

~~Gulley, Hart, Hathaway, Hobbs, Holswich, Kaye, Kempton, King, Krause, Langbrook, Latter, Maddern, Malone, Mander, McArdle, McVeigh, Menkens, Millard, Minnikin, Molhoek, Newman, Nicholls, Ostapovitch, Powell, Pucci, Rickuss, Ruthenberg, Seeney, Shorten, Shuttleworth, Smith, Sorensen, Springborg, Stevens, Stewart, Stuckey, Symes, Trout, Walker, Woodforth, Young.~~

~~KAP, 2—Hopper, Katter.~~

~~NOES, 12:~~

~~ALP, 8—Byrne, D'Ath, Miller, Mulherin, Palaszczuk, Pitt, Scott, Trad.~~

~~PUP, 2—Douglas, Judge.~~

~~INDEPENDENTS, 2—Cunningham, Wellington.~~

~~Resolved in the affirmative.~~

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## LAND AND OTHER LEGISLATION AMENDMENT BILL

### Introduction



**Hon. AP CRIPPS** (Hinchinbrook—LNP) (Minister for Natural Resources and Mines) (4.23 pm): <I present a bill for an act to amend the Acquisition of Land Act 1967>, the Forestry Act 1959, the Land Act 1994, the Land Title Act 1994, the Mineral Resources Act 1989, the Native Title (Queensland) Act 1993, the Nature Conservation Act 1992, the Petroleum Act 1923, the Petroleum and Gas (Production and Safety) Act 2004 and the Water Act 2000 for particular purposes and to amend particular subordinate legislation under the Sustainable Planning Act 2009 and the Water Act 2000 for particular purposes. I table the bill and the explanatory notes and I nominate the State Development, Infrastructure and Industry Committee to consider the bill.

*Tabled papers:* Land and Other Legislation Amendment Bill 2014.

*Tabled papers:* Land and Other Legislation Amendment Bill 2014, explanatory notes.

I am pleased to present the Land and Other Legislation Amendment Bill 2014. This landmark bill is the first step in addressing long-standing issues with Queensland's state land tenure system and providing greater security of tenure and certainty for our leasehold landholders. The Newman government is committed to growing a four-pillar economy. This bill will help achieve that goal by driving investment in our agriculture and tourism industries and, in turn, encouraging job creation. After decades of being ignored by Labor, rural landholders have a government that is prepared to introduce reforms that create a clearer future for these two economic pillars.

In addition to security of tenure, this suite of reforms will also reduce red tape and streamline administrative processes for those individuals and businesses that hold over 6,500 of our primary production and offshore island tourism leases. This will be achieved through four key initiatives in this bill: a more affordable rural leasehold land rent and purchase price regime; the introduction of rolling leases for particular offshore island leases and primary production leases, with the exception of those on Land Act reserves; a more streamlined approach for converting leasehold land to freehold land and removing restrictions on who can hold rural leasehold land.

This bill proposes to move the existing provisions relating to purchase price and land rent from the Land Act into a regulation. To support this, the bill omits the relevant provisions and inserts a regulation making power. The relocation of these provisions removes operational matters from the primary legislation as part of the government's reforms to modernise and streamline legislation in line with contemporary and principle based drafting practices.

In moving the detail of financial matters to the regulation, the government is presently considering changes to rural rent rates and rural freeholding purchase price methodologies. Once the government's consideration of these matters has been finalised, I will provide further information to the parliament about proposed amendments to regulation to assist it in considering the implications and effect of the land tenure reform initiatives in this bill.

This bill will amend the land rental hardship provisions in the Land Act to remove the interest payable on rents deferred after 1 July 2014. It also removes duplication with the Financial Accountability Act 2009 relating to forgiveness of rent payment provisions. In response to the current drought crisis in Queensland, with the largest area of land ever recorded as drought declared in this state, my department is preparing regulatory amendments that will allow areas or types of leases to be proclaimed as subject to hardship with automatic deferral of all rental payments. These amendments will reduce costs and red tape for struggling landholders and allows the government to quickly respond in tough times. These amendments will be in place by 1 July 2014.

The centrepiece of the initiatives in this bill are new rolling term lease extensions for rural and off-shore tourism leases which deliver significant red-tape reductions thanks to a quicker, more simplified lease renewal process. An eligible lease will be rolled over by extending the lease generally by a term equal to the original term of the individual lease. For example, a lease which was originally issued for 30 years, but has over the decades had extensions, will have its term extended by the original term of 30 years. This is the maximum period a lease can be extended without affecting native title rights and interests. A lessee will be able to apply for an extension at any time in the last 20 years of the term of the lease, or at an earlier time if the minister is satisfied that special circumstances exist. This means that a lessee with a 30-year original term lease may apply for an extension after the first 10 years of the lease has passed. The lessee will then be entitled to the residual balance of the current lease, 20 years, plus an additional 30 years from the extension—that is, they will have tenure security for the following 50 years. There will be no restrictions on the number of times a lease can be extended and there will be minimal requirements to renew the lease. For example, the existing requirement for rural lessees to enter into a land management agreement in order to renew the lease will be removed.

The new provision for rolling leases contained in the bill delivers increased certainty of tenure and a much swifter process than the complicated, bureaucratic lease renewal process that was imposed on leaseholders by the previous government. The Newman government believes that Queensland's lessees are generally good managers of their land who do not need government regulation to manage land responsibly. Land management agreements will instead be used as a tool to remedy the rare instances of poor land management—the exceptions to the rule.

