

**Subordinate legislation tabled
between 16 February and 1 May
2018**

Report No.12, 56th Parliament

**State Development, Natural Resources and
Agricultural Industry Development Committee**

August 2018

State Development, Natural Resources and Agricultural Industry Development Committee

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Acknowledgements

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Chair's foreword

This report presents a summary of the State Development, Natural Resources and Agricultural Industry Development Committee's examination of subordinate legislation tabled between 16 February and 1 May 2018.

The committee's task was to consider the application of fundamental legislative principles – that is, to consider whether the subordinate legislation has sufficient regard to the rights and liberties of individuals, and to the institution of Parliament.

On behalf of the committee, I thank the Department of Natural Resources, Mines and Energy and the Department of Agriculture and Fisheries for their assistance in the committee's examination of the subordinate legislation. I also thank our Parliamentary Service staff.

I commend this report to the House.



Chris Whiting MP

Chair

Recommendation

Recommendation

2

The committee recommends that the Legislative Assembly notes this report.

1 Introduction

1.1 Role of the committee

The State Development, Natural Resources and Agricultural Industry Development Committee (committee) is a portfolio committee of the Legislative Assembly which commenced on 15 February 2018 under the *Parliament of Queensland Act 2001* and the Standing Rules and Orders of the Legislative Assembly.¹

The committee's areas of portfolio responsibility are:

- State Development, Manufacturing, Infrastructure and Planning
- Natural Resources, Mines and Energy, and
- Agricultural Industry Development and Fisheries.

Section 93(1) of the *Parliament of Queensland Act 2001* provided that a portfolio committee is responsible for examining each bill and item of subordinate legislation in its portfolio areas to consider:

- the policy to be given effect by the legislation
- the application of fundamental legislative principles, and
- for subordinate legislation – its lawfulness.

1.2 Aim of this report

This report summarises the committee's findings following its examination of the subordinate legislation within its portfolio areas tabled between 16 February and 1 May 2018. It reports on any issues identified by the committee relating to the policy to be given effect by the legislation, fundamental legislative principles and lawfulness. It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992*.

Section 4 of the *Legislative Standards Act 1992* (LSA) states that 'fundamental legislative principles' are the 'principles relating to legislation that underlie a parliamentary democracy based on the rule of law'. The principles include that legislation has sufficient regard to:

- the rights and liberties of individuals, and
- the institution of Parliament.

Subordinate legislation examined:

SL No	Subordinate Legislation	Tabled Date	Disallowance Date
23	Vegetation Management (Regional Ecosystems) Amendment Regulation 2018	20 March 2018	22 August 2018
24	Vegetation Management (Clearing Codes) and Other Legislation Amendment Regulation 2018	20 March 2018	22 August 2018
26	Electricity and Other Legislation (Price Determinations) Amendment Regulation 2018	20 March 2018	22 August 2018
27	Explosives (Commonwealth Games Transportation Restrictions) Amendment Regulation 2018	1 May 2018	5 September 2018
28	Land and Other Legislation Amendment (Postponement) Regulation 2018	1 May 2018	5 September 2018

¹ *Parliament of Queensland Act 2001*, section 88 and Standing Order 194.

SL No	Subordinate Legislation	Tabled Date	Disallowance Date
29	Royal National Agricultural and Industrial Association of Queensland Amendment Regulation (No. 1) 2018	1 May 2018	5 September 2018
37	Fisheries Legislation (Coral Trout and Spanner Crabs) Quota Amendment Declaration 2018	1 May 2018	5 September 2018
43	Water Supply (Safety and Reliability) (Northern Peninsula Area Regional Council) Amendment Regulation 2018	1 May 2018	5 September 2018

1.3 Inquiry process

The committee sought additional information in regard to the following subordinate legislation:

- SL No. 23 - Vegetation Management (Regional Ecosystems) Amendment Regulation 2018
- SL No. 24 - Vegetation Management (Clearing Codes) and Other Legislation Amendment Regulation 2018
- SL No. 37 - Fisheries Legislation (Coral Trout and Spanner Crabs) Quota Amendment Declaration 2018

The committee received a public briefing from the Department of Natural Resources, Mines and Energy (DNRME) and the Department of Agriculture and Fisheries (DAF) on 23 July 2018. A transcript is published on the committee's web page.² Appendix A lists the officials who attended this briefing.

