Speech By

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MEMBER FOR BUDERIM

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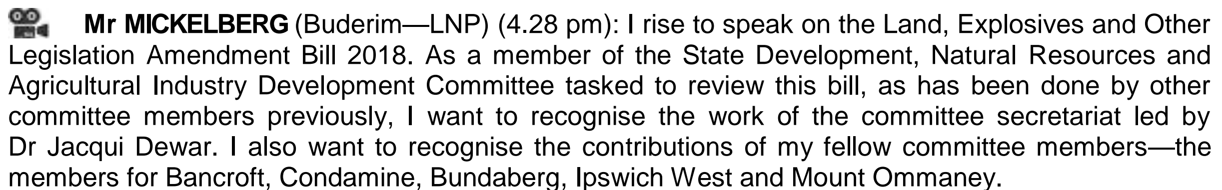
LAND, EXPLOSIVES AND OTHER LEGISLATION AMENDMENT BILL



Mr MICKELBERG (Buderim—LNP) (4.28 pm): I rise to speak on the Land, Explosives and Other Legislation Amendment Bill 2018. As a member of the State Development, Natural Resources and Agricultural Industry Development Committee tasked to review this bill, as has been done by other committee members previously, I want to recognise the work of the committee secretariat led by Dr Jacqui Dewar. I also want to recognise the contributions of my fellow committee members—the members for Bancroft, Condamine, Bundaberg, Ipswich West and Mount Ommaney.

This bill was one of the first bills considered by the committee at the start of this parliament after being introduced on 15 February this year, so it is with some disappointment that we are only now debating this legislation, particularly given the fact that the government saw fit to only allow eight weeks for scrutiny of the bill after consideration by the Committee of the Legislative Assembly. This is a bill, I might add, that caused considerable angst in some of the Indigenous communities in Cape York. A longer time frame would have allowed the committee to more fully hear their concerns and investigate alternatives. It is a familiar refrain, however, given the consistent failures of this government in managing the business of running the state.

As mentioned by previous speakers to the bill, this bill is an omnibus bill with the objective of streamlining matters related to Natural Resources and Mines and to enhance worker and community safety in the explosives and gas sectors. The bill also supports the protection and cooperative management of cultural and natural values in Cape York. One of the most significant concerns raised during the committee hearings was in relation to the powers of entry conferred on public servants which are arguably greater than the powers of entry of police.

This bill is one of nine bills that have been introduced over the past two years which continue the worrying trend of curtailing Queenslanders' property and legal rights. The Queensland Law Society raised significant concerns in relation to the powers that this bill grants on inspectors so that they can enter premises without warrant or consent or a reasonable notice period. While there may be some cases where such powers of entry associated with the regulation of explosives could be justified, the concern expressed on the overreach of this approach is justified.

Through amendments to the Cape York Peninsula Heritage Act 2007, this bill also provides for the prohibition and dealing with applications for the grant of mining interests over specific land parcels of protected land. The protected land is Aboriginal land under the Aboriginal Land Act 1991, with the prohibition relating to two specific parcels of land held in the Shelburne Bay and Bromley areas. Essentially in those areas this bill will mean that a mining interest cannot be applied for or granted. If one has already been granted, it is taken to have been withdrawn and can no longer be dealt with. Submissions from Indigenous stakeholders were supportive of these provisions and highlighted the importance of the relevant parcels of land from an environmental and cultural heritage perspective. The Queensland Resources Council, however, did not support the amendments, stating—

> QRC appreciates that the area specified in the Bill is already a restricted area and has been for many years, and the environmental values of the area are beyond repute. However, as a general principle QRC believes that level of specificity in legislation (i.e. calling out one particular location or locations) is not good practice legislative drafting.

It continued—

Additionally, there are already established and comprehensive existing process to identify significant environmental values and assess development applications. As such, QRC believes that the environmental assessment process in Queensland should be used, if and when an application was to arise over the areas mentioned in several of the submissions. Again, the addition of particular locations into legislation in an ad hoc manner would not be good practice legislation.

The QRC's comments make sense to me and I note that such an approach would be problematic over time as the level of currency in relation to this piece of legislation becomes eroded. Further, I am concerned that this kind of approach may be used to make political problems disappear rather than to deal with issues in a holistic manner and such an approach should be discouraged. This bill provides flexibility for Aboriginal and Torres Strait Islander groups to nominate a registered native title body corporate to be grantee of land which is not subject to an existing native title body. The bill also provides greater scope for Indigenous people to achieve home ownership as it allows the government to respond to the unique circumstances that exist in remote Indigenous communities where there is a limited or no active housing market.

Concerns in relation to the arrangements concerning the granting of land to registered native title bodies corporate were expressed by stakeholders in public hearings during the short consultation period. These concerns highlighted the potential for weaker groups such as non-registered native title body corporate entities to be disadvantaged in relation to this process compared to larger groups across the cape. An example of this was outlined at the Cairns public hearing where concerns were expressed about a situation that could see land owned by one community granted to its associated registered native title body corporate without appropriate consideration while other groups may have a legitimate but not yet tested native title claim over the same land. I understand the intent of the bill is to reduce the regulatory burden for native title groups. However, I still hold concerns that these amendments contained within the legislation could be applied in such a manner that results in disadvantage to certain groups.

The last area that I want to address in my contribution today is in relation to the amendments to the Explosives Act. While not at the forefront of every Queenslanders' mind, explosives are an important tool utilised in a number of different industries across the state. The most obvious use is within the mining industry, where approximately one million tonnes of explosives are consumed every year. The bill seeks to regulate the manufacture, sale, handling, storage and, importantly, the transportation of explosives in Queensland. It is clear that robust procedures need to be in place to ensure the safety of Queenslanders while providing ready access for those entities and individuals that have a genuine requirement for the use of explosives. Concerns have been expressed by some stakeholders in relation to the potential cost imposition which would likely result as a consequence of the increased regulatory burden introduced with this bill.

I note that the LNP will not be opposing the bill, but I call on the government to deal with legislation like this in a more timely fashion rather than let matters sit for months and, in some cases, years at a time. Surely with the resources of 224 staff, the government can manage the business of this House and the legislative agenda in a more timely fashion. Before I conclude I want to thank my fellow committee members for working constructively and in a relatively bipartisan manner across the year. It has been a pleasure to work with them on controversial matters including the vegetation management legislation and I look forward to doing so in the future.