National Farmers' Federation

Submission to

House of Representatives Standing Committee on Agriculture and Water Resources

Inquiry into the impact on the agricultural sector of vegetation and land management policies, regulations and restrictions

25 January 2018

NFF Member Organisations

AGFORCE

Australian Blueberry Growers' Association

ACGC

Australian Dairy Farmers

AUSTRALIAN FOREST PRODUCTS ASSOCIATION
afpa
TREES | WOOD | PAPER

Australian Livestock Exporters' Council ALEC

ALPA

AUSTRALIAN Pork

AWA
AUSTRALIAN VETERINARY ASSOCIATION

PURE BEECHWORTH HONEY
100% Pure Australian Honey

CANEGROWERS

CATTLE COUNCIL OF AUSTRALIA

COTTON AUSTRALIA

Egg Farmers of Australia

FCA
FARMERS FOR CLIMATE ACTION

Goat Industry Council of Australia inc.

GrainCorp

Grain Growers

National Farmers' Federation | Horticulture Council

NEW SOUTH WALES IRRIGATORS' COUNCIL

nsw FARMERS

NTCA

The Pastoralists' Association of West Darling

VPET
PRIMARY EMPLOYERS TASMANIA

ppsa
PRIMARY PRODUCERS SA

AGRICULTURAL EXCELLENCE & SUSTAINABILITY
RICEGROWERS' ASSOCIATION OF AUSTRALIA INC

SHEEP PRODUCERS AUSTRALIA

SoilsForLife
AN OUTCOMES AUSTRALIA PROJECT

Summerfruit AUSTRALIA

Victorian Farmers Federation

WAFARMERS

WOOLPRODUCERS AUSTRALIA

The National Farmers' Federation (NFF) is the voice of Australian farmers.

The NFF was established in 1979 as the national peak body representing farmers and more broadly, agriculture across Australia. The NFF's membership comprises all of Australia's major agricultural commodities across the breadth and the length of the supply chain.

Operating under a federated structure, individual farmers join their respective state farm organisation and/or national commodity council. These organisations form the NFF.

The NFF represents Australian agriculture on national and foreign policy issues including workplace relations, trade and natural resource management. Our members complement this work through the delivery of direct 'grass roots' member services as well as state-based policy and commodity-specific interests.

Statistics on Australian Agriculture

Australian agriculture makes an important contribution to Australia's social, economic and environmental fabric.

Social >

There are approximately 88,000 farm businesses in Australia, 99 per cent of which are wholly Australian owned and operated.

Economic >

In 2017-18, the agricultural sector, at farm-gate, contributed 2.4 per cent to Australia's total Gross Domestic Product (GDP). The gross value of Australian farm production in 2017-18 is estimated to have reached $60.1 billion.

Workplace >

The agriculture, forestry and fishing sector employs approximately 323,000 people, including full time (236,700) and part time employees (84,300).

Seasonal conditions affect the sector's capacity to employ. Permanent employment is the main form of employment in the sector, but more than 26 per cent of the employed workforce is casual.

Environmental >

Australian farmers are environmental stewards, owning, managing and caring for 51 per cent of Australia's land mass. Farmers are at the frontline of delivering environmental outcomes on behalf of the Australian community, with 7.4 million hectares of agricultural land set aside by Australian farmers purely for conservation/protection purposes.

In 1989, the National Farmers' Federation together with the Australian Conservation Foundation was pivotal in ensuring that the emerging Landcare movement became a national programme with bipartisan support.

Introduction

The National Farmers' Federation (NFF) welcomes the opportunity to make a submission to the House of Representatives Standing Committee on Agriculture and Water Resource's *Inquiry into the impact on the agricultural sector of vegetation and land management policies, regulations and restrictions*.

This inquiry follows the 2018 December Queensland bushfires that burnt through over half a million hectares and provides a timely opportunity to re-evaluate the interaction between vegetation law and the ability to practice active land management for productive purposes, landscape health and the reduction of fire risk. Over the past decades, competing interests and ideologies in vegetation law has seen recurrent shifts in its restrictiveness that appears to vary with the state government of the day. This can prove to be burdensome for landholders attempting to manage vegetation structure and fire risk on their properties.

