SUBMISSION

We provide our submission in respect of the proposed Vegetation Management and Other Legislation Amendment Bill 2018 to be included in the SDNRAIDC's detailed consideration as cattle producerd operating beef cattle properties in central and Northern Queensland. We will be severely impacted by the proposed legislation, with over 2700 hectares of our land being classified as "high value" regrowth. According to our last valuations from Herron Todd White, the change from developed scrub country to undeveloped scrub country will remove $1250/ hectare or a total of $3,375,000 from our land valuations. These valuations are utilised in our banking relationships and this devaluation will cause financial distress. This does not count the financial impact of loss of productivity imposed on us nor the loss in value and future earnings attributed to the removal of future development rights.

In providing this submission we refer directly to the Vegetation Management and Other Legislation Amendment Bill 2018, the Introductory Speech of the Hon Dr Anthony Lynham MP, Minister for Natural Resources, Mines and Energy, of 8 March 2018, and the Explanatory Notes that encompass the proposed changes to the above Acts and a range of commentary and issues.

In our opinion the Vegetation Management and Other Legislation Amendment Bill 2018 proposed changes are oppressive, restrictive and onerous and do not reflect the expert knowledge and understanding that landholders hold after decades of sustainable land management.

The legislation amendment places agriculture on a less desirous footing than any other activity or industry in Qld, it threatens jobs both on farm, in local towns and in our food manufacturing industry and takes away fundamental rights of land ownership with no compensation. The legislation also unfairly penalises those farmers who have been most conservative in their development.

Our key representations to the committee are summarised as

1. The defining of high value regrowth (any Category C) be consistent with the international definitions for High Conservation Value and detailed ground investigations be undertaken to establish those values on a site by site basis.
2. That the basic right of planning certainty is retained and that development rights that have been legally granted cannot be withdrawn with no compensation or notice.
3. That the regulation of Category R takes away the ability for farmers to use innovative and regenerative practises to improve soil retention and erosion outcomes
4. That the removal of development rights specifically from family farmers is discriminatory and punitive and is not consistent with the treatment of any other industry or development,
5. That a return to an on-the-ground permitting system with integrated input from the departments of environment, natural resources and agriculture along with landholders will deliver the best outcomes for both our environment and the future of agriculture in this state.

Our opinion is set out below:-

HIGH-VALUE REGROWTH

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

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

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

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

A land grab that is not scientifically backed, ground truthed or compensated

Analysis of mapping undertaken by Agforce illustrates the massive reduction in available farming land in Queensland created by this legislation.

Category C – 310,239.7 hectares

Category R – 202,621.9 hectares

New Proposed Category C – 908,601.5 hectares

New Proposed Category R - 348,875.3 hectares

A total of 1,770,338.4

At a market valuation differential of approximately $1000 / hectare in developed scrub land and remnant vegetation this represents the stealing of approx. $1.8 billions dollars from Queensland farmers given the devaluation of their land assets.

This does not count any lost income through productivity decline or the stripping of future development rights. Given that just 23,000,000 hectares of Qld has been developed this legislation represents the uncompensated confiscation of almost 8% of the developed agricultural land in Qld. This land is being taken from farmers who lawfully developed the land.

On top of that a further 2,107,180 hectares of land has been declared essential habitat with the inclusion of "near-threatened" species. I have lived my entire life in the bush and consider myself an environmental custodian. I have never had a scientist ask to visit my property to assess a habitat, to look at any species, flora or fauna. The regional ecosystem mapping is highly inaccurate with once again no ground truthing. Essential habitat has been declared with no on-the-ground knowledge of the existence or extent of populations of flora and fauna in an area.

The Definition of High Value

The explanatory notes stated that the change to the proposed definition of "high value regrowth" was made to align with the international definition of High Conservation Value. The international definition of High Conservation Value is documented and the below listed values are accepted *(Common guidance for the identification of High Conservation Value. HCV Resource Network)*

There are significant areas that have been mapped as high value regrowth that do not meet the international criteria:

- *High Conservation Value 1: Species Diversity*. Regrowth is generally characterised by an abnormally high concentration of just one species and biodiversity is generally much poorer than virgin forest. Fig 1 illustrates mapped proposed high value regrowth beside the virgin forest pre-clearing. Note the monoculture of the regrowth which is also a not of concern species.

Fig 1 – Remnant vegetation illustrating high biodiversity

Fig 1.1 – Mapped Proposed High value regrowth immediately adjacent showing a monoculture of eucalypt not of concern vegetation.

- *HCV 2: Landscape-level ecosystems and mosaics – these areas should be sufficiently large and relatively undisturbed enough to support viable populations of the great majority of naturally occurring species in natural patterns of distribution and abundance.* The mapped areas of "high value regrowth" are highly fragmented and as per the above do not contain species diversity.

