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Sub No 46

AgForce Submission

Queensland Parliament State Development, Infrastructure and Industry Committee
***The Vegetation Management Framework Amendment Bill 2013* Inquiry**

AGFORCE

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Executive Summary

AgForce Queensland (AgForce) is the peak lobby group representing the majority of beef, sheep and wool, and grain producers in Queensland. AgForce represents around 6,000 members and exists to ensure the long term growth, viability, competitiveness and profitability of these industries. Our members provide high quality food and fibre products to Australian and overseas consumers, manage a significant proportion of Queensland's natural resources and contribute to the social fabric of rural and remote communities. These areas are also where *the Vegetation Management Act 1999* (the VMA) has caused the greatest impact.

AgForce welcomes the opportunity to provide feedback to the Queensland Parliament State Development, Infrastructure and Industry Committee consultation on the *Vegetation Management Framework Amendment Bill 2013* (the Bill).

AgForce members have long maintained that the current vegetation management framework is constrained by red tape and bureaucracy. Issues have been compounding since the VMA was first implemented, while landholders have attempted to understand and work within the legislation.

To this end, last year AgForce made representation to the new Queensland Government that the framework be reviewed and restructured to achieve a balance between economic, environmental and social values across the State. AgForce and its members investigated and documented a range of issues with the current vegetation management framework putting forward a number of recommendations and strategies for reform to the Premier and Cabinet.

These recommendations form the basis for this submission and the justification for change to the current legislation. It is imperative that measures be taken that produce fairer and more equitable results for landholders, which are backed by scientific data and open to administrative challenge and review. These recommendations do not intend to change the fundamental basis and outcomes of the VMA and therefore do not diminish the Government's ability to assess the impact of development, make informed approvals, and monitor the compliance and effect of the vegetation management framework.

AgForce's views were confirmed by the Queensland Competition Authority's Office of Best Practice Regulation review into Red Tape Reduction, which recommended the VMA be reviewed as a matter of priority on the basis of the concerns noted above.

AgForce supports the Queensland Government's objective to double the value of food production by 2040. We are also acutely aware of the need to achieve a cost effective reduction in red tape, not only for industry and business but also for Government. The VMA in its current form restricts sustainable development on rural land and is punitive rather than incentivising for landholders in the management of woody vegetation cover.

For this reason AgForce supports many of the changes proposed in the Bill. This submission will highlight areas of the Bill that require further clarification, as well as areas AgForce believes need further consideration.

Background

The vegetation management framework in Queensland regulates the clearing of native vegetation mapped as either remnant vegetation on a Regional Ecosystem (RE) map or regulated regrowth on a regrowth map. It is regulated through the *Vegetation Management Act 1999* (VMA) and the *Sustainable Planning Act 2009* (SPA).

In addition to the VMA and SPA the framework encompasses other pieces of regulation (for example the Vegetation Management Regulation 2000), a State policy, regional vegetation management codes, an offsets policy, and a regrowth vegetation code.

Landholders wanting to manage vegetation on their properties must ensure they comply and follow the complex framework, a task that is often time consuming, arduous, resource intensive and discourages good management through confusion. This is particularly the case for landholders wanting to manage and develop land within remnant REs, regardless of the conservation status and classification (least concern, of concern or endangered) and the extent of the RE across Queensland.

The entire vegetation management framework is constrained by red tape and bureaucracy and as such has ramifications on social, economic, and environmental outcomes across Queensland that need to be addressed. Measures must be taken that can produce fairer and more equitable results for landholders.

It is AgForce's firm view that current regulatory deficiencies have limitations on achieving the purpose of the VMA and its desired legislative objectives to[1]:

a) Conserve remnant vegetation that is-
    i. An endangered regional ecosystem; or
    j. An of concern regional ecosystem; or
    k. A least concern regional ecosystem; and
b) Conserve vegetation in declared areas
c) Ensure the clearing does not cause land degradation; and
d) Prevents the loss of biodiversity; and
e) Maintains ecological processes; and
f) Manages the environmental effects of the clearing to achieve the matters mentioned in (a) to (e); and
g) Reduces greenhouse gas emissions.

These limiting effects have been felt by producers in both land development proposals and ongoing land management. The imposition of such a framework has shown a distinct lack of trust from the Government in allowing producers to make land management decisions.

In turn these impositions have become so restricting that proponents in the rural sector have great difficulty meeting expectations of the framework.

[1] Queensland *Vegetation Management Act 1999*, Part 1, s3, pg. 13 – 14

The lack of consultation with landholders and the unwillingness of previous Government departments to respond to landholder concerns have exacerbated these issues beyond the initial problems. The department has become largely alienated from what should be their principle source of reliable information- rural landholders.

It is AgForce's experience that administration of the VMA and its codes and decisions by staff without the appropriate skills or lacking an on-ground understanding of the region has led to inconsistent advice, as well as an unwillingness to offer, negotiate or consider alternative solutions to performance requirements.

The approach of the State Government since the introduction of the VMA has been to view any activity undertaken on rural property involving vegetation management as having a disproportionate impact on environmental values. For this reason, the departments' attitude has followed that only regulation can control such impacts.

This inconsistency of information and inflexibility from departmental staff has made it even more difficult for producers to try innovative and practical solutions to achieve landscape outcomes and comply with their legislative obligations. To add to this, the prescriptive and complex nature of the codes means that many landholders cannot complete the development applications by themselves and require consultative assistance, which is often at great cost to the producer and for limited additional environmental benefit.

There are regularly large departmental delays in receiving a response or an approval for development. Evidence from a vegetation management survey conducted last year on AgForce members shows that application approvals take anywhere from two months to three years, with an average timeframe of just under a year for a response. Often the landholder has to follow up a number of times to get this response, and despite the extended timeframe a successful application is not guaranteed. Anecdotal feedback from a small group of landholders seems to indicate this is improving. However, the resources of the department in processing applications are limited and without change to the processes this could quickly cause such delays once again.

These administrative delays, together with unnecessary complex legislation and poor administration adversely affect long-term planning; forcing landholders to focus on short-term objectives and can have perverse environmental, social and economic outcomes. Perhaps counter-intuitively, streamlining of the VMA will result in improved landscape environmental outcomes.

Key recommendations previously presented to Government

In September 2012, AgForce presented a document to the Queensland Cabinet and Minister Cripps highlighting major concerns with the vegetation management framework, along with key recommendations AgForce felt needed to be addressed.

The key recommendations were:

Work with industry to streamline and improve the vegetation management framework in Queensland- particularly engaging with landholders at the local level.

All relevant purposes, related to agriculture to be made self-assessable to the greatest extent.

Change the Regional Ecosystem mapping process to ensure maps are not certified without review, and processes to correct errors are improved.

Increase the approval time frame for development activities from 5 years to perpetual, with a review period.