While this is a national inquiry borne from the Queensland bushfire, this submission will address broader issues that similarly affect multiple jurisdictions in Australia. The Queensland bushfire was unprecedented in its severity and intensity, fuelled by a long lasting heatwave and strong winds. Historically, Queensland was not known to experience such severe bushfires, particularly in rainforest and coastal woodlands. While the climatic conditions provided the necessary pre-conditions to sustain such a severe fire, the role of vegetation law in contributing to the extent of the bushfire must be examined to ensure future risk is minimised.

It is not suggested that the fires could have been necessarily prevented otherwise, but much could have been done to limit its spread and perhaps their severity and intensity. While climatic conditions cannot be controlled, previous planned management of fuel loads is the most practical method of reducing the risk of severe fires. The agricultural sector plays a major role in managing fuel load on private land but their ability to practice this is constrained by federal and (predominantly) state vegetation laws. These laws also apply to roadside vegetation including grasses.

This submission will explore the intersection between land management policies, regulations and restrictions and the agriculture sector's ability to prudently manage fire risk on their properties.

Context

The Queensland bushfires of November to December 2018 comprised multiple fires, the largest and most problematic centred on the Deepwater bushfire which originated in Deepwater National Park in Central Queensland. Other fires originated inside state-managed protected areas including national parks and state forests. Of the 580,000 ha of fire-scarred areas, 40 per cent affected state-managed protected areas. Producers neighbouring many of these protected areas expressed concern in how these wildfires were managed, including: the lack of government staff from protected areas who could help manage the fire front during day and night, lack of skills and confidence in government staff to back burn, inaccessible and overgrown tracks in protected areas.

In May 2018, changes to the *Vegetation Management Act 1999* in Queensland caused significant concern for landholders in their ability to manage the land, particularly tree-clearing. This change will likely result in an increased fire risk in some regional ecosystems where understory will now be left to regrow and thicken. An example of one particular amendment impacting on grazing production is removal of thinning as a self-assessable Accepted Develop Vegetation Clearing Code. Other fire risks include changes to selective harvesting of mulga, which is predominantly used as drought fodder in south west Queensland. Prior to the May 2018 changes to the Vegetation Management Act 1999, active management (thinning) ensured mulga country did not become too dense, and hence, unproductive. Now, farmers may have to wait up to 10 years before managing mulga regrowth. If there is a lower capacity for farmers to manage this growth in the context of fuel management, this will likely be a contributory risk to future fires.

Responding to the inquiry

Past and current practices of land and vegetation management by the agricultural sector and regional industries

Fire risk is a function of three factors: heat, oxygen and fuel load. While heat and oxygen cannot be controlled, fuel management is most practicable and it is the responsibility of all landholders, both public and private, to manage fuel, maintain their land and minimise fire risk.

The 2009 Victorian Bushfire Royal Commission notes the importance of 'shared responsibility' that suggests that everyone must accept greater responsibility for bushfire safety in the future. The Royal Commission also recognised the important role of private units in firefighting across Australia, which are usually operated by farmers or other landowners. As bushfires affect both private and public land, there is a need for strong coordination between landholders, emergency services and the community.

Some land and vegetation management practices employed by the agricultural sector include:

- **Managing vegetation around and within their properties** – all landholders have an imperative to protect their property and assets such as fences, sheds which house valuable machinery and fodder, and houses. Usually, native vegetation protection in this context involves clearing vegetation (grasses and trees) within a certain distance from infrastructure assets. This is often achieved by graded or slashed firebreaks and fuel reduction fires. In Victoria, the planning system allows for creating a fuel management zone within set distances from a dwelling – an inner mineral earth zone and an outer zone. This does not apply to other property assets such as sheds or dairies, to livestock sheds or other critical infrastructure.
- **Grazing** – grazing is used to reduce fuel loads on farm and also in crown land. It is a low risk option to manage fuel loads, and provides a practical alternative to prescribed burning and is particularly important in land where public and private land is connected.

These practices are commonplace around Australia but differ between industries. However, the degree to which they are practiced is affected by federal and (mostly) state vegetation laws and regulated by state governments, local councils and other individuals.