1.4 Recommendation

The committee did not identify any significant issues relating to the policy to be given effect by the subordinate legislation, the application of fundamental legislative principles or the lawfulness of the subordinate legislation examined.

The committee notes that the explanatory notes tabled with the subordinate legislation examined comply with Part 4 of the *Legislative Standards Act 1992* and commend the provision of detailed notes which assists all stakeholders.

Recommendation

The committee recommends that the Legislatively Assembly notes this report.

² <http://www.parliament.qld.gov.au/work-of-committees/committees/SDNRAIDC/inquiries/current-inquiries/SubLeg>

2 Committee consideration of the subordinate legislation

2.1 Vegetation Management (Regional Ecosystems) Amendment Regulation 2018 (SL 23)

The explanatory notes outline that ‘the objective of the *Vegetation Management (Regional Ecosystems) Amendment Regulation 2018* is to give effect to updated regional ecosystems and corresponding conservation classes which are declared within the *Vegetation Management Regulation 2012*.

The *Vegetation Management Regulation 2012* supports the implementation of the *Vegetation Management Act 1999* by (amongst other things) declaring classifications of regional ecosystems.

The list of declared regional ecosystems and conservation classes in the *Vegetation Management Regulation 2012* has not been updated since 2013.

The Queensland Herbarium maps the regional ecosystems that occur in Queensland. This mapping process results in regular reviews to regional ecosystem descriptions and status and in new versions of the Queensland Herbarium’s regional ecosystem map. In 2016, the Queensland Herbarium released version 10 of its regional ecosystem mapping and this map along with the updated list of regional ecosystems and conservation classes, represent best available science’.³ The committee was informed that:

*The Queensland Herbarium’s regional ecosystem mapping is based on field survey, analysis of aerial photographs, satellite imagery and assessment of other data such as geology and soil mapping. The Queensland Herbarium follows a published survey and mapping methodology to classify and map vegetation and regional ecosystems and collect its site data. It also has guidelines on the process for defining a new regional ecosystem or vegetation community. This process is overseen by 14 bioregional technical reference panels who review and update regional ecosystem definitions, proposed classifications and review the mapping. These panels comprise of government and non-government experts.*⁴

The explanatory notes state that the *Vegetation Management Regulation 2012* needs to be updated to make the list of regional ecosystems and conservation classes in the *Vegetation Management Regulation 2012* consistent with the latest science.⁵

Achievement of policy objectives

To achieve the objective, Schedules 1 to 5 of the *Vegetation Management Regulation 2012* will be amended to provide for:

- the scheduling of 156 new regional ecosystems, and removal of 84 regional ecosystems from the schedule,
- 24 regional ecosystems that are changing to a higher conservation class schedule (e.g. from least concern to of concern), and
- 17 regional ecosystems that are changing to a lower conservation class schedule (e.g. from of concern to least concern).⁶

³ *Vegetation Management (Regional Ecosystems) Amendment Regulation 2018*, Explanatory notes for SL 2018 No. 23, p 1.

⁴ Public briefing transcript, Brisbane, 23 July 2018, p 3.

⁵ *Vegetation Management (Regional Ecosystems) Amendment Regulation 2018*, Explanatory notes for SL 2018 No. 23, p 2.

⁶ *Vegetation Management (Regional Ecosystems) Amendment Regulation 2018*, Explanatory notes for SL 2018 No. 23, pp 1-2.

Committee comment

The committee is satisfied the *Vegetation Management (Regional Ecosystems) Amendment Regulation 2018* does not raise any significant issues relating to policy, fundamental legislative principles or lawfulness.

2.2 Vegetation Management (Clearing Codes) and Other Legislation Amendment Regulation 2018 (SL 24)

The explanatory notes state that the first objective of the *Vegetation Management (Clearing Codes) and Other Legislation Amendment Regulation 2018* is to give effect to the new version of State Development Assessment Provisions with amendments to State code 16: Native vegetation clearing to reflect the accepted development vegetation clearing codes 'Managing thickened vegetation' and 'Managing fodder harvesting', and other minor amendments to provisions of other state codes.

