assets.wwf.org.au/image/upload/f_pdf/file_Frontier_Economics_native_forest_logging_review_research_summary_report

²²⁹ Borschmann, G, 21 March 2018, *Ministerial documents reveal Commonwealth concerns about 'old science' and 'validity' of forest agreements*, Australian Broadcasting Corporation, Sydney, available at <https://www.abc.net.au/news/2018-03-21/legal-concerns-over-plan-to-extend-forestry-agreements/9571936>

²³⁰ Australian Government 2018, *Australia's State of the forests report 2018 Executive Summary*, p. 18, viewed 2/02/2023, https://www.agriculture.gov.au/sites/default/files/abares/forestsaustralia/documents/sofr_2018/web%20accessible%20dfs/SOFR_2018_Executive%20summary_web.pdf

QLD

Indicator 9. Native Forest Logging: Commitment to end or prevent native forest logging	
2 = Commitment to end or prevent native forest logging, part of state by 2025	<p>2 In 2019, the Queensland Government announced the Native Timber Action Plan, which includes a commitment that the supply of state-owned native timber in the South East Queensland Regional Plan area will end on 31 December 2024.</p> <p>There are no commitments to end native forest logging in other areas of the state. The annual extension of ‘rolling-term’ supply contracts in the Western Hardwoods Region will cease, with current supply contracts to end in 2034. Decisions are yet to be made about supply after 2034.</p>

SA

Indicator 9. Native Forest Logging: Commitment to end or prevent native forest logging	
4 = Native forest logging ended	<p>4 There is no public or private commercial NFL in South Australia, and commercial scale harvesting is not permitted.²³¹</p>

TAS

Indicator 9. Native Forest Logging: Commitment to end or prevent native forest logging	
0 = No commitment to end or prevent native forest logging	<p>0 The Tasmanian Government has not committed to ending native forest logging.</p>

VIC

Indicator 9. Native Forest Logging: Commitment to end or prevent native forest logging	
4 = Commitment to end or prevent native forest logging, all of state by 2025	<p>4 The Victorian Government has committed to end native timber harvesting in Victoria’s state forests by 1 January 2024.²³² This policy is the most ambitious government commitment by a jurisdiction in which logging still occurs.</p> <p>However, WWF understands that native forest trees can still be removed and potentially enter timber/fibre supply chains following removal of fallen trees after storm damage under Timber Utilisation Plans (TUP), as well as following tree removal for bushfire hazard reduction operations by Forest Fire Management Victoria (FFMV).</p>

WA

Indicator 9. Native Forest Logging: Commitment to end or prevent native forest logging	
2 = Commitment to end or prevent native forest logging, part of state by 2025	<p>2 The Western Australian Government has committed to end NFL in the South West from 1 January 2024.²³³</p>

²³¹ Australian Government & Government of South Australia 2021, *State specific guideline for South Australia*, viewed 1/02/2023, p. 5, available at: <https://www.agriculture.gov.au/sites/default/files/documents/sa-state-specific-guideline.pdf>

²³² Department of Energy, Environment and Climate Action, ‘Ending native timber harvesting’, *Victoria State Government* (2023), available at: <https://www.deeca.vic.gov.au/futureforests/immediate-protection-areas/victorian-forestry-plan>

²³³ The WA Government, *Native Forest Transition*, viewed 4 April 2022, <https://www.wa.gov.au/organisation/department-of-jobs-tourism-science-and-innovation/native-forest-transition>

Appendix E. Detailed Results for Indicator 10 - Native Forest Logging: A clear, resourced, inclusive transition pathway

Information to inform scoring of this indicator has been drawn from advice prepared by Frontier Economics²³⁴, and analysis undertaken by WWF. The content below summarises some of the key information used in assessing each criterion. Further detail can be found in the Frontier Economics report.

Federal

Indicator 10. Native Forest Logging: A clear, resourced, inclusive transition pathway	
0 = No action to end or prevent high impact native forest logging	<p>0 The Australian Federal Government supports native forest logging. For example, on 12 September 2017, the Commonwealth, state, and territory forestry ministers (excluding Queensland) issued a ministerial statement declaring support for Australia's forestry industries.²³⁵ Areas under Regional Forest Agreements remain exempt from the EPBC Act.</p> <p>It is noted that the federal government has a limited constitutional and regulatory role in native forest logging, though it holds significant influence over state and territory native forest logging policy through Regional Forest Agreements and taxation and expenditure powers. The Commonwealth Government has an opportunity to provide policy certainty for states and territories to transition out of native forest logging.</p>