Reject and repeal the Regulated Regrowth Code and map layer- retaining Ministerial powers of declaration where it is justified.

Review existing mechanisms such as the Property Map of Assessable Vegetation (PMAV) and the Offsets Policy to ensure expanded and more efficient outcomes can be achieved and protected.

Review the *Vegetation Management Act (1999)* against the measures required in the *Legislative Standards Act (1992).*

Consider the removal of the Objective *'to reduce greenhouse gas emissions'* in the *Vegetation Management Act (1999).*

The detail relating to each recommendation and the impacts the VMA has had on landholders provides much of the justification AgForce believes will support a number of the proposed changes within the Bill.

Please note the recommendations are not listed in order of importance, merely numbered to allow for document navigation.

Recommendation 1

Work with industry to streamline and improve the vegetation management framework in Queensland- particularly engaging with landholders at the local level.

In the past government officers worked alongside landholders to achieve the common objective of a healthy and sustainable landscape. Now because of the complexities of the VMA, and the difficulty in understanding and implementing the purposes of the VMA, there is a situation where a complete lack of trust exists. A lack of procedural fairness and natural justice has exacerbated the situation and any review of the VMA should be made against the fundamental legislative principles.

Over time, with the development of the legislation and regulations, the original intent of the legislation, to cease broad-scale land clearing, has been lost. Landholders have difficulty understanding the policies, codes, performance requirements and acceptable solutions. These difficulties increase the time, resources and stress on the landholder when attempting to prepare their applications, to notify the department of clearing, or just the day-to-day management of their properties.

The VMA focuses on the retention of mature trees, rather than ecosystem outcomes. This has demonstrably contributed to land degradation, threatening biodiversity and essentially making the purpose of the VMA redundant.

The VMA and its framework hinder landholders from conducting essential management of their properties, for example controlling encroaching vegetation, managing pest plants species, and constructing necessary fence lines. The relevant purposes listed under Section 22A of the VMA, should not be known as 'development', rather they are land maintenance activities that are a necessary and integral part of modern farming and any vegetation management legislation needs to reflect this through making these activities self-assessable.

In addition the science behind the classification of vegetation within the VMA framework should be re-examined, in particular the claim that 30 per cent of an ecosystem remaining is required for it to be sustainable. The VMA has also resulted in those properties with a large amount of vegetation mapped as remnant (for example greater than 25 per cent) facing a lifetime of reduced property value and a restricted ability to improve production.

A move away from the individual tree approach that prescribes how to achieve outcomes, to a whole of landscape approach and performance based outcomes needs to be implemented. It is imperative this move is supported by staff willing to consider innovative ideas to achieving outcomes

at ground level. The department needs to retain staff that have regional and on-ground knowledge where possible and allow for more on-ground support to assist with this outcome.

The broadacre agricultural sector has never avoided scrutiny and has been open to engaging in the process of development standards, efficient administration and compliance measures. For example the industry has developed and been involved in Best Practice Management programs, as well as the Queensland Government Delbessie Agreement. Continuing these restrictions at their current level will stifle the ability of the sector to contribute to the expansion of the Queensland economy.

If this framework is to return to performance based and shared outcomes, a far more open and cooperative arrangement between industry and the department will be required.

How does the proposed Bill assist in achieving Recommendation 1?

Areas within the Bill's explanatory notes supporting this recommendation include:

- **The Bill's policy objectives; particularly to reduce red tape and regulatory burden on landholders and to support agriculture within the four pillar economy.**
    - **AgForce supports the policy objectives and maintains engaging with industry and local landholders is fundamental to achieving the policy objectives of the Bill.**
- **Assurance of consultation**
    - **AgForce notes that departmental consultation and a general willingness to engage with industry has improved dramatically over the last 12 months. However, much of the engagement at the local level has been limited to provisions already legislated. AgForce supports and strongly recommends further consultation once the Bill has been passed.**

Recommendation 2

Change the Regional Ecosystem mapping process to ensure maps are not certified without review, and processes to correct errors are improved.

The current and future maps that provide the basis for assessable and non-assessable activities have not changed. There will be two classes of land under existing and proposed changes to the VMA. That is land on which vegetation can be managed by the landholder without reference to the state and land where the vegetation can be managed with reference to controls under the legislation. Clearly it is in a landholder's interest to ensure that maps are accurate. AgForce has established that this is not the case and that many inaccuracies will still exist.

The level of importance that should be assigned to correct mapping should not be underestimated. It should be noted within the Act the Minister has the power to declare an area assessable. The State therefore has ample powers to manage selected areas of woody vegetation and should ensure that areas currently mapped should not disadvantage the landholder through inaccuracies.

Further within this submission reference is made to areas within the overall mapping, such as regrowth mapping, PMAVs and the link to a baseline date of 1989/1990; where that date influences what can be referred to as non-assessable or category X and other categories being assessable.

The proposed state wide vegetation management regulation map will show these two categories, assessable and non-assessable, as distinct areas. Other sources will provide access to more detailed information. What is unclear within the Bill is whether the majority of landholders will be able to access this information in a form that is affordable and useful for their purpose. Having that ability to access the information and then to have the maps corrected remains a concern for AgForce.

Recommendation 3

Review existing mechanisms such as the Property Map of Assessable Vegetation (PMAV) and the Offsets Policy to ensure expanded and more efficient outcomes can be achieved and protected.

Serious concerns have been raised with the accuracy and credibility of the vegetation mapping across Queensland. Ongoing consultation with landholders has identified the following issues:

- Much of the mapping is completed at a scale of 1:100,000. The accuracy and consistency that can be achieved at this scale is questionable and is a constant issue facing landholders trying to act in good faith within the framework.
- The department, in many cases, relies solely on desktop assessments, using remote sensing such as satellite imagery and aerial photographs, without ground-truthing, at a scale that is not appropriate to determine the actual species and ecosystems on-ground.
- The process to have the maps rectified or modified is onerous, time consuming, and can be confusing for landholders, and
- The number of maps landholders must refer to and cross-reference in order to manage the vegetation on their properties is excessive.

Application and ground-truthing of the maps over the last decade has confirmed that many of the maps are incorrect, often to the detriment of graziers. An Area Management Plan (AMP) Pilot program, undertaken in 2012 uncovered the inaccuracies of the current maps. Departmental officers visited nine Regional Ecosystems (REs) as part of the Dirranbandi Landcare groups' thinning AMP application and found eight of these REs were incorrectly mapped. Under normal circumstances each individual in this group would been required to put in an application to have the maps corrected, at their own expense and then wait lengthy departmental response times.

It is apparent that the departmental vegetation unit provide no scrutiny of the maps prior to certification. Generally the Queensland Herbarium will provide updates and new versions of the maps every two years. There also seems to be no matching of clearing approvals on properties with the certification of new mapping versions.

