Speech by

Andrew Cripps

MEMBER FOR HINCHINBROOK

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PRIMARY INDUSTRIES AND OTHER ACTS AMENDMENT BILL

Mr CRIPPS (Hinchinbrook—NPA) (3.22 pm): I rise to make a contribution to the debate on the Primary Industries and Other Acts Amendment Bill 2008. The bill has two major policy objectives: to amend the Rural and Regional Adjustment Act 1994, principally to broaden the potential for QRAA's operations; and to amend the Sugar Industry Act 1999, the Land Act 1994 and the Land Title Act 1994 to dissolve the office of the Sugar Industry Commissioner and to provide an alternative approach for the future administration of sugar access rights.

The amendments to the Rural and Regional Adjustment Act 1994 propose to allow QRAA to administer approved assistance schemes for businesses and not-for-profit agencies in Queensland irrespective of their size and connection with the rural or regional sector when such administration is required by the Queensland government and allow QRAA to administer authorised interstate schemes for the benefit of the rural and regional sector and primary producers and small businesses when they are experiencing temporary difficulty in and for the Commonwealth and other states.

In relation to the first amendment to the Rural and Regional Adjustment Act 1994 allowing QRAA to administer approved assistance schemes for businesses and not-for-profit agencies in Queensland irrespective of their size and connection with the rural or regional sector, I would like to reiterate the concerns expressed earlier by the shadow minister for primary industries, the member for Toowoomba South, in respect of QRAA maintaining its core professional and operational focus on the administration of programs targeted at industries in rural and regional Queensland.

While I am not concerned about QRAA being engaged for the purposes of administering programs outside of the traditional rural and regional scope of programs handled by the authority, I would hope that responsibility for administering such programs will not compromise the focus of QRAA on regional and rural issues and industries. For example, I hope QRAA will not have to put on staff with expertise in non-regional and rural matters or spend money on resources that will allow it to handle those programs. It is important that the skill sets of QRAA staff and the resources of QRAA remain focused on its core responsibilities of administering rural and regional programs and remaining a specialist in this field.

In relation to the second amendment to the Rural and Regional Adjustment Act 1994, it is a measure—of which Queensland can be proud—of the professionalism, expertise and good reputation of QRAA that obviously interest has been expressed by governments outside of Queensland for QRAA to take responsibility for the administration of schemes designed to benefit the rural and regional sector in other states and indeed at a Commonwealth level. This amendment will allow this to occur. However, programs administered by QRAA will only ever be as good as the governments providing the programs make them. Despite the professionalism and expertise of QRAA, it faces substantial limitations to its effectiveness if it is handed assistance programs that have inappropriate criteria that do not adequately address the circumstances of the Queenslanders facing the difficulties that the program is designed to help.

For example, I have spoken before in this parliament about the difficulties faced by Mr Ian and Mrs Leah Thomson of Mystic Sands near Rollingstone regarding their application to QRAA for support

under the NDRA Tropical Cyclone Larry program. In 2006 Tropical Cyclone Larry caused extensive damage to public and private property in far-north Queensland, including agricultural crops and business premises. The federal government of the day provided very generous financial support to affected farmers and small businesses which was administered by QRAA.

I raised this case with the minister and the CEO of QRAA on more than one occasion because the circumstances of this case presented an unfortunate limitation in relation to the assistance criteria that could have been solved by QRAA or the minister had they been willing to consider an alternative interpretation of the eligibility guidelines. The minister might recall that I made representations on behalf of the Thomsons who operated a refrigerated transport company which, although based in Rollingstone, primarily depended on business from the Tully, Innisfail and Mareeba districts for its southbound freight. The Thomsons made application for assistance in the wake of Cyclone Larry as their business had been seriously affected at the time. QRAA advised that their application had been declined as their business was not located in the defined disaster area, geographically speaking.

While the cyclone did not cause any damage to the Rollingstone area, the majority of the Thomsons' business was generated from the cyclone-affected area. The minister at the time was good enough to give me some advice that the Thomsons may be able to access some support along similar lines to changes in exceptional circumstances guidelines for businesses affected by the drought whereby if 70 per cent of someone's income was derived from a business in a drought-affected area they would be deemed eligible for assistance even if they were personally domiciled in another area. I tried that, but QRAA insisted that it could not accept the argument.

The Thomsons faced a very precarious financial situation. This was a family business that had obviously fallen through the cracks of the government's response to Cyclone Larry and despite the empathy and understanding expressed by QRAA it could not help because of the narrow and inflexible criteria provided to it for the distribution of assistance to those Queenslanders in need at the time. Substantial effort must be put into defining the criteria for assistance in these circumstances, in addition to the amount of assistance and the nature of that assistance in and of itself. Such careful consideration of these matters can be critical to providing much-needed assistance to those struggling in difficult circumstances like the Thomsons and this will be true for programs administered by QRAA on behalf of other jurisdictions approved by the minister following the passage of this bill.