ACT

Indicator 10. Native Forest Logging: A clear, resourced, inclusive transition pathway	
4 = No current or planned high-impact NFL	<p>4 There is no public or private harvesting of public native forests in the ACT.²³⁶ In the ACT, timber was harvested in native forests from the early 1900s until the early 1970s. A conservation and recreation emphasis has applied to the ACT's public native forest estate since 1980, with no harvesting of native forests for sawlog timber.</p>

NSW

Indicator 10. Native Forest Logging: A clear, resourced, inclusive transition pathway	
0 = No action to end or prevent high impact native forest logging	<p>0 It is noted that the recently elected Labor government has committed to create the GKNP which will reduce high impact native forest logging in state forests where there are koalas on the NSW mid-north coast. This commitment is yet to be realised, and it appears they have allowed logging to continue in these areas.²³⁷</p>

²³⁴ Frontier Economics, Native forest logging – research summary. A report for WWF-Australia (Q1, 2023), *WWF-Australia*, available at:

https://assets.wwf.org.au/image/upload/f_pdf/file_Frontier_Economics_native_forest_logging_review_research_summary_report

²³⁵ Department of Agriculture, Fisheries and Forestry (4 November 2019) *Ministerial forestry statement* [statement], Australian Government, available at: https://www.agriculture.gov.au/agriculture-land/forestry/policies/ministerial-forestry-statement?_gl=1*_1atciyc*_ga*MTU3MTA2zNDk2Mi4xNjc2OTMwMzQz*_ga_EFTD1N73JJ*MTY3NTIyNjMyNC44LjEuMTY3NTIyODE4MS4wLjAuMA..

²³⁶ Australian Government 2018, *Australia's State of the forests report 2018 Executive Summary*, p. 18, available at: https://www.agriculture.gov.au/sites/default/files/abares/forestsaustralia/documents/sofr_2018/web%20accessible%20dfs/SOFR_2018_Executive%20summary_web.pdf

²³⁷ O'Malley, N., 'Before creation of koala national park, loggers target key habitat', *The Sydney Morning Herald* (May 23, 2023) available at: <https://www.smh.com.au/environment/conservation/before-creation-of-koala-national-park-loggers-target-key-habitat-20230520-p5d9w0.html>

NT

0 = No action to end high impact native forest logging	0 The NT Government has not committed to preventing native forest logging and appears to be exploring the development of this industry. For example, the timber industry with the support of the NT and Australian governments and local development organisations have funded investigations into whether commercial native forest logging is viable in Indigenous owned and managed lands. It is unclear if this logging will be high-impact.

QLD

Indicator 10. Native Forest Logging: A clear, resourced, inclusive transition pathway	
Community support	0 The Queensland Government does not appear to have a costed plan to phase out native forest logging and support communities during the transition.
Funded plantation plan	0 The Queensland Government does not appear to have a costed plan to phase out NFL, including a plantation plan. The Queensland Government is investigating sustainable supply options via the Native Timber Action Plan ²³⁸ and the Native Timber Advisory Panel. ²³⁹ There has been limited publicly available output from this Panel.
Exit prioritises areas of high environmental value and is free from loopholes	0.5 While the Queensland Government lacks a transition plan, the Native Timber Action Plan includes a commitment to progressively transfer up to 20,000 hectares of high-value conservation areas (in State Forest) in the SEQ Regional Plan area to the conservation estate before the end of 2024. ²⁴⁰
First Nations involvement	0.5 The Native Timber Advisory Panel ²⁴¹ was established to advise the government on policy options and implications for the native timber industry on both state and privately-owned land. The advisory panel includes timber industry, conservation, union, research and Traditional Owner representatives.
SCORE: 1/4	

SA

Indicator 10. Native Forest Logging: A clear, resourced, inclusive transition pathway	
4 = Native forest logging ended	4 There is no public or private commercial NFL in South Australia, and commercial scale harvesting not permitted. ²⁴²

TAS

Indicator 10. Native Forest Logging: A clear, resourced, inclusive transition pathway	
0 = No action to end or prevent high impact native forest logging	0 The Tasmanian Government does not have a costed transition plan to end native forest logging and/or plantation expansion.

