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SUBMISSION TO THE: STATE DEVELOPMENT, NATURAL RESOURCES AND AGRICULTURAL INDUSTRY DEVELOPMENT
COMMITTEE

SUBMISSION TO:

THE VEGETATION MANAGEMENT AND OTHER LEGISLATION AMENDMENT BILL 2018

SUBMISSION COVER SHEET

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INTRODUCTION:

As the State Leader for Katter's Australia Party and MP for the electorate of Traeger, I write this submission on behalf of the party and other State MPs Shane Knuth, Member for Hill and Nick Dametto Member for Hinchinbrook.

The KAP is firmly opposed to ALL changes proposed in the Vegetation Management and Other Legislation Amendment Bill 2018.

The electorates held by the KAP cover over 26% of the state and include a heavy concentration of agriculture industries that deliver substantial economic benefits to the region and the State. A further erosion of primary producer's ability to manage their land effectively, in an environmentally responsible way and without continual government interference, is key to the future growth of our agriculture industries and the communities that rely on them.

The future viability of regional and rural Queensland towns will be detrimentally impacted by this Bill through both the direct and flow on impacts of lower productivity and higher production costs. Our rural industries are vertically integrated and these impacts will be felt all the way back to the consumer through higher prices.

The current vegetation management laws and the way they are enforced have come at a huge cost to many rural communities. Families have been left devastated and the decline of many businesses has contributed to depression and suicide rate rises in the bush. Moves to further tighten restrictions and increase penalties will no doubt compound the existing struggles of many farming families.

There is a need to have certainty in any business for financing and operational planning activities. Continual legislative change destroys confidence and values in the agriculture property market, delivering uncertainty and limiting any potential growth. Strict vegetation management laws also constrain the ability of producers to drought proof their properties which can have a significant impact on farm value as well as livestock welfare.

SUBMISSION TO THE: STATE DEVELOPMENT, NATURAL RESOURCES AND AGRICULTURAL INDUSTRY DEVELOPMENT COMMITTEE

Policy settings should not be adjusted at every election cycle by Governments who take opposing ideological positions for the purpose of election grandstanding. This approach undermines industry growth and future investment.

The Government's bill will create a raft of technical complications beyond economic impacts. It is the KAP's view that the bill contradicts the spirit and intent of the Legislative Standards Act by undermining the rights of landholders to manage their land in a responsible way.

In the KAP's view, this Bill:

- is not consistent with principles of natural justice;
- allows and delegates administrative powers to inappropriate persons;
- confers power to enter premises, and search for or seize evidence or other property, without a warrant or even authorisation which is in direct conflict with the requirements of the Legislative Standards Act 1992;
- does not provide appropriate protection against self-incrimination;
- adversely affects the rights and liberties of the persons;
- provides no fair compensation;
- is inconsistent with the fundamental principles of property law and property rights;

There is no provision in the Legislative Standards Act that allows for any breach of these requirements based on public benefit and we do not accept the justification for these breaches as outlined in the Explanatory Notes for this Bill.

The majority of landowners manage their properties effectively to ensure the long term value and sustainable production of crops and cattle. They respect the need to be environmentally responsible (as they are part of that environment) and manage their properties in accordance with the current vegetation management framework.

Introduction of yet another variation to the Vegetation Management Framework, now brings the total amendments since introduced in 1999 to 19, with over 400 changes to the provisions within the act during this period. No business can plan long-term when the goal posts continually moving through unnecessary interference by Government via constant changes to legislation.

These changes all impact on the socio economic make up of rural communities making a future for younger generations in the bush almost impossible. The changes also pose a threat to the broader agricultural industry which is estimated at \$15 billion and generates tens of thousands of jobs.

Our agriculture sector has been used as a political football over the past 18 years. With the introduction of this Bill, many property owners and farming families must now consider whether to continue in the industry. These proposed changes will damage their long-term planning and equity in their own business.

The changes proposed in the Government's Bill are confusing, onerous and a blatant attempt to 'demonise' farmers to satisfy and secure votes from inner-city residents. The sections of the community who are in favour of this bill appear to have never set foot on a property or spoken to a farmer about how much they value and effectively manage their land. This supports our position that the Bill has nothing to do with sound, land management science and more to do with irrational politics.

