Speech By

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MEMBER FOR BURDEKIN

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LAND AND OTHER LEGISLATION AMENDMENT BILL (NO. 2)

Mr LAST (Burdekin—LNP) (5.19 pm): I rise to speak to the Land and Other Legislation Amendment Bill (No. 2) 2023. At first glance this bill appears, as the minister described, to provide a contemporary approach to several issues; however, on further inspection there are some elements of this bill that do generate concerns across the state. I will certainly be highlighting those as part of my contribution to this debate.

The purposes of the Land and Other Legislation Amendment Bill (No. 2) 2023 are to: improve regulatory efficiency; ensure the administration of state land and the place-naming framework remain contemporary and responsive to community needs; and introduce the payment of local government rates and charges as a consistent mandatory condition of a resource authority. The bill contains amendments to several acts and regulations. Amendments to the Land Act 1994 and the Land Regulation 2020 aim to: reduce administrative complexity; remove regulatory duplication; improve the allocation of tenure; support the delivery of strategic government projects; clarify policy intent; and support contemporary decision-making.

The changes to the act and regulation include: removing the requirement that the chief executive assess the most appropriate use of the land, which is a duplication of provisions in the planning framework established under the Planning Act; enabling the minister to dedicate a reserve for a purpose other than a community purpose including allowing electric vehicle charging infrastructure, installing community batteries on under-utilised state land and allowing coffee carts at community parks; enabling the minister to proactively offer to recommend to the Governor in Council that a trustee of an operational reserve be offered a deed of grant as opposed to the current process where a deed of grant must be applied for; removing the restriction preventing certain trustees of operational reserves from accessing a pathway to freehold conversion of the land; allowing the freeholding of a part of an operational reserve, as opposed to the current situation where a deed of grant can only be issued for the whole of the reserve; enabling a pathway to freehold conversion for non-Indigenous deeds of grant in trust; enabling the Governor in Council to grant non-Indigenous deeds of grant in trust as tenure in fee simple; extending mechanisms for trustees to approve additional uses of trust land and to streamline administrative processes, with a self-assessable framework being established to support effective decision-making; allowing unallocated state land to be granted to the state without requiring a public purpose assessment; enabling efficient allocation of state land for government projects; amendments to provide that an additional purpose for a lease may only be approved if the rental category does not change; removing restrictions that prevent additional purposes, including farm-based tourism, being approved for term leases for pastoral purposes; providing that additional purposes cannot be approved for leases for grazing purposes on state forest and timber reserves under the Forestry Act 1959 and the Nature Conservation Act 1992; replacing the existing list of specific community purposes under the Land Act with six categories of community purposes; amending the definition of 'public interest' to clarify that public interest matters also include economic considerations; removing the requirement for an

approved form in various provisions in the Land Act to provide consistency with current practices and support the overall intent for administratively efficient processes for managing land tenure; and making other minor administrative and consequential amendments to other legislation.

Amendments to the Land Title Act 1994 aim to reduce administrative burden and risk to the state by removing provisions that allow the creation of unallocated state land without consent and removing requirements for an approved form to provide consistency and clarity for common practice.

Amendments to the Place Names Act 1994 aim to provide clarification and broaden place-naming considerations to reflect contemporary issues, reduce the regulatory burden and make the decision-making process more inclusive, flexible, objective and transparent. It seeks to achieve its objectives by: refining the place-naming issues to be considered when developing and deciding a placename proposal to suit current needs; providing clarity around what a place is, that changes to locality boundary are included in place naming, for entries in and amendments to the Gazetteer for places and the scope of the offence provision for using an unapproved name in trade and commerce; refining the issues to be considered when developing or deciding a placename proposal; enabling placenames approved under previous acts which no longer fall within the current definition of 'place' to be discontinued and removed from the Gazetteer for places; enabling the chief executive to develop and publish public consultation proposals and updating the chief executive's delegations; modernising the submission time frames and methodology to increase efficiency, provide flexibility and ensure that the place-naming process is inclusive; reducing the regulatory burden of undertaking inconsequential or duplicative consultation processes; enabling the prompt removal of placenames that are offensive or harmful to a community or part of a community, supporting the proactive implementation of outcomes from other government initiatives and policies; providing continuity and legal certainty that changing or discontinuing a placename does not affect any person's rights and obligations under other legislation or legal documents where a previous name is referenced; for a placename that is to be changed or discontinued, enabling communities and businesses to transition to a new placename by continuing the existing name as an approved name in addition to the new name over a period of up to five years, with the possibility of one extension of up to five years; and enabling ministerial delegation under the act to remove the reliance on the delegation provisions of the Land Act.

