



Speech by

Dr LESLEY CLARK

MEMBER FOR BARRON RIVER

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NATURAL RESOURCES AND OTHER LEGISLATION AMENDMENT BILL

Dr LESLEY CLARK (Barron River—ALP) (3.43 p.m.): Today I rise to put on the record my absolute support for the Natural Resources and Other Legislation Amendment Bill because there does need to be the strongest possible deterrence to illegal land clearing in Queensland as part of an overall regime for sustainable land use. There is no avoiding the fact that excessive land clearing is a major problem in Australia and here in Queensland, with potential serious implications for salinity, soil erosion, water quality, climate change and biodiversity.

I refer to the Wentworth Group of Concerned Scientists and its document *Blueprint for a living continent* which outlines very succinctly the extent of this problem. In the section on land clearing, the document notes that by 2050 some 17 million hectares of Australian farmland and remnant bushland will be at risk from salinity, the equivalent in area to three-quarters of Victoria. The paper also notes that one in five native bird species is threatened with extinction and most of our woodland bird species are in rapid decline, about 50,000 kilometres of streams have been degraded by sand deposition, and sediments are moving off hillslopes much faster than soil is formed. The paper also notes that in recent decades the rate of land clearing has accelerated with as much land cleared during the last 50 years as in the 150 years previously. Finally, the paper notes that in 2001 an estimated 687,800 hectares of bushland was cleared across Australia, approximately two-thirds of which was remnant bushland. This is equivalent to 50 football fields being cleared every hour.

On a personal note, I have been tree planting with various groups since the mid-1980s. I would imagine that those trees I have planted over the years are probably the equivalent of what is cleared in an hour and I give this example to express my frustration. Quite clearly, all of the efforts that so many people, including myself, go to in order to repair our landscape could be seen to be quite futile in some ways when we see these sorts of statistics. They are not futile; obviously they are very valuable. It is very important that we repair the landscape and habitats. It is something that I do obviously feel passionately about and I feel very frustrated when I read those sorts of statistics and witness what is happening.

In Queensland the Statewide Landcover and Trees Study report released in January this year found that the statewide average annual clearing rate from 1999 to 2001 was 577,000 hectares. However—and this is very significant—the rate fell by 50 per cent between 1999-2000 and 2000-2002, when the annual rate was 378,000 hectares per year, reflecting the effect of the first year of the implementation of the Vegetation Management Act. Whilst this level of land clearing is still far too high, significant improvement is unlikely to occur until the current negotiation with the Commonwealth is satisfactorily concluded and the issue of compensation for farmers is addressed. I notice that that issue has been discussed here today. It is important for us to remember the statements that our Premier has made in relation to this, because the Premier indicated in this House yesterday that these negotiations with the Commonwealth are progressing well and I, like him, look forward to a positive outcome sooner rather than later. I recall that in the House he said that he was keen to meet personally with the Prime Minister. He said that he wanted to keep the discussions on track so that we can give Queensland an agreement that addresses the needs of land-holders and delivers the imperative of sustainable land use and not to do so would be irresponsible government. I can only but agree with those sentiments.

Furthermore, Minister Robertson in a recent media statement made reference to regional vegetation management committees, which are progressing the 24 management plans across the state and which will play a very important part in resolving this issue, the first of which has actually been made available for public comment—that is, the southern desert uplands draft plan. Minister Robertson had this to say—

Each of the draft plans recommends that the government expedite negotiations for the provision of incentives and adjustment arrangements for land-holders disproportionately affected by controls applied or required by the plans.

That is exactly what is happening with the Commonwealth. In some ways I am actually disappointed, though, to find that with the amendments that the Deputy Leader of the Opposition has put forward to this legislation he is proposing to insert a whole section 71A in relation to compensation, knowing very well that this process is under way with the Commonwealth government. I am afraid it really smacks of some grandstanding. He is trying to get brownie points, just like those opposite did with the ethanol issue. Rather than working with their colleagues in Canberra and making sure that those Commonwealth negotiations—

Mr Rowell: Put some money up. How much are you going to put up?

Dr LESLEY CLARK: It is absolutely understood that this will be a joint approach. We will not allow the Commonwealth to avoid its responsibility for this important issue. That is why we have been waiting so long for the Commonwealth to come to the table. It is finally coming to the table. I urge the member for Hinchinbrook to make sure that his federal colleagues ensure there is actually a commitment from the Commonwealth.

I think it is important to consider the words of the Premier, when he appealed to all of the stakeholders to work together for a positive outcome. We are certainly doing that. I trust that we will see an outcome for this in the not-too-distant future. We obviously need this for Queensland's sustainable use and for the farmers themselves.

It is the intention that of-concern native vegetation on freehold land, which was removed from the ambit of the Vegetation Management Act by amendment in 2000, will in fact be protected within those plans. That is another reason we need those plans. In the absence of regional vegetation management plans, applications for land clearing are assessed against codes in state policies.

It is clear—I do not think anyone will deny this—that numbers of landowners are not bothering to make applications to clear land and are simply going out with their bulldozers and pushing over the bush on their land. I will not buy into the argument about how many hectares have been cleared. SLATS says that it is 61,000. The minister has said that it was always understood that that figure would have to be groundtruthed. That is absolutely right, but we do need further legislation to ensure that those people who are illegally clearing are adequately dealt with.

