



Speech by

Mike Horan

MEMBER FOR TOOWOOMBA SOUTH

Hansard Tuesday, 7 March 2006

RECREATION AREAS MANAGEMENT BILL

Mr HORAN (Toowoomba South—NPA) (7.44 pm): I think the Recreation Areas Management Bill really epitomises the reason the Labor government is so unpopular at the moment in Queensland. We all agree that we need recreation areas. They have to be well managed. They are some of the best areas not only in Queensland but in Australia. We need these areas to be the lungs of Queensland. We need to look after the environment so people can enjoy the environment. This bill makes provision for some wonderful areas such as Fraser Island, Green Island, Inskip peninsula, Moreton Island and Bribie Island. I think we would all love to be able to enjoy those beautiful places on a regular basis, as would literally the entire population of Queensland.

The real issue with this bill is that it is bringing in draconian police powers and attacking the people of Queensland in a way that you would not believe. If some of the powers that are to be enshrined in this legislation were brought into the Criminal Code and we passed these powers onto the police, the lawyers in the Labor Party would be up in arms criticising it, saying how dreadful it is and that it is not giving people a fair go. Essentially, this legislation is giving greater powers and authority to the environment police than the police have recourse to in the Criminal Code.

There is some amazing stuff in this legislation. The warning bells have been sounded by the all-party Scrutiny of Legislation Committee, which is responsible for looking at our legislation. Let us look at some of the comments that it has made in its *Alert Digest*. The committee states in its report—

The bill establishes a comprehensive system of regulation of access to, and of activities within, 'recreation areas'. These provisions impinge in many ways upon the rights and liberties of individuals who enter, or wish to enter, such areas.

In the summary of the report, the committee states—

The committee notes that the bill confers upon authorised officers powers of entry which extend beyond situations where the occupier consents or a warrant has been obtained. The committee further notes that once entry has been effected, the bill confers on investigators a wide range of additional powers ... The committee draws to the attention of Parliament the nature and extent of these entry and post-entry powers.

They are the warning bells. These are parks and recreation areas that are meant for enjoyment. These are parks where we want a real ethos of partnership and cooperation between the people involved in the parks, the people involved in recreation and those people who are able to go in and enjoy them. I would like to sound a warning note to the hundreds of thousands of Queenslanders who enjoy their camping, who enjoy their four-wheel driving, who enjoy their bushwalking and who enjoy these five areas of Bribie Island, Fraser Island, Green Island, Inskip peninsula and Moreton Island. They should be aware of this Big Brother tactic of the Beattie Labor government and how it may impinge upon them, their family or people who are running operations within these places in the future. It is a Big Brother philosophy which has permeated throughout the environment department. It has come from the top. It has come from the Labor policies, not from the staff themselves. It is the direction they are getting from the top—from the policy of the government and the minister of the day.

I took a trip last year through north Queensland and I was amazed and appalled at this ethos and attitude that has developed of 'catch people', 'attack people', 'don't help them'. People who want to get a river right, people running businesses or factories, organisations which are exporting or in the domestic

economy that want to work cooperatively and make inquiries are just told, 'Read the bill and if you get anything wrong we'll catch you.' That is the attitude and that is what is coming through here.

No wonder the Labor government is on the nose when it has this jackboot, Big Brother mentality of attack. It thinks everybody is wrong, seeks to reverse the onus of proof and tries to see who it can catch in the net. This compares with the real Australian ethos of working in cooperation, bringing everybody along, including people who highly respect our recreation areas and national parks and working with businesses and organisations. Let us give people the chance to understand legislation. Let us get out there and work with them, instead of taking a them-and-us approach of thinking that Queenslanders come from another planet. That is the way the government treats them.

I compliment our shadow minister for his detailed, well-constructed and balanced speech here today. His was the sort of contribution that this parliament needs. It was a detailed analysis that looked into issues. It was not just glossy statements like, 'It's nice to ride a mountain bike through the parks,' or, 'There will be some simplified system for obtaining a camping permit.' Let us come to the real principles of this particular bill, the principles that were espoused by our shadow minister.

I want to go through some important points. This bill abolishes the Queensland Recreation Areas Management Authority and its board, and increases the powers of EPA officers to the level of those exercised by police. It reverses the onus of proof. The onus of proof is a fundamental element of justice and fairness, but here we see the reversal of that onus. In this case, anyone who is deemed by an EPA officer to have committed an offence under this legislation will be guilty and they will have to prove their innocence.

Four times in the explanatory notes this legislation is described as breaching fundamental legislative principles. Certain legislative standards were brought into this parliament by Wayne Goss when he led the previous Labor government, and already we are seeing a breaching of those principles by this government. It wants to trample over people and put power in the hands of EPA 'police'—extraordinary powers that even our well-respected police officers, who have to uphold the criminal law, do not possess.

This legislation, without any guidelines, allows the minister to decide who is a fit and proper person in relation to the issuing of a commercial permit or the sale or purchase of an ongoing business. It denies community involvement because it limits the number of persons on the recreation areas management board to only the minister and two internal departmental heads. They are keeping it all in-house. This legislation offers nothing to private landowners to enter into an agreement with the EPA.

One matter of great concern in this bill is the increase in power given to EPA officers. They can enter premises, both inside and outside a recreation area, to search for or seize documents without warrants necessarily being issued. Mr Deputy Speaker English, as a former police officer you would know the process that has to be gone through to obtain warrants and the fairness that has to apply to an investigation. This is a complete abrogation of all those principles, as the jackboot attitude of the Labor government comes through in this bill.

I reiterate the importance of having proper and varied national parks that are representative of all the important areas that we want to preserve and look after. It is important that these parks be looked after. Some parks are more popular than others. Some parks are more accessible than others. It is important that we preserve parks for their natural flora and fauna. It is important that we provide reasonable access to those parks for people who wish to visit and understand nature, to show nature to their children and to enjoy the rivers, forests, beaches and so on.

We must be careful not to massively overpopulate and pollute with rubbish those very popular areas at peak camping times. The people who visit those areas go there because they love them. We will receive good cooperation if we take a partnership approach. We need to understand that it belongs to all of us and that we want as many people as possible to enjoy it without damaging and destroying it. We can do this in a cooperative way, whereby we all move forward together, rather than through the imposition of the police type powers that are proposed.

I can tell the government that I know the attitude of people who are trying to do the right thing. I have talked to people, particularly throughout the agricultural areas of north Queensland. They seek to cooperate, work in partnership, look after the environment and do the right thing. However, they just cannot get cooperation because of the attitude filtering down, which staff are required to adhere to, of 'crush them, catch them, find them, get them gaoled, send out the EPA police along with uniformed Queensland Police Service officers, get stuck into them, see what you can get and don't give them a chance'. That is the attitude. It is the wrong attitude and people are sick of it.

People want to cooperate. They want to look after our recreation areas, national parks and so forth. However, they do not want Queensland relegated to a state that is subject to unfair laws which are against all legislative principles and which treat people worse than common criminals. That is our fundamental problem with this bill. I urge members to vote against it. The government should turn it around and get it right. Let us try for a decent system, where we stick together as Queenslanders—not try to catch and attack each and every person in this state.