

SUBMISSION

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

In providing this submission I 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 my 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.

I do not in any way support broad scale land clearing or land degradation however I do not support and cannot operate with our industry being heavily regulated and debilitated by new oppressive vegetation management laws.

My 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).

High value agricultural land is currently clearly mapped and protected in Queensland. The removal of HVA and Irrigated HVA from the Vegetation Management Framework, affects farmers and graziers in regions differently.

Those in the north of the state are particularly hard hit. Clearing land and growing fodder in areas where dry seasons deplete energy and protein in the pastures. These climatic conditions force graziers to look for ways to supplement and feed their animals. Survival and welfare of stock become paramount and to date, HVA and Irrigated HVA permits have provided graziers the opportunity to grown fodder and grain for livestock.

In Queensland as a whole, only in certain cases (as mentioned above) is this land able to be cleared; at the scrutiny of the Department. High value agricultural land is protected and adequate systems are in place using lettering and colouring on individual property maps. If however the application is deemed credible then the flexibility to clear HVA should be in place. Surely the Government we require more urban housing in time?

To put a complete ban on clearing any tree more than 15 years old, is restrictive and controlling. Graziers will have limits on drought proofing their business, expanding for future generations and developing future projects as well as managing day to day business plans. Future food and fibre production will be limited in a world that's growing rapidly.

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."

Areas of vulnerable species are currently mapped and lodged. Science based self- assessable codes help farmers carry out routine vegetation management practises necessary to sustainably produce food and fibre for the growing population.

The maps on one of my properties depict a blue circle and a radius showing where the endangered species is identified in its natural habitat. This area takes in a considerable radius.

Farmers and graziers have the means to learn about these areas on their property using the Department of Natural Resources website. The accuracy of these maps will be questionable.

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.

The addition to the High value regrowth layer being added back onto freehold and indigenous land, landholders will also be impacted by changes to the regrowth watercourse mapping and the extent of essential habitat mapping. There is a strong focus on developing northern Australia and opening up new areas for development. This framework is preventing these farmers from developing agriculture projects and creating jobs and employment the rural and remote areas.

On an individual level, the new layer Category R, depicting the pink colouring showing on my property map allows us to see where the Fitzroy/Great Barrier Reef watercourse is affected.

Whist this area is very small, I question the accuracy; as the area shown is regrowth wattle that has been mechanically treated in 2012. The area in question, far from a visible water course, will limit the production of pasture as the wattle regrowth will thicken over time, choking out grasses and cause erosion.

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."*

Currently our properties have PMAV's in place which protect the environment and guide us as landowners in the development of our land and management of our regrowth. It will be a devastating loss if these PMAVs are no longer valid in March 2020.

Lodging a development application every time we need to manage our business will be lengthy, costly and doubling- up on resources. The self- assessable codes are satisfactory, familiar and relevant of our individual property.

I strongly oppose the development application process for the process of managing thickening.

FODDER CODE

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

- s139(1) – the 'Managing Fodder Harvesting Mulga Lands Fodder Area Management Plan' is revoked. A new revised Code is in place – 'Managing fodder harvesting accepted development clearing code'.
- s139(2) - A notice of intended clearing under the Plan ceases to have effect on 8 March 2018, and no further clearing can be carried out under the Plan from 8 March 2018. Landholders need to

lodge a new notification under the new Code and follow the requirements of the new Code.

- **New s136 phases out landholder-driven area management plans as a mechanism for managing low-risk clearing that is or may be managed by the accepted development vegetation clearing codes. This new section provides that an area management plan relating to the clearing for fodder harvesting continues but only remains in force until 8 March 2020.**
- **Landholders need to lodge a new notification under the new Code.**

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

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

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

Currently many farmers and graziers in areas of minimal rainfall (ie South West, and Western Queensland), use mulga as a viable source of feed for their livestock.

Many areas in Queensland are listed on the Drought Declared register.

Graziers in these areas are usually isolated, have limited resources and few options. Harvesting mulga on their properties is a valid and viable way to feed their cattle in desperate times.

The management plan with Mulga Lands Fodder Area Management is vital to the people in areas where mulga grows on their property. The revoking of these plans in 2020, will cause stock owners considerable grief, stress and cost. A lack of feed will incur stock loss and human loss- if situations become desperate enough.

Lodging a new application for notification under the new code is restrictive, costly and poor time management especially on farms when drought has hit, human resources are scarce and funds are limited. Graziers have been managing mulga lands for generations. The current system in place is adequate.

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.**

Legislation should have sufficient regard to the rights and responsibilities of individuals and consequently should not adversely affect individuals or impose obligations retrospectively. In recent times penalties have tripled and there is a sense that Governments do not think penalties is harsh enough.

Harsher penalties for a breach in Vegetation Management Act are a cruel blow to country people trying to make a living. The few mistakes which are made are usually genuine and minor. Case by case penalties need to be considered if any further breaches occur.

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."

I am a fifth generation landowner who produces a living from the land on which we own and reside. I have personally owned land since 1992 and have operated and managed our pasture, waters, regrowth and livestock with the utmost care, attention and pride. We are viable and sustainable, managing our resources for future generations.

Grass cover, erosion control and drought mitigation are at the forefront of my mind when planning and budgeting for our business. Livestock numbers are managed according to paddock size, climatic conditions and pasture growth. I, along with my family, take pride in our land and the cattle we produce.

The current PMAV system in place works. It's relevant, respectful, simple to use, understood by most and easily accessible. The accuracy of the PMAVs allows property owners to manage their land in accordance with the current regulations in place by the State Government. Our lands are sustainable and current management practises by farmers and graziers are proving this.

Changes in the Vegetation Management Laws will impact greatly on my business. The uncertainty of my properties' future will put our livelihood at risk. Succession planning will be hindered.

Time wasted and financial cost to my business is a huge issue in an industry where human resources are already limited. Finding adequate and skilled labour in rural areas is already difficult, and changes to the Vegetation Laws will mean owners and managers will spent more time in the office and not running their business in an hands-on way.

Written applications, detailed mapping and constant monitoring will increase our office work load

considerably. Allowing someone in a Government Department to make crucial and life- saving decisions regarding our land and stock, will be detrimental to all involved.

A serious lack of community consultation has resulted in unfair and unreasonable suggestions being put forth by the Labor Government.

The current Vegetation Law are adequate and reasonable and in my opinion should be left alone.

Signed:

K. L. H. C. W. E.

Date:

21.3.18