



House Standing Committee on Economics Inquiry

into

*Indigenous Economic Development in Queensland and Review of the Wild Rivers
(Environmental Management) Bill 2010*

AGFORCE QUEENSLAND SUBMISSION

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AgForce Queensland

AgForce Queensland (AgForce) was established in 1999 and is the peak body representing thousands of Queensland beef, sheep and wool, and grains primary producers who recognise the value in having a strong voice. These broad-acre industries manage 80% of the Queensland landmass for production and most rural and regional economies are dependent on these industries directly and indirectly for their livelihood. AgForce delivers key lobbying outcomes and services for members and presents the facts about modern farming to consumers through the *Every Family Needs A Farmer* campaign.

Introduction

AgForce welcomes the opportunity to make a submission to the House Standing Committee on Regional Australia Inquiry into Indigenous Economic Development in Queensland and Review of the Wild Rivers (Environmental Management) Bill 2010.

The Wild Rivers Act represents an unfair impost upon agricultural and Indigenous landholders and the communities they support. The Act is wide-reaching, placing controls on development in the categories of forestry, vegetation management, overland flow, agriculture and animal husbandry and adds to the increasing regulatory nature of the Queensland Government by placing further restrictions on landholders. In particular, we believe that the Wild Rivers Act:

- Fails to acknowledge Ecologically Sustainable Development (ESD) as part of the Act's purpose. This means that economic and social outcomes are ignored for the sake of a purely conservation-based Act;
- Makes pastoral properties unworkable;
- Places restrictions on long-term development and future diversification; and that:
- Better environmental outcomes can be achieved by alternative means.

AgForce believes outcomes can be better pursued by placing an emphasis on an industry-led sustainable policy approach. AgForce **opposes** the Wild Rivers legislation for the reasons outlined above, however AgForce:

- Supports and acknowledges a sustainable approach to riverine management, but does not endorse a regulatory-based framework;
- Supports the development of voluntary based incentivised mechanisms for future nominated Wild Rivers as an alternative to legislation; and
- Supports a sustainable management approach that encompasses economic and social values, not just environmental values.

The AgForce submission to this Inquiry has sought to address the Terms of Reference as outlined below:

The nature and extent of current barriers to economic development and land use by people, whether Indigenous or non-Indigenous, including those involved in the mining, pastoral, tourism, cultural heritage and environmental management

AgForce has been vocal in its criticism of the State Government's introduction of legislation such as the Wild Rivers Act, where the true impact of the legislation on rural business and communities is not considered as a part of the implementation process.

The introduction of the Wild Rivers Act is a classic example of the current State Government's approach where legislation is introduced based on green electoral preferences, without due consideration of the social, economic, or cultural implications. While the Act is based on the premise of environmental preservation (rather than conservation); the impact on pest and weeds and landscape management as a whole is not fully taken into consideration.

An alternative solution that addressed the impact and flow-on effects within a broad landscape context would engender a greater understanding of longer term impacts and would provide a visible and transparent process for all stakeholders. Indeed, a recent study by the Australian National University found that the Wild Rivers Act (WRA):

- *Reverses the burden of proof and associated cost on to the landholder:*
Specifically the heavy restrictions of the Act require the landowners to demonstrate that their proposed actions are entirely free from harm or damage.
- *Utilises the precautionary principle:*
By doing so it disassociates itself from the principle of Ecologically Sustainable Development which is a world-recognised principle, particularly by institutions such as the International Union for the Conservation of Nature (IUCN) and the Council of Australian Governments (COAG).
- *Precludes a cost-benefit analysis:*
The Act explicitly excludes consideration of a cost-benefit analysis and in doing so establishes preservation as the primary principle and renders other values (e.g. economic, social, scientific, educational, Indigenous) outside the scope of the legislation.
- *Is highly restrictive and costly:*
Proponents can seek to have a prohibited activity assessed under a Property Development Plan, however proponents must not only demonstrate no harm will arise from the proposed development, but *must demonstrate a beneficial impact on conservation values*. This is well outside the scope of ESD and highly restrictive. Indeed, any proposal is subject to the consideration of public submissions and ultimately ministerial decision, a process which is lengthy and expensive.