The reason I have read out all of those points is that the opposition has some significant concerns around that particular amendment. I will be saying more about that later in my contribution.

I note that amendments to the Recreation Areas Management Act 2006 allow 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 by insertion of a new provision to allow a name of a recreation area to be changed by regulation.

There are four acts referred to in the explanatory notes as resource acts. Those acts are the Petroleum Act 1923, the Petroleum and Gas (Production and Safety) Act 2004, the Geothermal Energy Act 2010 and the Greenhouse Gas Storage Act 2009. The amendments to these four acts aim to ensure resource companies support the sustainable development of regional communities by: inserting new provisions in each act to make the payment of applicable local government rates and charges a mandatory condition of a resource authority; amending provisions in each act to allow the minister to use the resource authorities' security payments to remedy unpaid local government rates and charges; and amending provisions in each act to allow the minister to consider the non-payment of local government rates and charges during the renewal process for the resource authority. I will have more to say about that particular amendment during the course of this debate.

This bill was referred to the former Transport and Resources Committee and then transferred to the Clean Economy Jobs, Resources and Transport Committee, whose sole recommendation was that the bill be passed. The LNP members of the committee issued a statement of reservation along with the committee report that outlined the concerns that those of us on this side of the House have with regard to this bill.

A large portion of the amendments in this bill have implications for local government. Submissions to the former committee were received from both the Local Government Association of Queensland and the Brisbane City Council. What we see in both of those submissions is examples of a lack of consultation—an all-too-familiar occurrence in terms of looking at bills in this place. Such is the arrogance of this government that, more and more, we are seeing examples of a lack of consultation, especially with key stakeholders.

All four issues that are explored in depth by the Brisbane City Council, for example, require clarity—clarity around when the minister would dedicate a reserve for purposes other than community purposes; clarity around ensuring land for infrastructure networks will be preserved; clarity around the

expanded trustee functions and powers; and clarity on the changes to additional purposes under a lease. In addition, the Brisbane City Council also highlighted concerns of reduced transparency and increased uncertainty.

The LGAQ's submission makes 13 recommendations centred around consultation and the benefits that come with consultation. The LGAQ goes as far as recommending a local government advisory panel be formed with the express goal of ensuring detailed engagement and consultation with councils. As Alison Smith, Chief Executive Officer of the LGAQ, told the committee, this panel would work with government not only to improve the amendments included in this bill but also to develop and implement subordinate legislation, funding, guidance materials, policies and instruments to support the Land Act amendments.

Those of us on this side of the House believe in good legislation, and it is for that reason that we support the calls of the LGAQ. As we have seen time and time again under this government, it is the people of Queensland who bear the cost when the government gets it wrong. In addition to their calls for a local government advisory panel, the LGAQ have also highlighted the need for an education and training package for local government as well as funding for a range of activities.

One of the activities that the LGAQ referred to when calling for additional funding is the implementation of placename changes. Regardless of who we are, the name of the place we call home is important. Those names are not just a word. They are a link to the history of our communities, a link to family history and, in the case of Indigenous Queenslanders, a link to culture and thousands of years of history.

The amendments to the Place Names Act adds three issues for consideration when giving a place a name, changing or discontinuing the name of a place—one of those issues being government initiatives or policies. Also included in the amendments is the transfer of responsibility for developing, publishing and making a recommendation about placename proposals from the minister to the chief executive. On the one hand, we have amendments increasing political influence on the naming of places. On the other hand, we have a minister outsourcing responsibility and therefore politicising the Public Service and the names of places where we live.

