TRANSPORT AND RESOURCES COMMITTEE

Members present:
Ms KE Richards MP—Acting Chair
Ms RJ Howard MP (virtual)
Mr JR Martin MP
Mr LL Millar MP
Mr TJ Watts MP
Mr PT Weir MP

Staff present:
Ms D Jeffrey—Committee Secretary
Mr Z Dadic—Assistant Committee Secretary

PUBLIC BRIEFING—INQUIRY INTO THE LAND AND OTHER LEGISLATION AMENDMENT BILL 2022

TRANSCRIPT OF PROCEEDINGS

FRIDAY, 1 APRIL 2022

Brisbane

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The committee met at 8.59 am

ACTING CHAIR: Good morning. I declare open this public briefing for this committee's inquiry into the Land and Other Legislation Amendment Bill. My name is Kim Richards. I am the member for Redlands and acting chair for the committee today. I respectfully acknowledge that we are sitting on the lands of the traditional owners and pay my respects to elders past, present and emerging. We are very fortunate in this country to live amongst two of the world's oldest continuing living cultures in Aboriginal and Torres Strait Islander people. With me here today are: Lachlan Millar, the member for Gregory and deputy chair; Jennifer Howard, the member for Ipswich—she is dialling in via teleconference today—Mr James Martin, the member for Stretton; Mr Trevor Watts, the member for Toowoomba North; and Mr Pat Weir, the member for Condamine.

The briefing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I also remind members of the public that they may be excluded from the briefing at the discretion of the committee. I remind committee members that officers are here to provide factual or technical information. Any questions seeking an opinion about policy should be directed to the minister or left to debate on the floor of the House.

These proceedings are being recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and the chair's direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. I ask everyone present to please turn your mobile phones to silent or off.

BILL, Ms Sarah, Manager, Lands Policy and Support, Department of Resources

HINRICHSEN, Mr Lyall, Executive Director, Lands Policy and Support, Department of Resources

REES, Mr Marcus, Director Georesources Policy, Department of Resources

WENCK, Ms Amber, Manager, Lands Policy and Legislation, Department of Resources

ACTING CHAIR: I welcome representatives from the Department of Resources who have been invited to brief the committee today on the bill. I invite you to make a short opening statement after which the committee will have questions for you.

Mr Hinrichsen: Thank you, Acting Chair. I too would like to acknowledge the traditional owners of the land on which we meet and pay my respects to elders past, present and emerging. I thank the committee for this opportunity to provide a briefing on the Land and Other Legislation Amendment Bill 2022. The bill proposes minor amendments to nine acts and two regulations across the Resources portfolio. The bill also repeals three acts that are no longer required. For the committee's benefit, I will provide a brief overview of the key amendments to be progressed in the bill.

Firstly, in relation to the Land Act, the bill proposes amendments that will streamline existing processes, remove redundant requirements and provide greater consistency in decision-making, and clarify the policy intent of certain provisions. Some amendments will enable the government to manage the state land portfolio more proactively to achieve better outcomes for the state and for tenure holders. For example, by simplifying the process for conversion of leasehold land to freehold, the bill will give the chief executive the power to proactively offer to convert appropriate leases to freehold tenure. Eligible leases are those for which there is no underlying tenure or interest in the land that is incompatible with freehold tenure, and when there is no public purpose associated with retaining state ownership of those tenures. Freeholding such land aims to provide greater tenure security to support business development and growth, which is critical to contribute to Queensland's economic prosperity.

While the change will streamline the process, it does not remove any of the checks and balances necessary in dealing with relevant state land tenures. Before a conversion offer can be made by the chief executive, an assessment of the suitability to convert the land will be undertaken by the department. This assessment considers relevant state and local government requirements, strategies and policies relating to the land. There are also a number of safeguards in the Land Act and other pieces of legislation that ensure leases over land that has a public benefit are not converted to freehold. This includes leases over community purpose reserves, national parks in some instances, and state forests. For example, the Nature Conservation Act requires a resolution of the parliament requesting the Governor-in-Council to revoke an area of national park or state forest. In lieu of such a revocation, leases that are over state forests, national parks and other conservation areas would remain ineligible for freehold conversion so this is very much as per the current arrangements applying to those leases. Other requirements, such as resolving native title under the Native Title Act 1993—a Commonwealth act, of course—will also need to be addressed before leasehold land can be converted to freehold. Again that is as per current requirements.

