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 work conducted Bill Burrows, over 40 years in 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 in based on satellite sensor measurements, with the findings strongly supported by a large number of complementary studies employing many different monitoring techniques. Queensland is more than pulling its weight today, both nationally and internationally, in ameliorating CO2 build-up in the atmosphere. Restricting 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.

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. Regrowth needs to be controlled to maintain productivity. Reducing flexibility of the ways in which Landholder can manage vegetation on property means increased costs in production – costs which will result in increased food prices for consumers.

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."

Farmers are the original ecologists. A very complex environment is what makes our high value land so productive. Two thirds of vegetation management done to control regrowth and for routine farm maintenance. This includes practises such as:

- Maintenance work – constructing fences, firebreaks and access tracks.
- Native forest practises – removal of high value timber for wood products such as furniture and houses;
- Thinning – selective removal of thickening trees to promote native grass growth;
- Encroachment – controlling the movement of trees and shrubs into naturally open grassland areas; and
- Removal of weeds, including non-native species

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.

Science shows thickened tree cover can increase runoff, adversely affect regional ecosystem functioning and reduce biodiversity. Soil management t plays a vital role in keeping soils on the paddock, out of waterways and out of the Reef. 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 Queensland Government has recently considered woody vegetation management as an

erosion issue in the Reef catchments. There is generally less ground cover under trees than in cleared areas, due to competition for water, nutrient and sunlight. Grazing management practices, pasture cover and fire regimes, rather than tree clearing, determine runoff and erosion risk.

Published reef science on suspended sediment runoff to the Reef focus on main causes such as amount of ground cover and location/extent of bare areas in erodible soils such as gullies. There is NO mention of tree cover, tree basal area or trees contributing or reducing sediment runoff. Ground cover NOT tree cover determines sediment runoff.

A study of how ground cover and extent/location of gullies and 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. Native woody vegetation was Eucalypt savanna woodland (narrow leaved ironbark, bloodwood, currant bush, false sandalwood). Increased ground cover of Indian couch and pasture reduced runoff; however sediment yields were mostly affected by the position of scald, gull and bank erosion area in the landscape. The amount, distribution and persistence of areas with <10% ground cover affected the amount of soil erosion. Increased ground cover (>70%) and rainfall intensity reduced early wet season runoff. Increasing the abundance of deep-rooted perennial grasses will help reduce runoff from hillslopes which in turn helps to reduce gully and bank erosion in lower sections of the landscape. Riparian vegetation including trees, shrubs and grasses is important in maintaining healthy waterways. Roots help stabilise the banks. Vegetation also helps improve water infiltration, slows down water velocity and provided the last barrier from filtering out sediment and nutrients. However, in cropping and pastoral systems, ground cover will determine the erosion and runoff risk.

Please see the attached photographs of ground cover holding soil together and filtering any sediment that has washed with the rain. This is after land has been selectively thinned to increase our grass growing ability.

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."*

Science-based self-assessable codes help farmers carry out the routine vegetation management practises 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. Farmers are not required to obtain permits for work done under the self-assessable codes, but they are required to notify the Queensland Government.

The codes are tightly regulated, regularly audited and approved by the Queensland Herbarium.

The State Government has 'eyes in the sky' watching what farmers are doing, and the vast majority are doing the right thing. The Department of Natural Resources monitors land use changes throughout Queensland via satellite every 16 days, and in 2016/7, there were just three prosecutions of illegal clearing.

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.

Woody vegetation is dynamic. Establishment and growth of woody vegetation is greater during episodic wet years and natural tree death can occur during prolonged droughts. The main change in clearing rates from 2012 to 2013/14 is in the southwestern Queensland where mulga was being pushed to keep cattle alive in the drought. Most clearing happened in Paroo Shire, Barcoo and Boulia, the report shows. Mulga provides valuable feed for sheep and cattle, particularly during dry times. Cutting Mulga branches and leaving them on the ground assists pasture recovery because it reduces water runoff and soil erosion. Mulga is also managed so that it readily and sustainably regenerates, allowing landholders to better prepare for future droughts.

Landholder are in the grip of Queensland's most widespread drought. Clearing of trees and shrubs for stock feed (fodder) made up 35% (2012-13) and 57% (2013-14) of the permitted clearing. Obviously keeping stock healthy, in food and water, is a farmer's priority during drought. Even with increased clearing rates, the actual wooded vegetation cover across regions increased in all but 5 regions between 2011-12 and 2012-13, and all but 4 regions between 2012-13 and 2013-14.

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.**

Agriculture is the fastest growing industry in the country and Queensland is now the number one agricultural state in Australia. Harsh and unnecessary vegetation management restrictions put that at risk. Australian agriculture was the largest contributor to national GDP growth in 2016-17, contributing 0.5 percentage points of national total 1.9% growth.

In addition, Queensland edged out Victoria and New South Wales as the nation's most valuable agricultural state last year. (Source: ABS Agricultural Census) For Queensland agriculture to maintain our number one status and reach our full potential, we need governments to adopt balanced policy settings that help us move forward, not hold us back.

It takes a certain kind of resilience to be a farmer, drought, poor commodity prices, environmental issues, disease, isolation, all make it an unappealing vocation for a lot of people. Harsh, unnecessary penalties for accidental vegetation clearing would be another drawback.

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."

Farmers and Graziers are at the forefront of land conservation. Ecology is not only their livelihood it is their passion. The disregard for their knowledge and experience when it comes to making changes to these vegetation management laws is insulting, at the very least. Why should those whose lives will be most impacted not be consulted? After running a successful grazing business, financially and ecologically, for 40 years, why aren't I being asked my opinion? Having personally cleared and recleared vegetation to increase groundcover, productivity and my ability to feed Australians, why am I being demonised? This is a blatant attempt by the Labor and Greens to get votes from their city population.

The system that is already in place is quite easy to follow. It takes farmer's experience and thoughts into account when they do their self-assessing process with PMAVs.

Vegetation was cleared on just 0.23% of Queensland's land area in 2015/16 – that's less than one quarter of one per cent. And that doesn't factor in how much vegetation grew during that same period. Despite alarmist analogies about the number of football fields cleared, the Statewide Landcover and Trees Study puts the figure into context, revealing that just 0.23 per cent of Queensland's land area was cleared in 2015/16.

Farmers manage vegetation and clear land to grow pasture for cattle and sheep to eat, and to plant crops such as sorghum, sugar cane and a range of fruit and vegetables. If we are to meet growing demand from consumers here in Australia and overseas for our high-quality food and fibre – and create more jobs in agriculture, farmers need to be able to manage vegetation on their land.

Signed: Dyan Hughes

Date: 22/03/18