



QUEENSLAND FARMERS' FEDERATION

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Submission

27 February 2018

Committee Secretary
State Development, Natural Resources and Agricultural Industry Development Committee
Parliament House
George Street
BRISBANE QLD 4000

Email: sdnraidc@parliament.qld.gov.au

Dear Sir/Madam

Re: Land, Explosives and Other Legislation Amendment Bill 2018

The Queensland Farmers' Federation (QFF) is the united voice of intensive agriculture in Queensland. It is a federation that represents the interests of peak state and national agriculture industry organisations, which in turn collectively represent more than 13,000 primary producers across the state. QFF engages in a broad range of economic, social, environmental and regional issues of strategic importance to the productivity, sustainability and growth of the agricultural sector. QFF's mission is to secure a strong and sustainable future for Queensland farmers by representing the common interests of our member organisations:

- CANEGROWERS
- Cotton Australia
- Growcom
- Nursery & Garden Industry Queensland (NGIQ)
- Queensland Chicken Growers Association (QCGA)
- Queensland Dairyfarmers' Organisation (QDO)
- Burdekin River Irrigation Area Irrigators Ltd (BRIA)
- Central Downs Irrigators Ltd (CDIL)
- Bundaberg Regional Irrigators Group (BRIG)
- Flower Association
- Pioneer Valley Water Cooperative Ltd (PV Water)
- Pork Queensland Inc.
- Queensland Chicken Meat Council (QCMC)
- Queensland United Egg Producers (QUEP).

QFF welcomes the opportunity to provide comment on the Land, Explosives and Other Legislation Amendment Bill 2018 (the Bill). QFF provides this submission without prejudice to any additional submission provided by our members or individual farmers.

The united voice of intensive agriculture



QFF provides comments in the Bill with regards to the following matters:

- Amendments to the definitions of who meets the criteria for notifying the state under the *Foreign Ownership of Land Register Act 1988*, so that those definitions are consistent with other state legislation (i.e. the *Duties Act 2001*);
- Provision for contemporary compliance powers in the *Land Act 1994*;
- Enabling the state to rapidly deal with dangerous structures on state land that pose a risk to public safety, and to address poorly maintained, unsafe and inappropriate buildings and structures on lease or permit to occupy state land. The amendments also enable the State to recover any removal and remediation costs if necessary;
- Introduce a framework to manage abandoned operating plant.

Contemporary compliance powers in the Land Act 1994

QFF supports the provision for contemporary compliance powers in the *Land Act 1994*. These provisions align with other Acts and increase clarity on what is expected for compliance, and to enforce when required. This ultimately addressed concerns of consistency and predictability regarding the department's approach to compliance and enforcement. As part of this, QFF welcomes the proposal to update authorised officer provisions covering appointment, training, requirements to enter places, gather evidence, request peoples name and address, stop vehicles and give notices.

The present compliance framework within the Land Act is out-dated with no powers to, for instance: respond in a timely manner to unsafe structures on state land (e.g. jetties, old industrial infrastructure, dilapidated dwellings); enable authorised officers to move on people from dangerous situations on unallocated state land (e.g. fire, prescribed burn in vegetation, sink hole); and rapidly respond to complaints and damaging activities occurring on unallocated state land.

QFF understand that these amendments are proposed to address these issues to make it safer, and easier, for authorised officers to do their jobs while increasing stakeholder interaction.

Dangerous and legacy structures

QFF understands that the government has recognised a need to deal with legacy structures on state land that are likely to result in substantial costs to the government to remove or maintain.

The amendments are sought to deal with structures that remain at the end of a lease or permit, such as unsafe rock walls, contaminated commercial or industrial buildings and dilapidated sewerage works, that the department needs to remove prior to reissuing a lease or permit to a new lessee or permittee.

Amendments have also been proposed to respond to situations where there is a structure that is not being used and has caused several community complaints and the lessee is unlikely to surrender the lease as they do not want to deal with the structure. QFF supports the intent of these provisions, to reduce the financial burden on the department and taxpayers of having to deal with unwanted and unsafe structures on state land.

Regarding rural leases for pastoral and agriculture purposes, the Department of Natural Resources, Mines and Energy has advised QFF that these amendments will have no or only minimal impact as most of these leases do not expire. However, QFF remains cautious of any cost impost to landowners from structures particularly those which they may themselves have inherited or which pose no threat to the community. Any unintended consequences from these provisions may not be immediately identifiable.

Alignment of definitions

In 2016, the State Government introduced a new surcharge in the *Duties Act 2001* (Duties Act) that applies to foreign persons acquiring residential and other land in Queensland. This resulted in inconsistency in definitions of who is a foreign person compared to the *Foreign Ownership of Land Land, Explosives and Other Legislation Amendment Bill 2018, February 2018*

Register Act 1988. This difference in definitions has the potential to be confusing and create unnecessarily red tape for people buying and selling land in Queensland. Any inconsistency will also limit future capacity for the Titles Registry and the Office of State Revenue to streamline data collection and data sharing processes. QFF welcomes alignment and consistency across all regulation.

It is critical that any amendments do not stop foreign people or corporations from owning land – that is a matter for the Foreign Investment Review Board (FIRB) and falls under Commonwealth legislation.

QFF notes the Federal Government’s recent announcement regarding the restriction on the sale of agricultural land to foreign investors, by requiring that any farm sold to a foreign investor must first be advertised widely for at least 30 days. QFF notes that ultimately sales will go to the highest bidder regardless of origin and the perceived tightening of the existing policy around foreign investment in the agricultural sector may not have an impact. QFF is however concerned that the process adds further complexity to farmers wishing to sell their land and may increase advertising and other costs; and may discourage interest from lucrative buyers.

Gas Safety Legislation

Amendments are proposed to enable the P&G Act to include provisions for managing abandoned operating plant, clarifying how the P&G Act applies where an operating plant has not been decommissioned and there is no tenure or environmental authority in place. In these situations, the responsibility to safely manage any legacy issues currently falls to the state, but may also have indirect costs and operational impacts to the landowner. It is essential that landowners are not left with remediation activities, liabilities and costs associated with abandoned assets.

In addition, the Bill introduces provisions for the P&G Act to enable abandoned operating plant to be maintained in a safe manner like those for abandoned mines in the MRA (contained in Chapter 13, Part 4) and related provisions in the *Coal Mining Safety and Health Act 1999* and the *Mining and Quarrying Safety and Health Act 1999*. As with the abandoned mines framework, the requirements of the *Work Health and Safety Act 2011* will apply to the abandoned operating plant.

QFF did express concern with the department (in 2017) that these provisions could be widely applied to other installations licenced under the P&G Act, including anaerobic digesters and other biogas equipment, or more broadly landfill gas applications. QFF notes the clarification inserted into the Bill. However, the additional regulation to anaerobic digesters proposed by the Department of Environment and Science has not yet commenced and the final decision Regulatory Impact Statement has also not been completed and released. As such, QFF is not in a position to determine if the ‘management of abandoned operating plant’ will have consequences on-farm, or for agricultural processors.

If you have any questions regarding this submission please contact Dr Georgina Davis at georgina@qff.org.au

Yours sincerely

Travis Tobin
Chief Executive Officer