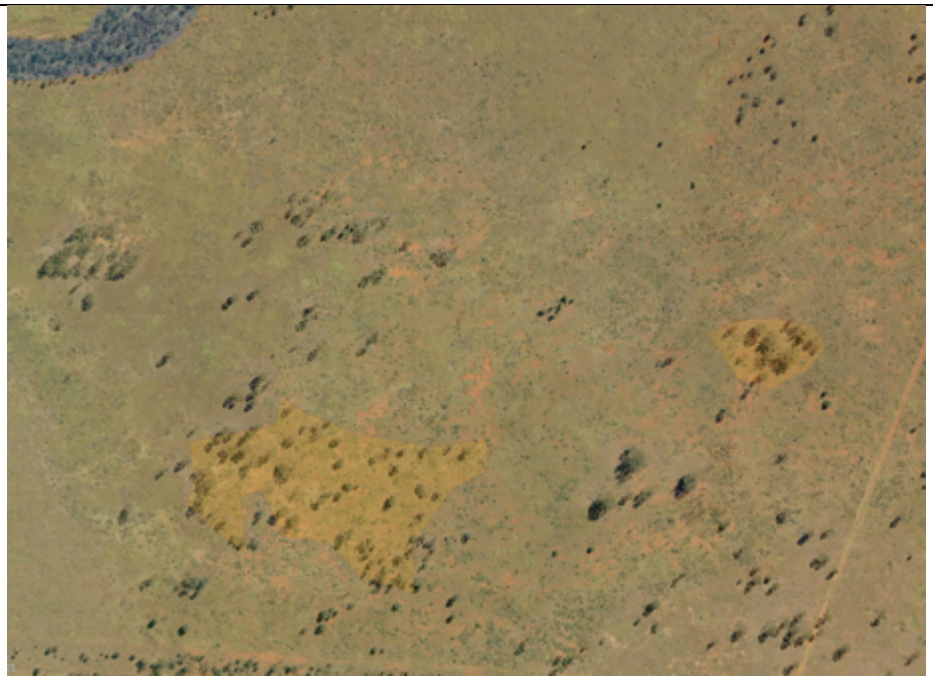


Fig 2 shows the random and highly fragmented nature of proposed high value regrowth. This paddock was retreated in 2017, all of the visible trees were voluntarily left as shade. Now random clumps (6 trees in one clump) have been classified as high value regrowth.

- *HCV 3: Rare, threatened, or endangered ecosystems, habitats or refugia.* The mapped areas of High value regrowth are not restricted to rare, threatened or endangered ecosystems. There has been no ground truthing of the mapped vegetation and regional ecosystem mapping has a high level of errors.
- *HCV 4: Ecosystem services* – High Value regrowth is not restricted to those areas that provide ecosystem services in critical situations. Whilst protection of the Great Barrier Reef is important to all Queenslanders there is a significant amount of misinformation in the role of regrowth in improving water quality and runoff control. The explanatory notes refer to the advice from the Queensland Herbarium as providing the basis for appropriate protections: the Queensland Herbarium provided a critical report *"Scientific review of the impacts of land clearing on threatened species in Queensland 2017".* This report contains some serious discrepancies that question the validity of the entire document. Pg 6 of the report by the Queensland Herbarium cites (Shellberg and Brooks 2013) and in particular an image said to illustrate "Gully erosion which accelerated post clearing in north Queensland".

Photo 1 Gully erosion which accelerated post clearing in north Queensland. Photo J.G. Shellberg.

You will note that the image in fact illustrates gully erosion in standing timber with the cleared area being devoid of erosion. The image in the cited report had a completely different description and caption than that put forward by the Queensland Herbarium, thus calling into question the authors of the report, their misleading representations of scientific evidence and the possible agenda being driven. (True caption below)

Figure 96 Oblique photo of CRGC1 before project implementation in Nov-2011.

In fact the proposed treatment of the erosion was not to plant trees but to plant improved grass, the exact reason that the majority of vegetation management is currently undertaken. Increasing grass density has been scientifically proven to improve water quality and

runoff outcomes. The images below show the actual outcomes from the falsified photographic evidence misused by the Queensland Herbarium.

e) f)

g) h)

i) j)

- *HCV 5 refers to the basic needs of communities (for livelihoods, health, nutrition and water).* There has in fact been consideration that agricultural and pasture land should be protected under HCV 5 given their importance to safeguard community needs. The question has not been resolved however it is recommended that in every HCV assessment consideration should be given to the impacts on food security. There has been no assessment on the effects on agriculture of the legislation.
- *HCV 6 refers to cultural values.* The inclusion of indigenous lands in the

land grab is also of concern as it further impedes the ability of far Northern Qld indigenous people to earn a living outside of welfare payments.

In summary no evidence has been provided as to how the mapping of fragmented pockets of developed agricultural land that has been legitimately cleared under the vegetation management act can be withdrawn under the purported definition of High Conservation Value. The advise of the Queensland Herbarium is also questionable given the serious discrepancies that appear in the report.

The Definition of 15 years

There appears to be no science or published method of establishing the age of 15 years on regrowth.

- Different species and even like species in differing soil types or seasonal conditions grow at substantially different rates. Optimal treatment intervals are highly variable and farmers make judgements on when best to treat regrowth largely based on density and basal diameter. Farmers generally seek to minimise the frequency of regrowth control because it is expensive to undertake.
- Regrowth does not automatically begin to grow on the day after it is treated, nor does it grow all at once. Generally regrowth grows on a continuum with some suckers appearing soon after and a gradual thickening of the suckers over time. We have areas that have not been retreated for over 15 years (and mapped as high value regrowth) due to a lower density of older regrowth that provided an acceptable balance of trees and grass. There is however in the same area an undesirable density of young suckers (under 5 years of age) that are now deemed untreatable.

Fig 3: The image shows one paddock that was legally cleared under a permit issued under the vegetation management act. The paddock was cleared on the same date apart from voluntarily left shade clumps. It now has a random overlay of high value regrowth with no distinction in tree height or species to those areas of the paddock still classed as category x.

- The amendment to consider any regrowth beyond the age of fifteen years as of high conservation value is not consistent with the international definition of high conservation value. The mapping illustrates that no conservation purposes other than a date stamp on a map have been considered in the nomination of "high value".

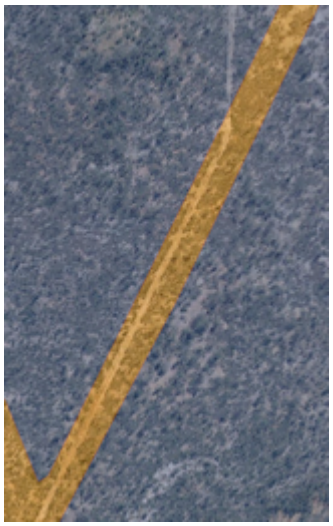


Fig 4: Fenceline nominated as high value regrowth

Fig 5: Ergon Energy Powerlines nominated as high value regrowth.