The second objective of the amendment regulation is to give effect to the remade accepted development vegetation clearing codes:

- Managing thickened vegetation⁷
- Managing fodder harvesting
- Managing Category C regrowth vegetation⁸

The committee were informed at the public briefing that:

*The objective of that regulation was to do four things: to replace five pre-existing codes that relate to managing thickened vegetation with a state-wide code; to replace the pre-existing managing fodder harvesting code; to replace the managing category C regrowth code; and to give effect to amended state development assessment provisions in relation to the planning act.*⁹

Mr Hinrichsen (DNRME) outlined the history and reason for the regulations:

The Vegetation Management and Other Legislation Amendment Bill was introduced to the Legislative Assembly on 8 March and these two regulations were made to coincide with the introduction of that bill. The objective of the bill was, of course, to deliver on the government's election commitment to end broadscale clearing in Queensland and to provide further protection for remnant vegetation and for high-value regrowth vegetation. To minimise the risk of pre-emptive clearing following the introduction of the bill, the bill included retrospective provisions which applied from the date of the introduction. These retrospective provisions included amendment to the high-value regrowth definition to include freehold land, Indigenous land and land subject to an occupational licence under the Land Act. The retrospective provisions also included that managing category C regrowth vegetation would apply to high-value regrowth on these tenures in the way that it would apply to leasehold land for grazing or agricultural purposes. To minimise pre-emptive broadscale clearing of the proposed high-value regrowth areas while the bill was before the parliament, the Minister for Natural Resources, Mines and Energy remade the category C code to remove the pre-existing ability to clear for grazing and agricultural purposes. This interim code is in place while the code is subsequently reviewed and replaced following obviously the passage of the bill which has now occurred, of course...

At the time the Vegetation Management Act included provisions that required the minister to have a code for a number of different clearing purposes. As a result, until the legislation came

⁷ The committee notes that due to the passage of the *Vegetation Management and Other Legislation Amendment Bill 2018* the vegetation clearing code 'Managing thickened vegetation' is no longer in place.

⁸ *Vegetation Management (Clearing Codes) and Other Legislation Amendment Regulation 2018*, Explanatory notes for SL 2018 No. 24, p 1.

⁹ Public briefing transcript, Brisbane, 23 July 2018, p 1.

into effect it was not possible to revoke the managing thickened vegetation code. As a consequence, the minister made an interim managing thickened vegetation accepted development code which was based on the advice from the Queensland Herbarium. Once the legislation came into effect the managing thickened vegetation code was revoked. That was through a further regulation, subordinate legislation No. 56, which was made on 17 May 2018.

The objective of the *Vegetation Management (Clearing Codes) and Other Legislation Amendment Regulation* was to give effect to the interim category C regrowth code, the interim managing thickened vegetation code and the managing fodder accepted development code and it also brought into effect a new version of the state development assessment provisions. Amendments to the state development assessment provisions were required to ensure that these provisions aligned with the practices in the remade managing thickened vegetation and managing fodder harvesting accepted development codes.¹⁰

Committee comment

The committee notes that the three codes are incorporated by the amendment regulation (see regulation 3 in the *Vegetation Management Regulation 2012*). The documents are available on the department's website, however it does not appear that it is intended that they will be tabled in the Parliament.

Currently, the codes are not contained in the subordinate legislation in their entirety, and as such their content does not come to the attention of the House. Similarly, while a [future] amendment regulation would alert the House that there has been an amendment to the document (e.g. if the future regulation states that it is replacing a code with a new code), it will not contain information about the changes that have been made.

Where there is, incorporated into the legislative framework of the State, an extrinsic document (such as a code) that is not reproduced in full in subordinate legislation, and where changes to that document can be made without the content of those changes coming to the attention of the House, it might be argued that the document (and the process by which it is incorporated into the legislative framework) has insufficient regard to the institution of Parliament.

The committee is satisfied the *Vegetation Management (Clearing Codes) and Other Legislation Amendment Regulation 2018* does not raise any significant issues relating to policy, fundamental legislative principles or lawfulness.

