Department of Natural Resources and Mines

Queensland state land– Strengthening our economic future

Discussion paper

Great state. Great opportunity.

Queensland Government

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Policy and Program Support, Department of Natural Resources and Mines.

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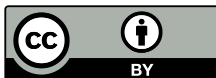

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Contents

Minister's foreword v

Queensland's state land—What could the future look like? vi

Introduction 1
- Why the need for reform? 2
- Setting the future direction 3
- Reform themes 4
- Have your say 4
- How to use this document 4
- Who should make a submission? 5
- How to make a submission 5
- Public access to submissions 5

Opportunities for reform 7
- Investment certainty for leaseholders 8
  - Strengthening security of land tenure for business and residential leaseholders 9
  - Converting to freehold land tenure 9
  - Improving land tenure security 11
  - Ability for leaseholders to authorise the use of land by third parties 12
- Providing greater flexibility for local governments 14
  - Community purpose reserves 15
    - Increasing autonomy for local governments to authorise the use of community purpose reserves 16
    - Generating greater returns for communities from community purpose reserves 17
    - Modern tenure arrangements–land for community infrastructure 17
  - Local government controlled roads 18
    - Increasing autonomy for local governments to authorise local road use 19
    - Generating greater returns for communities from the use of local roads 20
    - Increasing autonomy for local governments to permanently close local roads 21
  - Stock routes 22
    - Reform directions for stock routes 24
    - A new Bill for stock routes 25
- A streamlined regulatory environment 26
  - Consistency in authorising use of state land 27
  - Simplifying land acquisition to support economic development 30
    - A simplified legislative framework for all land acquisition 31
    - Consistent powers for constructing authorities to acquire all land tenures 32
  - Reconfiguring a lot on state land–local government consideration 33
  - Other opportunities for reforms 34

Abbreviations 35

Glossary 36

References 38

Appendix 1: Queensland—areas by land tenure 39

Appendix 2: Community purpose reserves held by individual local governments as trustees 40

Appendix 3: Legislation applying to state land 41

Appendix 4: List of have your say questions 42

Minister's foreword

The Queensland Government administers more than 126 million hectares of state land—an area greater than five times the size of the United Kingdom. We undertake this task on behalf of all Queenslanders, for the benefit of our economy, our industries and our way of life.

In the most significant state land review conducted in over 100 years, the Queensland Government is planning to reform the management and administration of state land.

The current state land system is outdated, inconsistent and overly complex. It originated in the early 1900s, and what was relevant then is no longer relevant for a global economy operating in a technological environment.

To build a stronger, more economically resilient state we need a modern state land system. To achieve this I am committed to undertaking the most extensive review of state land since last century.

A new system is needed that modernises and consolidates legislation, streamlines government processes, reduces red tape and regulation and improves the way services are delivered to Queenslanders.

As a first step in this process we have already introduced legislation targeting reforms to our agricultural and tourism sectors. These reforms will deliver greater investment certainty for rural and island tourism leaseholders by providing more secure land tenure and significantly reducing red tape.

This discussion paper marks the start of a major reform of Queensland's state land system. My aim is for a simple, state land system that benefits all Queenslanders and promotes our economic prosperity, but I need your help to achieve this.

I am calling on industry, local governments, leaseholders and other customers to get involved in the reform process. We want to hear your ideas to help shape the future management of state land. Together we can develop a state land system that delivers a prosperous Queensland.

Andrew Cripps

The Honourable Andrew Cripps MP
Minister for Natural Resources and Mines

Queensland has a vision for the state land system:

Queensland's state land is managed responsibly to promote greater opportunity for local and regional development, economic prosperity and thriving communities.

Queensland's state land — What could the future look like?

To help achieve this vision, the Queensland Government has developed the following objectives:

Reform objectives	
Economic growth promoted	• More productive use of our state land to generate wealth and prosperity for current and future generations of Queenslanders.
State land is managed and used responsibly	• State land is used and managed to deliver a balance of economic, social and environmental benefits. • Ensure state land is administered and managed consistent with the legislation governing native title rights and interests.
Greater investment certainty for leaseholders	• Freehold ownership of state land is increased. • Leaseholders have more secure land tenure and flexibility to authorise use of their land.
Empowered local governments as managers of state land	• Local governments have greater autonomy to make decisions benefiting their communities, about community purpose reserves, roads and stock routes. • Improved economic opportunities from state land under local government control to enable communities to grow.
A modern, adaptable regulatory framework for state land	• Legislation for state land is streamlined, practical and easy to administer. • Red tape and unnecessary government intervention is reduced. • Delivery of services is responsive, efficient and meets the needs of customers and government.

What is state land?

State land is land administered by the Queensland Government on behalf of all Queenslanders. It does not include freehold land.

State land includes the following land tenures:

- **Leasehold**—leases granted under the *Land Act 1994* for a particular purpose such as grazing, agriculture, business or residential, which may be held for a specific term or in perpetuity.
- **Reserves**—dedicated under the Land Act for community or operational purposes and managed by a trustee.
- **Roads**—includes streets, esplanades, pathways, highways or thoroughfares that are intended for public use.
- **Unallocated state land**—land that has not been allocated as freehold land or for one of the tenures previously listed.
- **Other land tenure**—national parks, regional parks, state forests, forest reserves and timber reserves.

Appendix 1 provides more information on the area of land that makes up state land.

Queensland state and freehold land

Introduction

Why the need for reform?

Queensland's state land system was largely developed at a time when there was greater need for government control over the allocation and management of land; however, this system is now outdated. It is regulated by multiple Acts that deal with different aspects of administration, management and use. State land customers and managers have raised concerns about their ability to achieve the most beneficial economic opportunities from their land under the current system.

This was reinforced by a 2012 parliamentary inquiry into the future and continued relevance of Government land tenure across Queensland ('the Inquiry'). The original scope of the Inquiry included focusing on the viability of Queensland's pastoral and tourism industries that rely on leasing and using state land.

Following the Inquiry, the Queensland Government introduced reforms focused on changes for rural and island tourism leaseholders of state land.

Many Queenslanders have some involvement with state land—from the people who lease the land for grazing, residential and business purposes to local governments who manage the land used by the community for local roads, stock routes and community purpose reserves.

Community purpose reserves include sporting fields, showgrounds, gardens, jetties and public boat ramps, parks, public amenities and public halls.

State land ranges from large grazing lands in far western Queensland, Gulf Country and Cape York to land in highly urbanised areas of towns and cities.

These reforms provide greater security of land tenure for the leaseholders and help drive growth in the key agriculture and tourism sectors. More information about the reforms is available at www.dnrm.qld.gov.au.

However, public submissions also highlighted a broader range of issues, including:

- lack of land tenure security for other leaseholders resulting in poor investment confidence and inhibited productivity
- inconsistent outcomes for state land customers as a result of complex, time-consuming, costly and outdated legislation
- inflexible systems that hinder local government in its role as managers of state land.

The full report from the Inquiry and the Queensland Government's response are available at www.parliament.qld.gov.au. This discussion paper marks the start of the broader reforms needed to modernise the state land system.

One of the reform objectives is to ensure that state land is administered and managed consistent with the legislation governing native title rights and interests. The Queensland Government will be working with key stakeholders to develop a better approach to native title negotiations and incentives that enhance how native title consents are obtained. This parallel work will assist in shaping the program of state land reform.

In conjunction with the broader reforms to the state land system, the Government Land Asset and Management group is reviewing land and property held by state government agencies with a view to ensuring that real property based assets are identified, assessed and are managed to their full potential for the benefit of the people of Queensland.

