



Speech By  
**Hon. Scott Stewart**


**MEMBER FOR TOWNSVILLE**

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Record of Proceedings, 17 March 2022

## LAND AND OTHER LEGISLATION AMENDMENT BILL

### Message from Governor

 **Hon. SJ STEWART** (Townsville—ALP) (Minister for Resources) (11.56 am): Madam Deputy Speaker, I present a message from Her Excellency the Governor.

**Madam DEPUTY SPEAKER** (Ms Lui): The message from Her Excellency recommends the Land and Other Legislation Amendment Bill. The contents of the message will be incorporated in the *Record of Proceedings*. I table the message for the information of members.

#### MESSAGE

LAND AND OTHER LEGISLATION AMENDMENT BILL 2022

*Constitution of Queensland 2001, section 68*

I, DR JEANNETTE ROSITA YOUNG PSM, Governor, recommend to the Legislative Assembly a Bill intituled—


A Bill for an Act to amend the Cape York Peninsula Heritage Act 2007, the Central Queensland Coal Associates Agreement Act 1968, the Land Act 1994, the Land Regulation 2020, the Land Title Act 1994, the Place Names Act 1994, the Stock Route Management Act 2002, the Survey and Mapping Infrastructure Act 2003, the Survey and Mapping Infrastructure Regulation 2014, the Vegetation Management Act 1999 and the legislation mentioned in schedule 1 for particular purposes, and to repeal the Foreign Governments (Titles to Land) Act 1948, the Starcke Pastoral Holdings Acquisition Act 1994, the Survey and Mapping Infrastructure (Survey Standards) Notice 2021, the Survey and Mapping Infrastructure (Survey Standards—Requirements for Mining Tenures) Notice (No. 1) 2011 and the Yeppoon Hospital Site Acquisition Act 2006

#### GOVERNOR

Date: 16 March 2022

*Tabled paper:* Message, dated 16 March 2022, from Her Excellency the Governor recommending the Land and Other Legislation Amendment Bill 2022 [314](#).

### Introduction

 **Hon. SJ STEWART** (Townsville—ALP) (Minister for Resources) (11.56 am): I present a bill for an act to amend the Cape York Peninsula Heritage Act 2007, the Central Queensland Coal Associates Agreement Act 1968, the Land Act 1994, the Land Regulation 2020, the Land Title Act 1994, the Place Names Act 1994, the Stock Route Management Act 2002, the Survey and Mapping Infrastructure Act 2003, the Survey and Mapping Infrastructure Regulation 2014, the Vegetation Management Act 1999 and the legislation mentioned in Schedule 1 for particular purposes, and to repeal the Foreign Governments (Titles to Land) Act 1948, the Starcke Pastoral Holdings Acquisition Act 1994, the Survey and Mapping Infrastructure (Survey Standards) Notice 2021, the Survey and Mapping Infrastructure

(Survey Standards—Requirements for Mining Tenures) Notice (No. 1) 2011 and the Yeppoon Hospital Site Acquisition Act 2006. I table the bill, the explanatory notes and statement of compatibility with human rights. I nominate the Transport and Resources Committee to consider the bill.

*Tabled paper:* Land and Other Legislation Amendment Bill 2022 [315](#).

*Tabled paper:* Land and Other Legislation Amendment Bill 2022, explanatory notes [316](#).

*Tabled paper:* Land and Other Legislation Amendment Bill 2022, statement of compatibility with human rights [317](#).

I am pleased to introduce the Land and Other Legislation Amendment Bill 2022. The bill makes minor administrative amendments to nine acts and two regulations across the resources portfolio, adopting contemporary approaches to regulation. It introduces flexibility paired with prudent safeguards and makes the intent of the legislation clearer. The bill makes several administrative amendments to the Land Act 1994 that will modernise land administration in Queensland and support economic growth. These amendments will enable the government to proactively manage the state land portfolio and support local governments to better manage public lands.

A number of proposed changes will support the Department of Resources to proactively offer conversion of leasehold land that is neither essential to government business nor delivers a public benefit. Conversion to freehold would not be offered where a lease occurs over land that has an underlying tenure, for example, a community purpose reserve, national park or state forest. Of course, national parks and state forests can only be revoked following a resolution of parliament requesting the Governor in Council to make the revocation. Of course, any action taken under the Land Act, including the offering of conversion of a lease to freehold, must be taken in a way not inconsistent with the Commonwealth Native Title Act 1993 and the Queensland Native Title Act 1993. As such, some existing land leases will not be eligible for conversion to freehold.

The key change to the existing conversion process is removing the requirement for leaseholders to make an application before the department can offer freehold tenure. This proactive conversion process will support business development and economic growth by granting increased tenure security. Importantly, a lessee's right to possess and use the leased land for the term of their lease is not impacted if they do not want to convert their lease. This is a change that allows the Department of Resources to make sure leaseholders know what options they have under the act to convert to a more secure tenure type if they desire.

