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Committee Secretary
Transport and Resource Committee
Parliament House
George Street
Brisbane QLD 4000

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

Dear Sir

Re: Submission to the Land & Other Legislation Amendment Bill 2022

AgForce Queensland Farmers (AgForce) is a peak organisation representing Queensland's cane, cattle, grain, and sheep & wool producers. The cane, cattle, grain and sheep & wool industries in Queensland generated around \$7.8 billion in on-farm value of production in 2019-20. AgForce's purpose is to advance sustainable agribusiness and strives to ensure the long-term growth, viability, competitiveness, and profitability of these industries. Over 6,400 farmers, individuals and businesses provide support to AgForce through membership. Queensland primary producers provide high-quality food and fibre to Australian and overseas consumers and contribute significantly to the social fabric of regional, rural, and remote communities. Our members actively manage approximately 40% of Queensland agricultural land, over 56 million ha and so have a significant interest in the efficiency and effectiveness of the regulatory frameworks within the Resources portfolio.

AgForce welcomes the opportunity to provide comment on the Land & Other Legislation Amendment Bill 2022 (the Bill) which is currently before the Transport & Resource Committee (the Committee) for consideration. AgForce would like to thank the State Government for the opportunity to be involved in the stakeholder consultation during the development of this amendment Bill.

Overall, AgForce does not have any significant concerns regarding the intent of the proposed amendments and is supportive of the Government's intentions to streamline, reduce complexity and ensure regulatory frameworks remain efficient, effective, and responsive to change. AgForce offers the following comments in relation to amendments made to the *Land Act 1994*, *Land Regulation 2020*, *Stock Route Management Act 2002* and *Vegetation Management Act 1999*.

Amendments of Land Act 1994 and Land Regulation 2020

Approximately 56% of Queensland is owned by the State Government and managed by rural lessees via an array of grazing lessees administered under the *Land Act 1994 (Qld)*. The conditions, renewal process and rents payable upon this land have been subject of many reviews and have changed significantly over time to reflect the desires of the lessor, the State of Queensland. Despite the excellent tenure reforms of 2014, only 28% of Queensland is freehold land. Freehold land offers far greater security to landholders, with the removal of risk of excessive, annual rent increases, as has been seen in the past.

AgForce offers the following comments in relation to amendments made to *Land Act 1994* and *Land Regulation 2020*:

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- *Closure of Road*

Clause 13 amends section 98 to allow the Minister to temporarily close a road without receiving an application under section 99(3). AgForce supports this amendment to allow the Minister for Resources to temporarily close a road when there has been a change in ownership of the land to which the road licence is attached and when no application to close the road has been submitted.

- *Deciding Not to Make an Offer of New Lease*

Clause 17 inserts new section 157B to enable the chief executive to decide not to make an offer of a new lease before receiving a renewal application from the lessee of a term lease. AgForce supports the amendments proposed under Clause 17 on the basis that it will provide greater time for the lessee to make arrangements to vacate the leased land and remove improvements as necessary. AgForce further supports the consequential amendments made to section 158 under Clause 18.

- *Offer to Convert Lease*

Clause 22 inserts new section 165B to enable the chief executive to decide to offer to convert a lease before receiving a conversion application. AgForce is supportive of the introduction of an alternative, more efficient pathway to initiate lease conversion, so that it is not solely an applicant driven process. Freehold land offers far greater security to landholders, with the removal of risk of excessive, annual rent increases, as has been seen in the past.

With most perpetual leases transitioning to freeholding, it is the term lease tenure that requires further attention if the State is to encourage continued good management, as well as the viability of the tenure, industry and its surrounding rural communities and to continue the good work that was legislated in 2014. Over the years, AgForce has advocated for reform and discussion for alternative tenure models to be implemented which address both the needs of traditional owners to have connection to country and lessees to exit the rent trap. AgForce believes that the state government should consider the implementation of a further tenure conversion program aimed at improving tenure security for term leases. As a preference, this would see the conversion of all leases to freehold or at the very least the conversion of term leases to perpetual.

- *Sale of Mortgaged Lease*

Clause 30 amends section 346 to change the requirement to publish a notice in a newspaper. However, the requirement for public notification remains. AgForce supports this amendment on the basis that this amendment recognises the increasing role the internet plays in communication and the decline in publication of hard copy newspapers.

- *Provisions about Offers*

Clause 36 inserts new chapter 7, part 1D establishing a self-contained part in the *Land Act 1994* about provisions of offers. AgForce supports these changes that provide clarity about provisions that relate to offers.

