Committee Secretary
State Development, Natural Resources and Agricultural Industry Development Committee

Vegetation Management and Other Legislation Amendment Bill 2018
and
Nature Conservation (Special Wildlife Reserves) and Other Legislation Amendment Bill 2018

If the landscape is viewed **as a whole**, these two Bills are closely related and both are very significant for environmental conservation in Queensland. Conserving biological diversity on **privately owned land** is a "missing piece" in much of rural and regional Queensland. Improving this needs a **landscape** approach.

I draw the Committee's attention to the fine article, "Australia's draft 'Strategy for nature' doesn't cut it. Here are nine ways to fix it" — http://theconversation.com/australias-draft-strategy-for-nature-doesnt-cut-it-here-are-nine-ways-to-fix-it-92345

APPROACH I HAVE TAKEN IN THIS SUBMISSION
This submission is in five sections:

a) My experience relevant to both Bills,
b) Both Bills need a **landscape** approach,
c) Some historical background to the Vegetation Management Act 1999,
d) Vegetation Management and Other Legislation Amendment Bill 2018,
e) A judicial inquiry into how better to conserve biological diversity in Queensland would help sort out the present rather tangled web – and may be the only way.

Most comments on the **Vegetation Management Act** look at big all-Queensland statistics:

a) If government approves **this** level of clearing we can increase high value agriculture by 1 200 000 ha and sell heaps to East Asia. We can also build 25 new dams with foreign investment. This will create 55 000 jobs over the next 15 years.
b) If government approves **that** level of clearing we can conserve 1 000 000 ha of forest and woodland and protect 750 threatened species.

The big statistics are important but this submission does **not** use that approach. I have a 2.353 ha property conserved under the Act, and I believe Queensland needs more properties and parts of properties conserved. If environmental legislation doesn't do much **at the individual property level**, it probably won't do much at the **big picture level** either. Therefore, my submission asks, "How would this Bill affect **my** property? Would this Bill if enacted encourage **others** to conserve some or all of **their** property?"

Answering these questions requires a **benchmark**. Vegetation and native fauna on **privately owned non-conserved land** already have some legal protections. A landowner **does** have some rights. For example, a person can be charged with "trespass and willful damage" if he bulldozers vegetation on a neighbour's privately owned non-conserved land without permission. Consequently, the legal protection that **non-conserved privately-owned** land already has provides a **benchmark** for judging the present (LNP 2013) Vegetation Management Act and the two ALP Bills:

a) What legal protections does **non-conserved privately-owned land** already have?
b) What legal protections does **the present LNP Vegetation Management Act** give to the native vegetation growing on a property conserved under the Act – for example under the offset provisions?
c) Does the present LNP (2013) Act **increase or reduce** the legal protections that non-conserved privately-owned land already has anyway? My experience is that the LNP Act does **not** necessarily

increase the level of protection at all and **can reduce it** by putting the property into the "black hole" of "vegetation management". Lots of behaviour can then be called "vegetation management".

d) Would the two ALP Bills (if enacted) increase or reduce the legal protections **that non-conserved privately-owned land** already has anyway?

e) Would the two ALP Bills if enacted increase or reduce the legal protections (if any) that privately-owned land **conserved under the LNP Act** already has?

In other words, what rights do these four alternatives give to owners of land? What rights do these four alternatives give to the Queensland society viewed as a whole?

MY EXPERIENCE RELEVANT TO THESE TWO BILLS

Much of my experience over many years is relevant to environmental conservation on privately owned land – and so to both Bills. For the 18 years 1974–1992 I worked on environmental conservation with the Federal Government in Canberra, and from 1982–1992 my work was directly relevant to both Bills.

Over the 42 years 1976–2018 I conserved and revegetated my 2.353 ha property at Childers. In 2013, this property was "permanently conserved" under the offset provisions of the Vegetation Management Act 1999. The Act conserves native vegetation growing on the property as Category A – the highest level of protection the Act provides. The property has a legal conservation covenant written on the title.

