



**Hon Craig Wallace MP**  
Member for Thuringowa



**Minister for Natural Resources  
and Water and Minister Assisting  
the Premier in North Queensland**

Ref CTS 08726/07

3 SEP 2007

Mr N J Laurie  
The Clerk of the Parliament  
Parliament House  
Cnr Alice and George Streets  
Brisbane Qld 4000

Dear Mr Laurie

I refer to your letter of 13 August 2007 enclosing a copy of Petition No. 860-07 lodged in the Queensland Legislative Assembly.

The Petition draws the attention of the House to the loss of freehold land rights under the *Vegetation Management Act 1999* (the Act). The petitioners request that the House reinstate those ownership rights previously attached to freehold land.

The benefits of the the Act, through the protection of native vegetation, are extensive and include the conservation of biodiversity, maintenance of ecological processes, prevention of land degradation, management of the environmental effects of clearing, and the reduction of greenhouse gases.

Though the trees on private land are the property of the landholder, this does not limit the State from regulating the management of this vegetation for the greater public good, through legislation such as the Act. This type of regulation over what can and cannot be done on freehold property occurs in many areas, for example, the State Government's pollution controls.

Like other legislation, the Act was debated in the Queensland Parliament. An important step in the assessment of new legislation is the consideration by the Scrutiny of Legislation Committee – a committee that comprises non-Government as well as Government Members of Parliament. In particular, the Scrutiny of Legislation Committee assesses whether a Bill satisfies the “fundamental legislative principles” set out in the *Statutory Instruments Act 1992* and reports to the Queensland Parliament on its findings before the Bill is debated. This ensures that the Bill is not contradictory to other legislation or rights conferred by law.

I am aware that landholders are confronting a wide range of challenges in managing viable enterprises, against a backdrop of continuing drought, high petrol prices, a series of interest rate increases, and new natural resource management requirements relating to vegetation clearing and water use.

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However, in Queensland – different to other states like Victoria and NSW – only remnant vegetation is protected on freehold land under the Act, enabling landholders to manage and develop the non-remnant vegetation without constraint. Landholders can also apply to clear remnant vegetation for a range of ‘relevant’ purposes such as for weed control, fodder harvesting, thinning of thickened vegetation and clearing for a necessary fence, firebreak, road or other built infrastructure.

The Government acknowledges that the viability of some landholders will be adversely affected by the Vegetation Management Framework introduced in 2004. A \$150 million vegetation management structural adjustment package was introduced, to provide assistance to a farm business affected as a direct result of the introduction of the Vegetation Management Framework. This financial assistance package has been managed by QRAA (formerly Queensland Rural Adjustment Authority) on behalf of the Queensland Government, with my department providing technical advice and assistance to both farm businesses and QRAA.

The assistance available to landholders was comprised of enterprise assistance – providing grants of up to \$100 000 to implement an Enterprise Management Plan; exit assistance – to purchase properties rendered unviable by vegetation management laws; and small business emergency assistance – providing eligible clearing contractors with interest subsidies of up to \$10 000. The closing date for applications for financial assistance was 21 February 2007 and 1610 affected landholders applied to QRAA for assistance by that date.

While I acknowledge the concerns raised in the petition regarding the perceived loss of freehold land rights, the Queensland Government is committed to ensuring a high quality of life for future generations of Queenslanders by maintaining the State’s vegetation resources using mechanisms such as the Act.

Thank you for bringing this matter to my attention.

Yours sincerely,

Craig Wallace MP  
**Minister for Natural Resources and Water and  
Minister Assisting the Premier in North Queensland**