²³⁸ <https://www.daf.qld.gov.au/business-priorities/forestry/native-timber-action-plan>

²³⁹ Queensland Government 2022, *Native timber advisory panel*, viewed 23/01/2023, <https://www.daf.qld.gov.au/business-priorities/forestry/native-timber-action-plan/native-timber-advisory-panel>

²⁴⁰ Palaszczuk, A (Premier and Minister for Trade) & Furner, M (Minister for Agricultural Industry Development and Fisheries), 2019. *Palaszczuk Government takes action to support timber industry jobs*, available at: <https://statements.qld.gov.au/statements/88797>

²⁴¹ Queensland Government 2022, *Native timber advisory panel*, available at: <https://www.daf.qld.gov.au/business-priorities/forestry/native-timber-action-plan/native-timber-advisory-panel>

²⁴² Australian Government & Government of South Australia 2021, *State specific guideline for South Australia*, p. 5, available at: <https://www.agriculture.gov.au/sites/default/files/documents/sa-state-specific-guideline.pdf>

VIC

Indicator 10. Native Forest Logging: A clear, resourced, inclusive transition pathway	
Community support	1 (Yes) The Victorian Government has made a commitment to end public native forest logging by 2024, supported by funded community support package. ²⁴³ This includes worker support payments, access to free training, transition packages for sawmills, plant and equipment redundancy payments and a Community Transition and Development Fund to support actions to grow businesses and generate economic activity that will create or retain jobs in towns and communities affected by the transition away from native timber harvesting.
Funded plantation plan	1 (Yes) The Victorian Forestry Plan has \$120 million to support plantation expansion.
Exit prioritises areas of high environmental value and is free from loopholes	0.5 (Partial) Native forest logging will end in areas under Timber Release Plans by 2024. Felling of native forest trees under Timber Utilisation Plans (TUP) and logging operations under licences are not covered by the government commitment. Although TUP operations are smaller in volume, they may still be significant. The licences are due for renewal mid-2024 and the Victorian Government has not yet decided what they will do with them at that point.
First Nations involvement	1 (Yes) An Eminent Panel for Community Engagement was appointed to lead conversations with Traditional Owners and the community and advise government. This new governance model was developed in partnership with Traditional Owner Corporations and supports self-determination. Under the terms of reference, the panel will consider commitments of the Victorian Forestry Plan and other key policies. ²⁴⁴
SCORE: 3.5/4	

WA

Indicator 10. Native Forest Logging: A clear, resourced, inclusive transition pathway	
Community support	1 (Yes) The WA Government has developed and is implementing a costed Native Forestry Transition Plan (NFTP) ²⁴⁵ to support communities' transition away from native forest logging. As part of the NFTP the WA Government has dedicated \$80m to provide support to affected workers, businesses and regional communities through the transition. There is also a \$26.9m Business Transition Program to support native timber sawmills and harvesters before native forestry ends in 2024. The Program provides for an Industry Restructure Payment based on contract volumes, further support of up to \$225,000 for redundancy payments, site-clean up, and equipment reimbursement, and funding of up to \$50,000 for firewood processors who exit the industry.
Funded plantation plan	1 (Yes) Native Forestry Transition Plan ²⁴⁶ includes \$350m over ten years for the creation of new softwood plantations across the southwest. This investment is expected to fund the purchase of 33,000 hectares of farmland to plant up to 50 million pine trees and sequester between 7.9 million and 9.5 million tonnes of carbon; ²⁴⁷
Exit prioritises areas of high environmental value and is free from loopholes	0 (No) The announcement of the NFTP included the immediate protection of 9,000 hectares of high-value conservation forest. However, under the Draft Forest Management Plan 2024–2033, significant areas of native forest will remain vulnerable to

²⁴³ Department of Energy, Environment and Climate Action, 'Ending native timber harvesting', *Victoria State Government* (2023), available at: <https://www.deeca.vic.gov.au/futureforests/immediate-protection-areas/victorian-forestry-plan>

²⁴⁴ Ibid

²⁴⁵ Western Australian Government, 'Native Forestry Transition Plan', (8 September 2021), available at: <https://www.wa.gov.au/government/publications/native-forestry-transition-plan>

²⁴⁶ Ibid

²⁴⁷ Daily Business Alerts (Australia), 3,000ha bought under softwood scheme, 7 December 2022, <https://www.businessnews.com.au/article/3000ha-bought-under-softwood-scheme>

	logging as a result of new or existing mining operations for bauxite, coal, gold, mineral sands, lithium and other minerals which occur throughout the planning area. ²⁴⁸ Under the Draft Plan, approximately 85% of the northern forest area (approximately from Bunbury to the north of Perth) will remain unprotected (i.e. outside of national parks) and vulnerable to mining. ²⁴⁹
First Nations involvement	1 (Yes) The Noongar People were involved in the development of the draft FMP 2024-2033. Over the term of Forestry Management Plan 2024-2033, new conservation reserves will be created following consultation with traditional owners to ensure permanent protection of high conservation value areas. ²⁵⁰ The Noongar People and the WA Government's Department of Biodiversity, Conservation and Attractions (DBCA) will enter into formal agreements to recognise their mutual rights and obligations in managing the South West Conservation Estate.
SCORE: 3/4	