Setting the future direction

The Queensland Government has a vision to grow a stronger, more resilient and competitive Queensland economy.

The foundations for this have already been laid through the development of the *Queensland Plan* and the *Governing for Growth: Economic Strategy and Action Plan*.

The action plan sets out how the government intends to drive economic growth and the reforms necessary to achieve it. A key part of this plan is to review the legislation for managing and administering state land. The diagram below shows the process of the development of state land reforms.

Reform themes

For the purpose of consultation, this paper is divided into the following three themes which reflect the objectives for reforming Queensland's state land system:

- investment certainty for leaseholders
- providing greater flexibility for local governments
- a streamlined regulatory environment.

Have your say

The Queensland Government is seeking your feedback about how best to reform the state land system in Queensland.

The feedback we receive from this consultation process will assist the government in shaping a future state land system that meets the needs of Queenslanders.

The government will review all submissions to ensure the views reflected inform any future policy, administration and legislative changes.

Your feedback is not limited to the reforms outlined in this paper and we welcome all submissions of relevance.

How to use this document

We have designed the 'Have your say' questions throughout the discussion paper (also listed in Appendix 4) to stimulate discussion and encourage your input. You can use them to focus your submission responses, but you are not limited to just answering those questions.

The blue boxed content provides background information and examples from the current system.

All statistics and government fees mentioned in this document are current as at March 2014, unless otherwise stated.

Refer to the comprehensive glossary on pages 36–37 which should assist with any terminology that may be unfamiliar to you.

Who should make a submission?

Submissions are invited from anyone with an interest in the issues raised in this paper.

Primary targets include:

- leaseholders of state land
- local governments
- trustees of state land held as a reserve
- a holder of a permit to occupy, licence, or another authority over state land
- a constructing authority with the power to acquire land for public purposes
- people with practical experience and/or expertise with the current state land system.

How to make a submission

The government welcomes all feedback on the discussion paper. **Submissions close at 5pm on 31 August 2014.**

Submissions can be made by:

- visiting the Department of Natural Resources and Mines (DNRM) website www.dnrm.qld.gov.au and completing the online questionnaire

or

- in writing by email or post
  - statelandenquiries@dnrm.qld.gov.au
  - State Land Reforms
    Department of Natural Resources and Mines
    PO Box 15216
    City East Qld 4002

Public access to submissions

Please indicate whether you would prefer all or part of your feedback to remain confidential. Submissions not marked as 'Confidential' may be published in full or quoted in public documents.

The *Right to Information Act 2009* allows public access to information held by government. You should consider the potential implications of this legislation to your submission.

For more information, visit www.dnrm.qld.gov.au or call 13 QGOV (13 74 68).

The Cairns Post

Opportunities for reform

Investment certainty for leaseholders

This section seeks your feedback on the process for business and residential leaseholders to move to freehold land tenure and ways to improve land tenure security. Also, your feedback is sought on ways to improve arrangements for all leaseholders to authorise the use of leased land by third parties.

Strengthening security of land tenure for business and residential leaseholders

The Queensland Government is committed to increasing the level of freehold ownership of state land. However, sometimes freehold land tenure is not always an option, as it may not be possible under commonwealth or state laws.

In these cases, improving security of land tenure is important so leaseholders can plan and invest for the long-term.

There are approximately 1485 business leases and 2135 residential leases in Queensland.

Land tenure security is the amount of certainty a landholder has in their ongoing interest in the land. This includes the right to use, control and transfer land within the restrictions imposed by law.

Converting to freehold land tenure

Freehold land tenure provides the greatest investment certainty for landholders. Freehold land tenure is less restrictive than leasehold land tenure in terms of what landholders can or cannot do with state land. Leases issued over state land are normally subject to a range of conditions relating to the use, control and transfer of the land, and are often issued for a set time period.

Under the Land Act, business and residential leaseholders can apply to convert their leases to freehold land tenure. While there are opportunities to streamline this process, the process itself is not considered to be a major deterrent to leaseholders. Despite this there has been little uptake. Between July 2010 and March 2014 only about seven per cent of business and residential leaseholders had converted to freehold land tenure.

To convert to freehold land tenure, a business and residential leaseholder would make an application to the Department of Natural Resources and Mines. When the application is approved, the leaseholder would be required to pay the government the purchase price which is:

- the unimproved value of the land
- the market value of any state-owned commercial timber on the land.

In some cases, the land will need to be surveyed before it can be converted to freehold land tenure. Survey costs are payable by the leaseholder.

The annual rent for business and residential leases is calculated at six per cent of the rental valuation (defined under the Land Act). With current market conditions giving leaseholders access to finance from commercial lenders at rates of around six per cent annually, there are long-term financial benefits for leaseholders to convert their lease to freehold.

In addition to the financial benefits, a landholder of freehold land is free of the restrictions relating to the use of leasehold land, and therefore can explore opportunities to expand the use of the land to deliver improved economic outcomes.

A comparison of the net present costs (NPC) and benefits for business and residential leases verses conversion to freehold land tenure is outlined below. The example compares the net present costs of cash flows based on two scenarios:

- continued leasing of the land by the leaseholder
- purchase of the land (borrow and buy) from the state by the leaseholder.

The following analysis shows that converting to freehold would be beneficial for business and residential leaseholders.

Example—converting a business or residential lease to freehold land tenure

	Residential		Business	
	Leasehold	Freehold	Leasehold	Freehold a/tax
NPC	-208 144	-190 819	-208 144	-188 095
Benefit (cost)		8%		10%

For this analysis, the following assumptions were used:

- An unimproved value of $150 000
- A land appreciation rate of 2%
- A discount rate for positive cash flows of 8%
- A residential borrowing rate of 6.83%
- A business borrowing rate of 8.81%
- Business leaseholders have tax deductable business interest payments
- A loan term of 30 years
- Annual lease and loan payments.

Have your say: Converting business and residential leasehold land to freehold land tenure

1. *As a business or residential leaseholder of state land, are you aware that you can convert your lease to freehold land tenure?*
2. *Are there impediments to business and residential leaseholders converting to freehold land tenure? If so, what do you think they are?*
3. *What could the government do to make it easier to convert to freehold land tenure?*

Improving land tenure security

Converting a business or residential lease to freehold land tenure is not always an option, for example the location of the lease or other state and commonwealth laws may prevent a change of tenure. The government recognises that other ways are needed to improve leaseholders' land tenure security.

Leaseholders consider the current lease renewal process to be complex and time consuming, and feel that it provides little certainty about whether a lease will be renewed. The government must consider a long list of requirements under the Land Act before offering a new lease. Even when a lease is likely to be renewed, it remains uncertain whether it will be offered for the same term and for the same sized area, or a smaller sized area, than the original lease.

Current lease renewal process under the Land Act

A leaseholder may apply to the Queensland Government for a 'new' lease after 80 per cent of the term of the existing lease has expired, provided all outstanding rent has been paid and no lease conditions prevent the renewal.

A new lease can only be offered to the same leaseholder and for the same purpose as the existing lease.

The following matters must be considered under section 159 of the Land Act:

- leaseholders' interests
- public interest and whether the land is needed for a public purpose
- condition of the leased land and whether it is degraded
- whether the leaseholder has complied with the existing lease conditions
- any Indigenous cultural interest agreements
- whether there is a more appropriate use for part of the leased land
- whether part of the lease is on an island or is special due to its location, heritage, aesthetic appeal and any natural environmental values.

It is common under freehold business and residential leasing arrangements to include conditions providing a lessee with an option to extend their lease. This ability to exercise an option to extend their lease provides more secure land tenure for lessees of freehold land to plan and invest for the long-term.