AgForce raised these concerns with Minister for Natural Resources and Mines, Andrew Cripps and requested that Version 7 of the Regional Ecosystem Maps not be certified while these issues were still outstanding.

In a response to AgForce, Minister Cripps acknowledged these concerns and advised that he would not be certifying version 7 of the maps at this stage. It was also suggested that his department work

with AgForce to gain a better understanding of the mapping issues and potential streamlining opportunities. AgForce looks forward to working with Minister Cripps' department to further discuss and develop these opportunities.

In our letter to Minister Cripps the following suggestions were made that AgForce still believe warrant further consideration:

- Future versions of the Regional Ecosystem maps should be completed at a more appropriate scale, combined with aerial imaging (including pre-clearing aerial photos) to reduce the amount of 'guesswork' that occurs at present and to increase accuracy of the maps
- These maps and aerial images need to be made easily accessible for producers at no extra cost to landholders given the public interest in sustainable landscape management outcomes. Currently aerial images can be purchased from DNRM or GeoScience Australia at a cost that starts at $65.00 and can vary depending on, for example how many images are required or the size of the image required.
- Provide the opportunity for the landholder to assist in the ground-truthing process for lower-classification ecosystems that improves and supports any desktop study undertaken through 'tick-and-flick' notification process.
- A statutory timeframe should be attached to map modification applications, ensuring that landholders are not adversely affected by lengthy wait times on processes. Reports from landholders indicate they have waited up to four years for a response. This is an unacceptable delay.

If the mapping is to continue to be used as the baseline dataset for vegetation legislation the maps should be released prior to certification, and landholders given an opportunity to review and identify errors. This should be done at no cost to the landholder.

Under the VMA, vegetation that is not protected, or 'locked in' by a Property Map of Assessable Vegetation (PMAV) is subject to reclassification if it meets three criteria:

- 50% of the predominant canopy cover that would exist if the vegetation community were undisturbed; and
- 70% of the height of the predominant canopy that would exist if the vegetation community were undisturbed; and
- Composed of the same floristic species that would exist if the vegetation community were undisturbed.

Those landholders who do not obtain a PMAV or are still unaware of the existence of PMAVs run the risk of losing vital productive land, often without even realising it.

In terms of production, there is research that shows there is little to be gained by clearing 100 per cent of your vegetation (see example figure 1- encroachment section) and landholders are generally well aware of this. However, producers also do not want their land to be subject to reclassification to remnant status, along with the limitations that come with that reclassification.

The hold on the certification of version 7 of the RE maps temporarily achieves a reprieve from further mapping infractions.

Sattler and Williams, in their 1999 publication "the Conservation Status of Queensland's Bioregional Ecosystems[2]", describe a biodiversity hierarchy at four levels - landscape, ecosystem, species and genotype.

The work also describes criteria for classifying regional ecosystems as *"their remaining extent in the bioregion together with their condition and the presence of threatening processes."* AgForce submits that the current VMA framework has failed firstly to consider planning at a landscape scale preferring to focus at regional ecosystem and species level and secondly that no assessment of condition has been made before certifying a regional ecosystem for conservation status.

Errors are inherent in the existing maps and as Sattler and Williams have noted, regional ecosystems aggregations are not a good surrogate for all species and further work will be needed to address the conservation needs of some species. AgForce would argue that unless landholders are engaged in this work then the State will fail to effectively conserve many species through the current VMA approach, as well as failing to achieve the purpose of the VMA, to conserve regional ecosystems.

In order to achieve accurate maps, landholders must be given the opportunity to easily identify and rectify mapping errors using a similar process to that suggested above, when certifying RE maps. However, the department does not currently have the resources to ground-truth every RE. This process would benefit the landholder, the department, and the wider community to ensure the accuracy of the maps and to allow for sustainable planning on ground.

It is AgForce's view that much greater use needs to be made of the PMAV because of its indefeasibility and security attributed to its presence on land title. The department needs to work with landholders to create property plans that succeed and improve on the current PMAV, and is ultimately certified by department staff. The plan should address all requirements on ground, including all relevant purpose activities that could take place, and taking into consideration the conservation of high classification ecosystems. In doing so this would assist the department and landholders in achieving better self-assessment outcomes in vegetation management.

If this plan was completed and tied to the property title, along with a list of outcomes that were required to be achieved on-ground, essentially it should streamline any compliance checks that need to be conducted by the department.

As with any process best practice management techniques need to be considered. As knowledge evolves, or legislation changes are required there needs to be commitment from Government that these will be made in consultation with the landholder and not over the top of them. This gives the landholder surety of their future in production and allows them to confidently make long-term plans while still delivering the flexibility to adapt to evolving understanding.

How does the proposed Bill assist in achieving Recommendation 2 and 3?

Areas within the Bill supporting these recommendations include:

- **Clause 12, New section 20A of the Bill proposes streamlining the current mapping to create a single regulated vegetation management map.**

[2] Sattler, P. S. and Williams, R. D. (eds) (1999). *The Conservation Status of Queensland's Bioregional Ecosystems.* Published by Environmental Protection Agency, Brisbane.

- **AgForce agrees a single map will make vegetation management simpler and easier to interpret.**
- **AgForce also agrees with Clause 32, S20HB, that upon certification or amendment of a Property Map of Assessable Vegetation, the regulated vegetation management map must be amended in a way that reflects the change. This will assist in keeping the vegetation mapping up-to-date and consistent.**
- **AgForce agrees in principle to the 'locking in' of Category x areas across Queensland, in order to provide landholders with security that they will not unknowingly lose land through reclassification.**
- **However, we question the process a landholder will then have to go through for further map amendments. This process needs clarification.**
- **AgForce maintains concerns that this clause has failed to address the issues with mapping errors, and fails to put apply a system of pre-certification with affected/relevant landholders.**

Recommendation 4

All relevant purposes, related to agriculture to be made self-assessable to the greatest extent.

In order to carry out development within a remnant RE it must for be a relevant purpose as outlined in Section 22A of the VMA, this includes management (relevant to production):

- necessary to control non-native plants or declared pests; or
- to ensure public safety; or
- for establishing a necessary fence, firebreak, road or vehicular track, or for constructing necessary built infrastructure (each relevant infrastructure), and the clearing for the relevant infrastructure can not reasonably be avoided or minimised; or
- for fodder harvesting; or
- for thinning; or
- for clearing of encroachment.

The landholder must put in a development application, which is assessed by the department against the relevant regional vegetation management codes that set out a number of performance requirements that must be met. Each performance requirement within the codes has an acceptable solution that has been developed by the government, or an option of presenting an alternative solution to the performance requirement. The performance requirements must be satisfied in order to receive approval for the application and a permit to conduct vegetation clearing. These approval timeframes are often lengthy as outlined earlier.

