Speech by

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LAND AND OTHER LEGISLATION AMENDMENT BILL

Ms LEE LONG (Tablelands—ONP) (6.03 pm): I rise to speak to the Land and Other Legislation Amendment Bill 2007. This bill has 16 different objectives listed across seven bills, including the Land Act 1994, the Acquisition of Land Act 1967, the Vegetation Management Act 1999 and the Integrated Planning Act 1997. It clearly covers a broad sweep of issues that will have a bearing on leasehold properties which cover at least 63 per cent of the state of Queensland. There are more than 23,000 leases, licences and permits that are held in categories such as grazing and agricultural, clubs and charities, industrial and tourism. As a result, these amendments will affect a great number of Queenslanders not only in terms of livelihoods but also in relation to recreational, social and other activities as well.

Amendments to the Land Act include changes to the administration of the act which will hopefully lead to much-needed improved customer services. It will also facilitate the introduction of the state rural leasehold strategy and prepare for a new leasehold rental system. When I researched the State Rural Leasehold Land Strategy, the introduction of which is the aim of some of today's amendments, I found that while the general thrust of the strategy is generally understood the detail is not yet established and is only to be worked out in the course of this year, according to the explanatory notes. These details will apply to all new leases issued after 1 January 2008. The devil, as we all know, is often in the detail. I believe it would have been preferable for these provisions in all their detail to be available for consideration when debating amendments specifically being introduced in support of this strategy.

As I have said, the broad direction of the strategy is known. It is a strategy that piles more and more demands on leaseholders, and each of these demands will come at a cost. The leaseholder will be expected to provide plans and property maps and so on—all aimed at issues not directly relevant to the economic viability of his business. The leaseholder will be called on to improve natural resource management and remediate the land. There are also to be increases in monitoring the condition of the natural resource, to enhance environmental protection, to improve planning capability and so on. But what is the leaseholder offered in return for this increased regulatory burden? The government says it simply offers a continuation of the tenure leaseholders have enjoyed in the past, but that security will now be based on the condition of the land—in other words, nothing more than a leaseholder had before but shifting the goalposts.

This brings the perpetual bane of the producers of rural Queensland to light. They are constantly saddled with demands for environmental, social, cultural, heritage and other matters to be addressed to suit the interests of the concentrated population base of consumers here in the south-east. Those interests are represented in the aims and objectives of the bill before us. But meeting all of those interests comes at a price, and when a farmer or grazier tries to pass on his increased costs to those same consumers they bail up at putting their hands in their pockets and paying a little extra. Instead, they are happy enough to buy Thai, Philippine, Argentine, Chinese or whatever produce or manufactured goods they require. Our rural sector is entirely capable of meeting any and all demands made of it, but it cannot do so if it cannot pass on the costs associated with it.

Among other amendments to the Land Act before us today are those facilitating change to the leasehold rental system. These changes are proposed to help provide some flexibility in rental

calculations. This is needed because of the large increases in many valuations coupled with the effects of the drought. Indeed, those are the reasons behind a freeze in rents for grazing and agricultural leases for the past two years. The amendments before us today will give the government more options to deal with what would otherwise be large increases in rent on rural leases. It is important to understand that, no matter how well managed and tended, no rural property can ever be made 100 per cent safe from environmental impacts. While drought is the example used in the explanatory notes to this bill, Cyclone Larry demonstrated how harshly storms can strike. The recent tsunami alert highlighted the vulnerability of coastal areas and bushfires can literally leave nothing but ashes. I raise this only to highlight that in the new rural leasehold land strategy it will be vital to allow leaseholders time to overcome events such as those I have mentioned and which are completely outside their control. This will be especially important when the security of the lease will be dependent on meeting environmental targets. As important as the environment is, graziers and farmers battling to recover from such an event can find it almost impossible simply to keep their businesses operating, let alone find the time and resources for activities that do not generate a cash flow.

Amendments to the Acquisition of Land Act 1967 clarify the definition of 'land' and also will allow land taken from a deed of grant in trust to be granted in fee simple, leased or dedicated under the Land Act. The amendment to the definition of 'land' is contained in clause 4, which amends section 2 relating to definitions under the amendment to include land held in fee simple in trust. This removes any ambiguity and supports references to deed of grant in trust in section 12(4) of the Acquisition of Land Act. Clause 5 amends section 12 to provide for a constructing authority to be granted an appropriate tenure for land acquired from a deed of grant in trust. Other amendments contained in this bill address the Vegetation Management Act 1999 and the IPA.

Under these amendments, appeals which at present must go to the Building and Development Tribunal will instead go to the Planning and Environment Court. These appeals are those involving applications to build infrastructure and to conduct extractive industries, weed control and so on. It is worth noting that one of the reasons given for that change is that the tribunal process is no less complex than a court of law. I believe that is an important point, because tribunals are often presented as an easier, quicker, more responsive way of dealing with issues, yet in this case it is actually as complicated as going to court.

Other amendments to these acts will allow landholders to voluntarily nominate land for declaration under the Vegetation Management Act. That is aimed at making it easier to protect high-value native vegetation. There is also recognition that the community housing needs of Aboriginal and Islander communities cannot be properly met by the existing exemption for clearing for a single residence.

My final comment relates to the statement in the explanatory notes that 'there is no definitive definition of freehold land.' That statement is contained in a discussion about amendments to allow forest practices to be carried out on Indigenous land. Nevertheless, it is a surprising admission. As this amendment bill already includes a clarification of what is meant by 'land', one might ask why the opportunity was not taken to clarify what is meant by 'freehold'. I am positive that all of the homeowners and landowners in Queensland will be shocked to discover that there is no clear meaning behind their freehold titles. Clarifying such a basic issue should be an urgent priority to bring certainty and clarity to one of the most basic tenets of our society.