Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

FRIDAY, 24 NOVEMBER 1967

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Mr. SPEAKER (Hon. D. E. Nicholson, Murrumba) read prayers and took the chair at 11 a.m.

RACING AND BETTING ACTS AMENDMENT BILL

Assent reported by Mr. Speaker.

QUESTIONS

HONESTY IN PRESS ADVERTISING

Mr. Walsh for **Mr. Aikens,** pursuant to notice, asked The Minister for Labour and Tourism,—

Is any check made by his Department of advertisements in the Press in order to establish the truth and good faith of the claims made therein and so protect the people from sharp business practices which at times could amount to blatant robbery and, if not, why not?

Answer:—

"Yes. An officer regularly scans the advertisements in both daily newspapers and Sunday papers, in regard to the possible publication of what might be considered to be false statements under the provisions of The Factories and Shops Acts."

ELIGIBILITY FOR STUDENT ALLOWANCE

Mr. R. Jones, pursuant to notice, asked The Minister for Education,—

In calculating eligibility for a student allowance is war service and repatriation pension taken into consideration as income? If so, why?

Answer:—

"The basis of eligibility for a student allowance, which is considered fair and proper, is the total yearly income of the parents from all sources."

NAVY PATROL BOATS FOR NORTH QUEENSLAND

Mr. R. Jones, pursuant to notice, asked The Premier,—

Following the incidence of foreign fishing vessels off Cairns recently, has the Queensland Government made any requests to the Commonwealth for at least two of the twenty new R.A.N. patrol boats such as H.M.A.S. *Attack* and *Aitaipe* to be stationed at Cairns and Port Stuart, Thursday Island? If so, what consideration has been given to the requests?

Answer:—

"No. The matter is now one for the Commonwealth Government, the State having made its position and attitude perfectly clear to that Government, as indicated by the Honourable the Premier to the Honourable Member in Answer to his Question on November 8 last."

PAPERS

The following papers were laid on the table:—

Orders in Council under the Forestry Acts, 1959 to 1964.

FORM OF QUESTIONS

Mrs. JORDAN (Ipswich West) having given notice of a question—

Mr. SPEAKER: Order! The hon. member's question seeks an expression of opinion.

Mr. BROMLEY (Norman) proceeding to give notice of a question—

Mr. SPEAKER: Order! Is the hon. member making a speech or asking a question?

Mr. BROMLEY: Asking a question.

Mr. SPEAKER: I will have a look at it. It sounds more like a speech.

ACQUISITION OF LAND BILL

INITIATION IN COMMITTEE

(The Chairman of Committees, Mr. Hooper, Greenslopes, in the chair)

Hon. A. R. FLETCHER (Cunningham—Minister for Lands) (11.16 a.m.): I move—

"That a Bill be introduced to consolidate and amend the law relating to the acquisition of land for public works and other public purposes and for other purposes."

This Bill is perhaps one of the most important measures to come before the Chamber for some time. It deals with the compulsory acquisition of freehold land by the various authorities authorised in law to take land for their purposes. The Bill contains several new principles and new procedures with which all resuming, or constructing, authorities, as they are technically known, must now comply.

The Bill repeals or amends all the various statutes containing powers and procedures of land resumption and prescribes one set of principles and one set of rules which will apply to all. The Bill therefore will give uniformity to the law governing these resumptions, thereby sweeping away a maze of intricate and inconsistent—I think I use that term advisedly—legislation which, in the past, has deprived many people of their statutory rights because of a failure—and, I might add, an understandable failure—to follow the confused law. This, then, is the first advantage of the new Bill. It will give uniformity of law and procedure so that everybody will know where he stands in this important matter. Without exception, all departments of State, all corporations representing the State, all local authorities, and any and every other authority authorised to resume freehold land, will be obliged to

effect a resumption under and subject to the new Bill. This has required the detailed examination of approximately 36 separate Acts and the laying down of one set of rules capable of meeting the individual requirements of all the various authorities involved.