- *Neglects inter-generational equity:*
The singular focus on the environment at the expense of future economic and social welfare neglects current and future generations for the sake of amenity.
- *Treats landowners inconsistently under the Act:*
The Act recognises current activities but future options that are as yet unexercised are not recognised and not protected.
- *The rights to future options are injured:*
Future options available to landowners are severely curtailed, particularly in the High Preservation Area. However, the Act offers neither compensation nor acquisition for rights foregone.¹

Moreover, there are several major points of contention with the Act that form a barrier to ecologically sustainable development and land use, a description of which is outlined below:

Failure to take into account Ecologically Sustainable Development

The aim of ecologically sustainable development has two major parts: sustaining the ecology and sustaining development. In many circumstances, to remain an economically viable enterprise producers' seek to improve the productive capacity of the land they occupy.

To the extent that the Wild Rivers regulations prevent development occurring (particularly in High Preservation Areas), farmers incur an opportunity cost of foregone cropping and grazing opportunities. Thus, the legislation causes losses in carrying capacity, breeding capacity and cropping capacity which will subsequently result in downturn of income.

There exists a clear need for the inclusion of Ecologically Sustainable Development (ESD) in the Code to make it consistent with the objectives of the *Environmental Protection Act 1994* and the *Sustainable Planning Act 2010*. ESD recognises the importance of economic considerations as well as environmental and social factors when making development decisions. The failure to set ecologically sustainable farm management as a goal of the Wild Rivers Act shows the government's current attitude that farming and conservation are not compatible - with future development heavily restricted, AgForce is concerned that the landowners under a Wild Rivers declaration will continue to be economically disadvantaged and suffer expensive living conditions. By not considering ESD, the Wild Rivers Act is incompatible with other Queensland legislation that recognises conservation can be achieved through sustainable development.

AgForce believes that it is imperative that a Regulatory Impact Statement (RIS) is completed before individual rivers are listed as Wild Rivers. This is important to adequately measure the *real* impact of the listing to rural and regional communities.

¹ Iles, S. and Johns, G. 2010, 'An Economic Unravelling of the Precautionary Principle: The Queensland Wild Rivers Act 2005', Australian National University EPress, Agenda 17, Vol 2.

Lack of scientific assessment

While the Act and Code seem to be based on scientific principles, AgForce notes that there is a distinct lack of scientific assessment used for designations and probable solutions. The Code and Act do not encompass comprehensive scientific assessment that would be suitable for sustainable development. The legislation takes a one size fits all approach to the size of riparian buffer zones resulting in a blanket prohibition on certain activities. Instead, areas for high protection should be scientifically established and restrictions on certain activities based on *science* to determine their likely *impact*. Further, the legislation fails to take into account technological changes to practices that would significantly reduce impacts thus allowing for these activities to be assessed and approved if the development is ecologically sustainable. By doing so, it effectively locks producers and the environment in a **preservation** time-warp instead of understanding that both environment and farming practices are dynamic and constantly changing and **conservation** can be achieved whilst being productive at the same time.

Indeed, the lack of scientific rigour in nominating a river that will “*have all or almost all of their natural values intact*” was highlighted to the State Government by AgForce during the Coopers Creek nomination process in the Lake Eyre Basin in 2010. The Coopers Creek has significant development already occurring in its upper reaches and by extension does not fit this definition of a Wild River. Notably, the State Government chose to circumvent this argument by amending the “Purpose” of the Act so that the Minister is no longer required to assess whether the rivers in that area qualify as “wild rivers”.

Better environmental outcomes could be achieved by alternative means

The irony of this legislation is that good management practice by rural and Indigenous landholders in the affected catchments has resulted in targeting these pristine rivers by the Government. These landholders are effectively being punished for their good management by having their management rights limited and in some cases take away.

A more appropriate mechanism for better environmental outcomes in these regions would be through incentives and support. This is a more fitting way of encouraging good management than Wild River declarations and its associated regulations. Prescriptive and restrictive regulations are proven to more likely alienate the people who can manage the land and water in question; as well as putting an extra regulatory burden on landholders whose good management practices has led to the declaration in the first place.

The economic consequences of the proposal on pastoral businesses and communities are far-reaching and devastating

The notion that grazing will be unaffected by a Wild Rivers declaration is false. Grazing systems have changed dramatically from those of the past, where 30 years ago less controlled grazing would hardly have been affected by the proposal. Today, grazing has changed dramatically to a system where there is (voluntary) active management of the intensity, evenness, duration and spelling of grazing; not to mention controls over the frequency and intensity of fire, weeds and pests.

