

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

This submission is made to support the continuation of the Current Vegetation Management Act 1999 and reject the proposed changes in the Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016 ("the Bill").

This Bill further adds to the existing quagmire of legislation governing the stewardship of land tenure in Queensland. The continuing, and seemingly ad hoc changes by legislation to the Vegetation Management rules, particularly where these legislative changes override and affect rights held under land tenure / title, for example, leasehold land obtained prior to 1999, and leasehold land converted, at cost, to freehold, prior to 1999.

The rules have been changed over 18 times in the last 16 years since 1999. This constant change in legislation creates confusion and uncertainty, in an industry that constantly has to battle uncertainty in seasonal conditions and market forces. It severely affects our ability to plan and implement long-term property and business management decisions, including drought mitigation and sustainability of production. Ecological concerns of farming practices cannot be looked at in short-term time frames, but must be planned for over many years, so that constancy in the legislation is needed.

Governments must be morally and/or legally bound to honour the conditions embedded in the title deed under which any parcel of land is purchased from the time of that purchase. Conditions of title may change and other legislation may become attendant to land title but these should only become relevant at any subsequent change of ownership. Otherwise government must be held liable for compensation for any financial or other disadvantage to the titleholder(s) if the conditions of title at the time of purchase cease to be honoured. Resumption at market value is the only other fair option.

Our property [REDACTED] was purchased in 1982 under GHFL title. It was then paid out to convert it to Freehold Title to allow us to develop into a sustainable mixed agricultural/grazing block as funds became available and at our discretion given seasonal conditions. Drought and cattle markets slowed progress with only a portion being cleared in the early 1990's.

The Vegetation Management legislation 1999 locked up 660 hectares of the total 2010 hectares (one third of the area) against any further development. This action makes a mockery of the freehold title reducing it to the value of a Forestry Lease. It also has the effect of putting undue pressure on arable and cleared country to keep the property on an economically viable basis.

In this case as with many similar cases, the retrospective nature of the legislation and concurrent other legislation, is unjust and creates uncertainty for investment in the rural sector of agriculture and grazing. Any legislation affecting management practices of the land should not be retrospective, affecting land purchased previous to the date of the legislation.

The legislation also is an insult to the dignity of all landholders. Landowners are not environmental vandals and it is in their long term interest to practice good stewardship of land under whatever kind of tenure.

This submission is directed to the key provisions of the amending legislation

1. Removing High Value Agriculture and Irrigated High Value Agriculture from the Vegetation

Management Framework As well as being a landholder, I have been a rural veterinary practitioner in the Central Highlands for forty years and have visited almost all properties in a very large area, while treating livestock and also advising on herd health and management issues. Starvation is the Number 1 welfare issue facing the pastoral industry in Queensland, due to seasonal drought and failed wet seasons. I have seen property owners progressively adopting practices such as pasture improvement, paddock rotation and wet season spelling. This has been made possible by diligent land clearing Under erratic Queensland seasonal conditions, good management practices need the ability to mitigate the effects of drought by forage and pasture conservation. The basis of this is not only sustainable production but, more importantly, animal welfare. When seasons fail as happens on a too regular basis, then the production from HVA and IHVA properties ensures the capabilities of feedlots and other intensive husbandry enterprises to absorb the cattle numbers that otherwise would perish under extended drought conditions. This ensures continuity of supply to processors ensuring that markets are satisfied and maintained. The proposed changes to the legislation would have a detrimental effect for many properties.
2. Re-introducing Reverse Onus-of-Proof The inclusion of Reverse Onus of Proof in the Vegetation rules disadvantages landholders in comparison with all other law-abiding citizens. Landholders try to observe the law and follow guidelines, but these are complicated and constantly changing and place an unfair burden on the citizen, without adding to this burden by having farmers required to produce evidence of actions that they have taken in good faith, and without any law-breaking intent.
3. That no compensation will be payable to HVA, IHVA and Property Map of Assessable Vegetation (PMAV) applicants during transitional arrangements Land holders cannot be held to ransom and be economically disadvantaged by the whims of adhoc legislation without due and timely notice. Any proposed legislation that affects land holders entitlements under any existing legislation must carry compensation clauses. Business budgets made in good faith under contemporary legislation particularly in rural agricultural enterprises are long term and require large capital input at the start of many projects. All genuine cases of economic loss under these circumstances must be compensated
4. Including High Value Regrowth as an additional layer of regulation under the Vegetation Management Framework on leasehold, freehold and indigenous land Any land cleared under existing or previous legislation is still regrowth. The determination of High Value Regrowth is a subjective matter and any regrowth is certainly not reflective of the original ecosystem. If any regrowth including any purported HVR is to be excluded from further clearing management procedures, then the disaffected land holders are certainly entitled to compensation for loss of production and 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.

It can be easily demonstrated by comparing cleared to uncleared land that the amount of erosion in virgin timber is considerably higher than in pulled and grassed country. A good healthy grass cover with species having deep root systems can hold the soil together better than standing timber with no grass cover.

The recent coral bleaching on the Great Barrier Reef was a sudden and unpredicted event due to the extended long hot summer which affected Northern Australia. Nutrient runoff would have been a slow and gradual process.

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 major consideration as always is the conflict caused by one Act of Legislation overriding another Act rather than those Acts being complementary. I refer here to Vegetation Management overriding Land Tenure making many entitlements under Freehold null and void

If the concept of "Carbon" is the driving feature of proposed and current legislation, then the same result may be achieved by encouraging and compensating landholders with long cleared land to replant suitable species. This would have the effect of spreading the burden of "Carbon" over ALL landholders rather than target those landholders who are trying to bring land under their management into full and sustainable production and are being frustrated and being denied reasonable rights by current changes to legislation. This would achieve a more equitable situation

Actions and Consequences: The motive behind these proposed legislative changes is clearly the perception of the effect of agricultural and pastoral enterprises on environmental change. Most individuals driving these change do not derive their income from the land and have minimal contact with the land. If these legislative changes are effected, then the actions of a few will have severe consequential results on many land holders in Queensland, producing a downturn in income. A similar scenario would be if the government enacted legislation to reduce the production of coal mines. This would cause massive downsizing of mine operations with consequent loss of employment to many.

A key point to remember is that most landholders are not environmental vandals as much of this legislation makes them out to be. It is in their interests to maintain sustainable farming and pastoral practices

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