While politicising a Public Service role is unacceptable, this government's amendments reducing the period for public consultation can only be described as completely unacceptable. When a government cuts in half the consultation period on such an important decision, it is an illustration of sheer arrogance, but that arrogance does not end there. This government's amendments also broaden the circumstances under which publication of a placename proposal may be dispensed with. There would be very few who would object to removing or changing a placename that is distressing, but the replacement of section 10 of the Place Names Act also includes a provision that means publishing is not required where it is decided that the proposal is 'not likely to be of substantial interest'.

In their submission, the LGAQ voiced their concerns regarding consultation on proposed name changes, including when the chief executive has not published the proposal. This is of particular concern given the cost impacts on local government resulting from renaming. I note that the minister has the ability, where a proposal has not been published, to require that the proposal be released for consultation prior to making a decision. I call on the minister to clarify what is the measure of 'substantial interest' and also to advise what would trigger a decision to require an unpublished proposal to be released for consultation.

As stated in the explanatory notes, this amendment decentralises the place-naming powers of making, publishing and deciding a proposal based on principles of good governance and separation of powers. It removes the risk of apprehension or suspicion of a lack of impartiality, accountability and transparency in naming a place, particularly where a name change may be controversial. As a consequence, the opposition believes that delegating the minister's powers as proposed and not legislating the scope and limits of the delegated authority may be seen as an abdication of the minister's responsibility to make important policy decisions.

In relation to the Land Act and Land Regulation amendments, another area of concern is the removal of a public purpose assessment when granting unallocated state land to the state. I note that in the explanatory notes this is to enable efficient allocation of state land for government projects—another example of reduced transparency. Industry should pay fair and reasonable local government rates to support local infrastructure and local services usually provided by local government.

During the committee process it became clear that there are no statutory constraints on the power of local government to determine rates and charges. It also became clear that there is no provision to consider how rates and charges should be determined and applied. To put it simply, a balance must be struck. The committee at the public hearing on 12 February 2024 heard an example where rates increased from $25,000 to $300,000 in just one year. That is a twelvefold increase in just 12 months.

The Queensland Resources Council raised the issue of the current rating system both in their submission and during the public hearing. I will say it again: industry should pay their fair share but we need a fair, sustainable and equitable rating system that allows industry to grow, and this must be achieved in consultation with local government. The opposition supports the amendment mandating the payment of applicable local government rates and charges as a condition of holding a geothermal lease. I also make the point that it makes sense that a geothermal lease—resource authority—holder should pay applicable local government rates and charges, including any interest on overdue rates and charges, before being able to make an application to renew their resource authority.

Those of us on this side of the House are proud to support primary producers, and we fully support primary producers diversifying their income and providing visitors with the opportunity to experience agriculture rather than the skewed views promoted by some interest groups. In the Burdekin, for example, farm stay tourism has long been touted as an opportunity for farmers and the wider community. However, in most cases it has simply been too hard. For these reasons, I support the removal of restrictions that currently prevent additional purposes such as farm-based tourism.

Like most Queenslanders, I enjoy a cup of coffee of a morning, so allowing coffee carts at community parks is not just good news for me but good news for the operators of those coffee carts who are usually small businesses. I feel an important point must be made though when it comes to dedicating a reserve for purposes other than community purposes.

In his introductory speech the minister referred to the installation of vehicle charging infrastructure and installing community batteries on under-utilised state land. As was revealed during the estimates hearing on 9 August last year, the then commissioner of QFES referred to electric car fires as ‘a new and emerging risk for fire services’. Up to 60,000 litres of water is currently needed to fight an electric vehicle fire. In Victoria, we saw more than 150 firefighters fighting a battery fire for four days. More recently a battery fire at Bouldercombe near Rockhampton, according to ABC News, generated hazardous smoke across that community. I call on the minister to give assurances that appropriate resources—staff and equipment—are in place prior to the installation of either charging infrastructure or community batteries on reserve land.

There are some issues with this particular bill that I have highlighted and principally amongst them is the lack of consultation that is becoming the norm under this government. This government, as I have often said, needs to take responsibility but instead has politicised the Public Service. There is no greater example of that than around the place names amendment contained within this bill. It is a sad day for Queenslanders when their government strips away their chance to be heard. Those of us on this side of the House will not stand by while this government seeks to silence Queenslanders. I will not be supporting the amendments relating to place names, and I call on all members to ensure Queenslanders are heard by doing the same.