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STATE DEVELOPMENT, INFRASTRUCTURE
AND INDUSTRY COMMITTEE



CANEGROWERS



SUBMISSION

Vegetation Management Framework Amendment Bill 2013

**Submission to the State Development,
Infrastructure and Industry Committee (SDIIC)**

April 2013



About CANEGROWERS

CANEGROWERS is the peak representative body for Australian sugarcane growers. Around 80% of Queensland sugarcane growers are members of the highly successful lobby, representation and services group. Based in Queensland, the State that produces around 95% of Australia's raw sugar output, CANEGROWERS Queensland represents the interests of cane growers Australia wide.

Government and business leaders recognise CANEGROWERS as the authoritative voice of sugarcane growers. Membership ensures that growers' needs are represented at the highest possible levels of industry and government decision-making. We safeguard growers' interests on all issues likely to affect their business.

The CANEGROWERS organisation exists to:

- Provide strong leadership for cane growers within a viable sugar industry
- Deliver effective representation on behalf of Queensland sugarcane growers
- Ensure cane grower strength and influence at local, district and state/national/international levels through unity and common values.

Sugar is one of Australia's most important rural industries, worth around \$1.8 - \$2.5 billion to the Australian economy. Since 1970, world sugar production has undergone massive changes. As the global demand for sugar increases, so does the environmental scrutiny of agriculture, particularly in developed countries. CANEGROWERS regard sustainability not as a cost but as a potential means of further improving our productivity and efficiency. Most importantly, we see sustainability as a basis for ensuring long term viability and the guarantee that future generations will continue to produce sugar - at a profit.

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10 April 2013

Mr David Gibson MP
Member for Gympie
Chair, State Development, Infrastructure and Industry Committee

Sent via email: sdiic@parliament.qld.gov.au

Thank you for the opportunity to comment on the *Vegetation Management Framework Amendment Bill (2013)*. Queensland Cane Growers Organisation Limited (CANEGROWERS) represents 80% of all sugar cane growers throughout Queensland. The sugar cane industry currently farms in excess of 330,000 hectares contributing around \$2.5 billion annually to the Queensland economy from sugar production and export receipts.

At present, the sugar industry is embarking on a growth strategy which seeks to regain some 100,000 hectares of prime agricultural land which has been lost in the recent past to forestry, vegetation regrowth, grazing and other agricultural and non-agricultural pursuits.

CANEGROWERS strongly supports the Queensland Government's efforts to reform the *Vegetation Management Act (2009)*, known as VMA. For too long, VMA has been a regulatory thorn in the side of agriculture in Queensland. The Office of Best Practice Regulation stated last year that the VMA has significant "reach" and is considerably "onerous". Similar comments were made by the Productivity Commission in 2004, where the Commission reported that obligations placed on landowners for vegetation regulatory regimes are unnecessarily complex and burdensome and that the benefits have not been worth the weight of regulation. CANEGROWERS is of the same opinion.

As it stands, VMA applies to 90% of land in Queensland. All sectors of the economy and all land tenure types are to abide by the regrowth codes. However, exemptions have been made for the property and construction sector through the Urban Land Development Authority (ULDA) as well as projects of state significance like those relating to mining, resources and energy. In reality the burden for vegetation management falls exclusively on the farming sector in Queensland.

Now is the time to reform VMA, but it must be done right. The proposed reforms are a very good step in the right direction. However, there are a few aspects of the reform that require greater attention, to make VMA more amenable to the rural sector. The following changes will bring VMA back to the sensible centre of remnant and regrowth vegetation regulation in Queensland.

