Speech By

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MEMBER FOR GYMPIE

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VEGETATION MANAGEMENT (REINSTATEMENT) AND OTHER LEGISLATION AMENDMENT BILL

Mr PERRETT (Gympie—LNP) (12.52 pm): I rise to speak on the Vegetation Management (Reinstatement) and Other Legislation Amendment Bill. It is becoming patently clear that this government has a serious problem with landowners. It demonises their activities and it intends to punish them with onerous, unfair, excessive penalties and regulations. It places greater burdens and expectations and threats of prosecutions on viable businesses and is slowly choking Queensland's great agricultural sector. The measures in this bill are extensive and aggressive, will apply a brake on investment and job creation, will shut down farm management and will have a negative impact on the agriculture, resource and property industries. This government should not indulge itself in making it even harder for significant industries to operate. The economics says it simply does not have that luxury.

Let us be very clear: this legislation is about demonising farmers and landholders so that the Deputy Premier can appease the onslaught of affluent green activists who live in inner-city concrete jungles. Its passage is directly related to the threat posed by the Greens and future preference deals. Its contents are shaped by green groups and their agenda. The Deputy Premier has become the Greens' representative in the cabinet room and does their bidding by pushing an unjust and flawed bureaucratic and regulatory burden on landholders.

How do we know this? We know this because, after extensive lobbying from green activists, the Deputy Premier grabbed control of this bill from the Minister for Natural Resources in December. We know this because the Deputy Premier tried to limit public consultation with those whose livelihoods would be severely impacted by this narrow, self-interested agenda. We know this because every time the Deputy Premier and the Minister for Environment have a chance, they spin an Armageddon-like threat that farmers pose to the future of Queensland. Only last week the Deputy Premier cited questionable clearing rates from a SLATS report to spin a doomsday scenario. Nowhere in that report was there any reference to thickening rates. If thickening rates are ignored, it cannot be a truly reflective report of the state of Queensland vegetation.

From the very start there has been a deliberate attempt to disrupt and limit consultation on this bill. The Deputy Premier originally wanted the committee to report by 15 April, giving only 19 working days and including the Easter school holiday period. That was overturned. As deputy chair I was able to secure an extra week of hearings throughout the state. This bill was rushed into the parliament without proper consultation and consideration of its damaging measures. It has had a chequered path.

Last year green activists sought to shut down consultation with stakeholders, refused to engage in a round table organised by the Minister for Natural Resources and another with the member for Cook, pressured the Premier to transfer responsibility to the Deputy Premier and spoke disparagingly about farmers at a public hearing. Consensus was never achieved because the roundtable consultation process was frozen after just one meeting. Environmental groups deliberately refused to engage without

guarantees that the legislation would be changed. On 12 June last year the Minister for Natural Resources said changes would not be rushed because it is 'integral to landholders, farmers and their businesses and the jobs they support across the state'. In August, September, October and again in February this year, assurances were made in parliament that change would not be made without extensive consultation. On 15 September the minister said—

... a key element of achieving this commitment will be through thorough consultation with a range of stakeholders ... a vegetation management community roundtable process will be used to achieve this outcome through participation from representatives from the agricultural and conservation sectors, the natural resource management collective and Indigenous interests. Once I receive the report ... the government will carefully consider the recommended actions in the context of our election commitments.

Despite this backdrop of promised consultation, green activists disrupted the consultation process and pushed for the removal of the minister. In June 2015 Dr Tim Seelig of the Wilderness Society demanded—

It's time the Premier stepped in and told [Natural Resources Minister] … to get a move on. Labor can't hide from this.

In August 2015 he launched a major email campaign through linked conservation groups, hammering the government saying—

... we have a stubborn Minister for Natural Resources, who prefers to hang out with the mining and Big Ag sectors rather than listen to the public's views. So, we plan to take the message directly to him in his electorate of Stafford as well as to Parliament. This week the crew from Queensland and the national campaign team are meeting in Brisbane to strategise and plot our next moves.

Pushing for action, he wrote to the Premier in September—

The Wilderness Society ... is disturbed by the complete lack of governmental action in restoring Queensland's nation-leading land clearing laws.

...

To date, we have not seen any positive action to either address the situation nor to fulfil your government's commitments.

...

In light of the above, and to be assured of Labor's commitments about vegetation management reform, we ask for a clear statement of intent about your government's delivery this term of the commitment regarding restoring strong tree clearing laws. We also seek swift action to suspend current clearing ...

In September he again wrote to the Premier, concerned that the government was taking a considered and balanced approach, saying—

While we have no issue with the government discussing the implementation of its land clearing commitments with rural stakeholders, the email's reference to taking "a considered and balanced approach to implementing protections that will promote sustainable agriculture while also addressing ... the long-term health of the Reef" suggests a much broader conversation, which is at odds with what the government has already promised to do.