2.3 Electricity and Other Legislation (Price Determinations) Amendment Regulation 2018 (SL 26)

The explanatory notes state that the objective of the *Electricity and Other Legislation (Price Determinations) Amendment Regulation 2018* is to make amendments to the *Electricity Regulation 2006* and to the *National Energy Retail Law (Queensland) Regulation 2014* to:

- effect the giving to the pricing entity (that is responsible for setting notified prices) information it needs to determine electricity prices for regional Queensland, and in particular, information relating electricity load data per transmission connection point
- ensure that Queensland legislation is consistent with the National Energy Retail Rules and in particular, require energy retailers to inform customers when their discount benefits end and setting out the dollar value of 'doing nothing'.¹¹

¹⁰ Public briefing transcript, Brisbane, 23 July 2018, pp 1-2.

¹¹ *Electricity and Other Legislation (Price Determinations) Amendment Regulation 2018*, Explanatory notes for SL 2018 No. 26, p 2.

Committee comment

The committee is satisfied the *Electricity and Other Legislation (Price Determinations) Amendment Regulation 2018* does not raise any significant issues relating to policy, fundamental legislative principles or lawfulness.

2.4 Explosives (Commonwealth Games Transportation Restrictions) Amendment Regulation 2018 (SL 27)

The explanatory notes state that the objectives of the *Explosives (Commonwealth Games Transportation Restrictions) Amendment Regulation 2018* are to:

- prohibit the transportation of any quantity of explosives in the Commonwealth Games restricted areas between 25 March 2018 and 18 April 2018
- ensure appropriate security measures are in place during the Commonwealth Games.¹²

Subsection 4(2) of the *Legislative Standards Act 1992* requires that legislation have sufficient regard to the rights and liberties of individuals. The regulation imposes restrictions on transporting relevant explosives in Commonwealth Games restricted areas for a particular time period.

The explanatory notes state that ‘the *Explosives (Commonwealth Games Transportation Restrictions) Amendment Regulation 2018* is necessary to ensure the safety and security of the public during the Commonwealth Games’.¹³

Committee comment

Given the necessity to protect public security and safety, and that the *Explosives (Commonwealth Games Transportation Restrictions) Amendment Regulation 2018* is limited to the period of the Commonwealth Games, the committee is satisfied the regulation is justified and does not raise any long term issues relating to policy, fundamental legislative principles or lawfulness.

2.5 Land and Other Legislation Amendment (Postponement) Regulation 2018 (SL 28)

The explanatory notes state that the objective of the *Land and Other Legislation Amendment (Postponement) Regulation 2018* is to postpone automatic commencement of:

- sections 25 to 30, and schedule 1, part 2, entry for the *Land Act 1994*
- items 1 to 7 and 9 to 11 of the *Land and Other Legislation Amendment Act 2017*.¹⁴

These provisions relate to the discontinuation of the use of mandatory standard terms documents for new registered documents under the *Land Act 1994*, and the introduction of prescribed terms by regulation. The explanatory notes advise that amendments are required to the prescribed terms provisions in the *Land and Other Legislation Amendment Act 2017* to clarify the drafting so that the prescribed terms provisions are not interpreted as applying more broadly than intended, and to align compliance provisions with the government’s proposed changes to modernise the compliance provisions in the *Land Act 1994*.

¹² *Explosives (Commonwealth Games Transportation Restrictions) Amendment Regulation 2018*, Explanatory notes for SL 2018 No. 27, p 2.

¹³ *Explosives (Commonwealth Games Transportation Restrictions) Amendment Regulation 2018*, Explanatory notes for SL 2018 No. 27, p 2.

¹⁴ *Land and Other Legislation Amendment (Postponement) Regulation 2018*, Explanatory notes for SL 2018 No. 28.

As a result it is necessary to postpone automatic commencement of the prescribed terms provisions to allow for amendments to the *Land and Other Legislation Amendment Act 2017* to be made.¹⁵

Committee comment

The committee is satisfied the *Land and Other Legislation Amendment (Postponement) Regulation 2018* does not raise any significant issues relating to policy, fundamental legislative principles or lawfulness.

2.6 Royal National Agricultural and Industrial Association of Queensland Amendment Regulation (No. 1) 2018 (SL 29)

The objective of the *Royal National Agricultural and Industrial Association of Queensland Amendment Regulation 2018* is to designate certain lots of land held by the Royal National Agricultural and Industrial Association of Queensland (RNA) as 'prescribed land' for the purposes of the *Royal National Agricultural and Industrial Association of Queensland Act 1971*. This flows from a reconfiguration of land held by the RNA, which cancelled a lot - prescribed by existing regulation – and created six new lots, which now need to be prescribed instead.