Each of these relevant purposes are discussed below.

Relevant Purposes

Necessary to control non-native plants or declared pests

The current vegetation management codes and regulations constrain producers' ability to control declared pests and weeds on their properties, particularly where mechanical treatment of those weeds is the best option.

Within remnant vegetation the clearing of native vegetation is often a consequence of the clearing of declared pests and weeds. However, landholders are rarely given a clear direction or definition of what is and isn't allowed, and to what extent the clearing of native vegetation will be 'accepted' in undertaking this process.

With 80per cent of Queensland's land mass managed by farmers, recognition must be made of their vital contribution to the successful delivery of policies intended to improve environmental outcomes. A 2005 ABARES report on native vegetation and the cost of preservation in Australia[3] found that many farmers undertake activities, such as pest and weed control that are of both public and private benefit, and the above public expectations of stewardship. However, an erosion in profitability induced by further native vegetation regulations may lead to some farmers delivering a lower level of weed control; discontinuing activities for which weed control costs are too high (and thereby avoiding the control) or in some cases, abandoning the land altogether. Such outcomes may also lead to increased negative spillover effects on neighbouring properties, thereby exacerbating the problem. The consequence for society is that it may forfeit 'free' environmental benefits flowing from activities that many farmers undertake routinely and, generally, more effectively than governments.

In some cases landholders' fear of retribution under the VMA has led to areas of massive weed burden and degradation of regional ecosystems – the complete opposite intention of the VMA.

To ensure public safety

In relation to ensuring public safety within the VMA, three of the most common concerns that have arisen from consultation with AgForce members have been:

Fire breaks

The current exemptions for fire breaks allow clearing a 20 metre width or 1.5 times the height of the tallest vegetation. In some areas this is not sufficient to control a fire and needs to be addressed. In many cases this does not allow for the safe passage of vehicles and those people in them alongside a hot fire.

It is apparent that the regulations and exemptions in relation to fire breaks were made in years where fires were not as big an issue as we have seen in the past season, or can expect to see in this coming season. There have been a number of large bushfire and wildfire seasons in Australia's history that provide sufficient evidence as to appropriate widths for fire breaks in these conditions.

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[3] *Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES), Australia Commodities: forecasts and issues, Volume 13: Number 3, September Quarter 2005,* http://adl.brs.gov.au/data/warehouse/pe_abare99001738/ac05_sept.pdf

Airstrips

AgForce has received complaints that landholders have experienced problems gaining VMA development approvals to put a Royal Flying Doctor's airstrip on their property to CASA standards- an integral safety component in rural landscapes that should not be constrained by inflexible bureaucracy.

Workplace Health and Safety Considerations

Ensuring the safety of those working on farms when they are mustering in unmanaged woodlands is a constant issue. Thickened woody vegetation can cause injuries to those attempting to ride through on motorbikes or horses, create visual hazards, is difficult to navigate through and cause landholders/staff to become lost within. Landholders or staff that become injured or lost within thickened, unmanaged vegetation are extremely difficult to locate, even in an aerial search.

Infrastructure

There are two components when dealing with clearing for infrastructure. The first is to establish a necessary fence, firebreak, road or vehicular track, or for constructing necessary built infrastructure and the second is to ensure the necessary infrastructures are maintained and protected.

Roads are an integral part of a property for accessibility reasons- whether it be for safety, for stock management, for fire control, for pest and weed control, and the continual facilitation of productive farm management.

Fence lines are also an integral part of modern farming. Much work and research has been done on land management, for example using cell grazing where it has been demonstrated that by controlling the grazing level of an agrisystem you will have better ground cover retention avoiding land degradation. This kind of system can only be set up by utilising appropriate fence lines.

For Fodder harvesting

Landholders utilise fodder on their properties to feed livestock in times of drought and in many cases landholders have purchased properties with the specific intent for it to be utilised as a 'drought reserve'. In times of drought it is essential that landholders are able to access the fodder reserves on their property and utilise it in a manner that sustainably supports the livestock.

Research suggests selective or sustainable harvesting of fodder can:

- play a significant role in promoting grass production and ground cover
- lead to increases in habitat diversity and the richness of plant species mix
- have important benefits for ecological processes in terms of simulating the erosion-deposition process creating fertile areas and in turn leading assisting land to become self-sustaining.

Landholders should not be subjected to an onerous development application and approval process while their livestock starve to death.

For Thinning

The nature of vegetation communities in Queensland has changed since European settlement over 200 years ago. Climatic, land management factors and influences have led to extensive thickening of woodland communities throughout Queensland from their original state. This thickening process has the potential to impact on both productivity and biodiversity values of the land.

Thinning as defined under the regional vegetation management codes is "selective clearing of vegetation at a locality to restore a regional ecosystem to the floristic composition and range of densities typical of the regional ecosystem surrounding that locality". There are remnant regional ecosystems listed in the regional vegetation management codes that cannot be taken back to their original floristic composition, because extensive thickening has occurred.

Previous AgForce panels working in conjunction with senior vegetation management officers identified a number of regional ecosystems that should have been included in the list of REs allowed to be thinned under current regional vegetation management codes. These need to be revisited and further REs need to be examined for this purpose. Consideration should also be given to allow thinning of mature trees, particularly where the stem density exceeds the departmental recommendations.

An example of the work that previous the panels completed and submitted to the Government include looking at Acacia dominant and co-dominant communities, listed as woodlands or open communities. Woodlands, as defined in a CSIRO published article[4] titled "*Woodlands a Disappearing Landscape*," are ecosystems that contain widely spaced trees with their crowns not touching. Documented on-ground photos, crown cover measurements, stems counts, and historical imagery consistently indicate these Acacia communities as having thickened extensively beyond the woodland definition, similar to other Acacia communities eligible to be thinned under the current codes. Images 1 and 2 are a photographic representation showing the extent of thickening that can occur within these kinds of REs.

[4] Lindenmayer, D., Crane, M and Michael, D. (2005). Woodlands a Disappearing Landscape. CSIRO Publishing: Melbourne.

