



Speech by

# CARRYN SULLIVAN

MEMBER FOR PUMICESTONE

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Hansard 13 March 2003

## NATURAL RESOURCES AND OTHER LEGISLATION AMENDMENT BILL

**Mrs CARRYN SULLIVAN** (Pumicestone—ALP) (12.41 p.m.): I rise to support the amendments to the bill covering five pieces of legislation: the Mineral Resources Act 1989, the Environment Protection Act 1994, the Vegetation Management Act 1999, the Land Act 1994 and the Integrated Planning Act.

Today we see not only a Smart State but a green state. I know that all members on this side of the House certainly support initiatives in that direction. Whilst the amendments deal with two specific issues, namely native title for new mining and exploration activities and illegal land clearing, I will concentrate my remarks on the latter. I represent Pumicestone, which unfortunately has very little mining activities. The object of this bill is very clear. The bill amends various acts to strengthen, provide additional enforcement to and hopefully deter illegal tree clearing. To achieve this, the bill provides for the following—one, a lease under the Land Act 1994 may be forfeited if the lessee has more than one prior conviction for illegal tree clearing; two, in determining whether to issue a tree clearing permit, the chief executive must consider whether the applicant has been convicted of a tree clearing offence within the previous five years; and three, the chief executive or any other authorised person may give someone a compliance notice if they reasonably believe a tree clearing offence is being or has been committed. This liability attaches to the land and will bind any subsequent owner or occupier. Illegal clearing is a major threat to our natural resources. The extensive range of entry and post-entry powers for the purpose of monitoring or enforcing compliance with the statutory tree clearing provisions extends the corresponding provisions of the existing Vegetation Act.

Effective enforcement of the vegetation clearing legislation is required to prevent serious and often irreversible impacts on biodiversity and land degradation. I am led to believe that two-thirds of Queensland is under leasehold. It has been estimated that through the latest State Land and Tree Study report, 36,000 hectares of this land has been illegally cleared. A member opposite suggested that the problem was not widespread. The member for Gregory spoke about a few cowboys in the industry. Well, these few are doing enormous damage.

**Ms Keech:** They're very busy.

**Mrs CARRYN SULLIVAN:** Yes. If we add the 36,000 hectares and the figure that we were given for private land that has been illegally cleared, we get a total of 61,000 hectares.

**Mr Wilson:** That's outrageous.

**Mrs CARRYN SULLIVAN:** Well, it is outrageous. If 99 per cent of people are doing the right thing, then there is one per cent out there who are very busy.

**Ms Keech:** Doing the wrong thing.

**Mrs CARRYN SULLIVAN:** Yes. It is a sizeable tract of land in anybody's terms. If allowed to continue, what will happen? This figure could easily double in a few short years. There have been some prosecutions over the last two-and-a-half years—and I am pleased to see that—since the government introduced the Vegetation Management Act. This bill reflects more improvements to the powers to investigate and prosecute any illegal tree clearing. There is also a provision to issue compliance notices that require remediation, that is, to return the environment to the way it was before the offence occurred. An amendment to the Integrated Planning Act 1997 will provide that areas illegally cleared cannot be re-cleared without a development approval.

Tree clearing is unlawful without a permit or unless an exemption applies. It therefore is reasonable for anyone who is authorised to be able to check to see if that person is complying with a permit. In the past, some landowners have pleaded that they knew nothing of the existence of tree clearing regulations. However, after an exhaustive campaign by the Department of Natural Resources, including a direct mail to landowners, ignorance can no longer be accepted as an excuse to avoid prosecution if illegal tree clearing has been proven. The bill has been drafted with due regard to the fundamental legislative principles as outlined in section 4 of the Legislative Standard Acts 1992. It is noted that, for effective enforcement of the vegetation management legislation, a balance between the rights of individuals and the need for the community to be able to provide an effective deterrent to illegal tree clearing is necessary.

The existing provisions in the Vegetation Management Act currently provide for the power to require information and the power to require a document to be produced. However, they also provide an excuse for failure to provide the information or the document on the basis that it might incriminate the person. The amendments will remove this excuse. However, the personal protection in this safeguard provides that the information or document may not then be used to prosecute the person who was required to provide it.

The Beattie government has led the way with regard to vegetation management. It was instrumental in the very first comprehensive vegetation management framework in 1999. Today's amendments will further restrict and tighten tree clearing activities. By introducing this bill, the government has recognised the need to adjust the legislative framework surrounding vegetation management to meet the state's changing needs. We must come to terms with the fact that it is impossible to protect the environment and achieve 100 per cent yield on economic return to landholders. The member for Gregory, as I said before, has suggested that there might be 99 per cent of people doing the right thing. Therefore, these landowners doing the right thing will not be affected by these changes.

**Ms Keech:** They shouldn't be worried.

**Mrs CARRYN SULLIVAN:** Yes. However, those who continue to illegally clear land will be held accountable. The potential cost of land degradation to the community as a whole is just far too high. There has to be a balance, and to achieve any long-term benefit governments must implement sustainable land practices now. I congratulate the minister and his staff on continuing to work towards reducing illegal tree clearing and having the fortitude and foresight to protect the environment for future generations. I commend the bill to the House.