To improve the land tenure security of state land business and residential leaseholders, lease conditions could provide them with an option to extend, provided existing state interests are recognised. This process would be more streamlined, shorter, and less costly and would remove the uncertainty involved in the current Land Act lease renewal process.

Have your say: Improving land tenure security for business and residential leaseholders

4. *Should business and residential leaseholders be provided with an option to extend their lease, when converting to freehold land tenure is not available? Please explain why?*

1. *In what other ways do you think greater security of land tenure could be provided for business and residential leaseholders?*

Ability for leaseholders to authorise the use of land by third parties

Under the Land Act, leaseholders with business, residential, rural or other types of leases, can only authorise a third party to use their land by subleasing all or part of their lease area. The purpose of the sublease has to be for the same or complementary purposes as the lease and requires the Minister's approval and for the sublease to be registered.

A sublease provides a third party with exclusive rights and interests in the subleased land, excluding the leaseholder from occupying that area. This may be impractical or unviable for a leaseholder and could limit the economic potential of the land. In addition, subleasing state land is subject to a range of legislative requirements and limitations.

By comparison, freehold landowners can authorise the use of their land by third parties through other arrangements such as a licence or by entering an agreement. Generally, these do not restrict the landowner's access or use of the area. There are also no formal legal requirements to register these arrangements and they can be put in place for any time frame desired by the landowner.

Extending these arrangements to leaseholders of state land would:

- improve flexibility for leaseholders to benefit from and manage their land (e.g. through an agistment agreement)
- provide opportunities to supplement their income
- support communities to take advantage of complementary businesses operating nearby
- enable co-location of land uses which are the same or complementary to the purpose of the lease.

Have your say: Leaseholders' ability to authorise third party use of land

1. *Should leaseholders of state land have more flexible arrangements to authorise the use of their land by third parties? Please explain your answer.*
2. *What requirements or restrictions, if any, should be placed on leaseholders authorising the use of state land by third parties under non-subleasing arrangements?*
3. *Should a licence or agreement to allow a third party to use state leasehold land be subject to similar requirements/restrictions as a sublease? Please explain your answer.*

Providing greater flexibility for local governments

This section seeks your feedback on possible reforms to provide local governments with greater autonomy in their role as managers of state land, specifically community purpose reserves, local roads and stock routes. Feedback is also sought on opportunities for local governments to generate greater returns for their communities from community purpose reserves and roads under their control.

The Queensland Government is committed to developing new and more productive relationships with local governments in their role as managers of state land. This includes exploring ways to stimulate economic opportunities for local governments managing state land.

Local governments have an important role in managing state land to benefit the community and grow our regional economies. They are responsible for managing state land used for community reserves, local roads and stock routes.

In July 2012, the Queensland Government and local governments entered into the Partners in Government Agreement—an agreement about how they would work together to improve outcomes for the Queensland community. The full agreement can be viewed at www.dlgcrr.qld.gov.au. The commitments made under the agreement were taken into account in the development of this discussion paper.

Community purpose reserves

Approximately 19 620 reserves covering about 1.6 million hectares located throughout Queensland are set aside for community purposes under the Land Act.

A community purpose (under schedule 1 of the Land Act) includes land for beach protection, cemeteries, cultural and environmental purposes, drainage, gardens, heritage, jetties, public boat ramps, parks, recreation, public halls, public amenities, showgrounds and sport.

Most of these reserves—about 18 660 covering approximately 704 740 hectares—are held by local governments, as trustees, appointed by the Queensland Government. Appendix 2 shows the number of community purpose reserves held by individual local governments.

As a trustee, a local government has responsibility for the day-to-day maintenance and management of a reserve, and for authorising the use and occupation of community purpose reserves by third parties under a trustee lease or permit. The use must be consistent with the purpose of the reserve; and if it is inconsistent, it should not diminish the purpose of the reserve. For example, a local government could issue a permit to a person to hold a circus at a showground reserve.

Current arrangements for reserves under the Land Act

The Minister may dedicate unallocated state land as a reserve for one or more community purposes. The Minister may also appoint a person as trustee of a reserve. A trustee of a reserve has certain functions and responsibilities including:

- managing the reserve in a way that is consistent with the purpose for which the reserve was dedicated
- controlling noxious plants on the land
- providing a duty of care for the land
- protecting and reasonably maintaining all improvements on the land.

Under the Land Act, a trustee has the power to:

- take all necessary action to maintain and manage a reserve, provided the action is consistent with the reserve's purpose and any conditions of appointment of the trustee
- lease all or part of the reserve for a period of no more than 30 years
- issue a permit to a third party to use all or part of the reserve provided the permit is consistent with the reserve's purpose and is for no more than three years.

Increasing autonomy for local governments to authorise the use of community purpose reserves

In appointing a local government as the trustee of a community purpose reserve, the Queensland Government still oversees its management and retains the ability to:

- authorise the use and occupation of a reserve by third parties under a lease or permit to occupy
- grant an easement over a reserve.

In addition, if a local government seeks to issue a trustee lease over all or part of a reserve, it must obtain the Minister's approval. This is just one of the many restrictions placed on local governments in their role as trustee.

Given the Queensland Government appoints local governments (as trustees) to oversee the day-to-day management of community purpose reserves, it seems unnecessary duplication for the Queensland Government to have an ongoing role in authorising the use of these reserves.

Greater local government autonomy and less duplication provides an opportunity for more productive outcomes for local governments and the community.

Have your say: Increasing autonomy for local governments–community purpose reserves

1. *Should local governments have greater autonomy to manage and authorise the use of community purpose reserves? If no, please explain your answer.*

4. *If yes, what current restrictions could be removed to provide local governments with more autonomy and flexibility?*

5. *Do you have any further comments on the management and use of community purpose reserves?*

Generating greater returns for communities from community purpose reserves

When a local government authorises the use of a reserve under a trustee lease or permit they can charge and retain rent. However, under the Land Act, they are restricted to:

- charging rent appropriate to the use, community benefit and purpose of the lease or permit
- spending any rent received on maintaining and enhancing the reserve over which the lease or permit is authorised.

Local governments must also abide by the *Local Government Act 2009*, which specifies (under section 97) that they may only charge 'cost-recovery fees'. This means that when setting any rent for a trustee lease or permit to use a reserve, local governments have to consider not only the restrictions under the Land Act, but also those under the Local Government Act.

These restrictions can prevent local government from getting a reasonable market rate from the use of a reserve, particularly where the use is of a commercial nature. This limits economic development opportunities and the amount of revenue that can be collected and reinvested in the local community.

Have your say: Greater returns for communities from community purpose reserves

1. ***Should local governments be able to charge an appropriate market rent for the use of community reserves? Please explain your answer.***

6. ***Should there be restrictions on how local governments apply income received from community purpose reserves? If so, what should these restrictions be?***

Modern tenure arrangements–land for community infrastructure

As part of the development approval process and under the *Sustainable Planning Act 2009*, local governments can require developers of freehold land subdivisions to set aside part of their development for community infrastructure, such as parks, recreation areas and community facilities. The developer then provides the land to the relevant local government which holds the land as freehold on trust for the community's benefit.

The history behind land for community use

Historically, land for community use was allocated from the Crown estate (state land) as a community purpose reserve under the Land Act. The state continued to own the land but could put a trustee in place, such as a local government, to manage the land.

Over time, the availability of suitable state land for community use has decreased. As freehold land subdivision developments increased, the demand for more local land for community use also increased. In 1963, the Queensland Government introduced legislation allowing local governments to require developers to allocate land for community infrastructure as part of a freehold land subdivision. This land was set aside as a reserve under the Land Act.