Image 1: Aerial photograph taken 1951

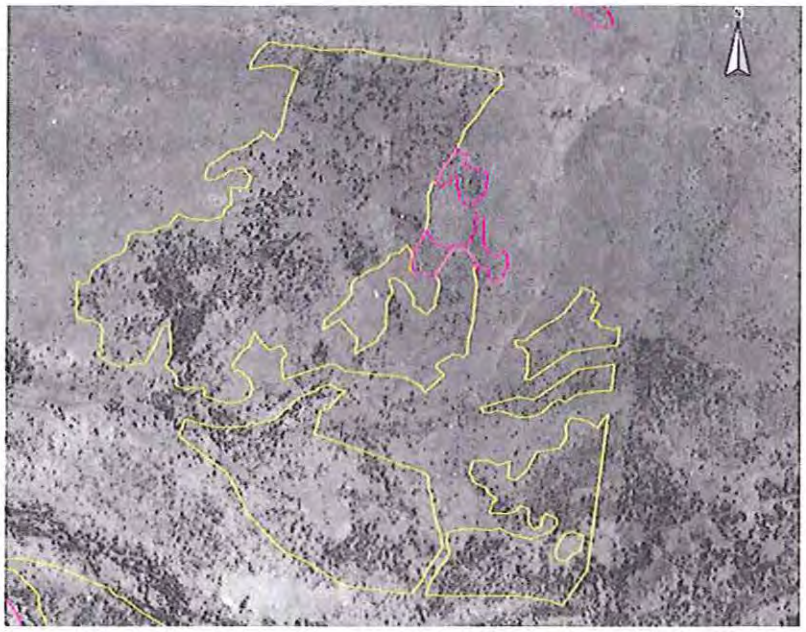


Image 2: Aerial photograph taken 2005

While these photographs contain an RE that is eligible for thinning through a development application it is evident that the current restrictive management guidelines make it virtually impossible to manage or restore a landscape such as this in its natural floristic composition.

REs that cannot be thinned, under the regional vegetation management codes, create issues for thickened communities- in many severe cases it is completely uneconomical to thin these communities back, for example to their original floristic composition following the 'allowed' methods. Yet, by not thinning landholders face other compounding issues, for example:

- An increase in tree cover in some REs reduces native grass cover. This can lead to erosion and an increase in runoff which in turn can increase sediment and nutrient loading in rivers.

- Thickening vegetation can reduce water yields from catchments. Increased vegetation cover means an increase in transpiration (evaporation for plants). This then reduces deep drainage in catchments, where water moves down from surface water to ground water, and in turn reduces the base flow of streams via deep subsurface flow.

- Thickening can lead to a reduction in carrying capacity of a property, which forces producers who are trying to maintain their economic viability to carry an increased number of cattle (relative to the safe long-term carrying capacity) on a diminishing resource base. Excessive grazing pressures can change ground cover diversity, increase erosion and upset the water balance of lands leading to an increased risk of land degradation.

The current codes were originally based on the regional vegetation management plans (RVMPs) for the various regions across the state in 2003. Consequently, the REs and their subsequent breakdown in the current code would have been derived from both the DRAFT regional vegetation plans (2002-2003) and the regional vegetation management codes for ongoing purposes (2004).

In the draft plan and subsequent RVMP, the intent was clearly documented. That information is no longer being applied and the original integrity of the draft plans has been compromised in this instance. Upon revisiting these plans and making comparisons, it can only be assumed this loss of information was an oversight which occurred some time ago and as a result caused much of the intended intrinsic details and their practical applications to vanish.

These inconsistencies have been creating inequity issues for property owners, and confusion and frustration for landholders and Departmental vegetation management officers since the inception of these codes. It is evident that some regional ecosystems are thickening beyond their natural state causing a decline in land condition.

Landholders need to have flexibility to make decisions on thinning ecosystems at a property level whilst ensuring the proposed method of treatment protects the ecological integrity and retains a healthy landscape.

For clearing of Encroachment

Encroachment is defined as 'an area of grassland RE has been invaded by a woody species to the extent that the area is no longer consistent with the description of the RE[5]'. There is extensive research that shows the relationship between woody vegetation and pasture grasses[6] and the

[5] Department of Natural Resources and Mines, *Grassland regional ecosystems and encroachment*, http://www.nrm.qld.gov.au/factsheets/pdf/vegetation/v3.pdf

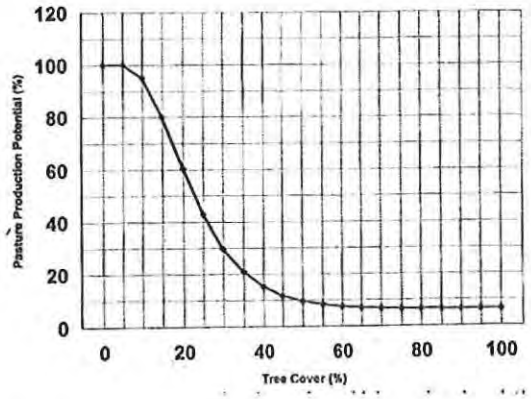
[6] Burrows, W.H. (2002) Seeing the Woodland for the trees- An individual perspective of Queensland woodland studies (1965-2005) Tropical Grasslands(2002) 36,202-217., and
Burrows, W.H., et al. (2002) Global Change Biology. 8 769-784., and
Scott, R.L. et al.*(2006). Ecohydrological impacts of woodyplant encroachment: seasonal patterns of water and carbon dioxide exchange within a semiarid riparian environment.* Global Change Biology 12:311-24.

detrimental effects that the encroachment of this vegetation is having on grasslands, and in turn production and ecological values.

The 2005 ABARES study[7], cited in the document above, found that 70% of landholders, within their research area, with livestock experienced a decline in carrying capacity of their land as a result of encroachment of woody weeds and other invasive species into previous native pasture land. The study found that the regulations to manage native vegetation in regions such as these are likely to represent an additional source of pressure, accelerating the rate of structural adjustment. In addition, impacts on farm productivity growth have implications for the Australian agriculture sector in its ongoing effort to maintain international competitiveness on world markets . This is particularly important when one considers that Australian farmers are highly dependent on world markets, with approximately 60pc of Australia's agricultural production exported and enjoy the second lowest level of government supports to primary producers in the OECD.

Figure 1 below gives an indication of the decline in pasture production potential as the tree cover continues to thicken or encroach.

Figure 1: Relationship between woody foliage cover and pasture production potential[8]



For the purpose of issuing permits for control, the distinction between thickening and encroachment is not always clear. This is particularly evident where one tree species is taking over another, where scale and clarity of aerial photography is inadequate, where RE maps are not a true reflection of past or present ecosystems or where the lack of Departmental resources prevents on-ground inspections.

Under current vegetation management codes, permit conditions and performance requirements for a permit to thin differ substantially from a permit to deal with encroachment. Cases exist where properties with similar timber and grass mixes have been issued differing permits.

In many cases, landscapes described in a variety of sources as open woodlands and grasslands, are today's monoculture of Invasive Native Species (INS). Thickening and encroachment of INS has

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[7] *Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES), Australia Commodities: forecasts and issues, Volume 13: Number 3, September Quarter 2005,* http://adl.brs.gov.au/data/warehouse/pe_abare99001738/ac05_sept.pdf

[8] Beale, I. F. (2010) Senate Submission: NATIVE VEGETATION LAWS, GREENHOUSE GAS ABATEMENT AND CLIMATE CHANGE MATTERS).

resulted in negative changes in the landscape and consequently we have seen a reduction of biodiversity. This situation is not restricted to Queensland, or to Australia.