In relation to the Stock Route Management Act, the bill introduces important changes to that act that are the result of extensive stakeholder consultation over many years. These amendments are focused on creating a better funded network that provides improved outcomes for drovers, graziers and others who rely on the network. An important component of the bill is that all revenue from the use of stock routes will stay with the local governments that manage and maintain the network. As many members would know, currently local governments are required to remit 50 per cent of the fee revenue that they receive back to the state government. The bill also introduces a new fee to cover some of the costs incurred by local government in assessing applications related to travel and agistment permits. The uniform state-wide fee will be established in the Stock Route Management Regulation. This will ensure the fee regime is fair and consistent across the state.

The bill also provides local governments with the ability to waive that application fee if they believe circumstances, such as financial hardship for the applicant, warrant such a waiver. Enabling local governments to keep 100 per cent of the revenue and collect application fees will support better cost recovery for local governments, which will continue to use this revenue for the management of the network in their area. The changes to the Stock Route Management Act were developed through consultation with AgForce and the Local Government Association of Queensland particularly, which has been for some time seeking a more sustainable regime in relation to fees to keep up with the increasing costs that they face in maintaining the stock route network.

Other amendments will also make it easier for local governments to prepare their local stock route network management plans, removing what are outdated and unnecessary administrative steps in that process. For example, local governments will no longer require the Minister for Resources to consider their draft stock route plans, allowing local governments to give effect to local plans sooner and be more responsive to local issues and changes.

I move on to amendments to the Survey and Mapping Infrastructure Act. The bill will streamline the Survey and Mapping Infrastructure Act to modernise the way that survey standards are made to ensure quality and consistent surveying information is available for land titling purposes. The standards, of course, are highly technical documents that need to be kept current to reflect shifts in technology and survey practices. Survey standards do require frequent updating to maintain their relevance. These updates, which are developed in consultation with industry experts, ensure that necessary practice changes and identified issues can be addressed in a timely manner.

The content and subject matter to be considered when making survey standards are not being changed by these amendments; merely the way in which the draft standards are approved and then take effect. To provide some context, presently the standards have multistep approval processes that require the minister to make a notice, which is then subordinate legislation, followed by—in-Council consideration and tabling in parliament, subject then to disallowance. The multistep process causes administrative delays and can be streamlined to allow more timely response while maintaining an appropriate level of parliamentary oversight. Under the amendments, it is proposed that survey standards will take effect when published on the department's website and they will then be tabled in the parliament within 14 days of that publication. The tabling process will allow parliament to continue to consider the survey standards and for members to move disallowance as appropriate.

In 2016, an amendment to the Vegetation Management Act unintentionally assigned development categories to some clearing activities under the Planning Act 2016. This has the potential to generate confusion between the Vegetation Management Act and the Planning Regulation 2017. The bill amends the Vegetation Management Act to clarify that development under an accepted development clearing code is accepted development only if it complies with the code. The amendment does not change the current code requirements.

Other amendments to the Vegetation Management Act will enable regional ecosystems and their conservation status, regulated regional ecosystems and unregulated grasslands to be identified through a certified database rather than in the schedules to the Vegetation Management Regulation. This reflects similar arrangements under the Environmental Protection Regulation 2019. The vegetation management framework uses regional ecosystems as part of the way of identifying requirements relating to the regulation of woody vegetation clearing in Queensland.

The Queensland Herbarium, in the Department of Environment and Science, is responsible for identifying, describing and mapping regional ecosystems. Periodically, the Herbarium makes changes to regional ecosystems to reflect improved scientific knowledge. This currently requires subsequent amendments to be made to the Vegetation Management Regulation to keep it up to date. The proposed amendments under the bill are similar to the existing certification process for regulated vegetation maps under the Vegetation Management Act. The certified database will be publicly available and contain information on each regional ecosystem's number, description, structure and conservation status. The database will continue to meet particular definitions in the Vegetation Management Act, such as that relating to endangered regional ecosystem, so there will be no change to regulation and management of woody vegetation.

The bill also repeals three redundant acts. Two of these acts, the Yeppoon Hospital Site Acquisition Act and the Starkey Pastoral Holdings Acquisition Act, were special-purpose acquisition acts that have served their purpose. Obviously the Yeppoon Hospital has been built and the land in Cape York has been acquired to preserve high environmental values, as intended by those two acts. Therefore, both acts are no longer required. The third act proposed for repeal is the Foreign Governments (Titles to Land) Act 1948. That act was introduced to empower foreign governments and their accredited agents to hold land in Queensland for diplomatic and consular purposes. At the time of implementation, Queensland did not have a mechanism to consider foreign governments holding land for these purposes.