²⁴⁸ Government of Western Australia 2022, *Draft Forest Management Plan 2024–2033*, October, available at: <https://www.conservation.wa.gov.au/publications/management-plans/draft-forest-management-plan-2024-2033-open-for-public-comment>

²⁴⁹ Osborne, D (2022). 'Last chance: new WA plan will profoundly impact our jarrah forests', WA Today, December 12, available at: <https://www.watoday.com.au/national/western-australia/last-chance-new-wa-plan-will-profoundly-impact-our-jarrah-forests-20221208-p5c4xc.html>

²⁵⁰ Government of Western Australia 2022, *Draft Forest Management Plan 2024–2033*, October, available at: <https://www.dbca.wa.gov.au/sites/default/files/2022-10/Draft%20FMP%202024-2033%20Web%20version%20v4.pdf>

Appendix F. Detailed Results for Indicator 11 - Transparent information: Land clearing, logging, restoration and emissions

Information to inform scoring of this indicator has been drawn from analysis undertaken by WWF-Australia.

Federal

Indicator 11. Transparent information: Land clearing, logging, restoration and emissions	
1. Publicly available, timely and accurate land clearing spatial information.	<p>0.5 (Partial)</p> <p>There are a number of government-led initiatives that can track changes in vegetation, but there is no purpose-specific system to account for and report land clearing annually, or support compliance and enforcement.</p> <p>While the federal government releases the NCAS²⁵¹ datasets (spatial forest and woodland extents), the spatial data directly relating to the areas of clearing reported in the National Inventory Reports is not released.</p> <p>NCAS is also highly inaccurate when compared with QLD SLATS.²⁵²</p> <p>Despite this, the NCAS woody cover spatial data is public, its timely, and although there are accuracy problems, it can be used to identify some areas of clearing.</p>
2. Publicly available, timely and accurate native forest logging spatial information	<p>0 (No)</p> <p>Spatial data relating to area of native forest Logging is not publicly available and was not provided on request. It is noted that the State of the Forest report and ABARES provides some information regarding areas of native forest logging and volumes of logs.</p>
3. Publicly available, timely and accurate restoration spatial information	<p>0 (No)</p> <p>Spatial data relating to publicly funded area of on ground restoration activities is not made available. It is not clear if this information is collected.</p>
4. Transparent emissions data in emission reduction plans (or equivalent)	<p>0.5 (Partial)</p> <p>The federal government reports on land use, land change and forestry (LULUCF) in the National Inventory Reports and on the Australian National Greenhouse Gas Accounts.²⁵³</p> <p>This provides dis-aggregated data on emissions from land clearing and sequestration through regrowth.</p> <p>Australia's Long-Term Emission Reduction Plan (the Plan) and Australia's Emissions Projections included LULUCF emissions, but these are not disaggregated to enable an understanding of the contribution land clearing is making to the emissions profile and projections.²⁵⁴</p>
SCORE: 1/4	

²⁵¹ Australian Government, 'National Forest and Sparse Woody Vegetation Data', available at:

<https://data.gov.au/dataset/ds-dga-b0d6b762-fe24-4873-91bd-ae0a8bbb452e/details?q=National%20Forest%20and%20Sparse%20Woody%20Vegetation%20Data>

²⁵²M. Taylor, *Deforestation in Queensland 2018/19 nearly double what Australian Government reports to the UN* (May 2022) available at:

https://www.researchgate.net/publication/360577362_Deforestation_in_Queensland_201819_nearly_double_what_Australian_Government_reports_to_the_UN

²⁵³ Department of Climate Change, Energy, the Environment and Water (Australian Government), 'Australia's National Greenhouse Accounts, Land Use Land Use Change and Forestry (LULUCF) Activity Tables 2021', *Australian Government* (2023), available at:

<https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.dcceew.gov.au%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2Fageis-activity-table-1990-2021-lulucf.xlsx&wdOrigin=BROWSELINK>

²⁵⁴ Australian Government, *Australia's Long Term Emission Reduction Plan* (2021) 11 available at:

<https://www.dcceew.gov.au/sites/default/files/documents/australias-long-term-emissions-reduction-plan.pdf>

