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 mapping of high value regrowth over freehold land plus adjustment to the definition of HVR will have a negative impact on the viability and asset value of many grazing enterprises. I believe the management arrangements in place prior to 8th March 2018 sufficiently protected HVR. The removal of clearing for 'grazing and agriculture purposes' under the new Code is very restrictive and will impact viability. Land previously cleared legally but not cleared in the last 15 years cannot now be effectively managed and will eventually revert to a remnant status.

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."*

The extension of essential habitat mapping represents an increased restriction for certain vegetation management activities e.g. fodder harvesting. Refer 'Other Relevant Matters' later in this submission for my comments on the cumulative impacts of the proposed changes.

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.

The extension of Category R areas represents an increased restriction to property management within the additional catchment areas. Refer 'Other Relevant Matters' later in this submission for my comments on the cumulative impacts of the proposed changes.

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."

I own and manage 118,170 hectares of mainly freehold land located south-west of Adavale within the mulga lands bioregion. The aggregation is made up of 12 separate Lots/titles. The thickening of vegetation within certain land types is having a significant impact on the long-term viability of the enterprise.

IMPLICATIONS OF NEW INTERIM CODE

Notification under the interim code will not be practical bearing in mind a development application will be required once the Bill is passed. Also, the notification process is unworkable as one notification for each Lot is required and restricted to 400 hectares per Lot.

IMPLICATIONS OF DEVEOPMENT APPLICATION

The new code means that regional ecosystems containing 14,765 hectares previously eligible cannot now be managed for thickening. These include significant sections of Gidyea land types where the thickening of undergrowth such as sandalwood is having an adverse effect on the functioning of those regional ecosystems.

Other implications include:

- Current development application fee is $3,130
- Time and costs associated with preparing and lodging a 'properly made application' are significant.
- Lack of clarity on the term of any Permit. DNRME has advised the term could be as little as 2 years which, if correct, is unworkable due to the costs involved.
- Thinning practices are restrictive:
  - 3 x pre-management transects per RE (12 x REs are eligible in my case)
  - A high immature tree rate now must exist before management can occur
  - Immature tree retention rates have significantly increased for eligible REs.

In summary the proposed changes to manage vegetation thickening are unworkable at a property level plus the costs are prohibitive. There is significantly increased potential for inadvertent non-compliance where landholders act independently without professional advice (refer to Section below dealing with Penalty Unit Increases).

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.

As previously mentioned I own and manage a large grazing enterprise near Adavale which is made up of 12 separate Lots/titles. Land types are predominately mulga. Average rainfall is around 13" and experience has shown this to be highly inconsistent and unreliable. Mulga is the primary source of fodder for stock during dry periods and drought. The practical and sustainable management of mulga as a fodder resource is therefore critical to the enterprise on a long-term basis.

IMPLICATIONS OF NEW CODE

Notification Process and Limitations

The new code includes the following requirements:

- *A notification is limited to a single lot. Each notification is limited to 500 hectares, including both harvested and retained areas* (the maximum harvested area is 200ha per Lot)
- *A notification remains in effect for two years from the date DNRME issues confirmation.*
- *A self-audit will be required before a subsequent notification can be made.*

Regional ecosystems eligible for fodder harvesting are spread throughout my aggregation (12 separate Lots). These limitations mean the code is impossible to work with bearing in mind the amount of time and resources required for either myself or to engage a consultant to continually notify and conduct multiple self-audits.

Harvesting Methods

The new code is far more restrictive. Specific examples include:

Harvesting is not permitted in a regional ecosystem on land zone 7, unless all other fodder resources have been used.

The aggregation comprises 48,217 hectares of eligible regional ecosystems contained within land zone 7 which are spread across the property. This code becomes unworkable bearing in mind the need to ensure the spread of sustainable grazing pressure relative to water and fencing infrastructure across the entire property.

The fodder trees previously harvested must attain an average height of at least 4 metres.
Due to low and inconsistent rainfall vegetation growth is far more limited in my locality compared to the higher rainfall areas of the mulga lands (e.g. 20"). This 'one size fits all' approach is not workable in these low rainfall western areas due to lower average tree heights.

A strip harvest area must not exceed 50 metres wide with retention areas at least 1.5 times wider adjacent the strip harvest area. The retention areas must contain fodder species with an average height of at least 4 metres.
This is far more restrictive than the Mulga Lands Fodder Area Management Plan where harvested strips up to 50 metres wide could retain an equal width strip on either side. Also previous codes allowed strips up to 135 metres wide to be harvested. See comments above regarding tree heights.

A block harvest area must not exceed one hectare with a minimum retained width of 150 metres.
This is far more restrictive than the previous code where up to 4 hectares was allowed with a minimum width of 100 metres retained.

It should be noted the restrictions on fodder harvesting will impact wildlife such as macropods that benefit from existing arrangements.

In summary the proposed changes to the Fodder Code are unworkable and significantly increase the potential for inadvertent non-compliance where landholders act independently without professional advice (refer to Section below dealing with Penalty Unit Increases).

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 codes, regulations and laws relating to vegetation management are largely based on the regional ecosystem mapping and other spatial data. At a property level the accuracy and reliability of this information is poor. Many polygons are mapped with multiple regional ecosystems making it highly difficult to accurately identify what the correct RE is at a particular location. It is also difficult to identify the boundary separating different REs. The RE code number has little meaning to many landholders with their official descriptions referring to scientific species names.

This poor accuracy and lack of reliability significantly increases the chances of unintended mistakes being made on the ground by landholders. The increased penalties therefore exacerbate an already massive problem.

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."

Consultation

There has been no consultation with landholders directly impacted by these changes, nor with other experts who have a practical on-ground working knowledge of these vegetation management matters. It is imperative that genuine consultation does occur to ensure practical and workable amendments are made to these unacceptable proposals.

CONCLUSION

The amendments represent a significant impact on the viability of my grazing enterprises by imposing greater restrictions on the ability to effectively manage vegetation matters including thickening, regrowth and fodder. The impact of these changes includes:

- The fodder and thickening codes are unworkable at a property level
- A significant increase in compliance costs including landowner time
- Increased difficulties in forward planning driven by a lack of certainty over future policy and law.
- The inability to effectively managing fodder as a sustainable resource
- The inability to effectively manage vegetation thickening
- The inability to effectively manage regrowth that was legally cleared previously
- Increased chance of compliance problems due to mapping and information inaccuracies

The cumulative effect of the proposed amendments has the potential to negatively impact property market value. For example this is a real concern in the mulga lands that potential buyers will need to factor in their inability to effectively manage fodder, vegetation thickening and regrowth. If practical adjustments are not made to these changes then the need for suitable compensation for impacted landholders must be addressed.

Signed: S R Winder

Date: 22-3-18