




Speech By  
**Stephen Bennett**

**MEMBER FOR BURNETT**

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Record of Proceedings, 23 March 2017

### **LAND AND OTHER LEGISLATION AMENDMENT BILL**

 **Mr BENNETT** (Burnett—LNP) (3.46 pm): I rise to make a contribution to the debate of the Land and Other Legislation Amendment Bill. Notwithstanding the proposed amendments that will be discussed in a later debate, it is important that we talk about the policy objectives of this bill. It is about improving administration of the Land Act and the Land Title Act by implementing 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, and that is something we all should continue to work for in this place—red-tape reduction to make Queensland a better place. The bill will enable more appropriately managed state land by allowing for the dedication of non-tidal boundary watercourses for non-tidal boundary lake land as a reserve for community purposes in particular circumstances. Over the last couple of days there has been a lot of conversation around that because it is an important reform and we want to make sure that we get it right. The legislation improves the process for the resignation and replacement of a trustee of trust land; effectively deals with documents that impede or delay legitimate legal action taken by other parties; improves the registering of interests of trustees for sale and beneficiaries of deceased estates and withdrawing certain instruments from the register; implements in Queensland a nationally consistent priority notice in place of the current settlement notice; and encourages the uptake of electronic conveyancing by expanding circumstances in which the registrar of titles may dispense with production of a paper certificate of title, and again that is another important initiative that we will continue to look at in terms of how we can make this process better.

Other amendments to the Land Act relate to the granting of land by the state to the Commonwealth. That is important, because we need to understand the ramifications that this amendment may have. The amendments also clarify the use of covenants over non-freehold land, clarify the extension of rolling term leases, streamline the subdivision of Indigenous deeds of grant in trust, simplify the transfer of a road licence tied with freehold land, simplify standard terms of registrable documents, and streamline the continuation of an easement where a state lease has expired.

The bill amends the Land Act to clarify the rolling term lease provisions provided for by the former LNP government's rural land reform initiatives. Those reforms were warmly welcomed by rural landowners. These amendments clarify when a rolling term lease can be renewed and the term for when a renewal is sought by the landowner. These arrangements should always attract attention as they could potentially attempt to undermine our position in the 2014 reforms, which were important reforms for the state's economic future.

I note that AgForce also raised concerns about these amendments publicly and in its submission to the parliamentary committee. Through the committee process it was clarified that the department had failed to consult properly with key stakeholders and had failed to effectively communicate its intentions with these amendments. The amendments 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. This is consistent with the desires of these stakeholders. They are important desires and aspirations that we in this place should respect.

While I am on my feet, I will take this opportunity to remind the House of the attacks on the rolling term leaseholders and their ability to appeal a decision by a minister not to extend a lease. In reverting from rolling term leases to a term lease by way of sections 39 and 43 of the Nature Conservation Act, unfortunately, under Labor, there is always the potential of the rights and liberties of individuals, and particularly our farmers, to be adversely affected. In particular, it does not affect leaseholders of agricultural grazing and pastoral land within the nature conservation area of specific national parks, but it affects those people who had leases over state land. They are important producers of food and fibre for Queensland and the nation. We see amendments reverting rolling term leases to term leases, which will also see the appeal rights of leaseholders diminished. We also know that the decisions by the chief executive not to renew a term lease are not appealable—something that we fought against in this place only last year. It is noted that the committee recommended that the Land and Other Legislation Bill 2016 be passed. Among the other recommendations of the committee I note that section 164C(5) of the Land Act 1994 is recommended to be amended to permit holders of rolling term leases to make one application for extension at any point in the term of their lease.

I note that the LNP members of the Agriculture and Environment Committee in their statement of reservation stated—

Opposition Members wish to record our concerns about the very poor consultation by the Government in relation on the Land and Other Legislation Amendment Bill 2016.

AgForce, the peak body representing the state's agricultural interests, notes in its submission that the only way it became aware of the bill was through the committee's alert once the bill had been introduced and referred to that committee for consideration. Having heard about the bill from the committee, AgForce subsequently made contact with the Department of Natural Resources and Mines to seek information about the justification for the bill and, in particular, clause 12, which related to rolling term leases. Rolling term leases are vitally important to the state's farmers and any changes affecting extensions or eligibility can have implications on their operations and viability. As AgForce explained in its submission, it was not consulted on the bill.

I would like to give examples in my own electorate of issues that were permitted as a result of changes to policy in relation to amendments to land legislation. It is why close scrutiny of amendments to land legislation is important, because we cannot allow the reversal of important reforms. A local farmer in my area—in Moore Park—was desperate to be able to clear a small section of vegetation. His property was already intersected by irrigation channels. Luckily, he has now expanded production and is providing jobs and opportunity. Another farmer from the Bucca part of my electorate wanted to expand operations on his property. This farmer was growing pineapples and had contracts with Golden Circle. Recently, he has tripled his production because he can utilise his large property. This has allowed him to keep his family on the same farm for generations to come because he is reaching his productivity targets.

In another example, remapping was done, which introduced reclassifications of land management of properties without any notification to the landowner. This happened in the Parklands estate, which is near Bundaberg. Fortunately, the mapping was able to be proven to be incorrect, at monetary and time cost to the owner. This is something that we should fight for so that in Queensland people's liberties are respected.

The assessment of PMAVs was always open to interpretation. Departmental assessment was inconsistent across officers and regions. The regrowth code and legislation state that, if vegetation had been cleared before 31 December 1989, it does not meet the definition of regrowth. We have had debates about this definition when debating other legislation that has been introduced into this place. Definitions need to be watertight and not open to interpretation. That is why there is a need for close scrutiny of legislation relating to land and vegetation and other management instruments.

The application process for landowners has tightened since it was first introduced. Applications are critically reviewed by technically suitable staff within the department for land suitability and code assessment and QRAA for financial viability. Once all of these things are done, we can look at vegetation and land management policy and instruments to make sure that the response is appropriate for those farmers who want to get on with the job, that there are no loopholes and that it is a transparent and rigorous process.

I also note the amendments to the Land Act that 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 to the state under the Land Act. In this bill, there is the capacity to dedicate land as reserve land within a non-tidal boundary watercourse or lake. That would provide further flexibility in the management of land for community purposes. The amendments allow for the establishment of reserves on non-tidal boundary watercourses or non-tidal boundary lakes owned by the state only with the consent of the adjacent landowner or the chief executive of the Water Act, which is consistent with the previous amendments.

We on this side of the House urge politicians and green lobbyists to refrain from attacking farmers and hindering their right to farm on land that governments have designated for crop and livestock production. We must engage with stakeholders. The LNP is committed to retaining existing farm and resource management regulations, which have proved effective in allowing Queensland farmers to produce high-quality food and fibre for domestic and export markets.

Under our laws, graziers are still able to carry out day-to-day farm management practices to maintain fence lines, pull fodder to feed stock and thin vegetation to maintain pasture and groundcover. We have laws that provide the farmers in my electorate a framework within which to manage their farms, their businesses, in a fair and common-sense way. If Labor has its way with land legislation, Queensland farmers will be regulated out of existence and unable to grow food and fibre for this state and nation. The LNP is committed to protecting landowners' rights, protecting farmers' rights and protecting farmers' rights to farm.