The Deputy Leader of the Opposition has questioned the extent of this illegal clearing, but he cannot avoid the issue of how people should be treated if they do clear land illegally. He knows that it is occurring. I just hope he will support us in this legislation. I have my doubts, however. Members might recall that the National and Liberal parties, in the Clayton's coalition deal we heard about recently, set out their position on the issue of land clearing. They have in fact rejected the use of punitive measures in favour of incentives. It was made publicly available for all to see that their approach is all carrot and no stick, which to our mind as a government is simply not acceptable because there will always be people who will do the wrong thing, regardless of how many incentives are offered.

It is also ironic that, whilst it clamours for tougher penalties for just about every criminal offence, the opposition would apparently allow those who destroy the economic and environmental values of our land, impoverishing future generations and denying them the opportunity for sustainable development, to go scot-free. We do not share that view. We believe in a balance of carrot and stick to get the outcomes we need. We consider illegal clearing to be a serious offence that must be punished and that the perpetrators must be required to make reparation by way of fines and revegetating the land.

The legislation provides for a number of additional deterrents to be inserted into both the Land Act and the Vegetation Management Act to cover illegal clearing on both leasehold and freehold land. The first of these is forfeiture to the minister of a lease for repeat offenders. Under this legislation the minister has a new power to actually cancel a lease where the lessee has more than one conviction for tree clearing offences. The legislation also allows the chief executive to reject applications for tree clearing for a period of five years when made by persons who have been convicted for unlawful clearing of land.

With regard to penalties, whilst the size of the maximum fine remains at approximately \$104,000, the bill does insert new guiding provisions so that the size of the fines actually reflects the seriousness of the offence, with clearing of remnant endangered regional ecosystems attracting the

greatest penalty. The person convicted of an offence may also be ordered to pay the department's reasonable costs of investigation and prosecution.

In the past, landowners have cleared land and happily paid fines knowing that they will still benefit financially because they can use the land that has been illegally cleared by keeping it cleared. This bill amends the Integrated Planning Act so that cleared vegetation will now be regarded as remnant vegetation and an application will be required to reclear that land. Of course, that application may well indeed be refused, as it should be in my mind. In cases where the landowner has been required to remediate the illegally cleared land, this provision will run with the land, applying equally to a new owner if the land is sold, thereby effectively decreasing the value of the land.

All of these new provisions are designed to stop financially rewarding people who illegally clear their land, as has been happening up to now. They also recognise that it can be difficult to practically stop illegal clearing, and the bill gives additional powers to officials to enter land without a warrant and act quickly if they suspect that illegal clearing is occurring and to use reasonable force to stop the offence if it is taking place.

In the past, people have avoided prosecution by claiming that they did not know the vegetation was protected from clearing and had made an honest mistake. That may be the case for some people. It may not be. This bill removes this defence, and people must now exercise due diligence before acting to clear trees on land. They need to go and check the maps. That is not such a hard thing to do. If someone is thinking about clearing their land, all they have to do is pick up the phone, contact the Department of Natural Resources and find out the status of that land. At other times people have tried to claim that the clearing was carried out by somebody else. They would say, 'I knew nothing about that. Somebody else has done that and I did not give them permission. It wasn't me.'

Mr English: If it doesn't work for Bart Simpson, it shouldn't work for them.

Dr LESLEY CLARK: Indeed. This bill assumes that the owner is responsible, in a similar way to red-light camera and speeding offences. That is, we presume the car owner to be responsible unless they can prove otherwise.

I have described the provisions of the bill in some detail in order to demonstrate the determination of this government to stop illegal land clearing. However, I acknowledge that the major problem remains. Too many applications for land clearing are approved and clearing is continuing at a totally unacceptable rate in Queensland. This current rate cannot go on. Sustainable farming practices must be adopted. The present environmental degradation simply cannot continue. Habitat loss, species extinction, salinity and soil erosion, with subsequent impact on water quality, will only increase if land clearing continues to occur at the present rates.

As I said at the outset, the negotiations with the Commonwealth for an integrated package of structural adjustment arrangements that are fair to farmers and lead to sustainable land management practices must be successfully concluded. I commend the Premier for his efforts in this regard. I, like him, hope that negotiations will be successfully concluded sooner rather than later.

I hope that, as part of this package, we will recognise that we in Queensland need to change the way we actually farm our land. I again refer members to the document of the Wentworth Group of Concerned Scientists, particularly the section entitled 'Farming without harming'. In that section the scientists set out very clearly the kinds of changes that need to occur. They state—

The essential design criterion of sustainable farming is to ensure that present-day flows of water, nutrient, carbon and energy match the magnitude of these flows that evolved to suit the way our landscape functions. This will require radical change to land use, incorporating the following features:

They then set out a number of new practices. They continue—

Farm forestry, new agricultural production systems, and restoring native vegetation present opportunities to restructure the landscape with vegetation that has a similar water use pattern to the original native vegetation, with the potential for substantial amelioration of the impending problems.

Substantial research is needed if we are to do that. These are the challenges for government, primary producers and organisations such as Agforce and the Australian Farmers Federation that we must face as a matter of urgency. I commend this bill to the House.