Speech By

Brent Mickelberg

MEMBER FOR BUDERIM

Record of Proceedings, 14 May 2019

NATURAL RESOURCES AND OTHER LEGISATION AMENDMENT BILL

Mr MICKELBERG (Buderim—LNP) (2.59 pm): I rise to speak to the Natural Resources and Other Legislation Amendment Bill 2019, the latest in a series of unwieldy omnibus bills. This one covers 252 pages and amends 32 acts. This bill deals with several issues, including access to state land, foreign ownership of land, ministerial powers, exploration permits and category 2 water governance arrangements. It covers a lot of territory. It even required further amendment this morning with amendments to the Vegetation Management Act, Planning Act and Planning Regulation 2017.

As a member of the State Development, Natural Resources and Agricultural Industry Development Committee, which was tasked with reviewing this bill, I would like to acknowledge the contributions of my fellow committee members—the members for Bancroft, Condamine, Bundaberg, Ipswich West and Mount Ommaney. I would also like to thank the committee secretariat, led by Dr Jacqui Dewar, who are always professional and diligent in supporting the work of the committee.

This bill is the latest of many that would have benefited from a longer consultation period to provide confidence to the community that there are no unintended implications in relation to the complex provisions that are contained within the bill. The LNP has serious concerns that the stakeholders have not had adequate time to properly analyse the bill owing to its broad and complex nature. This is a view shared by submitters to the bill. The Queensland Resources Council expressed such concerns at the public hearing when it submitted that 'you would not be trying to write a definitive submission on this bill in 15 business days'.

One of the provisions of this bill that caused the most concern to submitters to this bill was the removal of the requirement for the state government to continue to produce its annual foreign landownership report. The removal of this provision is the latest example of this Palaszczuk Labor government eroding the accountability and transparency that all Queenslanders deserve. Queenslanders have a right to know the details of who and what land is owned by foreign individuals and organisations without having to pay a regulated search fee. We have heard those opposite say that the register was duplicated by information collated by the federal government's foreign ownership register, but that is misleading. The federal provisions relate only to agricultural land and water entitlements whereas the existing provisions that are to be removed by this state government are more expansive and detail information on all land owned by foreign interests.

I note that, as at 30 June last year, foreign owned interests in Queensland freehold and leasehold land totalled approximately 11,463,000 hectares, or approximately 6.6 per cent of the state's total land mass. That is a pretty significant proportion of the state. Interestingly, for the financial year ended 30 June 2018, by value, some 64 per cent of foreign land acquisitions in Queensland were made in the Brisbane city local government area. I suspect that the majority, if not all, of the acquisitions made in Brisbane city did not consist of agricultural land and, as a consequence, would not be captured by the federal government's foreign ownership disclosure requirements.

Queenslanders' legitimate concerns about the foreign ownership of land across Queensland are not restricted to agricultural land. Queenslanders have a justified interest in knowing who owns the land in their state. Although I acknowledge that information will still be available through the Titles Registry by application and with payment of a fee, the current presentation of a tabled annual report makes the information accessible for all Queenslanders and allows comparisons year on year along with some degree of trend analysis. Clearly, that is a superior outcome. I ask the government to hear the concerns of the community and retain the current foreign ownership of land register.

Another issue raised during the consideration of this bill were the changes to the Land Act 1994, which allow an authorised person without consent or warrant to enter freehold land if they need to access adjacent state land. This amendment is a further diminution of property rights and it breaches fundamental legislative principles in that it provides the government with powers to authorise access without sufficient regard to the rights and liberties of landholders. Submissions from AgForce, which the committee received, noted that the amendments do not provide for any arrangements for compensation to be paid to landholders where access is required.

Further, amendments to the Mineral Resources Act 1989 allow the minister to impose, vary or remove a condition of an exploration permit at any time without application or seeking the views of the permit holder if an 'exceptional event' has occurred. Exceptional events are natural disasters or financial crises that negatively affect the resources industry. The minister may change a work program condition to suspend or defer all exploration activities for a period owing to a weather event. This new ministerial power is open to exploitation. The Queensland Resources Council has raised serious concerns about granting this ministerial power as it opens up considerable risk to investments that can be ended whenever the minister thought it appropriate. Additionally, the Queensland Law Society also raised concerns that the holder is—

> ... not given the right to be heard in respect of the exceptional event or the proposed change. Further, the proposal does not afford the holder a formal right of appeal in respect of the Minister's decision.

The broad definition of 'exceptional event' in the bill is far too open to exploitation. That is a view that is shared by both the QRC and the QLC. Far too often we have seen how politics can interfere with the approval of mining projects in Queensland, as evidenced by this government's interference in the development of the Galilee Basin and the Carmichael project. More detailed clarification on what an exceptional event may look like needs to be provided. The fact that the QLS suggested the 'insertion of examples giving a description of what circumstances might constitute an exceptional event will assist to clarify the intended parameters of an exercise of this power' evidences the level of concern that this bill is far too open to exploitation.

This bill also introduces several amendments to the Water Act 2000 to require category 2 water authority boards to comply with the Queensland government's Women on Boards initiative to establish a gender equity target of 50 per cent representation of women on the boards of all Queensland government bodies by 2020. Although all members support initiatives to establish greater diversity on government boards, significant issues exist with respect to government policy that is established as a thought bubble and then pushed on to organisations that do not have the capacity to deliver on the requirements of that policy. The government would be well served to proactively take steps to develop and encourage suitably qualified local female board candidates to nominate for government board positions. I note that the government is taking such an approach in relation to board positions more broadly but, evidently, it has decided that a blunt legislative approach is more appropriate in relation to category 2 water boards.

Before I finish, I will address the amendments that were moved today by the minister. I note that the amendments relating to vegetation management seek to ensure that the definition of 'infrastructure' captures buildings or other structures built for any purpose. The amendments also retrospectively validate past decisions as they relate to the amended definition. I understand that these amendments and their retrospectivity aspects are a response to a legal challenge or potential legal challenge to the government's vegetation management amendments that were rushed through the parliament last year. Perhaps such issues would not have arisen had the government undertaken a more fulsome consideration and consultation process in relation to the previous amendments to the Vegetation Management Act that were rushed through this House last year.

While I am on my feet, as this bill deals with CleanCo, I would like to correct the record in relation to a comment that I made about CleanCo during the last sitting. In my contribution to the debate on the committee's report on energy I made a comment that suggested that CleanCo would not result in any more renewable generation than currently exists in CS Energy and Stanwell. I accept that the government's proposal for CleanCo has an objective of an additional 1,000 megawatt hours of renewable generation capacity. I had based my comment on testimony from the minister last year. However, I was mistaken and I apologise to the minister for this inadvertent error.

There are many aspects of this bill that make sense and are needed. However, amalgamating a grab bag of issues into another massive omnibus bill does nothing to engender trust in the community. I note that the LNP will be opposing some aspects of the bill and I ask that the government take on board the genuine concerns expressed by submitters to the bill and the community as a whole.