These arrangements were improved with the *Integrated Planning Act 1997*. Land for community infrastructure arising from freehold land subdivisions could now be held by local governments as freehold on trust, rather than state owned as a reserve under the Land Act. These arrangements continue today under the Sustainable Planning Act.

Alternative arrangements under the *Land Title Act 1994* and Land Act are also being used by local governments as part of the development approval process to secure land for community infrastructure.

The Land Title Act and Land Act require that when a plan of subdivision is approved by a local government, and the community infrastructure land is shown on the plan as public use land, it must be set aside as a community purpose reserve. The state then owns the land, which is held as a reserve, even though it originally arose from a freehold land subdivision approved by local government.

This policy originated in the 1960s and imposes additional and unnecessary layers of regulation on land provided for community infrastructure. It also does not provide the best land tenure for local government managing the community infrastructure land; and is inconsistent with the government's policy approach under the Sustainable Planning Act.

The Queensland Government proposes removing the arrangements from the Land Title Act and Land Act. This is to ensure that all land for community infrastructure from freehold land subdivisions is secured under the Sustainable Planning Act and is held by local governments as freehold on trust.

Have your say: Land tenure arrangements – land for community infrastructure

1. *If the Land Title Act and Land Act provisions are no longer available to secure land from freehold land subdivisions for community infrastructure, such as parks and recreation areas, will there be any issues for local governments? Please provide details.*

Local government controlled roads

Approximately 3.4 million hectares of land is dedicated as roads for public use in Queensland.

Local governments have control of all public roads in their area, except for state-controlled roads. This control extends to:

- constructing, maintaining and improving roads
- regulating the use of roads including for traffic movement and parking
- naming and numbering roads
- surveying, realigning and widening roads
- acquiring land for roads.

Although local governments have most control over local roads, the Queensland Government handles some aspects of local road use and closure under different legislation. This part of the discussion paper focuses on the Queensland Government's powers to deal with roads under the Land Act.

What is a road?

A road can be for public or private use.

A road for public use is an area of land dedicated or declared to be a road for public use under an Act. All roads dedicated for public use vest in the state. It can be constructed or not, and includes highways, streets, esplanades, footpaths, bicycle paths, thoroughfares, tracks, bridges, causeways, culverts, tunnels and stock routes.

A state-controlled road is declared under the *Transport Infrastructure Act 1994*, and is the responsibility of the Queensland Government. A state-controlled road includes freeways and highways.

A private road is owned by a person who can lawfully exclude other people from using the road. Neither local governments nor the Queensland Government are responsible for private roads.

Increasing autonomy for local governments to authorise local road use

Under the Land Act, the Queensland Government can authorise the use of roads under a local government's control by:

- temporarily closing a road and issuing a licence to use the closed road
- issuing a permit to occupy the road.

For example, a landowner whose land adjoins a local road may want to graze or cultivate crops on the adjoining road. If the road or part of the road is not used by the public, the land-owner can apply to the Queensland Government to temporarily close the adjoining road. If approved, the Queensland Government issues a road licence to graze or crop the adjoining road and notifies the relevant local government.

Current Land Act arrangements for authorising the use of roads

A person may apply to the Minister to temporarily close a road if:

- the applicant owns land adjoining the road (an adjoining landowner)
- the applicant wants to lay irrigation pipes or construct irrigation water channels that cross the road.

The Minister or the applicant must notify the relevant local government of the application.

If the temporary road closure is approved, a road licence is issued allowing the person to exclusively use the road until the Minister decides to reopen it to the public. The Minister must advise the local government of the closure.

A person can also apply to the Queensland Government for a permit to occupy a local road, but they must advise the local government of their intention to apply. The Queensland Government will seek the views of the relevant local government about the proposed permit and advise whether a permit is issued.

If a permit to occupy a road is issued, the road can also be used at the same time by the public for a variety of compatible uses. For example, when a permit to occupy a road is issued for installation of a water bore pump, the pump's location must not interfere with the public's right to use the road.

Under the Local Government Act, local governments are also able to authorise the use of roads under their control by making local laws. Local laws can be made for matters concerning the construction, maintenance and use of public utilities (drainage, electricity, gas, sewerage, telecommunications and water) or ancillary works and encroachments along, in, over or under roads.

Ancillary works and encroachments

Ancillary works and encroachments include drilling, clearing, trimming, slashing, landscaping, planting, burning off, road safety activities, sporting activities, camping, conducting a business (such as a market) and moving stock. These also include gates, cane railways, monuments, statutes, conveyors, rest areas, advertising, traffic signs, bikeways, stock facilities, buildings, shelters, light poles and water-related infrastructure.

Given local governments have clear responsibilities to control and authorise the use of local roads, it seems unnecessary duplication for the Queensland Government to have an ongoing role in authorising the use of these roads under the Land Act. Greater local government autonomy and less duplication would provide opportunities for more productive outcomes for local governments and the community.

Have your say: Increasing autonomy for local governments–use of roads

1. *Should local governments have greater autonomy to authorise the use of roads under local government control? If no, please explain your answer.*

7. *If yes, what improvements or changes do you think are necessary to improve local governments' ability to authorise the use of roads under their control?*

Generating greater returns for communities from the use of local roads

Local governments can charge fees for the use of local roads. This may include an application fee for issuing or renewing a licence or permit to use the road.

Similar to the use of community purpose reserves, local governments can only charge cost-recovery fees for the use of roads. This restriction can prevent local governments from receiving a reasonable market return from the use of roads, particularly for commercial use. This limits economic development opportunities and the amount of revenue that can be collected and put back into the local community.

Have your say: Greater returns for communities from the use of local roads

1. *Should local governments be able to charge an appropriate market rate for the use of local roads? Please explain your answer.*

8. *Should there be restrictions on how local governments apply income from the use of roads? If so, what should the restrictions be?*

Increasing autonomy for local governments to permanently close local roads

Under the Land Act, the Queensland Government can decide whether or not a public road should be permanently closed, including a local road. Once permanently closed, it is no longer a road. The land that formed the road becomes unallocated state land and is available for the Queensland Government to allocate to some other purpose. Annually, the Queensland Government approves approximately 220 applications to permanently close roads.

Current Land Act arrangements for permanently closing roads

A road may be permanently closed for public use if the Minister is satisfied the road is no longer needed.

The Minister can make this decision with or without receiving an application.

A public utility provider (including local government) or an adjoining landowner may apply for a road to be permanently closed.

The Minister must notify the local government of the application, unless the local government is the applicant. In deciding whether the road is still needed, the Minister considers:

- **is the road the only dedicated access to a person's land**
- **whether the road may be used regularly by the public as a road or stock route**
- **whether the road provides continuity to a road network**
- **objections to the road from local government.**

If the Minister approves the permanent road closure, the local government must be notified.

An application to permanently close a public road often involves expanding the land use adjoining the road. This generally requires a development approval from local government.

Given the Queensland Government consults with the local government before deciding on an application to permanently close a road, it seems more efficient for both the permanent road closure and the development application to be considered together and decided by the local government, with the Queensland Government having an opportunity to comment on the proposed closure.

Local government also has the power under the Local Government Act to permanently close local roads. However, if a local government permanently closes a local road, the road is only closed to traffic and the land remains dedicated as a road under the Land Act rather than becoming unallocated state land.

Local governments have clear responsibility for local roads. Greater autonomy for local governments to decide permanent road closures and subsequent allocation to another use would be more efficient and beneficial to the community.

