Speech by

Andrew Cripps

MEMBER FOR HINCHINBROOK

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VEGETATION MANAGEMENT AND OTHER LEGISLATION AMENDMENT BILL

Mr CRIPPS (Hinchinbrook—LNP) (5.08 pm): I rise to make a contribution to the debate on the Vegetation Management and Other Legislation Amendment Bill. The bill amends the Vegetation Management Act and the Integrated Planning Act 1997 to provide a new legislative framework for the management of regrowth vegetation in Queensland. This legislation has arisen from a pre-election commitment made by Premier Bligh earlier this year which included a temporary moratorium on the clearing of regrowth vegetation and regrowth vegetation adjacent to watercourses in North Queensland that flow into the Great Barrier Reef lagoon. At least the explanatory notes accompanying the bill are honest in this regard. This is a political decision which derives from a pre-election preference deal between Labor and the Greens. This bill is the final part of that deal being delivered after the Great Barrier Reef Protection Amendment Bill went through the parliament during the last sitting. Both of these bills have targeted North Queensland landowners with unjustified and arbitrary regulation and restrictions on their properties and farm businesses.

It is true that the state government has undertaken consultation with stakeholder groups in relation to both this bill and the Great Barrier Reef Protection Amendment Bill. I offer my compliments to the rural industry groups for their patience and restraint when dealing with a government which has no appreciation of the significant impost its legislation will have on the viability of rural industries.

They have engaged in the consultation process to try to mitigate the impact of this increased regulation on their industries and the regional communities they sustain. As a result of this consultation, it is recognised that the bill proposes a ban on the clearing of regrowth vegetation that has not been cleared since 31 December 1989. It is argued that this is the regrowth with the highest biodiversity value and it is least likely to occur on productive land. This is an improvement on what was originally mooted to be the intention of the government. In support of this view, it is noted that the green groups with which the government did the pre-election preference deal are decrying the provisions of the bill as not going far enough. A cynic would be forgiven for wondering what the government will do now to top up the deal in view of its relative restraint in implementing this new ban on clearing regrowth vegetation that has not been cleared since 31 December 1989 following consultation with rural industry groups. Changes of heart by the government on vegetation management issues are nothing new, although it is new for it to favour rural Queensland.

The state Labor government has never been able to get this legislation right. Every time it dreams up a new excuse to tighten the screws on rural industry or when it has pressure put on it by the Greens to tighten the screws on rural industry it has brought in more amendments to fix up its own mistakes and to belt landowners. The result has been widespread uncertainty, frustration and confusion for landowners who have been kicked around like a political football in the ongoing game between Labor and the Greens.

In 2004, when Minister Robertson previously had responsibility for this portfolio, an amendment bill was debated in this place which was presented to rural industry groups and rural landowners as providing

certainty for producers to manage their land in a locally relevant and sustainable manner. *Hansard* records Minister Robertson in this parliament saying—

This legislation is a historical line in the sand for how we, as a community, manage our often fragile landscapes and their natural limitations to ensure we remain economically and ecologically sustainable.

That was the undertaking by this minister—a line in the sand. Certainty was promised. That was the basis upon which that debate took place. Clearly, that undertaking has been violated. That line in the sand has been crossed and that certainty has been undermined. Those words should haunt the minister as he carries this bill through the parliament. Here we are again amending the Vegetation Management Act for the eighth time in the nine years since it was first enacted, including numerous times since 2004 when Minister Robertson and the state government promised certainty to landowners and rural industries.

Is it any wonder then that there are such widespread questions about the government's honesty and integrity when this type of clear and unambiguous undertaking is so fundamentally cast aside for base political purposes? Is it any wonder that there is no confidence in the government in regional Queensland? Can the minister finally say to Queensland landowners that the state government is finished with them after so many amendments to the legislation that have constantly changed the goalposts in relation to the management of, firstly, remnant and, now, regrowth vegetation? Can the minister finally say to Queensland landowners that they can now get on with their lives and plan for the future of their farm businesses with confidence and certainty that the goalposts will not be moved again? Even if the minister did give such an undertaking, as he has done previously, would it have any credibility?

While I welcome the bittersweet news that the ban on clearing regrowth vegetation will be limited to that which has not been cleared since 31 December 1989, the bill has not been curtailed in respect of its proposed ban on all clearing of regrowth vegetation regardless of its age adjacent to watercourses in the Burdekin, Mackay-Whitsunday and Wet Tropics catchment areas. We in North Queensland are still going to cop the full bottle of the new control measures on the management of regrowth vegetation regardless of its age or environmental value. As such, in this bill there are proposed 50-metre so-called buffer zones that will apply to landowners in my electorate of Hinchinbrook in the Wet Tropics catchment and other areas of North Queensland.

