AgForce Queensland Farmers

Submission to the State Development Natural Resources and Agricultural Industry Development Committee

Vegetation Management and Other Legislation Amendment Bill 2018

AGFORCE

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Contents

1. Executive Summary

AgForce Queensland Farmers (AgForce) is the peak rural group representing beef, sheep & wool and grain producers in Queensland. The broadacre beef, sheep and grains industries in Queensland generated around $6.8 billion in gross farm-gate value of production in 2015-16. AgForce exists to facilitate the long-term growth, viability, competitiveness and profitability of these industries. The producers who support AgForce provide high-quality food and fibre to Australian and overseas consumers, manage around 40 per cent of the Queensland agricultural landscape and contribute significantly to the social fabric of rural and remote communities.

AgForce thanks the State Development Natural Resources and Agricultural Industry Development Committee for the opportunity to provide feedback on the *Vegetation Management and Other Legislation Amendment Bill 2018* (VMOLA 2018).

AgForce does not support the proposed changes in VMOLA 2018.

In providing this submission we have provided commentary on other matters relevant to the Committee's inquiry that include items of the ALP's election commitments not directly actioned in VMOLA 2018.

Further, we refer directly to key amendments of the 2018 Bill as referred to in the VMOLA 2018 Explanatory Notes:

- Extending the protection of high value regrowth vegetation to align with High Conservation Value definitions by:
  - Increasing the land types on which high value regrowth is regulated (as category C) to include freehold land, indigenous land and occupational licences; and
  - Amend the definition of high value regrowth to be vegetation that has not been cleared for 15 years;
  - Including near-threatened species in the Essential Habitat layer for remnant and high value regrowth vegetation
- Removing high value agriculture and irrigated high value agriculture as a relevant purpose under the *Vegetation Management Act 1999* (VMA).
- Extending category R to include regrowth vegetation in watercourse and drainage feature areas in three additional Great Barrier Reef catchments–Eastern Cape York, Fitzroy and Burnett-Mary catchments;
- Reintroducing provisions in the Water Act 2000 to require landholders to obtain riverine protection permits for clearing vegetation in a designated watercourse;
- Expanding the compliance framework and the ability to undertake compliance action where unlawful clearing has been undertaken, or where there is suspicion it is occurring;
- Removing the requirement for the Minister to make accepted development vegetation clearing codes (ADVCCs) for a range of vegetation management activities, including changes to area management plans.

We have also provided much of the commentary used in our 2016 submission for clauses and amendments proposed in VMOLA 2018 that reflect the same or similar amendments in the 2016 Bill.

2. Introduction

The Queensland Government made election commitments in 2015 to reinstate previously repealed vegetation management laws, as well as strengthening the framework in relation to remnant vegetation 'high value' regrowth vegetation, and riparian zones. The *Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016* (VMOLA 2016) drafted to meet these commitments was rejected by the Queensland Parliament in 2016. At this time the then Speaker of the House challenged AgForce to not just object to the VMOLA Bill 2016, but find a better way forward for Vegetation Management in this State.

In late 2017, the Australian Labor Party (ALP) released their 2017 Policy Document "Saving Habitat, Protecting Wildlife and Restoring Land: Ending broadscale tree clearing in Queensland (again)[1]" in yet another attempt to reinstate previously rejected unnecessarily harsh VM restrictions and centralise control of vegetation management in Government hands.

The commitments made in this document were largely the same as those defeated the year before but included introducing further restrictions on managing remnant vegetation and high value regrowth, reviewing self-assessable codes, shutting down agricultural development by removing high-value agricultural provisions, annual release of the inherently incomplete Statewide Landcover and Trees Study (SLATS), and the establishment of a Land Restoration Fund.

While not always consulted, AgForce has been a part of the vegetation management debate since it began. Our members have lived and worked through an unreasonable number of amendments and variations to the vegetation management framework since its introduction in 1999. Prior to the amendments made to the *Vegetation Management Ac 1999* (VMA) in 2013, AgForce argued the legislation restricted sustainable development on rural land and was punitive rather than incentivising for landholders in the management of woody vegetation cover. Following the landmark changes with the passing of the *Vegetation Management Framework Amendment Bill 2013* rural landholders were finally given back a degree of flexibility and trust in managing vegetation across the Queensland landscape; something that was long overdue. There was also renewed scope for growth in the high value agricultural sector with further development provisions introduced. This growth potential aligned with the nation building opportunities identified in the Australian Government's White Paper on Developing Northern Australia[2], which was released in June 2015.

The 2016 Bill aimed to take away that flexibility and further erode recovering trust or any future investment certainty landholders believed they were heading towards. At that time AgForce was strongly opposed to all proposed changes and advocated strongly for their defeat.

VMOLA 2018 will again make it harder for farmers to grow food, shut down new agricultural development opportunities and lead to perverse environmental outcomes that could damage rather than improve regional landscapes. It will come as no surprise that we **do not support** the changes proposed in VMOLA 2018, which have gone even further than the previously defeated 2016 Bill.

The Productivity Commission completed a detailed report into the Impacts of Native Vegetation and Biodiversity Regulations in 2004[3]. The report contained a detailed list of impacts to landholders of the regulation to native vegetation, including the flow-on effects to regional communities. These impacts were wide and varying, but included:

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[1] https://www.queenslandlabor.org/media/20226/alpq-saving-habitat-policy-document-v3.pdf
[2] http://northernaustralia.gov.au/files/files/NAWP-FullReport.pdf
[3] http://www.pc.gov.au/__data/assets/pdf_file/0005/49235/nativevegetation.pdf

- Negative impacts on farm practices and returns
    - The ability of landholders to adapt the changes in market conditions can be impacted by a lack of flexibility in vegetation management regulation.
    - Landholders wanting to utilise their properties
- Restricting available land
    - Restricting the available land that can be utilised for production through vegetation management legislation is the most direct impact felt by landholders.
- Cost of management vegetation
    - If effective regulations are not present, the cost of managing native vegetation can increase, felt directly by landholders.
- Impacts on property values
    - Whilst there are many factors that determine property values, restrictions on the ability to manage vegetation on property can permanently reduce a property's income-earning potential, thereby reducing that property's value.
- Investment patterns and financier attitudes
    - Legislative uncertainty can lead to less capital-intensive techniques to avoid over capitalising. This in turn leads to a reduction in on-farm investment, and a reluctance of financial institutions to invest in on-farm activities due to the lack of future security of investment.
- Compliance costs
    - An increase in regulation is often associated with an increase in compliance costs on both landholders and government departments.
- Breakdown in landholders' trust in dealing with government.
    - This can lead to reduced access to services and advice from government, and also an inability for government to appropriately engage with landholders to achieve balanced on-farm outcomes.

AgForce believes the Queensland Government needs to put aside political agendas and work with landholders rather than against them to develop appropriate, sustainable and long-lasting solutions. AgForce supports and endorses alternative, voluntary and complementary measures to achieve lasting environmental and socio-economic outcomes, in contrast to the current onerous red tape policy direction contained in VMOLA 2018, an approach recently condemned by the Productivity Commission in their review of regulation in Australian Agriculture[4]. Such alternative measures give famers clarity on the public benefit of undertaking actions on-farm that have positive environmental outcomes for the broader community.

We understand that for Queensland agriculture to achieve its full potential, the government must adopt the right policy settings so farmers can get on with the job of feeding our state, our country and consumers across the world. AgForce, largely through its Vegetation Management Policy Committee, made up of AgForce members with policy expertise, developed a range of alternative vegetation management policies that represented our view on approaches that would deliver a sustainable and sustained approach. These policies were presented to the Queensland Government, including relevant natural resource, environment and economic development Ministers on a number of occasions and were included in our 2017 State Election policy document: Thriving Farms, Thriving

[4] https://www.pc.gov.au/inquiries/completed/agriculture/report/agriculture.pdf

Queensland[5]. Disappointingly the significant work undertaken to develop these policies in-line with the above principles and the call by the former Speaker, have been completely ignored and will be redundant should the VMOLA 2018 be passed in its current form as it specifically targets removal of key elements of our approach.

[5] https://agforceqld.org.au/index.php?tgtPage=policies&page_id=701

3. Relevant matters not directly linked to clauses in VMOLA 2018

Assertions by the Queensland Premier, Annastacia Palaszczuk that Agriculture thrived despite the decade of Labor's tree clearing laws[6] completely ignores many other factors related to the growth of the sector. The Government's own publications refers to the industry being sensitive to external factors such as weather and currency movements[7]. Yet, they continue to use these figures as a direct link to vegetation management legislation and justification for why changes will have limited impacts.