SUBMISSION TO THE: STATE DEVELOPMENT, NATURAL RESOURCES AND AGRICULTURAL INDUSTRY DEVELOPMENT COMMITTEE

There is currently a strong focus on developing Northern Australia from Government's at all levels. However; the proposed changes to the Queensland State Government Vegetation Management framework through this Bill will prevent farmers throughout the state from developing agriculture projects – particularly in North Queensland. Food and agriculture is one of the Australian Governments five industry pillars identified as having high potential for growth. The White Paper on developing Northern Australia predicts a sharp increase in the scale and breadth of activity in the industry as part of sustainable development of North Australia. Most of the proposed developments to new agriculture clearing has not been in reef catchments – but in the Gulf Plains where there is no run-off toward the reef.

The current Queensland Government's "Queensland food and Fibre Policy" identifies the agriculture sector as the mainstay of the Queensland economy and commits the government to support the growth of the industry. It clearly states:

"The Queensland Government is committed to supporting the growth of a productive and prosperous food and fibre sector. Estimated to be valued at \$15.02 billion in 2014–15 (AgTrends update April 2015), the sector contributes significantly to the Queensland economy. Around one in seven working Queenslanders are employed by the agricultural supply chain. Supporting a prosperous and sustainable food and fibre sector will generate long-term jobs, underpinning the economies of our regional and rural communities."

This statement is in direct contradiction to this Bill and the proposed changes to the Vegetation Management Act, which will seriously damage the agriculture industry. The result of these proposed changes will be more expensive produce and protein and loss of jobs across the rural sector. Ultimately, this Bill attacks the rights of landholders who need long term certainty to sustainably manage their land. This Bill will take those rights away for the sake of appeasing a narrow section of the public who have little understanding of the implications.

KEY PROVISIONS OF THE PROPOSED LEGISLATION THAT THE KAP OPPOSE ARE:

1. Removing high value agriculture and irrigated high value agriculture as a relevant purpose under the Vegetation Management Act 1999.

This change will take away the ability of land owners to clear small areas of land to develop farms.

The removal of HVA & IHVA affects farmers in 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 and this can cause issues for farmers with stock survival and welfare through years of drought. HVA & IHVA permits have provided farmers in Northern Queensland with the opportunity to grow fodder and grain for supplementing in the dry season and finishing off stock for market.

Removing the ability to apply for a development approval for clearing for HVA and IHVA and removing supporting provisions such as relevant purpose decision making criteria, will severely impact on the financial viability of properties, ability to drought proof their business and effect production of food and fibre for stock for a growing national and international demand, in North Queensland.

2. That no compensation will be payable to HVA, IHVA and Property Map of Assessable Vegetation (PMAV) applicants during transitional arrangements and that no compensation will be paid to affected property owners for the taking of their right to their property their right to the effective benefit of their vegetation.

The Bill changes the current legislation through no fault of the industry who are following current guidelines, yet farmers are expected to foot the cost of Government intervention in their proposed changes to legislation.

SUBMISSION TO THE: STATE DEVELOPMENT, NATURAL RESOURCES AND AGRICULTURAL INDUSTRY DEVELOPMENT
COMMITTEE

Farmers have already paid for their vegetation, if the government wants to remove their right of its effective use for public benefit, then the Government needs to pay for this loss of right to property.

3. Extending the protection of high value regrowth vegetation to align with High Conservation Values 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; and

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.

This proposed bill does not just return to the previous legislation but is a grab for far more productive land to be reclaimed back through Category C and R "High Value regrowth". This will severely restricts a landholder's ability to maintain current production levels.

This impact will eliminate many areas out of production and is a serious threat to long term productivity and sustainability of our rural industries, particularly grazing. This Act is about "Reducing the size of the Paddock".

The Government is also essentially adding an extra regulation over freehold and Indigenous land, in a manor inconsistent with the Land Title Act/Property Law Act. This change is in direct conflict to the strong focus on developing Northern Australia. This change to the Queensland State Government vegetation management framework will prevent our farmers from developing new agriculture projects in the North.