My own experience has highlighted some **gross deficiencies** in present Queensland legislation relevant to conserving biological diversity on privately-owned land. Fortunately, Queensland Government is moving to improve this – although improved legislation **by itself** doesn't conserve biodiversity.

BOTH BILLS NEED A LANDSCAPE APPROACH

Both the Vegetation Management and Other Legislation Amendment Bill 2018 and the Nature Conservation (Special Wildlife Reserves) and Other Legislation Amendment Bill 2018 need to start with a vision of how the different environmental aspects of the **landscape** are connected. Some conservation of biological diversity within **both** privately owned areas and government owned areas is **necessary**, and this requires some functioning ecological links and connections within the overall landscape.

The view from a small high-wing monoplane flying at 700 feet with its side doors removed to give a good view can introduce the observer to a **landscape approach**. On a good day you see a whole landscape spread out – the first attached photo refers.

Similarly, one way to see a creek is to go to it and stand on the bank. Another way is to go to a high point on the rim of the creek's catchment and look out over the creek in its **catchment** – see the creek in the context of the surrounding **landscape**. The observer on a hill on the catchment rim can recognise different landscape features likely to influence the creek and which functions the creek is likely to perform within the landscape. The observer can then go down to the creek and stand on the bank and look at the water. This second way of looking at a creek can give more of a landscape view.

SOME HISTORICAL BACKGROUND TO THE VEGETATION MANAGEMENT ACT

In 1999, the then ALP Queensland Government negotiated a Bill (especially with the N part of the rural and regional LNP) for an Act to be an **environmental instrument** to better manage critical habitats on privately owned lands. The ALP Government then introduced the Vegetation Management Act 1999, and the N part of the rural and regional LNP initially supported this Act possibly because it gained something of a "We will pay you not to clear" flavour. A problem then is, "What happens when the government money runs out?"

In the run-up to the early-2012 Queensland election, the N part of the rural LNP made opposition to this Act a central theme in a successful election campaign especially among farmers and their wives. In 2012

after the election, the incoming LNP government allegedly instructed departmental officers to "facilitate clearing" rather than follow the written words of the Vegetation Management Act 1999. Presumably, in this view, government policy opposing the Act dominates the written language of the Act.

In 2013, the then LNP Government greatly changed the original ALP Vegetation Management Act 1999 so that it **ceased** to be an **environmental** instrument and became instead an instrument of **agriculture**.

In my **experience**, the view of the N part of the rural LNP appears to be that the present (LNP 2013) version of the Vegetation Management Act 1999 gives **a person in agriculture** a free-standing right to clear and lop native vegetation **when he does this work as part of ongoing farm activities**. The farmer (in this view) **has this right** – even though the vegetation grows on land he does not own and is conserved as Category A under the Vegetation Management Act 1999. Category A is the highest level of protection the Act provides.

In my experience, this view of the Act, even gives the farmer "the right to clear" native vegetation he does not own growing on adjoining land he does not own **so long as he does this clearing as part of ongoing farm activities**. The farmer (in this view) does not need the adjoining landowner's permission to do this clearing or "vegetation management". Nor does the farmer need to tell the adjoining landowner before or after the clearing. Nor does the farmer need to take any precautions to prevent damage to the adjoining property or its vegetation or to features such as the boundary fence.

However, this highlights the importance of what **rights** a landowner does and does not have? What rights does ownership provide? How are these rights to be defined? The common view that owning land gives a landowner a complete right to do whatever he likes on his own land is obviously wrong. For example, it is illegal for an unqualified landowner to himself install or modify the electrical power system.

An **alternative view** to the "every farmer has a right to clear" outlined above, is that under existing law the action of clearing vegetation he does not own growing on adjoining land he does not own is trespass and willful damage. If proven, this is **not** a right but a criminal offence punishable by fine and/or imprisonment.

At present, in huge areas of rural and regional Queensland the present Vegetation Management Act is **worthless** as an **environmental** instrument protecting biological diversity upon privately owned lands. In this submission I outline answers to the question, "How can this be so?"

