

NATIVE VEGETATION (MISCELLANEOUS) AMENDMENT BILL – 15 September 2011

Adjourned debate on second reading.

(Continued from 22 June 2011.)

Mr PEDERICK (Hammond) (17:15): I rise to speak to the Native Vegetation (Miscellaneous) Amendment Bill 2011. I note that provisions in this bill will clarify that the act applies to the Mitcham Hills; that the addition to the council of a person with expertise in planning or development will proceed; that there will be transferability of funding between regions with the criteria of increased biodiversity value from the native vegetation fund; and, as has been mentioned by other members from this side, there will be an increase in expiation for illegal clearance from \$500 to \$750.

We are told that if this bill gets through and becomes an act there will be greater flexibility in the treatment of significant environmental benefits (SEB offsets) and the provision of future offset credits for current conservation works. There will be a lesser regime for minor enforcement notices—a new section 31EA of the Native Vegetation Act. There will be changes to court proceedings which will include amendments to the time frame for when proceedings may be commenced, and a change in jurisdiction for criminal hearings from the Magistrates Court to the ERD Court. It also expressly stipulates that satellite imagery is a legitimate mode of evidence.

I noted with interest the closing comments of the member for Bragg. I want to bring to the parliament's attention a constituent from Mantung, Mr Kevin Parker, who had a long ongoing relationship with the Native Vegetation Council (not a fruitful relationship). I will read the letter that I wrote to the Minister for Environment back on 16 February 2011:

Dear Minister,

I have been asked by Mr Kevin Parker of Mantung to bring to your attention two matters that concern him in reference to his application for a permit to clear native vegetation on his land.

Mr Parker states he was required to sign a Heritage Agreement over the entire 1,700 acres of his property in order to get a permit to clear 600 acres of it. Mr Parker states he is still awaiting receipt of that permit—a matter that has been outstanding for a considerable time—and he is understandably anxious to get on with the task. The initial agreement was struck in 1988.

So the Parkers have certainly had a long relationship with the environment department:

Mr Parker also points out that in the original agreement, the department agreed to erect fencing around the designated heritage area. According to Mr Parker, although some was done some years ago—

Some 12 kilometres still needs to be erected. It continues:

Mr Parker further advises that his attempts through his solicitor to discuss these matters with the minister or department have not been successful. I would be grateful if you can discuss these matters with the department with a view to having them resolved promptly.

We got a fairly prompt response from the minister in March 2011. The minister writes:

Dear Adrian,

Thank you for your letter dated 16 February 2011, on behalf of Mr Kevin Parker, concerning his application to clear native vegetation on his land.

I have been advised by the Department of Environment and Natural Resources (DENR) that Mr Parker is currently the subject of an investigation into alleged unlawful clearance of native vegetation on his property. I am informed that DENR is dealing with the matter as a priority and is working in conjunction with the Crown Solicitor's Office.

As this is an open investigation, I am unable to comment at this stage. However I am informed that the Crown Solicitor's Office has recently been in contact with Mr Parker's lawyer and that the Crown Solicitor's Office will continue to communicate with Mr Parker's lawyer.

It goes on:

For further information on this matter, contact Ms Rosemary Steen, Senior Solicitor, Crown Solicitor's Office.

We recently had a response from the Crown Solicitor's Office which goes back to July 2011, and it talks about enforcement notices under 31E of the Native Vegetation Act in regard to the Parkers. I will read the letter to quote it in:

I note your recent telephone messages.

As previously discussed, I act on behalf of the Native Vegetation Council on this matter.

I am in discussion and correspondence with Mr David Wilson, legal representative of the Parkers. You can approach either Mr Wilson (if Mr Parker consents) or my client to obtain an update on the matter but it is not appropriate for me to discuss the matter with you.

I am confident that you understand the importance of these constraints.

So that is a series of correspondence, and I know that my office and myself have had many discussions with Kevin Parker, and he is in dire straits. He has a work order; he has a Native Vegetation Order over his property. It has restricted his ability to borrow money on his land because, essentially, we have either an inept department, an inept Native Vegetation Council or an inept minister. I would like to know what the heck is going and why this has taken so long. I refer to section 31E of the Native Vegetation Act which provides:

31E—Enforcement notices

- (1) If an authorised officer who has been expressly authorised by the Minister to issue directions under this section has reasonable grounds on which to believe that a person has breached this Act, or is likely to breach this Act, the authorised officer may do such of the following as the officer considers necessary or appropriate in the circumstances:
 - (a) direct the person to refrain, either for a specified period or until further notice, from the act, or course of action, that constitutes, or would constitute, the breach;
 - (b) if, in the opinion of the authorised officer, a breach has occurred and the breach is a minor breach—direct the person to make good the breach in a manner, and within a period, specified by the authorised officer;
 - (c) take such urgent action as is required or is, in the opinion of the authorised officer, desirable because of any situation arising from the breach or likely breach (as the case may be).

So, under 31E 'Enforcement notices' it is all up to urgent action placed onto the landholder. What is urgent action for the department of environment? Is it decades? Because this case has been going on for years and years and years and the Parker family needs some direction. Either take them to the cleaners through the court procedure or tell them they are scot-free; it is as simple as that. The Crown Solicitor's Department needs to get on with the job.

This is holding up public money, and it is costing the Parkers significant amounts of money. They are basically going broke steadily, and it is just appalling. If there is something to pin on these people for alleged unlawful clearance, just get on with it and put them out of their misery. But, if not, tell them they can get on with the job, take the work order away, and let them get on with life.

I urge the minister to at least look into the matter. I note the correspondence from the minister indicates it is currently under investigation; well, that is fine. Someone needs to be stirred up to get on with the job. It is alright to put these grand laws in place and it is alright for the Native Vegetation Council to say they are looking after assets in the country, but if they think that they have a conviction, well get on with the job, and if they have not, get away from it, and let this man and his family get on with their life.