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1 April 2022

Deborah Jeffrey
Committee Secretary
Transport and Resources Committee
Parliament House
George St
BRISBANE QLD 4000

By Email: trc@parliament.qld.gov.au

Dear Ms Jeffrey

LGAQ Submission – Land and Other Legislation Amendment Bill 2022

The Local Government Association of Queensland (LGAQ) welcomes the opportunity to provide feedback on the *Land and Other Legislation Amendment Bill 2022*.

In particular, the review of the *Stock Route Management Act 2002* is of significant interest to Queensland local governments as:

- Local governments are responsible for day-to-day management and overall compliance on the stock route network
- It costs councils approximately \$4.6 million per year to manage the stock route network with minimal capacity to recoup most of these costs; and
- The LGAQ has for decades sought legislative reform to provide a fair and equitable mechanism for all stakeholders and to adequately resource local government management of the stock route network.

Overall, the LGAQ supports the changes proposed within the Bill along with further regulatory amendments.

The attached LGAQ submission contains eight recommendations for consideration. The LGAQ looks forward to working with the department to improve the sustainable future management of the stock route network.

For further information, please do not hesitate to contact Mr Cory Heathwood, Head of Advocacy,

[REDACTED]

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alison Smith', written in a cursive style.

Alison Smith
CHIEF EXECUTIVE OFFICER



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Land and Other Legislation Amendment Bill 2022

Submission to Parliamentary Transport and
Resources Committee

March 2022

Web: www.lgaq.asn.au

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About the Local Government Association of Queensland (LGAQ)

The Local Government Association of Queensland (LGAQ) is the peak body for local government in Queensland. It is a not-for-profit association established solely to serve councils and their needs. The LGAQ has been advising, supporting, and representing local councils since 1896, enabling them to improve their operations and strengthen relationships with their communities. The LGAQ does this by connecting councils to people and places; supporting their drive to innovate and improve service delivery through smart services and sustainable solutions; and providing them with the means to achieve community, professional and political excellence.

Partners in Government Agreement

In August 2019, the LGAQ on behalf of all 77 Queensland Local Governments signed a three-year partners-in-government-agreement¹ with the State of Queensland.

The Agreement details the key principles underlying the relationship between the state and local governments and establishes the foundation for effective negotiation and engagement between both levels of government.

The agreement acknowledges that local government is the closest level of government to the community, affecting the lives of everyday Queenslanders and acknowledging Local Government as a genuine partner in the Australian government system.

The intent of the agreement was to continue the tradition of working in genuine partnership to improve the quality of life for all Queenslanders to enjoy. By identifying the roles and responsibilities of each party, it provides a solid foundation for effective negotiation and engagement between both levels of government.

The LGAQ is committed to working with the Queensland Government and will continue to be a passionate advocate for councils, to serve our joint jurisdiction for the people of Queensland.

¹ https://www.dlgrma.qld.gov.au/_data/assets/pdf_file/0016/45115/partners-in-government-agreement-2019.pdf



Land and Other Legislation Amendment Bill 2022

1.0 Executive Summary

The LGAQ welcomes the opportunity to provide feedback to the Queensland Parliament Transport and Resources Committee on the *Lands and Other Legislation Amendment Bill 2022*.

The 48 local governments in Queensland that contain parts of the stock route network within their local government areas hold substantial responsibilities for the management of the network including assessing and issuing permits, land management activities such as fire and weed management and maintaining water facilities and other assets.

Overall, the LGAQ supports the changes proposed by the Bill, including the ability for local governments to charge an application fee and to retain 100% of the revenue from permit fees as a means of recouping some of the costs associated with managing the stock route network. The LGAQ also supports the raft of changes proposed to local government stock route management plans.

Queensland councils have been seeking stock route reform for several decades, to ensure the future sustainability of the network. The network is more than 150 years old, and the local government sector wants to make sure it can continue to be used for centuries to come.