Using the figures in this way is misleading. However, if direct cause: effect linkages are to be assumed as they are by the ALP and extreme green groups figures of agriculture sector gross value of production shows during the LNP's majority (quarter of the time in power with more workable vegetation management laws) an increase in agricultural sector growth equivalent to almost 60pc of that of the previous 12 years of Labor government and their vegetation management laws.

- 12 years under Labor vegetation management laws = growth of production of $2.7B
- 4 years of LNP vegetation management laws = growth in production of $2.9B[8]

This begs the question: how much growth in production value and associated jobs and opportunity for regional communities have Queenslanders foregone under 12 years of the ALP's harsh vegetation management policies? How much more will we forego?

The ALP has further asserted that under the first two years of LNP Government, when land clearing increased substantially the agriculture sector grew by just 3 and 1 percent, yet in the following two years (when we can assume landholders were starting to use and understand the new vegetation management framework to a larger degree) the increase jumped to 15 pc and 11 pc respectively.

Further, according to the ALP election commitment document, land clearing has been directly responsible for two plant species becoming extinct in the wild and is having an irreversible impact on biodiversity. The assertion leads the public to believe these extinctions were within recent history, at least within the timeframe of the introduction of the VMA.

On investigation of the scientific review by Neldner et al 2017[9] these facts were taken from one plant species *Corchorus thozetii* which had *not been seen in the wild for over 100 years*. A later record was found from 1998, but due to poor identification processes within the Government of the time the single record was mislabelled. The area of land near Duaringa relating to the record had been cleared for cropping and as such it was assumed this was the cause of the plant's extinction.

The second plant species *Calotis glabrescens* was a species of herb, described from a *single* specimen in 1944 and it was also assumed land clearing for cropping in the Inglewood district caused the extinction of this species.

The 2013 State of the Forest Report showed that a total of 89 forest-dwelling species were added to the national list of threatened species over the 2006-2011 period[10]. If the Government's previous

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[6] Message from the Premier: *"It was Labor that drove land clearing down…to an all-time low in 2009.", While these laws were in place, the agricultural sector grew by almost $2 billion."*, pg 3, Saving Habitat, Protecting Wildlife and Restoring Land https://www.queenslandlabor.org/media/20226/alpq-saving-habitat-policy-document-v3.pdf

[7] https://s3.treasury.qld.gov.au/files/agriculture-infographic.png

[8] Agriculture: Gross value of production by commodity, Queensland, 1984–85 to 2015–16 https://data.qld.gov.au/dataset/702af0f9-f207-45d8-8095-5c74ac421577/resource/0f13be3b-307c-4a8f-920f-913247d936fc

[9] https://www.ehp.qld.gov.au/wildlife/threatened-species/documents/land-clearing-impacts-threatened-species.pdf

[10] http://www.agriculture.gov.au/abares/forestsaustralia/sofr/sofr-2013

regulation of vegetation management was so effective and loss of habitat due to land clearing was the sole contributing factor, AgForce argues we wouldn't be seeing this ongoing decline of biodiversity in terms of threatened species and loss of species.

The election commitment document goes on to refer to remnant vegetation as "pristine" vegetation that has never been cleared. This is simply not true. In fact, the definition of remnant vegetation within the VMA states[11]:

> remnant vegetation means vegetation—
> (a) that is—
> (i) an endangered regional ecosystem; or
> (ii) an of concern regional ecosystem; or
> (iii) a least concern regional ecosystem; and
> (b) forming the predominant canopy of the vegetation—
> (i) covering more than 50% of the undisturbed predominant canopy; and (ii) averaging more than 70% of the vegetation's undisturbed height; and (iii) composed of species characteristic of the vegetation's undisturbed predominant canopy.

Using the previous Department of Science, Information Technology and Innovations' paper on the Regional Ecosystem Framework[12] to further expand this, remnant vegetation can and does include vegetation that has previously been cleared or managed by human intervention or natural causes such as drought or fire, but displays the above characteristics. AgForce also argues the whole concept of 'pristine' is flawed. Pre-European settlement landscapes were managed by indigenous people for particular outcomes. There is little to no landscape or vegetation in Queensland that has not previously been managed by intervention.

Further analysis undertaken by AgForce indicated the remnant vegetation Category B mapped extent from 2013 (around the same time as the previous Bill was passed- so one could concede very little new clearing had taken place and landholders were still effectively operating under Labor laws) compared to the Category B mapped extent for December 2017 had just over 33,000ha removed from Category B. This is approximately 0.01pc of the vegetation in Queensland and in no way justifies the excessive changes to the legislation being proposed in VMOLA 2018.

AgForce notes the Queensland Government has been using satellite imagery since the late 1980s to measure vegetation clearing rates under the Statewide Landcover and Trees Study (SLATS). The clearing figures reported in SLATS 2015/16 have been politicised by the current government and used to justify the significant amendments proposed in VMOLA 2018. AgForce has been a long-time objector of using the SLATS report as a baseline for vegetation management in Queensland. This is due to the fact that the amount of regrowth vegetation does not get measured as part of the study.

Briefing notes released under Right to Information laws reveal Ministers were told in 2016 that *'we have accurate information on losses, but not accurate information on gains*[13], yet since then, little has been done to give scientists the tools they need to look at the full picture on vegetation

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[11] https://www.legislation.qld.gov.au/view/pdf/2017-07-03/act-1999-090

[12] Neldner, V.J., Butler, D.W. and Guymer, G.P. (2017). Queensland's Regional Ecosystems. Building and maintaining a biodiversity inventory, planning framework and information system for Queensland. Queensland Herbarium, Department of Science, Information Technology and Innovation, Brisbane

[13] https://www.theaustralian.com.au/national-affairs/state-politics/queensland-government-admits-tree-survey-flawed/news-story/40982ccbd8bee4e30129cbd3f272327e

management and ecological outcomes being achieved under current net rates of clearing.

In effect, the SLATS report only tells half the story. AgForce maintains the government cannot and will not get the best environmental and agricultural production outcomes making decisions on flawed data sets. In addition to this, there has been no Supplementary Report for SLATS since 2014 to more accurately describe the type and area of clearing that is being undertaken. The data is limited and incomplete, yet vegetation management policy is being developed apparently based largely on this information. AgForce has consistently maintained we are willing to engage in a science and evidence-based process on this issue, which means looking at all the facts and ensuring the Queensland Herbarium is not the sole scientific point of truth. This includes looking at how much vegetation has regrown and why vegetation was being managed for socio-economic outcomes, not just how much has been cleared.

Far less than one percent of Queensland's woody vegetation is cleared annually for regrowth, land use development, woody weed control and drought fodder (Table 1). Of the 140 million hectares of remnant vegetation across Queensland (82 per cent of Queensland's total areas), 70M ha is woody remnant vegetation and subject to the Vegetation Management Act framework. The other 70M ha is exempt from vegetation management land clearing regulations since 60M ha is predominantly grasslands and 10M ha is protected area estate.

Table 1: Annual woody vegetation clearing rates across Queensland according to annual SLATS reports[14]

Year	Woody vegetation cleared per year (includes native veg and invasive woody weeds)	Percentage of 140M ha of Queensland's native woody vegetation cleared per year
2015-2016	395,000 ha	0.28%
2014-2015	298,000 ha	0.21%
2013-2014	295 000 ha	0.21%
2012-2013	266,000 ha	0.19%
2011-2012	153,600 ha	0.11%
2010-2011	91,700 ha	0.06%
2009-2010	77,600 ha	0.05%
2008-2009	99,900 ha	0.07%

AgForce continues to recommend government policy needs to also consider trends in retained woody vegetation cover for managing dynamic landscapes within a variable tropical climate. Even with increased annual clearing rates across most Queensland catchments during 2015 to 2016, the extent of retained woody vegetation cover either increased or did not change compared to previous SLATS reports since 2011 (Table 2). The only exception was the Burnett Mary catchment, however this slight decrease in woody cover may also be due to the high standard error in the data.

[14] Queensland Government Statewide Landcover and Trees Study (SLATS) Reports 2008 to 2016. https://www.qld.gov.au/environment/land/vegetation/mapping/slats-reports/

Table 2. Landscape management requires considerations of retained woody vegetation cover as well as annual clearing rates[15].

