



Speech By
Patrick Weir

MEMBER FOR CONDAMINE

Record of Proceedings, 15 November 2018

LAND, EXPLOSIVES AND OTHER LEGISLATION AMENDMENT BILL

 **Mr WEIR** (Condamine—LNP) (4.10 pm): I rise to make a contribution to the Land, Explosives and Other Legislation Amendment Bill 2018 as a member of the State Development, Natural Resources and Agricultural Industry Development Committee. The Land, Explosives and Other Legislation Amendment Bill 2018 was introduced into the House on 15 February 2018 with a committee reporting date of 9 April 2018—six months ago. This bill was referred to the Infrastructure, Planning and Natural Resources Committee of the 55th Parliament on 10 October 2017. The committee was unable to complete its inquiry on the 2017 bill, as on 28 October the Premier announced that the Queensland election was to be held on 25 November and parliament was dissolved.

Prior to parliament being dissolved the committee did call for submissions—three submissions were received—and held a public briefing by the then department of natural resources and mines. The current committee reopened submissions. Eleven were received, and a public briefing was held with the department in Brisbane. Given the evidence that was received by the inquiry, the committee wrote to the Committee of the Legislative Assembly and sought an extension to the inquiry reporting date. The CLA resolved that the committee report on the bill on 19 April 2018. This was due to the large number of amendments in this very broad-ranging omnibus bill.

After reading the submissions and the departmental briefing, all members of the committee realised the sensitivities surrounding the amendments which would affect the traditional owners in the far north of the state. Although the explanatory notes advise that consultation took place in relation to the amendments, some submitters expressed concern that there was insufficient consultation. The Chuulangun Aboriginal Corporation submitted that they were not satisfactorily consulted and that the consultation which did take place focused on organisations such as the Cape York Land Council instead. The CAC submitted—

Again, with the current call for submissions, only 12 days were allowed, which is completely inadequate. Further, the invitation to make submissions was not widely communicated, and we only heard of the bill by word-of-mouth. We know of a number of other Indigenous organisations on Cape York who are in a similar situation.

It is disappointing that this bill was allowed such a short reporting time frame given that it has remained on the table since 19 April. The Minister for Natural Resources, Mines and Energy advised in his introductory speech—

This will provide flexibility for Aboriginal and Torres Strait Islander owner groups to nominate an existing registered native title body corporate to be grantee of land which is not subject to a native title determination provided the land is adjacent to, or in the vicinity of, a relevant native title determination area and the traditional owner groups are the same or similar.

The amendments seek to enhance opportunities for home ownership by Indigenous persons by providing an option to set a price for social housing via an agreement between a trustee and the state. Clause 8 amendments would allow the minister to appoint a corporation, such as the registered native

title body corporate, as the grantee of land that does not hold native title and where the minister is satisfied that it is appropriate to do so. In circumstances where no native title determination has been made, the explanatory notes state—

... an Indigenous Land Use Agreement (ILUA) is made with the people claiming to hold native title and goes through a more extensive notification and objection period prior to the National Native Title Tribunal registering the ILUA to ensure that the right people have had an opportunity to comment on the agreement.

The onus is placed on the parties seeking a grant to the registered native title body corporate to provide evidence that it is appropriate that the grant be made. Mr Burns from the Cape York Land Council said—

The proposed amendment allows land outside of that determined area, which is still within the traditional boundaries of the people on the registered native title body corporate, for that land to be transferred to Aboriginal freehold and held and managed by the registered native title body corporate in its capacity as a land trust.

The committee sought clarification as to why areas of land were excluded or left out of native title claims and therefore the determined area. The committee was informed of the following—

The issue has arisen sometimes because the claims have followed property boundaries, or local government boundaries; they have not followed traditional boundaries.

In their submission to the committee the Chuulangun Aboriginal Corporation, based within the Mangkkuma Land Trust, also expressed concern that granting land to a registered native title body corporate would be at the expense of traditional custodians. The committee acknowledged the concerns expressed; however, it is satisfied with the department's response, which states—

The act provides that the trustee must apply for the land to be transferred. Where there is an existing land trust and they hold land, the only way that land could go on to a registered native title body corporate is if that land trust applied for that to occur. The state cannot come in and say, 'We want that to go there' and the registered native title body corporate cannot ask for it. The act is quite specific that it is the trustee who applies.

The changes are simply about reducing regulatory burden for Native Title groups by removing the requirement for them to establish new corporations to handle additional parcels of land.

This was supported by submitters, as the cost of building in remote areas is quite high and can mean that prices are greater than what they should realistically be.

Clause 19 inserts a new section 27A into the Cape York Peninsula Heritage Act providing for the prohibition and dealing with applications for the granting of mining interests over specific land parcels of protected land. The protected land is Aboriginal freehold land under the Aboriginal Land Act 1991, with the prohibition relating to two land parcels held by the Shelburne Bay Wuthathi Aboriginal Corporation Registered Native Title Body Corporate and one parcel held by the Bromley Aboriginal Corporation Registered Native Title Body Corporate.

The Olkola Aboriginal Corporation and the Batavia Traditional Owners Aboriginal Corporation both submitted that land parcels under their management should be included under the act due to cultural and environmental concerns. The committee recommends 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.

The bill amends the Petroleum and Gas (Production and Safety) Act by introducing a framework to deal with abandoned gas and petroleum sites. These remediation activities include: capping a wellhead; maintaining an abandoned operating plant operation plant; decommissioning an abandoned operation plant; repairing erosion; and cleaning up pollution. At the committee's public briefing the department advised that the disclaiming of gas and petroleum sites by Linc Energy created the need to introduce a similar framework to that which currently exists for abandoned mines under the Mineral Resources Act.

The bill proposes to amend the Explosives Act 1999 to regulate the manufacture, sale, handling, storage, transportation and use of explosives in Queensland and provides for the safety of people and property resulting from the misuse of explosives. Whilst there has been some concern that this will unfairly impact legitimate licence holders and retailers, the department was asked about this during the hearings. The department stated—

Assuming you have a weapons licence, obviously you are entitled to have all of those ingredients that we are talking about. There is no impost on that particular use of propellant powders if you load your own ammunition associated with security.

There are exemptions in various parts of the act, in the schedules, that allow people who have a legitimate need, such as a weapons licence or a shotfirer licence, to go about their business without excessive burden.

There are a lot of other aspects to this bill, but I do not have time to go through all of them. We will support the legislation.

Before I finish, I would like to thank Jacqui Dewar, our research director, Natasha, Gregory and all those who have assisted throughout the year. I would like to wish Margaret all the best in her retirement. Thank you for looking after us! I would also like to acknowledge the member for Buderim and the member for Burdekin for their first year assisting me as deputy chair. They have both done very well and I am proud of them. All the best to everyone for the coming year!