Speech By

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LAND AND OTHER LEGISLATION AMENDMENT BILL

Mr CRIPPS (Hinchinbrook—LNP) (4.21 pm): I rise to respond to the Land and Other Legislation Amendment Bill on behalf of the LNP opposition. The bill was introduced on 29 November 2016 and was referred to the Agriculture and Environment Committee, which reported on 7 March 2017 and recommended that the bill be passed. The bill, as introduced, is uncontroversial in nature, being mostly technical and administrative in its intent. It has not attracted much attention from stakeholders or the general public, and the committee only received four submissions during the course of its consideration of the bill.

The broad policy objective of the bill is to improve the administration of the Land Act and the Land Title Act by implementing a number of miscellaneous amendments. The bill will: make a number of minor amendments to the Land Act and the Land Title Act to reduce duplication, clarify existing arrangements, streamline administration, remedy inconsistencies, remove redundant regulatory requirements and reduce red tape; enable more appropriately managed state land by allowing for the dedication of non-tidal boundary watercourse or non-tidal boundary lake land as a reserve for community purposes in particular circumstances; improve the process for resignation and replacement of a trustee of trust land; effectively deal with documents that impede or delay legitimate legal action taken by other parties, for example, registered mortgagees; improve the registering of interests of trustees for sale and beneficiaries of deceased estates and withdrawing certain instruments from the register; implement in Queensland a nationally consistent priority notice in place of the current settlement notice; and encourage the uptake of electronic conveyancing by expanding the circumstances in which the registrar of titles may dispense with the production of a paper certificate of title.

Other amendments to the Land Act contained in the bill relate to: the granting of land by the state to the Commonwealth; clarifying the use of covenants over non-freehold land; clarifying the extension of rolling term leases; streamlining the subdivision of Indigenous deeds of grant in trust; simplifying the transfer of a road licence tied with freehold land; simplifying standard terms for registrable documents; and streamlining the continuation of an easement when a state lease expires. I would like to make some remarks about three amendments in the bill—namely, facilitating the dedication of non-tidal boundary watercourse or non-tidal boundary lake land as a reserve for community purposes in particular circumstances; the clarification of the circumstances in which the extension of rolling term leases may occur; and the streamlining of the process to subdivide Indigenous deed of grant in trust land in Indigenous communities.

The first issue is the dedication of non-tidal boundary watercourse or non-tidal boundary lake land as a reserve for community purposes. Some members may recall the minor levels of excitement created by the amendments to the Land Act which appeared in the Major Sports Facilities and Other Legislation Amendment Bill 2016 in relation to the leasing of land within a functioning non-tidal boundary watercourse or lake. Those members who were paying attention to that debate will doubtless remember the House explored the potential for issues to occur in terms of the interaction between the Land Act

and the Water Act as they relate to ambulatory boundaries and what that meant for the tenure of leases issued over non-tidal land within a watercourse. I am sorry to say that no real satisfactory answers could be provided to the House by the Treasurer, who was carrying that bill, at the time.

The Palaszczuk government has returned to the House in this bill to create the capacity to dedicate as a reserve land within a non-tidal boundary watercourse or lake land, which would provide further flexibility in the management of the land for community purposes. All of the mechanisms and consultation processes as they relate to adjacent landholders are identical for the creation of a reserve as they are for the issuing of a lease. Even if the Palaszczuk government cannot explain how the potential for issues to occur in terms of the interaction between the Land Act and the Water Act as they relate to ambulatory boundaries and what that meant for the tenure of reserves issued over non-tidal land within a watercourse, at least the uncertainty will be consistent with the uncertainty that we face in terms of the issuing of a lease in the same circumstances.

The second issue that I want to explore in a bit more detail is the clarification of the circumstances in which the extension of a rolling term lease may occur for rural and farming land. The bill proposes to amend the Land Act to clarify the rolling term lease provisions provided for by the former LNP government's rural land reform initiatives delivered in 2014 which were warmly welcomed by rural landholders. The former LNP government's landmark rural land reforms delivered: a more affordable rural leasehold land rent and purchase price regime; the introduction of rolling leases for primary production leases; and a more streamlined approach for converting leasehold land to freehold land. These outstanding reforms were among the most personally satisfying that I was involved with as the former minister for natural resources.

The former LNP government's rural land reforms have certainly driven new opportunities for Queensland's rural landholders. Since the new freeholding arrangements came into place in July 2014 through to December 2016, more than 1,100 applications to freehold grazing or primary production leases across Queensland have been submitted and more than 900 freehold title deeds have since been issued. Instead of asking for the full unimproved capital value of the property, the LNP developed a new purchase price mechanism based on a net present value of revenue methodology which more accurately reflected the Queensland government's residual interest in that leasehold land. This delivered a fairer, more realistic opportunity to freehold land for rural leaseholders, providing more secure property rights and greater confidence to invest in Queensland's agricultural sector. Thanks to the LNP, freeholding is now a viable and more affordable option for farming families in the agricultural sector in Queensland. Those reforms are changing the land tenure profile of regional Queensland involved in the agriculture sector, and that is very satisfying to me personally.

