

SUBMISSION

The Bulloo Shire Council (BSC) provided this submission in respect of the proposed Vegetation Management and Other Legislation Amendment Bill 2018 to be included in the SDNRAIDC's detailed consideration. In providing this submission BSC refer directly to the Vegetation Management and Other Legislation Amendment Bill 2018, the Introductory Speech of the Hon Dr Anthony Lynham MP, Minister for Natural Resources, Mines and Energy, of 8 March 2018, and the Explanatory Notes that encompass the proposed changes to the above Acts and a range of commentary and issues.

BSC does not in any way support broad scale land clearing or land degradation, however strongly feel that proposed vegetation management laws will negatively impact on the towns and communities within our council area, placing further pressure on farmers and reducing the opportunities for future regional development. Please see further explanation below:-

HIGH-VALUE REGROWTH

Clause 38 of the Bill (proposed new definition of 'high-value regrowth' (a) and (b) in Schedule (Dictionary) of the *Vegetation Management Act 1999*) and Clause 16 (omission of s22A(2)(k) and (l) to delete *high-value agriculture clearing* and *irrigated high-value agriculture clearing* as relevant purposes).

- **Changing the definition of *high-value regrowth* vegetation - this term will now apply to vegetation not cleared in the last 15 years – rather than since 31 December 1989 (28 year old trees).**
- **Regulating regrowth on freehold land, Indigenous land and occupational licences in addition to leasehold land for agriculture and grazing.**
- **Removal of high value agriculture and irrigated high value agriculture as a relevant purpose under the *Vegetation Management Act 1999*. This will remove the ability to apply for a development approval for clearing for high-value and irrigated high value agriculture.**

Introductory Speech - Dr LYNHAM: "I would like to draw the attention of the House specifically to the removal of provisions that allowed for clearing for high-value agriculture and irrigated high-value agriculture.....The bill will reinstate the protection of high-value regrowth vegetation on freehold and Indigenous land. The bill will change the definition of 'high-value regrowth' to ensure that additional vegetation that has significant environmental value is protected.....it is proposed to change the 'high-value regrowth' definition that currently exists from woody vegetation that has not been cleared since 31 December 1989 and forms an endangered, of concern or least concern regional ecosystem vegetation to high-value regrowth vegetation that has not been cleared for 15 years.....Under the new definition, high-value regrowth will continue to be mapped as category C on freehold and Indigenous land, as well as on leasehold land, that is, agriculture and grazing leases. Restoring the pre-2013 mapping of high-value regrowth on freehold and Indigenous land protects approximately 630,000 hectares on freehold and Indigenous land.....With the changes I am proposing to the definition of 'high-value regrowth', our government will protect an additional 232,275 hectares. These two measures will protect an additional 862,506 hectares of high-value regrowth. Importantly for the environment, approximately 405,000 hectares or 47 per cent of this is within the Great Barrier Reef catchments."

*NB: A landholder could previously apply for a development approval to broadscale clear remnant vegetation for high value agriculture (clearing carried out to establish, cultivate and harvest crops) or irrigated high value agriculture (clearing carried out to establish, cultivate and harvest crops, or pasture, that will be supplied with water by artificial means).

HIGH-VALUE REGROWTH Response

For the Bulloo Region where landholdings can be in excess of 1 million hectares, many of our agricultural practices have developed over the last 150 years in response to our extreme climate and isolation. The capability to develop the whole property at once is not feasible. The increasing impacts of climate change mean that landholders are becoming more interested in diversification practices which can yield better economy of scale and a positive contribution to the field. 15 years is less than one generation of farming and succession planning has been poor in the sector until the last decade, we are only now seeing innovations that make more diverse processes viable. This has been in relation to such innovations are robotic crop spraying, geofences and robotic harvesting. Other innovations include cluster fencing and carbon sequestration farming. Increasing the bureaucracy, or omitting the potential of the land to be used is counterintuitive to innovations in the sector. This change from 28 to 15 years is prohibitive when considering the practice of rural and remote landholdings where clearing is not an issue noting that the SW of Queensland has some of the healthiest and resilient areas of the mulga lands bioregion and the use of mulga as a fodder supplement has been practised for over 100 years.

By omitting the potential for HVA and HVIA to access native vegetation clearing is both short sighted and problematic when we are looking at broader macro-economic issues such as food security, diversification and the better use of technology to form an increased contribution to GDP.

Projects of this nature should always be assessed from a merit based perspective to ensure that State objectives can be considered from both multi-dimensional, even National, objective.

