



Speech by

**Liz Cunningham**

**MEMBER FOR GLADSTONE**

Hansard Tuesday, 19 October 2004

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## **NATURAL RESOURCES LEGISLATION AMENDMENT BILL**

**Mrs LIZ CUNNINGHAM** (Gladstone—Ind) (5.43 p.m.): I rise to speak to the Natural Resources Legislation Amendment Bill, which covers a significant and diverse number of acts. Some of the changes are minor and inconsequential and some of the changes are significant. In particular, I wish to speak about the amendments to the Land Protection (Pest and Stock Route Management) Act. For a lot of years now local governments have been administering at least the principles of that act in terms of local land management. I believe that most local authorities have done a good job. There are some local authorities that take a lighter hand in terms of ensuring that the provisions are adhered to. If a council does not strenuously administer all of the facets of the destruction of weeds, the adjoining local authorities bear an additional cost. Those local authorities, freehold landowners and leasehold landowners, who may judiciously clear the land of noxious weeds, then have reinfestations when and if we do have wet weather, flooding of creeks and carriage by birds and wind. I commend those local authorities that administer the eradication particularly of plant pests. There is a significant cost involved in that. There is also a significant cost to landowners, and a high level of diligence is required.

Where a lot of local authorities are frustrated, however, is in situations where council land, leasehold land or freehold land adjoins state government land. The legislation requires a pest management plan to be prepared by each local authority. I assume that they will be regional plans, and then local plans will reflect broader pest management issues and then localised pest management issues. My question to the minister is: where, and at what point, is the preparation of the state government's pest management plan in relation to land under its authority? When will that plan be available to councils and, just as importantly, to graziers whose land adjoins state government properties, national parks, forestry reserves and other parcels of land which are held by state government?

In many instances the encroachment of weeds on to private property or leasehold property is out of these crown areas. That is a great frustration to landowners because the sphere of government that is requiring them to keep their land free of pests is the sphere of government that is reinfesting their land, whether that is with weeds or whether it is with animal pests. The same thing applies in terms of fire. A lot of the fires come out of national parks or forestry reserves and sweep down and clear out the landowners' feed. I would be interested in the minister's response to when the government plan will be available both to councils and to graziers for them to be able to scrutinise the provisions that the government is going to require itself to abide by.

Many members have raised the issue of dingoes and probably in ever growing proportions crossbred dogs. These are particularly problematic where rural residential development is growing out of what was previously a rural area. Most of our coastal towns would have subdivisional areas where there could be five-, 10- or 40-acre lots in areas which have been one block or two blocks—two tenures—and they previously have been able to be dealt with as a rural block in terms of baiting programs. With the subdivision the problem pests—the dingoes, the wild dogs, et cetera—do not disappear but the management of them changes in terms of the density of occupation.

We had one area, and continue to have an area, at Mount Morris which is an area between the two councils. It is administered by two councils because of its geographical location. One council is quite used

to managing pest animals; the other council is more urban based and it has some difficulty in understanding the implications of not managing particularly the crossbred dogs. Landowners who have purchased land in those areas in good faith are finding that the wild dogs are becoming more and more bold. That is particularly so when droughts have been prolonged and their food source has diminished or disappeared all together. They become bolder because of their survival instincts. They come closer and closer to human habitation to source food, whether that is a resident's chook pen, whether it is pets or whether it is a small amount of domestic stock. The risk is not only to the stock but also to children and adults, but more particularly the children of those people who have chosen to live in those areas. It is critically important that councils retain not only the ability but also the willingness to manage those pest animals in those areas where there is a transition from totally rural to rural residential lots.

This legislation, as members have said, was provoked particularly by the red-eared slider turtle. I commend the minister for the amnesty in relation to illegally held pests. In a lot of communities, people believe they are being compassionate by releasing kittens into the wild. They do so because they do not have the heart to euthanase them in some way or take them to the RSPCA or pay a vet to euthanase them. They feel that they are being kind by releasing domestic kittens into the wild. In turn, the animals do a great deal of damage to native wildlife through their opportunistic feeding. The release of illegally held pests, particularly some of the more invasive ones, would be very detrimental to our environment. I commend the minister and his officers for the amnesty provided for in this bill.

It is critical that information in relation to the amnesty and the types of animals it covers is well publicised. Some young people and their parents could be looking after pets without realising that they are actually declared pests or illegal. An animal breeds, so a kid gives it to his mate at school and that kid takes it home. Mum says 'Where did you get that?' and the kid says 'Freddy gave it to me,' and it all seems really good. Unless the community is advised and given photographic or other identifiers, it will be difficult for people to know that their pet is a pest and illegal to own. I seek a comment from the minister in relation to his plans for advising the community about the pests that this legislation will address.

