Speech by

Andrew Cripps

MEMBER FOR HINCHINBROOK

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VEGETATION MANAGEMENT AMENDMENT BILL

Mr CRIPPS (Hinchinbrook—NPA) (5.41 pm): I rise to make a contribution to the debate on the Vegetation Management Amendment Bill. The objectives of the bill are to amend the Vegetation Management Act 1999 to clarify the definitions of endangered, of-concern and not-of-concern regional ecosystems in the Vegetation Management Act and validate retrospectively all past vegetation related decisions affected by the definition of endangered, of-concern and not-of-concern regional ecosystems in the act.

The amendment proposes to clarify the definitions of endangered, of-concern and not-of-concern regional ecosystems, clarify the methodology used to determine regional ecosystem status as endangered, of concern or not of concern and retrospectively validate that the Vegetation Management Regulation 2000 solely determines the status of the regional ecosystem despite what the legislation said at the time.

The explanatory notes accompanying the bill advise that the existing definitions in the legislation are open to interpretations that are not consistent with the intent of the legislation to conserve remnant endangered, of-concern and not-of-concern regional ecosystems and are not consistent with the practice of the department in determining status based on the known remnant extent of regional ecosystems remaining.

The amendment purports to ensure that the established methodology and previous decisions are valid. This advice effectively means that since the inception of the Vegetation Management Act eight years ago there has been no certainty with respect to the definition of the abovementioned types of vegetation. This is an extraordinary development. This is a piece of legislation that has had an extensive and serious impact on landowners across the state of Queensland since it was introduced and yet the state government now races in here and proposes a bill to cover up its incapacity to preside over a legislative arrangement that actually implements the intent of the state government's own vegetation management policies.

The objective of the bill is to be achieved by amending the Vegetation Management Act to clarify that the current methodology and procedures used for determining regional ecosystem status are consistent with the definitions and related provisions in the legislation and retrospectively providing that the regulation solely determines the class of a regional ecosystem.

Here we come across a further aspect of this bill that deserves nothing but contempt. The retrospectivity of this legislation has been a matter dealt with by many members of the Queensland coalition here today and conveniently skirted around by members of the state Labor government who have tried to offer paltry excuses for their recklessness and unprofessionalism in the first instance. They were so busy running over the top of landowners and their freehold property rights and getting into bed with the extreme Greens that they stuffed up the legislation and have had to drag it back in here on many occasions—including this one—where they have discovered that they are exposed.

The explanatory notes further advise that there are no other viable alternatives that would achieve the policy objectives without considerable risk to the policy intent of the Vegetation Management Act. That

much is clear. The only way that one could possibly achieve such an unscrupulous and punitive legislative measure is in the environment that this state government chooses to run this parliament; ramming this bill through after introducing it only two days ago and forcing through a motion this morning allowing the bill to move through all stages today. It is a disgraceful way to treat the parliament of Queensland and it is part of a pattern of arrogance by this state Labor government to treat the parliament as a political plaything and to cover up its own inadequacies.

The explanatory notes state that the retrospective application of criminal liability is justified because the accepted view within the government and the community involved with the Vegetation Management Act was that these were endangered, of-concern and not-of-concern regional ecosystems at the time determined using clearly articulated methods, mapped on certified vegetation mapping and prescribed in the regulation as endangered, of-concern and not-of-concern regional ecosystems. What an extraordinary claim. It is beyond belief that even this state Labor government could believe that the community is fully supportive of the Vegetation Management Act as it has been applied and executed over the last eight years. The provisions of this legislation and the compensation package associated with it have been totally inadequate to provide some semblance of fairness to those who have lost their private property rights on parcels of freehold land that they purchased in good faith.

To think that this state Labor government, as the government of the state of Queensland, could consider it fair and just to withdraw freehold property rights with respect to these parcels of land without any appropriate compensation is incomprehensible to the vast majority of ordinary Queenslanders. The environmental prerogative, which I assume the state government contends underpins its motivation for implementing the Vegetation Management Act, is all well and good but must be balanced with the fundamental acknowledgement that private property rights purchased in good faith must be respected. If the environmental prerogative is strong enough to pursue in the public interest then the agency acting on behalf of the public, in this case the Queensland government, must compensate the private property owner for the loss. The state Labor government has not done that. The level of compensation has been paltry. As such, the state Labor government has not acted in good faith.

The explanatory notes state that the retrospective application of criminal liability is justified because the accepted view within the government and the community involved with the Vegetation Management Act was that these were endangered, of-concern and not-of-concern regional ecosystems at the time determined using the methods that I described earlier.

I utterly reject the claim that the retrospective application of criminal liability is justified in this instance. I believe, in contrast to the views of those Labor members opposite, that the application of retrospective criminal liability to landowners with respect to activities that have occurred over the last eight years, that they believed at the time were done lawfully—a set of circumstances that will be put in jeopardy by the passage of this bill—would not be supported by decent, fair-minded Queenslanders. They have more empathy for the circumstances of regional and rural Queenslanders than that. They certainly have more empathy and more regard for regional and rural Queenslanders than is being demonstrated by this government.

