

SUBMISSION TO:**Vegetation Management (Reinstatement) and Other Legislation
Amendment Bill 2016****SUBMISSION COVER SHEET**Closing date for submissions is ~~29~~⁵ April 2016.

Please complete and submit this form with your submission to:

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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.

*A. The value of my property has gone down because I cannot develop any more ground. Because I did not apply for a PMAV previous to this bill it now appears that I cannot obtain one.

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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.

*B. It removes any chance of increasing productivity to keep in line with inflation. It also removes the right to increase your pastures for hay production which is a necessity in the seasonally dry tropics for drought proofing.

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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.

*C. It basically puts you in the same category as a terrorist.

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-Murderers and armed robbers know when they are committing a crime but are presumed innocent until proven guilty. The facts aren't easy to understand as there are so many overlays on the same map.

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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.

*D. High value regrowth - It normally becomes so thick that grass will not grow under it and the ground becomes useless.

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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 'desktop' 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?

*E. No, have not seen it yet but if it's like the last ones it will be wrong. Some of the essential habitat was over improved pastures and brown over already cleared country.

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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.

*F. The indigenous people need to have the right to help themselves and determine their own futures. Development in the North would be severely restricted as it was going to be under the Bligh Government's Wild Rivers Legislation.

The proposed 50m buffer zones on water courses would lead to pest infestations along every water course. You would never be able to keep the noxious weeds out of them. Grass will not grow under those conditions. Grass is a far better erosion control than weeds and rubbish, feel free to come and look at my country anytime. If you look in the Dryander National Park you will see what happens. The land becomes choked with wattle regrowth and the ground becomes acid with absolutely no grass cover under the canopy. Just bare ground where you could drive a vehicle 30 years ago – now you are hard pressed to walk through it.

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

*G. When my family bought the Freehold on this property in 'Fee Simple' from the then Government, the Deed of Grant stated that all vegetation, buildings etc. became ours.

It also stated that you could not be interfered with while conducting your lawful business, by any Government or Local Government Departments for ever into the future.

The notion of compensation for a Labour Government resumption of your Freehold Rights which you had bought legally seems almost criminal to my mind. Compensation should only come into it if the landholder is willing for this to happen, otherwise Freehold Land should be exempt from these restrictions.

The other point is that on small holdings that are productive and supporting their families. Any reduction in capacity to produce will be restricted by these laws. The idea of a fifty metre buffer strip along all water courses especially where in some cases they are only 100 metres or more apart will rob these holdings of their most fertile and productive land and make the holdings unviable. On grazing land where these would have to be fenced, keep in mind that fencing only lasts a few years. The fact is that the water courses would become an overgrown mess of weeds and lantana that you could not get into to maintain. Also they would become corridors for every feral pig and dog in the district.

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Signed:	<u>D. A. Friederichs</u>
Address:	<div></div> <u>Proserpine Qld 4800</u>
Date:	<u>28 April 2016</u>