The explanatory notes outline that under section 17E of the Act, prescribed land is subject to restrictions on granting mortgages, charges or liens to any party other than Queensland Treasury Corporation. In the event of insolvency of the RNA, section 17F of the Act provides that all prescribed land is divested from the RNA and vests in the State.¹⁶

The *Royal National Agricultural and Industrial Association of Queensland Amendment Regulation (No. 1) 2018* achieves the policy objective by amending the RNA regulation to:

- repeal section 2(1)(e)
- prescribe the following in new Schedule 1:
 - Lot 708 on SP288052 containing an area of 0.7581 hectares
 - Lot 709 on SP288052 containing an area of 0.0274 hectares
 - Lot 2 on SP288053 containing an area of 0.632 hectares
 - Lot 100 on SP288053 (volumetric lot)
 - Lot 300 on SP288053 (volumetric lot)
 - Lot 710 on SP288054 containing an area of 0.004 hectares.¹⁷

Committee comment

The committee is satisfied the *Royal National Agricultural and Industrial Association of Queensland Amendment Regulation (No. 1) 2018* does not raise any significant issues relating to policy, fundamental legislative principles or lawfulness.

¹⁵ The provisions are to commence on a day to be fixed by proclamation, but will automatically commence on 31 March 2018 if not commenced earlier. This is the outcome under section 15DA of the *Acts Interpretation Act 1954*, which provides that a postponed law that has not commenced within one year of assent automatically commences on the next day.

¹⁶ *Royal National Agricultural and Industrial Association of Queensland Amendment Regulation (No. 1) 2018* Explanatory notes for SL 2018 No. 29, p 1.

¹⁷ *Royal National Agricultural and Industrial Association of Queensland Amendment Regulation (No. 1) 2018* Explanatory notes for SL 2018 No. 29, p 2.

2.7 Fisheries Legislation (Coral Trout and Spanner Crabs) Quota Amendment Declaration 2018 (SL 37)

The explanatory notes outline that ‘a number of Queensland’s commercial fisheries are managed using quota-based management systems that set out the total allowable commercial catch or ‘quota’ for a species or group of species. Under this system, individual commercial fishers hold quota authorities which entitle the holder to take a portion of the declared quota in a defined season. The quota for each fishery is established through a declaration made by the Chief Executive under section 44 of the *Fisheries Act 1994*. From season to season, the quota may be increased or decreased depending upon the status of the fish stocks concerned’.¹⁸

‘The policy objective behind the changes in quota declared under the *Fisheries (Spanner Crab) Quota Declaration 2015* and *Fisheries (Coral Reef Fin Fish) Quota Declaration 2015* is to ensure these fisheries remain sustainable. The following quota changes have been made for the 2018-19 season and beyond:

- an increase in the annual coral trout quota by 200 tonnes to 1163 tonnes with no change for the redthroat emperor and other species quotas
- a decrease in the annual spanner crab quota to 847 tonnes’.¹⁹

The committee was informed that quota management of fisheries is the highest level of fisheries management in the world. A quota managed fishery is the total allowable catch divided amongst the fishers who are permitted to fish the quota up to the quota limit. Each year the quota is assessed using the latest science and can move up or down depending upon the state of the resource. In Queensland, the spanner crab fishery has been managed by quotas since 1999 and the coral reef fishery since 2004.²⁰

Committee comment

The committee notes that Clause 6 reduces the annual spanner crab quota. This will affect existing quota authority holders who will have a reduced ability to fish spanner crabs.

Subsection 4(2) of the *Legislative Standards Act 1992* requires that legislation have sufficient regard to the rights and liberties of individuals.

The explanatory notes, in relation to this potential breach of fundamental legislative principles states:

*... only the seasonal entitlement under the quota authority is affected and holders are aware that this will fluctuate when they obtain a quota authority. The ongoing authority is not diminished by a change in the seasonal entitlement under it. Further, the reduction is necessary to ensure that more drastic reductions in the seasonal entitlement of authority holders are not needed over the next two years, which would impact them more significantly. Crucially, the reduction in the spanner crab quota is necessary to ensure the ongoing sustainability of the stock in line with the objectives of the Act.*²¹

The committee considers that any potential breach of fundamental legislative principle appears to be justified in the circumstances.