For leases with a large proportion of their land lying within the proposed declaration area, a declaration is seen as making the leases unviable as pastoral businesses. Essentially, there is limited scope for landholders to develop and diversify their businesses and bring new capital and ideas to the regions affected by the declaration. The resulting outcome is economic stagnation and a decline in the communities affected.

For example, a Wild Rivers declaration would have the effect of limiting the construction of fences, dams, management of erosion and other infrastructure needed to alter land use, particularly for properties with a large proportion of their land in a High Preservation Area. Additionally, adverse seasonal conditions experienced in Queensland (drought) have curtailed available capital for property development and as a result current sustainable property plans are in some cases behind schedule. This results in landholders being locked into a production time-warp at the time of declaration.

Rural communities in these catchments are extremely important in providing social benefits in the wider region and decreasing isolation of landholders in remote regions. Not only does the Act serve to stagnate communities, the economic cost of compliance for landholders is large; coupled with this is the burden of compliance with existing regulations such as the Vegetation Management Act; thereby also increasing the regulatory burden landholders face.

Compensation – There is no provision for payment of compensation for loss of future use rights, where the proposed future use would be lawful prior to the declaration. Indeed, the State Government makes no provision to pay landholders for maintaining land in a high conservation area to preserve its biophysical integrity (e.g. weed and feral animal control, fencing, bank protection, modifying farming practices etc) – this is a public good undertaken at the cost of private landholders.

Pest and Weed Management

While the Act is touted as a win for the environment, it presents huge problems in the areas of pest and weed infestation due to lack of ongoing management. It is widely known that the State Government does not have the capacity to manage their current reserves and insists landholders should not bear the cost of this management. The high quality of the nominated rivers is a direct result of the past and current land managers and their sustainable practices.

The issue of ongoing management costs is ignored by Wild Rivers. The Act creates a significant risk of perverse environmental outcomes (such as pest and weed infestation) due to a lack of management ('lock up and leave' policy). The maintenance costs of ensuring High Preservation Areas on property are kept free of weeds and pests and do not become a fire hazard is a significant concern that the legislation fails to address. To retain the environmental values of Queensland's dynamic ecosystems, these areas need to be managed – this is a task commonly undertaken by landholders at their expense for a public benefit.

A 2005 ABARE report on *Native Vegetation: Cost of preservation in Australia* found that many farmers undertake activities, such as pest and weed control that are of both public and private benefit. The Wild Rivers Act automatically classes vegetation in a High Preservation Area (HPA) as Category A (vegetation subject to compliance notices, offsets, and voluntary declarations) – these additional native vegetation regulations effectively result in a decline in profitability which in turn increases the risk of leading some farmers to delivering a lower level of pest and weed control or in some cases abandoning the land in HPAs altogether due to these restrictions precluding any further economic benefit. Such outcomes can also lead to increased negative spill over effects on neighbouring properties, thereby exacerbating the problem. The consequences for society is that it will forfeit ‘free’ environmental benefits flowing from activities that many farmers undertake routinely and, generally more effectively than governments².

While the ABARE study pertained to native vegetation legislation, it has direct parallels to impacts as a result of a Wild Rivers declaration in that the study established the cost of meeting environmental regulations can be an important factor in determining the competitiveness of a product, given that the comparative cost advantages of producers in any one country is small. Therefore, additional costs associated with new regulations can have a critical effect on the continued importance of Queensland’s agricultural exports and on its share of the international trade.

Long-term development and diversification options are precluded

Under the Act, existing businesses in a wild rivers area will be limited in their diversification potential resulting in increased pressure on the already developed resources. AgForce believes that diversification represents an opportunity to apply less pressure on the natural environment.

Circumscribing the future according to present-day knowledge is detrimental to the state’s future. This is particularly true given the rising effects of climate change and oil prices. Cropping areas that are limited under the Wild Rivers Act may well be needed in the future to secure domestic production and food security, not to mention maintaining an agricultural export commodity.

