

AGRICULTURE AND ENVIRONMENT COMMITTEE

REPORT NO. 32 ON THE

Land and Other Legislation Amendment Bill 2016

QUEENSLAND GOVERNMENT RESPONSE

INTRODUCTION

On 29 November 2016, the Land and Other Legislation Amendment Bill 2016 was introduced into Parliament.

The Bill was subsequently referred to the Agriculture and Environment Committee with a report back date of 7 March 2017.

On 7 March 2017, the Committee tabled its report no. 32 in relation to the Bill.

The Queensland Government response to recommendations made by the Committee are provided below.

RESPONSE TO RECOMMENDATIONS

Recommendation 1

The committee recommends the Land Other Legislation Amendment Bill 2016 be passed.

Government Response

The government thanks the committee for its consideration of the Bill.

Recommendation 2

The Committee recommends that Clause 24 of the Bill be amended, in accordance with the recommendations of the Local Government Association of Queensland, to remove the proposed amendments and instead require a notice period between the receipt of a resignation by the Minister and the resignation taking effect.

Government Response

The government thanks the committee for the recommendation.

The government, through the Department of Natural Resources and Mines, has undertaken consultation with the Local Government Association of Queensland (LGAQ) and considered alternative ways of achieving a smooth transition from a resigning trustee to a replacement

trustee. The government proposes to move amendments during consideration in detail to give effect to the recommendation of the LGAQ.

Recommendation 3

The Committee recommends that Clause 27 be amended to provide for the provision of notices to local government trustees under the proposed sections 321E, 321G, 321H and 321J, and to alter the wording of the proposed section 321K to make it clear that compensation is payable by the State, not local government.

Government Response

The government accepts the recommendation.

The government, through the Department of Natural Resources and Mines has undertaken consultation with the Local Government Association of Queensland (LGAQ) and agrees that notice provisions should be expanded to ensure local government trustees are provided with notices provided for in clause 27 to support the compliance framework for prescribed terms.

A local government trustee is also to be provided with an opportunity to make submissions in relation to a notice of intention to cancel an interest and the manner in which improvements on the land may be dealt with.

Additionally, it is agreed that whilst proposed section 321K implicitly provides that where compensation is payable under that section, it is payable by the State, the provision would benefit from an explicit statement of same.

The government proposes to move amendments during consideration in detail to give effect to the recommendation of the Committee.

Recommendation 4

The Committee recommends that section 164C(5) of the *Land Act 1994* be amended to permit holders of rolling term leases to make one application for extension at any point during the term of the lease.

Government Response

The government accepts the recommendation.

Matters raised during consideration of the Bill by the Committee highlight the benefits to be gained by landholders being able to make an application for an extension of a rolling term lease, although only once, at any time during the term of a lease.

The government accepts that the current requirement that an application for a rolling term lease extension be confined to the last 20 years of the term of the lease no longer has a compelling policy rationale and that it is appropriate that this requirement be removed.

The government proposes to move amendments during consideration in detail to give effect to the recommendation of the Committee.