Have your say: Increasing autonomy for local governments to permanently close local roads

1. ***Should local governments take on current Queensland Government responsibilities under the Land Act for permanently closing local roads? If so, what would be the most effective method for achieving this?***
9. ***What restrictions or considerations, if any, should a local government have to take into account when deciding to permanently close a public road under its control?***

Stock routes

Stock routes is made up of a complex system of roads, declared as stock routes, as well as reserves for moving stock on foot. It traverses approximately 72 000 kilometres of Queensland (Figure 1).

This network comprises approximately 2.1 million hectares of roads declared as stock routes under the *Land Protection (Pest and Stock Route Management) Act 2002* (Land Protection Act); and 0.5 million hectares of reserves (including camping, water, pasture and trucking reserves) dedicated under the Land Act for the purpose of travelling stock.

Stock routes don't have a separate title or land tenure from the underlying road or reserve, so they are also used by the general community for road transport, recreation and beekeeping. They are also used by utility companies to provide powerlines, pipelines and telecommunications. Queensland's stock routes have significant environmental and cultural heritage values.

State and local governments share responsibility for administering the stock route network under the Land Protection Act.

Current stock route management arrangements

Local governments are responsible for the day-to-day management of the network including:

- issuing travel permits under the Land Protection Act for stock route use. Anyone seeking to move stock on foot along a stock route is generally required to obtain a travel permit
- issuing grazing (agistment) permits under the Land Protection Act for short-term g razing on the network (e.g. during drought or floods or when stock need to be spelled for their welfare)
- maintaining stock route facilities located in their areas, such as watering points, bridges, crossings, loading ramps, holding yards and fencing.

The Queensland Government is responsible for:

- providing support, guidance, decision review and strategic direction for management of the network as a whole
- authorising use of the roads and reserves forming the network for purposes other than the moving or short-term grazing of stock (under the Land Act)
- providing capital works funding for upgrading and refurbishing stock route facilities
- issuing permits to occupy for longer-term grazing on the network (under the Land Act)
- approving, under the Transport Infrastructure Act, any travel or grazing (agistment) permit proposed to be issued by local government on state-controlled roads forming part of the network.

Figure 1: Queensland stock route network September 2009

Reform directions for stock routes

Heavy use of the stock route network during severe drought conditions in 2002–03 exposed several shortcomings in the existing management and legislation. These included:

- significant shortfalls between the cost of using the network and the cost to governments for managing and maintaining the network
- unauthorised use of the network due to insufficient support for local governments to manage the network for its primary purposes of moving stock and dealing with competition for pasture access.

An extensive review process followed, which was initiated by the Queensland Government and the Local Government Association of Queensland, local governments, AgForce Queensland, the cattle and droving industries, and conservation and Indigenous representatives. This resulted in proposed new legislation—the Stock Route Network Management Bill 2011 (the Bill)—being introduced to Parliament in September 2011. A copy of the Bill is available at www.legislation.qld.gov.au.

The policy objectives of the reforms were to ensure:

- day-to-day management of the network was cost-efficient and reflected the benefits flowing to users
- requirements of travelling stock continued to be met into the future, including maintaining the continuity of the network statewide
- maintenance of the significant environmental and cultural heritage values of stock routes.

The Bill achieved these objectives by:

- integrating the management arrangements for stock routes into a single Act
- delineating the responsibilities of state and local government clearly, with local governments responsible for operational aspects of the network in their area
- giving local governments complete responsibility for issuing all permits and authorities for travel and grazing (short-term and long-term) on the network, including reserves and state-controlled roads
- establishing a new approach for authorising grazing on parts of the network, designed to retain adequate pasture for travelling stock, reduce the risk of over-grazing and maintain the natural and cultural attributes of the network
- introducing a new fee framework reflecting the benefits to network users and allowing management and maintenance costs to be recovered to ensure adequate maintenance of the network and its facilities.

The Bill was reviewed by the then Parliamentary Transport and Local Government Committee, which recommended the Bill be passed by Parliament subject to the recommendations made in the committee's report (available at www.parliament.qld.gov.au). The Bill lapsed in March 2012 with the end of the 53rd Parliament.

A new Bill for stock routes

Stakeholders contributed extensively to the development of the Bill; and the Queensland Government believes the Bill's policy objectives are still sound. However, reforms proposed in the Bill need reviewing in line with the Partners in Government Agreement and the Queensland Government's commitment to reducing regulation.

For example, the Bill gave local government's greater autonomy to authorise use of the network within their areas, which is consistent with the Partners in Government Agreement. Other aspects, such as fees for using the network, would continue to be regulated by the Queensland Government in consultation with local government.

As previously discussed, local governments already have the power to set cost-recovery fees. As stock routes are essentially a network of roads and reserves, a consistent approach to manage them and enable local governments to set appropriate market-based fees for using stock routes, may be applicable and would be consistent with the Partners in Government Agreement.

Have your say: Reforms for stock routes

1. *Are there any other reforms you believe should be included in a new Bill to reform the management and administration of stock routes? If so, what are they?*

10. *Should fees for the use of stock routes be regulated by the Queensland Government?*

11. *If not, should local governments be able to set fees for use of the stock route network in their areas? How would this work most effectively?*

A streamlined regulatory environment

This section seeks your feedback on possible reforms to provide a more flexible, efficient and responsive approach to the administration of state land in Queensland, including the acquisition of land for public purposes, and on opportunities to reduce unnecessary red tape and government intervention.

The Queensland Government is committed to fostering investment, innovation and economic growth. Simplifying and reducing regulation and streamlining the delivery of government services will contribute to this objective.

It is keen to meet the needs of customers who use state land and to ensure processes and requirements are straightforward and streamlined. In addition, the Queensland Government is considering how the arrangements for acquiring land for public purposes can be streamlined and improved.

The current legislative and administration arrangements for state land in Queensland are complex. The Land Act is the primary legislation, but numerous other Acts may apply to managing and using state land depending on the tenure and type of activity proposed. Each of these Acts (referred to in Appendix 3) is usually administered by a different government department.

This means that users of state land, landholders and businesses often have to deal with multiple government agencies that have different processes and time frames.

Consistency in authorising use of state land

The Queensland Government proposes removing duplication across different pieces of legislation and providing a more consistent approach where the same type of use or activity is allowed on state land.

This consistency could range from providing the same application fees or charges, to applying similar terms and conditions, to having a single application and approval process.

Currently, different government departments authorise the same type of activity on state land through different legislation. This results in different fees, terms and conditions and application and approval processes.

Most notably, the *Nature Conservation Act 1992*, the *Forestry Act 1959* and the Land Act all cover the management and use of state land.

For example, beekeeping is authorised in regional parks under the Nature Conservation Act; in state forests under the Forestry Act; and on allocated or unallocated state land under the Land Act.

In all cases, this land is state land but simply allocated for different purposes (e.g. regional park versus state forest) or different land tenure (e.g. state land allocated for roads or reserves).

As Table 1 shows, an apiarist seeking to locate beehives in a regional park or state forest can potentially be subject to quite different requirements than an apiarist operating on state land under the Land Act.

