



Speech by

## **Hon. V. LESTER**

### **MEMBER FOR KEPPEL**

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Hansard 7 September 2000

#### **VEGETATION MANAGEMENT AMENDMENT BILL**

**Hon. V. P. LESTER** (Keppel—NPA) (3.45 p.m.): Industry groups remain strongly opposed to the Vegetation Management Act 1999 and the August 2000 version of the State policy for vegetation management on freehold land in the absence of any commitment by the State Government to compensate farmers for the resulting loss of value of their asset. This is an issue from which we cannot step aside.

In relation to the debate on the Water Bill and the Vegetation Management Bill, for want of a better word, we have been given the raw end of the prawn. There have now been two Bills associated with water to which the guillotine has been applied. Now this is going to be the second debate on vegetation management to which the guillotine has been applied. One cannot say for one moment that we on the coalition side of the House have not been responsible in the way that we have debated these issues. We did not filibuster in the last debate and we certainly will not filibuster in this debate. In the debate just concluded, we dealt with the clauses and spoke only about the issues. We did not window dress, and I do not think we had to be pulled up on any occasion for straying from the subject.

The simple facts of life are that water and vegetation management are key factors in the fight for survival of anybody in this country of ours. Over time sons of farmers and graziers have looked forward to the day when they could go on the land, make a few dollars, employ a few people, buy a new motor car occasionally, buy a new header, buy a new tractor, send their children to boarding schools—do all those wonderful things. Being able to do all those things means that money is being put into the economy.

I can well remember when I worked in my bakery in Clermont that whenever the seasons were good I would do much, much better with my business, and everybody else in the town would do very much better as well. There would be a wonderful feeling of accomplishment, a wonderful feeling of the town going ahead. There would be a wonderful day at the cattle sales—a wonderful day all round. Yet it is so sad to see how in recent times the heart of those people on the land has literally been taken away from them. That zest to go on and expand their properties, to find innovative ways to produce, is all being slowly taken away from them for a number of reasons, including the deal that the State Government is handing out to people on vegetation management and water.

Primary industry has a number of concerns. We received indications that the issues raised by the Queensland Farmers Federation in previous correspondence and in discussions with the Government would be addressed. We were hoping that the issues of concern to us would be addressed. I set out in detail the outstanding issues.

**Mr DEPUTY SPEAKER** (Mr Kaiser): Order! I am sure the member will not mind if we take a moment to acknowledge the presence of the students and staff of the St Paul's Lutheran School of Caboolture. Thank you for your indulgence.

**Mr LESTER:** I pass on my best wishes to them as well. I trust that they will enjoy the experience here and will try to go on and do something good with their lives. It is great that they are here.

The Vegetation Management Bill 2000 contains some amendments that were not discussed at the meeting with the Premier held on Wednesday, 23 August 2000. It is disappointing that stakeholders were not given an earlier opportunity to discuss those amendments. What we have here is a last minute get-together for a discussion of a few minutes, and that is pretty terrible. The people in the

country are being paid lip-service. It looks good in the Courier-Mail for the Minister to go out and have a photograph taken on the banks of a creek or whatever. However, when it comes to the real issues when we really need him to help us—although we are working on him—we find he is quite disappointing.

The following amendments are of particular concern to industry groups. I will talk about the issues that are of concern to the industry, because they are the people who have to make the money; they are the people who have to employ people; and they are the people who really make our land great.

Today those in industry and those on the land know that they have to look after their land. They are conscious of some of the difficulties of the past. With modern science and careful management, we can enhance our land whilst looking after it. Industry has mentioned the fact that section 16 is proposed to be amended by inserting section 16(3), which states—

"The Minister must also give each owner of land that is in the stated area a written notice inviting the owner to make a submission about the declaration."

According to a document tabled at a meeting with the Premier and industry groups on 23 August 2000 entitled Vegetation Management Act 2000—Proposed Amendments, this was a promise to industry. Since December 1999 industry has been continually seeking the insertion of an appeals provision to test the declaration of areas of high nature conservation value and areas vulnerable to land degradation. That was also stated in a letter to Terry Hogan dated 13 December 1999. Industry has sought to have an appeals provision inserted. That has been mentioned in all correspondence and discussions since. The basic elements we want in this Bill are those we wanted in the Water Bill. Of course, I refer to compensation and an appeals provision.

The amendment requiring that land-holders be consulted about declarations of an area provides an inadequate response to the concerns of Queensland farmers and other industry groups. In the most recent discussions with the Department of Natural Resources on this matter on 3 August 2000, it was suggested that the need for an appeals provision would be overcome if there was reference to an independent statutory panel which was able to examine objections prior to the declaration of those areas. Industry believed that such a panel would have provided the opportunity for independent scientific testing. Unfortunately, this suggested proposal has not eventuated. When on earth is industry going to be listened to? I have to ask that question. Industry seeks urgent consideration of the proposal to provide an independent panel to consider objections prior to declarations of areas of high nature conservation value and areas vulnerable to land degradation.