1.1 Recommendations for Action

The LGAQ has prepared detailed comments in relation to each of the proposed amendments outlined in the Bill and has made eight recommendations, summarised below:

- Recommendation 1: The LGAQ recommends the Department of Resources develop consistent communication/education tools for all stakeholders to ease the burden on individual local government officers who are required to respond to concerns regarding grazing on stock routes not identified on the maps.
- Recommendation 2: The LGAQ recommends the establishment of a map amendment process outside of the legislative framework to support input by local government regarding changes to mapping and network categorisation.
- Recommendation 3: The LGAQ recommends additional consultation with local governments about the extent and classification of the stock route network including the determination of appropriate service levels for each category of the stock route.
- Recommendation 4: The LGAQ supports the proposed changes to the process for preparing a local government stock route management plan including aligning plan timeframes to that of the Queensland Stock Route Strategy 2020-2025.
- Recommendation 5: The LGAQ recommends the Department of Resources ensure the proposed increased fee structure, including appropriate indexation, is addressed within a revised regulation.



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- Recommendation 6: The LGAQ recommends further discussions between the State and local governments following the regulation review process to identify mechanisms for greater cost recovery for local government.
- Recommendation 7: The LGAQ supports the ability of local governments to charge a standard application fee for new travelling stock and agistment permit applications to ensure greater cost recovery.
- Recommendation 8: The LGAQ supports an amendment to the Act to allow local governments to retain 100 per cent of permit fees charged for the sustainable management of the stock route network.



2.0 Introduction

The Local Government Association of Queensland (LGAQ) welcomes the opportunity to provide comment on the *Lands and Other Legislation Amendment Bill 2022* (the Bill).

The Queensland stock route network provides an important source of feed for the agricultural industry, particularly in times of drought, as well as providing significant cultural heritage, recreational and environmental value. The 48 local governments that contain parts of the stock route network within their local government area hold substantial responsibilities for the management of the network.

The review of the *Stock Route Management Act 2002* (the Act) as a precursor to further amendments to the *Stock Route Management Regulation 2003*, are of significant interest to Queensland local governments as:

- Local governments are responsible for the day-to-day management and overall compliance on the stock route network including maintaining assets; issuing permits for travelling stock and agistment; ensuring compliance with permit conditions; managing weeds and fire risk; and undertaking capital works;
- It costs councils approximately \$4.6 million per year to manage the stock route network with minimal capacity to recoup most of these costs; and
- The LGAQ has for several decades sought legislative reform to provide a fair and equitable fee mechanism to adequately resource local government management of the stock route network, to ensure its future sustainability.

The LGAQ has welcomed the genuine and extensive consultation the Department of Resources undertook with local governments, which has led to many of the reform proposals housed within the Bill. This submission is based on the feedback from local governments during the 2019 consultation process and the subsequent 2021 'Stock Route Network Discussion Paper' consultation process, as well as recent discussions with local government representatives on the Queensland Stock Route Working Group.

The LGAQ Policy Statement², the definitive statement of the collective voice of local government in Queensland, holds the following positions relevant to the Queensland stock route network:

5.2.2.1 Local government supports an equitable partnership approach with the state government in the sustainable maintenance and effective management of the stock route network.

5.2.2.2 Local government supports the inclusion of local government representation to provide opinion, comment and advice to the State and relevant Minister on the development of legislation, policies and guidelines for the use and management of the stock route network.

The Local Government Association of Queensland's Advocacy Action Plan (AAP)³ is a roadmap designed to highlight the top policy positions and funding priorities councils believe are critical to ensuring Queensland flourishes and our communities thrive.

² <https://www.lgaq.asn.au/downloads/file/183/2019-lgaq-policy-statement>

³ <https://www.lgaq.asn.au/downloads/file/475/lgaq-advocacy-action-plan-2022>



The following Advocacy Action item highlights the significance of these legislative changes for local government: are:

AAP 92 – *Change the Stock Route Management Act 2002 and regulations to support greater cost recovery for councils by:*

- *Allowing councils to keep 100 per cent of the revenue from permit fees.*
- *Providing councils with discretion to waive permit fees in times of drought for adjacent landholders.*
- *Working with local governments to strategically resolve the issue where landholders have historically fenced in the stock route network and/or are accessing the land free of charge without a Permit to Occupy.*
- *Funding the ongoing maintenance of the stock route network at no expense to local government.*

The State Government's 2020 election commitment to "consult on the regulation alongside any proposed primary legislative amendments to ensure that stock route reform is successful and meets industry and local government expectations" was welcomed by the LGAQ.