In the recent past in Victoria, there has been increasing pressure to minimise burns on crown land in favour of controls on private land – often to protect towns from forests. For example, one potato grower was asked to provide a 50 m buffer in his paddock as Council was not going to maintain the road as a fire break to protect the town. This is a loss of income, which is not compensated, and reflects community concerns about vegetation management in crown land and on roadsides.

The science behind activities such as back burning, clearing and rehabilitation

Clearing firebreaks acts to doubly reduce fuel load in the landscape as well as create a gap to slow or stop fires from progressing. They are often conducted in areas (up to a certain width) surrounding properties and the allowable width to clear differs between states.

In Victoria, following Black Saturday, the concept of 'landscape level' fires has been developed. This will increase the distance of ember attack based on the type and amount of vegetation and fire weather behaviour. Managing fuel loads can mitigate the rate of spread and intensity of a fire.

There is substantial evidence, especially in the area of forest science, which supports active fire management as a necessary tool to protect forests and contingent landscapes.

The economic impact of vegetation and land management policies, regulations and restrictions

The economic impact of bushfires can be devastating for the agricultural sector, the environment, and for communities. For example the 2009 'Black Saturday' bushfires that ravaged Victoria had an estimated economic impact of $4 billion. As well as this, many have seen livestock and undomesticated animals perish in the fires which has a significant impact on those whose livelihoods are centred on their production. To the degree that vegetation and land management policies, regulations and restrictions prevent landholders from managing the fuel loads on their property, the economic impact can be considered a function of the inadequacy of such laws to manage fire risk.

In Victoria planning controls specific to the Black Saturday event were introduced to assist rebuilding as existing use rights do not apply to structures totally destroyed by fire. Failure to apply a common sense approach to smaller fires – such as the St Patrick's Day fires in 2018, can cause regulatory burden for farmers who have not only lost their place of residence but also their means of income – for example the loss of livestock and/or the dairy.

The impact of severe fires on the agricultural landscape, agricultural production and industry in regional, rural and remote areas

The impacts of severe fires, notably the 2009 Victorian 'Black Saturday' bushfires and the 1983 'Ash Wednesday' fires, are clearly demonstrable. There are both short term and long term impacts on agricultural landscape, agricultural production and industry from severe fires. In an agricultural context, the immediate impacts, in areas that have been affected include the loss of livestock and plantation forests which can destroy the entire incomes of some families. The flow-on effects and long-term impacts are more difficult to quantify. For example, the Black Saturday fires disproportionately affected regional, rural and remote communities, particularly those whose local economies rely on one or two industries. Nearly a decade since the fire, some communities have yet to fully recover, and some towns may never recover which is made more difficult for those who are removed from centres of economic power. The long-term social and mental cost also remains a concern to communities, and may take years, or even a lifetime to manage.

Restocking livestock can also be difficult if a farmer loses a substantial portion of the herd, noting that prime breeding stock require generations to achieve their desired traits. In one instance, one farmer lost stock that the family had been breeding for 70 years. Therefore, the capacity to recover is made more difficult by the nature of the industry and existing capital on farm.

In Victoria there are four key elements of 'property' in the hierarchy of 'life and property'. The lived experience is fire management agencies see 'property' as a dwelling or forest/conservation values. Critical infrastructure is mapped and considered for protection but there is little emphasis on agriculture as a means of economic production. Many farmers would prioritise protecting machinery or livestock over their dwelling as the dwelling is easier to replace and has a lesser impact on their farm business.

From an environmental perspective, severe fires will affect the agricultural landscape, the soil and water and its ability to recover. There is strong evidence that water runoff increases following a bushfire and consequently increases the loss of topsoil and other nutrients through erosion and sedimentation of water bodies through catchments. Landscape response depends on the intensity and frequency of subsequent rainfall. Whilst small controlled fires still present a risk of causing adverse effects to the environment, they minimise the damage to a lower significance from which the environment can recover more effectively.

Severe fires can have significant impacts on Australia's flora. While many species have evolved to Australia's fire prone landscape, there are long term impacts on communities where bushfires occur outside the normal fire regime. For some species such as, the native *Eucalypts*, fire is a necessary precondition for germination and seeding and there are varying impacts depending on the species.

Fauna impacts from bushfires can be severe as well. The Black Saturday bushfires saw a significant impact on animal populations where the distribution of the species is limited, particularly vulnerable or endangered animals.

