

~~The Bill also proposes amendments to facilitate efficient transportation and treatment of CSG water and brine. The changes will allow industry to more efficiently comply with the government's CSG Water Management Policy which seeks to protect the State's water and environmental resources.~~

~~The amendments support improved environmental outcomes such as avoiding large salt fills from CSG water. In addition, economic benefits will be realised from ancillary commercial products such as soda ash and soda bicarbonate. Industry has also indicated community benefits for regions with long term employment in salt recovery plants.~~

~~Without these flexible arrangements proposed by the Bill, salt generated from each LNG train would require a landfill of approximately 600 hectares.~~

~~A vibrant resources sector is critical to the ongoing success of Queensland's economy. The Bligh Government supports a growing resources sector but understands that this growth needs to be balanced with maintaining Queensland's environment. It also needs to be balanced with the liveability of urban communities and the importance of agriculture.~~

~~In addition to providing balance, the regulatory framework for the resources sector also needs to be clear and certain in its application for all parties involved in or affected by resources activities. The regulatory processes for assessing impacts and applications also need to be efficient and streamlined to minimise costs for industry and government.~~

~~This Bill achieves balance, certainty and efficiency in the amendments it proposes to Queensland's resources legislation.~~

~~I commend the Bill to the House.~~

### First Reading

 ~~Hon. SJ HINCHLIFFE (Stafford—ALP) (Minister for Employment, Skills and Mining) (7.39 pm): I move—~~

~~That the bill be now read a first time.~~

~~Question put—That the bill be now read a first time.~~


~~Motion agreed to.~~

~~Bill read a first time.~~

~~Mr DEPUTY SPEAKER (Mr Ryan): In accordance with standing order 131, the bill is now referred to the Industry, Education, Training and Industrial Relations Committee.~~

## ABORIGINAL AND TORRES STRAIT ISLANDER LAND HOLDING BILL

### Introduction and Referral to the Community Affairs Committee

 **Hon. RG NOLAN** (Ipswich—ALP) (Minister for Finance, Natural Resources and the Arts) (7.40 pm): I present a bill for an act to make ongoing provision for particular matters arising under the Aborigines and Torres Strait Islanders (Land Holding) Act 1985 and to repeal that act, and to amend this act, the Aboriginal Cultural Heritage Act 2003, the Aboriginal Land Act 1991, the Environmental Protection Act 1994, the Foreign Ownership of Land Register Act 1988, the Land Act 1994, the Land Court Act 2000, the Mineral Resources Act 1989, the Survey and Mapping Infrastructure Act 2003, the Sustainable Planning Act 2009, the Sustainable Planning Regulation 2009, the Torres Strait Islander Cultural Heritage Act 2003, the Torres Strait Islander Land Act 1991, the Vegetation Management Act 1999, the Water Act 2000, the Water Supply (Safety and Reliability) Act 2008 and the Wild Rivers Regulation 2007 for particular purposes. I table the bill and explanatory notes.

*Tabled paper:* Aboriginal and Torres Strait Islander Land Holding Bill 2011.

*Tabled paper:* Aboriginal and Torres Strait Islander Land Holding Bill 2011, explanatory notes.

The bill I am introducing today advances the interests of Aboriginal people and Torres Strait Islanders in Queensland by providing the land administration tools to resolve a range of issues with perpetual and term leases, land access and use issues and cultural heritage matters. This bill repeals the outdated Aborigines and Torres Strait Islanders (Land Holding) Act 1985, a complicated and inflexible act. This 1985 act has resulted in legacy issues, including encroachments and long outstanding entitlements for yet-to-be granted leases. This bill is critical in moving forward and resolving those legacy issues. The new act will create a flexible system and allow the state to seek to resolve problems through agreement making. I seek leave to have the remainder of this introductory speech incorporated in *Hansard*.

Leave granted.

It will also align the ongoing administration of leases with the principal legislation governing Indigenous land—the Aboriginal Land Act 1991 and the Torres Strait Islander Land Act 1991.

This is done in a way which respects and protects the rights of existing lessees and those entitled to a lease under the repealed Act.

On 8 December 2010, the Department of Environment and Resource Management released a Discussion Paper: the "Aborigines and Torres Strait Islanders (Land Holding) Act 1985". This Discussion Paper was released to facilitate public consultation on the review of the 1985 Act.

