

**SUBMISSION TO:****Vegetation Management (Reinstatement) and Other Legislation  
Amendment Bill 2016****SUBMISSION COVER SHEET****Closing date for submissions is 25 April 2016.**

Please complete and submit this form with your submission to:

**Email:**  
vminquiry@parliament.qld.gov.au**Post:** **Fax:** 07 3553 6699  
Research Director  
Agriculture and Environment Committee  
Parliament House  
BRISBANE QLD 4000**Organisation or individual:** Olive Vale Pastoral Pty Ltd Operating Retreat station (Jundah) Olive Vale and Koolburra stations (Laura) Qld**Principal contact:** Paul Ryan**Position:** Partner/owner manager/Director**Telephone:** [REDACTED]**Mobile:** [REDACTED]**Email address:** [REDACTED]**Street address:** [REDACTED]**Suburb/City:** Indooroopilly **State:** Queensland **Postcode:** 4068**Postal address:** [REDACTED]**Suburb/City:** Indooroopilly **State:** Queensland **Postcode:** 4068**Is all or part of your submission confidential?** Yes, all ☐ Yes, part ☐ No ☒ ☒ (copy box to indicate answer)**If part, please identify which sections are confidential:****Reason for confidentiality:**

## 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 17<sup>th</sup> 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 my property, the impact of the continual change in vegetation management regulation is that

I have had to alter my plans for future vegetation management significantly and this will negatively impact on my farms viability.

Banks do not look favourably on the lack of secure prospect for effective development and progressive farm improvements.

The value of my farm has decreased due to its potential for further development.

I did not apply before this latest Bill, I missed the opportunity to secure a PMAV and it looks like now there will be no possibility for this.

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

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| 1. Removing High Value Agriculture and Irrigated High Value Agriculture from the Vegetation Management Framework |
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| <p><b>My current HVA development approval (Olive Vale station) will remain unaffected the removal of the opportunity to further develop my other farms will affect farm operations at all of my other locations.</b></p> |
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| <p><b>Removing HVA/IHVA removes the ability to complete significant farm improvements that would limit the effects of drought and create another income source, through crop production.</b></p> |
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| <p><b>HVA/IHVA projects have the ability to improve employment prospects for residents in many small and remote towns/communities throughout Queensland.</b></p> |
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| <p><b>Background</b></p> |
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| <p><b>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</b></p> |
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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

This is an unethical position and will have far reaching effects on the lives and wellbeing of innocent persons (farmers) that could be found guilty without proof.

The stress this situation will cause will effect generations as children see parents treated as criminals.

Most hands on farmers struggle with finding information on line, I have had departmental staff have difficulty navigating government web sites.

Farmers want to improve their operations not degrade them. The clearing and developing land is significant cost so only the most financially viable land would be cleared on their farms.

### 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.

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

To financially penalise a farmer making an attempt to improve operations is simply unfair and unjust. Applications take a significant amount of time and money (before application is made).



A PMAV request would normally be made after significant works have been completed. Multiple request over time (during prolonged works) would just add to the financial cost of and industry already crippled by drought.

#### 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?

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.

As Queenslanders, we want to see prosperous indigenous and non-indigenous communities that are not welfare dependant.

How will developing the north get off the ground with these restrictive proposed amendments?

#### 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  $\geq 50$  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

The HVA project currently underway at Olive Vale station (Laura) has already become the largest non-government backed employer in the community at Laura.

These changes will stop any neighbouring farmers from commencing their own projects and will limit the ability for other industries that support these projects to grow and develop. (Mechanical facilities, off site accomadation, food outlets and general stores and subcontract transport operators)



Due to the uncertainty in future projects created by these changes, banks are reluctant to provide a dollar value for Development Approvals. In a city location a development approval would significantly increase the value of even a vacant block of land.

Our farm operations are planned for operations over generations, being forced to change farm management operation criteria on a regular and intermittent basis eliminates the ability to plan ahead.

Olive Vale station has already made significant investments in infrastructure to reduce property runoff through the installation of fences on all rivers within Olive Vale station (Reef protection fencing with assistance from Cape York Sustainable Futures).



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| Signed:  |                  |
| Address: |  Queensland 4068 |
| Date:    | 28 <sup>th</sup> April 2016   |