Fig 6: Where we have conservatively followed the edge of remnant vegetation mapping to ensure compliance the conservative edge is now claimed as high value regrowth. (Remembering that the blue remnant shading in many cases was not correct and bulldozers are essentially following an imaginary blue line on the ground not a vegetation type)

Fig 7: Image showing shade clumps voluntarily left that were permitted to clear. The entire area is now mapped as high value regrowth. The difference between the remnant and regrowth is huge, the 15 year definition would imply that the regrowth was of similar nature to the remnant vegetation.

Planning Certainty

- **We ask the committee to strongly reconsider the restriction of any clearing of regrowth that has been legally cleared by landholders.** This takes away a basic right that all development enjoys under the various acts related to planning, the right of certainty. We have personally lost 2700 hectares of land that has been nominated as high value regrowth. This was land that we legally applied for permits to clear, even land that we were forced by the department to previously clear. We have spent money to develop the land only to have that development approval rescinded. We ask for the same rights as any other developer, imagine applying for a development application to develop a block of units and then having to demolish them 15 years later due to a change in government opinion.
- The taking of high value regrowth amounts to a restoration order imposed on landholders who have done nothing wrong. In many cases landholders who have been conservative of their management of vegetation have been hit the hardest. If there are areas of regrowth that have significant High Conservation Value, that has been adequately assessed against the international standard and ground truthed then the correct process should be that a conservation agreement and adequate compensation should be entered into.

The legislation penalises those producers who have been conservative in clearing

- We have intentionally developed our paddocks with retained timber. The retention aids in providing shade, habitat, aesthetic value and some nitrogen recycling from brigalow leaf drop. The below images are all taken on previously Category X land. The classification as high value regrowth means we can no longer maintain a balance. We have been penalised for clearing conservatively. The areas are now at risk of thickening, under the proposed legislation if we were to remove all of these trees the land would not be at risk of confiscation but if we are to continue to retain trees during vegetation maintenance we will continue to have land confiscated under the arrangements.

Fig 8: This is a paddock that was legally cleared in 2017. The visible trees were voluntarily retained.

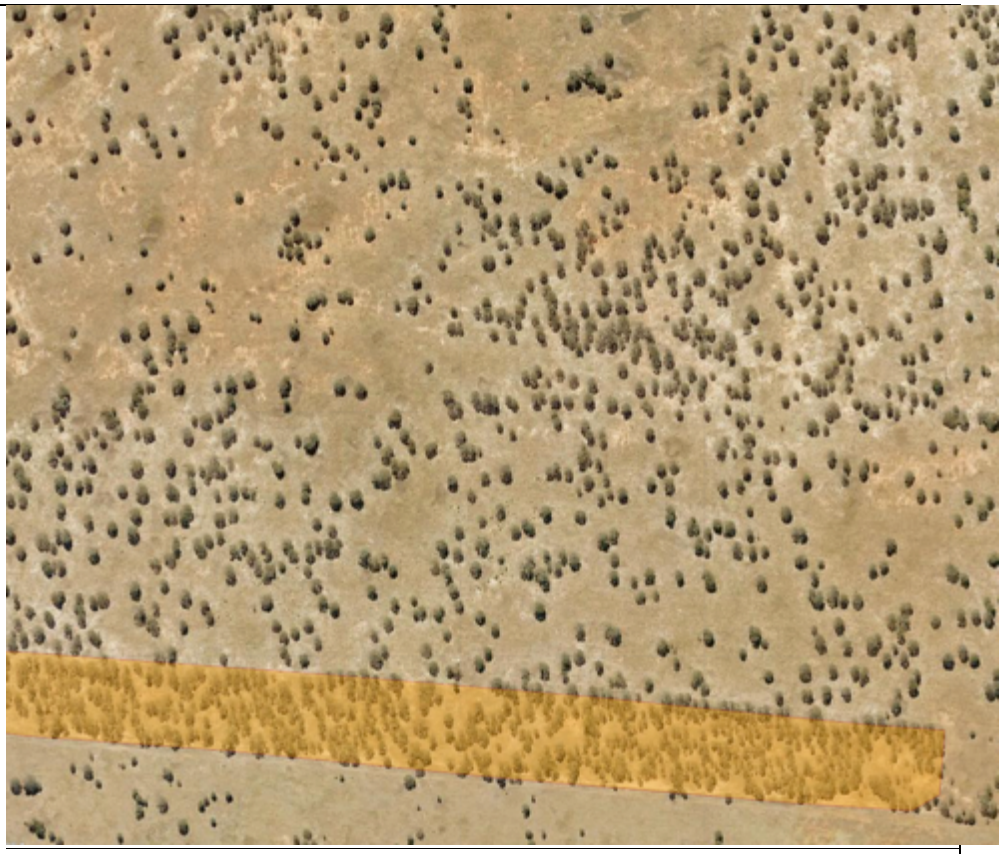


Fig 9: This paddock has been blade ploughed. All of the visible trees were intentionally left to provide shade, habitat, nitrogen benefit from leaf drop and aesthetic value.

Fig 10: Land intentionally developed with shade retained as per fig 7 & 8 satellite images. This paddock has been blade ploughed for approximately 10 years. Note the small brigalow suckers starting to appear beneath the retained trees.

Fig 11: Trees retained on Category X blade ploughed land. This area was an area that we were forced to clear and we "broke the government rules of the day" to retain some of these trees.

- *We currently own a land area of 162,600 hectares. We have won numerous awards for our beef and our stewardship. Of our 162,600 hectares only 17% had been previously developed.* ***We have now had 10% of our developed country confiscated as high value regrowth.*** This does not include the removal of our rights to thin and manage encroachment or our rights to apply for further development of high value agriculture. Our award winning business has been decimated by this legislation.