As I mentioned earlier, North Queensland has been targeted by the government in recent times. Properties in North Queensland, and in particular in Far North Queensland, have been subject to the imposition of several layers of additional regulation and restriction by this government. In Far North Queensland the regional plan has recently introduced areas of ecological significance mapping attached to the statutory planning instrument covering thousands of square kilometres of land.

The recently debated Great Barrier Reef Protection Amendment Bill imposed a 20-metre no-spray set-back buffer zone each side of a watercourse in the same three North Queensland catchment areas contained in this bill. Now this bill seeks to introduce a 50-metre buffer zone each side of a watercourse in these three catchments, banning the clearing of any regrowth vegetation regardless of its age or perceived environmental value.

Is it any wonder that North Queensland landowners are throwing up their hands in frustration under the weight of all of this red tape and bureaucracy—the layer upon layer of regulation? Is it any wonder that they are facing serious questions about their ongoing viability when the regulatory burden they carry is massive thanks to this government? This is the reality of the situation for landowners and for rural industries in North Queensland. The policies of the government are undermining the economic viability of landowners and rural industries in North Queensland.

The market value of their properties is significantly affected by the rules, regulations and restrictions of this proposed legislation and the other layers of legislation and regulation that I just mentioned. What landowners purchased in good faith at the time—the land, the capacity to utilise the land for productive purposes and the property rights associated with that land—have been substantially withdrawn, curtailed and eroded by this government. It has done so on each occasion without any compensation.

The explanatory notes accompanying the bill state that the ban on the clearing of mature regrowth will supposedly ensure that threatened ecosystems will be protected and will assist in protecting sensitive areas such as steep slopes, wetlands, watercourses and habitat for threatened species. The explanatory notes go on to say specifically that the retention of vegetation either side of watercourses in North Queensland catchments can assist with improving bank stability and reduce pollutants entering the river systems and ultimately the Great Barrier Reef lagoon.

As such, the bill proposes a vegetation buffer of 50 metres of native vegetation either side of watercourses in North Queensland, catchments to supposedly improve bank stability and supposedly reduce the level of pollutants such as sediments and chemicals entering the reef lagoon as well as delivering enhanced biodiversity benefits. This is an issue I addressed when the moratorium bill was debated in this place in April this year.

One of the principal frustrations that I have in relation to these 50-metre buffer zones is that they are by their very nature arbitrary, having no regard for the actual or real run-off areas either side of any given watercourse in one of the three catchment areas in North Queensland covered by this bill. Depending on the lay of the land in particular catchment areas or even in a certain part of a particular catchment, a run-off area could be 10 metres or 100 metres from the banks of the watercourse.

Either way, it is certainly never uniformly 50 metres along the length of any given watercourse in these three North Queensland catchment areas. This bill is just proposing buffer zones or an arbitrary width that have no regard for or reference to the landscape that they are going through. This highlights the lack of scientific or practical knowledge underpinning the implementation of these regulations. The same issue undermined the credibility of the provisions of the Great Barrier Reef Protection Amendment Bill.

Watercourses in these three catchments that are targeted by the bill—the Wet Tropics, the Burdekin and the Mackay-Whitsunday catchments—are certainly different between themselves. As I have said before, in the Wet Tropics catchment, which covers my electorate of Hinchinbrook, we tend to have relatively short watercourses that have relatively small catchment areas located between the Great Dividing Range and the coastline.

In the Wet Tropics catchment, the landscape is undulating and hilly. Watercourses in the Wet Tropics catchment area generally run through flood plains. They run strongly because of the enormous volume of rain that periodically falls inside those catchment areas, rather than the land being shaped in such a way that the watercourses have large run-off areas feeding them.

These circumstances are in contrast to the situation in the Burdekin catchment. There, the land is much flatter, with huge run-off areas. Unlike the Wet Tropics catchment area, many of these watercourses do not run all year round. They run only periodically, when they have significant rainfall. Yet they will all have the same buffer zones that will take out production on those properties. As it is flatter country, the behaviour of the water when those watercourses are flowing is different from what happens in the Wet Tropics. But all of that counts for nothing, because these provisions are arbitrary. The buffer zones are 10 metres regardless of whether the real run-off catchment area is 10 metres or 100 metres. This, more than any other aspect of this legislation, illustrates that it is not based on science; it is based on politics.

What makes me particularly angry is, just like the provisions of the Great Barrier Reef Protection Amendment Bill, this bill has a total lack of recognition of landowners in rural industries in North Queensland in terms of the progress and improvements that they have made in land management practices over the past two decades. The state government offers—

Government members interjected.

