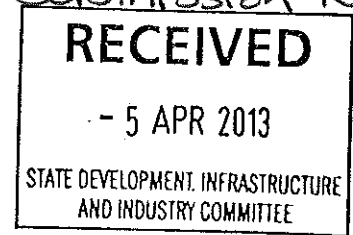


The State Development, Infrastructure and Industry Committee
 Parliament House
 Brisbane
 Qld
 4th April, 2013



Submission regarding Vegetation Management Act Review

We wish to make the following submission to the Vegetation Management Legislation process based on as detailed hereunder our own difficult dealing with the existing clearing laws and its administrative and prosecution staff and our own owned native forestry commercial operation.

Should anyone wish to talk to us personally we would be happy to do so, or if you would like to talk to some of your own members about us I could say that the local member for parliament Mr Ian Rickuss is acquainted to us personally and also the Minister for Arts Mr Ian Walker also has known us for a large number of years so we feel sure that either of these officers of the Parliament would be able to confirm to you our rural occupation status and also attest to you of their view of our character and the like.

Summary

- (a) It is our suggestion based on our experiences operating commercial forest within the present Government legislative framework that the legislation should be changed to allow for easier harvesting of timber from native timber species forests in situations where those forests have in fact been grown by a freehold owner and his predecessors in title as a commercial operation intended for logging by those owners.
- (b) Such opportunities should be afforded to owners irrespective of whether the forest was physically planted years ago or whether natural regeneration processes were relied upon for its establishment.
- (c) Better (that is to say more sensible) and more uniform controls need to be established – if there are going to be controls in the future. These controls need to reign in the sometimes excessive and certainly totally inconsistent interpretation of the Act by the Vegetation Management officers and their legal advisors as has been our personal experiences detailed hereunder.
- (d) There needs to be opportunity for as of right clearing of regrowth suckering without legislative fettering so as there is no need for a landholder to fear prosecution for merely maintaining his property.

Comments Amplification

(a) In our own case we are now up to 5 generations (129 years) on the same lands comprising several thousand acres growing and harvesting commercial hardwood for saw logs, power poles or farmers fence timbers etc. We have a

mixture of natural regeneration and some scattered planted areas across the lands. Over those five generations we have tendered the timber whilst under growth and have performed typical forestry operations therewith.

At the inception of the Act of Parliament in 1999 the then responsible Minister was Mr Rod Welford and as at the time we foresaw potential problems for us given the then apparent onerous nature of the act as it was commencing and its regulations. Although I did not have any political connections to either the then ruling ALP Government or its relevant Minister I never the less approached the Minister personally given what was for us a substantial investment we have in that area – basically our family security at the time was certainly tied up in these relevant lands and our production and sale from them. In due course the Minister replied with what was a favorable response for us in our situation.

We believe that we should be offered the same rights to harvest our commercial crop of timber (even though some is natural regeneration) as any other operation who may have actually hand planted all of their holding whether that be in natural hardwoods or in pine should not make any difference. In short it is our contention that where commercial operations are involved that it should be embodied into the legislation that the owners have a right to harvest and not just at the will of the individual vegetation officer especially when there has been a long history of logging and reforestation on the property, howsoever that forest was established.

(b) Under the existing laws where an owner plants timber for forestry he is treated differently and is seen to have harvesting rights to remove his commercial crop. If however, the owner is in a position that natural regeneration takes care of the planting aspect, then the department officers using their interpretation of the act seem to view the matter on a basis that such an owner does not have any harvesting rights – only with their specific approval which is granted or not granted at their own personal whim and individual interpretation, regardless of the fact that every other part of forestry might be still being undertaken with the exception of the original planting. It seems that if the staff cant see the trees in straight rows on an air photo they don't think of it as a commercial forest. They see afforestation as must have been hand planted but indeed even with natural regeneration there can still be the same forestry intent and I would point to the state owned state forest reserves as a typical example.

(c) In our dealings with the Department we have even been to the level where the Departments prosecution staff members have visited and interviewed us apparently with quite serious intent, but it seems decided to cool their prosecution actions given what was fast becoming confusing even for them when I showed them a letter personally sent to me by the Honorable the Minister in charge of this relevant act.

Since the Act came into force we have had several activities on some of the lands concerned being involved with vegetation management officers interpreting the Ministers letter to suit whatever their own perception of the matter was. In

some cases they advised that we did not require permits for the related activities proposed at the time given the previous correspondence yet in other exactly similar cases which have been handled by different officers they have attempted to apply all sorts of rules, even to the extent that some years later one policy adviser had the audacity to advise us that the Ministers letter basically couldn't say what it said. The matter has gone to legal interpretations of all sorts of differing opinions and all at cost to us one way or another. Some officers took a different approach and have without either our knowledge or consent put vegetation management notices as encumbrances on our title deeds - and all this in areas where the Minister himself said no further approvals would be necessary. This matter only came to my attention last week when a business associate for another matter of ours in the routine course of business collected a copy of title deeds from the titles office. In our view, for the Department to have installed fettered controls is to be ignoring the Ministers directions.