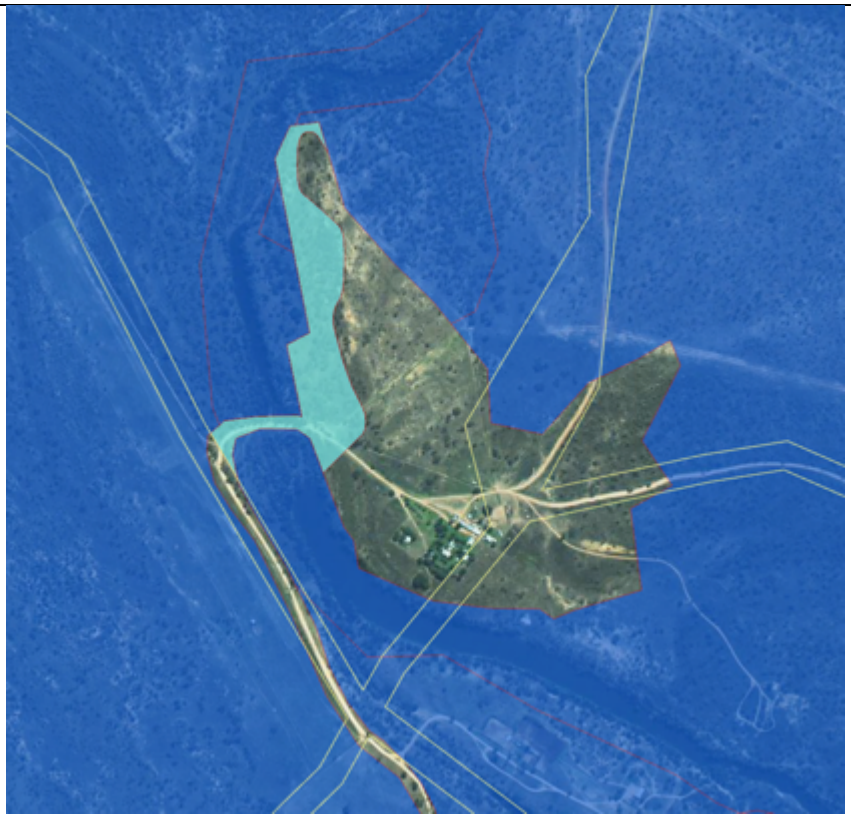


Fig 12: Carpentaria Downs: 300,000 acres of remnant vegetation where no clearing has ever occurred other than for infrastructure. They have nominated high value regrowth on land that has not ever been cleared and coloured in the access road.

Freehold Title

- The introduction of high value regrowth on freehold title represents a further serious erosion of freehold rights
- We were forced by the government to develop our lease as part of our freeholding agreement
- The removal of the right to maintain those areas that were forcibly put in their current state is unjust (we would have been better off with virgin scrub than unmanageable regrowth)
- As a provision of the freeholding of leases the minister considers a number of issues including public interest and whether the land is needed for environmental or conservation purposes. Thus the minister made a determination before issuing an invoice for the land that it was not required for conservation purpose.
- The minister also determines the market value of timber on the land. Landholders have been invoiced and paid for the same trees that they are now being confiscated. The government is in effect selling the trees twice for carbon abatement purposes, the same trees that they previously sold to freehold title holders.

Removal of High Value and Irrigated High Value Agriculture as relevant purposes under

the act.

- There has not been an on the ground scientific review of the amendments made in 2013 to the VMA that has demonstrated adverse environmental impact
- No restrictions have been applied to any other industry or development. Mining has a demonstrated severe environmental impact and yet there are no restrictions applied to their ongoing clearing
- Agriculture is a pillar of the Queensland economy and demand for food is increasing. Food manufacturing is our last bastion of manufacturing in Australia. This legislation rips away 8% of the supply chain in forced confiscations and leaves no option for expansion of the supply chain thus relegating food manufacturing in Qld to decline with associated job losses. Jobs in places like Ipswich that are heavily reliant on meat processing will be impacted by this legislation. There has been no economic impact assessment on the effect to agriculture and food processing caused by this legislation.
- Population growth in Qld is approximately 1.5% per annum. Available agricultural land is shrinking from: Confiscation of high value regrowth, offset policies that see Category X land used as offsets for other development at a 4 X offset area, urban encroachment, mining, national parks and other conservation areas etc. This legislation amendment alone removes 8% of the available Category X land. The existing legislation had allowed an expansion of agricultural land of only 0.1%/ annum in the period since 2013. In summary this legislation leaves less Qld food for Qld.
- Leaving the window open to ultra large corporate farming or foreign investors under the co-ordinated project provisions whilst not allowing any expansion by family farmers is a blatant attack on family farmers and is highly discriminatory. Family farmers have demonstrated environmental custodianship that often exceeds that of large corporates. Projects like Cubbie Station or projects like IFED proposed by ex Qld Treasurer Keith De Lacy have significant potential for environmental harm and increased risk. Allowing these projects to go ahead while blocking small expansions by family farmers is not consistent with the purpose of the act and not consistent with a best practise risk based methodology to regulation.
- Only 23,000,000 hectares of Qld or just 13% is Category X. On a national basis this represents a very small level of development. This legislation will not be consistent with other states in Australia and particularly states incorporating Northern Australia.
- The prohibition of development in regional Qld leaves it to stagnate with ultimate decline in regional population and increased disadvantage.