In 1972 the Australian government ratified the Vienna Convention on Consular Relations. This, along with the implementation of the Commonwealth Foreign Acquisitions and Takeovers Act and the Land Title Act 1994, has made the Foreign Governments (Titles to Land) Act redundant. Repealing that act will have no effect on any existing ownership arrangements or the operation of other foreign ownership regulations in Australia. The repeal of this 74-year-old act will simply remove redundant administrative process from the Queensland statute books. Last, but not least, Madam Acting Chair—

ACTING CHAIR: There is a bit there!

Mr Hinrichsen: There is—the bill contains amendments to the Central Queensland Coal Associates Agreement Act 1968, which I will refer to as the 'agreement act' for obvious reasons. The agreement act legislates an agreement between the state and various BHP Mitsubishi Alliance entities for the mining of coal in Central Queensland. There are four special coal mining leases under the agreement act that are part of larger Central Queensland metallurgical coal projects. Of course, metallurgical coal is used in steelmaking, making it an important export commodity for Queensland. The current provisions of the act do not allow the transfer of interest in these special coalmining leases without making the transferee a party to that agreement.

The BMA approached the government seeking an amendment to the agreement to enable the transfer of a special coalmining lease without the proposed transferee then, as a result, becoming a party to that agreement. The proposed amendments will allow the companies to make an exit application to remove a special coalmining lease from the act and the agreement without the transfer of interest in the lease or a transfer and exit application to remove a special coalmining lease from the act and agreement and transfer of the interest in the lease. In deciding an exit application, the minister must consider legitimate commercial operational objectives of the companies, the interests of the state as a party to the agreement and public interest in relation to the regulation of coalmining in Queensland.

If the exit application is approved, the act and the agreement will no longer apply and the removed mining lease will be administered under the Mineral Resources Act 1989. It may be then transferred under the provisions of the Mineral and Energy Resources (Common Provisions) Act 2014. In deciding a transfer and exit application, the minister must also consider the legitimate commercial and operational objectives of the companies, the interests of the state as a party to the agreement and the interests in relation to the regulation of coalmining in Queensland. However, to deal with the transfer aspect of this application, the provisions of the Mineral and Energy Resources (Common Provisions) Act relating to approval to transfer a mining lease, or an interest in a mining lease, are taken to apply.

These include considerations of the transferee's financial and technical capacity. The amendments also ensure that any rehabilitation liability risk that relates to a proposed transfer of interest in a special coalmining lease will be assessed and addressed as part of the financial provisioning scheme under the Minerals and Energy Resources (Financial Provisioning) Act 2018. If the transfer and exit application is approved, the agreement will no longer apply and the removed mining lease will be administered under the Mineral Resources Act 2019. Both the Queensland government and the companies agree these amendments to the agreement act as required under the act.

Finally, in relation to the consultation undertaken on this bill, as I outlined, extensive consultation has occurred with stakeholders in relation to amendments to the Stock Route Management Act. The department has worked very closely with and we thank the Local Government Association of Queensland, AgForce and the Drovers Association for contributing to these amendments. The Surveyors Board Queensland provided input and support for the amendments to the Survey and Mapping Infrastructure Act. The department's survey reference group, a technical reference group comprising of surveying and spatial information professionals, is also supportive of the amendments. AgForce and the Local Government Association of Queensland also provided feedback on the other legislative amendments, along with the Queensland Law Society.

That brings my overview of the bill's provision to a conclusion. My colleagues and I will be more than pleased to answer any questions that the committee may have.

ACTING CHAIR: Thank you very much for that very comprehensive briefing.

Mr MILLAR: My first question is in regards to the Stock Route Management Act. Basically, you talk about full cost recovery or cost recovery for councils. What are the parameters around that? Is there any sinking fund or a contribution from the government involved with the stock routes?

Mr Hinrichsen: Just to provide some context, as the member would appreciate, the use of the stock route does vary significantly from year to year, largely driven by seasonal conditions. On average, the current level of cost recovery for local governments relates to, on average, four per cent of their costs of managing the network, which means those additional costs are covered by and large by local ratepayers in those communities. The proposed amendments will not provide 100 per cent cost recovery. It increases the level to around 40 per cent, again on average. No doubt, some councils will have a better level of cost recovery and others lower, depending on their local circumstances. That was a long conversation, as I know the member for Gregory appreciates, with councils and users of the network to get the right balance. It is pretty rare, as I think everyone would acknowledge, for AgForce representing landowners to advocate for fee increases, but they have shown very significant leadership in that space to say, 'We need this network to be properly resourced and there needs to be a fair return for those who directly benefit.' Under the proposed regulation amendment, that is the level of cost recovery we expect.

