Speech By

Hon. Scott Stewart

MEMBER FOR TOWNSVILLE

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LAND AND OTHER LEGISLATION AMENDMENT BILL

Hon. SJ STEWART (Townsville—ALP) (Minister for Resources) (6.12 pm): I move—

That the bill be now read a second time.

I thank the Transport and Resources Committee for its consideration of the Land and Other Legislation Amendment Bill 2022. I note the committee tabled its report on 6 May 2022. I also thank those who took the time to lodge a submission and participate in the committee process. The committee had three recommendations, including one that the bill be passed. I will address the recommendations shortly.

Mr SPEAKER: Members, I would ask you to please take your conversations outside.

Mr STEWART: Thank you, Mr Speaker. It was hard enough hearing myself. This omnibus bill will improve land related legislation to support the creation of good new jobs, make processes more streamlined and contemporary, and facilitate better stakeholder outcomes to drive economic development.

Firstly, I would like to talk about amendments to the Land Act that will facilitate the development of the Greenvale and Shoalwater Bay defence training sites leased to the Commonwealth Government to support the delivery of the Australia-Singapore Military Training Initiative. These sites will see a state-of-the-art training base at Greenvale and the expansion of the Shoalwater Bay training area. It will see around 14,000 Singapore armed forces personnel coming to Queensland every year for 25 years training for 18 weeks each time, which means more money being spent in our local communities. It also means the creation of good jobs for our regions. This will bring a significant economic boost to Central and North Queensland and will support good jobs in the region.

I would like to discuss reforms raised through the committee process that will whip our stock route network into shape. Queensland's stock routes have a long and rich history of supporting the pastoral industry and landholders. Today stock routes are mainly used for moving stock on foot, which is a cost-effective alternative to transport by road or trail. The stock route network, which includes—

Ms Grace interjected.

Mr STEWART: Gracie, it is a bit of a tongue twister—which includes 72,000 kilometres of roads—

Mr DEPUTY SPEAKER (Mr Krause): Correct titles, please.

Mr STEWART:—across 48 local government areas is also important for emergency pasture and long-term grazing. Industry stakeholders and local governments have shown strong support for the continuation of the network which has proved to be a vital piece of infrastructure, especially during times of drought. This government is saddling up to support our agricultural industry by introducing changes to the Stock Route Management Act. The changes in the bill are the result of extensive consultation with various stakeholders.

These amendments are focused on creating a better funded network that provides improved outcomes for drovers, graziers and other users that rely on the network. Currently, local governments can only keep 50 per cent of the revenue obtained from permit fees. Under these new changes, local governments that manage and maintain the network will be able to keep 100 per cent of the fees and charges collected from the use of these stock routes. Stock routes are administered jointly by the state and local governments, with local governments responsible for the day-to-day management of that network.

This bill also introduces an application fee for permits. This will allow local governments to cover the costs of assessing an application. This fee will be a uniform statewide fee prescribed in the Stock Route Management Regulation to ensure consistency across the state. Local councils will be able to waive this fee in times of hardship or during drought. Currently, local governments recover less than five per cent of the cost of managing and administering the stock route network through the collection of permitted fees. This is not sustainable and means that local ratepayers largely subsidise commercial users of that network. These important changes in the fee structure, combined with proposed revisions to permit fees consulted on for the remake of the Stock Route Management Regulation, mean that fees are estimated to recover 38 per cent of the cost of local councils managing that network. Local governments will continue to be required to reinvest this money into administration, maintenance or improvement of the network.

The Palaszczuk government continues funding to the network for capital works and the maintenance of infrastructure along that network. Currently, the allocation is around $940,000 per year. The Palaszczuk government will continue to provide this separate funding to local governments for stock routes. These reforms are a positive step towards improving the management of a stock route network. They address some longstanding issues while balancing the needs of local government and the pastoral sector. The proposed amendments will apply upon assent except for the application fee provisions which, subject to the passage of this bill, will commence by proclamation. The delayed time frame will allow for the remake of the Stock Route Management Regulation to include the new fee for permit applications.

I would like to thank all those who have been involved in this extensive consultation process and for their time, dedication and contributions. This is an important reform and I am proud to be presenting it to the House.