- *Transitional Provisions for Land and Other Legislation Amendment Act 2022*

Clause 38 inserts a new chapter 9, part 7 which deals with transitional provisions for the *Land and Other Legislation Amendment Act 2022*. AgForce supports the transitional provisions made under Clause 69.

- *Land Regulation 2020*

Clause 41-47 makes consequential amendments to the *Land Regulation 2020* because of the insertion of a new section 165B in the *Land Act 1994* (clause 22) which enables the chief executive to make an offer to convert a lease before receiving a conversion application. AgForce is supportive of these amendments to the *Land Regulation 2020*.

Amendments of Stock Route Management Act 2002

AgForce acknowledges the efforts by the Queensland Government to review the management, legislation and regulation of the state's vital Stock Route Network and meet the needs and expectations of industry and other stakeholders. We have appreciated the inclusion of AgForce representatives in the Stock Route Management Working Group (SRMWG) and a renewal of the consultation on the regulation review given delays due to COVID-19.

AgForce offers the following comments in relation to amendments made to *Stock Route Management Act 2002*:

- *Stock Route Map*

Clause 55 inserts new section 97A to provide the chief executive with the power to decide stock routes for the State by certifying a digital electronic form of a map showing them. AgForce supports the process of updating and publishing the stock route network map online.

- *Notice of Strategy Taking Effect*

Clause 58 inserts new section 100A placing a requirement on the chief executive to notify each local government to which stock route network management plan provisions apply when a State stock route network management strategy takes effect. AgForce supports this amendment as it will improve efficiency, ensuring that relevant local governments are aware of the strategy so that they can meet their obligations to prepare, adopt, amend, or renew their stock route management plans within one year of being notified of the strategy taking effect.

- *Stock Route Network Management Strategy*

Clause 59 omits sections 102 and 103 and inserts new provisions which streamline processes for a State stock route network management strategy, reducing regulatory burden. This amendment is supported by AgForce.

- *Local Government Stock Route Management Plans*

Clause 61 omits sections 106 to 111 and inserts six new provisions for local governments preparing their stock route management plans.

- AgForce supports effective consultation with affected stakeholders including owners of areas adjacent to the Stock Route Network, such as relevant state government departments. Consultation allows potential issues to be identified and resolved, and obligations and accountabilities under the stock route network management plan to be identified.
- AgForce supports the amendments to update the notification requirements for the draft plan to included online notices. These amendments recognise the increasing role the internet plays in communication and the decline in publication of hard copy newspapers.
- AgForce supports the requirement for local government to publish a copy of its stock route management plan to make available to the public for review.

- *Permits*

Clauses 63-67 amends subsections of the *Stock Route Management Act 2002* in relation to permits.

- AgForce supports the amendments to update the notification and publication requirements to include online notices and publications. These amendments recognise the increasing role the internet plays in communication and the decline in publication of hard copy newspapers.
- AgForce supports the introduction of a non-refundable application fee to cover the cost of local government assessing a permit application. This fee will assist with greater cost recovery to ensure the long-term sustainability of the Stock Route Network.
- AgForce strongly supports local government being given the ability to waive payment of the application fee during periods of financial hardship (eg, droughts or floods).

- *Local Government*

Clause 67 replaces section 187A with new sections 187A and 187B to achieve the policy objective of greater cost recovery by local governments by allowing local governments to keep all revenue received from application fees, permit fees, water facility agreements and fines for reinvestment in the stock route network. AgForce supports these amendments, which are critical to the long-term sustainability of the Stock Route Network.

- *Transitional Provisions for Land and Other Legislation Amendment Act 2022*

Clause 69 inserts a new part 4 in chapter 11 which deals with transitional provisions for the *Land and Other Legislation Amendment Act 2022*. AgForce supports the transitional provisions made under *Clause 69*.

Amendments of Vegetation Management Act 1999

AgForce offers the following comments in relation to amendments made to *Vegetation Management Act 1999* (VMA 1999):

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- *What is Vegetation*

Clause 94 amends section 8 pursuant to *Clause 101*, which provides for regional ecosystems to be identified through a certified version of the Vegetation Management Regional Ecosystem Description Database (VM REDD), rather than through the *Vegetation Management Regulation 2012*. AgForce does not support *Clause 94*, which changes reference of a static prescribed regulation to a constantly changing Description Database to amend plants exempt of the *Vegetation Management Act 1999* within grassland regional ecosystems. Currently native plants within grassland regional ecosystems listed in Schedule 4 and 5 of the *Vegetation Management Regulation 2012* are exempt of *Vegetation Management Act 1999* provisions. Any change to the Regulation must follow the 'Queensland Government Guide to Better Regulation' (2019)¹ requiring regulatory impact analysis and public consultation. In contrast, the Regional Ecosystem Description Database (REDD) is frequently revised by the Queensland Herbarium and as a result end users such as landholders or vegetation management consultants are required to check regularly for updates². Landholders and consultants want clear, stable guidelines and regulations for vegetation management and not be subjected to frequent changes in regional ecosystem descriptions from a conservation management database.