Council would argue that this omission does not contribute to better conservation outcomes, rather it creates another barrier for development in the South West. The current changes are siloed and reducing access for these sectors neither increases conservation or economic outcomes as it just locks resources up. History demonstrates that this kind of approach is neither innovative nor prosperous.

NEAR-THREATENED SPECIES

Clause 37 of the Bill (new Part 6, Division 13 – s141 ‘Proposed map showing essential habitat’ and s142 ‘Provision about essential habitat’).

- **A map showing areas of proposed essential habitat for protected wildlife and near threatened wildlife will be published and land will be covered by an area management plan.**

Introductory Speech - Dr LYNHAM: *“Importantly, our government will be providing better protections under the vegetation management framework for near-threatened species. These are species that are listed under the Nature Conservation Act 1994, where our scientists have evidence that the population size or distribution of the wildlife is small, may become smaller or has declined and there is concern for their survival. Our near-threatened plants and animals were dismissed by the LNP government as not worthy of protection. On the other hand, the Labor party is of the firm belief that these species need our protection, otherwise we face the regretful prospect of their decline. Near-threatened species were removed from the essential habitat mapping layer in 2013. When we compared the high conservation values’ methodology to the existing statutory framework, it showed that near-threatened species have limited regulatory protection. The essential habitat mapping layer used in the Vegetation Management Act will be updated, protecting endangered, vulnerable and near-threatened species. The essential habitat of our valued animals and plants will be protected in both*

remnant and high-value regrowth vegetation. Offsets will apply to approvals for any significant residual impact on near-threatened species where the clearing of remnant vegetation cannot be reasonably avoided and minimised."

NEAR THREATENED SPECIES Response

Whilst there is a narrative used by lobbyists and advocates that vegetation thickening is used by some landholders to justify management practices of clearing, thinning or burning. With less than 0.23% of the State being cleared for development these claims cannot be supported.

The value of local knowledge in land management and policy, although considered of value in many contexts, has received relatively little formal attention in vegetation management (Witt 2013). Over recent years the advent of land management planning sought to capture this knowledge. Whilst these plans are landholder driven, it is critical to underscore that landholders derive their livelihood from positive agricultural practices and these plans sought to capture that knowledge outside of formal contemporary research methodologies.

In relation to the maps, the review of this detail by local landholders is critical to capture and verify statements and assumptions. This is because whilst those from outside the region may consider some practices natural and therefore worthy of preservation, landholders may contain local knowledge that does not correlate these assumptions.

REGROWTH VEGETATION IN WATERCOURSE AREAS

Clause 37 of the Bill (new Part 6, Division 13 – s133 'How definition regrowth watercourse and drainage feature area applies during and after the interim period') and addition to *regrowth watercourse and drainage feature area* definition in the Schedule (Dictionary) of the *Vegetation Management Act 1999*

- **Extension of Category R areas (from the Burdekin, Mackay Whitsunday and Wet Tropics Great Barrier Reef catchments) to include new catchments to encompass all Great Barrier Reef catchments**
- **Addition of three catchments – the Burnett-Mary, Eastern Cape York and Fitzroy catchments – affecting regrowth vegetation in areas located within 50m of a watercourse or drainage feature located in these additional catchments.**
- **This regulation applies across freehold, indigenous and leasehold land.**

Introductory Speech - Dr LYNHAM: *"This bill will also extend protection to regrowth vegetation in watercourse areas for the Burnett-Mary, eastern Cape York and Fitzroy catchments, providing consistent protection to regrowth vegetation in all Great Barrier Reef catchments. This builds on the measures introduced in 2009 which regulate the clearing of vegetation within 50 meters of a watercourse in the Burdekin, Mackay-Whitsunday and Wet Tropics. The bill will also amend the Water Act to re-regulate the removal of vegetation in a watercourse under a riverine protection permit."*

Explanatory Notes: Expanding the regulation of riverine regrowth to include these catchments will increase the protection for the Great Barrier Reef from sediment run-off and other impacts of clearing.

REGROWTH VEGETATION IN WATERCOURSE AREA Response

Council would argue that this omission does not contribute to better conservation outcomes, rather it creates another barrier for development in the South West. In this region, there is not an imbalance in land clearing as less than 0.23% of the State has been cleared during 2016 -17. In areas such as the Bulloo Region, natural resource management practices include fodder harvesting.

In an area where there are large holdings, when management occurs, the scale of work makes it necessary to use mechanised processes (e.g. dozers and chains); not only to knock down enough mulga to feed stock, but also to gain efficiencies to make it an affordable practice. Properties which rely on mulga to feed stock will become unviable if they cannot access a methodology that is both effective and affordable.