Section 19(1) of the Act sets out the criteria to be considered by the Minister for an area to be declared an area of high nature conservation value. Section 19(1)(E) of the Act originally referred to an area of high biodiversity. This section has been of particular concern to farming groups. The paper outlining the QFF's concerns about the Act was sent to the Minister for Environment and Heritage and Minister for Natural Resources and the Premier early in January this year, so they knew what was happening. There are concerns about section 19(1)(E) and they were raised on page 1 of that paper. That issue was again raised on page 3 in the QFF's response to the Vegetation Management Act 1999 sent to the Minister and Premier on 31 January 2000.

There has not been an opportunity to discuss with the department the amendment of section 19(1)(E), as this amendment was not raised at the meeting with the Premier on 23 August 2000. There appears to be some hopscotch here. Things are coming in and out and nobody is sure what is going on. This section now reads—

"... an area that makes a significant contribution to the conservation of biodiversity."

This amendment remains of concern to industry. This criterion remains too broad and leaves very little planning certainty for land-holders. It is a varied process. Nobody is certain as to what certainty is. It is not clear what a "significant contribution" could consist of. Simply saying "a significant contribution" is garbage. It does not mean a thing. It can be interpreted differently by different people.

In relation to the advice of the department, "of concern" regional ecosystems could be considered to make a significant contribution to the conservation of biodiversity. Farmer groups seek to discuss this amendment as a matter of urgency. They have tried in the past and have not been happy. The Queensland Farmers Federation and other groups note that some urban areas will not be faced with the same rigorous standards on areas vulnerable to land degradation as other regions throughout the State. Although most urban local government areas will have regimes in place to address land degradation issues relating to development, there is a potential problem for those urban areas without those regimes in place.

The definition of "routine management" in section 84(5) of the Act has been amended. Section 84(5)(A) now reads—

"for establishing a necessary fence, road or other built infrastructure that is on less than five hectares."

It is noted that this would be consistent with section 84(1)3A(G)(II) for built infrastructure. However, it is of concern that the caveat will apply to not only built infrastructure but also fences and roads. There is a need for urgent clarification from the Office of Parliamentary Counsel as to whether the insertion of "on less than five hectares" in section 84(5)(A) relates to clearing native vegetation for establishing built infrastructure only or relates to clearing native vegetation for establishing a necessary fence, road or other built infrastructure.

In relation to State policy for vegetation management on freehold land, the August 2000 version of the draft State policy appears to be quite different from the December 1999 version. The following comments refer to specific sections of the policy as indicated. Section 8.4.2 under the statutory framework states—

"... applications assessed against a code for IDAS in a regional vegetation management plan may be granted for a longer period than the two years stated in section 8.4.2."

The QFF and other groups have consistently sought a term of approval capable of delivering long-term planning certainty for land-holders. All anybody wants is long-term planning certainty. We all want it, whether one is on the land or not. However, we do not have it.

Industry groups have been seeking a 10-year term of approval since December 1999. They have sought this term of approval in all correspondence and discussions since then. They seek urgent amendment of section 8.4.2 of the State policy for vegetation management on freehold land to provide a 10-year term of approval for applications assessed against a code for IDAS in a regional vegetation management plan.

I turn to the code for the clearing of vegetation. In relation to AS2, there has been consistent argument against a rigid minimum distance of 200 metres for remnant vegetation corridors. As stated in previous correspondence on this matter, any distance greater than 100 metres in width would be increasingly unmanageable on most grazing properties and could seriously fragment a property to the extent of making it unworkable. Groups seek amendment of AS2 such that the second dot point would read "in corridors connecting remnant vegetation at least 100 metres wide".

As stated in previous correspondence, groups believe that the requirement for land-holders on properties in areas other than coastal areas as identified in the Explanatory Notes to retain vegetation along each side of a watercourse to at least 200 metres for rivers, 100 metres for creeks and 50 metres for waterways is too restrictive. This is an issue for Agforce and some cropping industries. The horticulture industry has indicated that some growers in the Brigalow Belt, New England Tablelands and other areas could be adversely affected. We have to look hard at that.

The third dot point on AS5 refers to the retention of vegetation in at least 30% of the contributing catchment area above the existing identified potential discharge area, with priority given to identified recharge areas. I seek advice from the Minister on what he intends to do on a number of these issues.

I turn now to the issue of compensation. The State must provide an adequate compensation package and transition incentives to offset any diminution in land values following the implementation of vegetation management controls where a land-holder's rights and legitimate and reasonable expectations have been diminished, and to encourage voluntary retention of vegetation.

The development permit, in the form of a property specific management plan, will be the basis for determining the impact on each property and for assessing the level of incentives, adjustment and compensation payable by the State. The property management plan forms the right to compensation in the event that the development approval is adversely affected by a subsequent planning process.