In summary CANEGROWERS provides the following suggestions for the Committee to recommend:

- **Remove the Category R declaration provisions in *clause 24* for previously cleared farm land and apply them to uncleared areas around watercourses in the Great Barrier Reef catchment area.**
- **Reverse the onus of proof so that the Government must justify mapping and zoning decisions with real, site specific evidence.**
- **Split the reporting requirements for Development Plans to reflect the size of the management proposals, develop a self assessable code for small clearing operations and simplify the Development Plan process for all other (large) operations.**

1. Category R – regrowth watercourse areas

The sugarcane industry is the economic and social backbone of coastal Queensland. The vast majority (87%) of sugarcane grown in Queensland occurs within catchments adjacent to the Great Barrier Reef Marine Park (GBRMP). For over a century, the relationship between the development of the sugarcane industry and the effective management of the GBRMP has been symbiotic in nature. Sugarcane farmers are aware that their on-farm practices may have implications in a catchment area as well as for the GBRMP. All efforts are made to minimise these impacts.

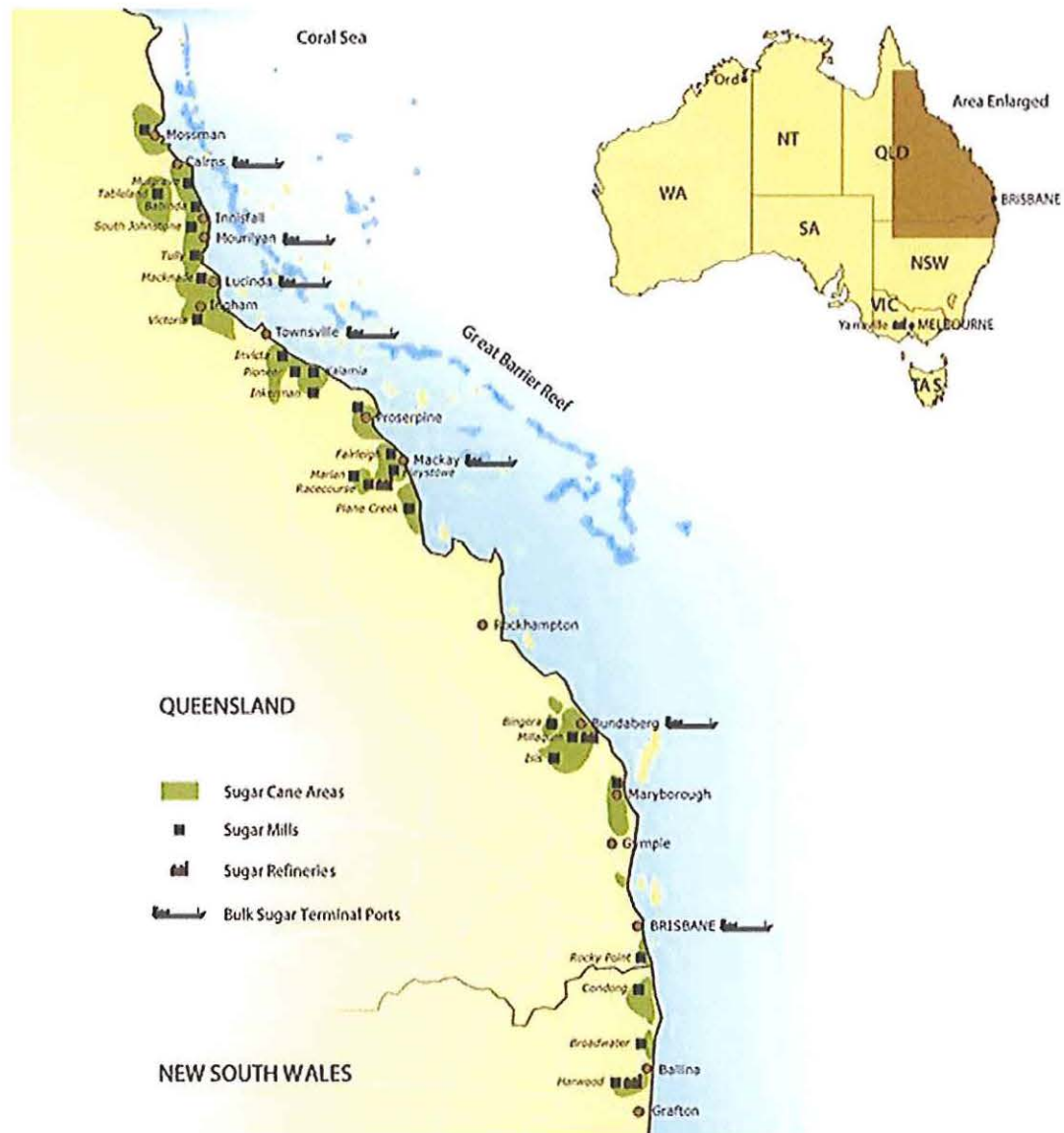


Figure 1: Sugar cane areas in Queensland

For many years, CANEGROWERS and sugarcane farmers in coastal Queensland have been developing a science driven Best Management Practice program to ensure productivity and profitability on farm as well as ensuring environmental stewardship. Evidence of this is visible in the development of constructed wetlands and recycling pits as sediment and