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Qld Chicken Growers  
Association

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Organisation

**ASSOCIATE  
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Queensland Chicken  
Meat Council

Flower Association of  
Queensland Inc.

Pork Queensland Inc.

Fitzroy Food & Fibre  
Association

Pioneer Valley Water  
Co-operative Limited

Central Downs  
Irrigators Limited

Burdekin River  
Irrigators Area  
Committee

Emerging Primary  
Industries Groups

- Biological Farmers  
of Australia
- Queensland  
Aquaculture  
Industries  
Federation

04 November 2011

The Research Director  
Environment, Agriculture, Resources and Energy Committee (EAREC)  
Parliament House  
George St Brisbane  
Email: [earec@parliament.qld.gov.au](mailto:earec@parliament.qld.gov.au)

Thank-you for the opportunity to provide contribution the EAREC inquiry into the on the Strategic Cropping Land Bill - 2011. Queensland Farmers' Federation (QFF) is the peak body representing and uniting 16 of Queensland's rural industry organisations who work on behalf of primary producers across the state. QFF's mission is to secure a sustainable future for Queensland primary producers within a favorable social, economic and political environment by representing the common interests of its member organisations'. QFF's core business centres on resource security; water resources; environment and natural resources; industry development; economics; quarantine and trade.

Our goal is to secure a sustainable and profitable future for our members, as a core growth sector of the economy.

Queensland Farmers' Federation (QFF) is strongly supportive of the intent of the Strategic Cropping Land Bill 2011.

QFF has been heavily involved in negotiating the policy and implementation frameworks associated with this initiative over the last two and a half years. To assist in this endeavour we have relied on support from our members as well as strong informal alliances with a number of regional land holder and food related advocacy groups. The submission QFF provides to this inquiry is designed to be focused specifically on the provisions within the Bill as drafted. The Federation has attempted to provide a positive, solution focused perspective. The comments of the Federation in no way prejudice the opportunity our members may take to provide their own specific contribution to this inquiry.

General Comments about the Bill

QFF provides this submission to the Committee as just another part of the ongoing dialogue around a series of equally important reforms to assist Queensland agriculture deal with an expanding level of competition for the natural resources which traditionally have been harnessed for the production of food and fibre.

QFF strongly supports the intent of the SCL Bill. Perhaps its greatest deficiency is that it was not developed years ago and is therefore limited by a lack of retrospective powers.

QFF is constrained in providing comprehensive comment on this Bill, because:

- The text of the Bill was only provided to us immediately following its introduction into Parliament on the 25<sup>th</sup> October and we have therefore had just 8 business days to develop a submission to this inquiry.
- It is difficult to fully appreciate how the purposes of the Bill will be implemented until the drafting of the regulations, of which there are many, are completed sometime over the coming months.
- There have been no decisions announced regarding the final cost structures Government will apply to the administration of decisions within the Bill. This gap along with a complete lack of any market knowledge of how much it will cost for the on ground validation of SCL means that we have no real knowledge about the costs of implementing the SCL framework.

QFF will require the Government to ensure there is comprehensive and detailed consultation on the drafting of these regulations as they occur. This is particularly the case for the Standard Condition Code referenced in the Bill (Clause 81).

#### Specific comments relating to the provisions within the Bill

- QFF broadly supports the stated SCL Principles identified in clause 11 of the Act.

Limitations on the delivery of the purposes of the Bill:

- The definition of permanent impact outlined in clause 14 is stated as - impeding the land from being cropped for 50 years. This time frame is far and seems without any justification. QFF has previously submitted that a more reasonable timeframe would be one generation (22 - 25years).
- Cumulative impact is referenced in the Bill (Clause 14 1) a) but the way in which it will be implemented as the policy framework intends is unclear. The Governments 2010 policy framework clearly highlighted that a loss in productivity of SCL would also be a trigger for planning decisions or development conditions to be applied. It is QFF's recommendation that this principle be specifically included in Clause 14 of the Bill.
- The Bill has been unable to clearly capture the fact that SCL alienation and a loss of productivity may result from development practices beyond those that disturb the surface of the land ie. the soil. QFF submits that the Bill should also provide for the ability to apply conditions to development proposals that may impact on the critical infrastructure that supports validated SCL. By way of example, to deliver on the purposes of the Act, the appropriate consent authority must be tasked to consider impact from underground resource development activities that may result in damage to irrigation infrastructure, eg. Dam or ditch structural impact, or land subsidence, which cannot be restored to a level that maintains productivity potential.