In relation to state government funding, the current allocation is around $940,000 per year for councils through an annual application, if you like, or a submission to seek funding from the state for capital works and for the maintenance of infrastructure on the stock route network. Predominantly, as I am sure the member for Gregory would appreciate, that relates to water infrastructure—everything from dams, bores, windmills, troughs, pads associated with those watering points—to make sure that essential infrastructure is provided. It can also cover things like stockyards and resting points along the network. That commitment has been in place for many years to maintain that infrastructure. There are also some additional investments proposed this year and next financial year in relation to some very high-cost infrastructure—some aged, leaky Great Artesian bores—where there will be special funding above and beyond that level of allocation to councils with a program directly administered by the Department of Resources to plug or to replace some of those existing leaky bores.

Mr WEIR: The explanatory notes talk about the Stock Route Management Regulation 2003. What exactly would that cover? When is it anticipated that that would be done?

Mr Hinrichsen: The existing stock route regulation is quite old. It basically means that fees have not increased, particularly for travelling stock, for many years; since that regulation was made. That was resulting in the very low level of return to local councils from the fee revenue. The new regulation will be made subject to the passage of this amendment, of course. A new regulation hopefully then can be put in place with the new fee structure that was outlined in a consultation report that our department released earlier this month, which follows that extensive consultation with stakeholders on what an appropriate fee arrangement will be.

Mr WEIR: They will not change the role or use of the stock route? Local government cannot open it up for quarrying, for a resource company, even for a bike path or motorbike trails or for whatever? They have to go through a process for any amendment to the current use of the stock route; is that right?

Mr Hinrichsen: The existing arrangements do not change; that is quite correct. Of course, many of the stock routes exist over roads and, in some cases, main roads. In developing their management plan in using the stock route network, the local council is always very aware of those other uses of that road network—stock utilising the same corridor as heavy transport in many of those areas as well as other lower impact uses. There might be beehives located on some of those sites. There might be walking paths. The councils do a really good job in making sure that those potentially inconsistent uses are reconciled so that all of those uses can be made of the stock route network.

Mr WATTS: You mentioned a couple of times the extensive list of stakeholders. Are we able to get a list of the various stakeholders for the various elements that have been consulted, so that we have that complete list? I am interested in the amendments to the Central Queensland Coal Associates Agreement Act. As that gets transferred, does it trigger any new provisions for the leaseholder in terms of the application process? I come from Toowoomba where we are a little bit sensitive to application processes for coalmines.

Mr Hinrichsen: I might refer that question to my colleague, Marcus Rees, who is the director for georesources policy in the department.

Mr Rees: There are two new application processes here. Effectively, one is an exit application process that is set out in this particular bill and that would allow the parties to apply to the minister in order to keep their interests in the act. It is not actually a transfer but removes a special mining lease from the operation of the act and the agreement. Then it would be basically a normalised mining lease under the Mineral Resources Act. The application process is simply as listed in the current legislation so they just need to make that application to the minister.

The second one is a transfer and exit application where, again, the parties would apply to exit from the operation of the act and the agreement but would potentially be seeking to transfer some of the interests in the mining leases. That is dealt with basically as an existing transfer process or the existing transfer processes under the Mineral and Energy Resources (Common Provisions) Act that have been applied to that particular transfer. Largely, it is existing processes effectively bolted on to this particular act. We have tried to apply them as much as we can in this space so it is a similar type of process as a normal mining lease transfer.

Mr WATTS: I am trying to understand: from a company's point of view, why would they go through the process and what might the risks be for them? From the Queensland government's point of view, why go through this process and what are the risks to the Queensland government? I am just trying to balance those two views.

Mr Rees: Effectively, the first point to note in terms of why a company would go through the processes, under the current provisions of the agreement they can apply to add parties to the agreement but they have to become parties to the agreement. If there is a desire to transfer those mining leases and not have that transferee become a party to the agreement, there is currently no mechanism for them to do that. In terms of the impost to the company, I note that this is a special agreement act and the proposed amendments here have been agreed with the companies. They are in that sense, I guess, accepting of the process that has been applied.

Mr WATTS: I guess 'accepting' is an interesting term. I would like to clarify whether the companies are actually happy with this process, whether they see it as an impost or have they actually encouraged this process?

Mr Rees: It is effectively the normal process that we are trying to apply here. The companies have agreed to the proposed amendments so we are taking that as they are accepting of that process.

Mr WATTS: On the flipside of that, what is the Queensland government potentially losing or gaining from going through this process with these leases?