This gathering and welding together into a workable machine of such a mass of practice and detail has cost time but has resulted in one Bill with this very great advantage of uniformity.

The second point of real importance which should be stressed at this stage is the question of the Bill's simplicity. The law of land resumption is highly technical and involved in many respects. In my opinion, one of the requirements of good law is that it be clear, expressed in unambiguous language, and capable of easy appreciation. This was one of the main objectives in the drafting of this Bill, and in this I think we can claim to have been pretty successful. The Bill, in its laws and procedures, is extremely simple, notwithstanding the technicalities inherent in land title work. I say that any person of average intelligence will have no difficulty in understanding its provisions. I stress this, because this is not so in the case of the law that is repealed by the Bill. Perhaps the greatest criticism of the repealed law was its confusion of Acts and complicated procedures.

Whilst the confusion of law and procedure was in itself objectionable, the penalty for failure to comply therewith was harsh to the point of being, some people thought, scandalously harsh. If a claimant failed to comply with those complicated procedures, which varied according to the particular Act, his claim was absolutely barred in law, and no authority had power to relieve that penalty. Those complicated procedures, and the drastic penalty for failure to meet them, have been stripped from the statutes and with them will go the wide public resentment so often directed to an authority which, in fact, was quite powerless to restore the moral rights of an individual to just terms and ordinary fair dealing. That, then, is the second advantage of the Bill—the advantage of simplicity of procedure.

The third major principle is the question of the statute-barring of claims for compensation. There is no provision whatever in the Bill whereby a just claim for compensation can be statute barred. There is now no time limit for the making of claims, and the question of loss of rights for failure to file a claim within the various times specified under the old law will not now arise. Under the Bill the claimant may claim compensation at any time after the land has been taken. The claimant or the constructing authority may refer to the Land Court the matter of compensation payable. The claimant may refer the matter to the court at any time after he lodges his claim with the constructing authority. If the claimant has not referred the matter to the court, the constructing authority may refer to the court at any time after the expiration of the period of three months following the taking of the land. Thus, the parties are in a position to seek an early determination of compensation in the event that they are unable to negotiate a settlement.

Mr. O'Donnell: Did you say "three months"?

Mr. FLETCHER: Yes, three months following the taking of the land.

Mr. Houston: To go to court?

Mr. FLETCHER: Yes, to refer it to the court. This new approach takes the place of the numerous provisions, extremely unjust in character, which absolutely barred the right of the dispossessed owner to compensation for failure to comply with what were merely procedural steps.

A further important principle of the Bill is the question of the making of advances against compensation. Under the Bill a claimant may require the constructing authority to make payment of an advance against compensation. The claimant is entitled to ask for an advance up to the amount of the constructing authority's offer of compensation or, if no offer has been made, up to the constructing authority's valuation of the claim, and this advance must be paid within 90 days of the date of application.

Mr. Houston: That is without question?

Mr. FLETCHER: Yes.

This new provision will be important to the individual of ordinary means in that it will ensure that funds are available at an early date to assist him in his problem of securing alternative accommodation or premises should they be required, and this could often happen.

These, then, are some of the more important principles. The Bill also contains many variations of present law and I shall attempt to outline quickly the more important of these variations in order that this might assist hon. members in their appreciation of the Bill.

The Bill will come into force on a date to be proclaimed. Resumptions commenced under the old law will be finalised under the old law. However, the Act provides that no such case will become statute barred as a result of the provisions of the repealed Acts. It is obvious that the Bill could not, from a practical point of view, reopen all claims which over the years have been barred by the operation of the repealed Acts.

Nevertheless, the Bill contains a provision enabling a constructing authority at its discretion to make payment of compensation in respect of any claim which is now statute barred. The point of this is that constructing authorities, formerly prevented in law from making any payment in respect of a claim which was statute barred, may

now, if they so wish, make payment of an ex gratia sum representing their opinion of the valuation of a claim.

Mr. Houston: Are there any cases in mind where that could apply?