¹⁸ Fisheries Legislation (Coral Trout and Spanner Crabs) Quota Amendment Declaration 2018 Explanatory Notes for SL 2018 No. 37, p 1.

¹⁹ Fisheries Legislation (Coral Trout and Spanner Crabs) Quota Amendment Declaration 2018 Explanatory Notes for SL 2018 No. 37, p 1.

²⁰ Public briefing transcript, Brisbane, 23 July 2018, p 8.

²¹ Fisheries Legislation (Coral Trout and Spanner Crabs) Quota Amendment Declaration 2018 Explanatory Notes for SL 2018 No. 37, p 3.

The committee appreciates the efforts of DAF to manage the fisheries in an environmentally and economically sustainable manner. The committee was informed during the briefing that:

The other thing to mention is that what we would like to see in future is smaller adjustments over time rather than having to take really drastic action which we have had to do in the past—taking small quota changes rather than allowing the stock to decline to a point where you have to close half the fishery or close the entire fishery to recover because that is going to have a much bigger economic impact. We have certainly seen that in the scallop fishery where we have had to reduce the catch there significantly. People lose export markets and it is very difficult to get that back. What we would like to see in future is those smaller adjustments over time, keeping it on trend.²²

The committee is satisfied the *Fisheries Legislation (Coral Trout and Spanner Crabs) Quota Amendment Declaration 2018* does not raise any significant issues relating to policy, fundamental legislative principles or lawfulness.

2.8 Water Supply (Safety and Reliability) (Northern Peninsula Area Regional Council) Amendment Regulation 2018 (SL 43)

The objective of the *Water Supply (Safety and Reliability) (Northern Peninsula Area Regional Council) Amendment Regulation 2018* is to prescribe the Northern Peninsula Area Regional Council as the 'related entity' of the Department of Local Government, Racing and Multicultural Affairs, under the *Water Supply (Safety and Reliability) Act 2008*. This will enable the Council to be registered as the water service provider for the water service to the five communities in the Northern Peninsula Area Regional Council local government area, with all the powers of a registered service provider under the Act.

The ownership of the Northern Peninsula Area water supply system will pass from State Government ownership to the Northern Peninsula Area Regional Council on 30 June 2019.

Committee comment

The committee is satisfied the *Water Supply (Safety and Reliability) (Northern Peninsula Area Regional Council) Amendment Regulation 2018* does not raise any significant issues relating to policy, fundamental legislative principles or lawfulness.

²² Public briefing transcript, Brisbane, 23 July 2018, p 11.

Appendix A – Officials at public departmental briefing

Department of Natural Resources, Mines and Energy

- Mr Lyall Hinrichsen, Executive Director, Land Policy
- Mr Peter Lazzarini, Director, Vegetation, Operations Support

Department of Agriculture and Fisheries

- Ms Claire Anderson, Executive Director, Fisheries Queensland
- Ms Kimberley Foster, Director, Management and Reform, Fisheries Queensland
- Mr Scott Spencer, Deputy Director General, Fisheries and Forestry

Appendix B – Dissenting Report

Subordinate Legislation Tabled Between 16 February and 1 May 2018 Dissenting Report

The non-government members of the State Development, Natural Resources and Agricultural Industry Development Committee submit this dissenting report to outline the reasons that we oppose the report into subordinate legislation tabled between 16 February and 1 May 2018.

Specifically, the non-government members of the Committee express reservations in relation to the following subordinate legislation:

- Vegetation Management (Regional Ecosystems) Amendment Regulation 2018 (No. 23)
- Vegetation Management (Clearing Codes) and Other Legislation Amendment Regulation 2018 (No. 24)

The introduction of the above proposed regulations will have the effect of placing more restrictions on the ability of farmers and graziers to manage vegetation in a sustainable and workable manner. The additional imposition of further complexity and constraints will place further burden on primary producers at a time when they are already dealing with the effects of a debilitating drought situation, particularly across Western Queensland.