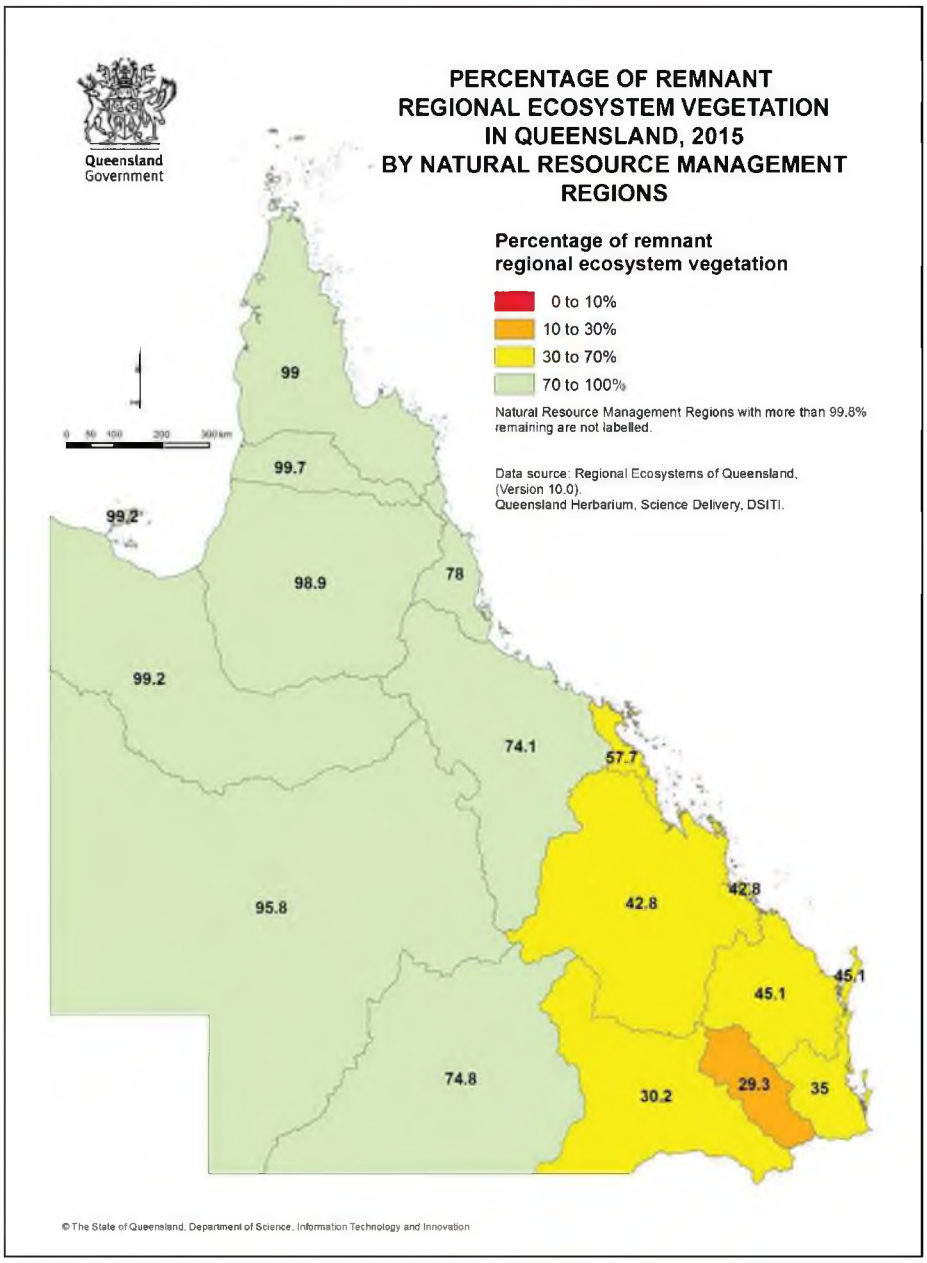
		2011-12		2012-13			2013-14			2015-16		
NRM Region	**Total area (,000 ha)**	**Rate of clearing (,000 ha)**	**% woody veg cover**	**Rate of clearing (,000 ha)**	**% woody veg cover**	**Δ[1]**	**Rate of clearing (,000 ha)**	**% woody veg cover**	**Δ[2]**	**Rate of clearing (,000 ha)**	**% woody veg cover**	**Δ[3]**
Burnett Mary	5595	11.7	69	14.1	69	0	15.2	73	↑	22.0	72 ± 4	↓
Cape York	13685	2.1	92	2.2	92	0	2.8	94	↑	1.8	95 ± 2	↑
Condamine	2544	4.9	39	8.1	39	0	5.9	40	↑	5.1	40 ± 1	0
Desert Channels	51000	8.8	20	17.6	20	0	19.8	19	↓	28.6	20 ± 1	↑
Fitzroy	15725	41.6	56	54.7	56	0	58.6	58	↑	73.4	57 ± 2	0
Nthn Gulf	19410	1.6	88	1.3	88	0	2.4	89	↑	18.5	89 ± 1	0
Burdekin	14090	18.9	64	38.6	65	↑	29.8	65	0	58.8	65 ± 1	0
Border Rivers/ Maranoa Balonne	10176	57.5	42	57.5	43	↑	35.7	42	↓	78.7	43 ± 1	↑
Mackay Whitsunday	934	0.9	67	1.0	68	↑	0.7	70	↑	1.3	70 ± 2	↑
SE Qld	2368	3.1	66	3.1	67	↑	4.5	70	↑	5.8	70 ± 4	0
SW Qld	18711	29.0	47	63.1	48	↑	116.9	44	↓	91.5	46 ± 4	↑
Sthn Gulf	19460	1.8	49	3.3	49	0	2.0	50	↑	5.3	50 ± 2	0
Wet Tropics	2224	1.4	84	1.2	84	0	1.4	85	↑	2.5	85 ± 1	0
Torres Strait	85	0.0	70	0.0	70	0	0.0	88	↑	0.0	94 ± 6	↑

Δ[1] = Increase (↑) or decrease (↓) no change (0) in percentage woody cover between 2011-12 and 2012-13
Δ[2] = = Increase (↑) or decrease (↓) no change (0) in percentage woody cover between 2012-13 and 2013-14
Δ[3]= = Increase (↑) or decrease (↓) or no change (0) in percentage cover between 2013-14 and 2015-16

AgForce notes and is pleased to see the election commitment related to the improvement of mapping and recommends this include appropriate ground-truthing of Regional Ecosystem Mapping and the development of an established baseline for the extent of woody vegetation across Queensland. ideally the Queensland Herbarium can provide maps and data of retained woody vegetation cover in addition to maps of percentage remnant vegetation which includes natural grasslands and protected area estate (Figure 1).

Figure 1: Percentage of remnant regional ecosystem vegetation across NRM regions in Queensland, 2015[16]

[15] Qld Govt SLATS Reports 2010 to 2016 https://www.qld.gov.au/environment/land/vegetation/mapping/slats-reports/
[16] https://www.qld.gov.au/environment/plants-animals/plants/ecosystems/remnant-vegetation



AgForce notes that VMOLA 2018 does not propose to reinstate the reverse onus of proof offence provision or remove the mistake of fact defence provisions from the VMA. Given the patently unfair nature of these previous inclusions AgForce obviously agrees with this stance and believe it is one of the few sensible positions taken by the current Queensland Government in relation to the vegetation management framework.

4. Extend the protection of 'high value' regrowth vegetation to align with High Conservation Values

4.1 Increasing the land types on which 'high value' regrowth is regulated (as category C) to include freehold land, indigenous land and occupational licences; and

4.2 Amend the definition of 'high value' regrowth to be vegetation that has not been cleared for 15 years

VMOLA 2018, Clause 37 – Added new Part 6, Division 13 Transitional Provisions, including a proposed regulated vegetation management map with the addition of new essential habitat areas.

VMOLA 2018 Clause 38 – Amends the dictionary, including definitions of 'high value' regrowth and protected wildlife to include near threatened wildlife (consistent with change in essential habitat).

The original regulated regrowth legislation was applied retrospectively. Landholders who had maintained paddocks with vegetation, for reasons such as using it in a rotational management plan, spelling the paddock to ensure it was well maintained, animal welfare reasons or future drought proofing their properties then had their ability to manage this land effectively removed.

The Queensland Government at the time applied the arbitrary date of 1989 to this regrowth vegetation. The date was a function of the Kyoto Framework applying the baseline in order to achieve greenhouse policy purposes. It had no useful purpose in ecological terms and had no scientific basis. Regrowth management was, and still is, part of a longer-term plan put in place by landholders to ensure the long-term productivity and sustainability of their properties. The high value placed on it by landholders is not equivalent to the high value placed on it solely on ecological grounds.

