

SUBMISSION

South West Regional Economic Development (SWRED) Association has six member Councils including, Balonne, Bulloo, Maranoa, Murweh, Paroo and Quilpie. Our key role is to lobby for the betterment and future development of the South West Queensland and the communities within that region.

We provide this 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 we 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, on 8th March 2018, and the Explanatory Notes that encompass the proposed changes to the above Acts and a range of commentary and issues.

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).

RESPONSE:

The removal of Agricultural and Grazing as a clearing purpose from Category C Regrowth Vegetation restricts the capacity of the agricultural industry over much of the State and places it directly at odds with the Federal Government's proposed investments in the development of industry in Northern Australia. Claims that this will provide environmental protections are unproven and lack scientific evidence and rigour.

This will remove opportunities for landholders to future develop land, impacting negatively not only on landholders but on communities that rely on primary production as their key economic driver.

The removal of High Value Agriculture (HVA) and Irrigated High Value Agriculture (IHVA) destroys the viability and profitability of farms who intended to utilise this for capacity building and income generation. HVA/IHVA provided opportunities to value-add to existing farm enterprises, which has knock on benefits for local employment, local businesses, and regional communities. The prospect of positive rural development, particularly economic development, is an essential life-line for rural communities.

On multiple occasions both State and Federal governments have spoken about the requirement for Australia to increase its food production capability, otherwise face the prospect of importing food from countries with little or no environmental policy. Australia has an opportunity to responsibly develop water and soil resources to feed and clothe not only a growing Australian population but continue to supply world class products worldwide. Removal of positive economic and environmentally sensitive development options like HVA/IHVA smothers innovation and economic advancement and development.

In central and southern Queensland, HVA and IHVA provides opportunity for farmers to droughtproof properties and stabilise production and income over variable climatic and market conditions. Sustainable clearing for relatively small pockets of high value agriculture enable agricultural production to improve continuity of supply to food processors and meet the increasing requirements of international markets and Australia's Free Trade Agreements.

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.

RESPONSE:

The extension of Category R areas and the reasons given are a direct contradiction to the evidence on the ground. Soil is one of a producer's greatest assets, the restriction of 'high value' riparian area management will mean increased runoff and erosion.

Protecting erodible soils and preventing further gully erosion should absolutely be a priority for Reef health. However, regulation that strengthens protection with woody vegetation and high ground cover would not reduce the main erosion source of bare subsoils. Erosion and run off can only be managed through a balanced approach, with both trees and grasses playing important roles. Without sensible management degradation and increased run-off will be the only outcomes.

The mapping of the Category R areas is somewhat questionable with producers in Southern and Western Qld now having Cat R on creeks and waterways that are well outside the boundaries of the proposed catchment areas. Water catchments in Western Qld most definitely do not impact on Reef run-off and should therefore not be mapped as such.

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."

RESPONSE:

Thickening has always been a part of our landscape. The substantial increases in thickened vegetation can be attributed to a lack of fire and land management over the past couple of centuries. A number of scientists have stated that there are more trees now than there ever were in the time of European settlement, a statement backed by the Queensland Herbarium (QH).

The Self Assessable Codes provided clear guidelines to landholders, with advice from the QH, around acceptable thinning practices, tree densities and expected ecological outcomes. The removal of these codes leaves producers once again in a position that they can no longer manage their landscapes and must watch ecosystems degrade and decay.

Disappointingly, the CSIRO report more than once indicates that they do not have confidence in the skills and knowledge of landholders to sustainably manage agricultural land in Queensland; "We also suggest that it is not reasonable to expect a landholder or manager to be able to safely reach this decision in a landscape context"(pg6 Sec 2.6), however suggest that aerial mapping and satellite imagery would provide more accurate data.

As we are all aware the current Vegetation Regional Ecosystem mapping is anything but perfect, the Government themselves admitting to mapping failures. The 'self-assessable' aspect of the code allowed farmers to assess on the ground what RE was relevant, consult the codes for rules around tree retention, and thin accordingly, often in consultation with Department Vegetation Management Officers.

The expectation that a landholder will need to apply for a development application, which is onerous, expensive and unreasonable, along with the inability to 'self-assess' land types, will result in ecological and economic devastation in many regional areas.

Once again, the focus of managing thickening is solely about environmental outcomes with no attempt to understand the impacts that ever-increasing land management costs will have on the broader community, costing jobs and economic stability in small regional towns.

