Submission No. 293

SUBMISSION TO:

Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016

SUBMISSION COVER SHEET

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SUBMISSION

We provide the following 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").

The introduction of the Bill by Hon. JA Trad into 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.

The existing Vegetation Management framework (Vegetation Management Act 1999) provides greater certainty for landholders when undertaking property planning. The Vegetation Management Framework Amendment Act instated in 2013 significantly reformed vegetation management in Queensland by reducing red tape and regulatory burdens to landholders.

The continual changes to the legislation severely impact the ability of us as farm managers to plan and implement effective long-term property and business management decisions. The implementation of sustainable, productive and profitable land management practices are long term processes. The constant changes to legislative frameworks are extremely disruptive to sustainable development within the Agricultural sector.

The explanatory speech delivered by Hon. JA Trad evidently demonstrates a political motivation behind the debate. Now, the agriculture and the primary production sector in the space of three short years are to face yet another major overhaul affecting long term development plans.

Vegetation management has become a politically motivated debate, focussed on stimulating mistrust between consumers and producers, encouraging an 'Environment vs Agriculture' culture. The use of vegetation management frameworks as a political football is damaging to not only the overall marketability and value of our agricultural products, both domestically and internationally, but also the viability of agricultural businesses across Queensland.

This politically motivated debate does not revisit history. A compelling example of this is the early 1990s when the then Lands Department conducted inspections on properties; where the consequence for ***not clearing enough trees*** was the forced sale of leases. Government now infers in the public arena that it was us, *the producers, graziers and famers,* who acted as 'environmental vandals'. This politically motivated debate does not revisit the truth and history of Queensland's vegetation management and therefore the general public are not aware of the actions of past Governments.

If the general public were aware of the recent history of the Governments hand and actions in forcing landholders to clear vegetation, would they have the same level of creditability in vegetation management and other environmentally focussed debates.

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

- **Removing High Value Agriculture and Irrigated High Value Agriculture from the Vegetation Management Framework**

Removing the right for agricultural developers to apply to manage vegetation under the High Value Agriculture (HVA) and Irrigated High Value Agriculture (IHVA) from within the vegetation management framework is prejudiced. Those in the north are particularly hard hit, as the proposed removal of HVA and IHVA from the Veg Management framework is contradictory to the national mandate around developing Northern Australia.

The inclusion of these provisions supported the four pillars of development in Queensland – economy, construction, resources, agriculture and tourism. The inclusion of HVA and IHVA stimulated development in a way that allowed for sustainable, productive and profitable and ***responsible*** land use. These provisions allowed for a balance between environmental preservation and appropriate economic development opportunities.

The inclusion of HVA and IHVA within the Vegetation Management framework provided farmers in northern Queensland with an opportunity to increase the viability of their business through development to diversify and value-add to existing enterprises within their operation. The proposal to remove HVA and IHVA from the Vegetation Management Framework reduces the opportunity for family owned businesses develop and grow.

The inclusion of HVA and IHVA increased the capabilities and capacities of grazing businesses to drought proof their operation through the development of improved pastures, growth of additional and alternative fodder supplies and ability to reduce age of turnoff through increased capacity to fatten stock; a positive consequence on overall carrying capacity and stocking rate and critical in achieving sustainable and profitable management. The inclusion gave graziers the opportunity to secure alternative markets, increasing the market security of their business through targeting more safeguarded and reliable domestic markets.

The proposed amendment removes the current equal opportunity for family business, large corporate agriculture and foreign investors to develop under HVA and IHVA. Under the proposed amendment, family businesses will be discriminated as large corporates and foreign investors will still have the ability to take significant projects to the coordinator general for determination. Smaller family owned farming enterprises are unlikely to have the same ability to seek a determination on their proposed project through that process.

The proposed amendment removes the opportunity from family owned famers; allowing only billionaires the best chance to develop high value agricultural projects in Queensland.

- **Re-introducing Reverse Onus-of-Proof**

The removal of the unfair enforcement and compliance provisions of 'Reverse Onus-of-Proof' was heavily supported by landholders in the Vegetation Management Framework Amendment Act instated in 2013. Its removal ensured that standard prosecution principles applied and landholders were not automatically held accountable and responsible for clearing on their land without any evidence.

The removal provided greater fairness and balance in relation to enforcement and compliance. It was effective in providing a more equitable and consistent approach to sentencing in relation to unlawful clearing of vegetation offences.

This is further evidence again of the political motivation behind the amendment. The emotive, misleading accusations and criticism of the existing framework does not cover all the facts, instead it deliberately creates concern amongst the public, fostering mistruths in relation to the enforcement of the current legislation.