Mr Rees: From the government's perspective, we get certainty that those coalmining leases can be transferred and those operations can continue beyond current operations. That ensures the current royalty streams and jobs that are on those sites and that regional focus on jobs and development in the regions can continue if those mines can continue to operate.

Mr WATTS: For clarity, for a naive old publican from Toowoomba, this will not trigger additional environmental, water or other aspects in the transfer process?

Mr Rees: It will normalise the mining leases. Any of the rights and obligations that apply under the existing agreement will cease to apply. The existing requirements under the Water Act, for example, will then apply to the new holder of the mining leases. Generally, the requirements in the environmental authorities will not be impacted by the amendments in this piece of legislation. The environmental authorities in a transfer follow the mining lease effectively. There is no process associated with that, as I understand it.

Mr MARTIN: In your submission you gave some good examples of where leasehold land will not be offered as freehold land. Can you give some examples of where you feel the department thinks it would be appropriate?

Mr Hinrichsen: Within the state leasehold portfolio—there are around 10,000 leases the length and breadth of Queensland for a variety of purposes, from residential housing through to vast pastoral leases. In many areas, particularly with residential, commercial and industrial tenures, and indeed many perpetual leases for pastoral and agricultural activities, the leases were granted in a time—in most cases many decades ago—when government was using the grant of a land lease to facilitate development in those areas, in those industries. In the years that have progressed, and most of those are exclusive possessions, they trade freely, just like freehold land in many instances, but they are still subject to annual rentals. They are subject to certain restrictions and limitations under the Land Act that do not align with conventional planning practices and planning regulations that are overseen by local government.

Quite frankly, there is no real justification for those to stay in the state land portfolio. Why are they there? The current process basically means that that conversion can only occur if a tenure holder makes an application on the appropriate form and lodges that with the appropriate application fee to our department. This amendment will basically allow our department to proactively offer the opportunity for freehold to that tenure holder. They will not be obligated to accept the offer and if they do not the tenure continues as it is now.

The feedback that our department has received is that with the process of getting the application together with the requisite information and the uncertainty as to exactly where you can and cannot expect to get a positive outcome, it is pretty daunting for most people who otherwise have busy lives running their businesses et cetera. We see this as a way of being able to present that to those tenure holders so that they are aware of their options. If they then choose to take up the offer to convert their lease to freehold it will be a much more streamlined and clearer process to them as to what that means and looks like.

Ms HOWARD: I would not mind getting a bit more information on the assessment process that would be undertaken within the department to make sure there is a consistency with the terms and purposes of the lease, in regard specifically to the land at Greenvale and Shoalwater Bay Defence training site.

Mr Hinrichsen: Thank you, member for Ipswich; I acknowledge my local member. The Commonwealth Department of Defence has acquired, through direct negotiations with landowners in those two areas, a number of leasehold tenures. It has developed Indigenous Land Use Agreements that rely on non-extinguishment of native title where it still does apply to those areas. The Commonwealth has sought to include those various parcels of leasehold land into one tenure—a perpetual lease over those areas—so that they can administer those training bases.

With regard to the Commonwealth regulating land for military training purposes, it is a bit different to most typical leaseholders with the level of oversight. Some of the provisions that are relevant are things like easements over those sites. For other state land there is a pre-approval process required from the Department of Resources to register that easement oversight. From our perspective, if the Commonwealth government, as leaseholder, seek to put an easement over that site they are best placed to make that call. In respect of subleasing arrangements, normal leases require approval to sublease. Again, if the Commonwealth see fit to sublease part of that military site then that is a decision that they are best placed to make.

The provisions that are proposed to apply to those two military training lease areas are basically those that apply currently to transport land under the Land Act, so land that is leasehold land that is directly administered by the Department of Transport and Main Roads. Again, our Department of Resources does not seek to intervene itself in the decision-making of the leaseholder with things like easements and subleases over those tenures. It recognises that they are to stay state land, and that is consistent with the Commonwealth preference and the agreement that they negotiated with traditional owners in those areas for it to stay as leasehold land, but without then the day-to-day administrative oversight of the Department of Resources in those rather operational uses of those sites.

Mr WEIR: My question basically follows on from the member for Stretton's question. As you are aware, the committee also has an inquiry into the management of the islands off the Queensland coast and we have talked about that. I was wondering how this conversion to freehold will impact on them. We know that some of those resort holders would like to transfer a section of the island to freehold. Are they impacted? Would they be covered by this?

