

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:

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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").

After years of erosion of farmers rights to manage their properties in a manner that reflected the necessity to produce a living from their asset, recent changes to land clearing rules were treated with great relief by farmers including myself. Make no mistake, these changes did little to remove the burdens placed upon landholders by previous legislation, but at least reduced the overwhelmingly bureaucratic process required prior to proceeding with simple day to day management of one's farm. Up until this point, with every election, new and more draconian regulations were imposed upon farmers with little or no genuine consultation and little or no genuine compensation. At what point does this bewildering vilification of landowners stop! When a citizen's right to the presumption of innocence is removed there is simply no other word than vilification. To feel that as a farmer, you are hated and demonised by a significant proportion of our politicians while you are suffering through unending years of drought is truly demoralising and hurtful. We live on the land because we love the land. We have no intention of destroying our most valuable asset. To listen to our city based critics continually demean us as environmental vandals while many politicians cheer them from the sidelines makes one wonder what has become of our society.

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

<p>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.</p>

<p>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</p>

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

It is difficult to convey, as a fifth generation Queenslander, how hurtful and hateful this provision is. As a law abiding citizen simply trying to feed and raise my family in the bush, to be made to feel that society views me as a criminal leaves a very very bitter taste. Whatever the intent of this provision, that is the psychological impact. We are raised in this country with the belief that we are free citizens and that if we do encounter the law during our lives we will have the presumption of innocence to protect our rights regardless of our guilt or innocence. It is a hallmark of our civilisation since the invocation of the *Magna carta*. It applies to murderers, child molesters, and terrorists, but not, under these proposed amendments, to farmers. It is truly upsetting to feel the weight of that level of vilification as a farmer. If a government anywhere in this country were to introduce a "reform" agenda for the general legal system that included the annulment of the presumption of innocence does anyone genuinely believe that the populace would stand for it? Of course not – as a hypothetical it is laughable. And yet that is exactly what has and will be again imposed upon farmers if this "reform" bill is adopted. As a small and seemingly insignificant and unseen minority, no-one cares. I would implore our representative politicians of every stripe to genuinely reflect upon the impact of this change on the individuals rights.

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

I accept that we live in a democracy. However, when society imposes its will on the individual and there is a cost to the individual, then surely there is a moral imperative that society should meet that cost not the individual. At various stages of increasingly draconian tree clearing laws, the Government has trumpeted their compensation package. It has sadly however, been largely a mirage. In my own case – the introduction of the first round of tree clearing laws imposed clearing bans on some parts of my property as Remnant Endangered. There was and has never been any compensation available for Remnant Endangered vegetation. The next stage was Remnant of Concern and again, significant parts of my property were affected. I applied for the so called compensation and was told that because the area in question did not constitute more

than 15% of my total land area, I was not eligible for compensation. The area involved was over 500 hectares. This is not a hypothetical scenario, this is a factual account of how these laws have affected my family. If I were to try to sell my property, any potential buyer would value the area covered by tree clearing rules as virtually worthless as it is, in its current state, completely unproductive and cannot be improved. Again this is not hypothetical, it is fact. It seems that once again, the Government plans to trample over individual property rights and offer no compensation.

Consider a scenario where the Government went into every house in Queensland and placed an exclusion lock on one bedroom so that the homeowner could not use that room. When the homeowner sought compensation, the Government said you do not deserve any compensation because you still own the bedroom. Just because you cannot use the bedroom is beside the fact. While this is a laughable scenario, it is a practical analogy of the impact of the lack of compensation in this multi pronged assault on farmer's rights.

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

The reintroduction of regrowth layer as additional layer of regulation is potentially devastating to many farmers. The Government talks about regrowth that has not been cleared for many years and uses this as justification for the proposed ban. Again, a "one size fits all" approach that belies a profound lack of understanding of how farmers manage their land. Many of us are multi generational family farms and we see management of our farms in a multigenerational sense. We do adopt the exploitative approach taken by the mining industry for example, but seek to manage our landscapes in much longer timeframes. There can be a multitude of reasons why a farmer has not re-cleared regrowth for many years, including climatic, financial, health, or recognising the benefit of a long term cycle of renewal. Regrowth is a perennial management issue for many farmers and often involves their best and potentially most productive land. To remove the right of farmers to manage their regrowth in a manner they see fit, particularly on freehold land is yet another assault on the rights of the farmer and their capacity to remain viable into the future.

It also has serious implication for the concept of renewal in the bush. In the past, many young farmers got their start by buying rundown farms at a consequently lower price and increased their productivity by introducing improved pastures to areas overrun by regrowth and invasive weeds. Removing this opportunity removes yet another pathway for young people to becoming successful farmers. Similarly, it will target those farmers who have been having very difficult drought years and cannot at this point afford to develop their regrowth country, dramatically reducing the value of their properties and forcing them closer to bankruptcy.

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.

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

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