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.

RESPONSE:

"We truly live in a land of drought and flooding rains which many who live here have endured and survived, but these new laws will sound the death knell to not only many producers, but will send our town and communities into an ever-quickenning spiral of decline." Mayor Annie Liston, Murweh Shire Council, Chair SWRED

Fodder harvesting is an essential management practice for many south west landholders, particularly in drought years, as seen over the last 6 years. Without access to mulga, stock and native animals would not survive.

Already in the south west we have seen the negative impacts of mulga lands being bought for carbon farming, resulting in absentee landholders, increased pest and weed issues, along with increased poaching and theft. Landholders have been backed into a corner and feel they can no longer sustainably manage the land because of the ever-increasing levels of regulation and red tape.

Mulga requires careful management and the people who live in the south west are best placed to consult on how this management occurs. VM is so focused on environmental outcomes that it has failed to address the ongoing sustainability of the food and fibre growers in the south west region. If they cannot continue to manage the Mulga lands the towns and communities in these parts will diminish and disappear. The knowledge and skill of generations of landholders in the mulga will fade, and the so called ecological outcomes will be devastating. Unlike most ecosystems, Mulga is very specific, and often underappreciated except by those who truly understand and value the plant.

"Our producers know they have to look after the land they have, and that they must manage their land sustainably to ensure a viable future. Their livelihoods depend on it." Mayor Liston

PENALTY UNIT INCREASES AND POWERS OF AUTHORISED OFFICERS

<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>Clause 21</p> <ul style="list-style-type: none"> • Addition of increased powers for Authorised Officers. Eg. s30A Power to enter a place on reasonable belief of vegetation clearing offense.
<p>RESPONSE:</p> <p><i>On multiple occasions the Government has indicated that it has confidence in the landholders to do the 'right thing', however the harness of the increase in penalties paints a completely different picture. Increased regulatory powers and increased fines do not give landholders confidence that the Vegetation Management Officers are there to help and causes unnecessary angst in small towns and communities where these staff live and work.</i></p>
<p>OTHER RELEVANT MATTERS</p> <p><u>Introductory Speech - Dr LYNHAM:</u> <i>"We are responding to stakeholder input and future SLATS reports will include any increase in woody vegetation as well as clearing rates. Those with a stake in our vegetation management laws will all benefit from an online report that is delivered in a timely manner that shows vegetation trends throughout Queensland, including the extent and the condition of our native vegetation and how much is being cleared and for what purpose.</i></p> <p><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 broad scale clearing that the LNP legislation created."</i></p>
<p>RESPONSE:</p> <p><i>"The State Government's own figures show only 0.23% of the state, less than a quarter percent, was being cleared and that didn't include how much vegetation had regrown, The Government have admitted their information is flawed and cannot provide accurate information on regrowth."</i></p> <p><i>Mayor Liston</i></p> <p><i>A positive outcome from this process will be the strengthening of the reporting on clearing rates and regrowth. For years the Government had focused solely on the rate of trees being cleared with no oversight of the amount of regrowth occurring across the state. Improved SLATs reporting and delivery in a more 'timely manner', will be of benefit to both landholders and government in future vegetation management policy making.</i></p>

"We know from past experience, the negative impacts of the proposed VMA which has already resulted in substantial population decline and placing an additional burden of pest and weed management on those remaining producers which will further impact their sustainability.

Agriculture is the life blood of our communities – it's our biggest employer and keeps our communities alive. These laws will put all of our communities at risk. A number of our member councils have already seen their communities depleted by federal water management and they cannot and will not survive another hit from these vegetation management laws.

All six member councils support the sustainable use of vegetation in agriculture and call on the State Government to genuinely work with our communities on a plan that would support farmers, our communities and our region." Mayor Liston

Vegetation Management should not be a political football. These laws will make it harder for farmers to grow food and won't deliver the best environmental outcomes either.

At a time when global demand for our food and fibre has never been higher, the Qld Government should be supporting our food and fibre producers with new development opportunities and business sustainability. Farmers just want fair and workable laws to grow more food, create jobs and look after the environment without being strangled in red tape.

The people who live in rural and regional areas are important to the future economic growth of Qld, please don't forget them in your decision making process.

Signed:



Date:

21/03/2018