MY COMMENTS ON THE NEW
Vegetation Management and Other Legislation Amendment Bill 2018

a) Change the Bill's title

The term "vegetation management" is agriculture – farming. My **first and strongest** recommendation is to **change the Bill's title** from Vegetation Management and Other Legislation Amendment Bill 2018 to **Sustainable Landscapes and Other Legislation Amendment Bill 2018**. This title change gives the Bill a landscape perspective and the Bill is less likely to be to be regarded as an aspect of agriculture – farming.

Vegetation and native fauna on **non-conserved privately-owned land** already have some legal protections. Owners of **non-conserved** land have rights. However, at present, especially in rural and regional Queensland, native vegetation and fauna on land "permanently conserved" under the offset provisions of the Vegetation Management Act is likely to have **less** legal protection than land that is **not conserved at all**.

A key challenge now is how the new ALP Act and the administration arrangements that support it can improve this situation.

b) The two Bills should both state clearly that the Neighbourhood Disputes (Trees & Fences) Act does not apply to land zoned Rural

The **second attachment** to this email contains the relevant section of the present Neighbourhood Disputes (Trees & Fences) Act showing that the Act **excludes** land zoned Rural. Yet confusion flourishes in rural areas. Even some solicitors assume (wrongly) that the fencing Act applies in areas zoned Rural and advise farmers and others. Having the two Bills clarify this would reduce an awful lot of pain.

Where a property(s) is zoned **Rural** the owner does not have responsibility as a "tree keeper" under the fences Act and, for example, is **not** obliged to lop vegetation that grows on the property and overhangs a boundary.

c) The two Bills should both state clearly that neither Act will give somebody the "right to clear or lop" native vegetation growing on land they don't own.

The present Vegetation Management Act 1999 does **not** give a person such as a farmer the "right to clear and lop" native vegetation he does not own growing on land he does not own. Both Acts should state clearly that a non-owner **must** first contact the owner of a piece of land and obtain the owner's approval before doing any clearing or lopping. This is an aspect of landowners' rights.

The present Vegetation Management Act **does** give a farmer a limited right to clear **some categories** of native vegetation that grow **on his own land**. The Act does **not** give the farmer a right to clear vegetation growing on his neighbour's land without the neighbour's informed consent. If the owner of adjacent land does **not** give consent, the farmer can lop and trim **only** any vegetation that overhangs the common boundary line – this work must be restricted to his side of the boundary.

If some land is **conserved** under the Vegetation Management Act (for example under the offset provisions) a non-owner such as a farmer **can't** then use that same Vegetation Management Act to **justify** clearing he does on the **conserved** land he doesn't own. The new Bill should state this clearly.

Going on to a neighbour's land and clearing vegetation and using chainsaws and "a tractor fitted with an excavator bucket" without the neighbour's approval or knowledge is **trespass and willful damage** – a criminal offence potentially punishable by a fine and/or imprisonment. It's like going onto someone else's land and damaging their car.

d) The two Bills should clarify the Common Law right of "abatement"

Actions, claims and counter-claims of "**abatement**" can lead to ongoing escalating conflicts with no end in sight. If not cooled, such conflicts can have unforeseen consequences. Both Bills need to clarify "abatement" especially in relation to native vegetation – for example, near fences and tracks. A neighbour can't do anything he likes and then justify it by saying it is "abatement". Landowners have rights that are **not** unlimited and without any boundaries.

Both Acts may allow neighbours and others a Common Law **right** to "abate" problems they believe originate on conserved land. However, Common Law **abatement** is not without its conditions and limitations. Under the two Acts, the Common Law right of **abatement** would most likely require any

person (such as a farmer or neighbour) wanting to clear or lop **vegetation that s/he doesn't own** growing on **land s/he doesn't own** to meet four conditions:

i. S/he first inform the land's owner and discuss the relevant issues,
ii. S/he obtain the owner's informed consent to what s/he proposes – if future conflict seems likely, obtain brief written consent,
iii. When doing any abatement work, s/he does not needlessly and wilfully damage the vegetation (individual plants and the plant community as a whole) that is being lopped or cleared – for example, clearing away the ecological edge along the boundary of a conserved property **damages** the plant community, and
iv. When doing abatement, s/he complies with any vegetation protection orders under any **legislation** affecting the land and the vegetation growing on it. For example, my land is conserved as Rural Protected (Category 1) under the Vegetation Management Act. That Act classifies all native vegetation growing on my land as Category A which is the Act's highest level of protection. **Major restrictions apply to any clearing of Category A vegetation**.

