



Speech by

HOWARD HOBBS

MEMBER FOR WARREGO

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LAND CLEARING; MR R. WHITE

Mr HOBBS (Warrego—NPA) (12.13 p.m.): On 26 November 2002 I reported to the House on the way this government does business with farmers in Queensland, and I referred to the impending court case without naming the person involved. Now I wish to inform the House that that person was Mr Ray White from Surat. At the time I said the following—

I wish to inform Queenslanders of the underhanded and sneaky way this Labor government is using the court system to harass land-holders and rural workers.

I explained how this land-holder made an application for clearing vegetation on his property. Some 18 months prior to the vegetation management legislation being passed through the parliament, officers of the Department of Natural Resources assisted him to draw up a tree clearing plan. He was assisted also by Greening Australia, Landcare and DNR to put in his property plan. At the time, property planning was not mandatory on freehold land, so he was a man ahead of his time. Upon learning of the introduction of the Vegetation Management Act, he contacted departmental officers on numerous occasions seeking advice and clarification and was told not to worry. I remind members that he stated—

We started pulling on 15 September and later we found out on the news that the Vegetation Management Act was proclaimed in parliament and that there were restrictions on tree clearing in Queensland.

I point out that *Queensland Country Life* did not report that until 5 October. Mr White continues—

... I had a phone call from D.N.R requesting a meeting with me at our property to discuss anomalies with the tree clearing maps. I agreed to meet with them on the next day to what I thought was to correct some anomalies with their maps. I felt that they needed my help as I have lived here all of my life, and I was made to think that they needed my assistance, knowing my local knowledge of the district. How wrong was I. Two of them came out and I invited them in to our home and made them a cup of tea and they produced maps and started questioning me and it was after about two hours that I realised things were not right when I was asked for my drivers licence to identify myself. I then realised that he was talking into a tape recorder and that I had told him things that did not relate to the original investigation. I was not made aware that our conversation was being recorded.

This has led to me being charged for tree clearing without a permit for clearing 49.7 H.A. of the 1,000 acres.

Mr White went to court. The government did not bother to prepare any evidence for Mr White to use in his considerations and it consequently cost him dearly. The government would not provide details of the alleged breach. Honourable members who are lawyers would know the implications of that. There was a very high probability of the government losing the case as it was outside the 12-month statute of limitations, the Crown would have had difficulties in proving its case, the case was technical in nature, and no endangered species were destroyed.

Mr White decided to plead guilty even though he confidently believed he had not done anything wrong. He pleaded guilty because he was financially unable to defend the charge. He simply could not afford the cost. As it was, he was up to \$15,000 in legals, \$4,800 in Crown legal costs were awarded against him and he was fined \$600. Had he gone to court, the legal fees would have cost him up to \$30,000 if he had won and would have cost \$50,000 if he had lost, and that was without any ongoing appeals.

I refer people to the Ashley McKay case. He has spent \$300,000 so far, and the government has spent \$600,000 fighting him—on the sixth hearing. And now it has amended the charges. You do not get any justice in Queensland, especially if you are a farmer. This was sneaky and un-Australian. However, it appears that Labor is prepared to tape-record people in this way. It was not until page 53 of 56 of the transcript that the officers informed Mr White that he was being recorded. The department got \$4,800 back. That is scurrilous. Ashley McKay's case has also been examined by the member for Gregory. The maps were wrong in the first instance. This is occurring in numerous cases.

This is flowing across other issues. Recently, I had a call from a grazier who was concerned about allowing DNR officers to come onto the property to do anything—not just vegetation management but even, for example, monitoring and testing bores. What protection does an owner have if a bore loses pressure or is damaged in any way by a DNR officer? Are they there to look for anything else? That is a disgrace.