nutrient traps as well as significantly reducing chemical and fertiliser inputs across the whole industry. This is well supported by engagement in the *Reef Rescue* program, uptake of chemcert chemical training and nutrient programs including *Six Easy Steps* nutrient management.

CANEGROWERS and our members are aware that riparian zones can play a positive role in the filtration of nutrient run-off, stabilisation and prevention of bank erosion and assist in vermin control. However, at the time VMA regrowth clearing moratorium was introduced in 2009, the 50m native vegetation buffer zone on water courses in the GBRMP catchment areas did not account for farm management practices and did not recognise that circumstance on individual farms may vary.

The implications of this part of VMA have been very significant for the Queensland sugarcane industry. Due to the porous definition of a watercourse and the geographic spread of the Mulgrave, Johnston, Tully, Herbert, Burdekin, Proserpine and Pioneer rivers, large sections of many farms were regulated under the 50m native vegetation buffer zone. Despite historical and continuing cultivation in these areas, farmers and free-hold land owners are no longer able to effectively manage their land to its maximum potential. In some cases, whole paddocks are within the 50m buffer zones between loosely defined water courses as portrayed by figure 2.

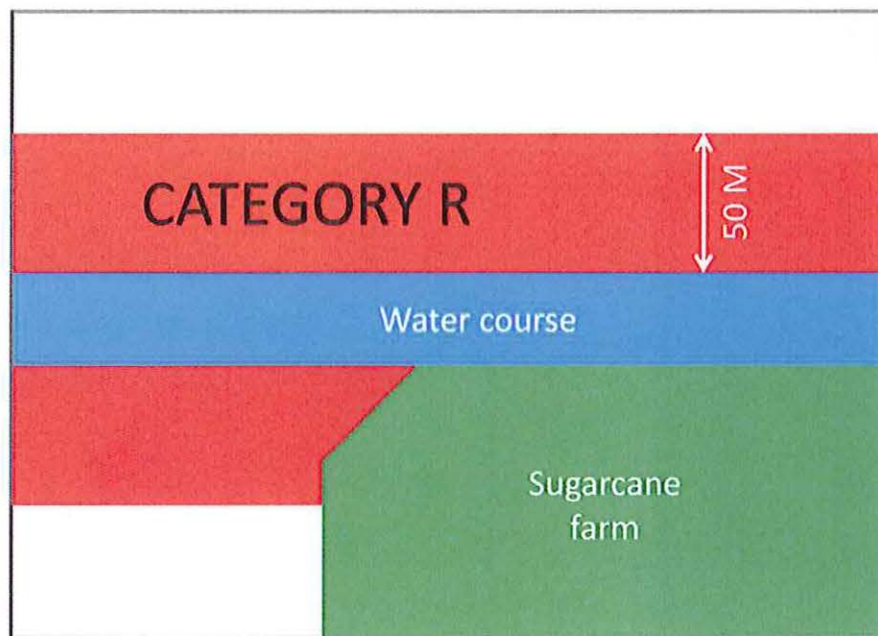


Figure 2: Separation of cleared and uncleared land in Category R mapping

The proposed changes for converting the 50m buffer zones to a Category R zone will not fix the ongoing problems with the VMA for farmers in the GBRMP catchment areas.