	Regional parks	State forests	Other state land
Legislation	Nature Conservation Act	Forestry Act	Land Act
Permit type	Apiary permit	Apiary site permit	Permit to occupy (for apiary sites)
Government department responsible	Department of National Parks, Sport and Recreation	Department of Agriculture, Fisheries and Forestry	Department of Natural Resources and Mines
Permit application fee	Nil	Nil	$236.20
Method for calculating annual fees or rent	Apiary permit fees for each apiary site, as at 1 July 2013: (a) Term of 6 months or less–$79.50 (b) Term of more than 6 months but no more than 1 year–$118.70 (c) Term of more than 1 year but no more than 2 years–$213.70 (d) Term of more than 2 years but no more than 3 years–$302.80 (e) Term of more than 3 years but no more than 4 years–$380.00 (f) Term of more than 4 years but no more than 5 years–$450.30	Apiary permit fees for each apiary site, as at 1 July 2013: (a) Term of 6 months or less–$79.50 (b) Term of more than 6 months but no more than 1 year–$118.70 (c) Term of more than 1 year but no more than 2 years–$213.70 (d) Term of more than 2 years but no more than 3 years–$302.80 (e) Term of more than 3 years but no more than 4 years–$380.00 (f) Term of more than 4 years but no more than 5 years–$450.30	Minimum rent of $221 per year, as at 1 July 2013.
Length of permit	Maximum 5 years	Maximum 5 years	No maximum period
Can the permit be transferred to another person?	Yes, with chief executive approval	Yes, with chief executive approval	Unable to be transferred to another party
Permit transfer fee	$61.45	Nil	Unable to be transferred
Can the apiary permit holder have multiple apiary sites on the one permit?	Yes	Yes	Generally, one permit to occupy is issued for each apiary site.

Table 1: Requirements for beekeeping activities on state land, compared under different Acts

Similarly, a person may wish to undertake an activity across two areas of adjoining state land which have different land tenure arrangements. For example, an area of state forest may be next to unallocated state land. The person may not necessarily distinguish between the different types of state land when they do their planning.

A grazier could use both the state forest and unallocated state land to graze cattle. However, they would have to apply for two separate permits; under two different Acts (the Forestry Act and the Land Act); and apply to two different government departments (the Department of Agriculture, Fisheries and Forestry and the Department of Natural Resources and Mines).

If permits for grazing are issued for state forest and unallocated state land, the grazier is subject to the requirements of both permits, which may differ. For example, in state forests, the number per head of cattle determines the charge; and for unallocated state land it is based on the percentage of the rental valuation of the land.

These examples highlight the potential for frustration and confusion under the existing arrangements.

Have your say: Consistency in authorising use of state land

1. *How much consistency, if any, do you think should apply to authorising the same types of activities allowed on state land, regardless of the land tenure?*

Simplifying land acquisition to support economic development

The Queensland Government, local governments and other public infrastructure providers are generally able to acquire or resume land (or an interest in land) from landholders for public purposes. These purposes include constructing public infrastructure such as roads, railways, bridges, schools, hospitals, police stations, electricity transmission lines and drainage and sewerage facilities.

Several key pieces of legislation currently deal with land acquisition in Queensland, either compulsorily or by agreement. The following Acts deal with different aspects of acquisition:

- *Acquisition of Land Act 1967* (the Acquisition Act)
- Land Act
- *State Development and Public Works Organisation Act 1971* (the State Development Act)
- *Transport Planning and Coordination Act 1994* (Transport Planning and Coordination Act)

This has led to complex administration, confusion for landholders and duplicated processes for constructing authorities.

A simplified legislative framework for all land acquisition

The Acquisition Act is the main Act providing the Queensland Government, local governments and other constructing authorities with the power to acquire land for a broad range of public works and purposes. It includes those purposes relating to transportation, education and cultural facilities, health services, recreation, water, primary production, law enforcement, urban planning and sanitation.

This Act also sets out the processes for:

- acquiring land (whether by agreement or compulsorily)
- general compensation arrangements that apply
- rights of landholders whose land (or interest in land) is being acquired.

In addition, the State Development Act and the Transport Planning and Coordination Act provide the Queensland Government with additional powers to acquire land and they also contain compensation provisions.

The State Development Act has expansive powers to acquire land. Under this Act, land can be acquired for a wide range of purposes, including but not limited to:

- establishing or relocating populations, industry, essential services, infrastructure corridors or replacing open space in the course of developing another part of the state
- rural and urban development
- a private infrastructure facility.

The Transport Planning and Coordination Act allows land to be acquired for transport infrastructure (air, road, marine, rail, ports) and includes:

- facilitating transport infrastructure, such as roads for public passenger services, busways, public transit terminals, ferry terminals, bus stops, taxi ranks, railway stations, pedestrian and bicycle paths
- supplying or improving facilities for infrastructure users
- ameliorating any negative environmental effects associated with transport and infrastructure
- constructing or relocating ancillary works and encroachments such as monorails, bridges, tunnels, rest area facilities, monuments, advertising, traffic signs, pipes, cables, grids, buildings and shelters.

Different government departments administer each of the Acts, and different ministers approve the land acquisition, depending on the constructing authority. However, all constructing authorities use the Acquisition Act to ultimately acquire the land.

Current administration and approval arrangements

The Acquisition Act is administered by the Department of Natural Resources and Mines.

The Transport Planning and Coordination Act is administered by the Department of Transport and Main Roads.

The State Development Act is administered by the Department of State Development, Infrastructure and Planning.

The relevant Minister for land acquired under the State Development Act is the Minister for State Development, Infrastructure and Planning. For land acquired under the Transport Planning and Coordination Act, the relevant minister is the Minister for Transport and Main Roads. For land acquired by any other Queensland Government agency, local governments or other constructing authorities under the Acquisition Act the relevant minister is the Minister for Natural Resources and Mines.

The current complexity across the various acquisition Acts could be simplified and streamlined under a legislative framework that recognises the specific requirements of a constructing authority (such as the State under the State Development Act) and where possible, amalgamates the provisions of some Acts (such as the Acquisition Act and Land Act) while maintaining the objectives of these Acts' provisions.

Have your say: A simplified legislative framework for land acquisition

1. *Do you support a simplified, streamlined legislative framework for the acquisition of land? Please explain your answer.*

Consistent powers for constructing authorities to acquire all land tenures

Queensland's acquisition legislation does not provide a consistent and streamlined process for Queensland Government departments, local governments or other constructing authorities to acquire all land tenures.

The Acquisition Act provides the power to acquire freehold land tenure and through recent legislative amendments, native title and resource interests. For state land (including leasehold land, reserve land or a dedicated road), separate processes must be used by many constructing authorities to acquire state land under the Land Act.

While the Queensland Government (as a constructing authority) can acquire leasehold land allocated under the Land Act, local government and many non-government constructing authorities have to request the Queensland Government to acquire leasehold land on their behalf.

In addition, where constructing authorities require reserve land or dedicated roads, the Queensland Government may be involved in complex processes under the Land Act to make the land available to the constructing authority.

Current arrangements for acquiring state land under the Land Act

For acquiring leasehold land, the Land Act allows all or part of a lease issued under the Act to be resumed by order in council made by the Governor.

The resumption can be undertaken for a constructing authority and the state's costs must be paid by the constructing authority.

For acquiring reserve land, the Minister for Natural Resources and Mines must revoke the reserve under the Land Act and then allocate the land to the relevant constructing authority.

For acquiring a local road, the road must first be permanently closed by the Minister for Natural Resources and Mines and the land then allocated to the relevant constructing authority.

These arrangements create challenges, particularly for constructing authorities developing major linear infrastructure projects such as rail freight lines and electricity transmission lines. This type of infrastructure often covers large distances across land with different tenures. Duplication of processes can impede the delivery of these projects. These arrangements can also lead to differences in how landholders with different land tenures are dealt with.

The Queensland Government proposes providing all constructing authorities with the ability to acquire all land tenure types, irrespective of whether the land is freehold or state land.