The right to "abatement" can be controversial. To reduce pain, both Bills should give guidance.

e) The two Bills can be vague and over-rely on political criteria for choosing land to be conserved

In key places, the language of the two Bills can be rather vague, ambiguous and even meaningless. For example, the Nature Conservation (Special Wildlife Reserves) and Other Legislation Amendment Bill 2018 refers to "outstanding conservation values" and "exceptional and cultural resources and values", but few if any criteria for decision-makers are provided.

The problem is that vague meaningless criteria can facilitate "environmental" decisions based on criteria that make no reference to science, evidence or existing legislation. Mistakes, political will and expediency, accidents, mismanagement and misinformation can become valid criteria.

Over-reliance upon political criteria can lead to a Maoist "putting politics in control" approach. This is widespread in rural and regional Queensland and can be the bane of environmental decision-making and on-the-ground environmental activity.

To reduce vagueness and give a whole landscape approach, the Vegetation Management Bill could state the Act's **broad general aim** as being twofold:

a) **maintain the services** that the environment provides (often for free) at particular sites and within wider regions, and
b) **conserve biological diversity** by maintaining:
    i. the diversity of life forms,
    ii. the functioning integrity of plant and animal communities and ecosystems in which individual species live and reproduce, and
    iii. the physical environments which enable (i) and (ii) to continue.

To complement this **broad general aim**, the Bill should also state some **more specific goals**:

i. maintain ecosystem representation to prevent the extinction of significant ecosystem types,
ii. maintain viable populations,
iii. maintain ecological processes,
iv. protect the evolutionary potential of species, ecosystems and ecological communities,
v. diminish greenhouse gas emissions,
vi. take account of forecast global climate change over the next 30 to 50 years, and
vii. the people factor – the implications of the above six for human use and behaviour. How do people interact with the Queensland environment, and how does the environment benefit people especially by providing environmental services. How does this affect peoples' rights?

This combination of **a broad general aim** and **more specific goals** as outlined above can help to:

i. assess new proposals for conserving land under the Act – how does a new proposal contribute towards one or more of these?
ii. Monitor and evaluate the Act's successes and failures over time,
iii. reduce environmental decision-making based upon political decisions made **without reference to** scientific and legal criteria, and often made just by **comparing** alternative uses of the land. In this **comparison** approach, if a piece of land has an alternative economic use (such as being farmed) then it can't have "outstanding environmental values". A good "bush lawyer" can usually argue that for some reason or other almost any piece of land does **NOT** have outstanding environmental values.

f) Review the role of the Department of Natural Resources, Mines and Energy. This may need Ministerial decisions and guidance

In much of rural and regional Queensland, "natural resources" is code for agriculture and mining. DNRM&E administers the Vegetation Management Act and this arrangement links the Act and DNRM&E with **agriculture** rather than environment.

Yet originally in 1999, the Vegetation Management Act was intended to be an **environmental** instrument. Queensland Government can bring in a new Act but letting that stay controlled by farming can **reduce** the shift in emphasis towards conserving biological diversity in the wider landscape. Reducing the shift in emphasis also reduces the benefits to farmers from the shift.

I have found the DNRM&E staff to be very professional and efficient, but in my experience government administration of the Vegetation Management Act needs to be changed to better reflect government priorities. In my experience, it's not the DNRM&E people but the administrative roles that government give people that helps make the Vegetation Management Act problematic.

These administrative arrangements are partly historical. DNRM&E apparently even has power to prosecute for breaches of the Act – if it decides to use that power. Either DNRM&E or the police can prosecute. However, under LNP Queensland Governments the DNR&M had "paper pushing" as its main role in VDEC conservation of environmental areas on private land. In this role, DNR&M move paper around and fill in forms and post out VDEC documents by registered mail.

