

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).

High value regrowth is currently well defined and protected.

There must be a balance between feeding the people of this country and protecting vegetation, the proposed changes are not it.

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.”*

Where are these maps and lists of near-threatened species? What is the definition of near-threatened? If they are in remote areas it is very possible that they are not threatened or near-threatened, they just live where people don’t spend much time looking for them. As it applies to the mulga ecosystem of western Qld, long term landholders are likely to have a much better idea of balance and protection than the desk bound individuals that are in government.

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| <p>LOW-RISK ACTIVITIES</p> <p>Clause 17 of the Bill (new s22B ‘Requirements for vegetation clearing application for managing thickened vegetation’ of the <i>Vegetation Management Act 1999</i>) and Clause 37 (new Part 6, Division 13 – s136 ‘Area management plans that are to remain in force for 2 years’).</p> <ul style="list-style-type: none"> • Thinning redefined as ‘<i>managing thickened vegetation</i>’ – s22A(2)(g). • Withdrawal of Code for clearing of vegetation for thinning. <i>Managing thickened vegetation</i> 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. <p><u>Introductory Speech - Dr LYNHAM:</u> “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.”</p> |
| <p>Self-assessable code has worked very well in this region since it’s introduction, and thickened vegetation, just by it’s definition, is vegetation that is thicker than it previously was, this is by no means a benefit to the ecosystem, which relies on balance, not a top heavy tree/ground cover combination.</p> |
| <p>FODDER CODE</p> <p>Clause 37 (new Part 6, Division 13 – s139 ‘Revocation of particular area management plan’)</p> <ul style="list-style-type: none"> • 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. |

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| <ul style="list-style-type: none"> • 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. <p><u>Introductory Speech - Dr LYNHAM:</u> <i>"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."</i></p> <p><u>Explanatory Notes:</u> 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.</p> <p>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.</p> | <p>Managing Fodder Harvesting Mulga Lands Fodder Area Management Plan has worked very well since it's implementation, cutting out the inordinate amount of time one had to wait for approval for a fodder permit from the department prior, which in some cases became a animal welfare situation as fodder permits took so many weeks to be approved.</p> <p>On a drought declared property we should be able to pull trees as necessary to maintain and feed our stock, we are the ones on the ground, we see the gradual lessening of native species, both flora and fauna, as the mulga shoots up to take over the area again. In the first couple of years after we pull mulga for fodder, we see a huge increase in the numbers and variety of flora and fauna, and as the years pass and the mulga behaves like a woody weed, we see the bare earth return, but we don't see the range of flora and fauna anymore. Why is mulga more worthy of our protection?</p> |
| <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>This seems ridiculously excessive for a genuine mistake. Perhaps a similar increase should be made to apply to politicians when they make a mistake.</p> |

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."

As a 4th generation grazier on this 264000 acres, as are many others in the area, it would be appropriate and practical for the government to come out here and consult with stakeholders before trying to bring in new ways to punish pastoralists. We aren't here dreaming up ways to decimate the landscape, we're trying to look after it to the best of our ability, because we do want it to sustain and nourish our children and their children.

In the 1950's my parents remember seeing wild dog on the other side of a fence, opening and closing a gate and still having time to run that dog down in the open country before the trees. Now you would be very lucky to see the dog because the mulga has encroached so much.

We see old burnt stumps in the paddock, remnants of fires that came through sometime before the 1980s, but now the mulga has choked out the native grasses and forbes and no cool fire can burn through the timber, thinning as it goes. If we get a fire in the mulga now, and it ends up in the canopy, we'll end up with a terrifically hot fire that scalds the country as it goes.

The minister is wasting time, money and resources by trying to bring in the 'restoration of a sustainable vegetation management framework' when there is currently a workable solution in place. If the minister had any concept of the cost of buying, fuelling, manning and maintaining dozers, Dr Lynham might realise that that is a very effective control measure on it's own. Even when we have the opportunity and can see the environmental benefits writ large, we only pull mulga for fodder in dire circumstances as it costs so much.

Errors in mapping are another common occurrence when dealing with people who have only a computer screen for reference and no on the ground knowledge. Under the previous labor tree clearing laws we were informed that about 98% of our property was not mulga, when in reality it is about 40% mulga. The person looking at the computer screen 'thought it looked like gidyea'.

Bringing in this Bill when we had a very functional Managing Fodder Harvesting Mulga Lands Fodder Area Management Plan which was clearly laid out and gave us piece of mind as it extended into the future, just seems to be pandering to a noisy minority, most of whom are from the city with no real life mulga experience. It is also making survival in our industry that much more difficult, and I

wonder what the government would do if it were left to manage this vast area of mulga on it's own. Give us credit for the good job we do, and let us get on with it without imposing more and more red tape to choke us.

Signed:



Date:

21/3/18