Ironically, if the regions experience a serious disconnect between Vegetation and economic policy then this actually hinders our ability to proactively manage agriculture's impact on the Great Barrier Reef. It then stands to reason that this also affects any proposed future private development and renewable resource industry expansion.

LOW-RISK ACTIVITIES

Clause 17 of the Bill (new s22B 'Requirements for vegetation clearing application for managing thickened vegetation' of the *Vegetation Management Act 1999*) and Clause 37 (new Part 6, Division 13 – s136 'Area management plans that are to remain in force for 2 years').

- Thinning redefined as '*managing thickened vegetation*' – s22A(2)(g).
- Withdrawal of Code for clearing of vegetation for thinning. *Managing thickened vegetation* now requires notification under the new interim Code until the Bill has passed when a development application will be required.
- Requirements to be demonstrated in a development application for managing thickened vegetation – location and extent of clearing, clearing methods, evidence restricted to prescribed regional ecosystems and restrictions and evidence that the regional ecosystem has thickened in comparison to the same regional ecosystem in the bioregion.
- New s136 phases out landholder-driven area management plans as a mechanism for managing low-risk clearing that is or may be managed by the accepted development vegetation clearing codes. This new section provides that an area management plan relating to the clearing for encroachment or thinning continues but only remains in force until 8 March 2020.
- Notification of an intention to clear vegetation made under the plan before 8 March 2018 may continue while the plan remains in force however an entity may not give notification under the plan after 8 March 2018.

Introductory Speech - Dr LYNHAM: *"The government is committed to retaining accepted development codes for low-risk activities, while ensuring they deliver appropriate protections.....Following a review by the Queensland Herbarium, and subsequent review by the CSIRO, a decision was reached that thinning is not a low-risk activity. Therefore I intend to withdraw this accepted development code from the regulation once this bill commences. In the interim, I am remaking the code to include the best scientific advice on how to minimise the risks until the code can be withdrawn. I will retain an assessment pathway in the legislation for those landholders who need to manage thickened vegetation. It will remain a relevant purpose in the Vegetation Management Act for which development applications can be made."*

LOW RISK ACTIVITIES Response

Whilst there is a narrative used by lobbyists and advocates that vegetation thickening is used by some landholders to justify management practices of clearing, thinning or burning. With less than 0.23% of the State being cleared for development these claims cannot be supported.

The value of local knowledge in land management and policy, although considered of value in many contexts, has received relatively little formal attention in vegetation management (Witt 2013). Over recent years the advent of land management planning sought to capture this knowledge. Whilst these plans are landholder driven, it is critical to underscore that landholders derive their livelihood from positive agricultural practices and these plans sought to capture that knowledge outside of formal contemporary research methodologies.

In the absence of plans and the capture of this local knowledge it is even more critical to consult with those who earn their livelihoods from these regions.

At the local level, whilst those from outside the region may consider these practices natural and therefore worth of preservation in its current state, landholders view the dense woody component of the vegetation as an unnatural and undesirable 'artificial wilderness' (Witt 2013).

The further requirement for a Development Application will have implications for landholders in relation to both cost and timeliness and responsiveness of on ground management practices especially mustering. Any increased bureaucracy will just provide a further constraint (and cost) to landholders who already have significant Biosecurity obligations as part of other recent changes in legislation.

The Bulloo Region has a large number of cattle stations, many with International reputations in relation to organic beef (Obe Beef, Bulloo Downs beef, Hancroft Holdings). Increased costs on top of biodiversity obligations will further drive down returns and will impact on overall profitability for these very large holdings. Most of these producers have other holdings across SA, NT and Qld.

Managing vegetation should be both responsible and responsive. The average DA process takes some 40 days in large council and a month in others. The cost of assessment is significant for Councils. The average assessment recovery might be as little as \$500 for the Council as a fee or charge in an \$8000 cost. This is because our remoteness and isolation has no scale of economy for professional services including high incidental costs in relation to long distance travel and accommodation. Even streamlining these assessment processes will still cost and take time. Thus a DA will just become one more constraint to good natural resource management.

