



GLEN ELMES

Member for Noosa

Shadow Minister for Climate Change & Sustainability

Hansard – Tuesday 27 October, 2009

Vegetation Management & Other Legislation Amendment Bill

Mr ELMES (Noosa--LNP) (3.25 pm): I rise to make a contribution to the Vegetation Management and Other Legislation Amendment Bill 2009. This bill was introduced to the parliament following the state election in March 2009, and it was the first step in rewarding the green lobby for its preference support during that election campaign. This first green gift was followed up with a second one, the Great Barrier Reef Protection Amendment Bill 2009, passed during the last sitting of this House. At least some common sense prevailed in that case with the exclusion of dairying from the effects of that divisive legislation.

The common theme in both of these bills is that there are winners and there are losers, and it is a conscious decision by this Labor government that it be so. I should add at this point that there is no need for it to be this way. On election night in March an elated Premier announced as her defining mantra, 'Queenslanders, you can count on me.' The impression she tried to create was that she would govern for all Queenslanders and, like so much that comes from the Bligh government, the actions do not match the words.

What irks me most about this approach, which I see too often from this government, is the total disregard for the rights of individuals. This is certainly very sad to see. I know and expect, as I hope all Queenslanders know and expect, that governments will always govern for all of the people or at least make a conscious effort to do so. The opposition will always stand side by side on behalf of individual Queenslanders and fight for their rights. We encourage self-reliance in the individual while Labor stifles the citizen in favour of the state.

It is sad to contemplate this concept foreign to Australians, foreign to the Australian way of life and particularly foreign to people in rural Queensland. What we see all too often is this vindictive approach to governing. The rewards flow to favoured groups at the great expense of others. Labor's actions say, 'If you're not with us, you're against us.' There is no room for independent thought, for an alternative viewpoint. It is 'my way or the highway' ideology.

There is no room anymore within 'Labor Inc.' for public dissent. There are many individual points of view, for example on federal Labor's emissions trading scheme, within Labor state rank and file, but neither those dissenting voices nor those constructive contributions to the public debate are ever heard. Labor discourages, stifles, disendorses and excommunicates any member who dares to speak up or speak out. This contrived unity of Labor contrasts sharply with the LNP approach, where the individual is strongly encouraged to research, to reach an informed position and to express it with passion.

The bill now before the House has a number of welcome attributes. The 20-year exemption is warmly welcomed. The self-assessable aspect is preferred to policing. The creation of new maps very quickly creates welcome certainty. It replaces the uncertainty arising from amendments and even more uncertainty arising from amendments to amendments of maps. These are very positive steps and they will be warmly applauded by us as they will be in the wider community.

However, the bill also has a number of serious flaws. It highlights a government which is already very tired just six months into this new term. Clearly, the minister has forgotten that the three-

month moratorium created by the Vegetation Management (Regrowth Clearing Moratorium) Act 2009 was to end on 7 October. Maybe he was asleep on the job, as he was as Minister for Health. Maybe we are witnessing in the minister a new medical condition--chronic responsibility fatigue syndrome--and maybe it is contagious.

As I look at the government benches opposite, I would have to say that it is. To cover up this failure, there was a flurry of activity as all of the resources of Parliamentary Counsel were diverted to rushing a bill into the House before the time expired. This flurry put at risk debates on other amendment bills before the House.

It has risked proper parliamentary practice in order to protect the minister and this government. In my view, it breached the Legislative Standards Act by not adequately resourcing the Office of Parliamentary Counsel to enable it to fulfil its mandate. If there had not been such undue haste, we may have seen a public benefit test and a competition impact statement. We may have seen a regulatory impact statement. We might have seen an economic impact statement. We may have even been presented with an objective analysis on the effect of the legislation on jobs. We are all the poorer for this lack of intellectual rigour being applied by the minister to his responsibilities. I am afraid that while we in this parliament are poorer in terms of our knowledge, the people directly affected by this legislation will be poorer in the pocket.

The Legislative Standards Act 1992, at part 2, defines fundamental legislative principles. Section 4(3) (g) states, 'does not adversely affect rights and liberties, or impose obligations, retrospectively'. There is no wriggle room there. The act does not permit retrospective legislation in certain circumstances. In fact, it bans it. Contrast that with the explanatory notes, which deal with this issue by suggesting, 'In this instance, retrospectivity is justified.' I am sorry, but it most certainly is not.

The Legislative Standards Act states that one may not impose obligations retrospectively. The purported reason put forward in the explanatory notes states-- The introduction of the regrowth vegetation regulations ahead of the legislation is necessary to ensure that high value regrowth vegetation and native vegetation adjacent to regrowth watercourses is not cleared pre-emptively while the Bill is considered by Parliament. That is the purported reason.

