




Speech By
Linus Power

MEMBER FOR LOGAN

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LAND AND OTHER LEGISLATION AMENDMENT BILL

 **Mr POWER** (Logan—ALP) (5.04 pm): Unlike the last speaker, I rise to actually speak about the Land and Other Legislation Amendment Bill. Unlike the last speaker, who obviously dug their speech from 2014 out of their drawer, I actually have read the legislation that we are debating today and it is an embarrassment that they could not make one reference to the legislation that is actually before the House, that they could not put the effort in to understanding the legislation that we are actually addressing but instead pulled out of the drawer the same speech they gave in 2014, patting themselves on the back without recognising the legislation that is actually before the House.

I note the effort of the committee that examined this bill—not the 2014 bill, for which I am sure there was a good committee, but that is not the bill that we are debating today. I acknowledge the chair, Joe Kelly—the chair of the committee that examined this bill—and the deputy chair, Pat Weir. Neither of them were in the House in 2014, but they have been addressing this bill, not the 2014 bill. I especially want to thank Joe Kelly, who has spoken to me extensively about the bill and the work of the committee. Thanks should also go to the committee secretariat that supported the consideration of this bill and the production of this report. I want to note the four organisations that made submissions to this bill in 2016—the Local Government Association of Queensland, AgForce, the Property Council of Australia and the Queensland Law Society. These are peak bodies not affected by such things as rolling term leases, but we should recognise that some of those peak bodies are partners in giving us feedback. I also want to thank the representatives from the Department of Natural Resources and Mines who provided briefings on this bill. The bill amends the Land Act 1994 and the Land Title Act 1994.

The management of land and land titles can raise issues of great dispute in our community and it is important to get the acts behind these things right. The bill allows for the designation of watercourses, as has been discussed, or lakes as reserves and aligns Queensland's title registry system with that of other jurisdictions. It also makes minor improvements to the operation of the acts. The bill makes significant amendments to two acts, including allowing the dedication of non-tidal boundary watercourses or lakes as reserves, but only for community purposes; extending the purposes for which a rolling term lease can be designated and clarifying the process for extension of rolling term leases; replacing the current settlement notice provisions in the Land Title Act with a system of priority notices consistent with that adopted by other Australian jurisdictions; repealing existing mandatory standard term documents and providing for their replacement via regulation; dispensing 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 that is of course in alignment with other processes we use for the transfer of title; amending the provisions governing the vacation of office by trustees to ensure that the state's interests are preserved; and removing the requirement for ministerial approval under the Land Act for subdivision of Indigenous land held under deed of grant in trust titles, allowing the subdivision to occur purely under the Aboriginal Land Act or the Torres Strait Islander Land Act 1991.

The committee noted the concerns raised by the LGAQ in relation to local government trustees being able to resign as the trustees of lands held in trust. The LGAQ advised that this provision may make it less likely for local governments to accept reserve land to be held in trust. To address this issue,

the committee recommended that clause 24 of the bill be amended, and I am glad the government has accepted this recommendation. The LGAQ also raised concerns in relation to the drafting of section 321K, stating that this could be interpreted to mean that a trustee is obliged to pay compensation for the cancellation of a document rather than the state. The department accepted the recommendation to address this drafting issue and to clarify that the payment is implicitly the responsibility of the state.

I now turn to issues relating to rolling term leases—an issue which the last speaker referred to but not in relation to this bill but only the 2014 bill. I wish to thank AgForce for making a submission to the bill and appearing before the committee. I notice that the member for Hinchinbrook also mentioned the submissions that were made. I note the concerns raised by AgForce and its desire to create greater flexibility to rolling term leases to provide the greatest time possible for a lease to be granted. That is important, because, in the view of AgForce, a longer term lease allows a leaseholder a greater capacity to gain better terms when borrowing money and greater certainty when planning farm businesses.

Yesterday, we debated the banking system and how, in some cases, the inflexibility of banks and their failure to understand local practices means that we need to be able to give greater certainty. Although that is an important objective, as noted by the department, it has to be balanced against the obligations contained in the Native Title Act. The Department of Natural Resources and Mines gave the advice that the capacity to bank future leases beyond one term could potentially be incompatible with the Native Title Act. That is a concern. We know that we have to work in accordance with the Native Title Act. As such, I can understand the position of the government and the department in allowing only one renewal during the term of a lease.

However, I note that members of the committee asked why the last 20 years before the expiry of a lease was the standard period in which a lease could be renewed. The member for Greenslopes asked the committee secretariat to provide definitive advice about where this particular number of years had come from. There was not any detail about why the 20 years had been set. The committee acknowledged the desire of AgForce, and the farmers they represent, for greater certainty. After consideration of this matter, the committee recommended to remove this 20-year limit. That means that, for example, for a 30-year rolling lease leaseholders would be able to make application for a new lease in the first year of their lease, thus giving them a total of perhaps 59 years of guaranteed leasehold. Of course, after those 30 years, there is the option to again apply to renew the lease. That would allow for an option to renew after 29 years. That is a significant improvement on the current arrangement. I am told that the majority of leaseholders have a 30-year lease. I note that the minister has acknowledged that he would accept this recommendation from the committee. As the minister said, multiple further leases cannot be granted in the one period. It is important to maintain the status of leases as well as provide greater certainty.

I also note the statement of reservation put forward by the non-government members. They raised a number concerns about various aspects of the bill. The deputy chair suggested recommendations to address those concerns. AgForce and the LGAQ raised concerns about the bill, which were heard by the committee, and good recommendations were developed and supported. I note that the last speaker made the accusation that the government was not open, consultative or transparent. This very process of the committee listening to the concerns of the opposition members of the committee and the key stakeholders about this bill should be commended by this House. I invite non-government members to put forward recommendations to both the committees that I serve on and the Agriculture and Environment Committee in the future.

In my discussions with the member for Greenslopes I was told that the committee worked very well in its consideration of this bill. Through that process, this legislation has been strengthened. This bill achieves the objectives that were set out. I commend the bill to the House.