The proposed, and eventually regulated, regrowth areas were derived from hastily prepared desktop satellite image analysis, with no ground-truthing. The resulting maps were (and remain) plagued by significant errors including areas of non-native vegetation (such as orchards, Leucaena fodder plantations and exotic woody weeds) and bare earth. In preliminary investigations of several properties through the VMOLA 2016 inquiry, the accuracy of 'high value' regrowth was no better than that in 2009. The proposed extension to regulated regrowth in VMOLA 2018 are highly concerning to AgForce and its members. AgForce is firmly opposed to the proposed expansion of the 'high value' regrowth layer set to add 862,506 hectares to the current regulated regrowth extent, of which 47 per cent is in the Great Barrier Reef catchments. It is extremely disappointing that despite ongoing issues with the reliability of the dataset the Queensland Government continues to insist on using these flawed maps as a baseline surrogate for conservation and biodiversity values.

The VMOLA 2018 Explanatory Notes together with the ALP's 2017 election commitments references aligning the definition of 'high value' regrowth with High Conservation Values, consistent with the definition advocated by the High Conservation Resource Network. AgForce has long criticised an unbalanced green agenda in relation to the vegetation management framework.

On investigation the High Conservation Resource Network was originally developed by the Forest Stewardship Council, funded through WWF agreements and hosted by the United Kingdom based NGO, Proforest. It is made up of a network of members that include WWF and Proforest as well as the Rainforest Alliance. It is fair to say this information supports assertions that regrowth amendments are not balanced with other socio-economic considerations and favour purely environmental factors, despite the Government's claims they will support a sustainable and prosperous agricultural sector.

It is important to remember that regrowth is vegetation that has previously been cleared. Areas of 'high value' regrowth differ in botanical structure and species composition when compared to the original regional ecosystem. A CSIRO report into the conservation values of regrowth native plant communities discussed international studies undertaken to compare tree species richness in primary and secondary (or regrowth) forests. The studies found that *"…even after 100 years of succession and being 13* (communities) *adjacent to contiguous primary forest the secondary forest was still significantly less diverse than primary forest in terms of tree species*[17]." This study is further backed up by COAG's 2012 Australia's Native Vegetation Framework[18] which indicated 'regrowth' vegetation is generally different in many respects (which include its environmental values) from the vegetation that has been cleared. Further Queensland examples of the changing structure and composition of vegetation include increased eucalypt cover in the Desert Uplands[19] and Central Highlands/Burdekin Catchment[202122], gidgee encroachment onto Mitchell grasslands[23], tea tree invasion of grasslands in Cape York[24] and mulga thickening in country east of the Warrego River[2526]. Burrows (2013)[27] advises that restricting subsequent clearing on high value regrowth areas is not likely to restore the original ecosystem. This information serves to highlight the on-ground reality of regrowth stands of vegetation being completely different from the original.

Furthermore, effective regrowth control is not a once off event. However, previous regrowth regulations have caused this to be the case and the proposed changes to 'high value' regrowth provisions threaten to trigger this once again. Areas of previously managed or cleared vegetation provide landholders with improvements to their properties thus adding to their productivity, their financial capacity to manage the environment, and ultimately to the value of those properties.

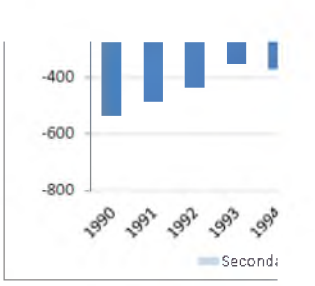
The Australian Government Land Sector estimates 2017 submission to the United Nations Framework Convention on Climate Change (UNFCCC) indicated the area of primary forest conversion was down by 90 per cent on 1990 figures[28]. With secondary clearing undertaken for pasture maintenance purposes such as managing regrowth or woody vegetation encroachment. They further went on the explain these practices, on average contribute negligible amounts of greenhouse gas emissions over the longer term.

Additionally, the report revealed regrowth on previously cleared land is reappearing at a faster rate than land managers can re-clear, stating "*…the area of new secondary forest regenerating on land previously cleared was 526,000 hectares in 2015, which is 225,000 hectares more than the estimated*

[17] http://www.environment.nsw.gov.au/resources/nature/RegrowthOfNativePlants.pdf
[18] http://www.environment.gov.au/system/files/resources/76f709dc-ccb3-4645-a18b-063fbbf0a899/files/native-vegetation-framework.pdf
[19] Sim, A., Heijnis, H. and Mooney, S., 2004, Use of the pollen record to investigate vegetation thickening in central Queensland over the last 120 years. Proc. AQUA Conf.: Hobart.
[20] Krull , E., Bray, S., Harms, B., Baxter, N, Bol, R. And Farquhar, G., 2007, Development of a stable isotope index to assess decadal-scale vegetation change and application to woodlands of the Burdekin Catchment, Australia. Global Change Biology 13: 1455-1468.
[21] Fensham, R., Low Choy, S., Fairfax, R. and Cavallaro, P., 2003, Modelling trends in woody vegetation structure in semi-arid Australia as determined from aerial photography. J. Environmental Manage. 68: 421-436.
[22] Burrows, W., Henry, B., Back, P., Hoffmann, M., Tait, L., Anderson, Menke, N., Danaher, T., Carter, J. and McKeon, G., 2002, Growth and carbon stock change in eucalypt woodlands in northeast Australia: ecological and greenhouse sink implications. Global Change Biology .8: 769-784.
[23] Krull, E., Skjemstad, J., Burrows, W., Bray, S., Wynn, J., Bol, R., Spouncer, L. and Harms, B., 2005, Recent vegetation changes in central Queensland, Australia: evidence from 13C and 14C analyses of soil organic matter. Geoderma 126: 241-259.
[24] Crowley, G. and Garnett, S., 1998, Vegetation change in the grasslands and grassy woodlands of east-central Cape York Peninsula, Australia. *Pacific Conservation Biology* **4**: 132-148.
[25] Gasteen, W., 1986, Historical trends in the mulga lands of south west Queensland. In "The Mulga Lands" (ed P.S. Sattler) (Royal Society of Queensland: Bribane). pp. 72-78.
[26] Purdie, R., 1986, Development of a National Park System for Queensland's Mulga Region. In "The Mulga Lands" (ed P.S. Sattler) (Royal Society of Queensland: Bribane). pp. 122-127.
[27] http://www.propertyrightsaustralia.org/documents/1369869440_bush_clearing_2013_dr_bill_burrows.pdf
[28] https://www.environment.gov.au/system/files/resources/43efadc7-9746-427f-b156-0d6b15369773/files/focus-land-sector-estimates-2017.pdf

clearing of secondary forests." This is also shown in figure 2. Rates of secondary forest regrowth and reclearing (k ha).

Figure 2: Rates of secondary forest regrowth and reclearing (k ha)[29]



Producers need to be able to manage their land in a way that is best for their on-ground needs. Most farmers, 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. It provides the ability 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. Without these poorly targeted regulatory restrictions landholders are 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 are also 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 and property incomes.

AgForce has previously noted perverse environmental and economic issues in 'high value' regrowth debates and there are costs that must be considered by legislators when considering VMOLA 2018.

Impacts felt by the Regulated Regrowth amendments in 2009 included:

- 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, as previously described.
- Prevention of expansion of agricultural activities
- Prevention of valuable 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, and
- Loss of land values.

[29] https://www.environment.gov.au/system/files/resources/43efadc7-9746-427f-b156-0d6b15369773/files/focus-land-sector-estimates-2017.pdf

Should the VMOLA 2018 amendments pass as proposed there will undoubtedly be the above occurring across the state once again.

Clause 37 and 38 of VMOLA 2018 also proposes to amend the definition of Essential Habitat to include near threatened wildlife, as defined in the *Nature Conservation Act 1992* (NCA). Mapping analysis done by AgForce indicates that this will add an extra 2,108,704 hectares to the regulated vegetation area across Queensland.

The NCA currently regulates endangered, of concern and near threatened species in Queensland. There are also federal levels of protections for significant species under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). AgForce questions the need to expand the essential habitat area regulated under the VMA and submits this is another area of legislative duplication, as well as unjustified regulation on landholders.