Factors that contribute to fire risk in regional, rural and remote areas

The 2009 Victorian Bushfire Royal Commission noted the importance of 'shared responsibility' – that everyone must accept greater responsibility for bushfire safety in the future, including governments, fire agencies, communities and individuals in order to minimise the prospect of a devastating fire as well as strengthening the state's overall firefighting capacity. This viewpoint of shared responsibility being an effective method to manage bushfires is shared nationally with all states mentioning the important roles communities and land holders play in mitigating the effect of bushfires.

The NFF also emphasises the necessity of active land management to control fire risk. There appears to be a philosophical opposition to fuel reduction through burning due to the potential impact this may have on biodiversity, or even 'matters of national environmental significance' in the federal *Environment Protection and Biodiversity Conservation Act 1999* (CTH) that regulates fire prevention activities. While the NFF acknowledges the importance of protecting biodiversity, this has led to the decline in the level of active land management may allow many landscapes to become overgrown, and 'feral'. The decline in active management has also decreased fire preparedness and creates a gradual build-up of fuel loads that increases the risk of severe fires which has a much greater deleterious impact on biological communities (threatened or otherwise). There is ample evidence which supports the role of cool, slow burn, hazard reduction in supporting ecological communities and sustaining balanced biodiversity outcomes. However these processes are more resource intensive for public estate management agencies. This evidence shows a clear contradiction between the current approach vegetation laws and the principle of active land management.

Fire is a natural part of the Australian environment, an agent for regeneration and renewal for many flora and fauna that have evolved alongside fire. The Australian landscape has been actively managed with fire for thousands of years by Traditional Owners which has also played a role in shaping the Australian ecosystem. Given the frequency of fires in the landscape that were of low intensity, severe fires were relatively uncommon. However, the last century has seen devastating bushfires of higher frequency, including the 1939 Victorian Black Friday bushfires, 1983 Ash Wednesday bushfires, 2003 Canberra fires, the 2009 Black Saturday bushfires, all of which have led to a litany of inquiries that commented on the inadequacy of fuel management. The Queensland bushfire is unlikely to be an anomaly in this context. Therefore, it follows that active land management is critical for the mitigation of severe and catastrophic fires. One cannot protect biodiversity without acknowledging the role of active fire management in Australia.

In this respect, there is also the need to consider the role of landuse change towards fire management, particularly with peri-urban landholders and absentee landholders. The settlement of peri-urban landholders has seen an associated shift in attitudes towards fire management, who are typically more fire-averse and unaware, or apathetic, of the need for fuel reduction. This has further implications, including poor coordination between burning practices and ideologies, a reduction in active land management (which also places adjacent landholders at risk), and a reduced capacity to deal with fire when it occurs. Investment in education to build the awareness and capacity of peri-urban landholders is necessary. Absentee landholders, by definition, are largely incapable of actively managing the landscape

which also poses additional risk. With an increasing number of absentee landholders, there is a need for further education to ensure fire risk can be managed in their absences.

Vegetation management laws play a major role in shaping the capacity of landholders to actively manage fire risk on their properties. There is a strong case to be made about the impact vegetation laws may had in constraining landholders' ability to manage fire risk and its subsequent contribution to severe bushfires. This has been the case in Queensland where its laws have created bureaucratic shackles further preventing farmers from actively managing fuel loads, and now risk the prospect of litigation. Many farmers in Queensland have been unable to create firebreaks of any significance, particularly alongside fences interfacing government managed land, with vegetation up to the fence line and tracks overgrown.

There is also strong evidence of insufficient fuel management practised by the Queensland Government which has resulted in heavy fuel loads in national parks and contributed to the severity of the recent bushfires. This is an experience replicated in other jurisdictions.

Queensland farmers became concerned after the fires that *climate change* would be labelled as the primary cause for the severity of the fires, without proper inquiry as to what the true cause was. Whilst the weather conditions may have been atypical of a normal season, a combination of factors including poor access to country and a build-up of fuel on properties and national parks that couldn't be properly managed were likely to blame. A similar issue was found in the 2009 Victorian Bushfire Royal Commission where it was stated that the Victorian Department of Sustainability and Environment only burnt approximately 1.7% of the public land under their control. This data is further evidence to support that farmers and private land holders should be able to effectively manage their land with methods such as, small controlled burnings to lower the amount of dry fuel available to be burnt.