The introduction of the VMA sought to categorise this INS into either timber thickening or timber encroachment. The New South Wales (NSW) Government has successfully incorporated an INS tool into their legislation to enable management of listed INS, where such management includes clearing as defined under the *Native Vegetation Act (2003)(NSW)* (see Box 1 for further information). This tool is an integrated management tool which aims to create a mosaic of native vegetation across the landscape to encourage diversity of habitats for flora and fauna. It is not a tool for changing land use or converting native vegetation to non-native vegetation.

Information provided from our members who have properties in both Queensland and NSW suggests that the NSW looks at outcomes and not the tree-by-tree approach of Queensland. The INS process in NSW may be a strategy that the Government could look to for ideas in managing encroachment in Queensland.

Box x: Information taken from New South Wales Government fact sheet on INS[9]

Native vegetation management in NSW

Managing invasive native scrub

Under the Native Vegetation Act 2003 clearing of invasive native scrub classified as remnant vegetation requires approval.

Approval is not required when clearing invasive native scrub that has regrown since 1 January 1990 in the Eastern or Central Division, or 1983 in the Western Division, because it is classified as regrowth (see Info Sheet 4 for more detail on regrowth).

What is invasive native scrub?

Invasive Native Scrub (INS) comprises:

1. A plant species that invades vegetation communities where it has not been known to occur previously OR a species that regenerates densely following natural or artificial disturbance, and

2. The invasion and/or dense regeneration of the species results in change of structure and/or composition of the vegetation community, and

3. The species is within its natural geographic range or distribution.

Why is INS an issue?

INS can cause environmental and production problems.

In environmental terms, dense stands of INS reduce habitat and can lead to increased potential for soil erosion, changes to soil surface hydrology and a change in biodiversity as a result of reduced ground cover. These effects can be made worse when combined with grazing.

[9] Catchment Management Authority New South Wales, Managing Invasive Native Scrub, Info Sheet 9, http://www.environment.nsw.gov.au/resources/vegetation/nvinfosheet9.pdf

In production terms, INS can result in reduced pasture production, difficulties in mustering livestock and increased problems with feral animals.

How much of the INS on my property am I allowed to treat?

You can treat up to 80% of the extent of INS on your property.

INS is native to NSW and has naturally existed in patches of varying density across the NSW landscape. In order to maintain a mosaic of habitats the INS Tool requires that at least 20% of the INS extent on a property remain untreated.

How does the proposed Bill assist in achieving Recommendation 4?

Areas within the Bill supporting this recommendation include:

- **Amendment of s3 (Purpose of the Act) to regulate clearing of vegetation in a way that 'allows for sustainable land use'.**
    - **AgForce agrees to this amendment. Current restrictions placed on landholders, and their management vegetation has caused unintended perverse outcomes and therefore has not allowed for sustainable land use.**
- **Addition of New Section 19O- Self-assessable vegetation clearing codes.**
    - **While the Bill does not provide detail of the contents of the Self-assessable codes, it allows for the provisions. AgForce advocated the need for self- assessable codes and supports this proposed change in the Bill.**
    - **However, Section 19O (4) still refers to the State Policy for vegetation management. AgForce believes that the State Policy is out-dated, in particular, with the references to greenhouse gas emissions and must be reviewed.**
- **AgForce agrees with the expansion of the 'relevant infrastructure definition' under Clause 65 to include establishment of infrastructure, as well as maintenance.**

Recommendation 5

Increase the approval time frame for development activities from 5 years to perpetual, with a review period.

In addition to the issues with the Development Approval application process, once approved, the current five year approval timeframes are unrealistic and rigid. Reapplying for permits uses considerable resources, both for the assessing officers and landholders and in a timeframe that is not consistent with that of ecological processes. In its current form, approval time frames can impose unexpected financial stress on landholders if permits are due to expire or if seasons take a turn for the worst.

In cases where an activity cannot be self-assessed due to the intensity of the development or the high classification of the RE, development approvals need to be extended beyond the five year timeframe. The recommended scenario would be for perpetual development approvals, with a 10 year period to act on the approval.

Under this proposal once an approval is signed off by both parties it is reviewed every 10 years, at which time the department contacts the landholder to review permit conditions and any significant changes in vegetation legislation that need to be taken into account. At this point the landholder who holds the vegetation management approval can raise any concerns he/she may have with the conditions.

A change of ownership would trigger a review, and the new owner may wish to cancel or continue the perpetual life of the vegetation management approval providing all conditions were agreed by both parties.

How does the proposed Bill assist in achieving Recommendation 5?

Areas within the Bill supporting this recommendation include:

- **The Self-assessable Code provisions satisfy this recommendation to some degree by removing the need to obtain development approval permits for some purposes. The current Area Management Plan provisions also have a timeframe of 10 years.**
- **However, there are no provisions made within the code to extend the timeframe past the current 5 years for other Development Approvals. AgForce maintains this is vital to long-term planning and management of agricultural land and must be considered.**

Recommendation 6

Reject and repeal the Regulated Regrowth Code and map layer - retaining Ministerial powers of declaration where it is justified.

The regulated regrowth legislation was applied retrospectively. Landholders who had maintained paddocks with vegetation, for whatever reasons, (for example using it in a rotational management plan, spelling the paddock to ensure it was well maintained, animal welfare reasons or future proofing their properties) then had their ability to manage this land effectively removed and the arbitrary date of 1989 was applied to this regrowth vegetation. This date is a function of the Kyoto Framework that applied an arbitrary baseline for achieving greenhouse policy purposes. It has no useful purpose in ecological terms and has no scientific basis.

It is important to remember that regrowth is vegetation that has previously been cleared. Regulated regrowth that has regrown would have essentially been part of a longer term plan put in place by landholders to ensure the long-term productivity and sustainability of their properties. In addition to this farm management and regrowth control are not once off events, however, the regrowth regulations have caused this to be the case in many instances. In itself this outcome has had many perverse environmental and economic issues.

Areas previously cleared provide landholders with improvements to their properties thus adding to their productivity and ultimately to the value of those properties. There are two costs that must be considered by legislators when considering this Bill. The first is the lost investment by the landholder. Subsequent clearing of regrowth is never as costly as the first treatment although the effect of the disturbance can result in a denser scrub made up of species that respond to the disturbance rather than the species that made up the original floristic description. The other

potential loss is the potential value of the area in either an offset for other clearing or in the event that Commonwealth policy changed the value of the carbon in the vegetation. The notion that vegetation other than for forestry should be treated differently on leasehold land is inconsistent with the State Valuation Service valuing all land as if it were freehold.