NEAR-THREATENED SPECIES

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

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

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

- Offset policies further attack the available land for agricultural purpose.
- No ground truthing is applied to habitat mapping.
- We have remnant brigalow that is mapped as silver leaf ironbark, the ecosystem mapping has a high level of inaccuracy and judgements on "near threatened" are being based on assumptions with an overwhelming lack of evidence.
- For example the broad brush of mapping does not include species that are present in areas that have been conservatively developed. The below image is Category X that we have blade ploughed with high levels of retention as mentioned above we retain trees for shade, habitat, nutrient cycling and aesthetic purposes. Land developed at this level provides habitat and can contain endangered species, none of this land however is included in calculations to deem if a species is threatened. The Qld Herbarium states that development of land in this manner has the most severe economic impact on landholders, (leaving individual larger trees as compared to clumps or strips) however we have voluntarily taken this economic hit for the betterment of our landscape. We are now being punished for it and this act actively encourages us to now amend our clearing philosophy to remove all vegetation in category x areas.

- The recent experience of the night parrot, thought to be extinct for a period of 100 years. Several sightings have now been confirmed in three states and the population numbers of the bird remain unknown. The areas where the bird exists are extremely remote.
- Extension in land management and on the ground scientific research has been in decline. The Government, largely through regulation like the vegetation management act has created an us and them mentality where farmers and scientists are now matched as enemies. Ultimately we should be working hand in hand for the betterment of the environment.

REGROWTH VEGETATION IN WATERCOURSE AREAS

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

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

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

Explanatory Notes: Expanding the regulation of riverine regrowth to include these catchments will

increase the protection for the Great Barrier Reef from sediment run-off and other impacts of clearing.

- Our own experience is that erosion and sediment is greatly reduced by our development practises. There is a wealth of scientifically supported evidence to illustrate that ground cover, particularly deep rooted perennial grasses are much more effective than trees or shrubby regrowth at stabilising soil and preventing harmful runoff or erosion. Our business sustainability is established by our effectiveness at maintaining and in fact building soil on farm. When the retention of shrubby regrowth on stream banks results in increased erosion and soil loss on our farms who will be culpable and who will pay?

Fig 13: Erosion in remnant vegetation. Downstream developed country shows no erosion.

- This legislation relies on out-dated methodology on land management the concept of sustainability and carbon abatement
- There is a global movement of regenerative agriculture which looks at new and innovative means of producing healthy food at the same as regenerating landscapes, building soils and sequesting carbon. Regenerative agriculture has the ability to improve environmental outcomes whilst driving economic growth and growing food that is better for us. Locking up land with no management has been proven to be often detrimental to environmental outcomes.
- If the Qld government were serious about reef management there would be controls implemented across urban development and resource industries. The fact is that Bunnings and Home Hardware continue to sell pesticides, herbicides and chemical fertilisers for our city gardeners with no controls whatsoever. These chemicals impact directly onto the reef. Mines continue to have the ability to discharge toxic water into our streams and rivers with no more control than the presence of a stream flow. Our resource industries continue to have powers to divert and mine a river or stream.
- Areas that are a substantial distance from the Great Barrier Reef have very low contributions to sediment deposited on the reef. The existence of dams

like the Burdekin Falls Dam in the Burdekin Catchment trap much of the sediment from above the dams. The mapping of reef vegetation does not recognise the respective contributions of differing land types or sediment contribution.

LOW-RISK ACTIVITIES

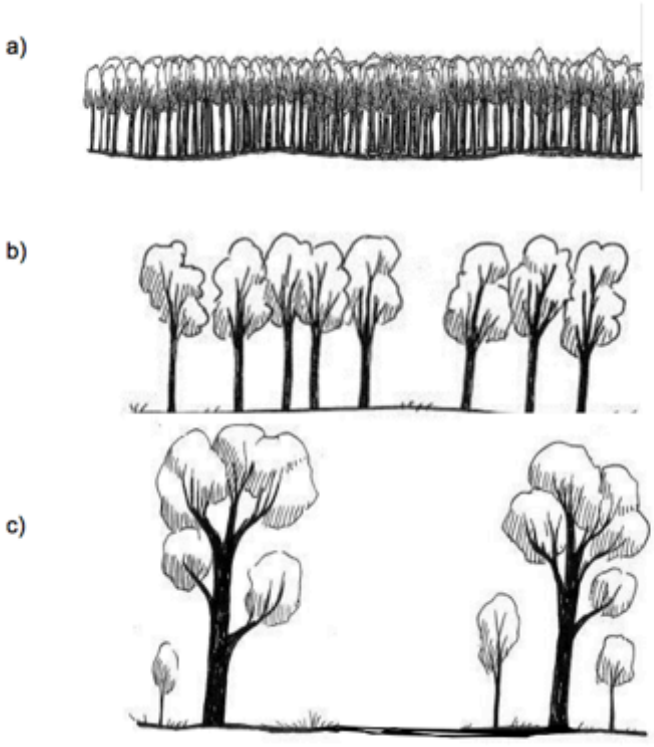
Clause 17 of the Bill (new s22B 'Requirements for vegetation clearing application for managing thickened vegetation' of the *Vegetation Management Act 1999*) and Clause 37 (new Part 6, Division 13 – s136 'Area management plans that are to remain in force for 2 years').

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

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

- The existing thinning codes are entirely consistent with the purpose of the act, as largely found by Cardno. They regulate types of vegetation eligible, they regulate number of trees per hectare and they regulate basal sizes for tree retention. They require notification and all vegetation management practises in the state are heavily monitored every 14 to 16 days.

- The use of the Cardno report to suggest that self assessable codes are unsuitable and to be replaced with development applications is a conflict of interest given that Cardno's core business is in consulting for development applications.
- There has been no assessment that any thinning undertaken under the self assessable codes (legally and in compliance with the provisions of the codes) has resulted in a loss of biodiversity or perverse environmental outcomes. The reviews performed have been desktop reviews that have not looked at on the ground outcomes.
- A stated purpose of the act is to reduce greenhouse gases. The Queensland Herbariums own report Brigalow – Regrowth Management Guide 2014 illustrates that basal area is a key to storing larger amounts of carbon *"A few big trees can hold far more carbon that a large number of small or medium trees. So it is in the interests of carbon farming to maximise the height and diameter of existing trees, which may be achieved by reducing tree density in dense regrowth. "*



Tree dbh (cm)	Number of trees	Basal area (m_2)	CO_2 equivalent (kg)
2	9549	3	14324
10	382	3	27235
20	96	3	35533

Figure 9: Potential variations in tree size, density and CO2 equivalent stored for the same basal area: high density of small trees (a) stores less CO2 equivalent than lower densities of larger trees (b and c); based on Scanlan 1991.

