



STATE DEVELOPMENT AND REGIONAL INDUSTRIES COMMITTEE

Members present:

Mr CG Whiting MP—Chair
Mr MJ Hart MP
Mr RI Katter MP
Mr JE Madden MP
Mr JJ McDonald MP
Mr TJ Smith MP

Staff present:

Ms S Galbraith—Committee Secretary
Ms M Freiberg—Committee Support Officer

PUBLIC BRIEFING—STATE DEVELOPMENT AND PUBLIC WORKS ORGANISATION AMENDMENT REGULATION 2021 (OFFICE OF THE COORDINATOR-GENERAL)

TRANSCRIPT OF PROCEEDINGS

MONDAY, 25 OCTOBER 2021

Brisbane

MONDAY, 25 OCTOBER 2021

The committee met at 10.02 am.

CHAIR: Good morning. I declare this public briefing open. Thank you for your attendance here today. I would like to begin today's proceedings by acknowledging the traditional owners of the land on which we meet today.

My name is Chris Whiting. I am the member for Bancroft and chair of the committee. The other committee members with us today are: Mr Jim McDonald, the deputy chair and member for Lockyer; Mr Michael Hart, the member for Burleigh; soon we will be joined by Robbie Katter, the member for Traeger; Mr Jim Madden, the member for Ipswich West; and Mr Tom Smith, the member for Bundaberg.

The purpose of today's briefing is to hear from the Office of the Coordinator-General on matters relating to the State Development and Public Works Organisation Amendment Regulation 2021. I remind committee members that officers are here today to provide factual or technical information. Any questions seeking an opinion about policy should be directed to the minister or left to debate on the floor of the House. The committee's proceedings are proceedings of the Queensland parliament and are subject to the standing rules and orders of the parliament. Media may be present and will be subject to my direction in accordance with the media rules endorsed by the committee. Those present today should note it is possible they may be filmed or photographed during the proceedings. Finally, I remind everyone to turn their mobile phones to silent mode.

EDWARDS, Mr Nathan, Office of the Coordinator-General

STOLZ, Mr David, Assistant Coordinator-General, Office of the Coordinator-General

CHAIR: I invite you to make an opening statement, after which committee members will have some questions for you.

Mr Stolz: Good morning, Mr Chair and members of the committee. Thank you for the opportunity to provide this briefing regarding the State Development and Public Works Organisation Amendment Regulation 2021, hereinafter referred to by me as the amendment regulation. First, I will address the role of the Coordinator-General, the purpose of the amendment regulation, the consultation undertaken and the human rights implications of the amendment regulation.

The Coordinator-General is established under the State Development and Public Works Organisation Act 1971, which I will refer to as the act, and is a corporation with powers to facilitate, assess and enable the development of infrastructure and projects in the state. These powers include facilitating access to land, the acquisition of land and opening and closing roads. The Coordinator-General cannot act on its own volition in most cases and is subject to various checks and balances which both limit and enable the Coordinator-General's powers.

One of the ways the Coordinator-General can be authorised to use its powers for works is by direction, which is in the form of a regulation. For many years this has been done by amending the State Development and Public Works Organisation Regulation—the most recent of those is the regulation for 2020—although it was previously done by making orders-in-council. Once the amending regulation is made, a direction is binding on any local body referred to in the direction and on the Coordinator-General. A works regulation direction or similar provision has been used regularly to enable the use of the Coordinator-General's powers. All of the SEQ Water Grid projects were the subject of direction. Other directions include: the Lang Park Stadium project in 2000; the South Bank Pedestrian and Cycle Bridge in 2003; the Gold Coast University Hospital project in 2008; and the Building Future Schools project and Rookwood Weir project in 2018. Most recently, the Cairns Convention Centre expansion project has been the subject of a direction.

There are currently 10 works regulations in the State Development and Public Works Organisation Regulation 2020, including three that were added by the amendment under consideration today. The three projects the subject of the amendment regulation under consideration are: the Far North Queensland Health and Innovation Precinct project; the Toowoomba to Warwick water pipeline project; and the Currumbin Eco Parkland project.

The Coordinator-General made the recommendations to the Deputy Premier as Minister for State Development, Infrastructure, Local Government and Planning pursuant to 99 of the act where the direction is made to a local body and section 108 where the direction is to the Coordinator-General. The Governor in Council approved the directions on 15 July 2021. These directions were made to allow the Coordinator-General to assist if required in the delivery of the three projects. I will now move to provide further details about the purpose of the amendment regulation.

Firstly with respect to the works direction for the Far North Queensland Health and Innovation Precinct project, this is a project to provide education, health and innovation services to support local innovation, regional economies and the health of communities in Far North Queensland. The project is more fully described in the project report, which is published on the department's website. The direction requires the Cairns and Hinterland Health and Hospital Service to undertake the investigation, planning and construction of the project apart from reserved works which can only be undertaken by the Coordinator-General. I understand the health service is working with James Cook University and Queensland Health to deliver the project.

