




Speech By  
**Dale Last**

**MEMBER FOR BURDEKIN**

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Record of Proceedings, 15 November 2018

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

 **Mr LAST** (Burdekin—LNP) (12.42 pm): I rise to speak to the Land, Explosives and Other Legislation Amendment Bill 2018. This is an omnibus bill which has the following key policy objectives: to streamline and ensure the effectiveness of key regulatory frameworks within the Natural Resources, Mines and Energy portfolio; enhance worker and community safety and security in the explosives and gas sectors; and support the protection and cooperative management of cultural and natural values of Cape York Peninsula.

I note that the bill will amend the Aboriginal Land Act 1991 and the Torres Strait Islander Land Act 1991 to provide the option of granting land to a registered native title body corporate outside of their determined native title area and to allow the setting by agreement of sale prices for social housing on Indigenous land. It will protect the cultural and natural values of the Shelburne and Bromley properties on Cape York Peninsula. It will improve security, safety and transportation requirements under the Explosives Act 1999. It will amend the definitions of who meets the criteria for notifying the state under the Foreign Ownership of Land Register Act 1988 so that those definitions are consistent with other state legislation.

The bill will provide for contemporary compliance powers in the Land Act 1994. It will enhance rolling term lease provisions on regulated islands by enabling marine term leases to become rolling term leases where they are tied by covenant to, and provide infrastructure which supports a rolling term, or perpetual, tourism lease. It will enable the state to deal with buildings and other structures on state land that pose a risk to public safety or that are otherwise inappropriate or unwanted. The bill will further facilitate the take-up of online conveyancing by amending the Land Title Act 1994 to eliminate the need for remaining duplicate paper certificates of title and by updating and clarifying certain titling provisions. It will address minor issues associated with the overlapping tenure framework for coal and coal seam gas.

The bill will amend the Petroleum and Gas (Production and Safety) Act 2004 to resolve operational deficiencies in the act, streamline regulatory requirements and make the overall gas safety legislation more contemporary. These amendments clarify and improve operational safety outcomes for workers in the gas sector and users of gas plant and appliances by revising safety reporting requirements for operating plant so they are real time and support effective gas safety regulation; confirming an operator of operating plant can be a corporation or an individual; establishing a transparent process for appointing approving authorities for gas devices; rationalising safety requirements for all fuel gas delivery networks; and aligning other safety provisions with Queensland's mining safety legislation and general workplace laws. The bill will introduce a framework to manage abandoned operating plant. Finally, the bill will make minor amendments to correct errors and omissions in the Aboriginal Land Act 1991, the Land Act 1994, the Land Title Act 1994, the Petroleum and Gas (Production and Safety) Act 2004 and the Torres Strait Islander Land Act 1991.

I say at the outset that the LNP will not be opposing this bill. However, there are a number of issues associated with this bill that I wish to speak to here today. Having regard to the Aboriginal Land Act 1991 and the Torres Strait Islander Land Act 1991 regarding Indigenous land and housing, I note

that the bill enhances opportunities for Indigenous people to achieve home ownership by providing an option to set a price for social housing by agreement between trustees and the government. This is achieved by allowing the state and trustees to respond to the unique circumstances in discrete communities and to recognise existing interests in property. The amendments will also allow for adjustments to be made in those communities where there is limited or no active housing sales market. The committee noted the concern among some non-registered native title body corporate groups that they will be disadvantaged in further negotiations in regard to the granting of land with shared boundaries.

I have some concerns with this particular provision that I would like the minister to address in his summing-up. The minister is well aware that there are registered native title body corporates in Queensland in serious financial trouble, with one particular body currently in administration. My question to the minister is: what probity checks will be conducted to ensure the viability of these registered native title body corporates before granting them land? I also ask: will there be a time frame invoked when an entity is appointed as a trustee of Aboriginal or Torres Strait Islander freehold land?

As you would appreciate, if one of those bodies is in administration, everything that flows from that particular decision has a significant impact going forward in terms of the decision-making process. As a consequence, some procedures need to be put in place regarding registered native title body corporates in Queensland to ensure that they are viable at the time that decision is made and that ongoing they remain financial and operate in accordance with the processes, procedures and conditions imposed upon them.

The issue of social housing in Indigenous communities has been problematic for many decades. During the last sittings of parliament I met with a group of far northern mayors who raised this as a significant issue in their respective communities. In particular, the mayor of Yarrabah indicated chronic overcrowding in his community. Mayor Andrews indicated a need for an additional 256 houses in his community. That is right—256 are required to address the overcrowding issue that exists today at Yarrabah, and that is only one community. Before I was elected I worked on Palm Island and similar issues exist at that locality. It is important that we have a process in place to set the sale price for social housing on Indigenous land which will allow a pathway forward for home ownership. There are many residents living in Indigenous communities who would like nothing more than to own their own home. I fully support this initiative contained within the bill.

Having regard to the Cape York Peninsula Heritage Act 2007, I note that bill inserts a new section into that act providing for the prohibition and dealing with applications for the grant of mining interests over specific land parcels of protected land. There were requests to have two additional land parcels included in the Cape York Peninsula Heritage Act as protected land and the significant reasons that each give to support their claim for inclusion. The protected land is Aboriginal freehold land under the Aboriginal Land Act 1991 with the prohibition relating to two land parcels: Shelburne Bay and the Bromley Aboriginal Corporation registered native title body corporate.