I suggest that there is some truth in the story that the minister and this government were not really up to the job. The government is prepared to disregard the aspirational law governing maintenance as the highest legislative standards. The notes go on-- While retrospective legislation which disadvantages individuals is a breach of fundamental legislative principles and generally objectionable it has been accepted that retrospectivity is justified where the interests of the public as a whole outweigh the interests of an individual.

However, the public interest is not the prime issue here. The prime interest here is to protect the minister. It is a mischief to cloud the real reason for the retrospective aspect of the legislation in a public interest argument. It debases the principles of public interest and diminishes the integrity of the parliament to permit this to occur.

The minister should be sanctioned for this failure but instead the Bligh government closes ranks. It has done this before. It changed the law to protect a notorious ex-minister who at best misled the parliament and is now before the courts. It is no wonder that the public at large is sceptical about the Premier's integrity and accountability process when it witnesses such shameless self-interest on a regular basis.

That same public is also sceptical about our future food needs. Mums and dads know the impact of prices on the purse. I go shopping regularly with my wife for our household grocery and needs. The price of groceries and fresh food is rising relentlessly. GroceryWatch did not help us. Often on our shopping trips I see the amount of produce that is imported. If this government continues to maintain its relentless attacks on our farmers and primary industry, which is worth \$13 billion per year to the state's economy, then at some point we will need the income of a CEO, including some of those controversial bonuses, to be able to afford Australian produced food.

Food is akin to electricity. In Queensland it is a race to see which will be the first to be priced out of the reach of the less fortunate in our society. We cannot import power so the price must simply rise and rise, despite all the promises--now so broken--to the contrary. This government has been

asleep on the job when it comes to electricity pricing and it is now in great danger of much more than a nanonap when confronted with the issue of food security. Queensland has around 144 million hectares under food production as against the state's total size of 173 million hectares. Over and over again what we are seeing from this government is a rush to lock more of our food producing areas away, with little or no compensation for those who own the land. At the same time, Queensland experiences a population growth of 1,500 people per week, as Australians seek a better and more relaxed lifestyle.

At some point our ability to feed ourselves will come into question and this should never be the case. With the abundance of opportunities that this state has, it should not even be contemplated. Perhaps the minister will not be happy until all of our food is imported. Perhaps in time he will like his pineapples Brazilian.

In the last sitting of parliament we saw the government's attack on the productivity of agriculture in the wet and dry tropics. We saw legislation to specify optimum amounts of fertiliser; not best practice, but some arbitrary amount prescribed from George Street.

We also saw the grazing equivalent to this flawed notion, which is stocking rates, until it was abandoned in favour of a regulation that we are yet to see. The impact common to this approach is a reduction in production.

Farmers are trying to maximise the return on their investment by maximising the output from their land, without degrading their basic asset. If the population here in Queensland and across the world continues to grow at the present rate, how do we propose to feed those extra mouths? We need higher yields, greater areas of arable land or both. The logic is unchallengeable.

Instead, we have a government that aims to reduce farm productivity consciously, that is locking up valuable farming land consciously, that is putting houses on valuable farming land near our capital cities and major centres consciously, and that proposes to flood rich arable farmland close to our capital city with a dam that no-one wants. No-one has been privy to the reasons for the proposed dam site being the preferred location.

Not only is this land to be flooded, but also it is one of those lucky quirks of natural formation in Australia where the coincidence exists between arable land and adequate reliable rainfall. Water is life and the government consciously chooses to flood great farmland to prevent it growing food, which will diminish Queensland's and Australia's food security, simply to secure a few green preferences. How terribly desperate is that? All Queenslanders should be able to rely on the word of their Premier. All Queenslanders should be able to count on her. What should the approach have been? A government governing for all Queenslanders—

Madam DEPUTY SPEAKER (Ms Farmer): Order! Could the member ensure that he is speaking to the intent of the bill.

Mr ELMES: Yes I am, Madam Deputy Speaker.

Mr Robertson: It's about vegetation.

Mr ELMES: Yes, it is Minister. A government governing for all Queenslanders should be looking for a win-win solution. How could it have secured a win for the environment and a win for agriculture? There is always plenty of stick in this government's approach when dealing with other than its natural constituency, but precious little carrot and it is the same here.

Where has the government sought to reward landowners for establishing 50-metre buffers around all watercourses in the wet and dry tropics? Nowhere!

What will be gained by landowners from the legislation now before the House? Nothing! There will be nothing at all in it for them.

What would encourage any landowner to lock up marginal land in regrowth vegetation? Again, nothing!

