

QUESTION ON NOTICE

No. 983

asked on Friday, 8 June 2007

MR HORAN ASKED THE MINISTER FOR NATURAL RESOURCES AND WATER AND MINISTER ASSISTING THE PREMIER IN NORTH QUEENSLAND (MR WALLACE)—

QUESTION:

With reference to the successful, unsuccessful and pending actions by the department against landholders through violations of the Vegetation Management Act 1999 and in particular to the recent court case of Ashley McKay whose appeal was upheld because staff in his department gave false evidence against him and conducted a biased investigation which included fabricated evidence—

- (1) Will he provide an update on what action has been taken against the staff who were under investigation and what measures has he taken to ensure that a disgraceful episode like this, where a landholder is victimised, does not happen again?
- (2) Will he provide an itemised list of the total amount of actions prosecuted against landholders by the department through violations of the Vegetation Management Act 1999, the result of the action (successful, failed or pending) and the fines that were imposed (reported separately)
- (3) Will he provide an itemised list of the successful appeals against vegetation management convictions and the amount the department has paid to the successful appellants (reported separately)?

ANSWER:

- (1) This matter is currently under investigation accordingly I am unable to advise the Member concerning this component of his question.
- (2) My department advises that 55 cases have been brought before the courts in relation to illegal vegetation clearing since 2003. Another 13 cases are pending. Of the completed matters, 52 have been successfully prosecuted with only one being unsuccessful (please note two further matters are currently under appeal by the Department and further information concerning them cannot be provided). The total value of fines imposed is not readily available. Collection of this data would require significant research of individual files by the Department and accordingly represents an unreasonable burden on Department resources.

(3) My department advises since 2005, eight appeals have been lodged and subsequently finalised against Magistrates Court decisions, in favour of the Department on illegal land clearing. A further six appeals lodged in 2006/2007 are currently being considered by the higher courts.