I turn now to amendments to the Vegetation Management Act 1999. In its report the committee recommended that I revisit the proposed amendment to identify regional ecosystems and their classes in a certified database and not the Vegetation Management Regulation, as is currently the case. The Vegetation Management Act regulates the clearing of native vegetation in Queensland and the requirements for clearing depend on the class of the associated regional ecosystem. The schedules in the Vegetation Management Regulation identify the full list of Queensland regional ecosystems, their class and identify grasslands that are regulated or not regulated under the vegetation management framework.

In their joint submission to the committee during its consideration of the bill, the Environmental Defenders Office and the Wilderness Society expressed their concerns about this amendment to use the certified database and not the Vegetation Management Regulation. This concern related to the lack of parliamentary oversight for the new process, as updates to regional ecosystems and their class would no longer be subject to a regulation amendment process.

The goal of the amendment in this bill is to streamline the administrative process, minimise mistakes and inconsistencies, and establish a central resource for landowners. This central resource will allow landowners to access details relating to the identification and application of regional ecosystems as regulated by the vegetation management framework—the Vegetation Management Regional Ecosystem Description Database.

The determination of regional ecosystems and their class is purely a technical process based on science. The Department of Environment and Science through the Queensland Herbarium determines this information using mapping based on satellite data and records it in their Regional Ecosystem Description Database. Currently, the department updates the regulation annually to align with the latest improvements in the science, as reflected in the database. There have been instances where these two records are out of sync, which creates confusion when there are two sources of differing information. However, I take on board everyone's as well as the committee's recommendation. An alternative approach is proposed that will address these concerns, while still achieving the original intent of the amendment. I will move an amendment during consideration in detail which will require the certified Vegetation Management Regional Ecosystem Description Database be tabled in the Legislative Assembly and take effect upon tabling. The tabling process maintains ongoing parliamentary scrutiny and disallowance of updates to regional ecosystems and their class.

I want to be clear: there is no change to the regulation and management of native vegetation. The proposed amendment solely aims to alleviate administrative burden and provide a consolidated point of reference for landholders to access information relating to the identification and application of regional ecosystems regulated under the vegetation management framework. This amendment does not remove the ability of a landholder to challenge the mapping, including the presence, extent or class of regional ecosystems, on their property. I am satisfied that the amendment will address the concerns raised during the committee process and the committee recommendation. I also believe it will be more efficient and reduce complexity for landholders.

I now turn my attention to other amendments to the Land Act 1994. This bill initiates the first step towards a more modern state land administration system in Queensland. It allows for more efficient and strategic land allocation. This amendment allows the chief executive to make an offer to a lessee to convert a lease to freehold. The current requirement means this cannot happen without first receiving a conversion application from the lessee. This amendment will streamline the existing processes and underpins the success and growth of businesses while reducing red tape.

Leases suitable for conversion would be those without any underlying tenure or other interests that are incompatible with freehold tenure and that have no public purpose associated with retaining state ownership. The current leasehold estate reflects historical state land policies that focused on state ownership and greater state oversight of land to drive and support the development of key industries. This is reflected in the number of private commercial leases that are primarily for-profit and are not core to government business. Generally, these areas have undergone intensive development, leaving the state with limited or no opportunity to achieve community or further natural resource outcomes.

While this change will introduce a process for initiating conversion, let me be clear it does not remove any of the checks and balances necessary in dealing with state land. Nor does it alter the role of the Department of Resources in determining the most appropriate tenure of the land. There are several safeguards in the Land Act and other pieces of legislation that ensure leases over land that has a public benefit are not converted to freehold, such as a lease over a community reserve, national park or state forest.

Taking up the option of freehold is absolutely voluntary. The bill itself does not create freehold. Rather, it provides the mechanism for the chief executive to make a proactive conversion offer. This change will not remove a lessee's right to possession and use of the leased land during the term of their lease should they not wish to avail themselves of the opportunity. The offer to convert is subject to the lessee satisfying requirements, such as meeting native title requirements.

I will now move to the Survey and Mapping Infrastructure Act 2003. Surveying technology is rapidly changing, and revision of the survey standards must keep pace. Survey standards apply to cadastral surveyors to regulate the quality and consistency of surveying information that is submitted to Titles Queensland in the form of land parcel descriptions. The Survey and Mapping Infrastructure Act 2003 authorises the chief executive to make written standards and guidelines for surveying. These documents need to be updated frequently to keep up with the rapidly evolving survey practices and technology. Failure to do so may render them obsolete and reinforce issues.