Mr. FLETCHER: I know of no individual cases, but I am quite sure that some will crop up.

Mr. Sherrington: Under the Wilbur Smith plan?

Mr. FLETCHER: Not necessarily. This refers to earlier resumptions. This is a general provision to take care of this matter. While some constructing authorities have taken the strictly legal view that a claim was statute barred and have not paid claiming that they had no authority to make such a payment, I think it is fair to say that most constructing authorities have paid on an ex gratia basis.

One of the important concepts of law governing the legality of a resumption is the question of the purpose for which the land is taken. The proposed legislation requires constructing authorities to be much more specific on this point.

The various purposes for which land may be taken are set out in the Bill, and the notice of intention to resume must specify the particular purpose concerned. If a local authority takes land for drainage purposes, for example, the notice of intention to resume must specify that purpose and not merely say "For the purpose of the Local Government Act".

The new procedure for the taking of land is clearly spelled out. Every constructing authority must now give notice of intention to resume.

Mr. Sherrington: That would also apply in the case of land resumed for the purposes of education?

Mr. FLETCHER: It will apply to every purpose for which land is resumed. Every person entitled to claim compensation as the result of the taking of the land is entitled to be served with a notice. The notice must inform the person to whom it is addressed of the particular purpose of the resumption, of his right to make an objection, and of his right to speak before the constructing authority or its delegate to support his objection, and must inform him of the constructing authority's willingness to purchase the land by agreement or, failing agreement, to treat with him as to compensation payable.

A copy of the notice of intention to resume must now be filed in the Real Property Office in order to warn any intending purchaser of the position. Upon expiry of the period for the making of objections, the constructing authority must consider all objections received and decide whether or not to proceed with the resumption. If the resumption is to proceed, the constructing authority must make application to the Minister within 12 months after the date of the notice of intention to resume or the resumption lapses. It cannot be held hanging in the air, as it were, ad infinitum. The Governor in Council is required to consider every application and, if satisfied that the land may be lawfully taken and that the constructing authority has complied with procedures, the land may be taken and interests in the land are converted into a right to claim compensation.

A resumption will lapse if the land is not taken within 12 months of the date of the notice of intention to resume. If the resumption lapses or if the constructing authority, upon consideration of objections, discontinues the resumption, the constructing authority is liable for damage done to the land, as well as costs and expenses incurred by the owner or person with an interest in the land.

There are several variations in respect of machinery provisions designed to bring the law of resumption up to date and to streamline procedures. However, at this stage I feel that the Committee is more interested in the principles of the Bill than in technicalities of administration.

Mr. Houston: Will the Minister be able to stop a resumption if he considers that the reasons given do not justify it?

Mr. FLETCHER: Presumably. There would seem to be little point in providing a right to object if there was no chance of an objection being held to have substance and validity. The mere giving of a right to object implies that on some occasions objections will be made.

Mr. Houston: If that is so, will people who object successfully get costs?

Mr. FLETCHER: I doubt very much whether any costs would have been incurred at that stage. There would have been no entering on the land and no work done.

Mr. Houston: It could hold up a sale for 12 months.

Mr. FLETCHER: That could be so. There are not likely to be any costs involved in the early stage when objections are considered.

The Bill, of course, is somewhat technical in nature, and on these points I am guided by those whose profession it is to administer these matters. I mention as a matter of interest that in addition to the advice of my department and the Parliamentary Draftsman, I have obtained the views of all departments who over the years have effected resumptions, as well as the advice of the Solicitor-General. I am extremely confident that the Bill represents in machinery and in principle a major step forward in the land law of Queensland.

Having regard to public interest in this measure, I thought it also desirable to obtain outside legal opinion from Mr. Peter Connolly, barrister-in-law, who is presently the president of the Law Society, as to whether or not the Bill provides for the acquisition of land on just terms. The purpose of this step was to get a view from the other side of the fence, as it were.

