SUBMISSION

I provide my submission in respect of the proposed Vegetation Management and Other Legislation Amendment Bill 2018 ("the Bill") to be included in the SDNRAIDC's detailed consideration.

In providing this submission I refer directly to the Vegetation Management and Other Legislation Amendment Bill 2018. In my opinion the Vegetation Management and Other Legislation Amendment Bill 2018 proposed changes are oppressive, restrictive and onerous. I have never before read legislation which is at odds with its intended outcome. It does not reflect the expert knowledge and understanding that landholders have with respect to sustainable land management nor the science that backs this knowledge.

The Bill represents yet another variation to the Vegetation Management Framework, which has been amended 18 times since its inception in 1999, this proposed Amendment being the 19th. Agricultural businesses are seeking certainty to base management decisions because ecological processes work in much longer timeframes than the 3-4 years of our current election cycles.

Additionally the manipulation or biased interpretation of the Statewide Land and Trees Cover Study (SLATS report) is damaging to the science profession for what research could be touted as solid when a dataset is manipulated for a biased desired outcome? The manipulated and cherry picked interpretation of the Governments own data set to suit the foundation of this Bill is at its heart wrong on every level of the scientific and political spectrum. As will be established, if science is not at the core of this Bill then it has to be recognised that the 2017 election commitments from the preference deal between the Queensland Labor Party and the Greens is at the core of this proposed Bill. The majority of Queenslanders most certainly did not vote for this.

Key provisions of the proposed legislation which I oppose are:-

REMOVAL OF HIGH VALUE AGRICULTURE AND IRRIGATED HIGH VALUE AGRICULTURE FROM THE VEGETATION MANAGEMENT FRAMEWORK

Clause 38 Amendment of schedule (Dictionary)

We had plans to develop a small area of High Value Agriculture to clear for the purpose of expanding the existing cropping production and had identified appropriate areas to offset the proposed cleared area. We had heard from others in our industry who had taken steps to undertake similar projects and had gone as far as submitting and paying the expensive application fee to be found in the situation where departmental staff were not assessing their applications or requesting revisions of their application to require more offsets and subsequently more application fees. Being in drought and not having the resources to submit to a similar experience, we didn't continue with our plans. The experience of others was enough with the "non-assessment" of applications by department staff which smelt of bias and timewasting. Our small proposed HVA project was simply not worth the effort.

Had there been different circumstances, a small area (with suitable offsets of 4 to 1 – which is extremely generous) would have been cleared for HVA which would further enhance the long term sustainability of the the property and operations. The proposed area chosen was the smallest possible extraction of existing vegetation. The placement of the proposed expansion utilizes the best of the Existing cat X (non -remnant) and was ideally placed to suit the existing farming

infrastructure. The soil was deepest there and not subject to the rocks that the other areas have. The proposed clearing would have shaved off a small area of vegetation from already isolated polygons. The proposed clearing would have not affected the overall landscape functioning, ensuring connectivity. Unless the clearing is done on a magnitude that will provide the State with 100's of jobs under the guise of a project of State Significance then its removal as a relevant purpose stifles any long term viability of agricultural production in a country that regularly deals with prolonged dry times not to mention the cumulative effect on economic growth and food security. We fail to see how the "non-assessment" of applications and the proposed removal of HVA in this Bill will have any positive out-come for the future of long-term sustainable outcomes as our HVA proposal included very generous offsets.

Urban development on agricultural land needs to be offset by allowing other HVA areas to be developed otherwise food security is at risk. It must be acknowledged that the political bias of this Bill ensures that agricultural viability is at risk.

RETENTION OF SELF-ASSESSABLE CODES IN THEIR EXISTING FORM

Removal of Clauses 4 & Clauses 6

Self-Assessable Codes (SACs) are a very convenient and workable tool to restore the balance of grass and tree vegetation on non-developed areas and returning the RE back to its original state. Having used these codes on one of our properties, we fail to see how it can't be continued to be used as using the SACs restores the grass/tree balance and improving the land condition and removing sediment loss from the area.

The blanket approach of this Bill instead of a region by region will be detrimental to Regional Ecosystems (REs). Significant collaborative work went into the development of the codes so that they would suit the applicable RE. The proposed changes to the SACs makes them totally unworkable therefore the aim of restoring REs back to their native state will not be achieved. We say this because the balance between trees and grass will not be achieved under the provisions in this Bill.

REGROWTH VEGETATION IN WATERCOURSE AREAS

Clause 37 (new Part 6, Division 13-s133)

There has been significant improvements in our area to water quality through the Beef and Grains BMP which have helped producers implement grazing land management strategies and soil conservation strategies. Over a period of 15 years, I have progressively implemented Grazing Land Management strategies with no financial assistance to manage the grazing pasture landscape, building on the work my father did in areas where he had already identified that fencing to land type was a key land management tool. I have since undertaken additional projects with the NRM group NQ Dry Tropics to add to the initial work done. With the exception of areas where basal tree area encroachment is occurring, wet season spelling and running less numbers over many years have now allowed us to run similar stocking rates to a previous generation and have observed in that time the landscape improve in condition despite being drought declared for the last four years.

