Speech By

Hon. Scott Stewart

MEMBER FOR TOWNSVILLE

Record of Proceedings, 15 November 2023

LAND AND OTHER LEGISLATION AMENDMENT BILL (NO. 2)

Introduction

Hon. SJ STEWART (Townsville—ALP) (Minister for Resources) (11.17 am): I present a bill for an act to amend the Geothermal Energy Act 2010, the Greenhouse Gas Storage Act 2009, the Land Act 1994, the Land Regulation 2020, the Land Title Act 1994, the Petroleum Act 1923, the Petroleum and Gas (Production and Safety) Act 2004, the Place Names Act 1994, the Recreation Areas Amendment Act 2006 and the legislation mentioned in schedule 1 for particular purposes. I table the bill, the explanatory notes and a 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 (No. 2) 2023 1885.

Tabled paper: Land and Other Legislation Amendment Bill (No. 2) 2023, explanatory notes 1886.

Tabled paper: Land and Other Legislation Amendment Bill (No. 2) 2023, statement of compatibility with human rights 1887.

The Land and Other Legislation Amendment Bill (No. 2) 2023 will provide a contemporary approach to the administration of state land and the naming of places in Queensland. The bill will also enable recreation area names to be changed and will improve the resources regulatory framework to ensure the mandatory payment of local government rates and charges to support our regional communities.

State land is very important to Queensland and makes up around 60 per cent of Queensland's land mass, as members are probably aware. State land plays an instrumental role in facilitating economic activity and other public purposes through land allocation for critical purposes like primary production, community spaces, First Nation communities and for state and local government operational facilities. Honourable members of the House may not be aware that even the site of the Queensland parliament itself is state land and, yes, Mr Deputy Speaker, via the Speaker you are appointed under the Land Act 1994 as trustee for the 2.1376 hectares of hallowed land that makes up the Queensland parliamentary precinct. In effect, technically, I am your landlord.

The bill will amend the Land Act, the Land Regulation 2020 and the Land Title Act 1994 to modernise the state land administration framework. As Queensland's Big Build major project pipeline increases over the next decade, state land will be an important resource to support the delivery of infrastructure. This will include the Brisbane 2032 Olympic and Paralympic Games, the Queensland Energy and Jobs Plan and other initiatives to support economic and tourism development, First Nations outcomes and social and affordable housing. The Land Act has not necessarily kept pace with the contemporary needs of the state and it imposes restrictive limits on how state land can be allocated and used. The government must be able to deal with state land efficiently to deliver critical priority projects and provide for community needs.

To provide for the timely allocation of land, the bill will cut red tape by reducing duplication in existing decision-making around land use. The amendments will remove the requirement to consider the most appropriate use and instead rely on the planning framework and other relevant laws that already govern land use. In this context, I want to note that for nearly 30 years since the Land Act was enacted there have been three iterations of the state's planning laws—namely, the Integrated Planning Act 1997, the Sustainable Planning Act 2009 and the current Planning Act 2016.

Existing provisions in the Land Act strictly limit the circumstances under which suitable unallocated land can be granted in fee simple—meaning freehold—to a state agency. This has necessitated special purpose legislation such as the implementation of The Spit Master Plan Act 2020 and the Queen's Wharf Brisbane Act 2016 in order to provide the state with the ability to deal with commercial development projects with the benefit of freehold title. The bill proposes amendments that will remove these existing limitations and will therefore allow suitable state land to be granted to the state in freehold title. This will accelerate the land allocation process, reduce red tape and facilitate faster delivery of essential projects.

More than 21,000 state land reserves are managed by trustees for a variety of community purposes—for example, parks, public halls and sporting grounds. Under the current regulatory framework, these lands have a narrowly prescribed purpose which limits how trustees may use the land. The amendments in the bill will support trustees, most of which are government departments, local governments or statutory bodies, to manage trust land in the interests of their communities. The bill will replace the very narrow, specific community purpose listed in schedule 1 of the Land Act with six broad community purpose categories. Existing purposes will be listed against one of the categories as examples of permitted land uses. By doing this, many existing community purpose reserves will be open to a much wider range of permitted uses. These changes will provide flexibility to respond to changing community needs.

To accommodate unforeseen community needs, a new provision will be included in the Land Act to enable the minister to decide a reserve for any purpose so long as there is a demonstrated community need and it is in the public interest. The bill also expands the decision-making powers of the trustees which are state government departments, local governments and statutory bodies. Such trustees will now be able to approve leases on trust land or take actions that may be inconsistent with the purpose of trust land so long as there is a management plan in place and the lease or action does not diminish the purpose of the trust land or adversely affect the public interest—for example, allowing electric vehicle charging station infrastructure at frequently visited reserves, installing community batteries on under-utilised state land and allowing coffee carts at community parks, something we all love.

Local councils already require separate planning approval and compliance with a whole range of local laws for these secondary uses to begin. All members of the House can probably remember a time where they went to a function at the surf club. That surf club probably had to, alongside complying with other local laws, submit an application to Resources seeking for additional use. This bill removes that requirement. These changes will support trustees to make decisions in the interests of their communities. Any decisions taken by a trustee about trust land will need to be consistent with the Commonwealth Native Title Act 1993 and the Native Title (Queensland) Act 1993.