A better approach would be to fund an effective extension campaign to inform landholders of their existing responsibilities under the EPBC Act and to pay them for the ecosystem services they provide in conserving these species for the public good.

5. Remove high value agriculture and irrigated high value agriculture as a relevant purpose under the *Vegetation Management Act 1999*

VMOLA 2018, Clause 16 – Amends s22A to remove high value agriculture and irrigated high value agriculture (HVA/IHVA) as a relevant purpose.

VMOLA 2018, Clause 18 - Removal of Part 2, Division 6, Subdivision 1A - particular vegetation clearing applications.

In our 2016 submission, AgForce highlighted HVA/IHVA as providing a significant potential for farmers to improve drought mitigation and diversify and stabilise income in dry years. This statement still holds true. Since commencement of the HVA/IHVA provisions in the VMA, approximately 114,734 hectares of clearing has been approved for HVA and IHVA. Of this area, 109,626 hectares was for HVA and 5,107 hectares was for IHVA which represents just 0.08pc of remnant vegetation in Queensland.

The removal of HVA and IHVA will affect farmers in different regions differently, with those in the north particularly hard hit. Throughout northern Queensland energy and protein become limiting in cattle
diets during the dry season which can cause issues with stock survival and welfare through years of drought. HVA and IHVA permits provide farmers with the opportunity to grow fodder/grain for supplementing in the dry season and provide protein for finishing off stock for a burgeoning demand for Australian beef. The removal of HVA/IHVA is a direct conflict with the opportunity for agriculture presented in Australian Government White Paper on the Development of Northern Australia[30] and the state government's apparent stated desire to grow jobs in Queensland. This proposed amendment also directly substantiates the assertion within the paper that for too long Governments have hindered investment in the north.

In central and southern Queensland, HVA and IHVA provides opportunity for farmers to droughtproof properties and stabilise production and income over variable climatic and market conditions. Sustainable clearing for relatively small pockets of high value agriculture enable agricultural production to improve continuity of supply to food processors and meet the increasing requirements of international markets and Australia's Free Trade Agreements.

In the ALP's election commitment document, they assert that "*...clearing for agricultural expansion and development will still be able to be undertaken through a range of mechanisms*". It then goes on to indicate either using an SAC, to clear small parcels of land for agricultural purposes, or using the *State Development and Public Works Organisation Act 1971* (SDPWO Act) for larger coordinated projects.

Clearing small parcels of land for agricultural purposes is currently permitted in the "Managing clearing to improve operational efficiency of existing agriculture" ADVCC (previously SAC). Yet, this is extremely limited with two of the required outcomes limiting the clearing to islands of vegetation and straightening of edges of existing cropped areas. It is also limited to very small areas of clearing, with the maximum allowed under the code of either 5 hectares or 10 pc of the total cropped area to a maximum of 100 ha. This code is not intended to allow for any new development and cannot be considered an appropriate alternative to the HVA/IHVA provisions.

[30] https://www.cdu.edu.au/sites/default/files/the-northern-institute/docs/northern-australia-white-paper.pdf

Further, the coordinated project path also cannot be considered an appropriate substitution for the HVA/IHVA applications given the scale and costs associated with this type of development. In order to use the SDPWO Act for agricultural purposes the application must complete an Environmental Impact Statement (EIS) or Impact Assessment Report (IAR). EIS/IAR's are reserved for significant, strategic and complex projects.

The Etheridge Integrated Agricultural Project, commonly known as IFED is an example of the scale of project associated with coordinated project applications for agriculture (though they are rarely seen). This proposed project stretched across 5 properties, covering over 300, 000 hectares with capital expenditure costs above $1Billion[31]. The project did not go ahead, with the coordinated project status lapsing. The Chairman of the project was quoted as saying "…the approval and regulatory challenges are enormous – a factor poorly understood or appreciated in George Street and Canberra[32]."

Using the IFED project as a surrogate baseline, the largest Development Application approved under the HVA/IHVA provisions in the VMA was less than 10pc of the size of the IFED project and anything above the current allowance within the ADVCC it would be a mere 0.03pc of the IFED project. The suggested mechanisms for those wanting to undertake clearing for future agricultural expansion or development in between these two ranges completely fails to recognise the likely scale of the majority of future desired developments.

AgForce maintains that High Value Agriculture/Irrigated High Value Agriculture (HVA/IHVA) development presents a much needed social and economic opportunity for the agricultural industry in Queensland. It also has positive flow-on effects for rural communities and contributes strongly to building wealth for our state and nation. HVA/IHVA was intended as a safeguard for mitigating against drought and protein deficiencies in wet season conditions, particularly in northern Queensland. CSIRO conducted a technical review for mosaic irrigation to develop forage paddocks on remote grazing properties across northern Queensland to produce necessary stock fodder during dry seasons, drought and reduce road haulage miles[33]. HVA and IHVA enabled the growth of existing rural businesses to support the development of agriculture as an efficient, innovative, resilient, and profitable sector in the state economy. Rural communities require economic stimulus for sustainable irrigated cropping industries such as the advanced nationally significant project for the Gulf Rivers Irrigation Area[34] on the Gilbert River (Etheridge Shire)[35] and Flinders River (Flinders Shire).

AgForce is acutely aware of the resistance to HVA/IHVA development from a small sector of the community largely due to their ideological opposition to vegetation clearing of any description. There is particular concern around clearing of remnant vegetation and the perceived impacts this will have on alleged threatened or endangered Regional Ecosystems, especially in areas of Queensland where the dominant and historical agricultural land use is grazing.

As such AgForce recommends maintaining the HVA/IHVA provisions in the VMA and recommends the Queensland Government reconsider the proposal made by AgForce during the 2017 election

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[31] http://www.agriculture.gov.au/abares/outlook-2014/Documents/presentation-slides/keith-deLacy-presentation.pdf
[32] http://www.northqueenslandregister.com.au/story/4170719/ifed-project-suspended/
[33] Grice AC, Watson I and Stone P. 2013. Mosaic irrigation for the Northern Australia Beef Industry. An assessment of sustainability and potential. Technical Report. A report prepared for the Office of Northern Australia. CSIRO, Brisbane. https://www.csiro.au/en/Research/Major-initiatives/Northern-Australia/Achievements/Mosaic-irrigation
[34] https://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=jscna/subs/sub0147%20attach%20c.pdf
[35] http://www.northqueenslandregister.com.au/story/4408514/council-drives-gilbert-river-irrigation-project/

period[36]. With development applications representing 'the right land use, the right landscape and the right design' and landowners demonstrating an effective outcome through each phase of clearing vegetation, cultivating, and planting.

[36] https://agforceqld.org.au/index.php?tgtPage=policies&page_id=701

6. Extend category R to include regrowth vegetation in watercourse and drainage feature areas in three additional Great Barrier Reef catchments–Eastern Cape York, Fitzroy and Burnett-Mary catchments

VMOLA 2018, Clause 37 – Added new Part 6, Division 13 Transitional Provisions, including a proposed regulated vegetation management map with the addition of extended Category R areas, including 3 additional Great Barrier Reef Catchments.

VMOLA 2018 Clause 38 – Amends the dictionary, including definitions of regrowth watercourse and drainage feature area.

AgForce is opposed to any expansion of category R areas, particularly for riparian and wetland landscapes in good condition. Ground cover determines runoff and erosion risk, not tree cover. At least 50 per cent grass cover minimises sediment runoff from overland flow[37]. There is no scientific evidence that woody regrowth reduces erosion. AgForce is of the firm belief that new Reef science on sediment fallout in river deltas must be considered, including the composition and movement of suspended sediment plumes within the 60km inner shore along the Reef coastline.

For example, over 90 per cent of suspended sediment from the Burdekin River falls out of suspension when mixed with sea water within 50km of the river's mouth[38]. According to the Reef scientists, these new sediments do not contribute to the flood plumes seen in Bowling Green Bay and Cleveland Bay. Plumes within the Bays arise from sediment re-suspension events (from windy conditions stirring up historical river flow events) and organic-rich very fine suspended sediments[39].

Sediment tracing studies have concluded the main source of fine silt and clay suspended sediment in the Burdekin catchment is from bare subsoils[40] with more than 40 per cent from gully erosion[41]. Other main sources include streambank erosion and scalded areas on hillslopes. Subsoil erosion is a factor of soil erodibility, slope, current and historical land uses. Protecting bare erodible soils and preventing further gully erosion is the priority for Reef health. "Strengthening regulations to protect" riparian areas covered with woody vegetation and high ground cover would not reduce the main erosion source of gullies and bare subsoils. Woody riparian vegetation can stabilise stream banks subject to slumping and scouring due to erodible soil types and stream power. However it is the amount of ground cover upstream that mainly influences amount of runoff, stream power and bank stability[42].