ACT

Indicator 11. Transparent information: Land clearing, logging, restoration and emissions	
1. Publicly available, timely and accurate land clearing spatial information.	0 (No) Spatial data relating to areas of land clearing was not publicly available.
2. Publicly available, timely and accurate native forest logging spatial information	1 (Yes) There is no native forest logging in ACT, no data required.
3. Publicly available, timely and accurate restoration spatial information	0 (No) Spatial data relating to area of on ground restoration activities through investment of public funds is not made available. It is not clear if this information is collected. It is noted that locations and of revegetation projects are available via an interactive ArcGIS platform, ²⁵⁵ however spatial data relating to area restored was not available.
4. Transparent emissions data in emission reduction plans (or equivalent)	0 (No) The <i>ACT Climate Change Strategy 2019-25</i> ²⁵⁶ includes LULUCF emissions, but these are not disaggregated to enable an understanding of the contribution land clearing is making to the emissions profile and projections. It is noted that disaggregated emissions data per jurisdiction is available from Australian National Greenhouse Gas Accounts. ²⁵⁷ This indicator assesses how each jurisdiction uses this data in emission reduction plans (or similar).
SCORE: 1/4	

²⁵⁵The Government of the Australian Capital Territory, 'ACT Environmental Grants', available at:

<https://actgov.maps.arcgis.com/apps/dashboards/f56e492b0da448da8d4617f59d9d9b45>

²⁵⁶ ACT Government 2019, *ACT Climate Change Strategy 2019-25 Summary*,

https://www.climatechoices.act.gov.au/_data/assets/pdf_file/0004/1414642/ACT-Climate-Change-Strategy-2019-2025-Summary.pdf

²⁵⁷ Department of Climate Change, Energy, the Environment and Water (Australian Government), 'Australia's National Greenhouse Accounts, Land Use Land Use Change and Forestry (LULUCF) Activity Tables 2021', *Australian Government* (2023), available at:

<https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.dcceew.gov.au%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2Fageis-activity-table-1990-2021-lulucf.xlsx&wdOrigin=BROWSELINK>

NSW

Indicator 11. Transparent information: Land clearing, logging, restoration and emissions	
1. Publicly available, timely and accurate land clearing spatial information.	0 (No) Spatial data layers relating to areas of land clearing were not publicly available.
2. Publicly available, timely and accurate native forest logging spatial information	1 (Yes) Spatial data relating to area of native forest Logging is publicly available.
3. Publicly available, timely and accurate restoration spatial information	0 (No) Spatial data relating to area of on ground restoration activities through investment of public funds is not made available. It is not clear if this information is collected.
4. Transparent emissions data in emission reduction plans (or equivalent)	0 (No) The NSW Climate Change Policy Framework 2016 ²⁵⁸ includes LULUCF emissions, but these are not disaggregated to enable an understanding of the contribution land clearing is making to the emissions profile and projections. It is noted that disaggregated emissions data per jurisdiction is available from Australian National Greenhouse Gas Accounts. ²⁵⁹ This indicator assesses how each jurisdiction uses this data in emission reduction plans (or similar).
SCORE: 1/4	

NT

Indicator 11. Transparent information: Land clearing, logging, restoration and emissions	
1. Publicly available, timely and accurate land clearing spatial information.	0 (No) Spatial data relating to areas of land clearing was not publicly available. It is noted that this is under development. ²⁶⁰
2. Publicly available, timely and accurate native forest logging spatial information	1 (Yes) There is no native forest logging in NT, no data required.
3. Publicly available, timely and accurate restoration spatial information	0 (No) Spatial data relating to area of on ground restoration activities through investment of public funds is not made available. It is not clear if this information is collected.
4. Transparent emissions data in emission reduction plans (or equivalent)	0 (No) The NT Government is currently drafting an Emissions Reduction Strategy, which will be publicly available in 2023. ²⁶¹ It is noted that disaggregated emissions data per jurisdiction is available from Australian National Greenhouse Gas Accounts. ²⁶² This indicator assesses how each jurisdiction uses this data in emission reduction plans (or similar).
SCORE: 1/4	

²⁵⁸ NSW Government, *Net Zero Plan*, accessed 2/02/2023, <https://www.energy.nsw.gov.au/nsw-plans-and-progress/government-strategies-and-frameworks/reaching-net-zero-emissions/net-zero#:~:text=The%20plan%20aims%20to%20strengthen,2035%20compared%20to%202005%20levels.>

²⁵⁹ Department of Climate Change, Energy, the Environment and Water (Australian Government), 'Australia's National Greenhouse Accounts, Land Use Land Use Change and Forestry (LULUCF) Activity Tables 2021', *Australian Government* (2023), available at:

<https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.dcceew.gov.au%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2Fageis-activity-table-1990-2021-lulucf.xlsx&wdOrigin=BROWSELINK>

²⁶⁰ Pers Comm, Northern Territory Government, May 2023.