4. Increasing the penalty units for offence provisions.

The Bill potentially breaches fundamental legislative principles (FLPs) as outlined in section 4 of the Legislative Standards Act 1992. Any Legislation should have sufficient regard to the rights and liberties of individuals and consequently should not adversely affect rights and liberties, or impose obligations, retrospectively.

In addition, penalties have effectively been tripled, which is a clear demonstration the Government is victimising farmers who mistakenly clear vegetation through unrealistic, high and financially damaging penalties.

5. Amending provisions for stop work notices to broaden their use to include instances where there is a reasonable belief that a clearing offence has occurred.

Expanding powers of entry allowing an authorised officer to enter a place to monitor compliance for clearing of vegetation under an accepted development vegetation clearing code or an area management plan or where an authorised officer believes on reasonable grounds that a vegetation clearing offence is happening or has happened. The proposed Bill provides a new power of entry that will allow an authorised officer to enter a place where the authorised officer believes on reasonable grounds that a vegetation clearing offence is happening, or has happened. This will allow the authorised officer to enter and re-enter a property without the occupier's consent or a warrant to investigate whether a vegetation clearing offence has happened or is happening at the place.

SUBMISSION TO THE: STATE DEVELOPMENT, NATURAL RESOURCES AND AGRICULTURAL INDUSTRY DEVELOPMENT
COMMITTEE

We believe this is a flagrant disregard for a property owners rights to refuse entry to anyone on their property without a Warrant and could be challenged through the court system.

This provision also removes the properties owners' ability to manage biosecurity on their property and could place people's lives and wellbeing at serious risk through the lack of knowledge that a person is in the area)

6. Revised, accepted development vegetation clearing codes (accepted development codes) including changes to area management plans and clause 4-s190 the removal of the mandatory requirement of the Minister to make codes, amending it to be discretionary (at the Ministers whim).

Science based self-assessable codes help farmers carry out the routine vegetation management practices necessary to sustainably produce food and fibre. The self-assessable codes help farmers ensure trees and grass stay in balance, avoid soil erosion and feed animals in drought.

Self-assessable codes provided a more useful and cost effective method to farmers. With the removal of these codes to lodging applications, this process will now be more time consuming and expensive – another unnecessary impost on primary producers.

SCIENCE:

Stated plainly, the State Government has 'cherry-picked' science in the formation of this Bill.

Woody vegetation:

These changes will ruin the productivity of our native rangelands through increased woody tree species and more importantly will increase runoff for the reef through less groundcover. It is not trees that protect the reef – it is groundcover.

This is a well-known soil conservation principle, outlined in the 2015 Soil Conservation Guidelines for Queensland – a fact the Government has conveniently chosen to completely ignore with the introduction of this Bill.

Science shows thickened tree cover can increase runoff, adversely affecting regional ecosystem functioning, and reduce biodiversity. The work conducted by Bill Burrows, over 40 years in the DPI, showed that our Eucalypt woodlands are actively thickening.

Queensland's tree/shrub cover increased its aboveground biomass and carbon content over the 20 year period 1993 – 2012. This is despite the fact that this timeframe coincided with a period of active broad scale tree clearing.

This conclusion is based on satellite sensor measurements, with the findings strongly supported by a large number of complementary studies employing many different monitoring techniques. Independent sensors on Japan's IBUKI and NASA's OCO-2 satellites now both show Queensland is a net annual sink for CO₂. In other words vegetation is currently removing more CO₂ from the air (atmosphere) above this State than is being added to it from the combined impacts of land clearing, plant respiration, fire, fossil fuel use, adjacent ocean outgassing.

As such it is concluded that arguments for the reintroduction of strict tree/shrub clearing control bans on this state's rural landholdings are not supported by the evidence. Our 'intact' woody vegetation is not static, but on a definite 'thickening' trend overall. This trend threatens the viability of many rural enterprises.

Reintroducing strict constraints on tree/shrub clearing to simply further increase carbon sequestration on land assigned for agricultural purposes seems to be an unnecessary impost, devoid of fairness to the landholder.

SUBMISSION TO THE: STATE DEVELOPMENT, NATURAL RESOURCES AND AGRICULTURAL INDUSTRY DEVELOPMENT
COMMITTEE

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.