- The Protection area delivers policy intent, the management area does not. The decision of Government to move to a two tiered system of a Protection area and a Management area (by exclusion) is not supported by QFF. The policy intent of this Bill is not delivered in those areas that will fall within the Management Areas, these being simply defined as that area of validated SCL that does not fall within the Protection areas. The definition of the protection area, as simply that area which is mapped as so, (Clause 28) provides no industry or community understanding as to the reasoning behind these areas being afforded the protection that was envisaged would be applied to all validated SCL. To this extent QFF submits that the concept of the Protection area and the Management area should be struck out of the Bill.

With this done, all other provisions relating to the SCL principles of protection, avoidance, minimisation, mitigation and productivity along with the multiple exemptions, transitional arrangements and community benefit tests would provide more than sufficient capacity for the policy to avoid onerous limitations on economic or community development.

#### Limitations on the SCL Criteria:

- The criteria remain under debate. QFF notes the complexities that have been involved in developing the criteria for SCL identified under Schedule 2 of the Act. QFF supports the proposal to have a technical committee monitor the application of the criteria to ensure the intended scientific outcomes are achieved and further the Federation supports the proposal to review the policy framework at the end of 2years of implementation. QFF notes that the criteria as they are stated do not in any way identify some highly productive agricultural soils or land in Qld and nor do they cater for the diversity of the production systems that remain viable on a variety of soil types across the state.

#### Administrative arrangements:

- QFF does not support the policy concept associated with the option of mitigating permanent impacts to SCL.

If it were applied in an agreed circumstance (temporary impact) QFF would see mitigation as being a function of restoring and underpinning productivity growth. For this reason QFF does not see justification for the specific reference to the NRM regional bodies (Clause 135) in the administration or advice with respect to mitigation projects. QFF supports the role of NRM regional bodies within their uncontested regional expertise in NRM planning and management. They do not have this same level of expertise in agricultural productivity, particularly at the state level. Industry organisations do, as do their partners in industry research and development organisation, all of which are specifically tasked with investing in productivity. It is these organisations that should be engaged for this role.

QFF submits that the Decision Register should also include details about how mitigation is being managed. This will ensure industry and community will have an opportunity to understand how mitigation will be delivered.

Clause 135 identifies criteria for assessing mitigation “projects”. The criteria include “benefit the largest possible number of cropping agribusinesses.” QFF submits that this criterion should be deleted as it does not delivery on the intent of the provision and could lead to perverse outcomes.

- QFF notes that under Clause 41 of the Bill a person other than a land owner may wish to apply for SCL validation of the land. This poses a very difficult and untenable situation. The SCL validation process will require access to the land and this would require landowner consent. If the application was made by a resource company then they would not have legal access to the land unless they already hold tenure rights over the land and they have therefore negotiated a land access and compensation agreement. This bill specifically states a validation request can be made by an eligible person who does not yet have any source approval. This would generate an unacceptable situation and must be amended to avoid such outcomes.
- QFF believes projects that have been granted transitional status or exceptional circumstances should be listed on the decision register (Clause 241).
- Transitional arrangements and exceptional circumstances: QFF believes the transitional arrangements provided for under the Bill are generous to the point of devaluing the enduring impact this legislation will have. The arrangements are not transparent in that neither the community nor affected industries can clearly observe the status of existing projects or the basis upon which transitional status was granted. This is particularly the case with respect to Clause 282 (EPC 891). To show faith in the intent of this Act, QFF requests the Government reviews the conditions that will be applied to all projects provided transitional status and ensures that new conditions be applied to deliver upon the principles of this legislation. As aforementioned QFF also submits that development projects being granted either transitional status or exemptions or categorised / regulated for state significance should be listed on the Decision Register.

QFF is committed to working with the Queensland Government to address the challenges associated with the conservation and management of SCL. We thank the committee for considering this submission, particularly given the timeframes and would welcome the opportunity to provide further contribution if requested.

Yours sincerely,



Dan Galligan  
Chief Executive Officer