Have your say: Consistent powers for constructing authorities to acquire all land tenures

1. *Should all constructing authorities involved in developing public infrastructure be able to acquire any type of land tenure? Please explain your answer.*

12. *What restrictions, if any, do you think there should be on the exercise of this type of power?*

Reconfiguring a lot on state land–local government consideration

For freehold land tenure, reconfiguring a lot (subdividing or leasing for 10 years or more) is development assessable by local government under the Sustainable Planning Act.

A leaseholder of state land can apply to have their lease land reconfigured under the Land Act, but the decision is made by the Queensland Government.

An application for subdivision of a lease under the Land Act must include a statement from the relevant local government about its views on the proposed subdivision. The Queensland Government must also consider any state, regional or local planning strategies; however, the subdivision can be approved even if it is inconsistent with local government views or the relevant local planning scheme.

As the application is also not assessable under the Sustainable Planning Act, the local government has no opportunity to apply the usual local planning scheme conditions that relate to freehold lot reconfiguration. These conditions can include charges for the supply of infrastructure to the development (such as water supply and sewerage), or buffer zones from other developments in the area.

Local governments have clear responsibility for planning decisions in their local areas. It seems appropriate they should be able to apply the same types of conditions on reconfiguration of state leasehold land as they would on freehold land.

Have your say: Local government consideration of reconfiguring a lot on state land

1. *Should an application to subdivide a Land Act lease or sublease for 10 years or more be assessable by local governments under the Sustainable Planning Act? Please explain your answer.*

Other opportunities for reforms

This discussion paper has primarily focused on some larger reform opportunities for the management and use of state land. However, the government is aware that there may be many minor, but nonetheless, useful reforms. These reforms may include significant opportunities to modernise, consolidate and streamline land legislation such as removing minor inconsistencies in current legislative requirements.

An example of an existing legislative inconsistency is between the approval requirements for subleasing a lease over state land and the transfer of a sublease.

In 2013, section 332(1) of the Land Act was amended to remove the requirement for ministerial approval when a lease over state land is subleased, provided a specific registered mandatory terms document formed part of the sublease. However, section 322 of the Land Act, which deals with the requirements for transferring a sublease to another person, was not amended.

Consequently, section 322 still requires ministerial approval for the transfer of a sublease, even though this may not have been a requirement of the original sublease.

Another possible reform could involve how leases are currently transferred under the Land Act. There may be opportunities to move to a self-assessment process, or a certification process could be introduced. For example, legal practitioners, who are often engaged to prepare the necessary transfer documents, could certify that all the legislative requirements have been met for a lease transfer.

The government is keen to hear other reform opportunities from users or people involved with state land.

Have your say: Other opportunities for reform of the state land system

1. *Do you have any other suggestions about how to simplify the current management and use of state land?*

Abbreviations

Legislation	Abbreviation
Acquisition of Land Act 1967	Acquisition Act
Economic Development Act 2012	Economic Development Act
Forestry Act 1959	Forestry Act
Integrated Planning Act 1997	Integrated Planning Act
Land Act 1994	Land Act
Land Protection (Pest and Stock Route Management) Act 2002	Land Protection Act
Land Title Act 1994	Land Title Act
Local Government Act 2009	Local Government Act
Nature Conservation Act 1992	Nature Conservation Act
State Development and Public Works Organisation Act 1971	State Development Act
Sustainable Planning Act 2009	Sustainable Planning Act
Transport Infrastructure Act 1994	Transport Infrastructure Act
Transport Planning and Coordination Act 1994	Transport Planning and Coordination Act

Glossary

Acquisition of land refers to the taking of land by a government entity or other public infrastructure provider for public works or purposes such as new roads, railways, schools or electricity transmission lines.

Adjoining land owner for land adjoining a road means under the Land Act:

(a) the registered owner of the land, other than a trustee of a deed of grant in trust; or
(b) if the land is lease land—the lessee; or
(c) if the land is trust land—the trustee of the trust land.

Business lease is a lease granted under the Land Act used for a business, commercial or industrial purpose and for rental purposes, is assigned to rental Category 13 under the Land Regulation 2009.

Community purpose reserve is land dedicated under the Land Act as a reserve for one or more community purposes.

Community purpose for a reserve dedicated under the Land Act includes land for beach protection, cemeteries, cultural purposes, drainage, environmental purposes, gardens, heritage, jetties, public boat ramps, parks, recreation, public halls, public amenities, showgrounds, sport and other purposes listed in schedule 1 of the Land Act.

Constructing authority as defined under the Acquisition Act means:

(a) the state; or
(b) a local government; or
(c) a person authorised by an Act to take land for any purpose.

Cost-recovery fees, for fees charged by local governments, are defined under the Local Government Act and can not be more than the cost to the local government of taking the action for which the fee is charged.

Crown estate is the land that was vested in the Crown on settlement of Queensland that remains the property of the Crown. This land is now known as State land.

Forest reserve is an area of land dedicated as a forest under the Nature Conservation Act.

Land tenure is the holding or possessing of land and the conditions and terms under which the land is held.

Leasehold land is land for which, under the Land Act, a lease has been issued by the State for a particular purpose such as grazing, agriculture, business or residential.

Leaseholder means a person registered as the holder of a lease from the State under the Land Act.

Native title is defined in the *Native Title Act 1993* (Commonwealth) and means the communal, group or individual rights and interests of Aboriginal peoples or Torres Strait Islanders in relation to land or waters, where:

(a) the rights and interests are possessed under the traditional laws acknowledged, and traditional customs observed, by the Aboriginal peoples or Torres Strait Islanders; and
(b) the Aboriginal peoples or Torres Strait Islanders, by those laws and customs, have a connection with the land or waters; and
(c) the rights and interests are recognised by the common law of Australia.

Parliamentary inquiry refers to the Queensland Parliament Inquiry into the future of and continued relevance of Government land tenure across Queensland commenced in 2012. Under 'References' refer to Queensland Parliament.

Reconfiguring a lot as defined by the Sustainable Planning Act means:

(a) creating lots by subdividing another lot; or
(b) amalgamating 2 or more lots; or
(c) rearranging the boundaries of a lot by registering a plan of subdivision; or
(d) dividing land into parts by agreement rendering different parts of a lot immediately available for separate disposition or separate occupation, other than by an agreement that is—
  (i) a lease for a term, including renewal options, not exceeding 10 years; or
  (ii) an agreement for the exclusive use of part of the common property for a community titles scheme under the *Body Corporate and Community Management Act 1997*; or
(e) creating an easement giving access to a lot from a constructed road.

Regional park is an area dedicated under the Nature Conservation Act as a regional park.

Residential lease is a lease granted under the Land Act used primarily for a single dwelling house and for rental purposes, is assigned to rental Category 12 under the Land Regulation 2009.

State forest is land set apart and declared as state forest under the Forestry Act.

Timber reserve is land set apart and declared under the Forestry Act as a timber reserve.

Trustee of a reserve under the Land Act, is a person appointed by the Minister to manage a reserve.

Unallocated state land is defined under the Land Act and means all land that is not-

(a) freehold land, or land contracted to be granted in fee simple by the State; or
(b) a road or reserve, including a national park, regional park (general), State forest or timber reserve; or
(c) subject to a lease, licence or permit issued by or for the State, other than a permit to occupy under the Land Act issued by the chief executive.

Unimproved value of land, as defined under the Land Act, means the amount an estate in fee simple in the land in an unimproved state would be worth if there were an exchange between a willing buyer and a willing seller in an arms-length transaction after proper marketing, if the parties had acted knowledgeably, prudently and without compulsion.