The amendments to the Sugar Industry Act 1999, the Land Act 1994 and the Land Title Act 1994 will dissolve the Office of the Sugar Industry Commissioner, provide for the Land Court to assume jurisdiction for applications regarding non-consent sugar access rights matters previously overseen by the Sugar Industry Commissioner, preserve current sugar access rights and provide for future sugar access rights, and provide that future sugar access rights are recorded on land titles and allow cane railway easements to be registered as easements on titles. This bill comes as the last in a series of legislative amendments to the Sugar Industry Act 1999 that has staged the phase-out of the role of the Sugar Industry Commissioner.

The last such bill was the Primary Industries Acts Amendment and Repeal Bill, which was debated in this place in May 2007. That bill removed the functions of the Sugar Industry Commissioner as they related to the commissioner's role as a mediator and arbitrator of a range of issues, including new supply contracts, and discharged Queensland Sugar Ltd as a source of financial support for the Office of the Sugar Industry Commissioner. The passage of this bill will eliminate the two remaining functions of the Sugar Industry Commissioner, being the granting of access rights involving cane railway easements and permits to pass over land to facilitate the harvesting of cane and supply of cane to a mill. Indeed, the Office of the Sugar Industry Commissioner will cease to exist with functions relating to the resolution of access rights disputes to be assumed by the Land Court.

The explanatory notes accompanying the bill indicate that the amendments to the Land Act 1994 and the Land Title Act 1994 will allow registration of future cane railway access rights as easements on affected titles by inserting a public utility provider category for sugarmill owners to allow the registration of an easement. A time period will need to be specified for future permits to pass. In preparation for the dissolution of the office of the commissioner, each current cane railway easement and permit to pass is being recorded by the titles office as a notice on the affected land title. The recording of notices is designed to ensure that all current access rights are recorded permanently and accurately as notices on Queensland's automated titles system and that searches can be conducted efficiently.

The explanatory notes accompanying the bill also indicate that as of 30 June 2007 there were 4,795 cane railway easements and 198 permits recorded in the access rights register. As such, the proper administration of those easements and permits is not insignificant to the effective and efficient management of the Queensland sugar industry. During the cane harvesting season, sugar growing communities are a hive of activity with harvester operators, haul-out tractors, cane trains and trucks operating throughout the day and night to maintain a supply of cane to various mills. It is absolutely essential that during the crushing season the industry can get on with the job of harvesting the crop. Time frames and other logistical matters are relevant to this activity.

Until now, under the Sugar Industry Act 1999, sugar access rights may be granted by consent—that is, with the agreement of the landholder of the affected land. Alternatively, in the absence of consent between the parties, sugar access rights have been granted by the commissioner. In such circumstances the commissioner had the ability to order the immediate grant or variation of an access right that is not necessarily agreed to by the affected landowner. While I certainly hope that at all times common sense and reasonableness have prevailed in the determination of these matters by the commissioner so as not to adversely or unfairly impact on the affected landowner, those powers have allowed for a timely and low-cost resolution to the problems and the progress of the sugarcane harvesting season.

I know that the access rights working group comprising representatives of the Department of Primary Industries and Fisheries, the Australian Sugar Milling Council, Canegrowers, Queensland Transport, the Department of Natural Resources and Water and the Department of Justice and Attorney-General has recommended that the Office of the Sugar Industry Commissioner be dissolved. Apparently the working group is satisfied that this legislation will preserve current sugar access rights and will provide for future sugar access rights to be recorded on land titles, including the accommodation of cane railway easements, and that the Land Court will assume jurisdiction for applications regarding non-consent sugar access rights matters and will effectively deal with those issues. While the legislation will continue to enable sugar access rights to be granted by consent between the affected parties, where there is no agreement the matter will now head to the Land Court.

Formal court proceedings have the potential to be both protracted and costly, which is in contrast to the present capacity of the Sugar Industry Commissioner to deal with matters in a timely way and with a minimum of cost. As I said earlier, timeliness is an important consideration for the sugar industry, particularly in the middle of the crushing season. I hope that the minister will be vigilant in observing the experiences of participants in the Queensland sugar industry required to go through the Land Court for non-consent sugar access matters in terms of timeliness and the costs associated with that process. It would be a retrograde step for the Queensland sugar industry to be lumped with a process for the resolution of sugar access rights disputes that is protracted and costly when the Sugar Industry Commissioner has previously been able to deal with such disputes quickly and without substantial costs being incurred by those in the sugar industry. If this does occur, we will not have taken a step forward for the Queensland sugar industry. I will leave that with the minister to consider in the hope that he will keep an eye on how the changes impact on people in the sugar industry. Having placed those few remarks on the record, I am pleased to support the bill.