Mr Hinrichsen: They certainly potentially could be. One of the existing provisions in the Land Act that no doubt the committee will be dealing with part of that separate inquiry is the provision that relates to what are referred to as 'regulated islands'. The Land Act allows freeholding through an application process currently, but there is a requirement that the minister seek Governor-in-Council approval as part of that freeholding process. There is an extra check, if you like, in that process. That will still apply under this amendment. That said, otherwise an offer certainly could be made, again to appropriate tenures. That point I made about national parks—some of the tourism leases are superimposed over national parks, so while ever they remain in national parks a freehold conversion cannot occur. Some have native title still applying. Again, native title would need to be addressed before any conversion could be considered for those particular tenures, but other leases certainly could. Subject to that being the result of assessments as to the suitability of those leases to convert, it could be an option but it still would require that Governor-in-Council approval step while ever they are regulated islands.

Mr WEIR: Revocation of that?

Mr Hinrichsen: It is not so much a revocation; it is a consent that the Governor-in-Council is required to give. The minister needs to provide justification as to why that particular part of a regulated island should convert to freehold.

Mr WATTS: What process would the Foreign Investment Review Board have in that decision and what is its impact and control over Queensland in making its decision?

Mr Hinrichsen: That applies to all tenures, not just tourism islands. For any transfer to a foreign entity, government or individual company, Commonwealth approval under the Foreign Investment Review Board is still a prerequisite. Of course, for Queensland we also have a foreign ownership of land register. Any foreign interest in land needs to be recorded on that register. They are all existing prerequisites to land ownership and that includes leasehold lands. Land ownership would be unaffected by these amendments.

Mr WATTS: There is some mention in the explanatory notes of changing the requirement that name changes be published in certain media and it refers to appropriate channels. I am trying to understand what that looks like. Who decides what is suitable, what is the time period and how would a community know about something that is scheduled as a change? I am trying to understand the process to ensure that anybody who has an interest would be aware of what is happening, rather than it happening without them knowing?

ACTING CHAIR: It certainly has been tricky with the loss of so many local newspapers.

Mr Hinrichsen: It has been, equally recognising that there are many very good local newspapers that are relied on, particularly in smaller communities—but it has been across the length and breadth of the state. We still want to be able to utilise those where they are viable sources for the notices, but equally it has proven very useful in relation to having a central point on websites, for example. Our department already uses those for a number of transactions where, rather than searching through various papers, there is one point of reference for things like notices on road closures, for example. For some of the notices under the Stock Route Management Act, we are changing from an arrangement where the council must publish in a newspaper. Equally many councils have very good websites and very good communication networks with their local communities. We would like them to be able to utilise that. We provide the opportunity for the councils in that case to work out what is most appropriate for their community as opposed to trying to prescribe what might work best in a particular community.

Mr WATTS: Without wishing to be cynical, the council might not always have the same objectives in publicising the changes as other stakeholders might have. What sort of governance would be over that, in terms of a minimum time requirement or a minimum process, to ensure that someone has not slipped something in because it is convenient for them and other stakeholders are unaware of it—let's say there has not been a drought or there has not been a reason to use it for a number of years?

Mr Hinrichsen: Ultimately the entity responsible—in that case, the local council—has an obligation to apply the legislation, as it is prescribed. It is very deliberate that we are not prescriptive so we do not tie councils up in knots. However, ultimately there is an obligation to comply with the

intent of the legislation, not just the letter of it, and there are obviously opportunities, if it got to that extreme case, for the likes of judicial review to find that the requirement of the legislation had not been appropriately applied. Otherwise, we are very reluctant to get into mandating time frames, mandating processes that—

Mr WATTS: I agree. Was any consideration given to a minimalistic safety net?

Mr Hinrichsen: Yes. Those issues do go around and around. We also recognise that in, say, dealing with a drought situation or—we can all think of so many circumstances, particularly in dealing with fires and floods and other emergent circumstances, where councils do need to act reasonably quickly, as opposed to prescribing legislation that must be published for 14 days and then there is a hiatus before action can be implemented. We find, from our experience, most councils have really good networks with their communities and are really good at getting messages out there and talking to people who are most affected. Obviously if we start to get feedback that things are being short-circuited or communications are not appropriate, that may drive a need for further regulatory change, but we would rather not start with that level of prescription.

Mr WATTS: I think that is pretty well appropriate. I wonder if maybe there should be some consideration given to actually saying we will look at this in three years time. Rather than waiting for feedback to come, should we actually seek feedback on whether or not people are happy with it?

Mr Hinrichsen: Certainly in relation to stock routes we have set up an ongoing working group so that we can engage with councils, users of the network, to get that type of operational feedback so that we are not waiting for some sort of milestone review. We have that real-time responsiveness that we can get the information from all users—from councils and from the drovers—on how the network is actually operating and functioning so that we can make those adjustments as appropriate.