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Source: Queensland Herbarium 2014.

- The proposed development application process will be expensive for land holders and result in a substantial increase in red tape through the potential for adverse conditioning.
- Importantly the development application process under the vegetation management act allows for **no judicial review**. As opposed to other applications under the various planning acts there exists a right of appeal to the planning and environment court. The DNRM under the vegetation management act have the power to veto an application before it comes under the jurisdiction of the planning and environment court. This power has been unduly exercised in the making of High Value Agriculture applications since the Qld government lost the vote on proposed amendments in 2016. The development application process is therefore highly dependent on the political whim of the day and not scientifically based. Farmers may spend a large amount of money in developing an application utilising consultants and scientific evidence only to have their application vetoed by the department with no right of appeal.

The below images illustrate the results of thickening and encroachment on our landholdings and in particular the killing of mature and large trees.

Fig 14 Mature brigalow trees killed by thickening.

Fig 15 Thickening killing mature trees and encroachment onto natural Mitchell grass lands

Fig 16 Brigalow encroachment onto natural Mitchell Grass lands, note there is no presence of mature brigalow trees in this image, the mature remnant vegetation is Eucalypt forest in the

background. This entire area is mapped as remnant brigalow forest.

The Qld Herbarium (2014) also stated that:

If mature brigalow trees are removed from a site (e.g. by clearing), and many suckers are produced, brigalow can take the form known as 'sucker brigalow', where all brigalow plants have a low branching habit and are generally less than 4 m in height (Johnson 1964). High densities of suckers may develop into another form of brigalow known as 'whipstick brigalow' after about 30 years (Johnson 1964). Whipstick brigalow typically consists of high densities of many straight, slender stems (4 to 8 m tall), with spindly or dead lower branches (Johnson 1964). Although it is assumed that whipstick brigalow will eventually grow into mature brigalow, it is not known how long this will take (Johnson 1964). Judicious thinning may ease the competition between the numerous stems and accelerate the development of a mature structure (Dwyer et al. 2010).

Given the high levels of proposed regrowth retention under high value regrowth, the maintenance of the thinning codes are essential to delivering the outcomes proposed by the legislation.

PENALTY UNIT INCREASES

Clauses 19, 22-23 and 25-33

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

  - Given that a farmer was fined over $1m in 2017 for building a fire break that was too wide under the current penalty system any increase in the penalties is punitive and unwarranted.
  - In many cases there may be activities that are undertaken that are unlawful under the act however do not have any adverse environmental consequence, for example if a grazier undertook remediation on a gully in a remnant vegetation area the environmental outcome may in fact be a positive one
  - In many cases the potential fines on an individual farmer would exceed the fines currently for an environmental breach by a mine.
  - The DNRM in briefing the committee suggested that the penalty units were in line with the Environmental Protection Act. This is not the case. The non-compliance with a restoration notice moves to a level consistent with a major mining disaster. The EPA generally provides for a maximum of **100** penalty points for activities that would be largely consistent with vegetation management breaches for example, for carrying out an environmentally relevant activity with no environmental authority or for contravening an environmental protection order etc.

OTHER RELEVANT MATTERS

Introductory Speech - Dr LYNHAM: *"I believe this bill and the complementary measures that I have outlined will deliver on the election commitment to deliver a more sustainable vegetation management framework for Queensland. This government will continue to work with our vital*

agricultural sector so that together we can care for the environment and ensure that their farms can pass, in good condition and in safe hands, from generation to generation."

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

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

Not consistent with the purpose of the Act

The proposed amendments go well beyond the purpose of the act and in some ways will create adverse actions that undermine the purpose of the act.

The grab of high value regrowth goes well beyond the purpose of retaining remnant vegetation

The removal of thinning codes will in many cases increase erosion, reduce habitat, contribute to biodiversity decline and reduce the carbon storage capability of forests.

No on the ground review or analysis of the environmental outcomes achieved by the current regulatory framework has been undertaken.

Flawed PMAV Process

Many will ask why we didn't protect all of our category X areas under a PMAV.

1. Our maps have a very high level of flaws. The expense in ground truthing and amending our mapping would be very high with **no certainty or available judicial appeal** if our requested changes were not accepted.
2. There is not an ability to lock in just an area of Category X. The landholder must agree to the mapping on the entire property including all areas of R,B and C.
3. There is no protection afforded to the maintenance of grasslands with our grasslands being nominated as remnant vegetation. Grasslands are not eligible to be identified as Category X.
4. The PMAV certainty is already under threat in the current legislation. Given that this is a government who is willing to ride rough shod over free hold land rights supposedly enshrined in our constitution the protection afforded by a certified map offers little comfort in the face of extreme green agenda.
5. Locking in and categorising land over long periods of time does not recognise the continual evolution and changing of ecosystems.

