Submission No. 290

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:					
Principal contact:	John & Diana Schutt				
Position:	Landowner				
Telephone:	[redacted]	**Fax:**			
Mobile:					
Email address:	[redacted]				
Street address:	[redacted]				
Suburb/City:	Blackall	**State:**	QLD	**Postcode:**	4472
Postal address:	[redacted]				
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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 of myself, the long-term sustainability of my business as well as attacks on fellow farmers.

On our property the impact of the proposed changes in vegetation management regulations would eliminate our ability to take action in the management of thickening and invasive regrowth when necessary.

Leaving the current self-assessment codes as they stand gives landholders certainty to undertake control work when necessary.

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.

This would serve to greatly reduce the potential for property owners to become more resilient in drought-proofing their land. Property owners should be allowed to manage vegetation.

2. Re-introducing Reverse Onus-of-Proof

Background

The 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 farmers clearing vegetation to a level below that of criminals, where they are denied common justice under Section 24 of the Criminal Code: Mistake of fact. In Queensland not only are farmers presumed guilty until they are proven innocent, but they are refused the possibility of making a mistake.

This is the worst sort of regulation. These are the people who are growing the food for Australian people to eat. They are the life blood for Australia. No government should be allowed to denigrate these people. These very same people work very long hours, often seven days a week, pay their taxes and contribute in many ways to their local communities.

We don't believe the mapping is totally correct, not in our case anyway. Even in early 2007, when we received our PMAV, it failed to be accurate. It is ridiculous putting something like this in legislation when many of the maps were never correct. Where does the Reverse Onus of Proof stand here?

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.

We have recently changed our property title to freehold, feeling that there was more security by doing this. We now own all the vegetation on the property and although we agree with the present legislation whereby we apply for a self-assessed permit to control unwanted vegetation, we would be significantly disadvantaged if we were unable to carry out this exercise.

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?

If the Queensland Government legislates to lock up private land, there has to be compensation to the landowner on an annual basis for loss of income.

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

To sum up, the concerns we have with this proposed legislation is that to regard farmers as worse than criminals is morally disgraceful and wrong. Given that these productive members of the community are deemed guilty and then have to prove their innocence, when they have undertaken tree-clearing that the government has deemed unlawful, seems contradictory.

No other members of the population are treated in this manner.

Both my wife and I are in our late sixties and have lived on the land all our lives as do our adult children and their families. Our forebears were also of the land. The land is lives and our business but equally important we care for our land with the utmost love and respect as do the vast majority of landowners. It is vital that the health and well-being of the land is paramount in our eyes and the government's eyes, to be productive and well maintained. To do this, timber and invasive, woody re-growth must be controlled, so as to keep grass and ground cover on the land.

Development of the land is not cheap. Much thought and planning are entered into prior to any maintenance programs to the desired positive outcomes. We believe it is vital that the current laws should remain to give the landowners and managers certainty. People need the tools to manage their land. We also believe there needs to be checks and balances in place which the current legislation provides. If the land-owner finds that he or she has vegetation on their property deemed to be high value re-growth, and they are unable to clear/develop that land, compensation should apply and relate to the income loss to the owner on an annual basis. Compensation should apply on all land tenures for loss of income.

Signed:	John Schutt
Address:	[redacted] Blackall. 4472
Date:	20 April 2016