On 18 September 2015 Dr Seelig said—

… it is way over time for the Government to be moving on this.

...

Why Minister Lynham is out there talking about compromises and softer solutions and, frankly, doing absolutely nothing in the meantime, beggars understanding.

This bill is about securing Greens preferences. On 29 March this year Sarah Elks wrote in the *Australian*—

Some in Trad's dominant Left faction want the issue to serve as a lightning rod to appeal for Greens votes. Late last year, Palaszczuk took responsibility for the vegetation management changes away from Natural Resources Minister ... a senior member of the AWU-led Right faction.

Cape York leader Noel Pearson alluded to this, saying—

I believe that too many decisions are arbitrarily taken in south-east Queensland for considerations other than proper environmental stewardship.

...

Our opportunities for our future generations to develop have been cut off at the past, so I just think this is an unfortunate agenda the State Government is pursuing here.

On 28 March this year, Queensland Greens campaign secretary Andrew Bartlett warned that Labor could lose Greens preferences if it did not prosecute changes, saying—

It is not a matter of some sort of a deal with the party—it's a matter of a core election promise and a key issue for Greens voters. If Labor backs away from those sorts of things, that makes Greens voters … less likely to want to preference Labor ...

The committee hearings in Brisbane heard provocative and incendiary language from Dr Seelig about landholders, demonstrating his complete contempt for the issues they face. Dr Seelig said—

… I noted that a number of individual landholders have been paraded in front of the committee. I guess that is an attempt to try to personalise the effects of this bill.

Mr PERRETT (Gympie—LNP) (2.59 pm), continuing: As I was saying before the adjournment, the committee hearings in Brisbane heard provocative and incendiary language from Dr Seelig about landholders, demonstrating his complete contempt for the issues they face. Dr Seelig said—

... I noted that a number of individual landholders have been paraded in front of the committee. I guess that is an attempt to try to personalise the effects of the bill.

I responded—

Excuse me: I dispute the fact that they have been paraded in front of the committee.

I also said—

Please explain yourself with regard to that, because that is an insult to every single person who has come before this committee. They have not been paraded. They have come here under their own volition and, in a lot of cases, put a very emotional perspective to what we are doing and what the government is proposing to do. I ask you to withdraw that, please.

Dr Seelig replied—

I withdraw the word 'paraded'.

This bill is not good policy. It is not based on environmental logic, but rather on political promises and what the government thinks is good politics. As true environmentalists and responsible custodians of the land, farmers should be allowed to continue to sustainably manage their land. To do otherwise makes poor business sense. AgForce said—

Unlike professional, career-driven environmental lobbyists we live, breathe and work in our environment every day ... are directly engaged in conservation activities such as biodiversity projects, nature refuges, tree planting and the voluntary retention of category X vegetation that could be cleared legally.

Growth of our agricultural industries can only be achieved with sensible land management laws. These proposals are anything but sensible. Prohibiting clearing of high-value agriculture and irrigated high-value agriculture land will restrict supply, drive up food prices, stifle regional development, make it harder for farmers to grow their businesses, accelerate the urban drift of young rural people and stagnate local jobs.

Indigenous communities will bear an unfair and disproportionate burden for the environmental wishes of city dwellers. The Cape York Land Council Aboriginal Corporation said—

Aboriginal people on Cape York are the Queenslanders most in need to actually use their land for economic development so that they can break free of welfare dependence ... Because of this unfair burden we do not support ... removal of the option for vegetation clearing for irrigated agriculture and high-value agriculture.

The re-regulation on high-value regrowth on freehold and Indigenous land is counterproductive.

Mapping of some of our most productive land as category C is simply a land grab that permanently devalues land that has been developed at major cost and reduces income. An Emerald witness said—

... the proposed ban on clearing category C high-value regrowth will lead to a loss of biodiversity and an increase in erosion and sediment washing onto the Great Barrier Reef. This is the opposite effect to what the laws are trying to achieve. ... contrary to the commonly held belief of many environmentalists, trees do not prevent erosion; rather, it is good ground cover, especially grass, that slows the flow of the water across the land and holds the soil together.

Basic sensible property maintenance dictates that landholders manage regrowth on their properties. One witness said—

The thickening of vegetation has choked out the grasses, causing erosion. Where we have improved the land sustainable for grazing, erosion has been reduced. The land we have developed needs constant maintenance to keep regrowth from taking over our grazing areas in order to keep it healthy and productive.

The one-size-fits-all approach does not work. Extending the protection of regrowth vegetation in watercourses such as the Burnett-Mary catchment will have a significant detrimental impact on my electorate. Serious questions remain about the science supporting this, as there is no science to prove that a 100-metre vegetation buffer is more beneficial to the Great Barrier Reef than a 100-metre vegetation ground-cover buffer of filtering sediments.