It has been our experience that the vegetation management officers work can be quite deficient. I had an authorized surveyor check the meets and bounds descriptions given on a particular job and was surprised to be told by the surveyor that the description given by the DNR officers skipped across the boundary into the next door neighbours lands and was not even wholly on our lands but apparently noted on our title deed never the less. On that occasion the officer certainly was not acquainted with the botanical species present and given my many years as a local forester and rural valuer and other things I had to tell the officer on site myself what the different species were.

We would like to comment regarding the mapping relied on and this raises such things as, of concern, habitat mapping and endangered mapping. We do have areas mapped either endangered or of concern or essential in our commercial forest areas. Because of our lands close proximity to the bigger cities of Logan, Ipswich and Brisbane we have had in recent times several environmental studies conducted on the ground. One of these was a study undertaken by the then ULDA now Economic Development Queensland. These on the ground studies by senior consultant environmentalists, on behalf of the different Government Departments, could not reconcile the areas of endangered mapping and suggested that the maps were completely wrong. Further in another area of the property we have just had Cardno Chenoweth Environmental Consultants do some work for us personally which equally appears to indicate a discredit to the mapping relied on by the DERM people. One area of ours classified by DERM mapping as essential habitat is actually a mixture of the remnants of some of our commercial forest mixed with a good dose of wattle (Acacia) understory rubbish. Because of the wattle this looks thick on an air photo and is therefore classed as essential by the DERM. This is just one more of the many cases across the State where the right to have guaranteed regrowth control measures within the Act is desperately needed.

Another example of the mapping discrepancies happened during the production of the SEQ Regional Plan. Mr Lindsay Enright the Executive Director of the Office of Urban Management, accompanied by some of his staff, inspected some of our property personally with us. After driving for a while when he alighted from the

4wd vehicle he pointed to a copy of the vegetation maps and said "Look the map shows a whole piece of this to be State significant vegetation but here I am amongst it in person and there is nothing here worth while – just Acacias and rubbish left. It might be vegetation but it is certainly not state significant like the map shows."

To tell a further farcical example in the last couple of years we went to extend the homestead and put up another new machinery shed. Imagine our total shock given our family have lived here for generations, when the Council building approval staff advised us we could not build because the State Government DERM maps showed the local creek basically running through the middle of our house that we have been living in for many years and as such to complete an extension we would hurt the wetlands and so they couldn't at that stage allow building activity. I assured the Council the house was in fact on a high hill but they claimed their hands were tied by the Anna Bligh Government control and we would have to shift the creek first (- at least on paper) by way of having the environment map of DERM changed first. Typical of the mapping people they refused to budge in any way whatsoever and flatly refused to come and observe that the homestead was actually on a high hill and they had their mapping wrong. Their senior officer contemptuously advised me to spend the necessary twenty or thirty thousand dollars on an environmentalist report to show that the house was not in the creek and that the creek was in fact somewhere else. Why should the public have to spend large amounts of dollars to change the map when the mistake was made by the Government mapping in the first place. I pointed out to him that I had already sent him the complete contour plan of the relevant title personally prepared using the Councils superior mapping programmes by the chief water and sewerage supply engineer of the Logan City Council so as to assist us to get some sense into the State mapping people, but even with the help of this assistance from the Council chief engineer this was to no avail either short of supplying an expensive report the map certainly wasn't being changed. In the end Councils building approval section had to ignore the State Government and issue the approvals to build which we have obviously since done. According to the State Government however the house is still in the bed of the creek. I must admit I was remiss that I forgot to take a photograph during the 2011 floods to prove how far away from the house the floods were and send it to the State Government officials who had been so arrogant in the matter.

On another occasion some compliance officer suggested that I should advise them when I operated when I shifted my tractors or logging trucks etc. I simply point out that for example an electrician does not have to advise the electrical contractors board every time he does a job and other trades similarly, so for those of us who are involved in producing the timber to build the nations houses and the like, why should we be treated any differently. That is to say we should be entitled to conduct our business affairs without the fettering of legislative red tape or over zealous policing by officers who have unrealistic personal expectations which they like to apply.

In conclusion I therefore ask the committee to look at amending the Act to provide certainty for those operators across the state where there has been genuine logging operations for many years so that these operations can have some certainty to be able to harvest timber and also to otherwise treat unnecessary regrowth without fear of prosecution, whether those areas of forest were hand planted or naturally sewn should be irrelevant to the equation. This is needed so that those operators can get a return on the huge investment that they have in the ownership of the freehold lands and the large outlays on rates and taxes and the like and the maintenance of the lands over decades.

Yours faithfully
Les and Bev Wilson

