



Speech by

TREVOR STRONG

MEMBER FOR BURNETT

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NATURAL RESOURCES LEGISLATION AMENDMENT BILL

Mr STRONG (Burnett—ALP) (5.55 p.m.): The bill proposes a number of amendments to both the Land Title Act 1994 and the Land Act 1994 which will ensure that the Department of Natural Resources and Mines will provide more efficient services and help to protect the rights and safety of individuals. Amendments are proposed for a new type of plan that can be drawn without the necessity of field study. Currently, plans are not able to be prepared without ground survey and the use of typical survey requirements such as pins in the grounds, monuments or survey marks.

By amending existing legislation, people will be able to draw upon plans using information already held in the land registry of the Department of Natural Resources and Mines. Significantly, these new plans should remove the high cost of surveys presently required for easements and covenants. People other than surveyors will be able to complete the new plans in certain circumstances.

In regard to water storage behind weirs, a new type of easement is proposed. The construction or upgrading of weirs on rivers or streams often causes inundation of land behind the weir. I agree with the member for Callide in that in many instances the affected land is compulsorily acquired or acquired by agreement with the landowner under the Acquisition of Land Act 1967. As an alternative to that type of acquisition and to minimise the trauma of compulsory acquisition, a water storage arrangement in the form of an easement will be able to be created by agreement between the landowner and the public utility provider. The negotiated arrangement between the landowner and the government or local authority will regulate the rights and duties of the parties to the arrangement, particularly in regard to the use and access of water under storage. Its registration will be a notice to potential purchasers of the existence of the arrangement and the responsibilities that flow from it.

This amendment is the result of consultation between all affected people and has a number of advantages. Its notification in the land registers acts as a consumer protection mechanism through its notice to the world in a publicly searchable register, and it removes the trauma of compulsory acquisition. In addition, a technical amendment is to be made to the Land Act 1994 which will replicate the Land Title Act 1994 in relation to the competing rights of mortgagees and creditors who have writs of execution.

These amendments, which will align the legislation with the decided case law of the courts, will bring more certainty to those persons who purchase at mortgagee auctions. Many of these amendments are minor and technical in nature but are important to improve the efficiency of operations within the Department of Natural Resources and Mines.