²⁶¹ Northern territory Government 2022, *Action Items*, viewed 2/02/2023, <https://climatechange.nt.gov.au/nt-climate-change-response/action-items>

²⁶² Department of Climate Change, Energy, the Environment and Water (Australian Government), 'Australia's National Greenhouse Accounts, Land Use Land Use Change and Forestry (LULUCF) Activity Tables 2021', *Australian Government* (2023), available at:

<https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.dcceew.gov.au%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2Fageis-activity-table-1990-2021-lulucf.xlsx&wdOrigin=BROWSELINK>

QLD

Indicator 11. Transparent information: Land clearing, logging, restoration and emissions	
1. Publicly available, timely and accurate land clearing spatial information.	0.5 (Partial) Queensland releases spatial data relating to areas of vegetation clearing via the QSpatial data portal, ²⁶³ and is the only jurisdiction to do so. However, there is a delay in the release of the data, with the most recent available SLATS report documenting vegetation change from 2019-20. While it is claimed that reports are released as soon as practicable following completion of analysis, it is understood that data is not released when available and was released over the 2021-22 Christmas/New Year period.
2. Publicly available, timely and accurate native forest logging spatial information	0 (No) Spatial data relating to area of native forest logging is not publicly available and was not provided on request
3. Publicly available, timely and accurate restoration spatial information	0 (No) Spatial data relating to publicly funded area of on ground restoration is not made available. It is not clear if this information is collected.
4. Transparent emissions data in emission reduction plans (or equivalent)	1 (Yes) The Queensland Climate Action Plan ²⁶⁴ includes LULUCF emissions and includes figures showing land use, land-use change and forestry (LULUCF) emissions by subsector.
SCORE: 1.5/4	

SA

Indicator 11. Transparent information: Land clearing, logging, restoration and emissions	
1. Publicly available, timely and accurate land clearing spatial information.	0 (No) Spatial data relating to areas of land clearing was not publicly available.
2. Publicly available, timely and accurate native forest logging spatial information	1 (Yes) There is no native forest logging in SA, no data required.
3. Publicly available, timely and accurate restoration spatial information	0 (No) Spatial data relating to area of on ground restoration activities through investment of public funds is not made available. It is not clear if this information is collected.
4. Transparent emissions data in emission reduction plans (or equivalent)	0 (No) The <i>Climate Change Action Plan 2021–2025</i> ²⁶⁵ includes LULUCF emissions, but these are not disaggregated to enable an understanding of the contribution land clearing is making to the emissions profile and projections. It is noted that disaggregated emissions data per jurisdiction is available from Australian National Greenhouse Gas Accounts. ²⁶⁶ This indicator assesses how each jurisdiction uses this data in emission reduction plans (or similar).
SCORE: 1/4	

²⁶³ Queensland Government, 'SLATS data, available at:

<https://www.qld.gov.au/environment/land/management/mapping/statewide-monitoring/slats/slats-data>

²⁶⁴ Department of Environment and Science, 'Queensland's greenhouse gas emissions and targets, *Queensland Government*, available at: <https://www.des.qld.gov.au/climateaction/emissions-targets>

²⁶⁵ Department for Environment and Water, 'Government action on climate change', Government of South Australia, available at: <https://www.environment.sa.gov.au/topics/climate-change/government-action-on-climate-change>

²⁶⁶ Department of Climate Change, Energy, the Environment and Water (Australian Government), 'Australia's National Greenhouse Accounts, Land Use Land Use Change and Forestry (LULUCF) Activity Tables 2021', *Australian Government* (2023), available at:

<https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.dcceew.gov.au%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2Fageis-activity-table-1990-2021-lulucf.xlsx&wdOrigin=BROWSELINK>

TAS

Indicator 11. Transparent information: Land clearing, logging, restoration and emissions	
1. Publicly available, timely and accurate land clearing spatial information.	<p>0 (No) Spatial data relating to areas of land clearing was not publicly available.</p> <p>It is noted that State of the Forests Report²⁶⁷ includes information on loss of native forest and is derived from a combination of spatial datasets including TASVEG which indicates the forest or non-forest type, and information sourced from certified Forest Practices Plans (FPPs). The Forest Practices Authority also makes available a layer showing the location of FPPs. The Department of Natural Resources and Environment does use satellite imagery to update the information in TASVEG in order to identify polygons that have undergone clearance and conversion, however the process of digitising this information can take up to 2 years from the initial satellite capture. While land clearing data could be derived from this information, this requires manipulation and analysis to determine the answer.</p>
2. Publicly available, timely and accurate native forest logging spatial information	<p>0 (No) Spatial data relating to area of Native Forest Logging is not publicly available and was not provided on request</p>
3. Publicly available, timely and accurate restoration spatial information	<p>0 (No) Spatial data relating to area of on-ground restoration activities through investment of public funds is not made available. It is not clear if this information is collected.</p>
4. Transparent emissions data in emission reduction plans (or equivalent)	<p>0 (No) No current emissions reduction plan (or similar). The Tasmanian Government is consulting with business and industry representatives to develop a sector-based emissions reduction and resilience plan (ERRP), and a plan for the Government sector.²⁶⁸ It is noted that disaggregated emissions data per jurisdiction is available from Australian National Greenhouse Gas Accounts.²⁶⁹ This indicator assesses how each jurisdiction uses this data in emission reduction plans (or similar).</p>
SCORE: 0/4	