CANEGROWERS recommends the removal of the Category R declaration provisions in clause 24 for previously cleared farm land and apply them to uncleared areas around watercourses in the Great Barrier Reef catchment area.

2. Reversing the onus of proof to ensure truth in mapping

The onus of proof within the VMA has always rested with the land holder – the Government would regulate an area and the land holder (farmer) would have to prove that the Government’s decision was uninformed or just plain wrong. This process needs to be reversed, to ensure the party proposing the new zoning condition (the Queensland Government) can prove that its mapping and zoning are accurate.

Additionally, ground-truthing the mapping should be demonstrated by the Queensland Government. Under the current VMA, the *Chief Executive* had power to show particular areas on a map. For example, the Government can show an area as “Category C – high value regrowth vegetation” although in reality certain areas may have been cleared and the vegetation is not high-value regrowth vegetation.

This rule poses a significant amount of regulatory risk to farmers as the regulations for vegetation management across Queensland do not need to truthfully reflect physical and real vegetation. The proposed changes under *Clause 15* and *Clause 16* do not aim to correct this error of legislative policy over-reach, it aims to enshrine the regulations through amendments to the Vegetation Management Act.

Reversing the onus of proof and ensuring Government mapping and zoning is accurate and truthful is a very important part of restoring community support for VMA in regional areas.

CANEGROWERS recommends reversing the onus of proof so that the Government must justify mapping and zoning decisions with real, site specific evidence.

3. Development Plans

The Queensland Government’s intent in reviewing the VMA is to reduce the regulatory burden and to facilitate the development of the 4-pillar economy. CANEGROWERS considers this intent is confused with the proposal to introduce compulsory Development Plans for applications for “high value agriculture” or “high value irrigated agriculture” clearing.

One way to balance reporting requirements with reducing regulatory burden could include splitting the requirement to submit Development Plans between small and large proposals. For example, clearing less than 50ha for “high value agriculture” or “high value irrigated agriculture” could be self-assessable, similar to other provisions in the proposed changes.

Clearing remnant vegetation is a costly and time-consuming exercise. For both small and large scale clearing operations for agriculture, the costs of the activity will in most cases be an efficient impediment in stopping unnecessary clearing. CANEGROWERS strongly believes there is no role for government to consider details of business plans or privately collected agronomic data to approve a clearing proposal. Further, the development of counter-factual arguments for site location and mitigation of adverse impacts will increase the regulatory burden on farmers, beyond the existing regulations.

Clearing more than 50ha of “high value agriculture” or “high value irrigated agriculture” would require a Development Plan that contained information relating to:

- the extent, location and timing of clearing
- approval from the “eligible owner”
- details on how the clearing will comply with a clearing restrictions on “restricted high value agricultural areas”
- evidence the application will not involve clearing of native vegetation to plant a high risk species, as defied by the *Land Protection Act (2002)*.

CANEGROWERS recommends splitting reporting requirements for Development Plans between small and large high value agriculture or high value irrigated agriculture clearing. For small clearing operations, a self-assessable code be implemented and for large clearing a more streamlined Development Plan be required.

Ensuring vegetation management regulations across Queensland protect the state’s natural assets well as providing a sustainable economic future for sugarcane farmers is important. CANEGROWERS strongly supports current efforts, but would encourage the Committee to deliberate our remaining concerns to ensure a fair outcome for all Queenslanders.

Thank you for your time to consider this submission before the Committee.

Yours sincerely,



Matt Kealley
Senior Manager – Environment & Natural Resources