The second works direction relates to the proposed Currumbin Eco Parkland project, which is proposed to be one of the largest parks in Australia with recreational facilities for families, sporting clubs and schools, protection for local koala habitats, including fodder eucalypt plantation, and ecotourism facilities to support more tourism jobs and nature based recreational trials. The project again is more fully described in a project report published on the department's website. The direction requires the minister responsible for the oversight of Economic Development Queensland to undertake the investigation, planning and construction of the project apart from the reserved works.

The third works regulation relates to the Toowoomba to Warwick pipeline project, which is proposed in order to ensure the long-term water security of the Southern Downs region. The project is more fully described in the project report published on the department's website. The direction requires the Queensland Bulk Water Supply Authority—in this case Seqwater—to undertake the investigation and planning of the project. I will now talk about consultation with respect to the amending regulation.

The Office of Best Practice Regulation reviewed a preliminary impact assessment and advised that the proposed amendments to the State Development and Public Works Organisation Regulation 2020 were unlikely to result in significant adverse impacts in comparison to the status quo. Accordingly, no further regulatory impact analysis was required under the guidelines. The directions to the Coordinator-General to undertake the works are consistent with fundamental legislative principles. If the Coordinator-General exercises any powers pursuant to the regulation, the powers must be exercised in accordance with the State Development Public Works Organisation Act where applicable and the processes in the Acquisition of Land Act 1967 must also be followed—for example, statutory provisions relating to notice periods for entry to land and entitlements to compensation for any damage as a result of entry will apply as normal.

As a final section to this opening statement I will talk about the human rights implications of the amendment regulation. A human rights certificate was provided by the minister. It is important to note that use of the Coordinator-General's functions and powers to expedite these projects does not limit the human rights to any extent more than other methods of land access, land acquisition, road rearrangement and/or road closure and is merely a practical avenue for achieving the purpose. Compulsory acquisition powers can be used to facilitate the timely establishment of significant projects which are of benefit to the state and its residents. The process and compensation provisions are outlined within the State Development and Public Works Organisation Act and the Acquisition of Land Act and provide a framework for the implementation of compulsory acquisition. The compulsory acquisition powers are therefore limited by the statute's provisions, which provide a safeguard to limit impacts on a person's human rights—in particular, fair compensation for any land and property right acquired by the state. The amendment regulation under consideration here is not replacing any previous legislation and does not change existing safeguards that protect human rights. This concludes my opening statement. I am happy to take any questions from the committee.

CHAIR: It is very clear from going through what we have here that these developments are crucial infrastructure for the state and they are clearly all happening in areas where there is great demand for land, hence there are a lot of different stakeholders and interests, hence the exercise of these powers. What are the other alternatives to this? I imagine they would be quite limited in terms of how you assemble just the right land to build this infrastructure.

Mr Stolz: I think the key role for the Coordinator-General and the key reason for the amendment regulation is that the Coordinator-General is playing a role, particularly in terms of the timely delivery of the project outcomes that are being sought, but there are alternatives to using these

powers. For instance, the Department of Resources could apply its powers, particularly with respect to the Acquisition of Land Act. Councils also have similar powers in some circumstances. I think the important point in terms of the amendment regulation is that the key reason it is being made is so that the Coordinator-General can assist with timeliness relating to these projects.

CHAIR: It seems to be the key. If you are not involved here it drags out, which impacts how useful that infrastructure might be.

Mr Stolz: Absolutely; that is correct.

Mr HART: David, just following on from the chair's question, I note page 4 of the explanatory notes say that alternative ways of achieving the policy objectives have not been adopted. You were talking about the Coordinator-General being involved for timeliness. Who is actually running this process? I assume the Coordinator-General can step in if the time frames are outside what they—

Mr Stolz: Absolutely. In the case of each project there is a project manager, which is not the Coordinator-General. Through the amendment regulation, the Coordinator-General can apply reserved works powers if the needs of the project need that outcome. Each of the projects is different in terms of the time line that it is on and each of them are different in terms of the individual circumstances. Should the Coordinator-General be requested to use powers that are enabled through the amendment regulation, the Coordinator-General would then consider that and apply those powers if warranted.

Mr HART: So who is running this process then?

Mr Stolz: Each project has a different project manager.

Mr HART: Within one department?

Mr Stolz: In some cases. If I talked about the Far North Queensland Health and Innovation Precinct project, that is work being undertaken jointly between James Cook University and the Far North Queensland health service, which is the Cairns and Hinterland Hospital and Health Service. Seqwater are effectively the project manager with respect to the Toowoomba to Warwick Water Pipeline project. Economic Development Queensland is undertaking the project works with respect to the Currumbin Eco Parkland project.