Additionally, the Queensland Government SLATS 'woody vegetation clearing rates' do not distinguish between clearing native woody vegetation versus introduced woody weeds. Woody

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[37] Loch RJ. 2000. Effects of vegetation cover on runoff and erosion under simulated rain and overland flow on a rehabilitated site on the Meandu Mine, Tarong, Queensland. Aust. J. Soil, Res. 38. 299-312.

[38] Lewis S., Olley J., Furuichi T., Sharma A., Burton J., 2014, Complex sediment deposition history on a wide continental shelf: Implications for the calculation of accumulation rates on the Great Barrier Reef, Earth and Planetary Science Letters. 393. 146-158.

[39] Bainbridge Z.T, Wolanski E., Alvarez-Romano J., Lewis S., Brodie J., 2012, Fine sediment and nutrient dynamics related to particle size and floc formation in a Burdekin River flood plume, Australia, Marine Pollution Bulletin. 65. 236-248.

[40] Wilkinson S., Olley J., Furuichi T., Burton J., Kinsey-Henderson A., 2015, Sediment source tracing with stratified sampling and weightings based on spatial gradients in soil erosion, J Soils Sediments. DOI 10.1007/s11368-015-1134-2.

[41] Wilkinson S., Bartley R., Hairsine P., Bui E., Gregory L., Henderson A.., 2015, Managing gully erosion as an efficient approach to improving water quality in the Great Barrier Reef lagoon, Report to the Department of the Environment. CSIRO Land and Water, Australia.

[42] Bartley R, Philip S, Henderson A and Tindall D. 2016. Investing in riparian zone management to reduce erosion from stream channels: how do we evaluate success? Report to the National Environmental Science Programme. Reef and Rainforest Research Centre Limited, Cairns (54pp.)

vegetation in SLATS Reports[43] is defined as assemblages of all woody plants (native vegetation, regrowth, plantations and woody weeds) with a tree crown cover of 20 per cent which equates to 11 per cent Foliage Projective Cover. The 2013/14 annual clearing rates within the six Reef catchments only impacted on 0.2 per cent (108,000ha) of the total Reef catchment area (52M hectares). In 2013/14, 54 per cent of vegetation clearing (58,600ha) across Reef regions was in the Fitzroy catchment, which was predominantly non-remnant and non-regulated (Category X) Brigalow regrowth and lopped or heavily grazed Leucaena tree fodder plantations. AgForce recommends that SLATS reports are not used as the basis for vegetation regulation until the SLATS reporting methodology can devise masks to excise these non-regulated native and exotic woody vegetation clearing activities from relevant clearing activity analyses.

The 2014 Reef Report Card[44] showed only a 0.4% loss (30,980ha) in riparian woody vegetation extent, between 2009 to 2013. Riparian woody vegetation extent within 100 metres of Reef watercourses is only measured every four years. Woody vegetation riparian extent is measured across all land uses (agricultural, industrial and urban development) and includes substantial loss of riparian woody vegetation associated with Category 4/5 cyclones crossing the Reef since 2009 (e.g. Cyclones Hamish, Ului, Yasi and Marcia). Not all this loss of riparian woody vegetation can be attributed to agricultural land use, some is from urban and coastal development.

Producers take care of their farms by controlling woody weeds, where possible and affordable, to restore biodiversity, maintain natural regional ecosystems and achieve sustainable and profitable agriculture. The increase in Category R provisions to include three additional catchments is a further restriction on development in Northern Queensland, which is in stark contrast to the development imperatives contained with the White Paper on Developing Northern Australia. There is often a direct conflict with every landholder's General Biosecurity Obligation under the *Biosecurity Act 2014* to contain and manage Restricted Matter Class 2,3 declared weeds on property, including preventing spread down watercourses. Accepted Development Clearing Codes restrict use of mechanical and chemical methods along regrowth watercourses and springs which can impede best practice for exotic riparian weeds such as chinee apple, bellyache bush, rubber vine and lantana.

In summary, AgForce principles for land management in the Great Barrier Reef catchments include:

1. Ground cover determines erosion risk not tree cover.
2. Dense woody riparian vegetation buffers do not provide streambank channel stability or reduce erosion potential. Upstream catchment condition and extreme runoff or flood events are the main factors affecting channel erosion.
3. Protecting bare erodible soils and preventing further gully erosion is the priority for Reef health. "Strengthening regulations to protect" riparian areas covered with woody vegetation and high ground cover would not reduce the main erosion source of bare subsoils.
4. The soil erodibility factor in Reef modelling is based on runoff studies from pasture areas. No Reef science studies have measured and modelled suspended sediment runoff and soil erodibility from wooded vegetation. There has been no impact evaluation of Category R regrowth on Reef water quality and this is a clear deficiency of the government's policy.
5. Reef Report Cards claim land management practices is a main factor affecting water quality. Voluntary Grazing BMP benchmarking can validate 75% of 1682 Reef graziers manage frontage and riparian country at or above best practice, 10% below best practice and 15% do not have riparian frontage. Over 96% manage the tree-grass balance and restore their bare areas.

[43] Queensland Department of Science, Information Technology and Innovation, 2015, Land cover change in Queensland 2012-13 and 2013-14: a Statewide Landcover and Trees Study (SLATS) report. DSITI, Brisbane.

[44] Reef Water Quality Protection Report Card 2014 http://www.reefplan.qld.gov.au/measuring-success/report-cards/2014/

6. Strengthening vegetation management regulations was an election / political commitment rather than a Reef water quality outcome. Upon election in February 2015, the Queensland Labor Government rapidly inserted new actions into the Reef 2050 Long Term Sustainability Plan just prior to the Plan being directly sent to the World Heritage Committee. These actions, including strengthening vegetation management regulations, did not go through due process of consultation, nor have confirmed support from all stakeholders on the Reef Advisory Committee.

2016 commentary from AgForce's VMOLA inquiry submission continues to remain pertinent to our opposition of the expansion of category R areas:

> ***Landuse Change:*** "Instead of just limiting potential, they are restricting actual productivity. Increasing Category R will take out a considerable area of 'high value arable land' on smaller rural holdings. Category R robs producers of productivity that have not only paid for the land but paid for development as well. Category R locks out Queensland's most productive country."
> ***Science is Misieading:*** "Increasing Category R vegetation is punitive and arbitrary, not based on science. There is no scientific consensus to back Category R regulation. Ground cover in conjunction with tree cover supports sediment and chemical filtration. Grass cover reduces Nitrogen, filters sediment (especially fine sediment) and increases macroinvertebrate diversity in-stream. There is no evidence or scientific proof that stream buffers have demonstrated effective filtration of sediments in current Category R areas. Therefore, the present Category R catchments have not scientifically justified further implementation in the three other regions. In recent scientific studies 50-100 m buffers are not supported for either biodiversity outcomes or sediment/nutrient reduction."
> ***Monitoring Resuits Inconciusive:*** "Monitoring is not backing up practice-change in terms of NRM Groups funding fencing. Focus of riparian health should not be assessed using cross-sectional monitoring and modelling but looking at reach (length of stream). Monitoring science does not support Cat R being effective in GBR protection."
> ***Contamination Causes:*** "The reef contamination causes need to be highlighted - people within coastal urban and industrial developments are known major contributors, but this is rarely acknowledged by Government."
> ***Questions of Vaiue:*** "Definition of the term "High Value" is misleading as it is unclear who receives 'value' from this regrowth. It is ambiguous as to who the beneficiary is and who is making the definition. If the beneficiary is the community, they need to pay for this benefit, or 'public good'."
> ***Poverty Degrades:*** "Loss of income from Category R land amplifies the sediment and runoff control problem. Poverty actually creates perverse environmental outcomes. The best environmentalist is a viable primary producer."

7. Reintroduce provisions in the Water Act 2000 to require landholders to obtain riverine protection permits for clearing vegetation in a watercourse

Part 5 – Amendment of the *Water Act 2000*

Associated VMOLA 2018 Clauses 49 – 56 – Reinstates the Riverine Protection Permit (RPP) provisions in relation to 'destroying vegetation' and associated sections in the *Water Act 2000* (Water Act).

