SUBMISSION

I provide my submission in respect of the proposed Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2018 ("the Bill") to be included in the SDNRAIDC's detailed consideration.

This constant change in legislation severely impacts on the ability of farm managers to plan and implement effective long-term property and business management decisions. Ecological processes work in much longer timeframes and can be severely compromised when mismatching regulations are enforced. Farmers have long called for certainty with the vegetation management regulatory framework. I am totally opposed to continued uncertainty and attacks on the viability of myself, the long-term sustainability of my business as well as attacks on fellow farmers.

The impacts of the proposed changes to the Vegetation Management Act include:

- The purpose for High Value Agriculture and Irrigated High Value Agriculture will be removed;
- Extends Category B areas (remnant vegetation) and Category C (regrowth vegetation) to freehold land, and indigenous freehold land. Additional 862 000 Ha High Value Regrowth and water course buffers to all reef catchment, Burnett Mary, Fitzroy, Eastern Cape York;
- Thinning will require a Development Application to be lodged for approval;
- The purpose for High Value Agriculture and Irrigated High Value Agriculture will be removed.

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.

1. 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.**

*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 addition to the high value regrowth layer being added back onto freehold and indigenous land, landholders will also be impacted by overnight changes to the regrowth watercourse mapping and the extent of essential habitat mapping. There is currently a strong focus on developing Northern Australia. The Queensland State Government Vegetation Management Framework is preventing producers from developing agriculture projects.

Vegetation was cleared on just 0.23 per cent 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 the 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 (SLATS 20/15/16 report, page 21).

2. 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.**

The introduction of this Bill increases uncertainty for farmers and provides no scientific basis for the extension of the Category R areas. Having grass cover rather than trees will help in stopping erosion. The changes the Government are suggesting make the erosion worse.

3. 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."*

There is a complete lack of understanding of vegetation management practices. We need the ability to undertake "thinning", as this essentially is land maintenance NOT "clearing". Thinning is the selective removal of thickening trees to promote native grass growth.

Science-based self-assessable codes help farmers carry out the routine vegetation management practices necessary to sustainably produce food and fibre. The self-assessable codes help farmers ensure trees and grass stay in balance, avoid soil erosion and feed animals in drought. The introduction of additional red tape to sustainably manage land creates a cumbersome process for one that is already working.

4. 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.**

The Bill potentially breaches fundamental legislative principles (FLPs) as outlined in section 4 of the Legislative Standards Act 1992.

Legislation should have sufficient regard to the rights and liberties of individuals and consequently should not adversely affect rights and liberties, or impose obligations, retrospectively.

In addition, penalties have effectively been tripled indicating there is a sense the Government does not think farmers who mistakenly clear vegetation are being penalised enough.

In the event of a mistake, the penalties are extremely harsh.

5. 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."

The land is the most significant asset to producers. It goes without saying, as producers, we operate and care about the land;

- Producers will develop sustainably if given the appropriate frameworks. We are professional people managing the land seeking best practice to increase our productivity.
- We need legislation not to change every 5 minutes otherwise we cannot plan for the future. We need more certainty than the length of a political cycle to create sustainable practices.
- We cannot get investment from banks or private investments due to constant change when governments change.
- We want the opportunity to drought proof our business for a sustainable future.
- Self-Assessable Codes have been very useful and more cost effective than lodging applications.
- Government cannot expect Queensland to remain the most productive agricultural state and constantly put barriers up for producers to get the most from their land.
- The push to get this Bill through parliament due to the "numbers" being right is not the reason to change legislation without the formation of an industry advisory committee.
- The proposed changes are grossly unfair to the producer and have a direct impact on our ability to create a viable, productive, efficient and sustainable business. The lack of compensation to producers is also unfair when the Government has already benefited directly from the producer through the purchase of the land, production and employment.

Signed:

Date:

22 March 2018