Submission on:

Vegetation and Other Legislation Amendment Bill, 2018.

Regrettably my knowledge of Queensland's subtropical savannah and tropical forests does not permit me to provide expert opinion on the vegetation which will be protected by the Act, but I have a pretty fair knowledge of mallee and semi-arid vegetation in South Australia and it is from that perspective that I feel competent to make a few general comments on the current attempt to strengthen the protection of vegetation in Queensland.

We have all learned of the statistics surrounding the current application of the Queensland legislation e.g. " 3 MCGs cleared every hour" etc and my recent drive through central Queensland would suggest that the reports are not seriously exaggerated. It is therefore incumbent on me to bring all possible persuasion to bear on the present inquiry into the Bill.

I base my comments on my experience of a similar legislative process in South Australia which culminated in the Native Vegetation Clearance Act of 1983 and the subsequent Amended Act of 1986. My involvement in the two pieces of legislation varied, but the story holds some lessons which may be pertinent to the present Amendments and to the process in general.

From around 1972, I was increasingly involved with several NGOs in South Australia, namely the Nature Conservation Society (NCSSA) and what later became the South Australian branch of the Wilderness Society.

In the lead-up to the 1983 Act, I was secretary of NCSSA and a member of the Board of the SA Conservation Council and I worked closely with Drs Peter and Anne Reeves and Mr Jim Tedder to raise public awareness of the declining condition of vegetation in the farming areas of the state.

I also took a close interest in the work of Dr Colin Harris whose PhD had been about the effects of clearing post-climax mallee vegetation in what had already become the SA wheatbelt. Colin's work suggested that the significant soil loss which followed clearance had

led to what a colleague later described as ‘dry hydroponics’, namely growing wheat by pouring fertilizer into the sandy soil and hoping for rain.
Fortunately, vegetation clearance in SA was principally intended to ‘open up’ more land for farming, and at that time very little of the acacia woodlands, which are more or less equivalent to Queensland and NSW brigalow country, had been cleared. This allowed the debate to focus largely on clearance of the mallee.

When the 1983 Act was declared, there were protests from farmers who refused to recognize the right of the State to legislate on how individual farmers should use their land; however the right of the Government to legislate clearance controls over both Crown leases and private land was soon established, and most of the argument in the public domain fell away.

Nevertheless, a number of genuine complaints about the landowner’s right to clear for fencelines, roads and bushfire protection around homes and buildings seemed to warrant attention and amendments were introduced into Parliament in early 1986. At that time, I was a member of the SA Parliament serving on the Minister’s committee and I spoke in support of the amendments, aware that most of the concerns of farmers related to perceived ‘unequal treatment’ rather that to any fundamental flaws in the legislation.

I was voted out of the House of Assembly in late 1989, and I spent the next 4 years as an advisor to the (new) Minister of Environment and as Manager of Environmental Strategy in the Department of Environment and Natural Resources (DENR). Again, the complaints continued, but again they were about perceived inconsistencies in the Act, and again they were relatively easily and peacefully resolved. So, having observed the process from its genesis as the spin-off from Colin Harris’ PhD thesis to a comprehensive and rigorous piece of legislation affecting a significant proportion of SA’s dryland farmers, I feel able to draw the following conclusions about the Act and its implementation:

1. Both the Act and the Amendments were reasonably well received because they were firmly based on the principles of law which underlay both private ownership and leases granted under the Pastoral Lands Act. In other words, sovereignty lay with the State and not with the owners and lessees

2. Senior public servants in National parks and Wildlife (NPWS) such as Bruce Leaver, Nicholas Newland and (the aforementioned) Colin Harris took the time to travel and meet with groups of farmers on their own land to explain the purposes of the Act and its provisions

3. Access to light aircraft and later satellites, gave NPWS the tools to detect breaches of the Act and to mount prosecutions, and

4. All of the Ministers with and for whom I worked (Hopgood, Lenehan and Mayes) took the time to meet delegations and in several cases to address meetings of landholders to explain the Act and regulations.

Conclusion:

I can only suggest that a similarly 'soft' bureaucratic approach should be employed in Queensland because the principles and objectives are by now reasonably well established (as they were in SA by 1986) and those who object to the legislation will increasingly be perceived as laggards in the public eye.

In any event, the Government can fairly claim to have won a mandate for the reforms incorporated in the Amendments, and no secret was made of the intentions of the Labor Party prior to its winning that mandate.

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