AgForce has previously supported[45] the removal of requirements for RPP to destroy vegetation from the Water Act in order to remove duplication of regulation. The current RPP regulations require permits to be obtained to excavate or place fill in a watercourse, lake or spring, which includes vegetative material below the surface, playing a key role in bank stability. Reinstating these provisions in the Water Act adds an additional layer to the already complicated framework landholders are required to abide by for vegetation management. AgForce does not agree with the reintroduction of these duplicative provisions.

[45] http://www.parliament.qld.gov.au/documents/committees/AREC/2013/11-LandWaterOLA/submissions/018-AgforceQueensland.pdf

8. Expand the compliance framework and the ability to undertake compliance action where unlawful clearing has been undertaken, or where there is suspicion it is occurring

VMOLA 2018, Clause 20 to 34 - Amends various sections of the VMA related to power to enter places, seize evidence, failure to give information, assist an authorise officer, present documentation, stop work notices and a range of general offences.

VMOLA 2018, Clause 35 – added new Part 4, Division 5 Enforceable undertakings

Property Rights Australia (PRA) have recently made comment on the addition of enforceable undertakings within VMOLA 2018. They have stated[46]:

> *"An enforceable undertaking is meant to be a voluntary agreement between a landowner and the state. They appear to be designed to avoid court action and cover an alleged offence as well as an offence. How well they work will depend entirely on how they are administered. There is a lot of room for abuse by the state.*
>
> *As with much of this Act there are many ways in which the agreement can be amended or suspended after a show cause process which is unspecified so that the subject may never be sure that there will be a secure agreement."*

AgForce holds the same concerns and agrees the lack of specificity in these clauses is highly concerning.

AgForce does not agree with the increase to penalty units proposed in VMOLA 2018 and again agrees with statements made by PRA regarding this:

> *"The maximum fine for non-compliance with a restoration notice has risen from 1665 penalty units to 4500 penalty units or $567,675.*
>
> *This is supposedly to bring it into line with the Planning Act 2016.*
>
> *The equivalent section of the Planning Act is an entirely different instrument. Before an enforcement notice can be given under the Planning Act, the enforcement authority must give a "show cause" notice to the subject. The subject then has 20 business days to make submissions to the enforcement authority. No such provision is in the vegetation management Act so that a landowner can make a case for non-compliance which could be a whole raft of reasons.*
>
> *There are other rights and protections built into the Planning Act so they are not comparable.*
>
> *It should not be possible to levy a fine of that magnitude without access to the inside of a courtroom."*

AgForce has long maintained it neither condones nor supports landholders who deliberately engage in illegal activities. Instead we have encouraged the Queensland government to work effectively with landholders in the first instance. AgForce is firmly of the belief that if fair, practical and equitable legislation was in place for vegetation management in Queensland there would be no

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46 https://www.facebook.com/PropertyRightsAustralia/photos/a.1448834232025751.1073741828.144785820545668 7/2038882856354216/?type=3&fref=mentions

need to increase penalty units as a deterrent for illegal activities. Various studies have been undertaken on the increase in the severity of the fine or punishment and its relative deterrence on crime[474849]. While it's difficult to apply findings directly to offences within the vegetation management framework, some of the conclusions around improved economy and employment levels correspond with anecdotal information AgForce receives on why illegal clearing is undertaken. AgForce has on numerous occasions stated that a heavy-handed approach causes unnecessary fear and angst for producers.

An expansion of the compliance framework and an increase in penalty units, together with the excessive restrictions proposed across the entire vegetation management framework will only serve to exacerbate this fear and anxiety. The intended deterrence will have the opposite effect of stopping landholders from managing their vegetation in any capacity, leading to a breakdown of environmental, economic and social values on rural properties.

There is no clear indication from Queensland Government as to how landholders will be informed about the transitional regulatory requirements within VMOLA 2018 Bill. The current transitional guidelines are complex, difficult to locate and obtain and do not provide an overview of clearing, essential habitat, protected plant trigger maps and required records and maps in one succinct document.

[47] http://www.bocsar.nsw.gov.au/Documents/CJB/cjb158.pdf
[48] https://www.smh.com.au/national/nsw/when-it-comes-to-crime-harsher-punishment-doesnt-pay-20120313-1uykb.html

[49] https://nij.gov/five-things/pages/deterrence.aspx

9. Remove the requirement for the Minister to make accepted development vegetation clearing codes (ADVCCs) for a range of vegetation management activities, including changes to area management plans.

VMOLA 2018, Clause 4 – Amends s19O Accepted Development Vegetation Clearing Codes

VMOLA 2018, Clause 6 – Amends s19S new section regarding revocation or removal of an ADVCC

VMOLA 2018, Clause 14 – Amends Division 5B – Area Management Plans and relevant sections within the VMA

VMOLA 2018, Clause 17 – Added s22B requirements for vegetation clearing application for managing thickened vegetation.

The VMOLA 2018 Explanatory Notes imply that changes to the ADVCC sections, including to make ADVCCs discretionary and the specific vegetation management activities for which ADVCCs are made, are to increase flexibility and advance the purpose of the VMA. Yet, AgForce asserts the amendments appear to only increase flexibility for the chief executive, to make vegetation management activities tougher, and to centralise power in Brisbane City. 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 with excellent results. The relevant purposes contained in s19O are land maintenance activities that are a necessary and integral part of modern farming and any vegetation management legislation needs to reflect this through ensuring they remain as ADVCCs.

In Minister Lynham's introductory speech for VMOLA 2018[50], he stated: "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. Subsequently, Clause 6, together with Clause 17 were added to VMOLA 2018 in order to remove thinning or managing thickened vegetation as an ADVCC. Should the interim code for managing thickened vegetation be revoked, and with the subordinate legislation *Vegetation Management (Clearing Codes) and Other Legislation Amendment Regulation 2018* landholders will be required to submit a development application for thinning to the Department."

Thinning or managing thickened vegetation has been hotly debated on both sides as to whether it is undertaken for ecological purposes or production value purposes or both simultaneously. In representing our views on the Draft Thinning Code 2016, AgForce noted the following information in relation to thickening vegetation. The information is pertinent to the proposed removal of thinning from the approved ADVCCs:

> Queensland vegetation is often subjected to a variable climate with sparse tree densities. Longer timeframes for encroachment and regrowth means that land managers need to carefully consider the decade, the year and time of year, as well as moisture content and predicated rainfall before taking action to manage vegetation. Sometimes the window is small and may not recur for a significant period of time.
>
> There is considerable issue with ensuring 'thinning operations restore the regional ecosystem to its characteristic floristic structure and composition'. John Nelder and other

[50] http://www.parliament.qld.gov.au/documents/tableOffice/BillMaterial/180308/Veg.pdf

scientists from the Herbarium established benchmarks in Regional Ecosystems (REs) that had already thickened. AgForce argues strongly that the proposed compliance requirements are fundamentally flawed as they are based upon the understanding that the floristic structure and composition of REs benchmarked in the 1990s are characteristic of these REs. Many REs across Queensland have been thickening since times of settlement, introduction of livestock and transformation of burning regimes. Within the Queensland Government, the science on thickening has been flawed over recent years. The SLATS records indicate that vegetative cover over the State is continuing to expand, however, thickening in-situ has not been adequately recorded or monitored.

A recently released paper titled 'Greening of Earth and its drivers'[51] argues that the whole planet is greening and that an increase of growing season integrated Leaf Area Index (LAI), a measure of greening, is occurring over 25-50 pc of the global vegetated area, whereas less than 4pc of the globe shows decreasing LAI (browning).

Vegetation thickening is a natural process which can be induced or accelerated by land use, land management and fire regimes. Woody thickening is typically defined as 'the increase in woody standing biomass in a landscape already containing woody biomass'[52]. Both woody thickening and woody plant invasion 'are global phenomena that are commonly observed in arid and semi-arid regions including Australia.'[53]

Liu et all., 2015[54] have used an entirely new remote sensing approach to derive global aboveground biomass carbon (ABC) estimates for both forest and non-forest biomes during the past two decades from satellite observations. They advise that interannual ABC patterns are greatly influenced by the strong response of water-limited ecosystems to rainfall variability, particularly savannahs. Increased ABC associated with wetter conditions in the savannahs of norther Australia and southern Africa reversed global ABC loss since 2003, leading to an overall gain globally. They also advise that their findings are consistent with trends in the global carbon sink report in recent studies.

Liu, van Dijk and Canadell 2015[55] maintain that on average Australia is 'greener' today than it was two decades ago. This is despite ongoing land clearing, urbanisation and the recent droughts in some parts of the county. However, the increase in vegetation has not been uniform with the largest increases in northern Australia.