Mr HART: Where would the committee find the time lines for each of those projects? We talked about timeliness. What are the time frames?

Mr Stolz: I think in all three cases it would be a direct inquiry to each of those project managers. Unless my colleague can advise me, I am not aware that there is, for instance on our website, a published time line. I also could come back to the committee with information about time lines if that was requested.

Mr HART: On that same page of the explanatory notes there is reference to moneys that have been allocated to each of the projects. Given that fair and reasonable costs would be payable to somebody to reclaim property in these cases, is the compensation limited to those amounts or are those amounts there for some other reason?

Mr Stolz: In the case of compensation we do generally follow the processes of the Acquisition of Land Act. Those processes allow for a valuation to be undertaken at commercial rates. In all cases we will engage independent commercial valuers. Where agreement has failed to be reached between the acquiring party and the landowner there are then processes to ultimately reach agreement or to resolve the amount of compensation. That could in time include going to the Land Court to seek a judgement to resolve the value of the land.

Mr HART: So it is not limited to the figures in the regulation?

Mr Stolz: No.

Mr HART: Do we know why those figures are there then?

Mr Stolz: Effectively, the work that is done to date does seek to identify and understand a value with respect to land that might be the subject of some of this project work. However, I think the important point is that compensation ultimately payable has a very established process to determine that compensation.

Mr MADDEN: My questions are related to the Toowoomba to Warwick Water Pipeline project. I am sorry if my questions are beyond your knowledge, but obviously that is a critical project. We have carted water to Stanthorpe for almost two years and we almost had the same situation at Warwick until the rains came and everything was fine. I gather from the explanatory notes that Seqwater has been doing the heavy lifting so far. I want to clarify: what will this change in terms of the role of the Coordinator-General and Seqwater in the future? What changes as a result of this regulation?

Mr Stolz: I guess the key role for the Coordinator-General is particularly to assist with access to land for investigations for the pipeline. Bringing it back to my point around timeliness, while the majority of the corridor is on state land there are some portions of private land within which there will be a need for either investigations, there may be a need for hardstand as construction commences, there may be a need for land for similar sorts of project related purposes that the Coordinator-General might then play a role in should there be any difficulty in reaching agreement with private landowners in particular.

Mr MADDEN: Is it the case that you have superior powers to Seqwater with regard to accessing private property?

Mr Stolz: Yes, correct, particularly our ability to move that forward in a timely and expeditious way.

Mr MADDEN: Has Seqwater encountered problems in their studies as a result of this inability to access some lands?

Mr Stolz: I think whenever there is an engagement with private sector landholders there is always the potential for that engagement to be open-ended. What this amendment regulation provides for is that should there be difficulties experienced with respect to access to land there is an ability then for the Coordinator-General to play a role to ensure the timely delivery of that project.

Mr MADDEN: And that is the core reason this regulation—

Mr Stolz: That is the core reason, correct.

Mr MADDEN: You have answered my question well, David, thank you.

Mr McDONALD: In regards to that, this regulation only allows for the Coordinator-General's involvement in land tenure arrangements or motivation for that pipeline and not across the state?

Mr Stolz: Correct. That is right. The amendment regulation particularly relates to the three projects that were described in the regulation. There are other provisions that sit within the overall works regulation. I think I have mentioned that we have 10 projects currently listed, but this amendment regulation relates to those three projects.

Mr McDONALD: Water security is a huge issue across the state. I make a personal declaration that my brother is the deputy mayor of Toowoomba. This is more about the Southern Downs, but it does go through Toowoomba and the Toowoomba Regional Council is involved. Neither of us have any personal benefit from it. Water security is a huge thing. I am a very strong advocate of a water pipeline that is planned to bring water to the Lockyer Valley and Somerset areas. From your perspective, does this project impact on that project? Do you have an awareness of that project and is that all in consideration or are you leaving that to Seqwater?

Mr Stolz: I do not have particular knowledge of provisions for the Lockyer Valley. Again, if asked, we might be able to find some information for you but this amendment regulation is particularly about the Toowoomba to Warwick Water Pipeline. I think that is the best answer.

Mr McDONALD: I am just being parochial.

Mr Stolz: That is fine. Nathan just said to me that the Department of Regional Development, Manufacturing and Water will be looking at that issue.

Mr KATTER: This is more of a general question. I am curious about how this works. Three projects have been flagged in the recommendation that require some legislative amendment. What qualified those projects to the exclusion of others? Was this a bottom-up thing from the Coordinator-General's office saying, 'We have this suite of projects and here are three that we are having a problem with that relate to land issues.'? There are projects in my area that I can think of that have some land issues as well so why did they not end up there?

