




Speech By
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MEMBER FOR TOOWOOMBA SOUTH

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VEGETATION MANAGEMENT AND OTHER LEGISLATION AMENDMENT BILL

 **Mr JANETZKI** (Toowoomba South—LNP) (11.32 am): Given my shadow portfolio responsibilities, I will primarily limit my contribution to a few specific legal issues associated with this bill today. Others from the LNP have and will continue to articulate beautifully why this bill ought to be rejected and substantially amended. They will do so, and have already done so, on the grounds of agricultural, environmental, economic and also social impacts that are on foot under this bill. I pay tribute to the contributions of the shadow minister, the Leader of the Opposition, the Deputy Leader of the Opposition, and various rural and regional members from our party.

When reviewing this bill, one cannot forget what the Labor government really want to do—what they tried to do in 2016 and narrowly failed—and that was to make a direct strike at the very heart of the rights and liberties of Queensland citizens. Back in 2016 I remember the former member for Hinchinbrook, the inimitable shadow minister of the time, describing the bill before us then as an ‘act of calculated political retribution’. It was and it remains so today.

How could we forget the 2016 attempts to introduce similar laws to these but with their offensive removal of the mistake of fact and the reverse onus of proof provisions that they sought to implement? Who could forget the offhanded comment in the explanatory notes to that bill in 2016 which stated, ‘There is likely to be a reduction in compliance costs by reinstating reverse onus of proof and removing mistake of fact defence provisions.’ What that said to the people of rural and regional Queensland was that their rights and liberties are second rate—in fact, worse than that, that they come last. It may have been too hard for the Labor government at the time to round up enough evidence to bring a proceedings, so the guilt would be placed on landholders until it could be proven otherwise. We all know that deep down they have not changed at all, even if this bill does not contain those most offensive provisions.

The Queensland Law Society spoke strongly against various provisions of the 2016 bill and have done so again on this bill. They have critically commented on the failure to appropriately consult, uncertainty around code revocation and replacement, Planning Act 2016 regulations, restoration notices and retrospectivity. It is retrospectivity which raises the most grave of concerns. The Labor government has form but this is a most egregious breach of fundamental legislative principles.

The government believe that this breach is justified by their attempts to legislate by press release in that they foreshadowed their attention to legislate in this manner. I am not sure how many farmers and landholders were watching the minister’s Twitter feed, watching out for ministerial statements and media statements associated with vegetation management, just to keep in touch with his legislative intentions. I doubt there were any. The rule of law demands predictability. A law that can be changed retrospectively is not predictable. Citizens should not have to endure capricious retrospective law making and the Labor government ought to address this issue today.

One significant philosophical issue with the bill that the Queensland Law Society has not raised is the Labor government’s failure to contemplate the provision of any compensation for the loss of property value that occurs due to the imposition of many aspects of this bill. It is a proposition that was

explored at length some years ago by Emeritus Professor Suri Ratnapala at the University of Queensland—incidentally my constitutional law lecturer. Emeritus Professor Ratnapala's exploration was based on Labor's first vexatious foray into vegetation management in 1999. That act—the Vegetation Management Act—introduced the first ever restrictions on vegetation management on freehold land in Queensland, although the Land Act 1994 had created the first controls on vegetation management in Queensland, albeit at the leasehold level.

I want to dwell on a number of Emeritus Professor Ratnapala's themes for a moment. There is no doubt that Queensland farmers and landowners will see the value of their property diminish due to this Labor government limiting their use, and thereby reducing their income, and removing in some substance the enjoyment of their property. This is done in the government's mind to allegedly advance the public interest of nature conservation. However, it fails to answer the fundamental question of why do farmers and individual landowners bear the cost of the alleged public benefit? Thousands and thousands of farmers—and we saw hundreds of them out there just yesterday—would undoubtedly appreciate an answer to this question.

There also remains an argument that bills of this nature, like the one before the chamber today, fall foul of the just terms provision of the Constitution. In the 1999 decision of the Commonwealth v Western Australia, the High Court faced the question of whether a federal authorisation to carry out defence training on Western Australian land was an acquisition of property in the minerals reserved for Western Australia. Justices Callinan and Kirby found that there was an acquisition and Justice Callinan stated that the authorisation may be compared to a restrictive covenant 'if one person'—for his or her own reasons—'wishes to sterilise or restrict the usages of another person's land, the latter, in a free marketplace, would demand recompense and the former would be expected to pay it'.

By analogy, it might be asserted that the restrictions as proposed by the Labor government are tantamount to such an acquisition and thereby attract compensation. Regardless, it is another reminder that this Labor government cares very little for interests in private property and cares even less for those who seek to maximise such interests in private property for their own business development and for the economic and social good of Queensland.

When it comes to the social good of Queensland, I am reminded of one instance that has come into my electorate office over the last couple of weeks, and that is the interest of Balmoral Avocados, which is situated on the northern side of Toowoomba near Cabarlah. This bill has seen their plans to expand their avocado orchard at Cabarlah placed at the most serious and grave risk.

Co-owner Bill Mair explained to me that this additional development—they had planned to plant over 10,000 avocado trees on their orchard—would have created substantial economic activity for the Toowoomba region and would have created six full-time jobs and more than 40 part-time jobs on seasonal conditions. That is just one example of major economic loss that these laws will bring to the Queensland economy.

Finally, I want to spend a few moments reflecting on a personal note. As so many members on this side of the House have already outlined, when you are born and raised on the land—and I think of the Leader of the Opposition and the members for Gympie, Condamine, Gregory and Scenic Rim—personal offence is taken when you realise that these laws show a deep distrust of the farming community. Many of us were born and raised on the land, and many of us retain an interest in agricultural land such as the member for Broadwater. I reflect on the words of the member for Springwood just a moment ago and his acknowledgement that farmers are some of the best conservationists. It is not acceptable to just say that. His actions must reflect it. It is not good enough to simply mouth the words. The actions that we see through legislative provisions must reflect the words spoken.

Mr Costigan: You've got to back it up.

Mr JANETZKI: You have to back it up. I take that interjection from the member for Whitsunday. My parents cleared marginal country near the Bunya Mountains to create a dairy farm. They milked 100 cows. They cleared some land to cultivate crops to keep their dairy cattle alive.

Mr Krause: They are required to.

Mr JANETZKI: They are required to. These laws strike at the very heart of hardworking and trustworthy farming families, and we saw hundreds of them out there yesterday. We saw them heartbroken and absolutely despairing about what this will mean for their future in farming and their children's future in farming. I would say to the government on a personal note once more: their members on the committee and in the government should have spent time listening to rural and regional Queenslanders and reflecting on the social and economic good for Queensland.

(Time expired)