Woody thickening has occurred over certain parts of Queensland since the mid-1800s. Farmers know this. They manage the landscape accordingly. Woody thickening has been proven through carbon dating[56] and analysis of time-series photography. Aboveground biomass increased in Queensland over a 20-year observation period (1993-2012), even though this also coincided with different years of either well below or well above average

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[51] Zhu, Z. *et al.* Greening of the Earth and its drivers. *Nat. Clim. Change* **6**, 791–795 (2016).

[52] Macinnis-Ng C, Zeppel M, Williams M, Eamus D (2011) Applying a SPA model to examine the impact of climate change on GPP of open woodlands and the potential for woody thickening. *Ecohydrology* **4**, 379–393.

[53] Liu, Y. Y., van Dijk, A. I. J. M., de Jeu, R. A. M., Canadell, J. G., McCabe, M. F., Evans, J. P., and Wang, G.: Recent reversal in loss of global terrestrial biomass, Nature Climate Change, 5, 470–474, doi:10.1038/nclimate2581, 2015.

[54] Liu, Y. Y., van Dijk, A. I. J. M., de Jeu, R. A. M., Canadell, J. G., McCabe, M. F., Evans, J. P., and Wang, G.: Recent reversal in loss of global terrestrial biomass, Nature Climate Change, 5, 470–474, doi:10.1038/nclimate2581, 2015.

[55] Liu, Y. Y., van Dijk, A. I. J. M., de Jeu, R. A. M., Canadell, J. G., McCabe, M. F., Evans, J. P., and Wang, G.: Recent reversal in loss of global terrestrial biomass, Nature Climate Change, 5, 470–474, doi:10.1038/nclimate2581, 2015.

[56] Bray S. G. , Krull E. S. , Harms B. P. , Baxter N. , Rutherford M. , Yee M. , and Cogle L. (2006). Assessment of vegetation change in the Burdekin Catchment of Queensland – Project Report, QI06091. Department of Primary Industries and Fisheries, Queensland.

rainfall, along with years of extensive (so called 'panic') clearing- in the highly publicised lead up to the passing of the State's VMA.

In addition to this the 2013 State of the Forest Report[57] included many findings relevant to managing thickened vegetation. It was noted the varying distribution of woody vegetation with different crown cover types. Forests or woody vegetation stands on private land are primarily (87 per cent by area) made up of woodland and open forests. This presents a critical need for active management of these areas, particularly related to biodiversity protection, carbon sequestration, soil and water quality, and amenity and personal values. It was also noted in the report that farmers recognise the benefits produced by native vegetation on agricultural land, and the need for flexible approaches to vegetation management.

An ABARES research report[58], in conducting a national phone survey of farmers found that 85pc of farmers were managing native vegetation for production and/or on-farm environmental values. There were notable benefits including the use of native pastures to feed stock and habitat for native species. A greater number of farmers were interested in improving the condition or extent of their native vegetation than clearing, and a significant percentage were focused on improving connectivity of native vegetation on their land.

Furthermore, AgForce presented evidence to the Queensland Government a number of years ago indicating that the application approval process was taking anywhere from two months to three years, with an average timeframe of just under a year for a response. The application often required the landholder following up with the Department several times to get a response, and despite the extended timeframe a successful application was not guaranteed.

Should managing thickened vegetation be relegated to a Development Application process, landholders will be once again forced to pay considerable amounts in order to undertake this essential vegetation management activity. The current fee under the *Planning Regulation 2017* to apply to undertake thinning is $3,130.00[59]. This does not include any professional assistance that may be required to fulfil the Development Application process, for example a consultant fee to show the renewed evidence required in Clause 17.

Given this AgForce argues it is unreasonable to remove the ability for landholders to manage thickened vegetation under an ADVCC. Also, requiring landholders to once again go through a development application process to undertake this essential management activity will stifle the ability of the sector to contribute to the expansion of the Queensland economy and create perverse environmental outcomes we have seen historically.

Clause 14 of VMOLA 2018 takes away the ability of a landholder or group of landholders to apply for an Area Management Plan (AMP). Additionally, VMOLA 2018 has immediately revoked the "Managing fodder harvesting Mulga Lands Fodder Area Management Plan" and plans to phase out existing AMPs within two years.

AgForce is strongly opposed to these clauses in the Bill and maintains AMPs are a required piece of regulation in the vegetation management framework. AMPs provide an approval system that is more regionally focused and delivers landscape level outcomes not able to be achieved within the

[57] http://www.agriculture.gov.au/abares/forestsaustralia/sofr/sofr-2013

[58] https://d3n8a8pro7vhmx.cloudfront.net/landcaretas/pages/100/attachments/original/1466400976/NatVegManageOnAgLand20121116_Ver1.0.0.pdf?1466400976

[59] https://www.legislation.qld.gov.au/view/pdf/inforce/2017-10-06/sl-2017-0078

ADVCCs. Additionally, the AMP was one of the main legislative components used to form AgForce's Baseline Area Management Plan policy (BAMP), a simpler, outcome focussed, landscape scale approach to vegetation management. AgForce firmly defends this approach and believes it would provide greater certainty to land managers who would be able to manage their land to achieve an acceptable environmental outcome with government agreement while still maintaining their property's productivity and profitability.

In addition to this for Government, it means vegetation management activities are known, better defined and documented, and easily monitored. Further, if negotiations are conducted in good faith, a growing sense of trust can develop between the landholder and the Queensland Government. With trust comes greater confidence, long term planning certainty, reduced government administration costs, and better economic and environmental outcomes for Queensland.

AgForce has received feedback from members on their desire to maintain AMPs. One member, a founding landholder of the Dirranbandi AMP advised AgForce of his particular disappointment with this section of VMOLA 2018. He indicated the AMP was rigorously negotiated with the final outcome one that was a balance between environmental, economic and social principles, with all parties satisfied with the resulting AMP. It is his recommendation that AMPs "…be allowed to stand and be rolled over for a further ten years to allow the good sensible management to continue. We landholders are generally not reckless and are intent on managing our country for the greater good for future generations." AgForce agrees with this recommendation and further recommends AMPs are maintained in the legislation.

10. Other relevant matters

VMOLA 2018, Clause 37 – Added new Part 6, Division 13 Transitional Provisions, Compensation.

Again, AgForce restates its 2016 position in relation to compensation. The proposal that compensation will not be available during the Bill transition period may be a short-term tactic, but implications for compensation of this proposal in the broader sense are quite alarming.

Since the cessation of broad scale land-clearing, compensation for landholders to offset opportunity cost, lost development potential and decreased property value has been a critical omission from the Vegetation Management Regulatory Framework. The issue of compensation has been debated heavily by federal and state legislators. A precedent was set by the Beattie Government in 2004 with provision of $150 million over 5 years to offset landholder losses due to the removal of their rights to clear. This was not compensation and was inadequate funds to provide effective recompense for opportunity costs incurred, despite prior assessment undertaken for the Commonwealth Department of Agriculture, Fisheries and Forestry in 2003. Considering it in today's terms, the Queensland Government effectively purchased carbon dioxide abatement for less than $1 a tonne, hardly adequate 'compensation'.

In the VMOLA 2018 transition period the situation is quite different to what it was in 2004. The threat to remove HVA and IHVA from farmers' potential to develop property provides considerable grounds for compensation, particularly for those that have structured investments and farm management activities to take advantage of HVA/IHVA in the near future. Also, HVA/IHVA has attracted far greater interest in northern Queensland, with large swathes of beef production areas provided the opportunity of growing supplementary feed to overcome the protein drought in the dry season. The 2003 Commonwealth study mentioned above did not include north or west Queensland Local Government Areas and consequently grossly underestimated the areas to be considered for payments. Another change since 2004 is the free market recognition of the value of carbon abatement with the recent auction of the Emissions Reduction Fund selling carbon at $12.25 per tonne. The Queensland State Government needs to recognise the fact that they are depriving the rights of farmers to develop productive HVA/IHVA land sustainably and that the area for development and value for carbon are much greater than they were in 2004.

The Productivity Commission in their recent Regulation of Agriculture report recommended paying primary producers ecosystem services payments for the public good outcomes delivered by such regulation as applies to VM. This should be further investigated.

11. Contact Details

AgForce once again thanks the Committee for the opportunity to provide a submission to this inquiry. Should the Committee require further information or detail in relation to this submission, the relevant AgForce contact details can be found below.

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