Public consultation occurred on the Discussion Paper between 8 December 2010 and 28 February 2011. Since that time the department has worked with key stakeholders to identify solutions.

In addition, further consultation also occurred with key stakeholders, including the Mayors of all Indigenous Councils and Cape York Land Council.

A key feature of that consultation has been to fix 'holes' in the underlying communal, Deed of Grant in Trust land. Under the repealed Act, once an application was approved the land became State land in order to grant the lease.

Such an outdated process is no longer necessary and the Bill will return the underlying ownership of the land back to the proper owners of this land, the trustees. This will not detrimentally affect the rights of lessees and my obligation, as Minister, to grant leases or resolve boundary problems will continue.

This Bill will also ensure that the Land Court provides independent scrutiny of the State's agreement-making processes. Affected parties will also be permitted to appeal relevant decisions to the Land Court.

Perpetual leases or rights to have a perpetual lease will be protected and continued, as will a small number of term leases under the repealed Act.

Beneficial changes to the perpetual lease conditions will facilitate economic development opportunities through sub-leasing.

This Bill also implements the outcomes of the Indigenous Cultural Heritage Acts Review which has seen extensive consultation with stakeholders and traditional owners.

A three-month public consultation process on the exposure draft of the Bill for Indigenous Cultural Heritage Acts Review closed in January 2011.

In total, 15 submissions were received by the department and these were assessed to inform the development of the amendments in this Bill.

Since March 2011, the department has met with stakeholders who provided feedback on the exposure draft, including: the Land Court of Queensland, the Queensland Resources Council and the Association of Mining and Exploration Companies. All of the key stakeholders support the amendments to the Indigenous Cultural Heritage Acts.

The amendments to the Aboriginal Cultural Heritage Act 2003 and Torres Strait Islander Cultural Heritage Act 2003 will enhance and clarify existing frameworks for complying with the cultural heritage duty of care, clarify administrative processes, and expand the powers of the Land Court to include decision making and mediation of cultural heritage disputes.

These amendments will ensure those Acts provide effective recognition, protection and conservation for Indigenous cultural heritage in Queensland.

In relation to amendments to the Land Act 1994, this Bill does three things:

Firstly, it introduces provisions to govern Indigenous access and use agreements under the Delbessie Agreement.

It is in the interests of all parties—the lessee, native title party and the State—for such agreements to be practical, workable and durable, and provide a high degree of certainty.

Secondly, this Bill provides a head of power to introduce a 25% rental concession for five years as an incentive for Delbessie lessees who enter into Indigenous access and use agreements and withdraw as respondents to native title claims.

This is in addition to the existing incentive of a longer lease term or lease extension for renewed Delbessie leases where the lessee enters into an Indigenous access and use agreement or indigenous land use agreement.

Thirdly, this Bill amends the Land Act to allow construction subleases over State leasehold land for State approved infrastructure projects even if the sublease is inconsistent with the purpose of the lease.

This amendment removes onerous and unnecessary red tape for both the constructing authority and the department and is consistent with subleasing provisions for State transport infrastructure.

This Bill also includes a number of technical amendments, including amendments to the Water Supply (Safety and Reliability) Act 2008 and the Water Act 2000.

Currently the Water Supply (Safety and Reliability) Act 2008 includes additional regulatory requirements for schemes that supply recycled water for dual reticulation but does not contain a definition of dual reticulation.

A large number of schemes that supply recycled water for uses such as for irrigation of sporting fields, golf courses and agricultural land may inadvertently be subject to the dual reticulation provisions.

This Bill includes a proper definition of dual reticulation to apply where a network of pipes allows drinking water and recycled water to be supplied to premises from separate pipes and recycled water is provided for specific purposes.

The amendment means that schemes will be able to apply for an exemption from having a recycled water management plan which will remove barriers to entry and increase the uptake of water recycling by service providers.

The amendments to the Water Act 2000 are minor technical amendments to remove incorrect references to the Treasurer following the change in ministerial portfolio responsibilities earlier this year.


Finally, this Bill also makes a technical amendment to the Foreign Ownership of Land Register Act 1988 to exclude licences, covenants, carbon abatement interests and profits a prendre from the register.

The Act was intended to apply to interests giving exclusive possession and control of land and these types of interests introduced since 1988 were never intended to be recorded in the register. Inclusion of this data in reporting could be misleading.