Overall, the LGAQ supports the ability of local governments to retain 100 per cent of the fees charged as well as for the local governments to charge an application fee as a means of recouping some of the costs associated with managing the stock route network. The LGAQ also supports the raft of changes proposed to local government stock route management plans.

3.0 Proposed stock route legislative amendments

This submission responds to the changes proposed in the Bill including the declaration of stock routes; changes to the timing and requirements of local government stock route management plans; allowances for modernised plan notification and publication processes to include electronic options; the inclusion of a permit application and renewal fee; and the ability for local governments to retain 100 per cent of the permit application fees charged for the management and maintenance of the network.

3.1 The declaration of stock routes

Clause 55 of the Bill provides the chief executive with the power to decide stock routes for the State by certifying a digital electronic map. Based on consultation in 2019, feedback from local governments indicated support for the declaration of stock routes via a map. However, given that all roads can be used as stock routes in addition to stock routes that aren't roads, concern was expressed by local governments that the community found it confusing that not all stock routes were clearly identified on the map. The ability for local government staff to explain why this is the case through the provision of clear and consistent information by the Department of Resources would support local governments to communicate this issue to their respective communities.

Recommendation 1: The LGAQ recommends the Department of Resources develop consistent communication/education tools for all stakeholders to ease the burden on individual local government officers who are required to respond to concerns regarding grazing on stock routes not identified on the maps.



Local governments, as managers of the network, have the knowledge and expertise to identify where changes to the mapped stock route network are appropriate. The Department of Resources has previously proposed the development of a map amendment process to allow local governments to seek changes to the map as well as changes to route categorisation without the need for legislative amendments.

Recommendation 2: The LGAQ recommends the establishment of a map amendment process outside of the legislative framework to support input by local government regarding changes to mapping and network categorisation.

During the 2019 consultation process, local governments were afforded the opportunity to consider the extent and categorisation of the stock route network across Queensland. Since that time, limited engagement with local governments has occurred precluding the ability to determine the final extent of the network across Queensland. Given one of the actions in the *Queensland Stock Route Network Strategy 2020-2025* is to determine the levels of service for each category of stock route, it remains essential that local governments are adequately consulted regarding the network extent.

Recommendation 3: The LGAQ recommends additional consultation with local governments about the extent and classification of the stock route network including the determination of appropriate service levels for each category of the stock route.

3.2 Local government stock route management plans

Clauses 61 and 62 of the Bill include amendments to the requirements of local government in the preparation of local government stock route management plans.

Local governments acknowledge that in many instances stock route management plans can be useful tools in establishing and communicating how a local government will manage and administer the stock route network within their local government area when they include the following:

- How councils intend to deal with compliance issues on the network;
- How councils intend to resource the management and administration of the network;
- How issues associated with the stock route network are communicated to network users and the local community; and
- Policy decisions in relation to pasture assessment and mob sizes.

The LGAQ supports the following changes proposed in the Bill including:

- Removing the need for the Minister to consider a local government's draft stock route network management plan;
- Removing the requirement that a local government establish a working group to advise on preparation of the draft plan, acknowledging that each local government will understand how best to engage with their community;
- Allowing local governments to publish the draft plan using relevant local media to take into account the declining presence of print media;



- Extending the life of a local government stock route management plan from four to five years in line with the timeframe of the Queensland Stock Route Network Management Strategy 2020-2025; and
- Providing clarity that local governments must consult with relevant State agencies where stock routes are adjacent to or co-located on State-controlled roads and protected areas when developing their stock route management plans. This will ensure road safety and the protection of environmental values on the network.

Recommendation 4: The LGAQ supports the proposed changes to the process for preparing a local government stock route management plan including aligning plan timeframes to that of the Queensland Stock Route Strategy 2020-2025.

3.3 Proposed increases to travelling stock and agistment permit fees

Whilst not specifically included in the Bill, the fees for travelling permits have not changed since 1989 due to the permit fee being so low that it does not trigger the annual indexation rules. The resulting low price for travelling stock places a burden on local governments as fee revenue does not cover the necessary stock route management and maintenance. The fees for grazing are subject to regular indexation but are significantly below commercial agistment fees and are not representative of the true cost incurred by local governments.

