




Speech By
Patrick Weir

MEMBER FOR CONDAMINE

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NATURAL RESOURCES AND OTHER LEGISLATION AMENDMENT BILL

 **Mr WEIR** (Condamine—LNP) (12.45 pm): I rise to make a contribution to the Natural Resources and Other Legislation Amendment Bill 2019 as deputy chair of the State Development, Natural Resources and Agricultural Industry Development Committee. This bill was introduced to the Queensland parliament on 26 February 2019. This omnibus bill seeks to amend 29 separate acts. It totals 234 pages and deals with several issues, including the foreign ownership of land register, land legislation amendments, gas production tenure management, resource authorities, other miscellaneous amendments to the resources act and water compliance and enforcement. Such a large omnibus bill made it difficult for both the committee and the research staff to adequately dissect each and every amendment in the reporting time available. I commend Jacqui Dewar and the research staff for the work they did on this bill. It is a massive piece of legislation.

During a committee hearing, Andrew Barger from the Queensland Resources Council stated—

In introducing it, Anthony Lynham must have almost tossed up whether it was easier to list the bills that it did not amend. My tally marks on the introductory speech got to 29, which is probably up there as a personal best in terms of number of bills amended.

Later he said—

... in an ideal world you would not be trying to write a definitive submission on this bill in 15 business days.

In response to a question about the size of this omnibus bill, the Queensland Law Society stated—

The most difficult position that we have in assisting the parliament in its important business is hoping that we have not missed anything.

Statements such as these did not fill non-government members with confidence that all unintended consequences of the bill were investigated to their full extent. This is just another example of Labor ramming through a law with limited opportunity for proper scrutiny.

The bill removes a requirement to create and table an annual report on the foreign ownership of land under the foreign ownership of land register 1988. Annually the Commonwealth government publishes a report on the foreign ownership of agricultural land. AgForce sees this change as weakening the reporting on foreign ownership of agricultural land in Queensland and does not support the change. It is concerned that the Commonwealth government may change the reporting regime in the future. By removing this section, Labor is taking away a key source of data and transparency that Queensland deserves when it comes to landownership. During the committee process, we heard that there was a vast difference between the Commonwealth register and the state register. The state register goes into much more detail of foreign ownership, localities and type of ownership. The big fear is that if the Commonwealth changes their legislation a lot of that data would be lost. The LNP will oppose moves to reduce transparency on foreign landownership in Queensland. The committee heard that the state register has more localised detail of foreign ownership, as I just stated.

While the bill amends the Land Act 1994 to ensure the clear and effective application of the act, improved administrative efficiency and reduce regulatory burden, there was one area that raised some quite serious concerns. The bill introduces a new power of entry for authorised persons to traverse

adjacent freehold, leasehold or trust land to access state land to carry out activities where entry cannot be negotiated in the first instance and there is no reasonably practical route for entering that state land. AgForce opposed these changes to the act rejecting the need and legitimacy for extending the state's right to access freehold land to access state controlled land and believe that insufficient regard is given to the rights and liberties of landowners. The Queensland Law Society asked that the compensation process for damages potentially suffered from this access be properly implemented.

This bill is evidence of the further socialisation and shrinking of property rights with no compensation to the landowners. The bill breaches fundamental legislative principles by providing the government with powers to authorise access with insufficient regard to the rights and liberties of landowners. The LNP do not believe this is a legitimate reason to be able to enter private freehold land without consent or a permit. Under questioning at the public hearing, the department could not produce any instance where access to state land had been refused by any landowner, raising the question of why this amendment is necessary.

Concerns have also been raised with the judicial review process. Clause 260 inserts new section 141A. This section allows the minister to impose, vary or remove a condition of an exploration permit at any time without application or seeking the views from the permit holder if an exceptional event has occurred. Exceptional events are natural disasters or financial crises which negatively affect the resources industry.

QRC has raised serious concerns with granting this ministerial power as it opens up considerable risk to investments that can be ended at the stroke of the minister's pen. The Queensland Law Society has concerns that the holder is 'not given the right to be heard in respect of the exceptional event or the proposed change and does not afford the holder a formal right of appeal in respect to the minister's decision'. Both the Queensland Resources Council and the Queensland Law Society have concerns with the broad definition of 'exceptional event' within the bill. It is too open for exploitation.

Resource businesses deserve more certainty than to be held captive to the ebbs and flows of a political will. There were a number of times during the public hearing in Brisbane where QRC stated that consultation was ongoing, indicating the committee was being asked to pass a bill that was incomplete. This is typical of the Labor government with large omnibus bills being introduced into the parliament, making multiple amendments to multiple acts with an unrealistic reporting deadline for the amount of information in the bill. QRC stated—

Even for an omnibus Bill, this legislation is extraordinarily broad in scope, amending according to the references in the Minister's Explanatory speech, a staggering 29 different Acts. The breadth and complexity of this Bill makes it very difficult for any stakeholder to be confident they have understood all the ramifications of these amendments in the 15 business days between the Bill being tabled and submissions falling due for the Committee.

The bill also amends the Water Act: to clarify that all persons who take water through a common meter are equally responsible and liable for ensuring that water taken through that meter meets their water entitlement, subject to a reasonable excuse exemption; to improve the effectiveness of compliance notices by increasing the penalty to act as a stronger deterrent for noncompliance; and to clarify the application of offence provisions relating to taking water in excess of a volume or rate of take stated in the entitlement. This was supported by QFF and AgForce. As we all know, water is vital to the agricultural sector. The increased monitoring and metering of water we fully support.

I have a situation with a local aquifer in the seat of Condamine where it is not metered on a volumetric basis. The extraction is over a certain number of hours per week. My discussions with the department indicate that they are investigating that and they are moving towards having that aquifer fully metered, hopefully by the end of this year. I welcome that move and we support these amendments. Many of the amendments were supported by submitters. However, insufficient time was given to properly scrutinise the enormous amount of information in this bill.

I will finish by addressing the amendment the minister has introduced regarding the Vegetation Management Act. I thank the department for the briefing this morning. I understand this amendment is in response to what could be pending legal action. The amendment is to clarify the relevant purposes. These include development for buildings and other structures. That could be barns, a piggery or a firebreak. Thank you very much for that briefing. We will be supporting that amendment.

This bill was way too big. I would suggest to the minister that if he is in the mood to bring in another omnibus bill that he makes it about half this size or less.