Property Rights Australia,
P.O.Box 2175,
Wandal Qld 4700
Phone: 07 49214000
[redacted]

24th June 2015

The Chairman,
Mr Jim Pearce MP
The Infrastructure, Planning and Natural Resources Committee,
Parliament House,
George Street,
Brisbane, Qld. 4000
Email: IPNRC@parliament.qld.gov.au

SUBMISSION Re: **The Infrastructure, Planning and Natural Resources Committee (the committee) inquiry into the Building Queensland Bill 2015 (the Bill)**

Background:

The Infrastructure, Planning and Natural Resources Committee (the committee) is inquiring into the Building Queensland Bill 2015 (the Bill) and is seeking written submissions.
The committee will consider the policy to be given effect by the Bill and its application of fundamental legislative principles. The committee is required to report to Parliament by Tuesday 1 September 2015.
The objective of the Bill is to provide for the establishment of a new independent statutory advisory body called Building Queensland. Building Queensland will:

- *provide independent expert advice to government about infrastructure in Queensland*
- *develop a framework for assessing infrastructure projects*
- *evaluate proposals for new and existing infrastructure*
- *assist or lead the preparation of certain business cases for infrastructure proposals*
- *prepare an infrastructure priority pipeline document*
- *lead the procurement and delivery of projects only when directed to do so by the Minister, and*
- *publish information and promote public awareness.*

Property Rights Australia (PRA) was formed in 2003 to provide a strong voice for landowners with regard to
property rights issues. It aims to promote fair treatment of landowners in their dealings with government,
businesses and the community.
Our philosophy is that if the community (or business) wants our resource for any other purpose such as environmental protection then the community must pay fair and unsterilised value for it.
Most of our members are in Queensland but we have members in all States

Property Rights Australia would like to address the need to ensure that the fundamental legislative principles set out in Section 4 of Legislative Standards Act 1992 and proposed within the Bill, are fair to any impacted landholder by proposed infrastructure development and in particular that the public account of each department in regard to the integrity,economy,efficiency and effectiveness takes into account the immediate and long term impact of infrastructure from the affected landholder's perspective.

The actual Building Qld Bill 2015 has been unavailable on all links provided and unfortunately PRA are unable to submit on nothing more than the transcript of proceedings for the public briefing on 3 June 2015 – examination of the Building Queensland Bill 2015 and the detail in the original invitation to make a submission on the 21 May 2015.

What is deficient in the material available is the detailing of an available objection process to ensure Building Qld approval of proposed projects is accountable and has accurate information to assess a cost-benefit analysis. Any approvals provided by this process must be fully accountable and available for perusal to the public scrutiny if requested.Although I acknowledge that the 600 million dollar project currently under construction by Powerlink Queensland in the North West Surat Basin exceeds the proposed assessment budget required for the proposed Building Queensland Board cost-benefit assessment (100 million dollar threshold), it does highlight unknown costs that occurred when construction and grass roots consultation had occurred, which included biosecurity protocols required due to the vast region the project covered and the impact of multiple coal seam gas construction impacts in the region. Weed wash and clean down procedures are reported to have exceeded expectation by approx $10 million dollars. This typifies the unknown costs that may not be taken into account from a desktop-analysis by the proposed Building Qld Board due to lack of ground work assessment and consultation to detail the actual costs of the proposed project.
Members within Property Rights Australia, have experienced heavy-handed and unacceptable legislative processes that were both unnecessary and had little understanding of the overall impact on both agricultural businesses and the long term environment. (eg declaration of State Development Areas for Railways for Resource Companies and processes available within the Acquisition of Land Act 1967 utilised as threats in order to move projects forward for Powerlink Qld infrastructure requested by the Coal Seam Gas Industry for their private benefit)

There was also a tendency to gold plate projects at the expense of the impacted landholder and local communities for the so called benefit of the state which may ensure projects are not able to be scrutinised by the proposed Building Queensland Board as many projects will exceed the $100 million limit for assessment detailed.

Poor culture problems were identified within Government Owned Corporations such as Powerlink Queensland which had been ongoing for many years according to complaints received by PRA and individual members who in newspapers highlighted the inequity of rights for landholders. Complaints were both internally from current or ex-employees of the G.O.C. and externally from individual landholders .

This was further highlighted when Powerlink were granted the right to construct their biggest project to date for the Privately owned Coal Seam Gas Industry in the North West Surat Basin. Fortunately, the PQ Board recognises their reputation was poor and are working to improve this. This is something we do not want to see such improvement undermined by the current proposal for further infrastructure in the future that appears to escape approval processes if coming under the $100 million expenditure.