Additionally we have spent $6,000 on surveying additional contours in cultivation areas and have spent $30,000 to date on implementing these soil conservation measures. During the next fallow cycle we intend to further spend another $50,000 to complete these soil conservation works. The surveying was conducted by a qualified person who is 67 years old. He is now doing surveying work for another enterprise in our district and many people have found out about this and are wishing

to engage his expertise. Unfortunately he is wanting to retire but is willing to mentor younger people if possible. We fear that knowledge like this will not be around forever and the need is great for practical on-ground extension that is not tied up in NRM administration. Further regulation will not enhance the outcome as it will regulate everyone to the lowest common denominator and not achieve the desired outcome or strive for innovation. I draw your attention to positive partnership programs such as the NQ Dry Tropics *Landholders Driving Change – Burdekin Major Integrated Project*, the video URL describing the project is https://youtu.be/8jnPTSn9zsU

On one hand the Government has invested $33M in this project which is engaging with land holders in specific areas of concern in the reef catchment which we know will work and then on the other hand this proposed Bill will negate the strategies required to make this project successful. Money is far better spent on producers in outreach or on the ground extension programs because a blanket approach is not going to have the desired effect in the most needed areas. Reef funding would have a greater outcome if it is used in specific target areas of high erosion.

The proposed reef water courses category R takes away all ability for landholders to manage these areas in a sustainable manner. As tree basal area increases, potential pasture yield declines (Back et. al 2009). This means that removal of woody plant competition can increase pasture production and hence livestock carrying capacity by 2-4 times, depending on the pasture, land type and location. Only a small increase in woody plant basal area (regrowth) after clearing will quickly negate the pasture production benefits of that clearing (Burrows 2002). Thinning and follow up management, as outlined in Self Assessable Codes, can restore landscape to a functioning regional ecosystem.

The photographs below clearly highlights our concerns, i.e. where there is a balance between trees and grass, the land is in good condition with adequate grass cover where the flood plain is acting as a filter for flood waters which it is designed to do by nature. However where the trees/vegetation is allowed to unduly thicken due to the removal of all management you can clearly see areas of scoured from erosion resulting in sediment soil loss.

Soil/sediment loss occurring where basal tree area has increased significantly since the inception of Category R mapping and regulation.

Shaded areas from heavy tree cover, no ground cover and soil erosion is beginning to occur.

Balance of Trees and grass. Note how high flood waters have recently come through here on the flood plain with debris in the fork of the trees and no soil erosion.

As a landholder it is extremely frustrating to see soil loss / suspended sediment happening and having no workable tools to rectify this situation is absolutely inexcusable. In noticing these areas of soil loss due to the removal of management tools, the damage to REs will be exponential if implemented in all catchments.

NO COMPENSATION PAYABLE TO LANDHOLDERS SUBJECT TO ADDED LAYERS OF REGULATION

Clause 37, Division 13, S135 No compensation payable

The amendment that no compensation will be payable to landholder subject to added layers of regulation could arguably be defined as 'theft". For a landholder to purchase a property under the understanding they will be able to manage it for the production of food and fibre, and then having the right to do so taken away is equivalent to purchasing a product without receiving the goods. It is the governments' responsibility to ensure that any changes they make that will affect the wellbeing of the citizens they represent should be entirely compensated for.

Freeholding of our property came at significant cost but at the time was thought to be the correct decision to ensure security for our future business. I purchased the property at market rates which included the necessary inclusion of the freeholding as an increase of property value. The implementation of further layers of regulation without compensation only deprive us of our business security and long term viability to manage the land which supports our business.

PENALTY UNIT INCREASES

Clauses 19, 22-23 and 25-3

This is totally unfair and unreasonable. The intention to triple penalties is unfair and completely unjustified, and potentially breaches fundamental legislative principles (FLPs) as outlined in section 4 of the Legislative Standards Act 1992.

The vast majority of farmers are doing their best to follow the already difficult and very time consuming vegetation legislation and the Government's own inaccurate mapping which is not "ground truthed". *This Bill will be the 19th time that the vegetation management framework has been amended since the introduction of the Vegetation Management Act 1999.* Increasing penalties will only discourage landholders from managing their land for the environmental and economic benefit for the state, and the nation.

I have lost count how many PMAV applications I have submitted and fees I have paid to rectify the Governments inaccurate and continually changing mapping. The image below was mapped in the RE as Qld bluegrass/Mountain Coolibah but upon taking the necessary waypoints at the exact location this is the vegetation "ground truthed" – standing Gidyea not Qld bluegrass/Mountain Coolibah as mapped.

Qld bluegrass/Mountain Coolibah????

Enforceable undertakings are a new concept in vegetation management. 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. This is too open and lacks specifics.

Restoration Notices have been a feature of Vegetation Management legislation since its inception. They can be issued based on a reasonable belief of an authorised officer that unlawful vegetation clearing has occurred, a standard of proof does not exist and there is no court appeal. The notices can contain oppressive conditions and there can be a requirement for restoration of areas which are multiples of the original clearing even if only a mistake or an employee or contractor has not followed directions. 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 for a whole raft of reasons. There are other rights and protections built into the Planning Act so the two are not comparable. It should not be possible to levy a fine of that magnitude to an entity without giving access to the inside of a courtroom. The penalties for breaching the Vegetation Management Act are higher than penalties given for harming people. Where is the moral fairness in this? Additionally, even citizens issued with a traffic infringement notice have access to the courtroom process.

The Reverse Onus of proof was supposed to be removed from the legislation however these provisions are every bit as onerous and open to abuse by the State. Therefore this entire section should be repealed.

CONCLUSION

The introduction of these new amendments will not provide good environmental outcomes, but harm through soil/suspended sediment loss and loss of wildlife from unmanaged vegetation (i.e. wild fires) and will cause unnecessary economic losses in the agricultural industry. It is obvious that with cherry picked data this Bill cannot honestly claim to have the backing of published and peer reviewed science nor the support of the very industry it will be harming. Honesty is required and emotionally driven debate should be avoided in deliberations of this Bill. Environmental health and Agricultural health are the same, the difference is only in semantics.

This Bill demonstrates the lack of consultation and the haste of the committee process with which it was prepared and should be repealed.

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Signed:	P.M Anderson
Address:	
Date:	21/03/2018