Lack of Accurate Mapping

While submissions from the explanatory notes for the Vegetation Management (Regional Ecosystems) Amendment Regulation 2018 state that vegetation mapping provided by the Queensland Herbarium represents the “best available science” the non-government members have considerable concern that current mapping does not have sufficient accuracy to justify the impost on primary producers. Such concerns were expressed by industry representatives during submissions in relation to the Vegetation Management and Other Legislation Amendment Bill 2018 and these shortcomings are implicitly acknowledged by the government given the additional funding announced in the recent budget.

Extract from Budget Measures 2018-19, Budget Paper 4, page 2:

“The Government is providing increased funding of \$4 million over two years to establish a scientific program to support an enhanced Statewide Landcover and Trees Study (SLATS) to identify and report on the condition and extent of regrowth vegetation and inform habitat conservation.”

Industry concern in relation to the mapping of regrowth and thickening was expressed repeatedly during submissions in relation to the Vegetation Management and Other Legislation Amendment Bill 2018, and such issues have not been remediated. Given the introduction of the additional regulation detailed in this report is predicated on mapping which contains acknowledged errors and omissions, the non-government members believe such errors need to be rectified so that decisions are made on scientific basis which considers

all factors including differentiation between woody weeds and native vegetation, and importantly the mapping of regrowth.

Lack of Additional Departmental Extension Capability

It is evident that despite previous recommendations from this committee, additional resources have not been provided in relation to extension officers to provide advice and assistance to landholders as they grapple with the considerable regulation and additional legislative burden, which has been a result of the changes to the Vegetation Management legislation and will be exacerbated with the additional imposition imposed with the proposed regulation. Non-government members of the committee reiterate the need for the Department of Natural Resources and Mines to invest in additional extension staff, as opposed to staff focussed on compliance and prosecution.

Fodder Harvesting

Over the course of the committee hearings in relation to the Vegetation Management and Other Legislation Amendment Bill 2018, primary producers expressed considerable concern about the implementation of the proposed changes to fodder harvesting codes, which at that stage were proposed, but applied retrospectively from the date the Bill was introduced. Specific concern was expressed as to how changes would impact the ability of graziers in mulga country to feed stock.

The amendments contained within the proposed regulations include setting an area limit per notification and require a self-audit of clearing already undertaken before an applicant can lodge subsequent notifications. The codes also contain a number of changes such as modifying the maximum strip width that can be harvested (a reduction of 63% on the previous width of 135m) and the creation of retention areas. The non-government members have received multiple reports from graziers in the mulga lands that the changes to the fodder harvesting code are not workable and that as a result they have not been able to maintain adequate feed for livestock given the current drought conditions. Given the entire production model for grazing in the mulga lands is based on the ability to feed pushed mulga as fodder in dry periods, it is the opinion of the non-government members that the imposition of these additional constraints has considerably affected graziers ability to maintain the condition of livestock in the current dry conditions. Anecdotal reports received from the mulga lands also suggest this to be the case and that graziers are struggling to meet the requirements imposed under the amended codes.

Impact on Mustering – Pushed Timber

The managing fodder harvesting code requires harvested vegetation to stay where it falls, except if required for essential or routine management. Testimony from the Department of Natural Resources and Mines indicated that harvested vegetation could be moved to create a “pathway” or for tracks, firebreaks and fence lines, but that stick raking fallen timber to facilitate regular management like mustering would not be allowable under the new code. Such an approach is likely to result in pushed country becoming considerably more costly to muster, which will result in additional pressure on already tight profit margins.

Summary

The non-government members consider that the failure of the government to consider the impact that the proposed changes to regulation will have on agricultural production and rural communities demonstrates that these changes are the result of an ideological crusade. The proposed changes are based on incomplete evidence and do not address the concerns of primary producers across Queensland.

The proposed changes to vegetation management regulations will mean that it is more difficult for graziers to feed livestock in drought, and will make it more difficult for graziers and farmers to produce the food required to feed a growing population, and meet export demand. The failure to support primary producers through additional full time equivalent (FTE) investment in dedicated extension staff is indicative of the governments lack of consideration for those who will be most impacted by these changes – the farmers and graziers of Queensland.



Brent Mickelberg MP

Acting Deputy Chair

State Development Natural Resources Agricultural Industry Development Committee

16th August 2018