Existing agriculture should be allowed to continue to sustainably develop. Wild Rivers restrictions reduce business viability and discourage investment thereby reducing land values. The Wild Rivers Act effectively penalises landholders that fall under the HPA category. Not only does a declaration prohibit normal management of a pastoral lease, it actually prohibits leaseholders from fulfilling lease conditions; conditions imposed by the same department that is leading the legislation (e.g. managing woody weeds under a Delbessie Agreement). Permits are required to fence, put roads in place and the associated requirements with meeting these

² Australian Bureau of Agricultural Resource Economics (ABARE) (2005) Australian Commodities – Forecasts and Issues. ABARE 13:3 pp.543-558

criteria are often impractical and significantly more expensive. This results in reduced income for those landholders who have been able to sustainably manage their activities thus far.

The impacts of the wild rivers legislation is varied and somewhat depends on the level of development and infrastructure prior to a declaration. The legislation restricts future business opportunities and as a corollary it also inhibits further development of infrastructure – which is fundamental to sustainable development. As a consequence, incomes are reduced and there is a continuation of a cycle of low growth and minimal advances in production methods. This effect is cumulative across regions where successive wild rivers declarations have been imposed. This has a clear impact on community development and the ability of residents to earn money from the land and is a significant rural community development issue.

Restrictions on Climate Change Adaptation - The imminent threat of climate change means that innovative and flexible management practices and new production areas will be required in order to satisfy the domestic and international food production requirements these areas service. Wild Rivers effectively stymies landholders from adopting processes to cope with a changing climate and locks them in a production time warp. The Act effectively locks up the declared land, limiting any increased productivity from these areas.

Increased Regulatory Burden

The Act is an amalgamation of various overlapping pieces of legislation which affect landholders in different ways. The implementation of the Vegetation Management Codes, the Water Act, the Forestry Code, various environmental protection regulations, the Petroleum and Gas Act, the Mineral Resources Act and the Sustainable Planning Act all combine under the Wild Rivers Act to produce a legislative framework that is neither understandable nor implementable.

Landholders and local authorities have been managing this country responsibly for more than 100 years but now are having all responsibility replaced by prescriptive recipes, written without knowledge of either the country or the activities and management of landholders and local authorities. The Act is a blunt regulatory instrument that takes a heavily restrictive broad-brushed approach to land management with no account for differences in ecology and biophysical integrity.

Prescriptive management designed without local help does not kindle the fires of land care and the upshot is apathy toward land management. Land managers need an income as well as a vocation. The declaration areas effectively preclude any further enhancement, or even maintenance, of business prospects. ***The business of 2031 will not be viable with the methods of 2011.***

The SPA was supposed to simplify the development application process and yet here we have an Act that has implications in 13 other pieces of legislation. How is an applicant, who will more than likely be either a farmer or an Indigenous Trust group, be able to ensure ALL requirements are met under this plethora of legislation? This research burden on rural and indigenous people

without access to good legal interpretation is excessive. ***More regulation, does not necessarily equate to better environmental outcomes.***

It would be negligent and foolish to believe this land does not need management. To have good management requires committed, responsible managers being supported by society rather than being cast in the role of vandals. The latter outcome, likely to be fostered by Wild Rivers Declarations; will see the land emptied of managers, especially managers who care about good land management.

By restricting broadacre growth and diversification, farm incomes decline in real terms. This has wider consequences particularly for rural communities and environmental outcomes. Small rural towns highly reliant on agriculture for their own economic survival will go into decline as a result of their dependence on farm incomes. The lack of development potential severely hampers further economic and social activity in these communities and thus socio-economic impacts are seen in rural and regional areas where restrictions on sustainable development are imposed.

The need to maintain economically viable production is vital for these regions and communities. The real effect on restricting further development and diversification will not be known for some time as farming enterprises adjust in time to markets, seasonal conditions and terms of trade. The flow on effects of the legislation will be felt in employment and will certainly inhibit efforts to counter decline in rural communities by:

- Preventing the expansion of some agricultural activities;
- Preventing changes in land use;
- Inhibiting the adoption of, or limiting the full exploitation of, on-farm efficiency gains arising from the adoption of new technologies; and
- Inhibiting the cost effective management of pests and weeds.

Options for overcoming or reducing those barriers and better facilitating sustainable economic development, especially where that development involves Indigenous people

AgForce does not support a regulatory approach to managing these river systems. Instead we support an approach where far greater economic and environmental sustainability can be achieved through voluntary based incentivised mechanisms.