Impacts felt by the Regulated Regrowth amendments in 2009 included:

- Prevention of expansion of agricultural activities
- Prevention of land use changes- including the adoption of innovative technologies that assist landholders in producing in a more sustainable manner
- Inhibited routine management of vegetation regrowth and thickening of woody vegetation
- Loss of land values.

The removal of these 2009 amendments will mean that producers will be able to manage their land in a way that is best for their on-ground needs.

Landholders will no longer need to exchange an area they wish to utilise in the management of their property for an area double the size. Under the guidelines exchange areas are 2:1 for certain activities and REs. In many cases this is not feasible and therefore leaves the producer unable to make any changes to their property management, potentially degrading the condition of the land they can work within. It can also be unwarranted at a 2:1 ratio. Most producers, when working with one area of their land, will be using it so that another area or paddock can be spelled and the condition can be maintained.

Producers will be able to manage woody vegetation to maintain or bring the vegetation back to its original floristic composition. This ensures that vegetation/grass balance is maintained or restored and potentially avoids degradation such as erosion when the woody vegetation thickens beyond its natural state.

Landholders will be able to ensure public safety on their properties by having appropriate infrastructure and vehicle access where it is needed and will not be constrained to Category x areas, or to limited exemption levels as they currently stand. Landholders will also be able to manage vegetation in a way that it is safe to muster through, is consistent with their fire management regimes, and allows for pasture that will maintain stock.

The total area of vegetation that would be affected by the removal of the regulated regrowth reform is roughly 1.9 per cent of Queensland. This is not a vast area of land, however the layer of regulation that this would remove from landholders would be a vast improvement for many producers. This is essentially dealing with a small percentage of the State that would be able to be managed to a higher standard than is currently possible.

How does the proposed Bill assist in achieving Recommendation 6?

Areas within the Bill supporting this recommendation include:

- **AgForce supports the proposal within the Bill to repeal the high value regrowth regulations from freehold land. However, AgForce does not agree with leaving the regrowth layer on leasehold land.**
  - **If the government could demonstrate the retention of this layer was part of a viable and affordable tenure conversion programme then this may be acceptable to AgForce members. However, such a proposal has not currently been communicated to AgForce.**
  - **That leaves a large group of landholders still heavily restricted as stated in the background section above. AgForce questioned the scientific basis of high value regrowth control in our 2009 submission to the moratorium, and as such question the intent behind leaving these controls on leasehold land.**
  - **AgForce further contends that retaining these provisions on leasehold is in contradiction to the Bill's addition in s3, 'allows for sustainable land use'.**

Recommendation 7

Review the *Vegetation Management Act 1999* against the measures required in the *Legislative Standards Act 1992*.

Purposes of the Act

The VMA contains purposes that in effect reiterate the same issue. Separate purposes for each category of regional ecosystem are unnecessary. A simple purpose could simply state that the purpose of the VMA is to "Conserve regional ecosystems in such a way that maintains biodiversity, prevents degradation and allows ecologically sustainable land use." Even this statement contains duplication in that sustainable land use would also achieve biodiversity and prevention of degradation.

However there appears to be a political imperative to state the obvious.

The relationship between the VMA and other legislation (for example the *Water Act 2000* and the *Wild Rivers Act 2004*) needs to be examined. There appear to be overlaps between the VMA and other pieces of legislation that impede the responsible management of the environment.

The legislation needs to acknowledge that the landscape is managed in a way that promotes long-term sustainability to all who rely on it.

Procedural Fairness

The VMA fails to provide procedural fairness and natural justice- with a reverse onus of proof, conferment of judicial powers on executive officers, and various presumptions favouring prosecutors. In addition there is no appeal from the VMA to any court or Parliamentary process. It is unclear why such onerous restrictions are necessary and we would question their justification.

AgForce believes the VMA should be referred to the appropriate standing committee of the Parliament and reviewed against the *Legislative Standards Act 1992* as a matter of urgency.

Since its introduction, the VMA has attracted significant criticism over its failure to comply with fundamental legislative principles, standard judicial review rights and as such may be unconstitutional. This is a view held not only by AgForce, but also by stakeholders such as the Australian Council for Civil Libertarians[10].

It is acknowledged that the *Vegetation Management Framework Bill 2013* goes some way toward addressing these concerns, particularly with the removal of s67 VMA and amendments to s53, 51, 54, 60B. Despite these amendments, AgForce requests evidence of a more comprehensive review of the VMA against the abovementioned provisions to ensure that landholders are afforded their full suite of rights. AgForce's reading of the explanatory memoranda and Bill indicates that s68CB will only be amended to provide for judicial review by the Supreme Court where the decision has been affected by jurisdictional error. Jurisdictional error is only one of the nine head of power conferred under s20 of the *Judicial Review Act 1991* which was introduced to balance government decision making and the rights of individuals. AgForce seeks an explanation as to why judicial review has been excluded for the other eight grounds.

In any VMA-related prosecution, some of the considerations are likely to include:

- Whether the vegetation was remnant vegetation and/or
- Whether the vegetation was regrowth vegetation.

How does the proposed Bill assist in achieving Recommendation 7?

Areas within the Bill supporting this recommendation include:

- AgForce agrees with Clause 55 and 56
    - These clauses essentially remove the sentencing guide, the unfair enforcement and compliance provisions; including the reverse onus of proof and the ability of landholders to use the 'mistake of fact' defence within the Criminal Code. In doing so the Bill removes breaches of a landholder's rights under the fundamental legislative principles.
- AgForce submits that Clause 58 and 59 be reviewed
    - This is to address this bias whereby maps and other materials are deemed as accurate evidence despite their often very obvious inaccuracies. Further, with legislation such as the VMA which is so heavily reliant on good science to achieve its outcomes it is imperative that all aspects of the process ; including all maps and decisions, are subjected to appropriate standards of review of process.
    - The VMA is also somewhat unique in that it delegates policy which is comparable to subordinate legislation rather than policy in the traditional sense. Under these 'Codes' which are deemed as policy for the purpose of the VMA, allowing the Minister and Governor-in-Council to effectively regulates the actual manner of compliance under the VMA. These Codes can effectively set and define particular areas for greater protection without the scrutiny they would otherwise be afforded

[10] http://www.abc.net.au/rural/news/stories/s812799.htm

as subordinate legislation. While this may be effective whilst industry and the Minister share similar views on application of the Codes, there is an argument that this conferment of rights is significant and open to abuse without public debate or justification.

Recommendation 8

Consider the removal of the Objective *'to reduce greenhouse gas emissions'* in the *Vegetation Management Act 1999*.

The final purpose listed in Section 3 of the VMA is to reduce greenhouse gas emissions. As there is no way of measuring this purpose of the VMA, and in fact it has not comprehensively been measured to date, the inclusion of it in the legislation is superfluous.

