



Speech by

**HOWARD HOBBS**

**MEMBER FOR WARREGO**

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Hansard 26 November 2002

### **VEGETATION MANAGEMENT ACT**

**Mr HOBBS** (Warrego—NPA) (11.54 p.m.): This morning in the debate on matters of public interest I spoke about the sneaky and underhanded way in which the Department of Natural Resources and the EPA were going about investigating Vegetation Management Act breaches. I read from a letter which described how someone had been tape recorded without their knowledge. Since then I have spoken with the minister. I think it is appropriate that I make members aware of a few more issues.

I am aware of numerous other cases in which the courts have been used in an attempt to bludgeon land-holders into submission and the appeal system has been used in the hope that land-holders will eventually run out of money. This process can result in costs in excess of \$250,000 for a land-holder—and double that for the taxpayers as the government desperately tries to obtain a conviction.

Because land-holders have been tricked into conversations tape recorded without consent, I believe it is necessary to inform people of what their actions should be. I understand that there are a further 250 breaches under the Vegetation Management Act which will be investigated in the near future. I am very concerned that these mean and tricky practices will continue to be used.

Land-holders need to be cooperative with enforcement officers because of the way the courts view those who do not cooperate. However, land-holders also need to be aware of the correct procedure in these matters. If a land-holder is approached, telephoned or questioned about an alleged VMA breach, they should insist that all information is conveyed to them in writing at the earliest possible opportunity, and they should immediately seek legal advice.

There are strict procedures under the Vegetation Management Act in relation to enforcement officers identifying themselves, their powers of entry and the procedures of entry. There are procedures for seeking land-holders' consent and for when land-holders do not consent to the purpose of entry. Unfortunately, it would appear that in some of the cases I am aware of the enforcement officers tend to use their own interpretation of the powers and procedures under the Vegetation Management Act.

The problem with the conduct of and tape recording by some enforcement officers is that unsuspecting land-holders try to cooperate and yet find themselves unwittingly pleading guilty to charges they may not necessarily have committed because they cannot afford to defend themselves in court. In some cases the department has had insufficient evidence that a breach of the Vegetation Management Act has in fact occurred.

This manipulation of land-holders creates a conviction record which is then taken into consideration when they apply for the next vegetation management plan. I urge all land-holders to be wary, careful and cooperative with the VMA enforcement officers. I cannot stress enough that land-holders should request all queries from enforcement officers to be in writing. It is disappointing that this government has allowed its bureaucrats to behave in this manner and manipulate land-holders into court in such an underhanded manner.

Time expired.