For the survey standards to take effect, the department must undertake a multi-step approval process requiring the minister to give notice of their making as subordinate legislation. The survey standards are highly technical, and ministerial oversight has not triggered additional technical review or consultation since the current framework commenced in 2003. This adds to a lengthy process for amendments, meaning updates do not take effect in a timely manner. The bill will streamline the process for survey standards to take effect so they can be more responsive to advances in technology and user needs.

I turn now to the proposed amendment to the Central Queensland Coal Associates Agreement Act 1968, which is an act that establishes an agreement between the state of Queensland and BHP Mitsubishi Alliance entities for the mining of steel-making coal in Central Queensland. BHP Mitsubishi Alliance currently holds four special coalmining leases under this act, which form part of larger Central Queensland steel-making coal projects.

Under the current provisions, the act does not allow the transfer of interests in these special coalmining leases without making the transferee a party to the Central Queensland Coal Associates Agreement. BHP Mitsubishi Alliance approached the Queensland government with a proposal to amend the Central Queensland Coal Associates Agreement. This was to enable the transfer of a special coalmining lease in circumstances where the proposed transferee does not become a party to the agreement.

As required under the act, the Queensland government and BHP Mitsubishi Alliance have negotiated and agreed to amendments which will allow them to apply to either remove a special coalmining lease from the act and agreement without any transfer of interests in the lease through an exit application, or remove a special coalmining lease from the act and agreement and transfer the interests in the lease through a transfer and exit application. In deciding an exit application, or a transfer and exit application, the minister must consider the legitimate commercial and operational objectives of the companies, the interests of the state as a party to the agreement and the public interest in relation to the regulation of coalmining in Queensland.

If an exit application or a transfer and exit application is approved, the Central Queensland Coal Associates Agreement Act 1968 will no longer apply, and the removed mining lease will be administered under the Mineral Resources Act 1989. The state's energy and mineral resources belong to the people of Queensland, and the government's responsibility is to ensure they benefit from the development of those resources. It is to the benefit of the Queensland public and the government for all operators to have the same flexibility to manage their assets.

Other amendments included in the bill are clarifications and minor improvements to a range of existing provisions. For example, the bill amends the Place Names Act, the Land Act and the Vegetation Management Act to remove the requirement to notify in a regional newspaper. The requirement to notify and for how long remains, but where the notice must be published is changed. This amendment is in response to the closure of many regional newspapers unfortunately. As a result, greater flexibility is required in how public notifications are published.

The amendments require notices to be published through media channels suitable to engage with the affected community. It is the responsibility of the relevant entity to use the most appropriate channel to match the target audience, for the prescribed notification period. If a regional newspaper is still in circulation, this option is still available.

Finally, the committee also recommended that I table a corrected version of the explanatory notes and ensure that the electronic version of the document is the same as the tabled document. Unfortunately, the document containing the explanatory notes tabled with the bill was corrupted, affecting the formatting throughout the document. I have tabled an erratum replacing the explanatory notes tabled on introduction. This same corrected version was published electronically.

I again thank the committee for its consideration of the bill and for its support of the bill. I tabled the government's response to the committee's recommendations on 5 August. Three amendments are proposed to the bill to be moved during consideration in detail. The first addresses administrative changes required to clause 2 to ensure appropriate operation of provisions requiring commencement on a day fixed by proclamation. Clause 2(e) references clause 97. However, clause 97 is proposed to be omitted from the bill as the sectional definition it was implementing will be inserted into clause 107 instead.

Clause 2 will also be amended to address a processing error that resulted in a single number being inadvertently omitted from the end of clause 2(f). This omission, if left uncorrected, will cause a consequential amendment to the Stock Route Management Act 2002 to commence on assent rather than by proclamation, as is necessary.

The second amendment will require an amendment to the long title of the bill to include changes to the Mineral Resources Act 1989 to improve the operation of the existing rent deferral framework for critical mineral mining leases. These amendments will provide increased support to the critical minerals industry by enabling applicants to release more capital and redirect the deferred rent into their project during its infancy to improve its chance of success. Supporting and incentivising the emerging critical minerals industry is a key part of both the Queensland Resources Industry Development Plan and the Queensland Energy and Jobs Plan.

The third amendment relates to the committee's recommendation for me to revisit the proposal to certify regional ecosystems and their class in a database, and not in the Vegetation Management Regulation. As I have already outlined, I have taken on board this recommendation and propose to amend the bill to require the tabling of the certified database in the Legislative Assembly. I commend the bill to the House.