There are numerous alternative complementary policy options that can and should have been undertaken by the State Government without resorting to a regulatory approach which is fraught with many difficulties and inefficiencies. By failing to take into account ecological sustainability in its purpose, the Wild Rivers Act ignores processes whereby the best use of the natural resources is determined by consideration of a number of factors, not just a lock-up and leave mentality. These factors vary markedly across the landscape and the Wild Rivers Act is too generic in the way it regulates to take into account the different ecological systems across

Queensland and how they can best be utilised to enhance not only the environment, but the social and economic well-being of those communities that rely on them.

AgForce believes that work should commence immediately to develop and endorse alternative, voluntary and complementary measures that correct the current policy direction and give farmers clarity on the public benefit of undertaking actions on-farm that have positive environmental outcomes for the broader community. Failure to act in this area would mean missing a real opportunity to send a positive market signal to the agricultural and Indigenous sectors. Until such policies are developed, this may potentially create a disincentive for some farmers to enhance environmental outcomes and create confusion about how to minimise business exposure to environmental risk.

There is an urgent need to create a framework for negotiated outcomes addressing natural resource management issues. That is, a system that delivers regional solutions in response to regional problems. This framework must be capable of accommodating the full range of issues associated with managing the landscape. It must recognise voluntary activities and provide offsets and individual outcomes. The system must rely on performance based scientific assessment. These objectives can and should be achieved through cooperative voluntary, rather than regulatory, involvement of landholders and allow decision making at the lowest practicable level.

Environmental stewardship programs already exist that broaden established initiatives by introducing alternative methods of securing landholders' commitment. Motivations to participate in programs vary from financial incentives to interest in improving natural resource condition and thus productivity, to ongoing expansion of sustainable land management principles. Benefits gained include added sustainability, resulting in increased natural resource benefits for the community and supplying added financial benefits to participating landholders. One such case of a successful, voluntary, environmental stewardship programme that is achieving *real* environmental outcomes is the Nature Refuge Program.

Nature Refuges

Nature Refuges are protected areas under the Queensland Government's Nature Conservation Act 1992 and form part of the National Reserve System, Australia's network of parks, reserves and protected areas. The program encompasses diverse country being managed by primary producers throughout the State, as well as a range of land management techniques being used to protect biodiversity and maintain production on agricultural land. In many cases Nature Refuges provide a valuable wildlife corridor between other protected areas such as national parks and state forests. Nature Refuges now protect in perpetuity over 2 million hectares of Queensland through **voluntary** nature refuge agreements. A nature refuge agreement is perpetual on freehold land, attached to the land title, and binds successive owners of the land.

A Nature Refuge agreement outlines those activities that can occur on the nature refuge. As a landholder, you can negotiate a nature refuge agreement incorporating activities ranging from

grazing to recreation, so long as those activities are managed sustainably. An area nominated for a nature refuge is assessed for:

- Areas containing, or providing habitat for, plant and animal species that are rare or threatened;
- Habitats or vegetation types that are threatened, such as endangered or of concern regional ecosystems;
- Habitats and ecosystems that are poorly represented in existing reserves;
- Remnant vegetation;
- Movement corridors for native animals especially those linking areas of remnant vegetation or existing reserves;
- Significant wetlands; and
- Cultural heritage.

The success of this program and AgForce's support of it is largely because it:

- Recognises the vital role which Queensland landholders play in the protection of significant natural and cultural values on their property, without imposing a blunt regulatory instrument that doesn't account for the vast ecosystem diversity of Queensland;
- Allows the continuation of sustainable primary production activities, including grazing and pasture development;
- Recognises individual management requirements, including the need for pest and weed, fire and timber management, to be undertaken;
- Involves entering into a voluntary agreement (covenant) which is directly negotiated between individual landholders and the Queensland Government and tailored to suit their management needs; and
- Provides significant incentives and assistance for landholders to meet their obligations under a nature refuge agreement. Landholders are supported with one-on-one specialist advice on how to best manage the values of their nature refuge.

Establishing a nature refuge provides access to arrange of specialist community groups and other programs that can provide training and support with expertise, volunteers and specialist activities, such as seed collection, revegetation programs and weed control. Rather than the imposition of a blunt regulatory instrument whereby the only follow-up is enforcement of compliance, as evidenced by Wild Rivers.