This bill will also streamline the process for rural lessees to convert pastoral term leases directly to freehold title by removing the need to convert to a perpetual lease first. This removes red tape and provides cost savings to both lessees and the government. Importantly, I would like to stress at this point that the Newman government is committed to ensuring native title rights and interests are protected and that any changes made to leases still need to ensure that they appropriately address any native title considerations as per the provisions of the Commonwealth Native Title Act. The bill also proposes to repeal outdated restrictions on who is eligible to hold rural leases. These reforms will promote further business growth in Queensland by allowing corporations to hold pastoral leases, bringing the legislation into line with modern business practices. The repeal of these provisions will also allow Aboriginal and family owned corporations to hold pastoral leases, ensuring that they remain competitive in an increasingly global industry and market. Repealing restrictions to permit individuals to hold multiple pastoral holdings will also increase opportunities for landholders to ensure the viability of their rural enterprises.

016 The bill will also allow for simpler provisions to reserve the state's interest in timber on leasehold land when being converted to freehold. Rather than continuing to create cumbersome forest entitlement areas that remove portions of land from properties where the timber was required by the state—having a Swiss-cheese-like effect on the freehold property—this bill enables the state to record on title its continued ownership of timber resources using forest consent agreements that will bind successors in title as a profit a prendre, thus allowing all of the lease to be converted to freehold. To support these amendments, the Forestry Act 1959 will also be amended.

To support the agriculture and tourism pillars of the economy, the bill will allow all lessees to amalgamate term and perpetual leases if they have adjoining properties issued for the same purpose. This will streamline tenure arrangements, providing lessees with further opportunities to reduce their business costs and again reflect the modern business environment in these industries. While the bill certainly provides for greater tenure security for island tourism leases, the bill also makes clear that freeholding of Queensland's iconic islands is restricted to protect their special values for the benefit of the tourism industry in the long term and for the benefit of the people of Queensland. These amendments support the Newman government's commitment to double agricultural production by 2040 and to build the tourism industry.

Along with implementing the first phase of state land tenure reforms, the bill will amend a number of other pieces of legislation. The Acquisition of Land Act 1967 currently provides for the purposes for which land may be taken by the state or another constructing authority. The bill will amend the Acquisition of Land Act to remove doubt about the powers of the state or constructing authorities to acquire land, and the purposes for which land may be acquired, namely for public and environmental purposes.

The amendments to the Land Title Act 1994 will strengthen provisions allowing a more streamlined method of creating necessary easements for particular high-density developments,

including making it possible to register easements prior to construction so long as the adjoining lots have development approval allowing such construction. The bill will also correct minor errors and inconsistencies in the Land Title Act.

The bill amends the Native Title (Queensland) Act 1993, together with supporting amendments to the Acquisition of Land Act 1967, by providing another way in which non-native title rights and interests can be acquired where native title rights and interests are being compulsorily acquired, to assist in meeting requirements under the Commonwealth Native Title Act 1993.

Amendments to the Water Act 2000 and subordinate legislation under the Water Act 2000 and Sustainable Planning Act 2009 will correct minor drafting errors relating to statutory rights to take water and streamline approval processes for subartesian water licences. These amendments will result in improved outcomes for water resources and more equitable management arrangements between different types of water users, and reduce the regulatory burden for subartesian water users.

Additional amendments to the Water Act 2000 are also required to provide certainty for the thousands of current water licence holders in Queensland by removing any doubt about the validity of water licensing decisions that relate to existing water licences. This follows a review of historical administrative decisions made under the Water Act which found that many water licence decisions were potentially deficient in considering one or more of the decision-making criteria prescribed by the act. Unfortunately, this review has cast doubt on the legal validity of water licensing decisions made under the Water Act. The validation of licences will not apply to any decisions that are currently the subject of review or court processes initiated within six months of the decision.

Finally, the bill amends resource legislation to do two things: firstly, to give certainty to decisions made regarding later work programs and later development plans under the Petroleum and Gas (Production and Safety) Act 2004 and Petroleum Act 1923 and decisions made regarding later development plans under the Mineral Resources Act 1989; secondly, the amendment will provide greater flexibility to petroleum lease holders in relation to applying for an extension to the production commencement day. Currently, only certain lease holders can apply and must apply a year before the commencement day. The amendment will allow more petroleum lease holders to apply to change the production commencement day and allow a regulation to prescribe a shorter application time frame. This will mean lease holders will have more flexibility to schedule production to meet their contractual needs. I commend the bill to the House.

### First Reading

**Hon. AP CRIPPS** (Hinchinbrook—LNP) (Minister for Natural Resources and Mines) (4.36 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.

### Referral to the State Development, Infrastructure and Industry Committee

**Mr DEPUTY SPEAKER** (Mr Krause): Order! In accordance with standing order 131, the bill is now referred to the State Development, Infrastructure and Industry Committee.

### Portfolio Committee, Reporting Date

**Hon. AP CRIPPS** (Hinchinbrook—LNP) (Minister for Natural Resources and Mines) (4.36 pm), by leave, without notice: I move—

That under the provisions of standing order 136, the State Development, Infrastructure and Industry Committee report to the House on the Land and Other Legislation Amendment Bill by 13 May 2014.

Question put—That the motion be agreed to.

Motion agreed to.

### ~~CHICKEN MEAT INDUSTRY COMMITTEE AMENDMENT BILL~~

~~Resumed from 11 February (see p.54).~~