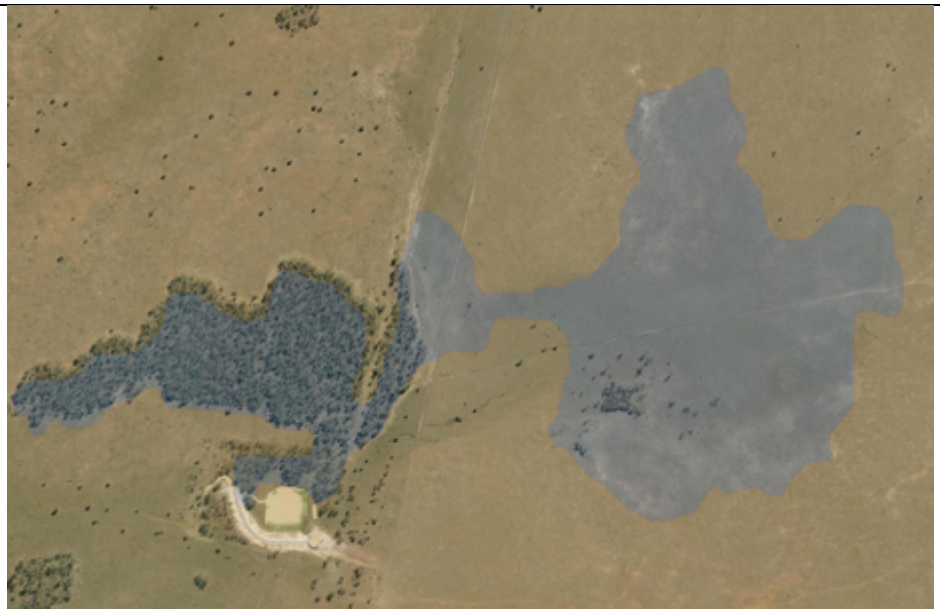


Fig 17 Incorrect Remant Vegetation mapping: Does not cover all of the voluntarily retained remnant vegetation but then maps an area that has always been cleared, as remnant.

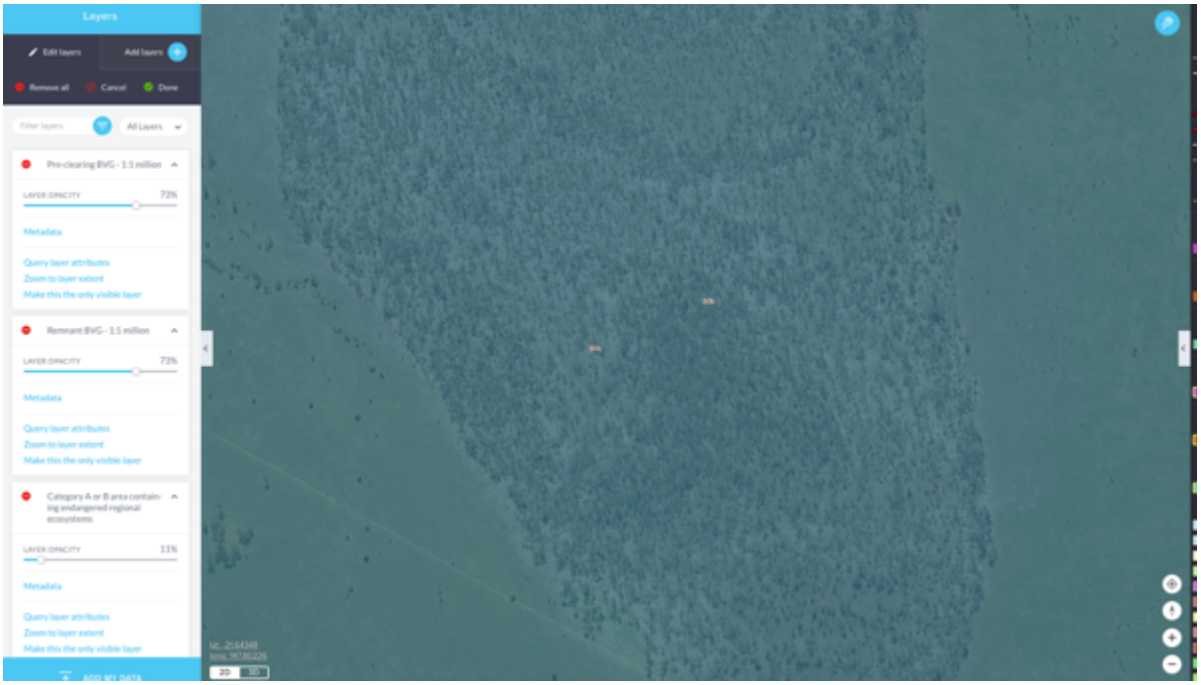


Fig 18 Inaccuracy of Broad Vegetation Groups: Remant Eucalypt and developed brigalow all mapped as 30B Mitchell Grass plains.

Fig 19 PMAV errors – note that Category B does not line up with the remnant vegetation, additional edge retention and the Category R on screen ends with a boundary despite the presence of remnant vegetation on the water course through the boundary. (Note the water runs from right to left and the gully size is increasing)