Given a limited "paper pushing" role, the DNR&M simply refers to Regional Council or Shire Council any allegations and complaints that a farmer has breached the Vegetation Management Act by clearing land conserved under the Act – land that he either owns or does not own. This reduced DNR&M role can leave (often LNP-controlled) organisations such as, for example, Regional Councils and Shire Councils (and possibly BMRG) to make the actual decisions about specific private properties conserved under the Vegetation Management Act 1999.

In 2017 when I alleged that vegetation on my property had been damaged, the DNRM&E response can be summarized as, "It's not our business. Talk to Regional Council". However, this administrative arrangement can create conflicts for conserving biodiversity because Regional Councils and Shire Councils may be controlled by the N part of the rural LNP which presents itself as a party of farmers. Organisations such as LNP-controlled Councils **may not support** some environmental policies.

The role of DNRM&E needs to be clarified especially if two new Bills are coming forward. I see Government having several options, either:

i. give DNRM&E a more positive role in administering both Acts – this may require DNRM&E having more resources such as a few qualified "boots on the ground" people for field work and on-site visits, or
ii. reduce or remove administration of both Acts from DNRM&E – pass administration to the Queensland environment department or NP&WS, or
iii. deploy Queensland Government resources in some other way – this may mean strengthening organisations such as NP&WS and the environmental department.

g) Both Bills ignore or assume the enforcement function of government

If conservation of biological diversity is the aim, conserving a property or part of it under the offset provisions of the Vegetation Management Act (as amended by the LNP in 2013) can't always be enforced. In huge areas of rural and regional Queensland, compliance and enforcement are big issues. For several fairly standard reasons, land conserved under the present (LNP 2013) Act can have **less** legal protection than un-conserved land. These reasons can include:

i. Breaches of the Act may occur in rural out-of-the-way places,
ii. Breaches may be described as "vegetation management",
iii. Mis-information about landowners' rights and the law can flourish,
iv. Queensland Government agencies may simply refer complaints to Regional and Shire Councils much influenced by farmers,
v. The owner of conserved land may be told, "**You** are the enforcement agency. **You** do something about it".

In addition, agriculture sectors can be well organised and have access to government funds provided as government support for agriculture. How this can work, is that all "vegetation management" complaints from private landholders or government can be forwarded to one legal firm that becomes very experienced in "vegetation management". This can work against owners of conserved land because the solicitors they contact may have far less experience in environmental law. Also, owners of conserved private land may have to meet all their own legal costs.

Queensland Police can have a very valuable role in compliance and enforcement issues. If an environmental landowner believes that some **illegal or criminal behavior** may have occurred, s/he can contact a solicitor and **also** put a complaint to the police through the internet site Policelink.

Some police can be a bit "out of their depth" when asked to investigate something environmental and ecological like clearing of conserved rural vegetation – which can be rather "different" from run of the mill police investigations.

Bear in mind too, that in 2014 in NSW a government **compliance officer** standing on the road taking photos of possibly-illegal clearing on privately-owned land was shot dead by a farmer. That government officer was not a policeman. More recently in Queensland, a Nationals MP allegedly posted a controversial item on social media that included the image of a gun and a reference to "greenie punks".

In some environmental fields such as clearing, compliance can be a specialised form of policing. Given what can go on, either the Queensland Environment department or the NP&WS or Queensland Police needs a small enforcement unit with staff trained to investigate environmental matters. The unit would combine an "intelligence" capability with a "boots on the ground" one.

Most staff could be recruited or "borrowed" from the Queensland Police and from specialist government counter-insurgency personnel. Staff would then be trained to apply their own

experience and knowledge to investigate alleged breaches of environmental law. This is a specialist field that isn't just ecology or policing but a **combination**.

h) Both Bills ignore or assume the information functions of government

Misinformation about existing environmental law is widespread. A public information program is desperately needed and could be most beneficial. Misinformation and insufficient communication with the public can be serious obstacles to good legislation and government programs. Whenever a government brings in improved environmental legislation, some opposition can be anticipated.

Landowner rights can be a key information issue.

