



Speech by

**JEFF SEENEY**

**MEMBER FOR CALLIDE**

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Hansard 30 April 2003

**LAND LEGISLATION AMENDMENT BILL**

**Mr SEENEY** (Callide—NPA) (Deputy Leader of the Opposition) (3.00 p.m.): I am sure the Leader of the House and the minister will be pleased to know that I am quite happy to support this bill. To take the interjection from the Leader of the House, I am quite happy to have this bill pass through the House in six minutes. However, I am quite amazed at the speaking list of government backbenchers who have suddenly found an interest in land legislation and land management issues. I can only express the hope that that interest will survive to the more contentious issues that are involved in land legislation which will undoubtedly be debated in this House in the future. As I said, the opposition is quite happy to support this legislation. The bill before the House seeks to make some minor amendments—housekeeping amendments—in order to fix up a few problems that have been around for a while and clarify a few situations that have obviously been the cause of some concern within the minister's department.

The bill amends the Aboriginal Land Act 1991, the Land Act 1994, the Mineral Resources Act 1989, the Valuation of Land Act 1944 and the Valuers Registration Act 1992. The bill seeks to amend the Aboriginal Land Act 1991 to remove any doubt as to the validity of a regulation and facilitates future transfers of land. The explanatory notes explain that this will ensure that the state government meets its major commitments under the indigenous land use agreement to provide Aboriginal Land Act freehold grants to native title holders over most of Horn Island. The validity of a proposed transfer has been cast into doubt due to the presence of a sales permit for quarry materials in favour of the Torres Shire Council which exists over some areas of the land. This bill seeks to validate that transfer. The amendment will ensure that the transfer will be valid by declaring the sales permit not to be an interest in land for the purposes of deregulating land under the act. It also declares a related regulation passed in May 2002 to be valid.

The bill also seeks to amend the Land Act 1994 to define the meaning of 'agriculture' by principally including forestry within that definition. That is an issue that has been around for a little while with regard to lessees on state leasehold land and other key stakeholders who have been seeking to diversify the operations that are carried out on some of those state leases with regard to forestry operations and agroforestry generally. That is a sound business in some of the areas that I represent. In some of the areas further west there is an increasing interest in agroforestry. It will certainly provide an opportunity for holders of those state leasehold land titles to move into that agroforestry option if it is one that suits their particular situation. In terms of the inclusion of forestry in the definition of agriculture as a land use permitted on agricultural leases, this amendment will deliver clarity and certainty to landholders. In that regard, I have no difficulty in providing the support of the opposition to that part of the bill.

The bill also seeks to amend the Mineral Resources Act 1989 to cancel two mining leases on Shelburne Bay in Cape York Peninsula—that is, mining leases Nos 5940 and 5941—and provides that the applications for renewal of the mining leases do not require a decision under the act. The bill expressly provides that no compensation is payable to any person as a result of the cancellation of the mining leases. Ordinarily, as most members would readily anticipate, I would be somewhat reticent to offer support to a provision that seeks to cancel mining leases and that expressly states that there is no provision for compensation under the cancellation of those particular leases. I am certainly well enough aware of the situation with the two sandmining leases on Shelburne Bay, and those leases have been the subject of a number of questions in this House that I can recall. On at least two occasions they

have been the subject of questions in this House. I would think that most members of the parliament would be aware of the situation with Shelburne Bay and the mining leases that have existed there for some time. I assume that all members of the House will support this provision which cancels those leases.

We always have to be cautious when we set out to cancel a mining lease which is effectively taking away a person's property and which expressly has a provision that rules out compensation. However, given the remoteness of these particular leases and given the fact that mining has never been carried out there and the likelihood of mining ever being carried out there being very remote for a number of reasons, it is probably appropriate for this provision to be written the way that it is. It is highly unlikely that mining would be carried out there for a number of reasons, foremost amongst which is the environmental values of the sand deposits there. That is something that has been referred to on other occasions when this issue has been raised in the House. It is most unlikely that whoever holds those mining leases would be able to get the necessary authorities to, firstly, mine there and to, secondly, export the product that was won from there given that those authorities would involve both levels of government, neither of which I believe would be supportive of allowing mining on those leases in Shelburne Bay to proceed.