During the last decade particularly, landholders' resource security or property rights have increasingly come under significant threat from Federal and State Government policies. What has become difficult to resolve are the increasingly strident calls for private landholders to forgo their commercial aspirations in favour of public benefits for which there is no acknowledgement, let alone financial assistance, structural adjustment or compensation. This occurs in the context of a limited capacity for primary producers to pass the cost of achieving these benefits onto their customers and so an erosion of the viability of their businesses occurs.

The inclusion of the above objective appears to have been a political move, with a previous Minister for Natural Resources, Craig Wallace thanking landholders for "*allowing the Howard Government to claim credit for meeting Kyoto targets that would not have been done with Queensland landholders, without this legislation*".

AgForce members involved in the discussion over this matter have direct recall of the context of this previous amendment to the original VMA. Following a visit by the then Prime Minister, John Howard to Queensland, his government refused to contribute to the Beattie Government's financial package designed to offset the burden imposed by the VMA on landholders. As a consequence, knowing that the Commonwealth had actively sought such an outcome to reduce the nation's greenhouse gas emissions the Beattie Government included the amended Objective as a means of reminding the electorate of the shared responsibility of the policy outcome.

What is even more concerning to AgForce is the State Policy for Vegetation Management, which is still referred to within the VMA and the Bill, states:

> ***4.5. The reduction of greenhouse gas emissions***
> *4.5.1. Reduce greenhouse gas emissions caused by vegetation clearing by 20 to 25 megatonnes per year by 2008 compared to the emissions from clearing in 2004 through the cessation of broadscale clearing of remnant vegetation by 31 December 2006.*

Broadscale clearing ceased in 2006.

Figures released by the Australian Government Department of Climate Change and Energy Efficiency on Queensland greenhouse gas emissions by sector[11], shows in 2009/2010 emissions for Land Use, Land Use Change and Forestry- which essentially cover the clearing of vegetation, were at a rate of less than 25 megatonnes total.

As previously mentioned, the regrowth mapping layer is a direct consequence of this Objective. The date in 1990 is a fundamental baseline date of the Kyoto Framework on Climate Change. Unfortunately the rules that apply to the international framework apply equally to areas cleared prior to 1990 and the almost certain outcome of increased thickening and increase in biomass in remnant areas or in fact any area deemed to be a "Kyoto Forest" at 1990.

Under the proposed changes thickening can be managed under a self-assessable code related to thinning and encroachment. In a similar way most regrowth can be managed. There is little that this amendment can do in relation to the "remnant areas" as thickening is a shared part of the one mapped area. However the question that should be addressed is why the State would want to include regrowth on State-owned land. These are distinct areas with no remnant features in many cases and carry the very great risk that the lessee will lose all rights sometime in the future.

In 2003 AgForce invited the National Carbon Accounting System representatives to Queensland to engage in an on ground discussion of their mapping which worryingly does not agree with state mapping. We established that due to the extensive use of satellite imagery, inaccuracies were more likely to be achieved than accurate data. Just as in the state's data we found that large estimates on canopy cover were in the under story and made up of invasive species identified by many agencies as woody weeds. The NCAS are well aware of the potential impact of their monitoring and reporting methods. AgForce is also aware that the state has the capacity from its own resources to be aware of the potential impact. AgForce simply asks if the state has made this decision – to retain the "Greenhouse" Objective - in the full knowledge of the risks to landholders?

How does the proposed Bill assist in achieving Recommendation 8?

The Bill does not meet this recommendation.

AgForce maintains that the objective to 'to reduce greenhouse gas emissions' must be removed from the Vegetation Management Act.

[11] Department of Climate Change and Energy Efficiency, 2012, *Australian National Greenhous Accounts, State and Territory Greenhouse Gas Inventories 2009-10,* http://www.climatechange.gov.au/~/media/climate-change/emissions/2011-12/StateAndTerritoryGreenhouseGasInventories-2009-10.pdf

Further Actions and Recommendations within the Bill

Clause 46 and 47- relating to assessable vegetation clearing applications

- **AgForce agrees with the proposed additions within the Bill to allow clearing for environmental purposes, high value agriculture and high value irrigated agriculture.**
- **However, AgForce is concerned with and does not believe the Bill goes far enough with Clause 46, the definition of high value agriculture- *clearing carried out to establish, cultivate and harvest crops, other than clearing for grazing activities or plantation forestry*.**
    - This definition rules out and discriminates against a landholder carrying out high value agricultural pasture improvement developments for dryland situations.
    - In Queensland there are large areas of land that are not suitable for irrigated agricultural purposes. This definition excludes a large proportion of landholders who would not have access to water to undertake irrigated pasture improvements, including as a result of other Government policies. It does not include landholders who would not have land suitable for irrigated pasture improvements but would be excellent candidates for production gains given the opportunity through dryland improved pastures and grazing activities. Such 'sustainable intensification' allows grazing pressure to be more effectively managed on other areas of a property and creates opportunities for improved environmental outcomes
    - This definition is also at odds with the policy of the Bill to support agriculture within the four pillar economy. The Government will find it difficult to reach its target of doubling the value of production by 2040 if landholders in the above situations are not given the same opportunities to submit clearing applications as those planning to undertake irrigated pasture improvements (for example a cattle producer in the South West of Queensland versus the Bill's explanatory notes example of a dairy farm situation).

- **AgForce is also concerned with the limitation to increase production in rural land within these clauses, particularly in line with the *matters for deciding an application* under Clause 47**
    - There are a number of existing quality assurance programs or sustainability certification systems that a landholder can become voluntarily involved in. These systems are externally audited for sustainability and best practice certification. A system such as this could be utilised, or a new system established, that can determine the level of development that would be sustainable on a property. This would mean industries would not be discriminated between and the clearing of vegetation would be performance and outcome based, rather than prescriptive.
    - The addition of the purpose to the VMA to *allow for sustainable land use* should complement Clause 47 *matters for deciding an application*. If a landholder can provide a development plan, based on the land capabilities that show the

property can sustainably allow for further development, the landholder should not be restricted to the definition as it is currently termed in the Bill. For example, the concept of pasture development and/or improvement in some grazing areas would be far less intense than a cropping landscape. The level of intervention or modification of the environment would result in overcapitalisation if development was taken to the greatest extent. Therefore these types of operations or development should not be automatically ruled out.

Clause 64, Section 113 refers to the Revocation of PMAVS for wild river areas.

- AgForce is concerned about the implications of the wording within this clause and believes that further clarification from the Government is required in terms of the outcomes involved in removing PMAVs within wild rivers areas. Would these elements then devolve to the regulated vegetation management maps or just be removed without replacement.
- The concern is that this outcome would be a loss of certainty for landholders in the future, particularly while wild rivers regulations are yet to be resolved, but has been flagged for removal in Cape York.

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