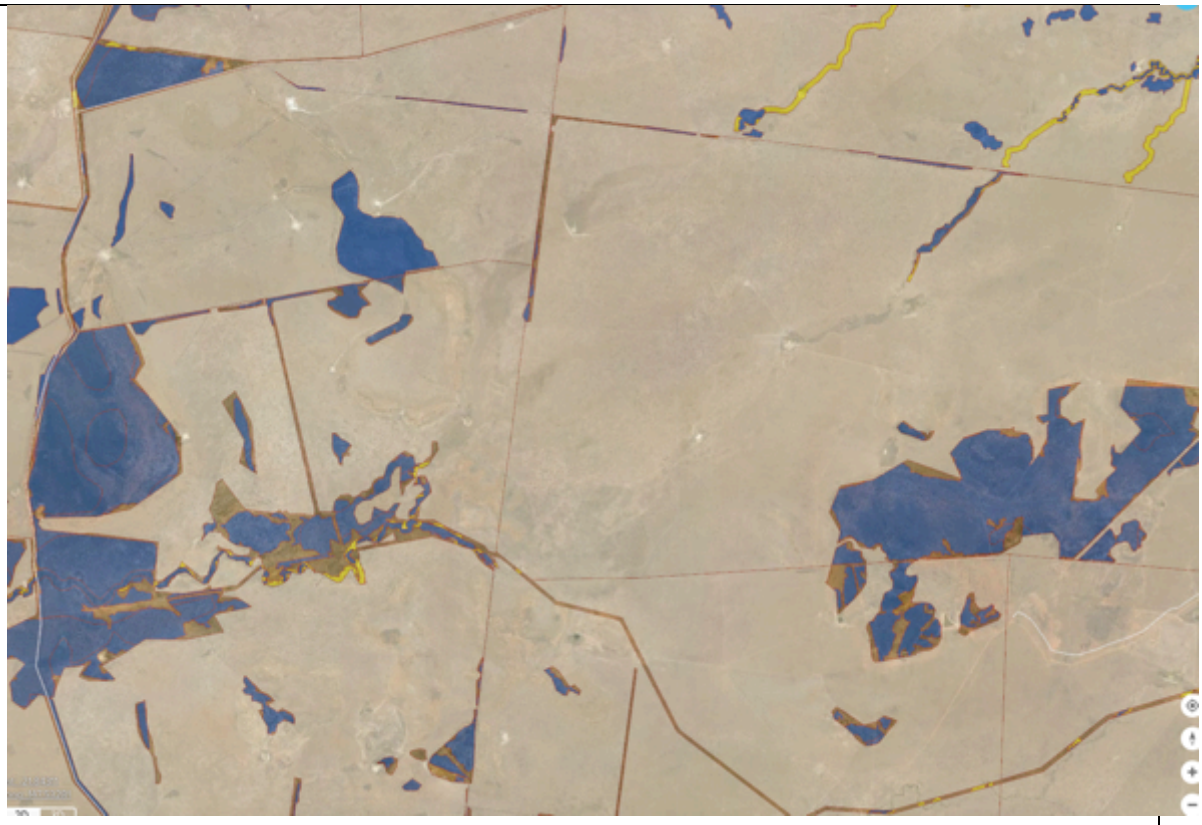


Fig 20 PMAV Creep - Note the areas surrounding each of the remnant areas that have not been captured as category x in the PMAV process - the accumulation of these areas would amount to substantial areas of Qld and further depletion of available agricultural land

A return to traditional permitting systems

When we applied for a land clearing permit in 1997 a process was undertaken that we feel delivers the best outcomes for the future of both the environment and agriculture in this state. The process involved us first obtaining the relevant information that we needed to make an application, including accurate mapping and imagery of the land. Scientists and experts from the then Department of Environment and Heritage, The Department of Natural Resources and the Department of Agriculture all then wrote individual reports on the proposed development. These department staff came to the property, conducted biological surveys, looked at soil types, species etc. An agreement between all of the parties was then reached as to a sustainable development plan for the property. We believe that every iteration of the VMA since those days has actually caused unintended consequential detriment to environmental custodianship.

Offense of Legislative Standards Act 1992

As detailed in the explanatory notes there are a number of inconsistencies in the proposed bill that offend the Legislative Standards Act. There has been no scientific evidence provided of environmental harm that warrants or justifies such anomalies.

Productivity Commission Recommendations

A productivity commission review into regulation in agriculture (No. 79 November 2016)

made a number of recommendations into vegetation management regulations that are not followed in the making of these amendments

The commission found that:

Native vegetation and biodiversity conservation regulations need to be changed so that they:

- *consistently consider economic, social and environmental factors*
- *account for the impact of proposed activities on the landscape or the region (not just the impact on individual properties)*
- *are based on a thorough assessment of environmental risk*

There has been no consideration of the economic impact of this bill

There has been no on the ground analysis of the effectiveness of current legislation or the potential impact or suitability of the proposed amendments. For example in the retention of 2700 hectares of my land, no one has been here to have a look at a tree or a habitat.

Further the commission recommended that while conservation remained "free" for governments and not accounted for on their balance sheets – more would always be deemed better.

Requiring governments to fund conservation helps discipline governments' demand for conservation on private land (rather than risk treating it as a 'free good' where more is always better). Importantly, where governments choose to allocate land for conservation, they should provide adequate funding to meet the objective of conservation (this should include to control weeds and feral species which can affect adjoining properties).

The stripping of $1.8 billion from farmer's balance sheets is directly against the recommended principles.

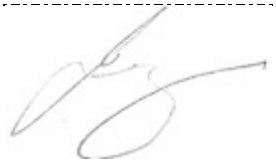
While the planning system [for urban and infrastructure development and extractive industries such as mining] considers social, economic and environmental factors to inform decisions, the native vegetation laws are based on a 'command and control' system that stifles innovation and forces landholders to absorb the costs of public goods delivered by biodiversity conservation on private land. (2014, p. 18)
To the extent that market-based approaches involve payments to landholders for public-good conservation, they facilitate increased scrutiny of costs and benefits of policy intervention. A requirement to fund conservation from within the budget would act as a discipline on governments' demands for conservation on private land. Without such a requirement, demands for conservation on private land can quickly grow. As James Beale put it, 'the majority believe more trees are wanted' and that those trees can be provided 'without apparent expense to the populace' (sub. DR275, p. 4), so there is no natural restriction on demands for conservation on private land.

COAG also agreed that economic modelling should be considered in vegetation legislation (COAG SCEW 2012)

Once the environmental impacts of a proposed action have been assessed (using

methods that are commensurate to the level of risk posed to the environment), it is also important to take into account the economic and social benefits and costs of the proposed action. Endorsing Australia's Native Vegetation Framework, COAG agreed that all governments would consider economic and social factors.

Economic modelling is also a key principal of the Qld government's Guide to Better Regulation 2016. The fact that no economic impact modelling has been undertaken illustrates the Government's total lack of regard for the potential adverse impacts on individuals, jobs, regional communities and the broader Qld economy.

Signed:	 Blair & Josephine Angus
Date:	22/3/2018