Monetary reward systems put in place by Government Owned Corporations and penalty payments put in place by the coal seam gas industry within these organisations in order to meet time targets which saw monetary payment or penalty to those responsible for the development meant landholder consultation and compensation paid was often vastly inadequate if landholders were not proactive in the overall process. This meant considerable time out of landholders businesses which is not recognised for payment under the Acquisition of Land Act and needs to be.

The benefit to local community was highly overrated as the use of a fly in and fly out(or drive-in/drive-out) work force and the fact construction was generally no longer than two years, meant the impact on regional towns, roads and services was either negative or saw no growth. Much time, resources and money was spent when infrastructure groups (such as Powerlink) thought information was the definition of consultation in order to gain approval for the projects through the Ministers. Consultation should mean change where required, as often these impacts are for life or over many generations.

For those contract workers, working under these time-line conditions, there was also considerable personal pressure to meet timelines which meant many shortcuts particularly on biosecurity access protocols and consultation occurred.

Many landholders were threatened with use of powers to enter land under the Acquisition of Land Act prior to designation being received for proposed development, even though landholders had not received adequate time to understand the proposed impacts and even less consideration provided to ensure the location of infrastructure on their land was in an acceptable location to the landholder.

Landholders involved in Railway Line Proposals in Qld were an example of landowners being consulted in piecemeal fashion over a large region which failed to understand how rural people worked and the overall impact on their businesses. This consultation process was repeated over consecutive government terms and created enormous frustrations for those involved to have their issues heard. Meeting landholders in group situations may assist in resolving location for infrastructure earlier and is of benefit for the good of the overall communities involved. The Establishment of a Building Qld Board does not address this issue.

The only ability landholders had to negotiate an appropriate compensation payment outcome was to object to projects which was a stressful and involved considerable time impact on the landholder. If there is no objection process for proposed projects to be assessed under the Building Queensland Board it will cause inequities between those impacted and those requiring the infrastructure to the detriment of landowners.

There must be a requirement that affected landholders can negotiate an agreed commercial payment, ongoing annual payments and a suitable access agreement for conditions of entry prior to any resumption processes.

Landholders have a legal obligation when signing National Vendor Declarations that all produce is residue free and other documentation requires the declaration of any weeds when providing produce for sale. It is also an important part of property management to ensure adequate ground cover is maintained and erosion /run off materials are reduced. There are a number of management practises that are required when outsiders are entering privately owned land.

Biosecurity process was extremely poor, even at the preliminary contact by the liaison officer for many of these projects whose contractors/consultants often use hire vehicles or travel across large areas in one region . (There is major risk of spreading weeds such as parthenium and African love grass, which are not only invasive but often devalue land and future borrowing ability). The cost of this on communities if not adequately managed is not often detailed in the cost-benefit analysis, nor is the required wash and clean down requirements in areas of invasive weed threats and high volume traffic (eg coal seam gas development or infrastructure development).

It needs to be noted that normal biosecurity protocol under current legislation often does not identify weeds outside of the Class 1 & 2 pest plants & Weeds of National Significance to be controlled when there are many other invasive weeds outside of this classification that can be spread by infrastructure development. There is no requirement for Council to control weeds outside of those declared under the Land Protection(Pest & Stock Route Management Act 2002)such as African Love Grass in legislation. It is important that all invasive weeds are identified and pro-active approaches to controlling their spread within regions is identified in biosecurity protocols over and above what is currently required in legislation. This is often a cost-benefit analysis not included in preliminary costings.

Powerlink easements and pipelines easements in many areas have been identified as harbouring invasive weeds not normally located on the properties over which the easements run. If this enters waterways, entire catchment areas can be negatively impacted resulting in loss of agricultural carrying capacities.

Weed washdown protocols are even less strictly monitored under legislation. A third party certified wash and clean down at an agreed washdown facility with the landholder prior to entry to any property should be mandatory and only waived if agreed by the landholder. Accreditation of washdown facilities needs to occur and be monitored by government to ensure consistent standards are met.

The Acquisition of Land Act did not also address adequately where and when commercial compensation should come into effect (For example Section 15 under the ALA can be used in this way) and landholders were at the mercy of the acquiring body to identify if this section would be utilised or not. Compensation under the ALA is often minimalistic and does not adequately address the ongoing impact of infrastructure on landholdings.