Mr WATTS: But no obligation to publish or make public those discussions?

Mr Hinrichsen: No.

ACTING CHAIR: Following on in a similar vein, in relation to clause 12, the explanatory notes identify the change to the way a mortgagee in possession publishes notices. Again, I return to the fact that some of the regional newspapers are disappearing from circulation. Is there any requirement placed on mortgagees to utilise the local newspaper in that circumstance where it exists?

Mr Hinrichsen: That is in relation to the amendment to section 346—is there a particular clause that you are referring to?

ACTING CHAIR: Clause 12 on page 13.

Mr Hinrichsen: Currently there is the existing requirement to publish in the newspaper. It is as simple as that. It is a public notice by which the parties can respond. Of course, with the disappearance of print media it is becoming increasingly challenging for people to keep track of what paper that might actually relate to as opposed to when there was a local standard in most communities. The amendment reflects the existing intent of a notice being published but recognises that the historical arrangements by which it is published in a newspaper circulating in the locality is limiting. It is not ruling that out, again, where there is appropriate opportunity but other means are commonly utilised.

Electronic prints of many papers are really good, but of course that comes with a subscription cost and that is beyond many people. We certainly were loath to mandate that that become the means of communication as opposed to providing those other additional opportunities, other avenues for notification.

Mr WEIR: Colin would be really disappointed if I did not ask about vegetation management. It says that providing clarification to areas shown on a PMAV will have the same effect as area categories shown on a regulated vegetation management map. I would have thought everybody with a PMAV would have thought that was the case.

Mr Hinrichsen: Ultimately it is, but there is an update process for the regulated map. As much as anything, this is making clear the hierarchy, if that makes sense. If you have a PMAV, that is the point of reference.

Mr WEIR: You talked about the regional ecosystems. This is for grassland.

Mr Hinrichsen: It is for all regional ecosystems. Where it is a grassland ecosystem, clearing is not regulated. They are currently defined in the regulation. It defines least concern, of concern, endangered, unregulated grasslands and regulated grasslands. There are currently about 144 detailed pages that describe each and every regional ecosystem in that regulation. At the same

time the Queensland Herbarium publish their regional ecosystem description database, which is published online. That is what is referred to by the Nature Conservation Act when it comes to the biodiversity classification for those various regional ecosystems.

We currently have a disconnect in that there is the regional ecosystem database that is online, published by the Herbarium, and then there is the regulation under the Vegetation Management Act. The issue that we encounter currently is that the two can get out of sync. When the regional ecosystem database is updated by the Queensland Herbarium, we then need to amend the regulation. Having two points of reference for the same information is a recipe for confusion. If somebody, as I certainly do, does a Google search of regional ecosystem descriptions it will take you to the Queensland Herbarium dataset; whereas for the Vegetation Management Act we have a dataset that replicates that, but there is a time difference. It can be only a matter of weeks in some cases, but we have two different sources of reference.

This amendment maintains the existing information but points to that published regional ecosystem database. There is then a requirement to make sure that it is notified that that is the new regional ecosystem database that will apply. Otherwise we have a single point of reference, and it mirrors the process that is used under the Environmental Protection Regulation.

Mr WEIR: When you are saying 'notified', what do you mean by that?

Mr Hinrichsen: It needs to be certified. It takes effect on the day that it is then published on the department's website. Just like the existing vegetation management plans that identify category X, category C and category B vegetation, that is regulated under the Vegetation Management Act and it takes effect from that certification process.

Mr WEIR: Affected landowners will be part of this notification?

Mr Hinrichsen: Currently, as I am sure the member for Condamine is aware, we have an online tool by which landowners can apply for a property management plan, which is different to a PMAV. This is the plan for their property. Whether you have a PMAV or not, you can get this plan. It identifies regulated vegetation as well as the regional ecosystem descriptions and other useful information for landowners. Get online, put in your lot plan description and that usually results in an automated email coming back in about 15 minutes, depending on demand.

We keep a database of everyone who has registered their details and has requested such a plan. If there are any updates to either the existing maps or the regional ecosystem database, we notify landowners of those changes. At last count—and my colleague will probably know the number off the top of his head—we had about 15,000 landowners registered to receive those updates.

Mr WEIR: This is for native grasses, not heavy infestations of rat's-tail grass? Does that have any impact or trigger any changes?