I know these two areas very well. In fact, I knew the Bromley family—Ted, Daphne and Tony—after whom that station was named. Ted was passionate about the wildlife and the need to protect this area and would often recount stories relating to how he took up that station when it was a genuine wilderness area. After visiting that area, one certainly gains an appreciation for the value in preserving those two parcels of land. The committee recommended that the minister consider the request of these organisations and a possible formal mechanism or process that allows Aboriginal corporations to nominate Aboriginal land, at the request of the traditional owners, for protection from mining interests. I note that the committee has recommended that the minister provide advice on these matters in his second reading speech.

Having regard to the Explosives Act 1999, I note that the bill regulates the manufacture, sale, handling, storage, transportation and use of explosives in Queensland and provides for the safety of person and property from misuse of explosives. Queensland is the largest user of explosives in Australia, predominantly in the mining industry, using approximately one-third of the three million tonnes consumed annually. I can attest to that when I visit all the mines in my area and see the explosives set up and the transportation of explosives on the road networks in those particular areas. It reinforces how important it is that we have the necessary safeguard measures in place regarding the handling and the transportation of explosives. It is critical to the resources industry and for the protection of Queenslanders. We live in a different world, and the transportation and handling of explosives needs to be conducted within the ambit of community safety. I note that the bill amends explosives legislation to reflect the government's *Not now, not ever* policy by prohibiting persons subject to domestic violence orders from holding an explosives licence.

Having regard to the Land Act 1994, the bill provides compliance powers to stop inappropriate behaviour on state land where the department has direct land management responsibilities. The powers seek to stop inappropriate behaviour from motorbikes and vehicles causing destruction not only on state

land but also causing nuisance to properties which border state land. I would have given anything as a former police officer to have been able to invoke that power. That has been an issue across Queensland for decades. There has been no power, authority or ability to deal with issues regarding vehicles or motorbikes operating on state land. It is problematic. It was a never-ending source of complaints to both local and state government authorities. I welcome this amendment for officers who need to go on to state land and ensure that safeguards are being enforced. It will allow our officers to carry out their duties with due regard to the rights of landholders.

Having regard to the Petroleum and Gas (Production and Safety) Act 2004 and gas safety and abandoned operating plants, I note that the bill introduces a framework to deal with abandoned gas and petroleum sites. The section also provides that an authorised activity can be any other thing prescribed by regulation that is or was an operating plant. Queensland Farmers' Federation submitted it was essential that landowners were not left to carry out remediation activities, and I support that. In response to this concern I note that the department has confirmed that the state is responsible for carrying out remediation activities not limited to the decommissioning of an abandoned operating plant.

There were 11 submissions to the bill. I note the majority of those submissions were generally supportive of the bill and its overall intentions. There were a number of recommendations, and I take on board the minister's response to those recommendations here today.

The amendments to the Explosives Act 1999 are supported by the Australian Explosives Industry and Safety Group and the Firearms Dealers Association of Queensland. The Queensland Law Society and AgForce expressed in-principle support for the amendments to the Foreign Ownership of Land Register Act 1988.

I will not go through all of the submissions. I will speak to just a couple of them. The Queensland Resources Council did not support the proposed amendments to the Cape York Peninsula Heritage Act 2007 as they were principally opposed to calling out specific areas in legislation that cannot be used for resource activities as poor legislative practice. They believe that level of specificity in legislation—that is, calling out one particular location or locations—is not good practice in terms of legislative drafting.

The Queensland Law Society again expressed its frustration with the inadequate time frames to consult on this legislation. Is it not ironic given that this piece of legislation has taken all year to come before this parliament and on the very last day of the last sitting week we are here debating this particular bill? They raised several concerns in relation to proposed changes to the Land Act 1994, particularly in relation to the entry powers granted to authorised officers and the impact that this will have on occupiers of the land. This continues a very worrying trend by this government to introduce legislation or amendments to this place granting extensive powers to departmental officers over and above those powers possessed by the Queensland Police Service. Here is another example where these extensive entry powers are being granted to departmental officers.

The Queensland Farmers' Federation supported the provision for contemporary compliance powers in the Land Act 1994. They were cautious of any cost impost to landowners from structures, particularly those which they may have inherited or which pose no threat to the community. Any unintended consequences from those provisions may not have been immediately identifiable.

AgForce Queensland in principle supported the amendments to the Foreign Ownership of Land Register Act 1988. However, they raised concerns regarding the applicability of repair, removal and remediation of buildings and structures requirements to rural leases. They were concerned about the inability to get appropriate tradespeople to fix the sheer number of noncompliant structures likely to be present across the large number of rural leases. I would again ask the minister to confirm that rural leases are not the intended target for this amendment. I note that the minister has tabled a number of minor amendments relating to this bill, and I can indicate that the LNP has no issue or concerns with these amendments.

In summing up, there are 13 pieces of legislation or regulation incorporated in this bill. It covers legislation from land title to resources to the State Penalties Enforcement Regulation. To call this bill a dog's breakfast would be an understatement. It is a bill for everything that needs to be fixed. That being said, there are some provisions contained within the bill that do have genuine merit, and for that reason we will not be opposing this bill today.