



Speech by

Mrs LIZ CUNNINGHAM

MEMBER FOR GLADSTONE

Hansard 20 April 2004

VEGETATION MANAGEMENT AND OTHER LEGISLATION AMENDMENT BILL

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (5.01 p.m.): I rise to speak to the Vegetation Management and Other Legislation Amendment Bill. In doing so, I want to acknowledge that there will always be a level of conflict between urban interests, urban realities and urban perceptions versus those of people who live in rural Queensland and rural Australia. However, the wisdom of legislation is to find a middle path that disadvantages both communities the absolute least. I have found people in rural Queensland to be very responsible in the main. Irrespective of where one lives, there will always be one or two people who are extremists and who hold views that are clearly contradictory in terms of general principles of soundness. However, the majority of people in my electorate have been sound land managers, particularly those who live in rural areas.

I want to recognise the work done by the Landcare groups in my electorate, the catchment management groups, the Fitzroy Basin Association which has within its purview under the federal area the two river catchments in my electorate, and the landowners themselves who have done a great deal of work, usually on a voluntary basis, to better understand our environment, our catchments and our biodiversity. This legislation will in some ways exacerbate rural people's uncertainty and lack of trust in terms of legislation—be that state legislation, federal legislation or indeed local government legislation.

This legislation amends and amalgamates legislation that covers tree clearing and rural management plans for our communities. It also provides a historic line in the sand for how we as a community manage our often fragile landscapes and their natural limitations to ensure that they remain economically and ecologically sustainable. The minister made that statement in his second reading speech. It will place a historic line in the sand, but it appears that the vast majority of responsibility will fall to people in rural Queensland rather than those in the cities and the towns. The second reading speech also stated that a 25-megaton reduction in greenhouse gases is equivalent to a 6.84 tonne per person reduction based on the 2001 population or the removal of two cars from the road for every Queenslanders or a total of more than seven million cars per year. The Hon. Peter Beattie went on to say during the election campaign that the tree clearing ban will make Queenslanders top global warriors.

My concern—and I have several in relation to the legislation, and I look forward to the minister's response to these and the other questions that have been raised—which is of equal value to the retention of biodiversity and bioregions is the ability of those agencies empowered and responsible for the husbandry of those areas to be able to manage them in a way that makes them safe. The experience of many people in rural Queensland is that, where large areas are locked up for national parks and forestry, there is usually a great deal of risk, particularly when it comes to protracted dry periods, that very large fires will originate from either the national parks areas or the forestry areas usually as a result of poor management in terms of undergrowth clearing, et cetera. As a result, we end up with hotter, bigger and more impacting fires in the regions which will do nothing to address the 25-megaton reduction in greenhouse gases. If anything, it will exacerbate those problems.

In marriage with this legislation there has to be not only all of the good things that are recited about retaining biodiversity, retaining vegetation of concern and vegetation that is genuine remnant vegetation but also an allocation of significant funds and significant people to manage those areas that are now going to be set aside. There is money within this package for the acquisition of more land for national parks. However, the legislation does not just place the responsibility to manage these areas on the government. It places a significant and onerous responsibility on private landowners to undertake

management and husbandry of areas in a way that will be extremely cost sensitive for them as primary producers. I do not believe that the compensation package that has been referred to in the legislation will, to the extent that this legislation will impact on people and for the period of time that it will impact on people, address their needs adequately.

The \$150 million over three years, which is effectively \$50 million a year, will be made available to landowners affected by the changes. I have a concern and a question in relation to how the compensation will be calculated for each landowner. The legislation being passed—and it obviously will because of the numbers—is one thing. The actual application of the principles of the legislation to the landowners of Queensland will mean that costs will escalate. The government in my area does not have a good reputation—and it is not just the Labor government; it is governments generically—in its treatment, assessment and valuation of private property in terms of compensation.

DSD is currently doing a series of valuations in the electorate for an increase in the area of industrial land. There are a litany of stories where the government valuer has given not just a significantly reduced valuation compared to the landowner's private valuation but a more than significantly reduced valuation. In one incident—and it is only a small example—a farmer had a flat bed truck which could be purchased in the commercial market for \$6,000 to \$7,000. It was fully registered for on-road use. The valuer valued it at \$300. When the owner objected, that value was doubled to \$600.