- *Accepted Development Vegetation Clearing Code*

Clause 96 amends section 19Q to clarify that development that is clearing vegetation under an accepted development vegetation clearing code is only categorised as accepted development under the Planning Act 2016 if it complies with all the requirements of the relevant code. AgForce seeks clarification of *Clause 96* amendment for how code compliant clearing will impact on other relevant purposes listed in Section 22A of the *Vegetation Management Act 1999* such as coordinated projects under the *State Development and Public Works Organisation Act 1971, Section 26*. Coordinated projects are outside the scope of clearing codes and referral stages of the *Sustainable Planning Act 2009*.

- *Amendment of s 20D*

Clause 98 amends section 20D(3)(b) to amend the editor's note to reflect the current amendments. The editor's note identified that a change to a regional ecosystem is made by amending the *Vegetation Management Regulation 2012*. As mentioned above for *Clause 94*, AgForce does not support change in regional ecosystems through an updated VM REDD. Any change in regional ecosystem status should remain within the *Vegetation Management Regulation 2012* and only be changed through government protocols for regulation changes which requires impact analysis and public consultation periods.

- *22L Certifying Regional Ecosystem Description Database for this Act*

Clause 101 inserts new section 22L. As previously mentioned above for *Clause 94 and 98*, AgForce does not support change in regional ecosystems through an updated REDD. Any change in regional ecosystem status should remain within the *Vegetation Management Regulation 2012* and only be changed through government protocols for regulation changes which requires impact analysis and public consultation periods. Currently Regional Ecosystem mapping is being revised annually. Landholders are planning their property activities 6 to 12 months in advance and need to coincide vegetation management with seasonal conditions, labour availability, finances, etc. Landholders need certainty in the short 6-to-12-month timeframe, but also in the 15+ year trajectory, as many of these ecosystems respond over decadal timelines. Any changes to regulated vegetation status needs to be advised in advance and not subject to an unknown publication date for a 'Certified REDD' which is effective immediately, as proposed in Section 22L insert. AgForce recommends the department retain the Regional Ecosystem status within Schedules 1 to 5 of the *Vegetation Management Regulation 2012*.

- *Declaring Regional Ecosystems*

Clause 102, 103 and 104 amendments remove the reference to the regulation as the mechanism by which an 'endangered', 'of concern' or 'of least concern' regional ecosystem is declared. AgForce does not support these amendments and instead recommends the Government retain the declaration process in the regulation.

¹ <https://s3.treasury.qld.gov.au/files/Queensland-Government-Guide-to-Better-Regulation-May-2019.pdf>

² <https://www.qld.gov.au/environment/plants-animals/plants/ecosystems/descriptions/download>

- *Ability to Prosecute Under Other Acts*

Clause 105 amends section 61 by removing an outdated and redundant reference to penalty provisions in the *Environment Protection Act 1994*. AgForce supports this amendment.

- *Amendment of Schedule (Dictionary)*

Clause 107 amends definitions within the Dictionary as a consequence of inserting new section 22L. As previously mentioned, AgForce does not support the introduction of section 22L and subsequently does not support the proposed amendments to the Dictionary.

- *Additional Amendment of Schedule (Dictionary)*

The Editor's note for *regional ecosystem number* needs to be updated to reflect the new departmental name from DNRM to Resources. Change to: "The database is available on the department's website <https://www.resources.qld.gov.au/>"

Conclusion

Generally, AgForce is supportive of the amendments proposed in the Bill and the Government's intentions to streamline, reduce complexity, and ensure regulatory frameworks remain efficient, effective, and responsive to change.

AgForce would like to thank the Parliamentary Committee for the opportunity to provide comment on the Bill.

Should you have any queries, please contact Policy Officer Nikki Hoffmann on [REDACTED] or via email:

[REDACTED]
Yours faithfully



Michael Guerin
Chief Executive Officer