Non-regulated infrastructure for resource development was treated the same as community infrastructure, when commercial compensation and landholder agreement should be a requirement for this type of development to go ahead. There should be legislated capacity to ensure both upfront and ongoing annual payments can be negotiated.

Much of this infrastructure will impact for several generations & properties (if able to be sold) may change ownership and this ongoing impact to future owners is not recognised under current legislation.

Often environmental assessment were tick and flick processes not properly addressed by what were meant to be independent environmentalists, yet with Powerlink, all environmentalists were accompanied by Powerlink who directed where lines could or could not go by utilising a study corridor line designed in a desktop analysis situation. The thought pattern for most of this infrastructure was that once designation was granted by the Minister , such is the power provided under the Acquisition of Land Act anything and everything could be cleared and built with scant regard to the actual environment.

Property Rights Australia is not a supporter of green extremism, but there are issues that involve the environment that are important to many landholders and the overall environment of their property and there are regional matters that are important to regional communities. For this reason, all landholders must be considered key stakeholders from the outset and design of infrastructure should not be limited by study corridors designed on paper in offices in Brisbane.

It is important that all projects are well advertised in both regional and urban areas, and input occurs prior to the finalisation of any proposed development alignments within the State.

<u>No Disadvantage Principle</u>

In January 2015, as a result of sound and credible evidence, gathered over the past several years PRA called for all political parties and independents to adopt a simple and all encompassing “No Disadvantage Principle” (NDP), to be legislated to protect the interests, the investment, the income, the assets, and the futures of landowners.

The current situation in reality is a complex tangle of interconnected regulations, rules and codes that are a lawyers paradise but a land holder’s nightmare and above all else ruinous or impossible to fund the actions necessary to protect the impacted land holder’s rights.

<u>The NDP test</u>

To address this undesirable situation PRA requests that the Government introduce a NDP test to all legislation and policies that impact Landholders, particularly in relation to resource and environment impacts.

PRA envisages that NDP would be an unbreakable safety net that ensures that impacted landholders will be fully and justly compensated by the responsible party, be it a Resource company, the Government or any other relevant party that are affected by:-

- Loss of income.
- Compliance and legal costs.
- Loss of Asset Value
- Loss of Lifestyle and amenity value.
- Loss of production or water, both quantity and quality

- Increases in management, time and labour costs.
- Unsaleable homes or properties
- Areas of land taken out of production or has production reduced.
- Future liabilities, for example, weed infestations and meat contamination

Such a clear and unequivocal legislated rule would still allow economic development including mining and petroleum projects to operate, to generate wealth and jobs for the State and allow Government to legislate on environmental concerns for the public good but there would no longer be financially crippled victims sacrificed to achieve the desired goals.

In Summary:

- All projects must be publicly advertised in regional and urban areas regardless of their proposed costings, and any directly impacted landholders are advised in writing and consulted as if a stakeholder despite the recommendations of the Building Queensland Board, 12 months in advance to enable changes to proposed study corridors to occur before the release of a Draft Environmental Impact Statement.
- Landholder time is paid during this consultation process regardless of the time of day it occurs.
- Landholders have the right to say no if the impact is too great on their business through an objection process that is independent of the planning organisation and is fully accountable for its decisions. It was disappointing to see , ex-staff members in the legal department hearing Powerlink objections as so called independent assessors of objections to resumptions.
- Landholders have the right to request a conduct agreement prior to any entry to their land for assessment or construction for all proposed infrastructure projects.
- Legal costs are met by the constructing authority at the outset for any legal advice/access agreement required by the landholder and not limited to the compensation stage of the process.
- All expert costs are met directly by the constructing authority. The landholder should not have to pay these costs and be reimbursed later.
- Easement conditions can be amended according to individual property requirements.
- Commercial compensation is to apply in all cases.
- Infrastructure requested by Resource Companies are paid for in their entirety by the Resource Companies.
- Biosecurity protocols entry requirements are updated as per individual landholder requirement and need to be detailed in cost-benefit analysis for projects presented for approval.
- Fly In and Fly Out Workforces for a limited construction timeframes are recognised as not being of benefit to regional Queensland communities and no project should be justified as being of community benefit under this guise.
- No landholder either now or in the future should be inadequately compensated for infrastructure constructed on their land. This can be addressed by ensuring a combination of a one-off commercial upfront and ongoing annual payments are paid for the life of projects as mutually agreed with the impacted landholder.
- Apply the No Disadvantage Principle

Kerry Ladbrook
Secretary
Property Rights Australia Inc.