References

Queensland Parliament, State Development, Infrastructure and Industry Committee 2013. *Inquiry into the future and continued relevance of Government land tenure across Queensland*, Department of Natural Resources and Mines 2013. *Queensland Government response to the Inquiry into the future and continued relevance of Government land tenure across Queensland*, www.parliament.qld.gov.au.

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Queensland Parliament, Transport and Local Government Committee 2012. *Report number 8–Stock Route Network Management Bill 2011*, www.parliament.qld.gov.au.

Appendix 1: Queensland—areas by land tenure

Type of land	Tenure	Area of land in Queensland (ha)	% of land in Queensland
Total area of land in Queensland		172 380 000	
Total area of state land in Queensland	All tenures	*126 550 000	73.41%
State land administered under the Land Act	All leases, reserves, roads and unallocated state land	**116 674 993	67.68%
	Leases (including freeholding leases and occupation licences)	**110 084 794	63.86%
	Reserves	1 835 588	1.06%
	Roads	3 440 276	2.00%
	Unallocated State Land	1 314 335	0.76%
State land administered under the Nature Conservation Act	All tenures	8 914 465	5.17%
	National Parks (all types)	8 309 927	4.82%
	Regional Parks	411 900	0.24%
	Forest Reserves	192 638	0.11%
State land administered under the Forestry Act	All tenures	3 051 495	1.77%
	State Forest	2 983 937	1.73%
	Timber Reserves	67 558	0.04%
Freehold and other land		45 830 000	26.59%

* The total area excludes tenures below the high water mark and leases in strata.

** This includes leases over reserves, leases below the high water mark and leases in strata. This excludes leases over Nature Conservation Act and Forestry Act tenures as this data is accounted for in the area of State land administered under the Nature Conservation Act and the Forestry Act.

Appendix 2: Community purpose reserves held by individual local governments as trustees

Balonne	83	Logan	803
Banana	214	Longreach	90
Barcaldine	97	Mackay	526
Barcoo	34	Maranoa	276
Blackall-Tambo	60	Mareeba	141
Boulia	21	McKinlay	41
Brisbane City	1714	Moreton Bay	1870
Bulloo Shire	25	Mount Isa	69
Bundaberg	434	Murweh	69
Burdekin	94	Napranum	19
Burke	17	Noosa	365
Cairns	702	North Burnett	222
Carpentaria	35	Northern Peninsula Area	5
Cassowary Coast	204	Palm Island	3
Central Highlands	243	Paroo	72
Charters Towers	119	Pormpuraaw	1
Cherbourg	3	Quilpie	38
Cloncurry	41	Redland	492
Cook	84	Richmond	22
Gold Coast	1877	Rockhampton	285
Croydon	28	Scenic Rim	217
Diamantina	19	Somerset	136
Doomadgee	18	South Burnett	212
Douglas	82	Southern Downs	218
Etheridge	34	Sunshine Coast	1708
Flinders	32	Tablelands	185
Fraser Coast	574	Taroom	1
Gladstone	456	Toowoomba	534
Goondiwindi	160	Torres	27
Gympie	264	Torres Strait Island	2
Hinchinbrook	86	Townsville	484
Hope Vale	1	Western Downs	389
Ipswich	392	Whitsundays	220
Isaac	260	Winton	34
Kowanyama	16	Wujal Wujal	1
Livingstone	218	Yarrabah	21
Lockyer Valley	123		

Appendix 3: Legislation applying to state land

This table is not a comprehensive list of all legislation and only includes the more significant Acts dealing with state land.

Act	Opening and closing roads	Land acquisition	Management of community reserves	Licences and permits on state land	Creating tenure on state land (including leases and reserves)	Stock routes
Acquisition Act		•				
Economic Development Act	•					
Forestry Act				•	•	
Land Act	•	•	•	•	•	•
Land Protection Act						•
Land Title Act	•				•	
Local Government Act	•		•	•	•	
Nature Conservation Act				•	•	
State Development Act	•	•	•	•	•	•
Transport Infrastructure Act	•			•	•	•
Transport Planning and Coordination Act		•				

Appendix 4: List of have your say questions

Converting business and residential leasehold land to freehold land tenure

1. As a business or residential leaseholder of state land, are you aware that you can convert your lease to freehold land tenure?
2. Are there impediments to business and residential leaseholders converting to freehold land tenure? If so, what do you think they are?
3. What could the government do to make it easier to convert to freehold land tenure?

Improving land tenure security for business and residential leaseholders

4. Should business and residential leaseholders be provided with an option to extend their lease, when converting to freehold land tenure is not available? Please explain why?
5. In what other ways do you think greater security of land tenure could be provided for business and residential leaseholders?

Leaseholders' ability to authorise third party use of land

6. Should leaseholders of state land have more flexible arrangements to authorise the use of their land by third parties? Please explain your answer.
7. What requirements or restrictions, if any, should be placed on leaseholders authorising the use of state land by third parties under non-subleasing arrangements?
8. Should a licence or agreement to allow a third party to use state leasehold land be subject to similar requirements/restrictions as a sublease? Please explain your answer.

Increasing autonomy for local governments–community purpose reserves

9. Should local governments have greater autonomy to manage and authorise the use of community purpose reserves? If no, please explain your answer.
10. If yes, what current restrictions could be removed to provide local governments with more autonomy and flexibility?
11. Do you have any further comments on the management and use of community purpose reserves?

Greater returns for communities from community purpose reserves

12. Should local governments be able to charge an appropriate market rent for the use of community reserves? Please explain your answer.
13. Should there be restrictions on how local governments apply income received from community purpose reserves? If so, what should these restrictions be?

Land tenure arrangements–land for community infrastructure

14. If the Land Title Act and Land Act provisions are no longer available to secure land from freehold land subdivisions for community infrastructure, such as parks and recreation areas, will there be any issues for local governments? Please provide details.

Increasing autonomy for local governments–use of roads

15. Should local governments have greater autonomy to authorise the use of roads under local government control? If no, please explain your answer.
16. If yes, what improvements or changes do you think are necessary to improve local governments' ability to authorise the use of roads under their control?

Greater returns for communities from the use of local roads

17. Should local governments be able to charge an appropriate market rate for the use of local roads? Please explain your answer.
18. Should there be restrictions on how local governments apply income from the use of roads? If so, what should these restrictions be?

Increasing autonomy for local governments to permanently close local roads

19. Should local governments take on current Queensland Government responsibilities under the Land Act for permanently closing local roads? If so, what would be the most effective method for achieving this?
20. What restrictions or considerations, if any, should a local government have to take into account when deciding to permanently close a public road under its control?

Reforms for stock routes

21. Are there any other reforms you believe should be included in a new Bill to reform the management and administration of stock routes? If so, what are they?
22. Should fees for the use of stock routes be regulated by the Queensland Government?
23. If not, should local governments be able to set fees for use of the stock route network in their areas? How would this work most effectively?

Consistency in authorising use of state land

24. How much consistency, if any, do you think should apply to authorising the same types of activities allowed on state land, regardless of the land tenure?

A simplified legislative framework for land acquisition

25. Do you support a simplified, streamlined legislative framework for the acquisition of land? Please explain your answer.

Consistent powers for constructing authorities to acquire all land tenures

26. Should all constructing authorities involved in developing public infrastructure be able to acquire any type of land tenure? Please explain your answer.
27. What restrictions, if any, do you think there should be on the exercise of this type of power?

Local government consideration of reconfiguring a lot on state land

28. Should an application to subdivide a Land Act lease or sublease for 10 years or more be assessable by local governments under the Sustainable Planning Act? Please explain your answer.

Other opportunities for reform of the state land system

29. Do you have any other suggestions about how to simplify the current management and use of state land?

Notes

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