Speech by

Mrs LIZ CUNNINGHAM

MEMBER FOR GLADSTONE

Hansard 28 April 2004

NATURAL RESOURCES AND OTHER LEGISLATION AMENDMENT BILL

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (9.05 p.m.): I rise to speak to the Natural Resources and Other Legislation Amendment Bill. I know that in my electorate there has been—

Ms Molloy interjected.

Mr DEPUTY SPEAKER (Mr Fraser): Order! There is no clapping in the chamber.

Ms Molloy: Sorry. If people can scream, I will clap.

Mr DEPUTY SPEAKER: Order! I remind members that there is no clapping in the chamber.

Mrs LIZ CUNNINGHAM: Although there are no formal mechanisms for carbon credits and carbon trading, the mix and nature of industries in my electorate has not necessitated but has at least activated industries. Several industries have already undertaken quite dense plantation work in order for sequestration credits to be able to be accessed. So, with or without the Kyoto agreement, carbon credits are important to Queensland.

I would like to thank the Queensland Parliamentary Library for its excellent research briefing on this issue. That briefing says that many scientific and practical matters regarding carbon sequestration remain the subject of debate. In light of those uncertainties, it is important to note that the amount of carbon that is sequestered depends on the type and age of the vegetation. Indeed, in some of the material that is available, it indicates that the older trees are not necessarily the most efficient in terms of carbon fixing. That briefing states further that carbon that is stored can also be released back into the atmosphere in varying degrees through events such as fire, disease or harvesting.

During the debate on the Vegetation Management Bill, now the Vegetation Management Act, I made the comment that, although it is fine to lock up significant areas of forest for all the right reasons, a lot of the good work that is being done in terms of biodiversity protection can be undone if proper husbandry does not occur to ensure that fire fuel does not build up over a short period and in a subsequent season, particularly a dry, hot season, all of the benefit that has been accrued with protecting biodiversity is not lost because of a fire. The same thing will occur in these circumstances where people undertake significant planting of plantations. A lot of work has to go into ensuring that proper care is taken to protect those plantation areas from fire or all of the good work done in terms of carbon sinks can be undone in a couple of days of bad fires.

Under the Kyoto protocol, only certain types of forests, that is those established after 1990 on land that has been cleared prior to 1990, qualify as sinks. No national carbon trading scheme has been established in Australia. However, some individual companies are using carbon sinks to reach emission targets under state government regimes. Domestic and international investors see the potential for carbon credit trading in the future and have already invested in carbon sinks. As I said, several companies in my electorate have already undertaken significant planting on the basis of their recognised emissions and their need to establish some environmental balance in terms of locking up this carbon.

However, one of the concerns that I wish to put to the minister—and it is not his purview, actually, but it is affected by this legislation—is that companies that take the opportunity to do mass plantings, in terms of recognising carbon credits, cannot on the basis of that work, though, be less than careful, less than attentive to their obligations in terms of environmental controls on their plants.

A company in my electorate is particularly susceptible on this point. It is a massive carbon dioxide emitter and has had some plantation work done. Irrespective of how many acres of trees that company puts in place, that should never absolve it from its responsibilities to operate in a sound manner with environmental controls in place, including controls that have to be retrofitted. This is not a bandaid. It is an addition and an asset. It is not an either/or, as far as I am concerned. It is a good initiative, but it should not remove the responsibilities from companies to act responsibly in terms of their environmental controls on site.

The legislation also deals with a number of other matters, and I wish to mention just a couple of them. This legislation intends to amend the Land Protection (Pest and Stock Route Management) Act 2002 to extend the period within which a local government must have a pest management plan for declared pests in its area and a stock route network management plan for managing stock routes in its area. The initial legislation allowed them one year. Quite a number of local authorities will not be able to comply with that time frame for very valid reasons. The minister has extended compliance for a two-year period. That is welcome.

Local government is one area of government that, more than most, is a responder to legislation rather than an initiator of new regulations and rules. Over the last few years, local authorities have been required to comply with a lot of legislation. Many local authorities have small staff. The authorities that I have dealt with have excellent staff but, particularly the smaller rural and regional councils, which would have quite extensive stock route networks and significant problems with pests, do not have the expertise and the resources to be able to buy that expertise. Therefore, the extra time is welcome. I am sure that local authorities will do their very best to comply with those obligations and, indeed, want to manage their land responsibly.

