



Speech by

Mr D. BRISKEY

MEMBER FOR CLEVELAND

Hansard 13 March 2003

NATURAL RESOURCES AND OTHER LEGISLATION AMENDMENT BILL

Mr BRISKEY (Cleveland—ALP) (12.15 p.m.): I also rise to support the Natural Resources and Other Legislation Amendment Bill. In supporting it, I want to address the effect of this bill's provisions on corporations that attempt to break vegetation clearing laws. Under the existing legislation it has been possible for corporations to circumvent our vegetation management laws, taking advantage of loopholes in the law to profit from what is, at the end of the day, illegal activity that hurts all Queenslanders. These corporations can range from small businesses like rural producers who organise their businesses to trade as corporate entities to large companies employing many people. What we are really concerned with is not what kind of corporation it is; we must be concerned with the fact that some corporations are using their corporate status to subvert the law. The minister and his department have, I understand, seen cases where corporations have refused to provide information to officers investigating illegal clearing. Their intention would seem to be avoiding the serious offence of illegal clearing and instead being charged with a lesser matter like failure to provide information when requested. This may be less damaging to the company's reputation and would be likely to result in a lesser financial penalty. Even worse, it sends a message to the community that the law applies differently to individuals and to corporations.

Other acts place a much heavier onus on corporations to comply with the law, and this bill will introduce similar provisions for vegetation management laws. It will become very difficult for corporations and corporate entities to dodge their responsibilities and obligations under the vegetation management legislation because these amendments will force the executive officer of a corporation to ensure that the corporation is indeed complying with the act. Further, if a corporation commits a vegetation clearing offence, then each of that corporation's executive officers also commits that offence. The bill defines an executive officer as a person who is concerned with or who takes part in the corporation's management regardless of the exact title of their position. This ensures the real law-breakers do not get away with their illegal acts by hiding behind others. It also ensures that no corporate officers can refuse to answer questions knowing that they will not be charged for clearing if they have made no statements.

The bill will allow authorised officers to seek court orders that will ensure corporations and their executive officers comply with the law. This government is committed to protecting employees whenever possible. Previously it has been difficult for investigators to obtain evidence from employees who are naturally wary of the consequences of giving evidence against their employers. This bill provides safeguards which mean that a corporation's employees will be more able to give evidence in vegetation clearing investigations without fearing recriminatory actions by their employers. This is similar to provisions that already exist in trade practices legislation, and it is only right that these provisions should extend to legislation that deals with illegal clearing.

Like the provisions of this bill that will affect individuals, this bill will not affect corporations that are playing by the rules. There are no new obligations and there are no more onerous restrictions on corporations any more than there are on individual land-holders. These laws deal only with those who would seek to subvert the intent of the legislation. They are about restoring some responsibility and accountability to those who might seek to profit at the expense of Queensland's future. I take this opportunity to sincerely congratulate the minister on this bill and commend the bill to the House.