The NFF acknowledges that substantial planning is required to conduct prescribed burnings, and can be high risk, resource intensive and only available in limited 'windows' within the year. Landholders have learnt that effective burning needs to be coordinated with the most conducive conditions when they arise – a balance of soil moisture, temperature, wind speed and direction, humidity, and existing topography and fire infrastructure. It is concerning however, that 'smoke' is becoming a factor influencing those windows as a calm day is beneficial for a controlled burn but not for smoke dispersal. Whilst a lack of resources or a difficult season for prescribed burning may have contributed to the recent fires, this does not excuse any neglect by the government to fulfil its responsibility on the management of public lands. With particular emphasis on the devastating impacts of severe fires seen throughout modern Australian history, it is critical the government do what it is necessary to fulfil their responsibility to minimise the impact of bushfires, or be held accountable otherwise.

In NSW, the onerous requirements placed on landholders in order to undertake simple low risk hazard reduction agricultural burns such as burning blackberry on private property has and does deter many from doing hazard reduction. Once, a Rural Fire Service (RFS) Brigade could undertake hazard reduction work of their own volition, now the beforehand planning required at District Command level and insisted number of brigade assets to be in attendance, combined with changeable weather conditions, restricts and leads to many aborted hazard

reduction burns and overall less hazard reduction undertaken and substantially increased cost to the taxpayer for hazard reduction work undertaken in many cases. In many NSW RFS brigades, the amount of farmers within their ranks has thinned substantially in recent years, due again largely to the additional red tape entanglement and requirement for additional training and qualifications as many farmers feel they cannot commit the time required.

A similar effect has been noticed in more populated regions of South-East Queensland where there has been a trend towards a fire-adverse regime. Where the area has been populated by people who are inexperienced and unaware of how to manage fire risk, this allows for a build-up of fuels in highly populated areas. Fears amongst private landholder also arise where efforts to artificially recreate 'natural landscapes' but can be misguided and an excess of fuel can accumulate increasing the risk of a bushfire.

The NFF is of the view that, in Queensland, changes in legislation and regulation are needed to facilitate increased fuel-reduction burning suitable for bio-regions to mitigate against the risks of wildfire occurrence. It is also noted that there is increased investment by the Queensland Government in the management and fuel-reduction burning of state lands.

In light of climate variability, which is seeing an increase in the frequency of hot days, and lower rainfall, a long-term increase in extreme fire weather and in the length of the fire season across large parts of Australia, the principle of shared responsibility and active land management becomes more important. To that extent, vegetation law must be adaptable and flexible for a changing climate to provide capacity for landholders to actively manage their land to reduce fire risk, and should be reviewed, particularly in Queensland, to ensure the law is not inadvertently acting counter to these principles, increasing fire risk and consequently posing a risk to the environment.

RECOMMENDATION: Review state legislation to ensure that laws allow landholders to actively manage their land without unnecessary/excessive bureaucratic or legislative intrusion.

The role the agricultural sector has in working with emergency services and forestry management officials in managing fire risk

Farmers play a significant role in working with emergency services and forestry management officials in managing fire risk. The 2009 Victorian Royal Commission recognised the important role of private units in firefighting in many parts of Victoria, which are usually operated by farmers or other landowners. Rural fire brigades are manned by volunteers, mostly farmers. Most grain farmers have their own fire control equipment for quick response during harvest in particular. Similarly, in many parts of Queensland, graziers volunteer for their local Rural Fire Brigades and largely make up the entirety of these brigades. Many landholders already have equipment and experience to properly protect infrastructure and stop bushfires causing devastating harm.

It is also worthwhile to note that these farmers as fire brigade volunteers will often prioritise the protection of others assets over their own through their community mindedness. For fairness, we need to support our volunteer fire services and ensure the system mitigates the

residual risks to their properties and allows them to undertake works to manage risk on their land.

Fire and Emergency regulations administered by state and territory jurisdictions need to enable a network of volunteer landholders and their fire-fighting equipment. During a response to a controlled burn or emergency fire response, all entities need trust amongst each other that best practices are being employed. Only by working together in planning and managing fire risks will this trust grow and acquired skills be shared.