Since its inception, 376 Nature Refuges have been gazetted at a total of 2,082,687 million hectares. Not only does this represent perpetual protection of a significant proportion of Queensland, the Nature Refuges also represent the protection of the following key critical features:

Ecosystem Feature	Percentage of Nature Refuges
The area of nature refuges which protect regional ecosystems with no or low representation in other protected areas	218 of the 366 nature refuges (approx 60%) contain REs with no or low representation in other protected areas, covering 1,007,363ha.
Significant terrestrial habitat	95% protect threatened species habitat
Significant biodiversity	84% protect NCA-listed species; 95% protect either NCA-listed species or are identified as being of biodiversity significance
Nationally-listed threatened species	68% protect EPBC-listed species
Aquatic ecosystems	40% protect aquatic ecosystems

NB: The information in the table relates to data up to but excluding the gazettal in December 2010 (of a net increase of 10 nature refuges³).

The benefits of Nature Refuges are that they are applicable to large areas of Queensland to improve many environmental outcomes. Additionally, and perhaps more importantly from a sustainable land management point of view, Nature Refuges are not inconsistent with grazing production; with sustainable production being achievable in tandem with significant positive environmental outcomes.

Over 80 percent of both Queensland, and northern and remote Australia, is grazed such that the conservation values of the land are largely preserved. Conserving and protecting these ecosystems in perpetuity now through incentives, perpetual legally binding covenants, and a comprehensive landholder support program is more economically and practically feasible than purchasing or restoring them in the future - but this only works in partnership with the landholder in a voluntary entry process, not through enforced regulatory regimes.

Landholder engagement through the tendering process, and the ongoing support delivered through the Nature Refuge Program, improve the sustainable land management skills of all applicant land managers, and their leadership will accelerate practice and attitude change throughout the wider landholder community.

In addition, schemes such as this are proven to:

- Engage landholders via a market based incentives program to achieve conservation outcomes through perpetual covenants. This achieves and expands upon current sustainable land management practices;

³ Queensland Government, 2011, 'Nature Refuges Branch Services', Department of Environment and Resource Management.

- Use a sophisticated, proven and widely accepted multi-criteria analysis tool (metric), as developed by CSIRO, and independent expert review to scientifically evaluate tenders. This process maximises biodiversity outcomes and value for money, ensuring appropriate management of threats and enabling compatible land uses to continue;
- Fund on-ground works addressing critical threats beyond “duty of care” levels. Circumvents perverse environmental outcomes, for example as evidenced under Wild Rivers relating to pest and weed management; and
- Provides monitoring, evaluation and ongoing maintenance of biodiversity condition via Australia’s most legally binding covenanting mechanism and a support structure ensuring appropriate land management in perpetuity.

Further to this, as experienced with previous rounds of NatureAssist, the majority of spending from such incentives will be on local goods and services, including Queensland and/or Australian made steel, timber, machinery hire and labour. This incentives funding is estimated to have a direct multiplier effect of at least 2.3, providing a valuable economic boost to rural Queensland whilst securing high quality conservation gains.

Environmental stewardship programs require some terms for formal agreement between a landholder and the third party to manage the land. This agreement usually sets the conservation outcomes by defining management objectives for the land and is often incorporated in property planning. Thus it can be seen that the benefits of voluntary environmental stewardship programmes, with proven environmental outcomes, far outweigh the social, economic and environmental costs of a regulatory approach whilst essentially achieving the same outcomes.

There are a number of other examples in existence whereby sustainable economic development opportunities can be achieved without a regulatory approach. One such program exemplifying economic opportunities in the Cape is the AgForce/Outstation North Program:

AgForce/Outstation North

This program provides accredited training to long-term unemployed Indigenous men for a full Certificate II in Agriculture (Beef Production – RTE 20103). The program is aimed at addressing the skill shortage of stockmen in the Gulf - Far North Queensland Region. It integrates life skills, industry skills and accredited training and provides continual support for participants from industry mentors throughout the program. On completion of accredited training, participants are placed with employers in Queensland’s rural cattle industry. Employers have identified a decline in numbers of experienced Indigenous stockmen in the Far North as traditionally Indigenous people played a major role in sustainability of the cattle industry which has led to difficulty for property owners in finding sufficient skilled workers who are willing to live and work in remote areas.