FODDER CODE

Clause 37 (new Part 6, Division 13 – s139 'Revocation of particular area management plan')

- **s139(1) – the 'Managing Fodder Harvesting Mulga Lands Fodder Area Management Plan' is revoked. A new revised Code is in place – 'Managing fodder harvesting accepted development clearing code'.**
- **s139(2) - A notice of intended clearing under the Plan ceases to have effect on 8 March 2018, and no further clearing can be carried out under the Plan from 8 March 2018. Landholders need to lodge a new notification under the new Code and follow the requirements of the new Code.**
- **New s136 phases out landholder-driven area management plans as a mechanism for managing low-risk clearing that is or may be managed by the accepted development vegetation clearing codes. This new section provides that an area management plan relating to the clearing for fodder harvesting continues but only remains in force until 8 March 2020.**
- **Landholders need to lodge a new notification under the new Code.**

Introductory Speech - Dr LYNHAM: *"In conjunction with this bill, I asked my department to progress the review of the revised fodder code on which we consulted in 2016 and commence a rolling program to revise and implement the other acceptable development codes throughout 2018. The revised managing fodder harvesting code has been developed by my department based on scientific input from the Queensland Herbarium and the CSIRO. The immediate remake of the managing fodder harvesting and the managing thickened vegetation codes will invalidate all previous clearing notifications and introduce for the first time size and time limits on the areas able to be notified for clearing under an accepted development code. My department will be consulting throughout 2018 with stakeholders to finalise the remaining codes."*

Explanatory Notes: Revoking the Mulga Lands Fodder Area Management Plan reinforces the role and function of the accepted development vegetation clearing code for fodder harvesting being the supported mechanism in which low-risk clearing activities are undertaken. Landholders can continue to undertake self-assessable clearing under the accepted development vegetation clearing code for fodder harvesting, or alternatively, apply for a development permit under the Planning Act 2016.

The two year period recognises that, in some instances, the clearing requirements for encroachment, thinning and fodder harvesting under current area management plans may not be consistent with the best available science.

FODDER CODES Response

As one of the most remote regions in the State we can advise that many of our Regional producers and landowners are already severely impacted by the previous vegetation management restrictions. Our past experience with the exiting VMA is that the burden of pest and weed management fell to landholders. With this most recent Bill there is the potential for even more impact as we continue in drought.

For the Bulloo Region where landholdings can be in excess of 1 million hectares, many of our agricultural practices have developed over the last 150 years in response to our extreme climate and isolation. Fodder harvesting is just one practice. The Bulloo Region in the SW of Queensland has some of the healthiest and resilient areas of the mulga lands bioregion and the use of mulga as a fodder supplement has been practised for over 100 years. In our region, Mulga browsing has been an important component of livestock nutrition however it has not used as a production ration. Whilst stock will browse fresh mulga leaves throughout the year the Mulga and the pasture each play a different role in the sustainable use of the land from a production viewpoint.

The utilisation of mulga as a fodder resource for stock is only harvested to the extent that is necessary to provide suitable subsistence for stock requirements. Landholders practice both rotational and tactical grazing of the perennial pastures to ensure pasture health and resilience.

Whilst the South West has a large degree of foreign ownership, it is the remaining family properties that are most affected in times of drought and need every resource available to maintain stock nutrition and welfare.

Declared Drought situations

As a result, we recommend that fodder harvesting should be an approved activity especially in those areas that are drought declared. This is because the utilisation of a fodder harvesting resource is an end option to prevent stock losses and thus is a critical attempt to ensure stock survival. Once pushed, the aim of harvested vegetation is to leave it where it falls as an erosion and regeneration measure. No stick raking or other methods are used to attempt to displace harvested fodder from where it falls.

It is not suggested that fodder harvesting take place in areas that are classified as endangered regional ecosystems or of concern regional ecosystems. As responsible land managers this classification is important to enhance resilience and is a core input of sustainable biodiversity.

Fortunately our region of the mulga lands does not suffer from salinity issues found elsewhere in the regional ecosystem bioregions. We support that fodder harvesting processes should not contribute to waterlogging or salinization and impact upon the immediate and surrounding land zones/types.

PENALTY UNIT INCREASES

Clauses 19, 22-23 and 25-33

- **Various amendments to Penalty Units for Maximum Penalty.** Eg. s54B(5) 'Non-compliance with Restoration notice' - penalty increasing from 1665 to 4500 penalty units and s58(1) (false or misleading statement) – increasing from 50 to 500 penalty points.

PENALTY UNIT INCREASES RESPONSE

We believe that the removal of the Mistake of fact defence (Criminal Code Section 24) is overly harsh. Remote communities often suffer from poor telecommunication and access to information issues. Mistakes can happen based on map error, mistaken regional ecosystem status and other reasons. Each case should be judged on merit and accordingly we see this penalty as overly harsh.