One of the centrepieces of those reforms was the new rolling term lease extensions for rural leases, which achieved significant red-tape reductions via a quicker, more simplified lease renewal process. An eligible lease can now be rolled over by extending the lease, generally by a term equal to the original term of the individual lease. For example, a lease which was originally issued for 30 years but has over the decades had extensions would have its term extended by the original term of 30 years. This is, of course, the maximum period a lease could be extended by without affecting native title rights and interests.

A lessee is now able to apply for an extension at any time in the last 20 years of the term of a lease or at an earlier time if the minister is satisfied that special circumstances exist. This means that a lessee with a 30-year original term lease may apply for an extension after the first 10 years of the lease has passed. The lessee is entitled to the residual balance of the existing lease—in this example 20 years—plus an additional 30 years from the extension, that is achieving tenure security for the subsequent 50 years, an outstanding result for rural term leaseholders who now have some decent security of tenure allowing them to undertake long-term farm business planning.

Clearly the intention of the rural leasehold land reforms implemented by the previous LNP government was that there be no restrictions on the number of times a lease could be extended. The amendments in this bill seek to clarify the amendments contained in that 2014 reform bill in relation to when a rolling term lease can be renewed and the term for which a renewal may be sought by the landholder. When this bill was introduced these particular amendments immediately attracted my attention as a potential attempt to undermine the LNP's 2014 reforms. AgForce also raised concerns about these amendments publicly and in its submission to the parliamentary committee. However, through the committee process it has become clear that the Palaszczuk government did not consult properly with key stakeholders prior to the bill's introduction and failed to effectively communicate its intentions as they relate to these amendments.

Following the committee process and consultation with AgForce, I am satisfied that the amendments are acceptable and do not contravene the spirit of the 2014 LNP government's rural leasehold land reforms. The amendments in this bill clarify that an extension application may be made

once during each term of the lease, that is, once during the original term of the rolling term lease and once during the term of each extension. No application to extend a rolling term lease may be made until the lease is within the last 20 years of its term. However, given that the extension will be made with 20 years remaining on the lease and that the extension will be for the original term, generally 30 years, this will still allow rural leasehold landholders to enjoy a 50-year investment horizon on their property and still allow them to undertake that long-term planning for their farm business. As I mentioned before, this is consistent with the intention of our 2014 reforms and so I do not object to this clarification.

However, as I mentioned earlier, the consultation on this amendment has been less than ideal, as the statement of reservation from the LNP MPs on the Agriculture and Environment Committee has pointed out. For example, AgForce noted in their submission that it only became aware of the bill through the committee's alert email once the bill had been introduced into the House. Having heard about the bill from the committee and not from the government, AgForce subsequently made contact with the department to seek information about the bill and in particular clause 12 relating to rolling term leases. As AgForce explained in their submission to the committee, they were not consulted on the bill and found a dearth of information in the explanatory notes accompanying the bill relating to the clarification of when and in what circumstances an application for a rolling term lease may be submitted.

The third issue that I want to explore in more detail is the amendments to remove the need for ministerial approval under the Land Act to approve plans to subdivide Indigenous DOGIT land and to enable such subdivisions to be regulated solely under the Aboriginal Land Act or the Torres Strait Islander Land Act, whichever one applies. I am not concerned about this amendment and recognise that it is a simple and straightforward red-tape-reduction initiative. However, I want to take this opportunity to ask the question and explore the question about whether or not it is likely that this provision will be used in the foreseeable future to help facilitate the creation of freehold land in Indigenous DOGIT communities in Queensland while the Palaszczuk government is in office. Regrettably, there has been a distinct lack of progress made by the Palaszczuk government in relation to the former LNP government's 2014 freeholding initiative for Indigenous land despite Indigenous community leaders continuing to call on the government to deliver freehold to them.

Along with the rural leasehold land reforms I mentioned earlier, delivering to Indigenous Queenslanders the opportunity to own their own home in their local community in freehold for the first time also ranks as one of the reforms that I take great personal pride in as the former minister for natural resources. When the previous LNP government came to office in March 2012, there had been a steady and, some might say, frustratingly slow progression from state control to community control of land associated with Indigenous communities. At that time no Indigenous Queenslanders had been afforded the opportunity to secure property in freehold in their own local communities. The reforms delivered by the former LNP government in 2014 changed that. It created a framework to give Aboriginal and Torres Strait Islander communities the same opportunity to secure freehold title that was available to all other Queensland communities and removed barriers to home ownership and economic development opportunities. The former LNP government's 2014 reforms did not force freehold title on Indigenous Queenslanders in their communities. That bill simply put in place a mechanism to enable the relevant trustees in consultation with their respective communities to choose to make freehold available should they wish to do so.