The costs incurred by local governments in managing the stock route network have been estimated at approximately \$4.8 million per annum. Local governments can recoup some of the management and maintenance costs by charging fees for travelling stock and agistment, but the overall revenue captured in 2017/18 was just \$324,000. This means local governments recover between 4 - 5% of the costs of managing the network depending on the seasonal demand.

The Act includes a user pays principle whereby any person who benefits from using the network must pay a reasonable amount for its use. The discussion paper notes the benefits derived by the grazing industry through stock travel and agistment is approximately 21% of the total management costs. Therefore, it appears logical that the increase in permit fees for travelling stock and agistment aims to recover 21% of the costs to local government of managing the network. In this regard, the LGAQ supports the proposed fee structure outlined within the discussion paper as follows:

- Agistment permits (large stock) – 2.8 – 5.5 fee units per head per week
- Agistment permits (small stock) – 2 fee units to 4 fee units per 5 head per week
- Travel permit (large stock) – 1 fee unit per 20 head
- Travel permit (small stock) – 1 fee unit per 140 head

It is suggested permit fees are subject to annual indexation to ensure fees increase in line with the appropriate indexation.

Recommendation 5: The LGAQ recommends the Department of Resources ensure the proposed increased fee structure, including appropriate indexation, is addressed within a revised regulation.

It should be noted that the location of each local government and the categories of the stock route network running through it, will also determine the level of cost recovery that can be



achieved. For example, those councils that have larger numbers of travelling stock traversing their local government area are much more likely to be able to achieve greater cost recovery with permit fee increases. However, there are those local governments that have not seen travelling stock for years, coupled with limited demand for agistment permits, resulting in an inability to recoup the costs of managing the network regardless of how much the permit fees increase. It is these local governments that continue to manage and maintain the network through invasive plant and animal control and fire management activities in order to support the environmental and cultural values of the network, without any ability to recover the costs of doing so.

Notwithstanding, the LGAQ strongly supports the increase in permit fees, acknowledging that regardless of the fee increase, local governments (and their ratepayers) will still be substantially subsidising the operation of the stock route network on behalf of Queenslanders. The LGAQ would welcome the opportunity to work with the State Government to identify other mechanisms for local government cost recovery following completion of the regulation review.

Recommendation 6: The LGAQ recommends further discussions between the State and local governments following the regulation review process to identify mechanisms for greater cost recovery for local government.

3.4 Inclusion of a permit application fee

Some local governments, in a bid to ensure a greater level of cost recovery, have developed local laws to enable them to charge an application fee for travelling stock permits. The application fee charged by these local governments has been calculated to reflect the average time and cost to assess and issue a travelling stock permit fee.

Clause 65 of the Bill allows local governments to charge an application fee as prescribed by regulation, including the ability to waive that fee where the applicant is experiencing financial hardship.

Recommendation 7: The LGAQ supports the ability of local governments to charge a standard application fee for new travelling stock and agistment permit applications to ensure greater cost recovery.

3.5 Local governments to retain 100 per cent of permit fee revenue

Currently local governments receive half of the permit fees for agistment, and travel permits and water facility agreements as per section 187A of the Act, with the other half going to the Department of Resources. Given local governments recoup just four per cent of the cost of managing the network, the introduction of further mechanisms for increasing cost recovery is supported. Clause 67 of the Bill allows for local governments to retain 100 per cent of the permit fees charged, to support a greater level of cost recovery. This proposal is strongly supported by local governments so long as the capital works funding of the network is maintained and/or increased by the Department of Resources each year.

Recommendation 8: The LGAQ supports an amendment to the Act to allow local governments to retain 100 per cent of permit fees charged, for the sustainable management of the stock route network.

4.0 Conclusion

Overall, the LGAQ welcomes the proposed amendments as outlined in the Bill and the LGAQ looks forward to working in partnership with the Department of Resources to implement these changes and further Regulation amendments later in 2022 to provide positive outcomes for local communities and to ensure the sustainable future management of the stock route network.

Please do not hesitate to contact Cory Heathwood – Head of Advocacy via email [REDACTED] should you wish to discuss any aspect of this submission.