There should be provision for the concept of a duty of care which is defined at a regional level in the regional vegetation management plans and described spatially in property plans, that is, the development permit. The duty of care would separate private benefit issues from community benefit issues.

I refer to the issue of compensation incentives and adjustment. The Bill should provide a transition incentives package where a property's market value is diminished by the grant of a development permit on the basis of a before-and-after test. Those things forming part of an individual's duty of care would not be compensated. However, there would need to be scope to exercise discretion through an appeal process where a land-holder reasonably expected to be able to undertake certain development—for example, where locally accepted and proven practice in, say, developing slopes is prohibited in the regional vegetation management plan.

Financial incentives and adjustment will be payable as agreed between the parties or determined by the Land Court. The Land Court must have regard to: the capacity of the land to sustain the existing use; any change to the value of the property because of the approval of the regional

vegetation management plan or property management plan, that is, a before-and-after test determining any change to the market value of the property because of the restrictions or prohibitions imposed as a result of the plan; and any change in the profitability of the property because of the approval of the regional vegetation management plan or property management plan.

One thing that seems to be forgotten is any impost on profit. There does have to be compensation for that. What is the point in having a property if it suddenly does not make as much profit, its value goes down and the land-holders are forced out the back door? Those on the other side of the House never seem to understand that profit is not a dirty word. It gives people incentive to go on and spend and employ.

The Land Court must also have regard to any agreement with the land-holder. These agreements will allow for a range of compensation to be considered, beyond monetary amounts—for example, low interest loans, restructuring assistance, ex gratia payments, an offer of alternative/additional land, management assistance, fencing and so on. Any such agreement would offset monetary amounts paid as compensation.

The land-holder will be expected to enter into an appropriate agreement with the State, for example a covenant, describing matters such as the terms of the assistance provided and the land-holder's obligations in managing the land. Ongoing incentives should be provided to encourage voluntary retention of vegetation as described in the development permit, such as rate relief, rent relief, fencing assistance and so on.

Compensation is imperative. "Discussion" needs to become part of the vocabulary of members of this State Government. They just do not appear to have the capacity to discuss issues at length. They discuss things a little, but then it seems to be all over. Sometimes, to get to a proper agreement, protracted discussions are necessary. Time and effort need to be put in. Some of the greatest decisions in the world have come about because people have gone to the trouble of discussing issues over a long period of time. Japan has progressed well since the Second World War. Things are not fixed too quickly in that country. Protracted discussion is required—it goes on and on—but at the end of the day a deal that is good for all concerned is brought about.

There have to be fair dinkum rights of appeal. There has to be compensation when part of a property is no longer able to be used for the purpose it was bought and developed for. People are compensated if their house is taken away to provide for a highway here in Brisbane. There seems to be one rule for the urban area and another for people in the bush. It is with great concern and great disgust that I find there seems to be contempt for the people in the bush—the people who produce and are so innovative.

Honourable members should take the time to go on to properties and see what has been done with water and so on. People have used every possible innovation to expand their properties and to employ people. These people really need Governments to get behind them and not belt them across the nose all the time. I think people in the country have a magnificent way of being able to pick themselves up and fight again.

One only needs to get in an aircraft and fly over Brisbane to see that there do not seem to be any tree-clearing guidelines around Brisbane. I have seen magnificent hills and pristine areas all around Brisbane cleared by developers.

**Mr Johnson:** Topsoil, too.

**Mr LESTER:** The developer takes the lot—the topsoil and the whole lot. I do not think there are many provisions in the Act to deal with that sort of thing. So trees are being knocked down. The trees around Brisbane and around the coast are much closer; they are a lot less close out in the bush. But it is the people in the bush who are coping it.

I can assure the Minister that we are going to mix it with him in this debate. We look forward to discussions at the Committee stage. I have to say once more before closing that we are deeply disturbed that again the guillotine has been applied. I have to ask: how often is the guillotine applied when we are debating a Bill relating to the city or a Bill relating to indigenous people? I am not in any way being derogatory of those people on this very wonderful day. However, the fact remains that the Government does not apply the guillotine to those types of debates but it does so to legislation that affects people in the bush. This Government gives those people a terrible hiding. We do not see Matt Foley applying the guillotine to debates involving his portfolio. It only ever seems to be applied to debates affecting those in the bush.

**Mr Sullivan** interjected.

**Madam DEPUTY SPEAKER** (Ms Nelson-Carr): Order!

**Mr LESTER:** Madam Deputy Speaker, I thank you for your protection from the absolute rudeness of that gentleman opposite.

I will conclude now and let some others have a go. We in the bush are starting to get a bit fed up with our treatment by this Government. It is about time this Government started to consider us in the bush. It should give us a fair go and give us the same deal that it gives the people of Brisbane and others.

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