Our era has been called the Age of Information. Nowadays, many ways and opportunities to communicate are available – both electronic and non-electronic. The **third attachment** to this email shows a Significant Environmental Area sign beside Lucketts Road near Childers. The sign marks a roadside remnant of the former Isis Scrub.

A botanical survey of Isis Scrub remnants near Childers was done in 1997 by the Queensland Herbarium and other botanists including Jim Randall and Maureen Schmidt. In 1997, Bill Trevor was Mayor of the former Isis Shire and I was told he arranged for six of these Significant Environmental Area signs to be placed at selected sites. These signs can benefit road users and work crews. It's all information and every bit can help.

i) The Bill ignores (and therefore can encourage) destructive disturbances that originate off a conserved property

In my experience over many years, one of the **biggest** problems in conserving native vegetation on private land can be **disturbances** that **originate off-site** and then impact on the conserved property. This is another aspect of landowner rights. Such disturbances can include:

i. flash flooding and storm water run-off from upstream in the catchment,
ii. soil erosion,
iii. destruction of fencing, and
iv. drift of agricultural chemicals.

Queensland law does not handle such issues very well at all. As the Queensland Government moves to increase the amount of privately owned land that is conserved in some way or another, questions of disturbances that originate off-site will need to be better addressed.

j) Both Bills under-emphasise the question of how to on-sell conserved private land

If a government wants more conserved private land, then on-selling needs much more attention. In some places, a property worth $200,000 can increase in value when a conservation covenant is written on the title, while in other areas a conserved property can drop in value. Location, location, location!

If on-selling issues are not dealt with effectively, conserving part or all of a property can be "a short-term fix", but if it lowers the property value then two unwelcome possibilities emerge:

i. a buyer gets a $200 000 conserved property for $160 000; then removes or ignores the conservation covenant and resells the property for $200 000, or
ii. a buyer gets the property for $160 000; then removes or ignores the conservation covenant and tells people he got a cheap buy.

In the long term, on-selling can be an anti-conservation instrument. This needs policy attention.

The "For Sale" section of the Wildlife Land Trust's internet site advertises my conserved property and I get a genuine enquiry about every three months.

JUDICIAL INQUIRY INTO HOW BETTER TO CONSERVE BIOLOGICAL DIVERSITY IN QUEENSLAND

I ask that the Committee do what it can, as and when it can, to have the Queensland Government establish a judicial inquiry to investigate and recommend ways to better conserve biological diversity in Queensland.

The inquiry should include the environmental effects of agriculture (including clearing) but should not be confined to that. The inquiry should include both government and private efforts to conserve biological diversity. A judicial inquiry is more likely to produce a scientific and evidence-based set of recommendations for government.

In "vegetation management" debates in rural and regional Queensland, more science-based and evidence-based recommendations from an inquiry could reduce emphasis on **non-rational** techniques – I mean non-rational techniques, not irrational. Non-rational techniques include use of symbolism and psychological "behaviour modification techniques". A judicial inquiry could help sort some polarised contentious issues.

Excessive clearing has produced a very tangled web, and an inquiry could be the only way to get back on track. The inquiry would be a search for a better way forward.

THE INQUIRY'S AIM COULD BE TO IDENTIFY:

a) **obstacles** that Queensland Governments face in conserving the State's biological diversity especially in extensive rural and regional areas – to clarify what is going on,
b) workable strategic **aims** for the Queensland Government – to reframe overall **aims** for the task, and
c) **strategies** – how to **deploy and develop resources** to meet the chosen aims.

INERTIA AND RESISTANCE TO CHANGE – OFTEN JUSTIFIED BY PSYCHOLOGY

The situation reminds me of Queensland in the late-1980s and the final decline of the Joh regime. In Queensland it then took a judicial inquiry popularly known as the Fitzgerald Inquiry to get some **changes** into the system. In the 1989 Queensland election, the government changed after 32 years.

Some systems can become so dominated by vested interests and so resistant to change that it takes an outside "something" to bring changes. Especially in Queensland and NSW, some environmental aspects of agriculture can be very resistant to change. In NSW, land clearing and irrigation are big ones – check out photos of the dry bed of the lower Darling River. Land clearing is one in Queensland.