The Scrutiny of Legislation Committee raised concerns in relation to clause 4 of the bill. It allows the chief executive to make declarations to be tabled in parliament, subject to disallowance, but not gazette notice. Earlier in my time as a member of parliament, the gazettes were posted to electorate offices, which was very handy. It gave us the opportunity to flick through, to see what was actually placed in the gazette notices and whether it applied to one's area or was a generic issue across Queensland. Supply of the hard copy was stopped and when we inquired, we were told that the gazettes were available on the Internet. I do not know whether the process has improved recently but at the time of that change, my staff found it very difficult to identify where the gazettes were on the Internet and to download and print them. As a result, we stopped regularly, or as regularly, scrutinising those gazettes. However, at least it gives people a central place to look for information.

The Scrutiny of Legislation Committee requested information about how the public would be informed of the making of the declaration. The minister advised that the best way was by a ministerial media release. I understand the minister's response but I feel that there needs to be an understanding of two things: firstly, not all of a minister's press releases are processed in the same way; secondly, not all media releases receive coverage in terms of publication. Even if they are publicised in regional and Brisbane based papers, not everybody purchases a paper. It is important that information is available to the community through rural newspapers and through print and TV to ensure that people are aware of issues and declarations as much as possible.

The legislation allows for a process for cancelling and changing DOGITs. It has been a fairly complex process—justifiably, I think—to cancel or freehold a DOGIT. The protections afforded by those deeds of grant in trust were given for a particular reason. A change in DOGIT needs to be done with thought given to the implications of a change or cancellation. Our RSL was partly freehold and partly on a deed of grant in trust. The departmental officers in Rockhampton assisted us greatly in having that reviewed and freeholded. Tragically, the RSL building has now been sold. However, I still believe that the cancelling or changing of a deed of grant in trust into, say, freehold or other tenure needs to be done with a great deal of thought, particularly in terms of the initial intention of the granting of the deed and its public and community purpose.

The legislation changes the process for the revocation of reserves. The explanatory notes state that the amendment clarifies the reasons for revoking a reserve by including a situation where the minister is satisfied a more appropriate tenure is required. The current reasons for revoking a reserve—that is, no longer needed for a community purpose or needed for a different use in the public interest—do not cover the situation of an operational reserve, for example, a reserve for police purposes, that should be held under a more appropriate tenure such as freehold. I find that explanation contradictory. A police reserve is used for police purposes and is still needed for community purposes. It is still in the public interest and, therefore, the tenure of police reserve would adequately cover that situation.

The only advantage in changing many of these reserves over to freehold title is that it will allow the government to sell the asset. The government goes through its asset register and disposes of land on a

regular basis. Sometimes—and it is not specifically this minister—this is done imprudently, because governments in the past have very wisely set aside land for a specific purpose. It ensures that future needs, in terms of government services, can be met because land has been set aside. One of the greatest costs to the development of government assets is the purchase of land, particularly in heavily populated areas such as the south-east corner. Exercise of the power of revocation of reserves needs to be done with the proper intent; that is, to genuinely benefit the community by any change in tenure, rather than just reclassifying property to freehold to allow for its disposal and the return of the income from that disposal to government coffers.

Members have spoken about the problems in rural and regional areas in terms of the infestations of pigs, rabbits, toads and weeds. A number of plants which are not declared weeds—and probably should be—are often sold through nurseries and do not have, and should have, proper identification of their potential risks and dangers to families if they are placed in a garden. One plant that is becoming more noticeable along the side of our roads is the castor oil plant. Many people do not realise that the contents of the seed, the sap, the leaves, the stalks and the fumes from burning it are all poisonous to humans. It is much like angel's trumpet. Ingestion of any part of the plant or inhalation of smoke from the destruction of the plant is poisonous to humans and also to some animals, if not all. Plants which can appropriately be sold in nurseries and do not pose a risk as far as overtaking native vegetation if they spread outside a suburban garden, but which have the potential to impact on human health and safety, should actually have some sort of notification on them.

There have been a few plants that nursery groups have voluntarily taken on and marked to ensure that purchasers understand the potential health implications. I believe a comprehensive assessment needs to be done. Any plants that have the potential through sap, ingestion or fumes from burning to cause human or animal health problems should be marked. That does not stop people getting them. It alerts them to the dangers should they actually purchase that plant.

I am concerned about the amendment that was circulated. It is concerning that an amendment that has the potential to retrospectively affect people has not gone through normal scrutiny. It is unclear to me what consultation took place. We are told that the Department of the Premier and Cabinet has been consulted on the proposed amendments. I question whether the stakeholders—those who are going to be affected by these amendments—have actually been contacted. It is not hard to do this. There are overarching rural groups that would be pleased to talk to the minister about the changes. I would be interested to hear from the minister whether these groups have been given an opportunity to comment on the proposed changes.

The changes appear to be retrospective. I seek clarification as to the quantification of people who could be disadvantaged in relation to the restriction on changing vegetation clearing applications received before midday on 16 May 2003. I am sure that the minister's staff have quantified the potentially affected people. I seek clarification of those impacts.