Local governments across Queensland are trustees for thousands of public purpose reserves such as parks, sporting grounds and recreation areas. The bill improves the day-to-day management of these reserves by providing the trustees with greater flexibility and discretion to allow short-term secondary uses that are otherwise inconsistent with the purpose of the trust land. This will apply where the trustee has an approved management plan in place for the land.

The bill also contributes to the delivery of the Australia-Singapore Military Training Initiative by supporting more efficient development outcomes for the training sites at Shoalwater Bay and Greenvale. These dealings include subleasing and creating easements and covenants and the changes will mirror similar arrangements for leasehold transport land.

Queensland's stock route network is made up of a series of roads and reserves primarily used for driving stock. The network is administered jointly by state and local governments, with local governments responsible for the day-to-day management of the network in their local area. Amendments to the Stock Route Management Act 2002 will enable local governments to keep all stock route fees and allow for local governments to charge an application fee to cover some administrative costs.

The stock route network is a key piece of infrastructure for Queensland's \$18.5 billion agriculture sector. These changes will assist local government to achieve greater cost recovery for managing the stock route network. Importantly, local governments will be able to waive these fees in cases of hardship—for example, during drought. Giving local governments the ability to apply an application fee will help to cover the administrative costs of assessing an application, which may include, for example, an on-ground assessment of the pasture and water available for stock.

The public benefit, and benefit to stock route users, from improved cost recovery will deliver a better managed stock route network. This will also reduce the level of local ratepayer and government subsidisation of commercial uses of the network. Importantly, the stock route amendments are informed by public consultation which concluded last year and are supported by key stakeholders, including local governments, the Local Government Association of Queensland and AgForce.

Amendments to the Survey and Mapping Infrastructure Act 2003, Place Names Act 1994 and the Vegetation Management Act 1999 will minimise arrangements that can be resource intensive for the community and government. For example, amendments to the Place Names Act 1994 will allow place name change proposals to be published in another suitable way other than by traditional hardcopy

newspaper ads. Unfortunately, with many regional newspapers only published online, or not at all, this is often not an option. The Survey and Mapping Infrastructure Act 2003 will be amended to provide efficient processes for making cadastral survey standards. Operational requirements for ambulatory water boundary provisions are also being made clearer.

In 2016, the Vegetation Management Act was amended to be consistent with terminology in the Planning Act 2016. This amendment assigned development categories to some clearing activities under the Planning Act which had the potential to generate confusion between the Vegetation Management Act and the Planning Regulation 2017. Very simply, the previous changes do not clearly spell out that certain vegetation management activities—like the construction and maintenance of large fire breaks—can be approved by the relevant authority. This bill will help clarify and make consistent that certain vegetation management activities, like large fire breaks, are not prohibited. Let me be clear: this bill does not change current practices or requirements. The amendments are to stop any potential confusion by mirroring the language under the Planning Act.

The bill also proposes to amend the Central Queensland Coal Associates Agreement Act 1968. These amendments will vary the current Central Queensland Coal Associates Agreement to allow the companies to apply to either remove an existing special coalmining lease from the operation of the act and agreement without any transfer of interests in the lease or remove an existing special coalmining lease from the operation of the act and agreement and transfer the interests in the lease.

Where a transfer of interests is proposed, the provisions of the Mineral and Energy Resources (Common Provisions) Act 2014 relating to approval to transfer a mining lease or an interest in a mining lease are taken to apply. Additionally, the amendments ensure that any rehabilitation liability risks relating to the removed special coalmining lease will be assessed as part of the financial provisioning scheme under the Mineral and Energy Resources (Financial Provisioning) Act 2018. If either of the applications is approved, the removed mining lease will then be administered under the Mineral Resources Act 1989 and the provisions of the Central Queensland Coal Associated Agreement Act 1968 and the Central Queensland Coal Associates Agreement will no longer apply.

Three redundant acts are also proposed to be repealed. The Starcke Pastoral Holdings Acquisition Act 1994 and the Yeppoon Hospital Acquisition Act 2006 are two special purpose acquisition acts that were enacted to acquire certain land. These acquisitions have been finalised, which means these two acts are no longer required. Similarly, the Foreign Governments (Title to Land) Act 1948 is proposed for repeal as its requirements are outdated and unnecessary and there are other more contemporary, legislative instruments regulating foreign ownership. Foreign entities, be they governments, companies or individuals, must register land ownership under the Queensland Foreign Ownership of Land Register Act 1988 as well as comply with notification requirements under the Commonwealth Foreign Acquisitions and Takeover Act 1975.

Finally, a number of technical corrections will bring provisions back in line with the original intent of legislation such as the outdated definition of 'landholder' for Aboriginal land under the Cape York Peninsula Heritage Act 2007. Another corrects a technical error identified by the Supreme Court, in which a provision in the Acquisition of Land Act 1994 wrongly references another section. I commend the bill to the House.

## **First Reading**

**Hon. SJ STEWART** (Townsville—ALP) (Minister for Resources) (12.07 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

## **Referral to Transport and Resources Committee**

**Mr DEPUTY SPEAKER** (Mr Hart): Order! In accordance with standing order 131, the bill is now referred to the Transport and Resources Committee.