The effectiveness of current State and Commonwealth mechanisms for appropriate preservation of free flowing rivers systems which have much of their natural values intact, including the preserving of biodiversity

Since its inception in 2005 AgForce has opposed the Wild Rivers Act on a number of grounds, not the least of which is questions surrounding the need for further regulation when legislation already exists that can provide the same outcomes. For example, the Queensland *Nature Conservation Act 1992* delivered specific goals aimed at the protection and conservation of natural values, whilst both the *Integrated Planning Act 1997* and its successor the *Sustainable Planning Act 2009* deliver the management of multiple goals covering a range of values associated with ecological sustainable development. The following are excerpts from these Acts that highlight the duplication of legislation in Queensland which has succeeded in creating an unnecessary regulatory burden on those communities impacted:

From the Wild Rivers Act 2005:

Purpose of Act

- (1)** The purpose of this Act is to preserve the *natural values* of rivers that have all, or almost all, of their natural values intact.

4

Why then, can the following pre-existing legislation not have been able to serve the same objective but without the prescription and the added regulatory layer?

From the Sustainable Planning Act 2009:

Purpose of Act

The purpose of this Act is to seek to achieve *ecological sustainability* by—

- (a)** Managing the process by which development takes place, including ensuring the process is accountable, effective and efficient and delivers sustainable outcomes; and
- (b)** managing the effects of development on the environment, including managing the use of premises; and
- (c)** continuing the coordination and integration of planning at the local, regional and State levels.

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Then compare the Purpose of this two Acts with the Objects and methodology of the Nature Conservation Act 1992:

⁴ *Wild Rivers Act (2005) (QLD) s.1(5)*

⁵ *Sustainable Planning Act (2009) (QLD) s.2(3)*

From the Nature Conservation Act 1992:

(4) Object of Act

The object of this Act is the conservation of nature.

(5) How object is to be achieved

The conservation of nature is to be achieved by an integrated and comprehensive conservation strategy for the whole of the State that involves, among other things, the following—

(a) Gathering of information and community education etc.

- gathering, researching, analysing, monitoring and disseminating information on nature;
- identifying critical habitats and areas of major interest;
- encouraging the conservation of nature by the education and cooperative involvement of the community, particularly landholders;

(b) Dedication and declaration of protected areas

- the dedication and declaration of areas representative of the biological diversity, natural features and wilderness of the State as protected areas;

(c) Management of protected areas

- the management of protected areas in accordance with—
 - (i)** the management principles; and
 - (ii)** the interim and declared management intent; and
 - (iii)** the management plans;for the areas;

(d) Protection of native wildlife and its habitat

- the protection of the biological diversity of native wildlife and its habitat by—
 - (i)** the dedication and declaration of protected areas; and
 - (ii)** prescribing protected and prohibited wildlife; and
 - (iii)** the management of wildlife in accordance with—
 - (A)** the management principles; and
 - (B)** the declared management intent; and
 - (C)** any conservation plan; for the wildlife; and
 - (iv)** entering into conservation agreements;

(e) Use of protected wildlife and areas to be ecologically sustainable

- providing for the ecologically sustainable use of protected wildlife and areas by the preparation and implementation of management and conservation plans consistent with the values and needs of the wildlife or areas concerned, particularly plans dealing with the management of—
 - (i)** protected areas; and
 - (ii)** the taking or use of wildlife; and
 - (iii)** protected wildlife and its habitat; and
 - (iv)** critical habitats and areas of major interest;

- (f) Recognition of interest of Aborigines and Torres Strait Islanders in nature and their cooperative involvement in its conservation
 - the recognition of the interest of Aborigines and Torres Strait Islanders in protected areas and native wildlife;
 - the cooperative involvement of Aborigines and Torres Strait Islanders in the conservation of nature;
- (g) Cooperative involvement of landholders
 - the cooperative involvement of landholders in the conservation of nature.

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By examining the purpose, objects and methodology of both the *Nature Conservation Act 1992* and the *Sustainable Planning Act (2009)* (its purpose derived from its predecessor the *Integrated Planning Act 1997*), a clear duplication of principles is evidenced by the establishment of the Wild Rivers Act in 2005. As a result, unnecessary regulatory complexities have thus been enforced. Such superfluous regulation should lead to the adoption of Ockham's principle that "*entities must not be multiplied beyond necessity*", particularly in this case where the impost on landholders is significant.