I have maintained a watching brief on this issue over the past two years and I have been somewhat disappointed that this initiative has not moved forward under the Palaszczuk government. I get the impression that this is not a priority for the Palaszczuk government, that they are lacking in a commitment to support local Indigenous communities to consider the opportunity to make freehold land available. I have asked a number of questions on notice of the Minister for Natural Resources in March 2015, August 2016 and November 2016 about the Palaszczuk government's commitment to the freeholding option for Indigenous home ownership and the progress of the trial in a number of pilot communities. Notwithstanding the answers to those questions on notice indicating support for the trial and for trustees of DOGIT land being able to make freehold land available in communities with the consent of the community, there have been no outcomes from that trial process after more than two years. While I recognise that the individual communities must agree, it is all too convenient for the government to just say that the ball is in their court. I would suggest that the government needs to support those communities to be able to make those historic decisions, to work through those important steps that need to be made prior to freehold land being made available and prior to the amendments in this bill being accessed to actually subdivide the DOGIT land that would be made available for freehold title.

If the Indigenous communities selected for the trial in January 2015 are not making any progress towards making freehold land available, then perhaps the government should consider making the opportunity available to other DOGIT communities which might be more enthusiastic. I noted with

interest a recent call by the mayor of Palm Island for freehold land to be made available in his community. That is an unsolicited expression of interest in this opportunity and one which the government should give urgent consideration to. I was very interested to listen to the ministerial statement by the Minister for Natural Resources earlier today in which he advised the House about the progress or, rather, the lack of progress that has been made in terms of the freeholding trials in Indigenous communities on DOGIT land.

The minister advised the House that the department had spent the last two years learning lessons, but he did not provide any specific details about what progress has been made. The mayor of Palm Island earlier this month was quoted in an article in the *Courier-Mail* warning that remote Indigenous communities would remain dysfunctional without being able to secure economic opportunities and demanded that the Queensland government get serious about land tenure reform. Mayor Lacey said, 'Land tenure reform is something we need to be seriously looking at, because if we are talking about economic participation then the current land title in our community does not allow us to fully expose ourselves to proper economic participation.'

I could not agree more with Mayor Lacey in relation to this particular issue, and I urge the Minister for Natural Resources and Mines and the Minister for Aboriginal and Torres Strait Islander Partnerships to be more proactive and use the landmark reforms delivered by the former LNP government to get things moving in communities like Palm Island, where there is clearly an appetite for this to occur. There must not be any further delays to providing opportunities to people in Indigenous communities in Queensland to own their own homes in freehold.

I turn now to the amendments circulated by the Minister for Natural Resources this afternoon. In relation to those amendments that respond to the recommendations of the report by the Agriculture and Environment Committee, I welcome the adoption by the government of those recommendations and the circulation of the corresponding amendments. Two other amendments have been circulated by the minister relating to a number of resource industry safety acts and to the Mineral Resources Act for particular purposes. These amendments relate to much more substantial issues and notice of these proposed amendments has been relatively short, as they have only been circulated prior to question time this afternoon. The opposition is currently giving consideration to these amendments and their implications for the resources sector in Queensland.

In principle, I am always concerned about amendments that come to the House seeking to validate previous decisions by statutory office holders. There are circumstances when such validation amendments are required, and I acknowledge that. However, it makes me even more concerned that these particular validation amendments seek to validate decisions in relation to a number of resource industry safety acts.

All members, but particularly members who have previously held ministerial responsibility for resource industry safety legislation, feel the very real responsibility of ensuring that those pieces of legislation are administered carefully and robustly to ensure that the people of Queensland who work in the resources sector are safe at all times while they are at work. I listened carefully to the explanation by the Minister for Mines when he gave notice of his intention to move those amendments outside the long title of the bill during his second reading debate contribution. Given the limited opportunity I have had to peruse the substance of those amendments, I may reserve my rights while I take the opportunity to study them further.

The other amendments that have been foreshadowed by the Minister for Mines outside the long title of this bill relate to amendments to the Mineral Resources Act in an attempt to resolve what the minister has described as a long-running dispute between two resource companies in Central Queensland. In the same way as the proposed amendments to the resource industry safety acts have only been circulated recently, the proposed amendments by the minister relating to these two companies in Central Queensland have only been circulated relatively recently, and the LNP reserves its right to consider the implications of these amendments further.

In the same way as I am always very cautious of amendments that seek to validate previous decisions of statutory office holders, can I also say that in principle I am always rather concerned about amendments that come to the House which name individual resource tenures in legislation rather than providing for the framework of the administration of those resource tenures at large. It always seems to me that, when a government has to bring an amendment bill to the House that specifically names an individual resource tenure, the House should be particularly cautious about the reasons why that has had to occur. I would warn all members that they should give particular attention to the potential impact of this amendment and why the government and the Minister for Mines has found it necessary to bring this amendment to the parliament which specifically names a resource tenure in the amendments.

Given that these amendments, which will be moved outside the long title of the bill, have come to the House relatively recently and we have had the benefit of the minister's second reading debate, as I indicated earlier, the LNP opposition will be taking the opportunity between now and the consideration in detail stage to consider their potential impact on the Queensland resources sector.