New provisions will give trustees streamlined pathways to freehold conversions for all or part of an operational reserve or non-Indigenous deed of grant in trust for operational purposes. Unlike community purpose reserves, additional reserves were allocated for facilities and buildings like council works depots, sewerage treatment plants, courthouses, police and ambulance stations and even state schools. Enabling these sites to be held, where appropriate, in freehold title will allow greater opportunity in the management, development and use of the state's property portfolio.

The bill removes limitations on term leases for pastoral purposes, responding to some issues raised by stakeholders. Currently the Land Act states—

Lease land the subject of a term lease for pastoral purposes may be used only for agricultural or grazing purposes, or both.

The bill proposes to remove this provision and make clear that these leaseholders are able to seek approval for a complementary use to their leased purpose such as farm-based tourism on their pastoral lease. These reforms will allow a leaseholder to generate a secondary income stream to support their pastoral enterprise through challenging seasonal conditions or when there are commodity—

An honourable member interjected.

Mr STEWART:—thank you; I take that interjection about how good this is—price fluctuations. Where relevant, requirements under the Native Title Act and any Planning Act considerations will, of course, apply to all proposals. The bill ensures additional lease purposes cannot be approved in relation to grazing leases on state forest and timber reserves under the Forestry Act 1959 and certain protected

areas under the Nature Conservation Act 1992. These lands are managed by the Department of Environment and Science and are specifically reserved for the purposes of forestry and nature conservation.

The bill also makes amendments to the Place Names Act 1994. Placenames are a critical component of our geography and sense of place. They are used to identify key landmarks and features in our environment with names that represent cultural values and impact on a person's sense of identity and belonging. The Place Names Act is primarily legislation for naming geographical features and areas in Queensland and has not changed substantially since it came into force almost 30 years ago. Change is needed to respond to significant shifts that have occurred in community expectations, advances in technology and developments in business practices, policy and regulation.

The bill clarifies the places to which the act applies and the administrative functions within the act—for example, the gazetteer of placenames. The bill refines the issues to be considered when changing or discontinuing the name of a place to include matters such as socio-economic impacts of giving, changing or discontinuing a name and the transitional arrangements that may be required to successfully implement a complex naming decision. The bill enhances public engagement by enabling the use of contemporary technology to make submissions. The minimum consultation time frame is aligned with that of other states and territories while retaining the flexibility to consult over a longer period as needed. The bill broadens the limited circumstances in which publication of a proposal can be waived. Significantly, it allows other consultation processes to inform placenaming decisions and provides new, more effective tools and processes to replace offensive and harmful names with more respectful and inclusive ones.

The bill enables the chief executive to propose a new or changed name for the minister to approve. A more objective and transparent decision-making process will give confidence that the minister's decision has taken account of all relevant placenaming issues and community views. Importantly, the bill provides for transitional arrangements to enable communities and businesses to adjust to a new or changed placename. This recognises that an abrupt name change may be difficult to implement in some cases—for example, due to the significance of the socio-economic impacts. Overall, the bill clarifies the scope of the Place Names Act and streamlines the placenaming process while making placenaming more inclusive and responsive to the community. Placename proposals will be decided in a timelier manner and offensive placenames removed more easily and promptly.

The bill also amends the Recreation Areas Management Act 2006 to enable, where necessary, the name of a recreation area to be changed in response to changed circumstances such as the alteration of an official name under the Place Names Act. In June of this year the official name of Fraser Island was changed to K'gari under the Place Names Act and, consequently, the name of the Fraser Island Recreation Area needs to be changed to align with the new official placename. This proposal is not a new concept and, in fact, directly mirrors existing section 63 in the Nature Conservation Act which enables the name of a protected area, such as a national park, to be changed by regulation.

Further, the bill will amend several resources acts—being the Geothermal Energy Act 2010, the Greenhouse Gas Storage Act 2009, the Petroleum and Gas (Production and Safety) Act 2004 and the Petroleum Act 1923—to introduce the payment of local government rates and charges as a consistent mandatory condition of a resource authority. The resources industry must operate responsibly in the community that it is based in, and we expect it to keep its obligations. We know that resources projects provide benefits to the regions and local communities in which they operate. Paying their local government rates and charges is an important way that resources companies can support both the growth of the resources sector and the sustainable development of our regional communities. By amending the resources acts, the bill makes the payment of relevant local government rates and charges a mandatory condition of all resource authorities. The bill will allow the department to take compliance action against resource authority holders if their rates and charges are unpaid. This may include reducing the term or area of the resource authority, imposing a monetary penalty or even cancelling the resource authority. The bill will also enable security paid by the resource authority holder to be used to pay local governments any outstanding rates and charges.

The bill will give the minister the power to take into account non-payment of local government rates and charges when deciding future resource authority applications. Through these amendments the bill will incentivise the resources industry to pay their rates and charges and allow the department to provide assistance to local governments to recover unpaid rates and charges. The bill is another way that the Palaszczuk government is supporting the resources industry and our regional communities to grow together in sustainable coexistence. I commend the bill to the House.

First Reading

Hon. SJ STEWART (Townsville—ALP) (Minister for Resources) (11.33 am): 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

Madam DEPUTY SPEAKER (Ms Bush): In accordance with standing order 131, the bill is now referred to the Transport and Resources Committee.