This bill uses unreliable mapping to trample on fundamental legal rights. The mapping has been described as 'woefully inaccurate', 'atrocious', 'thoroughly irresponsible and irregular' and 'consistently ... proved to be extremely wrong'. In one case, a lot of native woody weeds were showing up as some sort of vegetation resource, if not regrowth. Lantana was appearing as softwood scrub, which is endangered regrowth. Despite significant implications for legal prosecution, it is concerning that witnesses described having trouble seeking departmental advice, saying—

There are just no department people there to help educate landowners.

Recently, the government allocated $7.8 million over four years and ongoing funding of $1.5 million per annum to support aerial and satellite imagery to assess vegetation management compliance, which is code for a return to tree police.

As I wrote in the statement of reservation, common sense and good governance would dictate that a budgetary allocation be identified and used to correct and update inaccurate mapping. Therefore, yesterday it was surprising to receive email advice from the department that it has released more accurate mapping, asking recipients to submit a new request for a property report or vegetation maps. This advice is a measure that I proposed during the hearing process, comparing it to receiving a property valuation notification and at that time was surprisingly rebuffed by the department. While I commend the government for finally advising landholders, my personal experience gives me little confidence that the new maps are actually accurate, as the department has an appalling record with map accuracy. The maps can only be guaranteed after substantial ground truthing.

In one exchange with the department, I asked—

Tell me why the department does not inform landholders when there is change to vegetation mapping. ... In a lot of cases landowners do not have access to internet and ... devices to be able to go online. ... why ... not inform landholders when there has been a change to vegetation mapping on their property.

I also stated—

When a property valuation changes, that landowner is obviously notified of any change in valuation. ... The department mails each landowner individually, be it urban or rural, to notify them of the change and a challenge process. I put it to you that perhaps given the significance and the penalties that are associated with getting it wrong, it would be advisable for the department to consider a process where they could advise property owners, similar to the property valuation process, of any change to the vegetation mapping on those properties.

They answered—

Landholders are not notified directly.

They also stated—

We do not do direct mail-outs because of the logistics associated with doing that.

They further stated—

The department has obviously, through its responsibilities with managing titles, mailing addresses for all landholders, both electronic and written. I know the valuation mail-out annual cost is close to a million dollars to do that notification, so it is not an insignificant amount associated with manually notifying landholders.

I contest that that advice to landholders should be mandatory.

This bill will both remove and undermine basic legal rights. The proposals to reverse the onus of proof, to remove the mistake of fact defence and to make this law retrospective are unjust and draconian. Reversing the onus of proof means landholders will be guilty until they prove their innocence. They will have fewer rights and be treated worse than murderers and outlaw motorcycle gangs. The Queensland Law Society said there was no justifiable reason or proof provided to reverse the onus of proof, calling it 'a step backwards for justice in this state' and that—

... administrative convenience or prosecutorial efficiency ... does not justify erosion of the principle that a person is presumed innocent of an offence until they are proven guilty.

The Deputy Premier fatuously compared it to red-light cameras and speed offences, where people are deemed to have committed the offence. The Queensland Law Society pointed out that—

This ... might take a few points off your licence and might end up with a very small fine. The penalties which this act deals with is up to five years imprisonment. ... A conviction for this carries maximum penalties ... and fines sufficient to effectively bankrupt or take away the farms of people who are deemed by law to have committed offences.

They further stated—

The analogy that Minister Trad has used ... They have, generally, modest penalties. Environmental harm offences ... involve significant penalties. There is simply no equivalence between the two and, with respect to the minister, it is like comparing a grape to a watermelon.

This bill will also deny landholders the mistake of fact defence. To prosecute landholders on the basis of patently wrong and inaccurate mapping breaches any principles of natural justice. Without this defence, a farmer can be prosecuted because he acted on an inaccurate map provided by the department.

The Law Society described the mistake of fact defence as—

> ... simply good law ... it plays a very, very important role and ... in fact prevents injustices. Can you imagine a court fining someone or being asked to fine someone, taking away their livelihood and imprisoning them because someone did not do the map right and they cannot rely upon that as a defence?
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> How is that fair? How is that reasonable? Does it pass, quite frankly, what some people used to refer to as the sniff test, the pub test?

Finally, making these amendments retrospective to 17 March will create a minefield for assessing lawful clearing and the ability to defend any prosecutions relating to the transition period. This bill demonises farmers and landholders, is anti agriculture, anti resources and anti economic development. It does not consider that Indigenous or non-Indigenous landholders are better placed to say what is best for their land. It removes and undermines basic legal rights. It destroys trust between government, these agricultural, resource and property industries and individual landholders. It is driven by green activists who have demanded payback for preference deals and future support, disrupted meaningful consultation, dismissed the effects on landholders and want to remove sensible and sustainable opportunities for farmers and landholders to grow their businesses. For these reasons, this bill should be rejected.