Revisiting earlier statements about the Governments deliberate actions to ignore history; former legislation imposed compulsory tree clearing on landholders with the consequence for failing to remove enough trees being the forced sale of the lease. Now the proposed amendment and inclusion of Reverse Onus of Proof in the Vegetation Management Framework denies not only common justice to landholders but presumes landholders are guilty until they can obtain the facts to prove innocence. Landholders will now also be refused the possibility of making a mistake.

In the transcript of the departmental briefing of the committee a question was asked about the increase in tree cover in Qld of approximately 400 000 hectares. The response to this question was that 'woody vegetation extent cannot be directly compared to estimates prior to 2004 due to changes in the methodology'. The transcript goes on to add that 'it is important to note that clearing figures cannot be derived from comparing wooded extent from year to year'.

Significant emphasis will be placed on the vegetation mapping and associated data in order for landholders to accurately determine where vegetation is regulated and where it is not. These maps will form part of the 'facts' that landholders will need in order to ensure they do not make a mistake.

We are justified in our concerns around the accuracy of the mapping, data and the methodologies to which were used in their creation, given that the woody vegetation extent could not be estimated or compared with any accuracy prior to 2004.

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

The development of self-assessable vegetation clearing codes for Category C area and Category R area was a sensible approach which allowed landholders to manage issues significantly affecting production such as encroachment through undertaking activities such as thinning. Under the existing Vegetation Management framework (Vegetation Management Act 1999) tree clearing activities are monitored with penalties applying to those who do the wrong thing.

The existing framework ensures that certain areas that have been cleared, or have potential to be cleared, remain regulated as if they were high value regrowth vegetation. Therefore the criticism of the existing framework is a political barrage of misleading messages. The existing framework does not allow for indiscriminate tree clearing; it instead allows for producers and farmers to go about their daily activities, fostering continual development and progress in our food and fibre industries, without being treated like criminals.

The proposed amendment will regulate the clearing of 1.18 million hectares of high value regrowth. This is 1.18 million hectares of land that was cleared for agriculture production. These 1.18 million hectares under the proposed amendments would now become a compulsorily acquired offset.

In taking the management and productive potential of this regrowth away from the farmers and producers with no compensation, the Qld Government could potentially be accused of 'stealing' the rights of a landholder (in particular the freehold landholder). The Qld Government could theoretically earn an income from the taken 'high value regrowth' under the Emissions Reduction Fund as this fund recognises the restoration of regrowth as a registerable activity.

This is a further example of the Qld Government deliberately withholding facts from the general public in what is purely a political debate.

- **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.**

There is a complete lack of proven science to support the necessity to include ≥50 metre buffers of vegetation along streamlines in high priority reef catchments in order to achieve a reduction in soil loss, consequent sediment and nutrient run-off reaching the GRB lagoon.

There is no evidence to prove that well grassed streambanks deliver more tonnes of sediment to the GBR lagoon when compared to streambanks with a high occurrence of woody vegetation and limited grass cover. What is known is the importance of having high ground cover levels consisting of perennial grasses to achieve good infiltration and prevent soil and nutrient run-off.

What we currently have in place is a logical legislative provision that allows landholders to manage streambanks and watercourses to not only cure the symptoms of erosion but also undertake management to prevent its occurrence.

The existing framework ensures that high value regrowth is protected along watercourse catchments in priority reef catchments. The existing framework allows for *necessary environmental clearing* therefore meaning clearing for the purpose of restoring ecological and environmental conditions of the land; such as for the purpose of stabilising banks, working to rehabilitate severely eroded areas and working to prevent erosion and formation of gullies.

The removal of this provision will see an increase in the presence of exotic weeds in our waterways and the proposed amended legislation will severely affect the landholder's ability to manage the invasion; a negative consequence to ground cover levels, streambank stability and the GBR lagoon.

- **Additional comments**

The Vegetation Management Act 1999 enables economic growth in regional communities whilst preserving and recognising the variations in biodiversity, ecological processes and factors influencing land degradation through regulatory procedures. The current Act provides a balance between environmental considerations and beneficial land management outcomes. Landholders appreciate and respect the environment and the need to conserve biodiversity and ecological processes. The current Act gives landholders the opportunity to achieve biodiversity outcomes through implementing improved land management practices.

What is very evident is that this debate is politically motivated, with the Qld Government fostering an "Environment vs Agriculture" culture. The existing legislation does not let the 'bulldozers run free'. It instead stimulates development and growth of our agricultural sector. The existing legislation provides a self-regulated framework to enable us as landholders to responsibly manage

our land for routine, productive and profitable management activities, improving the operational efficiency and viability of our agricultural businesses.

It is for the reasons stated in this submission that we support the current Vegetation Management Act 1999 and reject strongly to the proposed changes in the Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016 ("the Bill").

Signed:	[redacted]
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Date:	22.04.16