Submission No. 364

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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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.

Farmers are subject to continuous uncertainties of climate and markets. There are limited factors that can be controlled so the increased uncertainty associated with changes to vegetation management legislation would add increased pressure to our present challenging and difficult existence. Proposed legislative changes would ultimately decrease the value of our land because potential for development would be restricted.

The uncertainty of continual legislative change means that producers are unable to make long term management decisions for sustainable environmental and agricultural production outcomes. The right balance between these two factors is vital for long term viability. Producers are aware of the importance of conservation and the long term future of our families depends on the correct balance being achieved between conservation and development.

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
The removal of High Value Agriculture (HVA) and irrigated HVA (IHVA) would have a detrimental impact on our business by significantly reducing our ability to "drought proof" our property. Each year we plant approximately 5000 acres of forage sorghum as a dietary supplement. With a distinct wet and dry season we need to supply cattle with additional feed during the dry season. Currently, 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. If this opportunity was reduced or limited it would ultimately result in an animal welfare issue. Stock losses would increase and viability of enterprises would

be jeopardised

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.

Not only is this proposed legislation in conflict with the Government's plan to develop the north, it also conflicts with findings from studies undertaken in the Burdekin Water Catchment. For many years water samples were collected from the natural water courses on our property, Avon Down, 150 km north of Clermont. Despite HVA, studies of water quality in the Burdekin Catchment exhibited low sediment levels. This is because the land being farmed is low, flat terrain and there is nil – minimal run-off and erosion. It is unreasonable for the government to impose a blanket restriction regarding the development of HVA. If such legislation is to be considered it should be on a more specific locality basis.

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

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.

It is unreasonable to introduce this legislation because mapping is often incorrect. A recent example of this occurred when pulling was being done on our property. An area of virgin scrub country was encountered and according to the existing vegetation maps we were legally able to pull this particular section. As conservations, we used our discretion and left the area untouched. This not only exemplifies that mapping errors do occur, it also proves that landholders are not the criminals/environmental vandals we are too often perceived to be. This proposed legislation highlights the fact that legislators do not understand that landholders are aware of the need for conservation to achieve long term agricultural sustainability.

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

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.

Not only is this in conflict with the Government's proposed attempt to develop the north, it is unethical to restrict landholder earning ability when property has been purchased in good faith with opportunity for agricultural development. Landholders invest significant capital in property development and borrow money on this basis. For this right to be denied is unethical and imposes a negative impact on viability and increased pressure from financial institutions.

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

Whereas, the value of High Value Regrowth on our property is difficult to gauge, the costs are undeniably obvious. Having to surrender such areas to the government effects productivity and viability. By decreasing the amount of useable land it makes our business less drought resistant and reduces the overall carrying capacity.

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?

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.

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.

Our personal experience highlights that the introduction of this legislation has had a detrimental effect on erosion. By leaving a buffer zone along water courses there was increased shade. Increased shade attracted cattle to the area and this increased the impact of erosion because cattle "camped" under the trees on the banks of the river/creek. Retaining timber in other, less fragile areas of the paddock is more environmentally beneficial than having the high concentration of cattle along the edge of the water courses.

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

As custodians of our land, we view our relationship with our properties as a perpetual association. The high cost of land has meant that individuals are rarely capable of purchasing a viable living area in one generation. Land ownership passes from one generation to the next. Whilst politicians come and go from power, our association with the land continues for many generations. For this reason landholders are very aware of the need to have the correct balance between conservation and agricultural development. This fact is continuously overlooked by legislators who fail to understand that Australian farmers are conservationists, not the environmental vandals we are so often falsely accused of being.

If legislation such as the proposed changes to the current Vegetation Management Act 1999 are introduced the rights of landholders to achieve long term agricultural sustainability will be eroded. For Australia to successfully contribute to the increased global demand for food, there needs to be less focus on short term political agendas and more awareness of the long term viability of our nation.

Signed:	Richard Simmons Robyn Simmons
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Date:	23 April, 2016