These situations are complicated. Different **foundational beliefs** can help make environmental problems hard to deal with. A judicial inquiry in Queensland that can call witnesses and assess evidence looks the way to go.

THEMES FOR A JUDICIAL INQUIRY CAN INCLUDE:

a) All governments usually change Queensland's administrative arrangements to better serve their priorities as they see them – their priorities-for-them. All governments do this. Does the present structure of government administration over-emphasise agriculture and under-emphasise conservation of biological diversity? Is the present balance appropriate?

b) Environmental impacts of agriculture, and how ongoing excessive clearing of native vegetation can increase these impacts.

c) Environmental services the natural environment provides (often for free) within Queensland, and how agriculture can change, use, protect and damage these natural services.

d) Costs and benefits of widespread clearing for agriculture – including the old political sayings I heard when I was growing up on a sugarcane farm:
   i. "Track the money, Stupid", and
   ii. "Socialise the costs of agriculture and privatise the profits".
   Clearing is often marketed as "jobs" – "Do you want a job or do you want a tree?" However, who benefits most from taxpayer-funded support for clearing and agriculture – big agribusiness organisations, or small farmers and farm labourers? Whose jobs does excessive clearing support?"

e) How do off-shore influences from Asian countries such as China affect vegetation clearing rates in Queensland? East Asian investment in agriculture is significant and increasing. For example, Cubbie Station near Dirranbandi has the biggest irrigation capacity of any farm in Queensland and possibly Australia. Cubbie is owned by East Asian interests mainly Chinese.

f) What incentives and disincentives to clear native vegetation function in Queensland, and how do these affect an ongoing inability of governments to overcome obstacles to manage and reduce excessive clearing?

g) What better methods of managing and enforcing vegetation clearing restrictions can be put in place in Queensland?

h) In the NP&WS of the three states Queensland, NSW and Victoria, how do levels of formal education, levels of pay and professionalism compare? Does Queensland lag behind? Do these comparisons have significance for conservation of biological diversity in Queensland? Should government put more resources into the Queensland NP&WS?

i) Could the Queensland environment department be given a more active role especially in rural and regional Queensland?

j) How do the activities of political organisations and lobbying organisations affect levels of excessive clearing in Queensland? Such organisations typically look for a **cause** they can promote and advocate and exploit – a "cause" in the sense of "This is a good cause to support". Do some organisations see promoting excessive clearing as just such a cause?

k) Some of public broadcasting actively supports the politics of agriculture and "ruralism" and regionalism **against** conservation of biological diversity. What changes can be made in public broadcasting?

l) **Any other matters** relevant to the conservation of biological diversity and excessive clearing of native vegetation in Queensland. As the inquiry proceeds, it may identify some themes to be investigated that were not anticipated before the start.

I ask that the Committee do what it can, as and when it can, to have the Queensland Government establish a judicial inquiry to investigate and recommend ways to better conserve biological diversity in Queensland.

Finally, I congratulate Queensland Government and the Committees for bringing forward these two Bills.

Ian Gorrie

NEIGHBOURHOOD DISPUTES (DIVIDING FENCES AND TREES) ACT 2011 - SECT 42

Trees to which this chapter applies

42 Trees to which this chapter applies

(1) Subject to *subsections (2)* to *(5)* , this chapter applies to trees on the following land—
(a) land recorded in the freehold land register;
(b) land the subject of a lease or licence under the *Land Act 1994* ;

(c) land subject to an occupation permit or stock grazing permit under the *Forestry Act 1959* , *section 35* ;

(d) land subject to a stock grazing permit under the *Nature Conservation Act 1992* ;

(e) a reserve, other than a reserve for community purposes, under the *Land Act 1994* .

(2) A regulation may provide that this chapter, or a stated provision of this chapter, does not apply to trees situated on land within a stated local government area.

(3) This chapter does not apply to trees situated on—
(a) rural land; or
(b) a parcel of land that is more than 4 hectares; or

(c) land owned by a local government that is used as a public park; or

(d) land prescribed by regulation.


Significant
Environmental
Area