The explanatory notes accompanying the bill state that community consultation regarding these changes to the Vegetation Management Act has not been undertaken due to the sensitivity of the issues. What on earth does that mean? The question is: is that a legitimate excuse for not undertaking any? Consultation has occurred, we are told, with the Department of the Premier and Cabinet, the Treasury and the Department of Justice and Attorney-General and all agencies supported the proposed legislative changes. What a surprise. The state Labor government had a conversation with itself, about itself and the result of that consultation is that it agrees with itself. This is a horrendous state of affairs and the state Labor government should be condemned for it.

Since this legislation was introduced in 1999 the Nationals have expressed considerable concern about the Vegetation Management Act. In many cases landowners have been put in untenable positions as far as the viability of their enterprise is concerned. In many cases, people have bought freehold land which they intended to develop in good faith. In industries such as the sugar industry—a major industry in my electorate—development and expansion of the enterprise is usually staged, reflecting the financial position of the landowner. In most cases it is not a matter of clearing vegetation as quickly as possible; it is a matter of considering how the finances of the enterprise are travelling and whether the enterprise can afford to expand its operation.

I believe there is a strong level of commitment to the land by people who purchase property with the intention of pursuing a farm enterprise. The land is the principal asset in that farm enterprise, and it is clearly in the best interests of the landowner to look after that asset. Purchasing property is a significant financial investment, and very often the land has trees on it. If they do intend on expanding the farm enterprise, the decision to clear vegetation can be a costly exercise because they often do not have the machinery required. In most cases they have to go to a financial institution to be able to afford the work to undertake the expansion.

The point I make is that it is a nonsense to suggest that the clearing of vegetation is undertaken indiscriminately or without a reasoned expectation that a farm enterprise will expand as a result. When people buy land there is an expectation that clearing of vegetation and bringing it into production will occur some time down the track in accordance with a plan for the management of that property to be a viable, sustainable and productive farm enterprise in the long term. It is very concerning for landowners to be told when they have made such an investment that their plans are now out the door.

The state government has usurped the freehold property rights of Queensland landowners as part of a political strategy to secure Greens preferences and its own political security. Clearing was prohibited under the legislation within approximately 200 metres of rivers, approximately 50 metres of creeks and approximately 20 metres of gullies. In some areas of Queensland such as my electorate of Hinchinbrook the declaration of a gully would mean that clearing of land is prohibited for 20 metres on either side. In many areas of my electorate that would virtually make some areas impossible to farm. No consideration has been given to the topography of the Wet Tropics in the application of this legislation, and it continues to be an outrageous burden for landowners in my electorate and indeed for landowners across the state.

I have previously raised the inadequacy of the legislation with respect to the Wet Tropics with the Minister for Natural Resources and Water. In November 2006 I raised the circumstances of a landowner in my electorate who asked pertinent questions about the provision of assistance by the Queensland government to compensate landowners following the application of the Vegetation Management Act. The core of the concern relates to the inadequacy in the structure of the assistance package to provide compensation for affected landowners in the Wet Tropics areas of Queensland where the opportunity cost of losing land is greater than in areas of Queensland which have mainly pastoral or grazing concerns.

The assistance package does not give appropriate regard to the disadvantages that those engaged in primary production in the Wet Tropics face as a result of the land being affected by the Vegetation Management Act where the much higher opportunity cost of productive horticultural operations in the Wet Tropics of Queensland is significantly higher than in the pastoral and grazing areas and other parts of the state. Arguably, separate methodologies and formulas should be developed to calculate the payment for the loss of the use of the land in the Wet Tropics in view of these inadequacies.

If the property holders had sufficient funds, they may have undertaken clearing to ensure certainty. That legislation precipitated extensive, unnecessary clearing to create certainty for landowners who wanted to ensure that somewhere down the track they could go about the expansion of their enterprise. These people have probably undertaken more clearing than was ever anticipated, because the Vegetation Management Act presented the final opportunity that they would have to do so. Of course they would have had to access funds to do it at that time. They may have had to find the funds or borrow the funds. They may have significantly stretched their resources, and in some instances they may have had to do so when the money was not freely available.

The point I make with respect to the inadequacy of the legislation regarding the compensation for landowners in the Wet Tropics and the way that the legislation precipitated large-scale, unplanned clearing of vegetation is that the Vegetation Management Act is perhaps one of the most poorly conceived and poorly implemented pieces of legislation that this state government has ever presided over. Instead of bringing it back in here again and again to periodically cover up inadequacies where the state government finds itself exposed, it would be far more appropriate to sit down and try to make some serious changes to the legislation that could provide some semblance of fairness to affected landowners taking into consideration the different circumstances in different areas of this vast state, and with a goal of not vilifying them by retrospectively exposing them to criminal liability. I strongly oppose this bill and in doing so record my absolute disgust in the state Labor government for yet another assault on regional and rural Queenslanders.