Mr CRIPPS: I hear the interjections from the honourable members opposite. In this regard, the state government offers token congratulations and empty platitudes but then it promptly proceeds to turn the screws on the landowners affected by this bill and the other bills that I have mentioned this afternoon. Innovation by landowners over the past two decades done on a voluntary basis, such as the development of wetland sediment traps, green trash blanketing, chemical application certification across industries, expensive laser levelling to improve drainage and best practice application rates for fertilisers—all of these efforts—is virtually ignored in favour of regulation. The list of voluntary efforts by landowners is long, but there is no real recognition—just a punitive, big-stick approach and more bureaucratic regulation.

There are literally thousands of watercourses in the Wet Tropics catchment. If the state government imposes this arbitrary 50-metre buffer zone rule along the length of every watercourse on every property within that catchment, we will certainly find that this legislation will have a significant impact on agricultural production in the Wet Tropics. The maps associated with this legislation identifying the watercourses that will be captured by the bill are truly frightening. For my electorate, which is covered by the Wet Tropics catchment, and for other electorates that are covered by the Wet Tropics, Burdekin or Mackay-Whitsunday catchment areas where these 50-metre buffer zones will be imposed on landowners, the impact on rural industries will be serious.

The minister’s second reading speech states that the new regrowth regulations will cover an additional one million hectares of regrowth vegetation of high environmental value and all regrowth vegetation within 50 metres of a watercourse in these three North Queensland catchments. These one million hectares will be taken out of the control of freehold and leasehold landowners which could otherwise be used for valuable primary production and from now on will be controlled by the government. That will undoubtedly have a devastating effect on industry and jobs in regional Queensland. Such a huge shift in property rights forced by the state could not have anything other than a profoundly serious impact on land valuations, production capacity, farm incomes and jobs in regional communities. Such a huge amount of private property cannot just be torn away from private landowners and not have a real impact on Queensland’s regional economy.

A fundamental principle is that where the state deprives individual landowners of their private property rights, supposedly in the public interest, those disadvantaged property owners should be afforded

fair compensation. It is extraordinary that no compensation will be afforded to affected landowners as a result of the passage of this bill. I ask members opposite to consider if they think that is fair and just. The LNP believes strongly in private property rights. We take private property rights seriously. The LNP believes that the overwhelming majority of landowners in Queensland manage their properties sustainably. Sadly, the state government consistently chooses to punish the many for the indiscretions of the few. Instead of putting resources into identifying the minority doing the wrong thing, Labor always opts for the blunt, arbitrary instrument of regulation that disadvantages everyone, including the people doing the right thing.

Lastly, I want to address some of the comments made by the member for Toowoomba North. The member for Toowoomba North dismissed the scathing report by the Scrutiny of Legislation Committee in respect of this bill as a report containing comments that are almost routinely presented to this parliament in relation to other bills. That statement in and of itself is ridiculous. The member for Toowoomba North then went on to say something very interesting and very instructive. The member for Toowoomba North argued that the members of the LNP opposition were hypocrites for regularly supporting bills that come before this House in respect of law enforcement and police powers to deal with criminals that the Scrutiny of Legislation Committee considers to be a breach of fundamental legislative principles and not to have sufficient regard for the rights and liberties of individuals but then opposing this bill. In doing so, the member for Toowoomba North is endorsing, and even equating the use in this bill of, the same legislative measures used to deal with private landowners that are regularly used to justify bills that propose to breach fundamental legislative principles and not have sufficient regard for the rights and liberties of individuals to deal with criminals. I think it is an extraordinary parallel to be drawn by the member for Toowoomba North. I wonder if it is an insight into the attitudes of other members opposite.

Ms Jones interjected.

Mr CRIPPS: From the interjections from the Minister for Climate Change and Sustainability, I think I can confirm that the attitude is widespread among the members opposite.

Ms JONES: I rise to a point of order. That is not what I said. I said that the member’s side of politics has called me a nazi when comparing me to an environmentalist. I find that offensive and I ask for it to be withdrawn.

Mr DEPUTY SPEAKER (Mr Hoolihan): Order! There is no point of order on that basis.

Mr CRIPPS: I say to the private property owners in Queensland that that is certainly not an attitude that we have in the LNP. This is bad legislation. It is an aggressive, unwarranted and unfounded attack on hardworking Queenslanders. I oppose it and the LNP opposes it. I endorse the contribution of the shadow minister for natural resources, the member for Callide. Rural and regional Queensland cannot take much more of the punitive, base politics of the state Labor government.