The Water Act and the development of Water Resource Plans

Other regulation has been able to marry the requirements for conservation with the ability to meet and expand upon the future needs of communities. For example, under the Queensland Water Act 2000, when developing a Water Resource Plan which sets the sustainable level of water allocation and extraction in a river system, the Minister has a statutory obligation to consider the future water requirements of that system which include cultural, economic, environmental and social values (s.47). As part of this process, economic and social assessment reports are included in the plan in conjunction with scientifically based assessments on the capacity of that system. Water Resource Plans are therefore developed utilising a triple bottom line approach which is underpinned by a sustainability clause that states that plans cannot be approved unless they are environmentally sustainable (see Attachment A)⁷.

Therefore, if the State Government can use scientifically underpinned data to develop Water Resource Plans and Water Management Plans under the Water Act, why is the principle of Ecologically Sustainable Development ignored under the Wild Rivers Act for the sake of a purely-conservation based piece of legislation? The knowledge and information is readily available for the State Government to facilitate sustainable development to meet the economic and social needs of the communities whilst still maintaining a high level of ecological integrity in Wild Rivers areas.

⁶ *Nature Conservation Act (1992) (QLD) s.2 (4)(5)*

⁷ *Water Act (2000) (QLD) s.2(10) and s.47*

Conclusion

Agriculture has existed for over 100 years on many of the Wild Rivers affected properties. Landholders, on the whole have demonstrated responsible stewardship for that time and feel the government is responding by punishing them for their conscientious efforts. AgForce believes it is imperative that rural industry is not left to carry another burden of new restrictions on land management – this is unfair and unacceptable.

AgForce understands that landholders have a role to play in landscape management. However, any mechanisms developed must take into account the current level of positive landscape management being exhibited, and include incentivised mechanisms that will allow for not only the protection of conservation outcomes, but also that of productive capacity as well. With 80% of Queensland's land mass managed by farmers, recognition must be made of their vital contribution to the successful delivery of policies intended to improve environmental outcomes.

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Attachment A – Queensland Water Act 2000

From the Water Act 2000

Chapter 2 Allocation and sustainable management

Part 1 Preliminary

10 Purpose of ch 2

- (1) The purpose of this chapter is to advance sustainable management and efficient use of water and other resources by establishing a system for the planning, allocation and use of water.
- (2) For subsection (1), **sustainable management** is management that—
- (a) allows for the allocation and use of water for the physical, economic and social well being of the people of Queensland and Australia within limits that can be sustained indefinitely; and
 - (b) protects the biological diversity and health of natural ecosystems; and
 - (c) contributes to the following—
 - (i) improving planning confidence of water users now and in the future regarding the availability and security of water entitlements;
 - (ii) the economic development of Queensland in accordance with the principles of ecologically sustainable development;
 - (iii) maintaining or improving the quality of naturally occurring water and other resources that benefit the natural resources of the State;
 - (iv) protecting water, watercourses, lakes, springs, aquifers, natural ecosystems and other resources from degradation and, if practicable, reversing degradation that has occurred;
 - (v) recognising the interests of Aboriginal people and Torres Strait Islanders and their connection with the landscape in water planning;
 - (vi) providing for the fair, orderly and efficient allocation of water to meet community needs;
 - (vii) increasing community understanding of the need to use and manage water in a sustainable and cost efficient way;
 - (viii) encouraging the community to take an active part in planning the allocation and management of water;
 - (ix) integrating, as far as practicable, the administration of this Act and other legislation dealing with natural resources.

(3) For subsection (1), *efficient use* of water—

- (a)** incorporates demand management measures that achieve permanent and reliable reductions in the demand for water; and
- (b)** promotes water conservation and appropriate water quality objectives for intended use of water; and
- (c)** promotes water recycling, including, for example, water reuse within a particular enterprise to gain the maximum benefit from available supply; and
- (d)** takes into consideration the volume and quality of water leaving a particular application or destination to ensure it is appropriate for the next application or destination, including, for example, release into the environment.

11 Meaning of *principles of ecologically sustainable development*

The following principles are *principles of ecologically sustainable development*—

- (a)** decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations;
- (b)** if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;
- (c)** the present generation should ensure the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;
- (d)** the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making;
- (e)** recognition of the need to develop a strong, growing and diversified economy that can enhance the capacity for environmental protection;
- (f)** decisions and actions should provide for broad community involvement on issues affecting them.