VIC

Indicator 11. Transparent information: Land clearing, logging, restoration and emissions	
1. Publicly available, timely and accurate land clearing spatial information.	<p>0 (No) Spatial data relating to areas of land clearing was not publicly available.</p>
2. Publicly available, timely and accurate native forest logging spatial information	<p>1 (Yes) Victoria released spatial data relating to areas of native forest logging.²⁷⁰</p>
3. Publicly available, timely and accurate restoration spatial information	<p>1 (Yes) Victoria released spatial data relating to area of on ground restoration activities through investment of public funds,²⁷¹ and is the only jurisdiction to do so.</p>

²⁶⁷ Forest Practices Authority, 'State of the forest report Tasmania', *Forest Practices Authority* (2022) available at: <https://fpa.tas.gov.au/news/state-of-the-forests-report-tasmania-2022>

²⁶⁸ Renewables, Climate and Future Industries Tasmania, Department of State Growth, 'Draft Future Gas Strategy for Tasmania', *State of Tasmania* (October 2022) p22. Available at: https://www.stategrowth.tas.gov.au/_data/assets/pdf_file/0018/401076/Draft_Future_Gas_Strategy_-_for_publication.pdf

²⁶⁹ Department of Climate Change, Energy, the Environment and Water, 'Australia's National Greenhouse Accounts, Land Use Land Use Change and Forestry (LULUCF) Activity Tables 2021', *Australian Government* (2023), available at: <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.dcceew.gov.au%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2Fageis-activity-table-1990-2021-lulucf.xlsx&wdOrigin=BROWSELINK>

²⁷⁰ Victorian Government, 'Discover and access Victorian Government open data', available at: www.data.vic.gov.au

²⁷¹ Ibid

4. Transparent emissions data in emission reduction plans (or equivalent)	<p>0 (No)</p> <p>The <i>Climate Change Strategy</i>²⁷² includes LULUCF emissions, but these are not disaggregated to enable an understanding of the contribution land clearing is making to the emissions profile and projections.</p> <p>It is noted that disaggregated emissions data per jurisdiction is available from Australian National Greenhouse Gas Accounts.²⁷³ This indicator assesses how each jurisdiction uses this data in emission reduction plans (or similar).</p>
SCORE: 2/4	

WA

Indicator 11. Transparent information: Land clearing, logging, restoration and emissions	
1. Publicly available, timely and accurate land clearing spatial information.	<p>0 (No)</p> <p>Spatial data relating to areas of land clearing was not publicly available.</p>
2. Publicly available, timely and accurate native forest logging spatial information	<p>0.5 (Partial)</p> <p>Spatial data relating to area of Native Forest Logging is not publicly available but was offered on request.</p>
3. Publicly available, timely and accurate restoration spatial information	<p>0 (No)</p> <p>Spatial data relating to area of on ground restoration activities through investment of public funds is not made available. It is not clear if this information is collected.</p>
4. Transparent emissions data in emission reduction plans (or equivalent)	<p>0 (No)</p> <p>The <i>Western Australian Climate Policy</i>²⁷⁴ does not include emissions profiles or projections. The Western Australian Government is currently developing Sectoral Emissions Reduction Strategies, but these have not yet been released.</p> <p>It is noted that disaggregated emissions data per jurisdiction is available from Australian National Greenhouse Gas Accounts.²⁷⁵ This indicator assesses how each jurisdiction uses this data in emission reduction plans (or similar).</p>
SCORE: 0.5/4	

²⁷² https://www.climatechange.vic.gov.au/_data/assets/pdf_file/0026/521297/Victorian-Climate-Change-Strategy.pdf

²⁷³ Department of Climate Change, Energy, the Environment and Water (Australian Government), 'Australia's National Greenhouse Accounts, Land Use Land Use Change and Forestry (LULUCF) Activity Tables 2021', *Australian Government* (2023), available at:

<https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.dcceew.gov.au%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2Fageis-activity-table-1990-2021-lulucf.xlsx&wdOrigin=BROWSELINK>

²⁷⁴ Government of Western Australia, *Western Australian Climate Policy: A plan to position Western Australia for a prosperous and resilient low-carbon future* (November 2020) available at: https://www.wa.gov.au/system/files/2020-12/Western_Australian_Climate_Policy.pdf

²⁷⁵ Department of Climate Change, Energy, the Environment and Water (Australian Government), 'Australia's National Greenhouse Accounts, Land Use Land Use Change and Forestry (LULUCF) Activity Tables 2021', *Australian Government* (2023), available at:

<https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.dcceew.gov.au%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2Fageis-activity-table-1990-2021-lulucf.xlsx&wdOrigin=BROWSELINK>

Appendix G. Definitions

Note: WWF-Australia adopts the Accountability Framework Initiative (AFI) definitions where available. As part of the global WWF Network, WWF-Australia recognises the AFI as providing the leading global definitions regarding protection, deforestation and restoration of forests. However, we acknowledge there are opportunities for improvement of some definitions as they apply to Australia's context. The AFI provides a measure of flexibility for countries to adapt these definitions for use within the national context. WWF-Australia does this in relation to some of the definitions provided below and will continue to work with the AFI on these opportunities.

Deforestation²⁷⁶

Loss of natural forest as a result of:

- i) conversion to a non-woody land use; or
- ii) conversion to a plantation; or
- iii) severe and sustained degradation.

Degradation²⁷⁷

Changes within a natural ecosystem that significantly and negatively affect its species composition, structure, and/or function and reduce the ecosystem's capacity to supply products, support biodiversity, and/or deliver ecosystem services²⁷⁸.

Land Clearing²⁷⁹

Loss of natural forest or natural woodland and as a result of:

- i) conversion to a non-woody land use; or
- ii) conversion to a plantation; or
- iii) severe and sustained degradation.

Forest²⁸⁰

Land spanning more than 0.5 hectares with trees higher than two metres and a canopy cover of more than 20%, or trees able to reach these thresholds in situ. It does not include land that is predominantly under agricultural or other land use. Forest includes natural forests and tree plantations.

High-impact native forest logging

Logging native forests in a manner causing degradation.

Natural Forest²⁸¹

A forest that is a natural ecosystem.

Natural Woodland²⁸²

Woodland that is a natural ecosystem.

²⁷⁶ Accountability Framework initiative, June 2019, Term and Definitions. Available at: [Definitions-2020-5.pdf \(accountability-framework.org\)](#)

²⁷⁷ Ibid

²⁷⁸ Ibid

²⁷⁹ Adapted from Accountability Framework definition of Deforestation. Accountability Framework initiative, June 2019, Term and Definitions. Available at: [Definitions-2020-5.pdf \(accountability-framework.org\)](#)

²⁸⁰ Adapted from Accountability Framework definition of Forest. Accountability Framework initiative, June 2019, Term and Definitions. Available at: [Definitions-2020-5.pdf \(accountability-framework.org\)](#)

²⁸¹ Ibid

²⁸² Adapted from Accountability Framework definition of Natural Forest. Accountability Framework initiative, June 2019, Term and Definitions. Available at: [Definitions-2020-5.pdf \(accountability-framework.org\)](#)

Restoration²⁸³

The process of assisting the recovery of an ecosystem, and its associated conservation values, that has been degraded, damaged, or destroyed.

Woodland²⁸⁴

Land spanning more than 0.5 hectares with trees higher than five metres and a canopy cover of than 5-20%, or trees able to reach these thresholds in situ.

²⁸³ Accountability Framework initiative, June 2019, Term and Definitions. Available at: [Definitions-2020-5.pdf \(accountability-framework.org\)](#)

²⁸⁴ Adapted from Accountability Framework definition of Forest. Accountability Framework initiative, June 2019, Term and Definitions. Available at: [Definitions-2020-5.pdf \(accountability-framework.org\)](#)



THE CRITICAL DECISIONS
WE MAKE TODAY WILL
HELP SHAPE AUSTRALIA'S
TOMORROW.



Working to sustain the natural world for the benefit of people and wildlife.

together possible. wwf.org.au

WWF-Australia National Office

Suite 3.01, Level 3,
45 Clarence Street,
Sydney NSW 2000
Australia

Tel: +1800 032 551
enquiries@wwf.org.au
[@WWF_Australia](https://www.facebook.com/WWF_Australia)
wwf.org.au