Reducing flexibility of the ways in which farmers can manage vegetation on property means increased costs in production – costs which will result in less viable farming operations and increased food prices for consumers. The simple hard fact is that even with the rise in annual clearing rates reported in the SLATS Report 2012-2014, we now have 437,000ha of more trees. The Government has chosen to ignore vegetation regrowth data from their own report, which shows that while 296,000ha were cleared, tree coverage increased almost twice the size of the ACT in just three years. In fact tree coverage increased in 51 of 77 council areas across Queensland.

In the current SLATS data outlines that only 395,000ha was cleared however no data presented on regrowth during the same period. It is impossible to have an unbiased, balanced view on tree clearing without corresponding regrowth data.

Reef and Runoff:

The Reef is an incredible, valuable natural asset. Nobody in the agriculture sector disputes that it should be protected. However, demonising and blaming farmers is not backed up by scientific evidence. Soil management plays a vital role in keeping soils on the paddock, out of waterways and out of the Reef lagoon.

Ground cover, **not tree cover**, determines runoff and erosion risk. This is a well-known soil conservation principle, outlined in the 2015 Soil Conservation Guidelines for Queensland and many other soil conservation studies. Industry is concerned the Queensland Government has recently considered woody vegetation management as an erosion issue in Great Barrier Reef catchments. There is generally less ground cover under trees than in cleared areas, due to competition for water and nutrient. Grazing management practices, pasture cover and fire regimes, rather than tree clearing, determine runoff and erosion risk.

For example, the Queensland Government website for soil erosion management states *“Trees are often considered to be the universal answer to control soil erosion. Tree roots help prevent landslides on steep slopes and stream bank erosion but they don’t stop erosion on moderately sloping hillslopes”*.

Published reef science on suspended sediment runoff to the Reef focus on main causes such as the amount of ground cover and location / extent of bare areas in erodible soils such as gullies (Wilkinson *et al* 2012, Bartley et al 2012). There is no mention of tree cover, tree basal area or trees contributing or reducing sediment runoff.

A study of how ground cover and extent/location of gullies & scalds affects runoff and erosion was conducted over 10 years (Bartley 2014) within eucalypt savannah woodland within the Upper Burdekin at Virginia Park Station, Charters Towers. It measured suspended sediment runoff from flumes across an Indian couch dominant pasture on goldfield soils. The study looked at grazing strategies to improve grazing land condition.

A report by Megan Star & Peter Donaghy (QDAF) on economic modelling of Burdekin & Fitzroy grazing systems clearly outlines how tree basal area can increase sediment runoff for same level of pasture utilisation (compared to cleared country) across a range of grazing land types.

SUBMISSION TO THE: STATE DEVELOPMENT, NATURAL RESOURCES AND AGRICULTURAL INDUSTRY DEVELOPMENT COMMITTEE

In February 2015, the Queensland Government slipped in Water Quality Action number EHA20 to the Reef 2050 Long Term Sustainability Plan to *“Strengthen the Queensland Government’s vegetation management legislation to protect remnant and high value regrowth native vegetation, including in riparian zones”*.

All previous reef science and soil conservation studies link ground cover impacts to runoff, not woody vegetation cover. Streambank stabilisation is achieved through a combination of both woody vegetation and grass-ground cover. There was no opportunity for the Reef Partnership Committee to review these inserted actions before the draft Reef 2050 LTSP went to UNESCO – World Heritage Committee.

In June 2015 the Queensland Audit Office report on *‘Managing water quality in GBR catchments’* stated a 229% increase in land clearing in reef catchments from 2008/09 [31,000ha] to 2013/14 [102,000ha]. No Government information is available to demonstrate if these clearing rates increased the risk of sediment runoff.

Long paddock forage reports show how ground cover on a property compares to regional grazing land types. Ground cover falling below the 50 per cent percentile indicates there is a risk of degrading land condition. In light of this evidence we again stress that ***Ground cover not tree cover determines sediment runoff***.

