



Speech by

Rosemary Menkens

MEMBER FOR BURDEKIN

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LAND AND OTHER LEGISLATION AMENDMENT BILL

Mrs MENKENS (Burdekin—NPA) (7.58 pm): I rise to speak to the Land and Other Legislation Amendment Bill 2007. This is an extremely important piece of legislation which affects many Queenslanders, be they landholders, such as rural producers, or people operating or intending to operate commercial enterprises. This bill amends six different acts and has been drafted in response to the government's recent Blueprint for the Bush commitments. A major focus of the bill is to bring about reforms to leasehold land rents by putting in place a number of changes to administrative procedures for amending and renewing leases and also for the disposal or alternative use of state land. A significant part of the bill allows for landowners to nominate on a voluntary basis areas of their land for declaration as areas of high conservation value under the vegetation management framework.

The coalition fully supports landholders and their concerns about security of tenure on their land. One of the most basic freedoms of a democratic country is to own land and to place unfair restrictions and uncertainty of ownership tenure is totally unacceptable. Ensuring ongoing security of tenure is essential for rural and commercial landholders alike and must be a priority for any government. Taking away the strength of ownership and reducing the ability to determine the use of one's own land is a very grave concern and is an erosion of democratic rights. This is certainly the way it is viewed by the majority of landholders—and rightly so.

One of the new lease arrangements within this bill allows for extensions of leases from 30- to 40- and 50-year leases for environmental work and allowing Indigenous people access to the land. While such improvements are welcome I have some concerns about the prescriptive nature of some of the criteria. Preserving the environment is of utmost importance and certainly the best managers of the environment are the landowners themselves. Owners are responsible people. I would certainly invite any of the metropolitan members who have concerns about this and who have never been out west or into the real bush to visit and view what wonderful management strategies the majority of landholders put into practice.

However, ownership is the key to this. A person looks after what he feels and knows he owns. Security of tenure has many flow-on effects. There is an increased environmental awareness amongst most landowners and full credit must be given to those people who are keeping the balance between commercial enterprise and environmental protection. Economic development and environmental sustainability can coexist and certainly are coexisting in many regions and areas.

I am aware that the government still has the ability within the legislation to cancel a lease. I put to the minister: what would be the reasons a person's lease may be cancelled? Under what circumstances could this occur? Does this legislation give the government greater powers to cancel a lease or to place more conditions upon a landowner to allow that person to retain a lease?

I note that the major focus within this legislation is on new land leasing arrangements. I concede that there are some improved and much needed enhancements to the current leasing arrangements, but I am concerned that the significance of freehold title may be being overlooked. To own freehold land is, as I said before, a democratic right and impediments placed in the way of this for no just reason or, as in so many cases, bureaucratic red tape are simply not acceptable.

The amendments to the Land Act 1994 in this legislation divest from the Governor in Council to the minister the responsibility for issuing term and perpetual leases and authorising amendments to the particulars of any issued lease or perpetual lease. I would hope that this will mean a more streamlined process that will speed up the process of application for and the final granting of leasehold land. If that is so it will be really good. The current times involved—in many cases months and years—can have a very damaging economic effect on many business and rural people. However, I am aware that this is often because the staff are overly stressed. In many areas they are underresourced and there are insufficient staff to actually do the work that is required of them.

The base term for a lease is 30 years. This legislation allows that a term lease may be extended to 40 years where the minister is satisfied that the land is in good condition. But good condition is yet to be defined. This will be on the advice of a ministerial advisory group. I listened to the comments that the member for Gregory made earlier. The appointments to the ministerial advisory group will be very important regarding the implementation of this legislation. It does strike me as a very subjective determination by what could be a bureaucratic body and it rings alarm bells with me. Granted there are some leaseholders who flog their land and there may be cause for intervention from such a body, but it will be very disappointing should a genuine leaseholder carrying on their normal business be disadvantaged by this structure.

There were many people in the department of natural resources who had excellent knowledge of land management practices. These people really understood exactly what was happening on the land. But because of resource allocations by the department many of these people have now moved on. The methodology for determining good environmental outcomes through regulation is a matter of concern. I note the amendments to the Vegetation Management Act where the bill seeks to simplify the process of appeals and declaration and allows for the clearing of vegetation to establish a single detached residence and gives clarity to forest practices on Indigenous land.

The right of all Australian citizens is to own their own block of land. If they own it, particularly if it is a freehold lease, they believe they have an ownership right to that land. They also believe they have an ownership right to the trees on it. But, of course, under this act they do not own the trees. It has basically taken away the rights of the landholder. People in the city are allowed to mow their lawns but a battling grazier in the bush cannot clear his vegetation. Where the clearing of vegetation is permitted the red tape makes it a very frustrating exercise for landholders and probably for many departmental officers as well.

A case in point is anecdotal evidence that has come to me from many constituents about the gross inaccuracy of many of the vegetation maps that are used to determine vegetation type areas on individual properties. The reason again is a basic lack of resources within the department. The intellectual capacity of many of the departmental areas has been stripped and officers have been moved on. The officers responsible for the original mapping are no longer in the position to determine successful outcomes.

I noted the member for Gregory's description of the lands department people who used to move around the district. I know times have changed but that atmosphere of working with the landholders needs to be rebuilt. There is a concern that the sort of bureaucratic bungling that is occurring—and I have to say that it definitely is occurring in the vegetation management area, particularly with the maps, and in various other areas—could be repeated with this new structure being put in place to monitor land in good condition. What is meant by good condition?

The reference criteria is the other concern. What is the reference criteria that is going to be used to determine such a condition? Land types and conditions vary massively across Queensland. I know nobody would argue with that. According to seasonal conditions experienced by a landholder this could have a major effect on the prejudgement of the state of that land unless the people involved in this have a very good knowledge of what they are doing.

New perpetual leases will be subject to land management agreements. While the environmental benefits of such a system are definitely commendable this practice will again put another layer of regulation on the landowner. There is an incredibly long list of requirements for such a land management agreement. These include identifying and describing the natural and physical attributes of the land to be leased, including its known Indigenous and other cultural heritage and significant natural environment values. It also requires a process of recording the condition of the lease land at a particular point in time. Landholders will need to show how they will improve or maintain the land's condition so that it is or will be, at least in these magic words, in 'good condition'. What is good condition?

There will be a need to identify any land degradation issues relating to the land and to establish the agreed management strategies and outcomes for this land. Land leaseholders will have to identify measures to protect the known Indigenous and other cultural heritage and significant natural environment values and, to that end, establish a monitoring and reporting program. These and quite a few other criteria will be necessary.

As we know, management plans for landholders have become the norm, as they are for most commercial ventures. However, there is a concern—and I have a genuine concern—about how stringent and financially debilitating such measures can sometimes become to struggling farmers and other landholders. We are here to support small businesspeople. We must be here to support them. Putting far too many onerous restrictions and red tape upon them is often the last straw. I do support the bill in principle but, as the shadow minister has outlined, there are several aspects of this legislation that are causing the coalition quite a deal of concern.