

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 in blue font:-

HIGH-VALUE REGROWTH

Clause 38 of the Bill (proposed new definition of '*high-value regrowth*' (a) and (b) in Schedule (Dictionary) of the *Vegetation Management Act 1999*) and Clause 16 (omission of s22A(2)(k) and (l) to delete *high-value agriculture clearing* and *irrigated high-value agriculture clearing* as relevant purposes).

- Changing the definition of *high-value regrowth* vegetation - this term will now apply to vegetation not cleared in the last 15 years – rather than since 31 December 1989 (28 year old trees).
- Regulating regrowth on freehold land, Indigenous land and occupational licences in addition to leasehold land for agriculture and grazing.
- Removal of high value agriculture and irrigated high value agriculture as a relevant purpose under the *Vegetation Management Act 1999*. This will remove the ability to apply for a development approval for clearing for high-value and irrigated high value agriculture.

Introductory Speech - Dr LYNHAM: "I would like to draw the attention of the House specifically to the removal of provisions that allowed for clearing for high-value agriculture and irrigated high-value agriculture.....The bill will reinstate the protection of high-value regrowth vegetation on freehold and Indigenous land. The bill will change the definition of 'high-value regrowth' to ensure that additional vegetation that has significant environmental value is protected.....it is proposed to change the 'high-value regrowth' definition that currently exists from woody vegetation that has not been cleared since 31 December 1989 and forms an endangered, of concern or least concern regional ecosystem vegetation to high-value regrowth vegetation that has not been cleared for 15 years.....Under the new definition, high-value regrowth will continue to be mapped as category C on freehold and Indigenous land, as well as on leasehold land, that is, agriculture and grazing leases. Restoring the pre-2013 mapping of high-value regrowth on freehold and Indigenous land protects approximately 630,000 hectares on freehold and Indigenous land.....With the changes I am proposing to the definition of 'high-value regrowth', our government will protect an additional 232,275 hectares. These two measures will protect an additional

862,506 hectares of high-value regrowth. Importantly for the environment, approximately 405,000 hectares or 47 per cent of this is within the Great Barrier Reef catchments.”

*NB: A landholder could previously apply for a development approval to broadscale clear remnant vegetation for high value agriculture (clearing carried out to establish, cultivate and harvest crops) or irrigated high value agriculture (clearing carried out to establish, cultivate and harvest crops, or pasture, that will be supplied with water by artificial means).

High Value Agriculture(HVA)) and Irrigated High Value Agriculture(IHVA) provides great opportunities for indigenous communities and farmers (other than graziers) particularly in North Queensland through sustainable clearing to supply crops for both domestic and international markets; improving the North’s economy and providing much needed jobs for the North.

High Value Agriculture provides landholders in particular graziers with the ability to supplement natural pastures with the ability to grow fodder and grain for their stock. This is of great benefit as follows:

The supply of fodder and grain during dry times ensures enormous benefits in livestock management - cattle can maintain their good health – eliminating the loss of stock/improving the welfare of stock and the decline in need to rely on government drought subsidies to assist with financial hardship during drought periods.

The ability to grow and supply fodder and grain to livestock ensures that native pastures are not overgrazed particularly during dry times; allowing paddocks containing native pastures to be rotated and spelled ensuring a more sustainable groundcover of pastures; preventing erosion and the growth of woody weeds whilst still being able to maintain a viable quantity of stock to maintain a grazing enterprise.

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.”*

Under the current Vegetation Management Act 1999 all plants and animals are offered protection as broad

scale clearing is not allowed. A large percentage of trees must be left untouched and these trees will continue to offer habitats to wildlife as well as protect any surrounding threatened plants.

It must be noted that wildlife numbers have increased in many instances due to the introduction of dams and bores into areas that pre the introduction of man-made waters, would not have been able to have sustained wildlife when creeks and rivers dried up.

Of significant importance is the threat of woody weeds to near threatened plants...these woody weeds are prolific growers and often choke out plants that do not grow as vigorously. The state government needs to invest money into assisting graziers in removing these woody weeds.

The only sustainable and environmentally friendly way to minimise the volume of woody weeds is to burn and to selectively thin vegetation...this provides an increase in pasture growth...competing with woody weeds and providing fuel for fires. Selective thinning also assists in removing woody weed undergrowth which assists the survival of threatened plants as well as providing extra pastures for grass eating 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.

This increase in Category R provisions is a further restriction on development in Northern Queensland.

It is believed that a heavy groundcover of grass is a far better assimilator for nitrogen to prevent leaching into waterways. The current bleaching of the Great Barrier Reef is not caused by high nutrient runoff from agricultural lands.

Thick groundcover/pasture is also a better preventative to erosion than trees with only limited groundcover /pasture allowing increased runoff.

The increase in Category R seems particularly ironic considering the Queensland government’s has given the

all-clear for Adani to develop the world's largest thermal coal mine in the Galilee Basin which is located within the Burdekin Catchment Area. Adani mine proposes significant environmental damage to the Great Barrier Reef; Doongmabulla Springs and vital ground water supply.

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."*

The continued management of thickened vegetation is imperative to our business. Vegetation continually encroaches on areas previously cleared or thinned and it is important that current rates of pasture are retained and that retention rates of vegetation are not increased so that we can manage a viable enterprise.

The implications of the proposed vegetation laws which will increased vegetation retention equals decreased pastures; decreases nitrogen into the soil; increases the pressure on a reduced volume of pasture; increases pressure on native grasses; increases erosion; increases the inability to run a viable business producing grass fed animals.