Mr Stolz: Effectively it is bottom up. It is a case of the departments and the project managers either experiencing or envisaging that they might experience some difficulties and approaching the Coordinator-General to consider these projects in terms of the Coordinator-General's powers.

Mr KATTER: To expand on what Jim said or perhaps reiterate, does that mean that, for example, with the HIPCo dam if we encounter similar issues we could expect that might assist in that?

Mr Stolz: Many parts of Queensland, agencies and proponents have an ability to approach the Coordinator-General for the Coordinator-General to work in support of projects like this. A key objective for the Coordinator-General is economic development and infrastructure development. The Coordinator-General's powers do support those outcomes. Everything is considered, though, on a Brisbane

case-by-case basis. I guess the fact that we have three projects particularly described in the amendment regulation is an example of that in that the enlivening of Coordinator-General powers is done carefully, it is done judiciously and is the result of some considerable consideration.

Mr SMITH: This question is in regards to the health precinct in Cairns and the sites between Charles, Digger, Grove and Sheridan streets. There are already some businesses there. It looks like a hotel, rental cars and some backpackers as well. With the land acquisition, could you talk me through the process for the valuation? Is it just the value of the land or is it the assets as well as business turnover? What are all of the considerations that come into that through the process?

Mr Stolz: I might say at the outset that, as we speak, the Coordinator-General is not anticipating that the Coordinator-General will play a role ultimately in land acquisition. There is a commercial process that is underway. It looks like that commercial process will result in the purchase of the land on commercial terms. If the Coordinator-General were to be involved in compulsory acquisition, there are a number of matters and compensatable items that we can work through. The general principle is that we would start with the land itself and its value. We would engage commercial valuers to work with the Coordinator-General and work with the landowner to establish that value. In particular circumstances there can be other items—if a business needed to relocate there can be some compensation payable for items like that. There are additional items, but I guess we really start with the value of the land and work from there.

Mr HART: My question can relate to all of the projects but I refer in particular to the Currumbin Eco Parkland project. It is not in my electorate but I could throw a stone on to it, I guess. Timeliness seems to be the major issue here. If the government cannot come to a commercial arrangement with the owners of that parkland in Currumbin, how long would it take the Coordinator-General to step through that process? Can you tell us how long that may be?

Mr Stolz: Yes. I probably should disclose that we have a notice of intention to resume that has been issued with respect to that particular project. I will be a little careful just to talk about the particulars of that project because I need to be careful not to discuss matters that might then ultimately impede future decision-making with respect to that project.

Your question is really around timeliness. In broad terms, the first step with respect to compulsory acquisition is the issuing of a notice of intention to resume. Once that document is issued there is a period allowed for objections. The Coordinator-General, in due course, provides a party with an opportunity to object to the taking of land. If an objection is made the Coordinator-General then hears that objection and, following the hearing of that objection, a report is produced that is provided to the landowner to confirm that the report that the Coordinator-General might ultimately consider is a fair and accurate reflection of the hearing that was held. The Coordinator-General then decides whether to proceed with the notice of intention to resume, to amend it or to discontinue it. If it was decided to proceed then an application would be made to the minister to proceed with that.

There are not necessarily statutory time frames associated with each of those steps. One of those steps, the step around the objection hearing, does have some time frames, but steps around the decision-making beyond that really are in response to the individual circumstance and the matters that are being considered.

Mr HART: This regulation came into existence at the end of August. The Coordinator-General has already issued a notice to resume?

Mr Stolz: That is correct.

Mr HART: They are moving fairly quickly here.

Mr Stolz: The regulation came into effect on 16 July but, yes, the Coordinator-General has issued a notice of intention to resume and is working through that process.

Mr HART: Has the Coordinator-General dealt with this concept before? This is not a new concept. It has been around for years.

Mr Stolz: If I have understood your question correctly, it is the concept of an eco parkland?

Mr HART: Yes.

Mr Stolz: I think it is fair to say it is a new concept for the Coordinator-General. However, one of the things that the Coordinator-General has considered is that there is a considerable infrastructure component associated with the proposal. I guess that is the commonality with other work undertaken by the Coordinator-General.

Mr HART: What sort of infrastructure?

Mr Stolz: Should the eco parkland be developed there will be considerable infrastructure associated with the parkland itself. There will be earthworks, there will be walking trails, there may well be eco parkland facilities developed. There is infrastructure associated with the establishment of the parkland.

Mr HART: Is there a concept plan yet?

CHAIR: It is on the DSD website, from what I understand of what the Assistant Coordinator-General has said.

Mr HART: Thank you.

CHAIR: The time allocated for the public briefing has expired. We do not have any questions taken on notice. Mr Stolz and Mr Edwards, thank you for your attendance today. A transcript of the proceedings will be available on the committee's parliamentary webpage in due course. I declare the briefing closed.

The committee adjourned at 10.34 am.