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The Research Director
Environment, Agriculture, Resources and Energy Committee
Parliament House
George Street
BRISBANE QLD 4002

Submitted via email: earec@parliament.qld.gov.au

RE: Submission to *Strategic Cropping Land Bill 2011*

AgForce Queensland was established in 1999 and is the peak body representing broad-acre farmers, and more broadly, agriculture in Queensland.

AgForce represents thousands of Queensland beef, sheep and wool, and grains producers who recognise the value in having a strong voice. These broad-acre industries manage 80% of the Queensland landmass for production and most rural and regional economies are dependent on these industries directly and indirectly for their livelihood. AgForce delivers key lobbying outcomes and services for members and presents the facts about modern farming to consumers through the *Every Family Needs A Farmer* campaign.

AgForce has been involved extensively throughout the developmental process of this bill through representation on the Strategic Cropping Lands Advisory Committee (SCLAC), and is broadly supportive of the intent and delivery of the outcomes.

The usage of a scientifically based set of criteria, couple with regionally specific thresholds, was always the preferred option from AgForce's perspective. Assessment of how this framework rolls out from here will be imperative to ensure that the desired outcomes, hoped to be achieved through this mechanism, are actually delivered ground.

To this end, AgForce requests that the SCLAQ be retained to ensure that this is the case by being provided with data and information as this proposed bill takes effect.

AgForce also calls on the Government to outline what the **extension process** will be to publically consult on this new framework. This extension is intrinsically important to **ensure that all stakeholders are aware of their rights and**

obligations under this proposed policy. Further to this is the concern on the **timeframe in which this consultation process has been undertaken**. One week to disseminate nearly three hundred pages of legislation and explanatory notes is certainly not a long enough timeframe to assess appropriately, or provide this Committee with a full and frank submission.

There are, however, several **issues that AgForce would like to be clarified**, and for the Committee to take into account during its deliberation and consultation on this bill.

These specifically relate to, but are not limited to**;**

- **diversification of capacity across our agricultural landscape,**
- **the role of mitigation throughout this process,**
- **access arrangements for the investigation of the SCL criteria,**
- **assessment access for SCL criteria and the specifics of this bill relating to EPC 891.**

There has been some consternation during the developmental process of this bill regarding **on farm diversification of development pertaining to removal of strategic cropping lands**. Discussions around **ancillary services** required for the cropping industry (for example grain drying, classing or storage facilities, or workshop sheds) were often had, but with little resolution as to how this will be dealt with through the bill. AgForce is pleased to see this further expanded upon in s.291, listing many farm diversification developments that can be excluded from these criteria. However, without having seen the regulations to these sections, it is difficult to understand what processes these will be assessed under, and there appears to be the possibility from the draft regulatory statements pertaining to this Bill that **very large costs for development applications** may be required for the landholder to undertake these activities on their own property. AgForce requests the committee to look in to this issue and provide resolution to the agricultural sector that this will not be the case.

AgForce welcomes the "**avoid, minimise, mitigate**" perspective of protection of SCL from development. The development of the mitigation process and the utilisation of the **Community Advisory Groups** (s.145) appear to have strong outcomes, but there is **little detail** as to **how these groups will be setup**. AgForce believes that these groups will require extensive industry input to assess appropriate **research possibilities for mitigation**, knowledge of the **specific cropping regimes of the location**, and the processes through which the **extension** of these group's findings will occur. To date there is no information as to **how these groups will be financed**, what the **makeup** of the groups will be, nor the powers they will hold. AgForce can only assume that these details will be forthcoming through the regulations. At the very least the **incorporation** of the

specific **"Research & Development Corporation"** into these committee's should occur, as the focus of these is to look at the efficiencies and production capacity of these cropping regimes.
Another concern that AgForce has is in regards to the **definition of the "source authority"** (s.20) in reference to the resource authority, as well as development approvals and environmental authorities. In regards to this reference of the resource authority, and the assessment of the strategic cropping lands criteria for determination, there appears to be some **confusion regarding timing and access legislation**.

Post the legislative amendments from October 2010, the resource authority is bound to negotiate a Conduct and Compensation Agreement with the landholder to undertake exploratory works pertaining to their resource authority. These agreements cover off on the **conditions** on which this access will be governed, and the operational constructs **regarding timing, biosecurity and the application of the ongoing farming practise** in regards to the resource tenure holder accessing the property, amongst other criteria. It appears that access to the land to assess against the strategic cropping land criteria can be granted prior to the finalisation of this authority, and therefore comes before the negotiation of this agreement has been undertaken.

As the SCL criteria is governed by this Bill through the Department of Environment and Resource Management, and the Land Access legislation is governed by the Department of Employment, Economic Development and Innovation, there appears to be some confusion regarding the timing of these requirements. AgForce has raised this with both Departments for further clarification, but to date has received no reply.

The last, but most specific issue that AgForce has with the proposed Bill relates specifically to the proposed **transitional arrangements** for those activities already underway, in some capacity, as the legislation was under development. Whilst AgForce accepts that transitional arrangements are required, there is one test case where we believe that the process has failed.

Following the public release of the proposed framework on the 31st May 2011, the Stakeholder Advisory Committee subsequently met on the 2nd June 2011 to discuss the details relating to the SCL policy. At this meeting several specific case examples were raised for clarification regarding the impact of SCL policy on the approvals process currently progressing – the transitional arrangement framework. This was to pertain to the timing of all applications, regardless of progression, as at 31 May 2011. The **Bandanna Coal** resource proposal was raised as a specific example during this meeting, amongst other examples. The SCLAC was briefed at this time that as the proponents had not yet finalised a terms of reference that the government had approved prior to the release of the SCL policy, then the entire approvals process now falls under SCL guidelines, as outlined in the framework.

It has since come to AgForce's attention that a **"deal"** was then done with the Bandanna Coal proponents outside of the framework of the SCL policy position and without the acknowledgement of the Stakeholder Advisory Committee. This deal pertained to the project not being fully captured by the framework (despite the SCLAC being lead to believe the lack of a finalised and Governmentally accepted Terms of Reference for the appropriate environmental approvals would capture this project), and that whilst alternate project stipulations would be placed on the project, the project would still go ahead, despite it being directly alienating SCL.

We also wrote to the Minister at the time regarding this issue, but to date have had no formal reply. As such, AgForce is seeking the details of which this deal has been completed. AgForce is also seeking information from this Committee's **inquiries as to the validity of s.282 and s.283** of the proposed Bill, pertaining to the exclusion of EPC891 (the Bandana Coal Project) from the SCL proposed legislation regarding the finalised terms of reference as being published on 2 June 2011 – three days after the release of the SCL policy intent that has formed the basis of this Bill.

AgForce is extremely concerned regarding the processes behind which this deal has been undertaken and we seriously question the validity of the SCL policy platform when the first time it was been tested, it appears to have failed to protect strategic cropping land under the definitions of criteria and timeframes outlined in the documentation.

For any further enquiries or clarifications as to this submission please do not hesitate to contact Drew Wagner, Policy Director, on (07) 3236 3100 or electronically at wagnerd@agforceqld.org.au

Ian Burnett
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