SUBMISSION TO:

Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016

SUBMISSION COVER SHEET

Closing date for submissions is 25 April 2016.

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Research Director
Agriculture and Environment
Committee
Parliament House
BRISBANE QLD 4000

Organisation or individual:	Golden Grazing Pty Ltd				
Principal contact:	Richard Golden				
Position:	Partner and co-Principal				
Telephone:	[redacted]	**Fax:**			
Mobile:	[redacted]				
Email address:	[redacted]				
Street address:	[redacted]				
Suburb/City:	Yuleba	**State:**	Q	**Postcode:**	4427
Postal address:	As above				
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SUBMISSION

I provide my submission in support of the continuation of the Current Vegetation Management Act 1999 and rejection of the changes proposed in the Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016 ("the Bill").

My overriding issue with the Bill is that its introduction in the Queensland Parliament on 17th March represents ***yet another*** variation to the Vegetation Management Framework, which has been amended over 18 times since its introduction in 1999. This constant change in legislation severely impacts on the ability of farm managers to plan and implement effective long-term property and business management decisions. Ecological processes work in much longer timeframes and can be severely compromised when mismatching, constantly changing regulations are enforced. Farmers have long called for certainty with the vegetation management regulatory framework. With the Bill being introduced when farmers are on their knees with over 86% of Queensland in drought conditions, it should come as no surprise that I am totally opposed to continued uncertainty and attacks on the viability and basic civil rights of myself and others, the long-term sustainability of my business as well as attacks on fellow farmers.

In providing this submission I refer directly to the key provisions of the legislation which the 2016 Bill intends to amend.

1. Removing High Value Agriculture and Irrigated High Value Agriculture from the Vegetation Management Framework
Background **The removal of High Value Agriculture (HVA) and irrigated HVA (IHVA) affects farmers in regions differently, with those in the north particularly hard hit. Throughout northern Queensland energy and protein become limiting in cattle diets during the dry season and this can cause farmers issues with stock survival and welfare through years of drought. HVA and IHVA permits provide farmers in northern Queensland with the opportunity to grow fodder and grain for supplementing in the dry season and finishing off stock for market.** **The removal of HVA and IHVA is in direct conflict with the Australian Government White Paper on the Development of Northern Australia. A current example of this is $220 million being spent to upgrade roads to communities across Cape York, but Queensland State Government Vegetation Management Framework is preventing indigenous and non-indigenous land holders from developing agriculture projects.** **In central and southern Queensland, HVA and IHVA provides opportunity for farmers to drought-proof properties and stabilise production and income over variable climatic and market conditions. Sustainable clearing for relatively small pockets of high value agriculture enable agricultural production to improve continuity of supply to food processors and meet the increasing requirements of international markets and Australia's Free Trade Agreements.** **Indigenous development is particularly compromised by the re-inclusion of High Value**

Regrowth (HVR) as well as the stripping of the right to develop traditional lands as HVA or IHVA. For example, Indigenous landowners on the Gilbert River in northern Queensland preparing to submit IHVA applications have now been denied the possibility of stabilising beef production and employing community labour on their properties.

2. Re-introducing Reverse Onus-of-Proof

Background

The re-inclusion of Reverse Onus of Proof in Queensland Government's Vegetation Management Framework is a direct affront to the rights and liberties of farmers. Reverse Onus relegates me and my family, friends and fellow food producers to a level below that of accused rapists, child molesters, terrorists or whatever, all of whom are regarded as innocent until proven guilty.

Section 24 of the Criminal Code: Mistake of fact. In Queensland not only will farmers once again be presumed guilty until they are proven innocent, but they are refused the possibility of the defence of making a mistake. And my right to remain silent is also removed.

I regard removing the presumption of innocence, the defence of Mistake of Fact and the right to remain silent as a shame on any MP who votes for it and on the Government that has attempted to re-introduce it. If such a proposition were to be added to law relating to MPs or lawyers or public servants there would be uproar, but apparently it fits okay when applied to farmers? I am outraged at the attempt and at the silence from government MPs, the legal profession and Civil Liberties groups.

3. That no compensation will be payable to HVA, IHVA and Property Map of Assessable Vegetation (PMAV) applicants during transitional arrangements

Background

The proposal that compensation will not be available for HVA, IHVA or PMAV applicants during the Bill transition period may be a tactic to prevent panic clearing, but the implications for compensation for vegetation management in the broader sense are quite alarming.