In this case, the opposition will be supporting that provision of the bill that allows for the cancellation of those leases but we do so with an overriding caution. I think it is fair to put on the record that the concept of cancelling leases without compensation is something that we would not want to see happen again with any regularity. It is certainly something that we would be very wary about whenever it happens. The whole issue of leases and their continuation is something of an issue of contention that has already been the subject of extensive debate both within this parliament and within the community generally. I would not like to see that this particular situation in Shelburne Bay was taken as some sort of a precedent either within the department or within some sections of the community—that is, that this is a valid course of action for a government to take in other situations. What we have here is a particular situation that probably justifies the course of action that the minister has put forward in the provisions of this bill, but those provisions that are put forward in this bill certainly would not apply to too many other situations that I can think of. While we will lend our support to this bill, we do so with a degree of caution about setting a precedent that could be claimed by others as justification for the cancellation of other leases, be they mining leases or pastoral leases or leases of whatever type.

I note that the Queensland Mining Council supports the solution that the government has adopted. I think that, too, is important, because it means that there is broad support among the major stakeholders on the issue. In this case the situation is such that this provision is warranted. It is probably worth noting that the situation with the grazing/pastoral leases in that particular area remains unresolved, particularly in relation to the Nixon family. It is something that the minister and his department will have to address. I express the hope that a solution can be found to that situation with the pastoral/grazing leases, not just at Shelburne Bay but right throughout the peninsula area. There is a need to find a solution that properly respects the rights of the people who hold those leases and properly compensates and rewards them for the effort that they put into developing that area but which at the same time protects the environmental values that we all want to see protected and also takes into account the desires and rights of the indigenous population in the area.

I am aware that it is something of a challenge to find a solution to the issue of the number of types of leases in the peninsula area. It is something that I think has been going on long enough. The minister and his department should start to bring some of those issues to a satisfactory conclusion so that people who are affected by that issue can make some decisions about where they are going to go in terms of the rest of their lives and their business activities.

The bill also seeks to amend the Valuation of Land Act 1994 to clarify the approach to the valuation of state leases with subleases and to clarify ownership and valuation of lands that have been leased from government owned corporations and water authorities, and extends the power to alter valuations for rates, land tax or state land rental under certain circumstances for a period of three years. Leasehold lands that are subleased to a government owned corporation will not be subject to these amendments and neither will any land a government owned corporation further leases to another party. This maintains the approach of issuing separate valuations and notices to these sublessees, who are the owners for valuation and rating purposes.

This is an issue that I have dealt with in my electorate. Leases of this type include leases that have been held by Queensland Transport, which subleases rail corridor lands to Queensland Rail and Queensland Rail in turn leases part of that land to other parties. That is exactly the situation that I have been dealing with in my electorate. It is good to see this issue resolved. The lessees who hold these derivative leases need to remain the owners for valuation and rating purposes, and also in the particular case in my electorate they need to be recognised as the owners for their own business purposes so that they can have their assets recognised by their financial backers. It is good to see that this particular issue will be resolved.

The extension of the definition of an 'owner' to cover other lessees of government owned corporations and water authorities is intended to ensure that people who pay the rates are recognised as owners for valuation purposes. Amendment to this act will also allow appropriate changes to be made to a valuation from the date it should have been altered, subsequently allowing local governments to adjust their rates accordingly. Currently, section 29A of the act only applies to valuations for local government rating purposes. This amendment extends this section to apply to valuations for rental or land tax purposes whilst maintaining discretion for the chief executive to not alter valuations if the impact on rates, state land rental or land tax is so small that the adjustment could not be justified in the circumstances. This also extends the limitation for altering of valuations to three years.