Under the Existing Vegetation Management codes (SDAP State code 16: Native vegetation clearing), version 2.1, you could never:

- Clear within 100m of wetlands;
- clear within watercourses and must maintain required buffers of prescribed distances up to 100m;
- must maintain connectivity throughout landscape;
- Cannot cause any soil erosion through mass movement, gully erosion, rill erosion, sheet erosion, tunnel erosion, stream bank erosion, wind erosion, or scalding; and 2. any associated loss of chemical, physical or biological fertility – including, but not limited to water holding capacity, soil structure, organic matter, soil biology, and nutrients, within or outside the land the subject of the development application;
- Cannot contribute to or accelerate land degradation through waterlogging, or through the salinisation of groundwater, surface water or soil;
- Must maintains the current extent of endangered regional ecosystems and of concern regional ecosystems;
- Clearing does not result in, or accelerate, disturbance of acid sulphate soils or changes to the hydrology of the location; and
- **Clearing must maintain the current extent of essential habitat.**

This last point is key and highlights the scare campaigns orchestrated by radical conservation groups to demonize our farmers and graziers.

Koala habitats act as a good example. No changes were made to essential habitat mapping for koalas, or any other native species, as part of the 2013 vegetation management reforms. A landholder could never clear mapped habitat of any species listed under the State’s Nature Conservation Act 1992 as endangered, vulnerable or near threatened (EVNT’s), which includes Koalas, under the codes or Act for activities around coordinated project, extractive industry, high value agriculture clearing and irrigated high value agriculture clearing, fodder harvesting.

The large-scale approved High value Agriculture permits in the Gulf, Einasleigh Uplands and southern Cape York bioregions, where Green groups have accused landholders of clearing Koala habitat, are outside the Geographic range of the Koala are too dry for them and their preferred eucalyptus food-sources, such as the blue gum.

SUBMISSION TO THE: STATE DEVELOPMENT, NATURAL RESOURCES AND AGRICULTURAL INDUSTRY DEVELOPMENT COMMITTEE

Areas close to streams and billabongs are also omitted from approved areas under the current State's Vegetation Management codes. Areas of known koala habitat cannot be cleared in any event as they are omitted from final approved areas for tree clearing under the State's Nature Conservation Act and are shown on "Essential Habitat layer". The Essential Habitat layer is made up of all known sightings/recordings of the listed species and buffered them accordingly by at least 1.1km.

Further, clearing could only occur for High Value and Irrigated High Value Agriculture where the land is suitable for agriculture having regard to topography, climate and soil attributes. This had to meet the Guidelines for meeting the land suitability and economic viability requirements for high value and irrigated high value agriculture applications, Department of Natural Resources and Mines; and clearing could only occur where there is no alternative area on the land subject to the development application for the clearing.

It is interesting to note the extinction of Koalas in their natural habitats in southeast Queensland is happening right under the State Government's watch unchecked, where the Koala population has declined by 80% mainly due to urban development. This highlights the distinct difference between policy in the South East and rural and regional Queensland, where conveniently vegetation management and destruction of natural habitat laws are set aside in and around cities for urban development.

INDIGENOUS COMMUNITIES:

In the State's north, Indigenous leaders have been constantly fighting to secure land tenure to have the ability to self-manage and determine their own future instead of reliance on hand outs from Government. Many indigenous and non-indigenous communities, particularly in the Cape and Gulf, aspire for Agricultural development to provide employment and opportunity and improve economic and social prosperity in their communities.

These opportunities should not only be afforded to southern areas, that continue to benefit from development. A one-size fits all approach to vegetation management on a state-wide basis denies the opportunity to parts of north and western Queensland; areas such as Einasleigh Uplands, Gulf Plains, Cape York, Desert Uplands, North-west Highlands, Mulga Lands, Mitchell grass downs and Channel Country. Areas where there is untapped potential for improved productivity through sustainable development of better soils.

Many struggling small rural and Indigenous communities, within the State's Far North and Gulf, would stand to benefit greatly from the much needed social and economic opportunities that this suggestion would present, through carefully planned and appropriate agricultural development. This is a region with over 90% remnant vegetation – an intact landscape that can have a sustainable level of development.

For High-value agriculture - even with a relatively low value crop like sorghum (assuming value at \$250/tonne), an extra 500,000Ha at a conservative average of 2T/Ha results in an extra \$250M per year. That can be multiplied 5X through the supply chain and is a huge boost to the economy and these communities.