**Mr DEPUTY SPEAKER** (Mr Ryan): Minister, can I also ask you to nominate a committee to consider the bill?

**Ms NOLAN**: Yes, Mr Deputy Speaker. I nominate the Community Affairs Committee to consider the bill.

### First Reading

 **Hon. RG NOLAN** (Ipswich—ALP) (Minister for Finance, Natural Resources and the Arts) (7.42 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.


Motion agreed to.

Bill read a first time.

**Mr DEPUTY SPEAKER** (Mr Ryan): Order! In accordance with standing order 131, the bill is now referred to the Community Affairs Committee.

## ~~QUEENSLAND ART GALLERY AMENDMENT BILL~~

### ~~Introduction and Referral to the Finance and Administration Committee~~

 **Hon. RG NOLAN** (Ipswich ALP) (Minister for Finance, Natural Resources and the Arts) (7.43 pm): I present a bill for an act to amend the Queensland Art Gallery Act 1987 for particular purposes. I table the bill and the explanatory notes. I nominate the Finance and Administration Committee to consider the bill.

*Tabled paper:* Queensland Art Gallery Amendment Bill.

*Tabled paper:* Queensland Art Gallery Amendment Bill, explanatory notes.

I am pleased to introduce a bill which enables the board to establish a committee to carry on the crucial activities of the foundation for the benefit of the community. The foundation was originally formed in 1979 for the purpose of assisting the board to maintain, improve and develop the state collection of works of art and the facilities and operations of the Queensland Art Gallery. Specifically, the foundation was established to attract and encourage donations, gifts, bequests and other forms of assistance for the benefit of the gallery.

The foundation has been highly successful in achieving its objectives, with over 1,400 members and \$75,452,294 of donations and other monies raised since its inception. Each year the foundation receives donations, bequests and gifts of artworks from private and corporate donors, including \$2,064,000 received in 2010-11.

The foundation provides funds to the board for acquisition of artworks and development of exhibitions and programs, the size of which is dependent on donations received by the foundation, returns on investments, the needs of the gallery and artwork available for purchase. In 2010-11 \$4.39 million was expended on acquisitions.

The foundation conducts fundraising activities at the gallery. The foundation is currently governed by a council. In order to regularise its status, it is proposed that the foundation is subsumed into the board and that a newly created committee governs the foundation's activities.

I seek leave of the House to incorporate the remainder of this introductory speech in *Hansard*.

Leave granted.

Currently the Act allows the Board to delegate its powers to a committee consisting only of Board members. Amendments to the Act are required to enable the Board to establish a committee with broader membership, consisting of both Board and non-Board members to carry on the activities of the Foundation.

This approach allows the Board to retain control over the management and operations of the Foundation, given the large amount of government and private funds under management and avoids the need to create a new government body for the Foundation.

The Bill will include within the Board's functions, the development of the Gallery's collection.

The Foundation Committee will deal with any funds agreed by the Board to be managed and invested by the Foundation Committee for its fundraising purposes.

The Bill ensures that the Board will have control and flexibility over the governance arrangements for the Foundation Committee, including its composition, criteria for membership, responsibilities and meeting procedures.

The Foundation Committee will include at least two Board members. It may also include non-Board members, allowing Foundation members with the capacity to assist the Foundation achieve its objectives also to be represented if the Board considers that appropriate.

The Board will have power to delegate its powers to Foundation Committee members, for the purpose of performing the functions of the Foundation Committee i.e. to raise funds to assist in the fulfilment of the Board's functions.

The Foundation Committee will have the powers necessary to encourage gifts, donations, bequests and legacies of property for the benefit of the Board, but must not incur a debt.

The Bill provides that the Board is a charitable institution and deems gifts to the Foundation to be gifts to the Board. Private ancillary funds (PAFs) are the major source of donations to the Foundation. However, many PAFs are restricted to donating to charitable organisations. The Bill specifies that the Board is a charitable organisation to ensure that PAFs are able to make donations to the Foundation.

In terms of protection to Foundation Committee members, the Bill will extend the protection from civil liability afforded to Board members to committee members; and also extend liability for illegal borrowing by Board members to committee members.

The Bill will also extend provisions regarding Board members who have an interest in matters being considered by the Board, to committee members who have an interest in matters being considered by the committee.

The establishment of a committee of the Board to undertake the activities of the Foundation is the most reasonable and appropriate way to regularise the status of the Foundation and to limit any restrictions on the Foundation's ability to receive and deal with donations and bequests.