With the cessation of broad scale land-clearing, compensation for landholders to offset opportunity cost, lost development potential and decreased property value has been a critical omission from the Vegetation Management Regulatory Framework. The issue of compensation has been debated heavily by federal and state legislators, however a precedent was set by the Beattie Government in 2004 with provision of $150 million over 5 years to offset landholder losses due to the removal of their rights to clear. This however was a copout with the funds unable to provide effective recompense for opportunity costs incurred, despite prior assessment undertaken for the Commonwealth Department of Agriculture, Fisheries and Forestry in 2003. In 2004, there was no doubt considerable rejoicing by the Queensland Government who boasted of compensating carbon dioxide abatement for less than $1 a tonne!

In the 2016 Bill transition period the situation is quite different to what it was in 2004. The threat to remove HVA and IHVA from farmers' potential to develop property provides considerable grounds for compensation, particularly for those that have structured investments and farm management activities to take advantage of HVA/IHVA in the near future. Also HVA/IHVA has attracted far greater interest in northern Queensland, with large swathes of marginal beef production areas provided the opportunity of growing supplementary feed to

overcome the protein drought in the dry season.

The 2003 Commonwealth study mentioned above did not include north or west Queensland Local Government Areas and consequently grossly underestimated the areas to be considered for compensation. Another change since 2004 is the free market recognition of the value of carbon abatement with the recent auction of the Emissions Reduction Fund selling carbon at $12.25 per tonne. The Queensland State Government needs to recognise the fact that they are robbing the rights of farmers to develop productive HVA/IHVA land sustainably and that the area for development and value for carbon are much greater than they were in 2004.

4. Including High Value Regrowth as an additional layer of regulation under the Vegetation Management Framework on leasehold, freehold and indigenous land

Background

The re-inclusion of High Value Regrowth (HVR) as an additional layer of regulation on leasehold, freehold and indigenous land is an overt grab by Queensland Government in search of targets for meeting international treaties such as the Kyoto Protocol and more recently the 2015 Paris Climate Deal. In 2009 when initially introduced, this HVR layer was prepared hastily in a 'desk-top' mapping exercise with associated errors including areas of non-native vegetation (such as orchards) and bare earth. In preliminary investigations of several properties it appears that the accuracy of the 2016 HVR is no better than that in 2009.

If the free market places a value of $12.25 per tonne on carbon, what is the estimated dollar value of "High Value Regrowth" and where is the Queensland Government's recompense for farmers and indigenous land holders?

We have freehold tenure, and an active PMAV on all our places. On two of these, we have major CSG developments. We have 88 active wells and a further 31 surveyed and ready to go on two of the holdings, and two CSG tenements on the third place hanging over our heads.

Prior to the removal of this classification of vegetation by the LNP government, the effect of the layer created serious conflict between us and the CSG developers on our land. We took an active part in the survey process so as to minimise as much as possible the impact of CSG wells, access tracks, gathering lines and laydowns.

Our PMAV means we are free to conduct vegetation control on all Cat X areas, however the CSG companies were bound by the HVR mapping restrictions. This led to the truly ludicrous situation where areas which we had treated with a cutter bar which had no regrowth on them but had been mapped as HVR under the VMA were "out of bounds" for their activities and meant that their survey activities were pushing their development into places we both agreed were far less appropriate.

This layer has always been subjective, unworkable and inconsistent in its application. It should be scrapped.

5. Increasing Category R vegetation to include the Burdekin, Mackay, Whitsunday and Wet Tropics Great Barrier Reef catchments and additional catchments Burnett Mary,

Eastern Cape York and Fitzroy.

Background

This increase in Category R provisions is a further restriction on development in Northern Queensland, which is in stark contrast to the development imperatives contained with the White Paper on Developing Northern Australia.

The science is completely unproven on the necessity to include ≥50 metre buffers along streamlines. In fact, a study conducted in Queensland and published in 2016 shows that grass is a far better assimilator for nitrogen to prevent leaching into waterways. The current bleaching of the Great Barrier Reef is not caused by high nutrient runoff from agricultural lands.

6. Other matters relevant to the Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016 that the review committee should consider appropriate and worth some consideration

It is perfectly proper that an accuser should be expected to prove their accusation, and especially so when every other category of accused gets that presumption of innocence as their basic right.

I strongly urge the Committee to consider how serious this attack on the fundamental legal principle of the onus of proof lying with the accuser really is. Should it be applied to you in your private or professional life I would expect you to be outraged and frightened.

I call on this Committee to strongly recommend the continuation of the Current Vegetation Management Act 1999 and rejection of the changes proposed in the Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016 ("the Bill").

Signed:	Richard and Helen Golden
Address:	[redacted] Yuleba. Q 4427
Date:	8/04/2016