




Speech By  
**Julianne Gilbert**

**MEMBER FOR MACKAY**

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Record of Proceedings, 22 March 2017

**LAND AND OTHER LEGISLATION AMENDMENT BILL**

 **Mrs GILBERT** (Mackay—ALP) (4.46 pm): I rise to contribute to the Land and Other Legislation Amendment Bill 2016. I would like to thank my fellow members on the Agriculture and Environment Committee and the committee's support staff—Rob Hansen, Paul Douglas and Joanne Walther—for their work.

The policy objectives of the bill are achieved through minor amendments to streamline the Land Act and the Land Title Act; for example, in relation to wills registered in another jurisdiction. The significant amendments to the two acts will: allow the dedication of a non-tidal boundary watercourse or lake as reserves for community purposes; expand the purpose for which a rolling term lease can be designated and clarify the process for the extension of a rolling term lease; replace the current settlement notice provisions in the Land Title Act with a system of priority notice consistent with that adopted by other Australian jurisdictions; repeal existing mandatory standard term documents and provide for their replacement via regulation; dispense with the requirement for the production of a paper certificate of title if the Registrar of Titles is satisfied that the certificate is held by a legal practitioner; and amend the provisions governing the vacation of office by trustees to ensure that the state's interests are preserved. This bill's passage will meet time frames for implementation in Queensland of a nationally consistent priority notice agreed to by the Australian Registrars' National Electronic Conveyancing Council.

The committee consulted with the Queensland Law Society, the Local Government Association of Queensland, the Department of Natural Resources and Mines and AgForce Queensland. The committee recommended that the bill be passed with three other amendments. As a signatory of COAG, Queensland has agreed to work towards national consistency in conveyancing processes to support the uptake of electronic conveyancing, commonly known as e-conveyancing. This will enable the digital creation and lodgement of land dealings such as mortgages and transfers directly into the land registers of participating jurisdictions via an online national hub.

The work carried out under the COAG agreement will see Queensland's settlement notice renamed a priority notice, with some alignments and additional features to align to a nationally consistent process across jurisdictions, and supports the uptake of e-conveyancing. These notices will still be able to be lodged with Queensland's existing e-lodgement, and paper versions will also still be able to be lodged. The Law Society broadly supports the conversion to e-conveyancing. It had a concern about the misuse of lodging of priority notices. The department reported that lodgement would be made by a person who is a party to a transaction or arrangement which is intended to result in lodgement of an instrument under the Land Title Act.

The LGAQ reported concern with amendments that remove a council's ability to resign without condition or restriction regarding vacation of office by a trustee. The LGAQ believes there would be trustees not fulfilling their duties as a reluctant trustee. An amendment to clause 24 is proposed so that the resignation of a trustee of a reserve occurs on a date agreed between the minister and the trustee; nominated by the minister; or 12 months from the date the resignation is given to the minister, whichever

is the earlier. The provisions are needed so that reserves are not left without management. This would be, for example, cemeteries and showgrounds. When a resignation is made overnight, services in communities can be left hanging without management. This would be unacceptable in the case of a cemetery, where a family may be prevented from carrying out a burial.

The LGAQ's other concern related to the clarity of local government trustees and the payment of compensation when a notice to remedy or notice to cancel interest is issued; a decision is made regarding the registration of a document; or the owner of improvements on a lot applies to the minister to remove the improvements. The department has stated that the compensation payable under the proposed section 321K is implicitly the responsibility of the state.

AgForce raised issues with rolling leases. These are leases that cannot be converted to freehold. It reported that 50 per cent of the state is currently under a rolling lease of one type or another. It is seeking an outcome for leases that will not reduce the market value of the pastoral lease and the equity and liquidity of the pastoral business. The value of the lease affects the lessee's ability to negotiate with their financial institution or to sell their lease in a profitable way. Lessees need to be able to renew their leases so that they can maximise the number of years ahead of them in the lease. This gives the lease its greatest monetary value. Ms Hewitt from AgForce also flagged the need for flexibility to renew a lease in situations of family succession. Having the maximum number of years is important in this case for refinancing by those family members. The amendments flagged by the minister should meet the needs of the holders of pastoral leases, allowing the lessees to renew the lease at least once at any time during the term of the lease.

The bill will also allow for community purpose reserves to be created within non-tidal watercourses for very specific purposes with the support of the chief executive under the Water Act 2000. This enables activities such as camping and the protection of cultural artefacts to be appropriately managed when they occur in areas such as riverbanks and boundaries of lakes. The Land Act currently makes it clear that you can have tenure within the tidal boundaries of a watercourse but not the non-tidal. The bill clarifies the process for local governments to have community purpose reserves within the bed and banks of a non-tidal watercourse. This will allow regions like Mackay to make good use of their natural assets for the community to enjoy. In my area, camping and bushwalking are most popular. I commend the bill to the House.