The scale of operation is a major contributor towards profitability in the Beef industry and effects are amplifying. The 2013 Northern Beef Report details the performance of the northern beef industry, by region, market and herd size over the 12 years since the start of the century. On average, the profits achieved over that time frame have been low, but not trending down. Profitability of the top performers has declined over the longer term, suggesting that industry profitability is decreasing. Profit after interest is decreasing, and is mostly negative, as a result of increasing debt with no increase in profits. The majority of Northern Beef producers are not economically sustainable as they are not able to fund present and future liabilities.

SUBMISSION TO THE: STATE DEVELOPMENT, NATURAL RESOURCES AND AGRICULTURAL INDUSTRY DEVELOPMENT COMMITTEE

Major issues facing the Beef Industry include significant cost escalations, doubling of debt over last decade and return on assets have declined to very low levels averaging less than 1% across the industry over the last 3 and 12 years (The Northern beef report - 2013 Northern beef situation analysis). Nearly all productivity differences between herds can be attributed to the better performers achieving:

- Higher reproductive rates
- Lower mortality rates
- Heavier sale weights

Clearing for discrete areas of improved crop and pasture allows this to be achieved. Currently Landholders are unable to clear or even achieve "Parkland-style" clearing for grazing purposes. Previous legislation around vegetation management, impacted both development and maintenance options for producers in affected regions. Farmers must be allowed to manage their vegetation in a practical, environmentally sustainable way, which will be impossible under the proposed Bill.

RECOMMENDATIONS:

The KAP strongly recommends that the Bill be not be passed. More consultation is required with industry and greater transparency around the facts are required to have a balanced and informed debate. We also further recommend the Government look at a cost benefit analysis of good land and vegetation management, verses the vegetation management regimens outlined in this Bill.

CONCLUSION

These proposed new laws are punitive and unnecessary. Further erosion of framers rights to produce crops on their own land, will only serve to disrupt the current balance and trigger a decline of the Agricultural industry in Queensland – a very dangerous threat to jobs and economic growth.

Agricultural production and the environment can co-exist, do co-exist and complement one another. We must move away from approaches that place economic and social development at loggerheads with the environment.

We have spoken to many primary producers and they are desperately tired of the constant changing of the goal posts and the demonising of our primary producers in this State. Very few are able to plan long-term and many don't see a future in the industry, if these changes are passed.

We question the supposed consultation process undertaken as this obviously did not include or involve people at the coal-face in the industry, who actually have to manage their properties on a day to day basis, through constant Government interference.

We have not met one primary producer who supports this Bill. Primary producers are unanimous in their stance that the Bill will only assist in destroying the industry – which is the opposite too what the State Government will publicly state and declare.

The KAP implore the committee to consider the serious implications this Bill will have on one of the most valuable employment and income producing sectors in Queensland and how this will irreparably damage and impact on regional and rural communities and families.

Moves by the State Government to reject simple data and repeal current vegetation management laws are the biggest threat to Queensland Landholders since the Gillard government smashed the cattle export trade in 2011.

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COMMITTEE**

The result for Queensland consumers will be more expensive fresh produce and loss of jobs. Meat processors have already started putting off staff because of a slowdown in domestic cattle supply as Australia's cattle herd hits a 20-year low.

Failure to understand woody population dynamics in Queensland's grazed woodlands has no doubt contributed to this seeming inability to settle on a realistic and stable woodland management policy, applicable to agricultural lands. The proposal to reintroduce strict 'tree clearing' bans is not justified in light of compelling evidence that 'intact' woody vegetation continues to 'thicken' in this State.

Queensland landholders should not be subject to punitive laws promoted by this Government who fail to back up their claims with scientific evidence. Allowing a 10% development within bioregions with greater than 90% remnant vegetation, will ensure that government is supporting our agricultural producers in the less developed regions to the fullest ability. This will be 'sustainable mosaic agriculture in a landscape planning approach'. By supporting this suggestion, this Parliament can lead the way in world's best practice in new and innovative, sustainable agricultural development – the foundational platform required if we are to achieve essential food security and if we are to go anywhere near our potential as the future food bowl for Asia.

By building resilience – we reduce the reliance on Government funding for drought relief.

Sincerely,



Robbie Katter
Member for Traeger