We are now left with grave uncertainty for our future business plans and also the implications of costly and time consuming development applications to manage thickened vegetation rather than former self-assessable Code.

Self assessable codes currently provide graziers with "on the ground" knowledge to make sensible and

informed decisions in vegetation management within the current guidelines.

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.

The impact of revocation of the ‘Managing fodder harvesting Mulga Lands Fodder Area Management Plan’ on grazing properties will be disastrous. Mulga fodder harvesting has often been the difference between surviving or not surviving drought conditions.

The new proposals are preposterous; they threaten the viability of businesses and threaten the welfare of animals in drought conditions.

Landholders are in the best position to evaluate the period of time required for “managing fodder harvesting mulga lands” and the quantity required for their stock during drought periods.

It is in the landholders best interests to preserve viable quantities of mulga for future growth and this is evident in that the practice of mulga fodder harvesting has been carried out sustainably for generations.

<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>Developing and maintaining country requires substantial capital investment and is not undertaken without serious consideration. However the constant change in legislation may severely impact the ability of landholders to plan correctly and hence may severely compromise some outcomes when mismatching, constantly changing complex regulations and mapping are enforced.</p> <p>Landholders may unwittingly clear/develop areas believing they are in full compliance or in simple terms "make an error of judgement; a mistake"</p> <p>Hence the increase in penalty units is considered a direct affront to the rights and liberties of landholders and their ability to manage vegetation on their property. It also is a direct affront to the most basic of human qualities "wanting to do the right thing".</p>
<p>OTHER RELEVANT MATTERS</p> <p><u>Introductory Speech - Dr LYNHAM:</u> <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>Our family owns and operates a beef cattle grazing property in North Queensland and has successfully grazed cattle across several cattle properties in North Queensland for six generations. This is not uncommon amongst graziers and I find it an affront that Dr Lynham would suggest that the proposed Vegetation Management and Other Legislation Amendment Bill 2018 would ensure <i>"that their farms can pass, in good condition and in safe hands, from generation to generation."</i> Graziers have been successfully passing farms to their children from generation to generation for generations, without the need for scientific or government intervention.</p> <p>Changing seasonal and market conditions have always heavily impacted the management of grazing enterprises and also make business decisions going forward very challenging. This has been particularly evident in recent years with the sudden demise of the live export industry in 2011 and the devastating drought conditions we have experienced and continue to experience over recent years, particularly.</p> <p>We now find ourselves facing further uncertainty in managing our beef grazing enterprise due to the current Queensland state government's proposed Vegetation Management and Other Legislation Amendment Bill 2018.</p>

The current Vegetation Management Act 1999 protects against broad scale clearing and protecting remnant and high value regrowth vegetation. The idea that this amendment bill *“seeks to end the levels of broadscale clearing that the LNP legislation created”* is totally unfounded. A significant portion of clearing referenced in Dr Lynham’s statement refers in fact to vegetation that is re-pulling of previously cleared vegetation. *“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.”*

To have the ability to improve the property through controlled clearing of timber as per the current legislation, allow for the following positive outcomes:

1. thinning if vegetation assists the soils to loosen up allowing for improved moisture retention and decreased erosion.

2. woody weeds are removed.

3. undergrowth of juvenile trees are removed allowing mature trees to thrive with less completion.

4. Grass cover increases due to thinning (both introduced grasses and native grasses increase). The benefits of this increased grass cover is monumental to the grazing industry:

i) It is believed that a heavy groundcover of grass is a far better assimilator for nitrogen to prevent leaching into waterways

ii) Thick groundcover/pasture is also a better preventative to erosion than trees with only limited groundcover /pasture allowing increased runoff.

iii) The loosening of soil allows the introduction of improved pasture where currently little or none currently exists. Generally improved pastures are more drought tolerant and grow thicker bodies of feed as well as provide more nitrogen to the soils.

iv) The introduction of improved pastures allows for the protection of native species of grass as the more pasture available through introduction of improved pastures allows for smaller paddocks; which then allows for the ability to rotational grazing and the spelling of paddocks which in turn allows for improved protection of wildlife and native species.

v) Better soil and pasture health means healthier cattle under all seasonal conditions; increased viability to businesses and greater export dollars for Queensland. A WIN WIN situation for all.

In closing the changes proposed are overly onerous; unnecessary and highly detrimental to all landholders who have always sought to implement sustainable land management practices. Dr Lynham, has, by his own admissions stated that the agricultural sector is vital to Queensland. It is therefore vital that the industry remains viable; able to be self –sustaining and self-managing through sensible and balanced vegetation laws, so that current and future generations are seeing agriculture as a worthwhile career path in order to provide food for Queensland and the nation.

Unfortunately the importance of the agricultural sector is ignored in favour of those who have never stepped foot on a grazing property; know little or nothing about agri business; have never experienced a drought and the stress involved; to the land; the animals and the landholders and the families concerned.

The major issues with woody; introduced and noxious weeds in Queensland is rarely discussed. This I believe is more of a threat to the wildlife and native species than the current availability to selectively thin

vegetation as per the current guideline.

It is with these grave concerns in mind that I provide my submission in support of the continuation of the current Vegetation Management Act 1999 and rejection of the changes proposed in the Vegetation Management and Other Legislation Amendment Bill 2018.

Signed:

Joanne Martel

Date:

22/03/2018