Mr Hinrichsen: No, certainly not. There is no change in the way in which vegetation is regulated. Obviously wheat species, be they woody or grass, are not regulated. Those unregulated grasslands are exempt from the Vegetation Management Act. Where there is encroachment of woody vegetation, even native woody vegetation where it is not a natural part of that ecosystem, it is not regulated under the Vegetation Management Act. Those types of encroachment on those regional ecosystems, as it is referred to, can be managed without any approval being required under the Vegetation Management Act. Nothing in these amendments changes any of that.

Mr WATTS: I have a couple of questions exploring some of that a little bit more. If someone is registered, will they get a positive notification if there has been a change? They do not have to go fishing for it; it will automatically go to them?

Mr Hinrichsen: Yes.

Mr WATTS: That is good. We should be encouraging people to be registered so that happens.

Mr Hinrichsen: Absolutely.

Mr WATTS: In terms of changing the two databases, who has oversight of the Queensland Herbarium's database, how it operates and its governance? If the department is going to refer to that, I am curious as to who actually controls that database and whether it is up to date, legitimate and acceptable.

Mr Hinrichsen: Absolutely. The Queensland Herbarium, of course, is part of the—

Mr WATTS: I am not questioning their—

Mr Hinrichsen: It is part of the Environment and Science portfolio, so it is a certification process through that department.

Mr WATTS: Effectively, your department would be referencing outside. The question then is: if there is any problem or dispute, which minister will you go to if your act is referring to someone else's database?

Mr Hinrichsen: That is a very good question. It is less so now, but we have had processes by which landowners can identify any anomalies they see in that information. Where there are obvious errors that is changed at no cost to the landowner. We work very closely with the Department of Environment and Science on that.

There are also processes by which in some cases more scientific assessment might be required. Landowners can apply for changes to be made. Our department assesses that. We will get input and advice from the Department of Environment and Science, but the decision-making lies with our department under the Vegetation Management Act.

I might also clarify my earlier comment. Changes are only made where a landowner does not have a PMAV in place. Where landowners have already got a property map of assessable vegetation over their property, then nothing changes. Of the 15,000-odd people who receive that notification, some of them would already have PMAVs. It is telling them that the regional maps have been updated, but it will not change their property map because it is locked in under a PMAV.

The other landowners who have been notified receive the map. For various reasons many have not applied for PMAVs. I guess there are those two distinct sets of landowners: obviously those where vegetation management is a really important part of their operations have PMAVs to give them that ongoing certainty; and others who have periodically logged on, got a copy of the map for various purposes but have not then followed through to lock in those vegetation classes through a PMAV process.

Mr WATTS: For clarity—and I want to make sure I have this right—the act will reference the database. If someone is unhappy with that database, are they coming through your department because you are the department that will be applying that to them, or are they going to another department to change the database itself?

Mr Hinrichsen: If it is in relation to the Vegetation Management Act—in this case it would be—it would be to the Department of Resources.

ACTING CHAIR: Thank you very much. That concludes this briefing. Thank you everyone who has participated today. Thank you to our Hansard reporters. A transcript of these proceedings will be available on the committee's webpage in due course. I think we had a question taken on notice in regards to providing a list of stakeholders consulted.

Mr Hinrichsen: Madam Chair, may I seek clarification? The explanatory notes do have an outline of the consultation that took place. It is on page 9. If the member for Toowoomba North could clarify whether he is seeking more information than that that would be useful.

Mr WATTS: Is that a complete list? My objective here is to be as transparent and as open as possible and make sure we do not miss input from any potential stakeholders. It was a matter of who has been consulted and potentially who has not. Obviously you cannot give a list of who has not; it is up to them to stand up for opportunities.

Mr Hinrichsen: Obviously that is a high-level description. There is more detail provided in the—and I referred to it earlier—consultation report on the stock route review.

Mr WATTS: I have not seen that.

Mr Hinrichsen: That paper has a more detailed list of the stakeholders consulted including a listing. We also had an online lodgement opportunity. Many people who use that did not reveal their identity, so we have not published that. It could be that someone said their name is Jack but did not identify themselves otherwise. In terms of those who provided formal submissions, there are 16 organisations and individuals who provided properly made submissions, if you like, who are identified in that report.

ACTING CHAIR: Would you be able to provide the committee with a link to that document?

Mr Hinrichsen: Electronically?

ACTING CHAIR: Yes, that would be great.

Mr Hinrichsen: Absolutely.

Mr WATTS: That answers my question. We do not need—

ACTING CHAIR: So there are no questions taken on notice. You are going to give us a copy of the link; that is it. Thank you, again. I declare this public briefing closed. Thank you very much.

The committee adjourned at 10.00 am.