So if those same principles and same values are applied to the impact of this legislation on landowners, the disquiet will increase rather than decrease. I seek the minister's clarification as to how valuations of impact are going to be obtained.

The legislation also deals with the application and ballots for broadscale clearing, at least until 2006. My only question to the minister is: what feedback has he had from rural landowners in terms of their perception of the fairness of this ballot and also their perception of the lack of appeal processes for a person who is unsuccessful in the balloting process, given that the implications for that lack of success are significant?

The bill contains amended definitions for 'essential management' in relation to the clearing of native vegetation. I commend the minister for those changes in terms of the reality, particularly of fire prevention measures, in rural areas. The amendments state that a firebreak can be equivalent to 1.5 times the highest of the tallest vegetation adjacent to infrastructure or 20 metres, whichever is the greater. I commend the minister for that. I had an issue in my electorate—I think it came within the minister's department—where a gentleman wanted to prepare a firebreak. The approval for the firebreak was so small that it would manage only a very slow, cold grassfire. It certainly would not prevent the spread of a fire the nature of which we have not just in central Queensland but across Australia where the flames are very high, the fires are very intense. I think that amendment to the specifications for a firebreak better reflects the reality in rural Queensland in terms of proper fire prevention and maintenance.

The other area that I want to raise with the minister relates to the definition 'routine management'. The legislation talks about establishing fences or roads. It discusses establishing the necessary infrastructure other than contour banks, fences or roads, if the total extent of the infrastructure is on less than two hectares. I understand that previously the area was designated as less than five hectares. In terms of the application of this legislation, that change from five to two will affect a lot of people who have moved from urban Queensland—cities, particularly regional cities—into rural residential areas or the larger rural residential blocks.

So my question to the minister is: what education will be put in place to ensure that those landowners who have gone to small acreage lots—and two hectares is a small acreage lot in many local authority areas—are properly equipped to understand the impact of this legislation on them? Many of the larger land-holders—that is, in the hundreds of acres—are used to dealing with DNR. They are used to dealing with management issues, that is, cattle management as well as natural environment management. But these people on the smaller acreage lots are not. They do not take with them any education in terms of their need to liaise with DNR or to get information in relation to vegetation management. It will be vitally important that information is readily available on a proactive basis to ensure that those landowners are not inadvertently disadvantaged. Most of those people would want to comply with any necessary obligations placed on them.

I listened with some concern to a couple of the National Party speakers who questioned the certainty of the compensation package. I look forward to the minister's response to that matter, because I think it would be the ultimate betrayal of the community if all that has been said about compensation does not come to fruition. I am sure that there will be a response to those comments of uncertainty and I look forward to the minister clarifying those issues. I guess that time will tell whether the quantum will be sufficient. I doubt that it will be. However, it is certainly important that the minister respond to the basic questions about the certainty of the compensation packages.

The other question that I had in relation to the legislation was the ability for people to apply for compensation. That will be made available to those who are unsuccessful in the balloting and are significantly affected by the changes. Who decides on what is significantly affected? What will that process be? According to the amendments that have just been circulated today, I notice that the application will now have a fee attached to it. I would be interested in finding out what is 'significantly affected' because it is subjective unless it is clearly defined.

There was a matter raised under the original tree clearing legislation and the mapping that occurred in relation to that. A lot of areas of the state were mapped but were never groundtruthed because of a lack of resources. Some property owners were quite significantly impacted by that legislation. One landowner in my area had 75 per cent of his property drawn in pink. He could not do anything with it, but he could not be compensated. Nothing could be done. No-one wanted to buy the land, because it was a rural property. The departmental officers, while sympathetic, shrugged their shoulders and said that nothing could be done. This bill at least refers to compensation, but the effectiveness of that compensation will be directly in proportion to the fairness of the decisions that are made and to the objectivity versus subjectivity of the assessment as to what is significant impact and what is not.

I look forward to hearing the minister's comments in his reply. This bill has the potential to be a very positive piece of legislation. However, it also has the potential to be quite devastating to those injuriously affected. I look forward to the minister's response.