In the amendments that have been circulated, there are two areas of concern that I wish to place on the record. One is the issue relating to the Irvinebank land area. I acknowledge, and I was very interested in, the comments made by the member for Barron River and the history that the member gave. I remember when the original legislation was introduced repealing the Irvinebank agreements. Mr Hiller made contact with quite a lot of members of government to put forward his and his family's point of view. I would be interested if the minister can clarify whether Mr Hiller has been advised of the intention to place this amendment into the legislation. While I recognise the comments made by the member for Barron River about the history of the case and the fact that the family has moved out of the National Bank building, I would ask whether the Hiller family has had an opportunity to respond to the proposal that is outlined in this legislation. I would be interested in the minister's response to that point.

The other issue of concern that I wanted to place on record relates to the amendment in relation to annual valuations. Valuations for communities are lose-lose situations. I do not think there is too much that the department can do to answer the concerns of the community in terms of valuations. They used to be done on a seven yearly cycle. Annual valuations were introduced and they were purported to address the problem of significant valuation increases in any one given period. That worked for about a year. A couple of years after the annual valuations were introduced, we still saw significant increases in valuations for certain areas in a local authority area. For example, seaside areas may have significant annual valuation increases, or biannual or triennial valuation increases. Therefore, in the longer term it did not really address the spike that the seven yearly valuation cycle had created. It just meant that the spike occurred every two or three years. As time has transpired there have been years when, rather than doing on-site valuations, the department has made valuations on a desk-top basis. They sat at the computer and looked at statistic sales and so on, and made adjustments to the valuations on the basis of little if any on-site valuations in terms of being able to recognise land types, et cetera. The primary purpose of the annual valuations has, over a reasonably short period, been depleted and undermined.

I think this amendment is going to further undermine that for this reason only, and I would seek the minister's clarification on this because I hope that I am wrong: the amendment appears to say that the chief executive officer may decide—and it lists some circumstances—not to have an annual valuation, but there does not appear to be an accompanying statement that says where an annual valuation does not occur a local authority will not incur the costs of an annual valuation. That is as it ought to be. If a council is not revalued, the council ought not to be paying for a valuation. If we as local members had a constituent come to us who said that they went to a store or a service provider and the service that they required was not provided but they were charged $1,000 anyway, we would contact Fair Trading and Fair Trading would rightfully react to that situation, deem it to be inappropriate and rule that the person making the charge was making that charge invalidly.

This legislation, whilst giving the chief executive officer power to avoid annual valuations, must also have an accompanying rider that states where no valuation is done a valuation charge cannot be levied by the state government to the local authority. I seek the minister's clarification as to whether that is inherent in the amendment or whether statements that have been made that the charge will apply,

whether or not a valuation is made, are correct. If that is the case, that amendment needs to be opposed.

The examples of unusual circumstances are novel. Civil disturbance is an unusual circumstance. Extreme climatic conditions are usually short lived. It might be cyclonic weather which, at most, lasts a week or so. Industrial action is usually short term. Changes in the way that valuations are made: I do not understand why that should absolve a chief executive from doing a valuation if, indeed, it is necessary. As to computer failure, I do not know too many businesses that would allow computer failures to extend past the absolute minimum amount of time, that is, a day at the most. Departments as well as businesses are reliant on computers. I find it novel that computer failure is listed as one of the examples of unusual circumstances that would remove the obligation on the chief executive to value land. I do note that there is a rider that, under subsection 3, the chief executive officer must not decide not to make an annual valuation of land in an area if the most recent valuation of land was made more than four years ago. There is a ceiling placed on the amount of time between valuations of about four years, it appears.

What is occurring in reality is addressed by that amendment. Already valuations are not done on a yearly basis. Already there have been years when local authority areas are not revalued but are given a desk-top valuation or receive a two yearly valuation. That validates what I understand has been happening. However, I do seek the minister's clarification as to whether councils that are not valued will be required by government to pay a valuation fee. I believe that, if that is true, it is not an appropriate exercise of power. It is paying for a service that the council clearly is not getting and in any other area of business would be ruled as invalid. I look forward to the minister's response.