

SUBMISSION

I provide my submission in respect of the proposed Vegetation Management and Other Legislation Amendment Bill 2018 to be included in the SDNRAIDCs 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 DrAnthony 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

Hon Dr Anthony Lynham MP - 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 protectedit 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).

In answer to Dr Lynham:

Jacqueline Curley's Reply

When I make submissions I always spend an inordinate amount of time researching facts and quoting same. This time I will summarise some of the current research for this submission as I am aware that nothing we say or do is going to make one bit of difference to your bill. You have every piece of science available to you and the cold hard facts have already been served via the many submissions already posted on the Government website, in particular the information in the submission by Peter Spies. I congratulate him for the effort he has made and fully support the information in his submission.

Critical information such as the 2002-3 Bill Burrows report (an eminent QLD DPI scientist with 25+ years field studies, which would support the opposite side of the bill you have tabled), has been withheld by the cabinet in confidence for 25 years. I request that this very informative report – in full – be released to the public on 23rd March 2018 enabling all parties to peruse this information before the rushed two hour consultation meetings in five country towns next week, and your bill is then put to the parliament to be passed.

As your party strongly implies, you have the numbers to pass the bill and that is that. Therefore I am not going to waste any more of my time than necessary on duplicating factual information. Instead I will endeavour to make you, ALP and

Green associates aware of our family's view of this bill and how it will mentally and financially affect the rural community from the human personal perspective.

These land holdings, regardless of size are simply our homes with extended back yards. We are intrinsically aware of the vegetation on our lots and treat it as you would care for your houseyard plants. Just as your houseyard plants and trees need pruning and the grass needs mowing we duplicate that process on our landholdings via thinning or clearing some vegetation and utilizing livestock to graze and regenerate grasslands. Grassland cover is the key to erosion avoidance and a healthy ocean eco-system.

The previously accepted legislation has undergone robust discussion from all parties. The people who manage and care for these farms and landholdings do not need more vegetation legislation changes to interpret, which will create even more concern, confusion and damaging costs.

Therefore I strongly object to the new bill submitted by the Hon **Dr Anthony Lynham MP**

The current protection of high value regrowth has already made future cropping diversity almost impossible. To lock up further land by changing the rules and applying all vegetation not cleared within 15 years appears to be a ploy to stop all future expansion of agricultural economic growth in Qld. The result being land managers will be unable to utilise much of their resources, new technology, and underpinning unnecessary financial losses.

Firstly, using this new legislation as saving the reef appears to be propaganda unless it can be proved that all the damaging clearing carried out is for agriculture. Fact - this is not the case. Much of the figures touted are metropolitan areas of "concern".

Secondly there are no figures shown for the new regrowth that has occurred which balances the maths quite substantially. Fact - there are no accurate figures shown for the amount and value of accumulated regrowth and not even

an estimate has been attempted. (Labour admission during meeting in Charters Towers May 2017)

The same analogy could be applied to handing in a bank budget with all of your expenses listed but no income. Of course the bank will refuse your loan application. When the public only hear the amount of vegetation that has been cleared and have no notion that huge amounts of natural regrowth has occurred to replace much if not all of this clearing, of course they are going to agree to stop all clearing. No brainer politically, but very unethical on the submission of this bill.

Thirdly, I consider myself a natural born Australian farmer, and to impose these new “laws with criminal prosecutions liable for farmers and indigenous people” on freehold and indigenous holdings is nothing short of criminal behaviour against our Australian constitution.

Fourthly, I see absolutely no reference to the fact that sequestration of carbon via healthy grasslands and the use of grazing animals, is now proving to create a carbon neutral and possible carbon positive sink scenario. The science is available if you wanted to use it honestly and fairly in the drafting of this bill.

Hon Dr Anthony Lynham MP –

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.

Jacqueline's reply:

I have not been able to view the proposed mapping before writing this submission.

Currently the laws in place before this bill was proposed are - Clearing MUST maintain the current extent of essential habitat.

This point highlights the mischievous scare campaigns created by extreme Green groups like the Wilderness Society, Australian Conservation Foundation and WWF used specifically to destroy the real guardians and custodians of our state, farmers and graziers who actually care about the land which not only produces your next meal but theirs as well.

There are no known endangered species on our land holdings – but all the new rules will be applied to our land regardless.

Hon Dr Anthony Lynham MP

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.

Jacqueline's reply

Considering the points above are already sustainably covered by the laws currently in place (for your information below) it is difficult to understand the mentality of duplication. Our properties are not involved in any reef catchment areas but will be subject to the shutdown of further agricultural pursuits. Currently our shire is undertaking million dollar consultancy projects to estimate the value of exciting new agriculture possibilities in the event of a new water storage facility. Quite the waste of taxpayers money now I would think.

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 sulfate soils or changes to the hydrology of the location;**

Hon Dr Anthony Lynham MP

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 March2020.

Jacqueline’s reply

The current legislation is cumbersome, convoluted and extremely difficult to understand. Professional consultants have great difficulty understanding the current legislation, even they “get it wrong”, and the department is hugely unhelpful with on ground communication to interpret the

codes. Considering the departmental staff have previously been given directives that they are not allowed on property to interpret these codes the rural community has the belief that that this is a design whereby farmers are “set up to fail”.

The introduction of even more unwieldy legislation is unbelievable.

At least have the decency to set up DAFF field teams to fill out these forms and applications and GPS the relevant areas on ground at DAFF expense. After all the legislation created the problems in the first place. Don't continue to expect the rural community to pay for new deals.

This impacts every farming and grazing entity that is currently or planning to improve their grassland structure.

Hon Dr Anthony Lynham MP

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 Planfrom 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.

Jacqueline's Reply

We do not have mulga on our properties however livestock have survived here on tree fell only in previous eras (pre 1970's) before any meaningful state vegetation legislation was in place.

This vegetation has regrown, died out in dry times and has regrown again. Sensibly maintained by farmers who know how vegetation responds on their land type. Pity the desk jockeys didn't use our long-term vegetation experience before they slap new legislation on the table.

My other comment is from speaking with people who work closely with the mulga farming community. This legislation appears to be blatantly focused on politics not the available environmental science from areas other than government staff, which rebuts what you are doing. This planned change is the death rumble for their family businesses. Paint it how you like this is unnecessary destruction of those family units.

Hon Dr Anthony Lynham MP

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.

Jacqueline's Reply

I seriously wonder how you can sleep at night Hon Dr Anthony Lynham MP and your team.

You are targeting bush rural food producing families including those with small children to educate, with fines that can easily total up to \$1,500,000 – lets be honest here – penalty points really don't cut the ice with media honesty. These people have literally worked their guts out under the most difficult conditions imaginable. The legislation is almost impossible to interpret now, so they will also have additional huge consultancy bills to pay before they can even attempt to keep their land and business environmentally sustainable.

I have no further words on this – I actually feel ill as I write, thinking of the impost bearing down on our amazing bush community.

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."

Jacqueline's reply.

I'm sorry but the scale of hypocrisy in this closing paragraph speech has left me breathless.

All I can suggest is ramp up the mental health budget and create a new centrelink fund for displaced farmers.

I am a passionate beef producer with 54 years of industry experience and field observation. During my lifetime in this business, constant zigzagging through the political mire has created more financial and emotional stress than all of the natural disasters combined.

This bill should never have been tabled.

Signed : Jacqueline Faye Curley

Date: 22 March 2018 10.45 am

