




Speech By  
**Michael Hart**

**MEMBER FOR BURLEIGH**

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**LAND AND OTHER LEGISLATION AMENDMENT BILL**

 **Mr HART** (Burleigh—LNP) (8.18 pm): I rise to add to the debate on the Land and Other Legislation Amendment Bill 2014. Aspects of this bill have been with the State Development, Infrastructure and Industry Committee for quite some time. In fact, on 7 June 2012 this Assembly requested the committee inquire and report on the future and continued relevance of government land tenure across Queensland. The committee called for public submissions and held a number of public briefings and hearings during the course of that inquiry. We received 108 submissions from all over the state from those involved in the tourism, commercial and pastoral sectors. We held a hearing in Brisbane and conducted hearings on the Gold Coast and in Roma, Cairns, Alpha, Mackay and Rockhampton. The committee received a lot of input from people about this very important issue.

On 31 May 2013, the committee tabled its final report, report No. 25, which contained 44 recommendations to the government. On 23 August 2013, Hon. Andrew Cripps, the Minister for Natural Resources and Mines, tabled the government's response to that committee report. This bill seeks to implement recommendations in what the minister has advised us is phase 1 of two phases to implement recommendations that the committee made in its report. In phase 1, the government has commenced reforms to promote greater investment certainty for rural leasehold land. This phase focuses on red-tape reduction in lease renewal processes and setting clear pathways to upgrade from leasehold to freehold.

The recommendations in phase 1 that are taken from that report and are being implemented here are recommendation Nos 8 and 24, which involve the investigation of rolling leases to increase tenure security and investment certainty for rural and tourism leases; recommendation Nos 9 and 25, which cover the review of trigger points for rural and tourism lease renewals; recommendation No. 14, which is about the incentives for the freeholding of pastoral leases; and recommendation No. 15, which is the review of the corporation and aggregation restrictions.

Phase 2 will come later. It will reform the Land Act 1994 and other land legislation to modernise the principles and purposes of land administration, management and disposal. The review will focus on investment certainty and sustainable land management, focusing on leases for tourism and other commercial purposes and the management of reserves and roads, including stock routes.

I listened very carefully to the contribution just made by the member for Mackay. There is no doubt in my mind that the Labor Party is trying to stir up an issue that does not exist. Let us get this perfectly straight: as the minister has clearly articulated tonight, as far as this legislation goes there are no issues with native title. Nothing this state does can change the Native Title Act. There is no effect on the obligations that the state or any person has to the Native Title Act. I do not think we can be any clearer than that. Member for Mackay, there is no issue here.

**Mr DEPUTY SPEAKER** (Mr Ruthenberg): Order! Member for Burleigh, please direct your comments through the chair.

**Mr HART:** The minister has clearly articulated the government's position, which is that this will have no effect whatsoever on native title. The Labor Party needs to take note of that. It is quite clear. There is no ambiguity here at all. This is an issue that the Labor Party is trying to stir up for its own political benefit.

The members of the committee travelled to Cairns in 2012. We spoke to the local Indigenous land councils. We heard exactly what it was that they wanted achieved through our report and the minister has carried through on some of those recommendations. We travelled again to Cairns on 30 April and met with the North Queensland Land Council and the Cape York Land Council. Once again, we explained exactly what it was that we were doing. We heard all their issues. We gave them pretty clear and articulate information about exactly where the government stands on this. I am quite sure that, at the end of the day, they were reasonably happy or at least their legal advisers were reasonably happy with this outcome. Once again, let us take it on board: there are no native title issues at all with any of this legislation. Unfortunately, I do not have a drawing board so I cannot draw a big picture to explain it further to the Labor Party. However, hopefully those words will be taken on board—that is, there is no native title issue here.

I will limit my comments to a couple of the items that the bill covers. One of them is the obviously contentious issue of rolling term leases. The government's amendment to the Land Act 1994 is aimed at providing security for term leases. In Roma, Mackay, Rockhampton and everywhere else that we went, the pastoral leaseholders told us that they are really concerned with the process that is involved when they go to a bank which then looks for some sort of security. As we know, banks are always looking at bricks and mortar. If you want to borrow money, they will look at your house to see how they may be able to recover their money if anything goes wrong.

They do exactly the same thing when it comes to pastoral land. They look at the coverage you have over particular land. Obviously, freehold is the best coverage that they could possibly have, but it may be some other sort of lease that carries on. However, this is not a perpetual lease. That is something that we need to get really straight. A perpetual lease does not expire. That is why they call it a perpetual lease. It goes on and on. A term lease has a term. It finishes after a certain term. Under this legislation, after a specified period the lease is rolled over and it starts again. The length of the actual lease can be only that term again and when it is due to expire it rolls over again.

I am sure that the Labor Party would be aware that in Queensland there are dozens if not hundreds of leaseholders who have had term leases for generations. They have reapplied for them over and over again. However, the Labor Party put some roadblocks in the way when it came up with the land management agreements that it enforced on some of our leaseholders. They required those land management agreements to be put in place every time a lease was rolled over or a new lease was entered into. It was a very strenuous process for people who, after all, usually know what is best for their land. They are the ones who are out there on a day-to-day basis taking care of the land. They know how to treat their land. They know how to take care of it. They do not need a government teaching them how to take care of their land.

Obviously, there needs to be some supervision in case anything goes wrong or anything untoward takes place, which is what the government is there for. Even after we take away the requirement for a land management agreement at the rolling over of the lease, if anything does go wrong the minister still has the power to require the leaseholder to provide a new land management agreement. The requirement is still there. If anybody wants to complain about how somebody is taking care of their land, they need only to pick up the phone and call the minister's department, to ask for an investigation. In such a case, the minister may require a new land management agreement to be enacted. That power is still there. We have not taken that away.

We have made it easier for people to roll over their leases and I think that is a good thing. While not many people may be watching this on TV tonight, I am sure many will read about it in the paper tomorrow. They will be very happy with what the minister has done. They will be very excited that they are in a position now to go to the bank and say, 'You know what? I have security on my land.'

**Mr Bennett:** How sensible is that?

**Mr HART:** I take that interjection from the member for Burnett: how sensible is that? They will have security on their land. They will be able to go to the bank and say, 'I'm probably going to be here for quite a while now. You can look at this legislation and see that the availability is there for me to roll over this lease when the lease expires in nearly 20 years. I can roll it over again for another 30 years, or whatever the original term of the lease is. Maybe you can lend me some money based on that so that I can improve the pastures and the way I take care of my land'.

This is good legislation. There are a whole lot of good provisions in this legislation. There is the red-tape reduction provision with respect to the direct conversion of leasehold land into freehold land.

There is the provision related to removing the duplication of laws to forgive rent. There is the provision related to the amalgamation of adjoining term leases and perpetual leases into a single perpetual lease. There is the provision related to the removing of restrictions on the transferring of land and other subdivisions.

The other thing I wanted to touch on is freehold price setting to convert leasehold land to freehold land if that is possible. There are native title considerations in doing that. We are fully aware of those. The government has put some processes and price setting modules in the regulations that the minister has put to us tonight. It is clear and out there for people to see. I do not think it can be any clearer than that.

I commend the minister for the job that he has done and the committee for the report that it produced. The government has done a fantastic job in picking out some of those recommendations and enacting them in this legislation. I commend the minister for the job that he has done.