There is nothing in this legislation or in the government's thinking. The government's expanse of moral rhetoric on climate change is far removed from any practical aspect. What could or should it have done to ensure that carbon credits were available to any landowner who locked up any land with vegetation?

Now that there is genuine public interest, the government is notably absent on this issue, although I did note the statement made by the minister earlier yesterday or today.

Federal Labor signed the Kyoto protocol as an act of faith with electors. Most saw it as a symbolic gesture aligning Australia with the rest of the world, so setting it apart from its major partner in many actions and causes, the United States.

However, there were practical implications from that symbolic decision. Many landowners who recognised a niche opportunity to market their product as carbon neutral were thwarted at the stroke of the Rudd pen. Those who had planned for years to preserve and enhance native vegetation, surely the most appropriate vegetation of all on their land, were thwarted. Those who had their properties and production methods audited so as to be in a position to market their product as carbon neutral were thwarted. They found that the stroke of the Rudd pen had stricken their ambition, floundered their planning and made their niche market unattainable. Native vegetation is not yet recognised for carbon offsets. Native vegetation has no carbon offset value in the international climate change marketplace.

The inescapable irony is this: had landowners denuded their properties entirely of native vegetation and then planted an introduced species, they would be eligible for carbon offsets. Their trees would have climate change value. So the outcome we all want is defeated by a conscious policy decision. The outcome we want cannot be achieved by the present policy settings. The government's objective is self defeating.

The question is: what will this government do to align the policy settings to achieve our common objective? This is genuinely a matter in the public interest. As we are all citizens of the world, the challenges before the government are to represent all of us in attaining the best possible outcome. The government should revisit its policy objectives here and think through how this legislation will translate into actions on the ground.

I challenge the government not to continue its vindictive approach to legislation but to look seriously at how it might work in the interests of all Queenslanders. I challenge the government to seek a win-win outcome which is not likely to be achieved as the bill presently stands. As I mentioned earlier, were landowners some time ago to have bulldozed their land, denuded it of native vegetation and then replanted introduced species they would now be eligible for carbon offsets.

The legislation before us enables an exchange system which may allow some sections of protected regrowth to be cleared if replaced by another larger parcel. Will the government permit, even encourage, clearing of native vegetation for replacement by single species forests? Single species plantations are wastelands if the objective is to deliver a biodiverse ecosystem. So it seems self-evident that offsets must be recognised for native vegetation.

If that is the case, then the government must pressure its federal Labor colleagues to seek at Copenhagen carbon offset recognition for native vegetation. It is essential that this comes about. We are all acutely aware in this House of the plight of the koala in South-East Queensland. Concerned citizens in great numbers demonstrated in the streets of Brisbane only a couple of weeks ago.

The government's winner/loser view was on display again when the planning outcome demonstrated that the placement of schools comes before the survival of koalas. With this legislation we have a great opportunity to extend native vegetation--vegetation with the highest biodiversity value--to offset the loss of vital koala habitat at Thornlands and elsewhere. I await, as a friend of the koala, for the government to announce that it will be using this bill to offset its own actions and demonstrate some leadership on this issue to the Queensland community.

Ken Henry, secretary to the federal Treasury, only last week on 22 October expressed personal pessimism at Australia's ability to cope with projected population growth. He cited a number of examples where it was clear that we were yet to reach a genuine accommodation with our environment. He said that climate change would have profound implications for the pattern of human settlement. I share that concern and I challenge the government to address it--consciously.

A Brisbane of four million people and an Australia of 35 million people by 2050 will create major challenges and major opportunities. It will challenge our commitment to sustainability. It will challenge our commitment as a society to the triple bottom line.

If our existing settlement pattern is mirrored in this growth phase, then more intensive settlement on the coastal strip is as certain as death and taxes.

It will mean heavier population density in our capital cities and in our major regional centres. It will mean high rises. It will certainly mean infill development, which the communities that I represent have argued strongly against as a shortcoming of the new Sustainable Planning Act. It will mean a sprawling of the urban footprint. It will mean a continual shrinking of the green buffers between the regional council areas on the Sunshine Coast. It will mean a continuing loss of food-producing land within the adequate reliable rainfall belt.

The Mornington Peninsula in Victoria is a prime example of the transformation of land near a capital city from food producing to food consuming, as housing development has replaced orchards, dairy and cattle grazing.

We are about to make a similar mistake by flooding the Mary Valley.

It is about time that we began to learn from our mistakes. I challenge the government to think win-win, to adopt the most relevant of Steven Covey's seven habits to this debate.

But let us not forget, as we look to a sustainable future beyond a three-year election horizon, to begin with the end in mind.