A further amendment will allow land to be valued if it has become rateable, taxable or subject to rent in the past three years. This deals with valuations of land that has never been valued before. This does not apply to land parcels that have already been valued or subdivided or similar activities. This bill also seeks to amend the Valuers Registration Act 1992 to allow access to searching Queensland police data on criminal history in the appointment process of members and assistant members to the Valuers Registration Board. The whole area of land valuation has certainly been one of considerable contention of late in the south-east corner and the Brisbane urban area in particular, but it is always one that causes considerable angst wherever revaluations occur. I think all of us as local members who have had revaluations occur within our electorates have had to deal with constituents who are perturbed by their particular valuations. It is a complex system that is difficult to understand. It is difficult for people to understand the changes that happen in their valuations. It is an area where misinformation is rife. While it is a difficult area, I think over a long period there have been a number of proposals put forward or a number of attempts made to try and derive a better system or another system of land valuation, none of which has proven to be effective enough to be adopted to replace the existing system. For me as a local member it is a case of trying to help people to understand the system and why it is that their valuations have changed. That is sometimes very difficult to do in the face of the anger and frustration that people are inevitably feeling when they come into our offices as local members.

I am not aware of a system that would produce a better result. However, I am certainly aware of the fact that the current system needs constant review. It needs constant consideration in regard to whether or not it is producing a result that is fair and equitable to all concerned. The biggest mistake that people make is to assume that their rates are going to go up by the same amount that their valuation has gone up. That is something that councils have been less than responsible about at different times when they have taken the opportunity to reinforce that misconception to their own benefit at the expense of people who have had a rise in the valuation of their land and subsequently have been hit with a rise in the valuation of their rates. In the end it is up to councils, as those people who have anything to do with the valuation system realise, to strike the rate in the dollar that they believe is appropriate in return of rates for that land.

**Mrs Carryn Sullivan:** There are other ways of charging rates. They do not have to do it by valuations.

**Mr SEENEY:** That is certainly true, but that argument goes another step further in looking at the whole system. I am talking about the current system, within which there is no obligation for councils to automatically increase the rates to the same extent that land valuations increase. That is the biggest mistake that is made. It is the biggest mistake that people who get their new valuations in the mail make. Their valuation has gone up 50 per cent so they assume their rates are going to go up 50 per cent. In some cases they do, but that is a decision that the council makes.

**Mrs Carryn Sullivan:** Not the state government.

**Mr SEENEY:** That is the point I was making. I am pleased that the member understands it relatively sufficiently to agree with me.

**Mr Robertson:** A fine point you made.

**Mr SEENEY:** I am pleased the minister is agreeing as well.

I also agree with the point that the member made initially, which is that there are other ways of doing it. Perhaps we have reached a stage at which the concept of unimproved land value is so outdated that the relativity difficulties are such that we need to look for some other way. The further we get away from when the land was in its unimproved state, the harder it is to arrive at an unimproved value. The more factors that contribute to the valuation of a piece of land, the harder it is to determine the unimproved value of land. That is certainly the point that we are reaching now, especially in relation to the valuation of land in urban conglomerations such as Brisbane, the coast and other places. So I also agree with the member in that there are other ways of doing it. We need to be looking for other ways.

**Mrs Carryn Sullivan:** I will support you in writing to the councils about that.

**Mr SEENEY:** Very good. I am pleased that we have agreement. As I said at the beginning of my speech, the bill before the House has the opposition's support. There have been no concerns

expressed by any of the major stakeholders or interest groups that are affected by this bill—at least not that I am aware. The minister has indicated in his explanatory notes that consultation has been undertaken with the LGAQ, Agforce, SunWater, the SEQ water board, the Torres Shire Council, the native title holders who are affected by it, and the Queensland Mining Council. I believe that if that group of stakeholders support this legislation, then that would certainly indicate to me that they are in accord with the view that I had formed, that is, that there is nothing in this legislation that would cause offence or detriment to anyone in the community generally or any of the people whom I represent or whom those interest groups represent. Having come to that conclusion, I am happy to offer the support of the opposition to this bill.