

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).

The proposed high value regrowth changes present problems for the cost effectiveness and productive management of our cattle grazing property. As graziers we manage the vegetation and clear the land to grow improved pastures for the cattle to graze. We have been doing this with our primary property for the last 30 years, then purchasing 2nd property 10 years later, and a third 10 years after that.

As beef producers we need to be able to increase our production to meet the growing demand from consumers in Australia and overseas, in order to stay productive and create long term employment in agriculture. To be able to do this we must be allowed to be responsible and manage the regrowth vegetation on our properties.

In Queensland, two thirds of the clearing that has occurred is to manage areas that have previously been cleared. We use regrowth clearing to aid in the construction of firebreaks, property maintenance, improve pasture growth and slowing down water ran off. Preventing the clearing of regrowth that is more than 15 years of will impact our regrowth control plan over the three properties. Regrowth clearing is expensive and this is carried out when we feel it is necessary and we feel that it needs to be carried out. It also is carried out when it is financially viable for us to do so. During times of drought and other expenses which have to be maintained. The drought conditions cause financial hardship and obviously it is not feasible for us to clear regrowth.

The loss in our ability to manage regrowth on our properties will have an effect in the greater community. We shall not employee as many, this will create a flow on effect, with transport, meatworks and small communities we live in.

We have recently outlaid around 2 million dollars to freehold two properties, we greatly oppose any changes that effects our ability to carry on the way we have managed our regrowth, with restrictions to land management rights.

As graziers, beef producers we need to be able to apply for development approval to broad acre clear remnant vegetation to clear country to increase our grass production or introduce forage crops to increase are carrying capacity and thus production. With the increase in our running costs the financial institutions look more favourable to improving the carrying capacity as oppose to purchasing more country.

The value of our properties will decline with no compensation being offered to offset the changes - which will affect the cash flow of all agricultural enterprises. This will also lead to Social problems – mental health due to the increase in unnecessary regulations and legislation.

It is well known that farmers commit suicide at twice the rate of normal Australians, people are less likely to consider suicide if that can make a fair living in doing what they love.

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.”*

Unfortunately, due to the fact that we are unable to obtain the maps of the proposed essential habitat for protected wildlife and near threatened wildlife and land. We unable to comment. To this date, we are not aware that will have an effect our grazing properties.

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.

Two of our properties are located in the Burdekin Catchment area. After living and managing our land in this catchment area we can confidently say that pastures on the two properties are far better at preventing erosion and sediment run off than where trees grow. We manage our watercourses by fencing off creeks and gullies and taking necessary steps with contour banks and Landcare practices. We carry out necessary measures depending on the land position, soil type and slope and these factors determine how vulnerable the soil will be to erosion.

The ground cover is the major factor to controlling erosion. It reduces the impact of the raindrops falling on bare soils and the wind blowing away soil particles (topsoil). It also reduces the speed of water flowing over the land. With increasing our ground cover we strongly believe that it is the key to erosion control in cattle grazing land. The country on our properties which has not been cleared is very susceptible to erosion, due to no ground cover growing beneath the trees.

Careful planning is necessary to ensure that property improvements such as roads, pipe lines, fences & watering points are placed where they will not contribute to runoff and erosion. We have been managing our properties for 30 years and do not need restrictive regulations and legislation dictating our land management policies. Fencing off water points, conservative stock rates, regular monitoring of our pastures, resting/spelling of paddocks, controlled burning of woody weeds all contribute to the effective pasture and land management.

There is a big picture - when we carry out land management procedures on our land and we feel we do a very good job to date. The Queensland Government has to understand that land management needs a holistic response.

As graziers in the Burdekin catchment, we feel that the Queensland government should initiate studies into chemical discharge from factories, rubbish disposal, insecticide and chemical use in suburban communities that have a flow on effect on water quality and coral health. There are other factors such as global warming, urban pollution and over fishing that are the greatest threats to the reef, not land or tree clearing as the Queensland Government believes.

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."*

As effective landholders we have used the following methods/practises on our grazing properties.

*** Thinning – selective removal of thickening trees to promote native grass growth.**

*** Removal of weeds, especially non-native species**

Thinning returns the environment back to its natural state and provides better habitat for native wildlife. We have used the above practices to manage the ecosystem and believe we are best placed to continue doing this. Restrictive legislation preventing us from effectively managing our properties will have ongoing effects on our livelihood and that of future generations.

The new vegetation management codes to apply for a thinning permit are complicated, complex and time consuming. As this has occurred across the country for many years, rather than spending hours proving that country has thickened, landholders should be able to demonstrate what a healthy and balanced landscape should look like. If the country thickens beyond the trigger densities, thinning should be able to occur. There should be balance between tree coverage and grass cover.

Reduced grass cover has left bare soil surfaces, which are vulnerable to erosion and noxious weed invasions. When the local ecosystem is out of balance, invasive native species outcompete and choke out natural vegetation, creating issues such as erosion, decline in soil condition and as a result pasture decline. Invasive native species found in our area includes berry bush and black wattle.

When making these applications, they will come as a considerable cost and effort from us.

Furthermore, one code to fit the whole state is ridiculous, vegetation management is a complex issue and a code that covers the whole state of Queensland does not reflect the complexation of managing the different ecosystems.

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.

Not relevant to our land management practices.

<p>PENALTY UNIT INCREASES</p> <p>Clauses 19, 22-23 and 25-33</p> <ul style="list-style-type: none"> 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.
<p>The new proposed vegetation management penalties are very harsh. Vegetation management is a very complex and understanding Government legislation can be very difficult. The proposed changes allow for no mistakes or misunderstandings of the legislation. The changes to a one box fits all approach will have very bad consequences for Queensland landholders, adding a “no mistake” clause will further increase the numerous challenges we face as farmers in endeavouring to understand the legislation.</p>
<p>OTHER RELEVANT MATTERS</p> <p>Introductory Speech - Dr LYNHAM: <i>“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.”</i></p> <p><i>“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.”</i></p> <p><i>“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></p>
<p>As a husband and wife partnership who have effectively managed over 110,000 acres of prime and semi-arid grazing land in central western Queensland. We have worked the land for 30 years and have become extremely experienced at managing the various types of vegetation including regrowth and weed control. It is in our best interest to manage the vegetation productively and efficiently to make sure that our land remains sustainable and profitable for our children, should they choose to carry on the family business.</p> <p>We believe that the proposed legislation is unworkable because:</p> <p>*A one size fits all approach is not an effective tool for management of the many different regional ecosystems.</p> <p>*There has been no consideration on the cost, time, labour input and stress that this will adds to our family grazing business. We have and will be doing all the work in obtaining vegetation permits, with no compensation packages for the existing permits already acquired and for fees and leases paid on freehold land.</p>

*** The proposed changes will result in lower land values and decrease in productivity for all Queensland. All aspects of the new vegetation management legislation must be HOLISTIC and diverse. Taking into consideration the differences between regional ecosystems and taking into account the many land management tools that have worked well by farmers for generations.**

*** We have grave concerns for how this legislation is going to be implemented with the restrictions and lack of government personal on the ground. Time is of the essence when carrying out land management procedures.**

***Lastly, regional Queensland will suffer the most due to these proposed Native Vegetation Management changes.**

Signed:



Cathie L. Fernie

Date:

21.03.2018