OTHER RELEVANT MATTERS

Introductory Speech - Dr LYNHAM: *"I believe this bill and the complementary measures that I have outlined will deliver on the election commitment to deliver a more sustainable vegetation management framework for Queensland. This government will continue to work with our vital agricultural sector so that together we can care for the environment and ensure that their farms can pass, in good condition and in safe hands, from generation to generation."*

"The amendments that I bring into the parliament are necessary to protect Queensland's remnant and high-value regrowth vegetation. It is all about restoring a sustainable vegetation management framework for managing a valuable resource on behalf of the people of Queensland."

"Within three years in Queensland clearing rates of remnant native vegetation increased from 59,800 hectares in 2012-13 to 138,000 in 2015-16. This amendment bill seeks to end the levels of broadscale clearing that the LNP legislation created."

OTHER RELEVANT MATTERS Response

The Bulloo Shire Council believes that vegetation management laws re-introduced into the Queensland Parliament last week will have a significant impact upon our Shires producers especially in its ability to stimulate the economic development and the growth of jobs in rural and regional Queensland. We believe that the management framework introduces new requirements and prohibitions on landowners which will further impact upon an already constrained sector. Conversely, current regulations are self-assessable and guidelines allow landholders to obtain approvals by completing necessary forms and receive a response in a short turn around. When optimised, this system also allows landholders to plan ahead in relation to stocking levels and grazing management across their entire property.

As one of the most remote regions in the State we can advise that many of our Regional producers and landowners are already severely impacted by the previous vegetation management restrictions. Our greatest concern is the recent amendment to the codes for fodder harvesting. Our past experience with the exiting VMA is that the burden of pest and weed management fell to landholders. The proposed system sounds complex in regard to application, measures and reporting. Landholders will be required to complete arduous paper work at time when they can least afford it. Long lead time for approvals to be accepted will lead to serious animal welfare issues, as clearing is purely to feed stock.

High Value Agriculture and High Value Irrigated Agriculture provide a significant contribution to the Queensland economy through jobs, innovation and quality Queensland product. The draft legislation omits HVA and HVIA as a purpose for native vegetation clearing which is both short sighted and problematic when we are looking at broader macro-economic issues such as food security and GDP. Projects of this nature should always be assessed from a merit based perspective to ensure that overall State objectives are achieved.

Council would argue that this omission does not contribute to better conservation outcomes, rather it creates another barrier for development in the South West. In this region, there is not an imbalance in land clearing as less than 0.23% of the State has been cleared during 2016 -17. In areas such as the Bulloo Region, natural resource management practices include fodder harvesting. In an area where there are large holdings, when management occurs, the scale of work makes it necessary to use mechanised processes (eg dozers and chains); not only to knock down enough mulga to feed stock, but also to gain efficiencies to make it an affordable practice. Properties which rely on mulga to feed stock will become unviable if they cannot access a methodology that is both effective and affordable.

From a climate change perspective, given the history of long dry spells in these regions and predicted cycle changes, mulga is still a critical component of on ground management practices as part of the operation of these properties. Reducing resource access will effectively de-value properties. Disappointingly, this fall in capital values is an historic process and it will not be evident for some years. Yet when it does play out, it will have high impact as these will follow an almost immediate social and economic effect – lower stocking rates, lower yields and lower responsiveness. We also highlight that re-growth isn't even measured as part of harvesting so there is no understanding about residual impact which may be very low. Accordingly we think that these

code changes are flawed and will further impact natural resource management and conservation practices in the outback.

Ironically, if the regions experience a serious disconnect between Vegetation and economic management then this actually hinders our ability to proactively manage agriculture's impact on the Great Barrier Reef. It then stands to reason that this also affects any proposed future private development and renewable resource industry expansion.

We remind the State that Agriculture is still the biggest employer in Western and South Western Queensland and a significant supplier of many products such as organic beef, goat and lamb. Accordingly, we believe the south west makes a significant contribution to GDP. Given Australia's current economic climate and the international trade wars developing and the effect that this could have upon food security, viability in this sector is more important than ever.

For communities along the Murray Darling, they have experienced the impact of federal water policy. For the Bulloo, we worry that changes like these will have a further impact on people staying in our region; yet we know our communities are great conservationists – their livelihoods depend upon it!

We believe that this Bill should be further modified to ensure that we can have both a sustainable and responsible approach to the laws that impact upon this important sector. High Value Agriculture and High Value Irrigated Agriculture provide a significant contribution to the Queensland economy through jobs, innovation and quality Queensland product. These changes not only affect production they affect the overall outlook as to whether people are willing to continue to stay, work and live in the bush.

Signed:

Mayor John Ferguson

Date:

19/03/2018