For the information of the Committee, I report that in the opinion of Mr. Connolly —and I quote—"This Bill is a vast improvement on any resumption or compensation statute which is presently on the statute books of Queensland. Like any other piece of unusual legislation, it will doubtless in the fullness of time present its difficulties but its essential objects should evoke nothing but praise."

It will be appreciated that the Bill has been drawn with considerable care. In my opinion, the law that is to be repealed by the Bill weighed unfairly to the advantage of constructing authorities and was drawn in a way that I regard as being somewhat unjust. The new Bill remedies this position and in my opinion leans, as far as is proper in the public interest, in favour of the individual who finds himself in a position in which he is required to be dispossessed of his land for the benefit of the general public.

I commend the motion to the Committee.

Mr. O'DONNELL (Barcoo) (11.32 a.m.): First, I convey to the Minister my appreciation of his brief but to-the-point statement of the principles of the proposed Bill. Indeed, as he has outlined them, the proposed Bill could almost be discussed on a non-political basis in this Chamber. It appears that its aim is to provide justice for all, and I do not think there could be any quarrel with that. Members of the Opposition will, of course, take a great deal of interest in what is said by hon. members on the Government benches and see whether or not the debate can be kept on the high plane set by the Minister.

The Opposition agrees that the proposed Bill is very important—and I think the Minister for Lands is one of the unlucky Ministers with important Bills, which always seem to be brought down towards the end of the session. It happened twice with Bills dealing with brigalow lands, and even the Brigalow and Other Lands Development Acts Amendment Bill now awaiting its second reading has been delayed by the action of other Ministers. The proposed Bill, which I repeat is very important, comes before hon. members very late in the session.

The Committee knows very well that certain authorities have always had the right to acquire or resume land by compulsory processes, but only for purposes outlined in the statutes. I have with me a copy of the present Act, the Public Works Land Resumption Acts, 1906 to 1951, and also copies of the amending Acts of 1952 and 1955. Hon. members will see from the years mentioned that the Acts which it is now proposed to consolidate are very old Acts indeed. One must also take into consideration the fact that sections of 36 other Acts are to be repealed to bring about the uniformity that the Minister has sought. What a gigantic task it must have been for the officers concerned to go through 36 different Acts and reduce the relevant sections to one uniform set of rules!

Hon. members have not yet sighted the Bill, but the Minister has stressed in his introductory remarks that one of its outstanding features is simplicity. That will be very welcome, because from time to time one hears hon. members of long experience complaining that Bills are far from simple and that the provisions contained in them are not expressed in such a way that they can readily be understood by members of the public generally.

The Minister referred to constructing authorities, of which there are actually four groups—the Crown, Crown corporations, local authorities, including the Brisbane City Council, and private corporations, some of which are boards.

If this legislation is for public benefit and the owner's interest are to receive the ultimate in consideration, as I said before, the Opposition will be at least commending the improvements. Of course, we reserve the right to examine the Bill very carefully because nobody can gainsay the fact that there must have been a great deal of argument before this Bill was reduced to writing. Some of the authorities that I have mentioned would be very reluctant indeed to surrender some of the wide, sweeping powers they possessed. However, if the Bill is to give justice to the general public, I reiterate that the Opposition will be favourably disposed towards it. Should we find, in our study of it, that it contains important principles which are alien to our policy, and to the general interests of the public, we will be very critical and will take appropriate action.

I should like now to refer to some of the remarks made by the Minister. He spoke about simplicity and said that the present confusion will become a thing of the past. That is very welcome. Some of the laws set out in the various Acts could be regarded as harsh and scandalous, one of the worst provisions being the statute-barring of claims.

Mr. Walsh: What Act is that? What year?

Mr. O'DONNELL: The Land Acts, 1910 to 1951, the consolidation of which from 1906 to 1951 included the Public Works Land Resumption Act. That is one of the important provisions.

Besides the statute-barring of claims, the other harsh aspect was the fact that procedures were often traps into which people fell and as a consequence came under this imposition of being statute barred. The

Minister proposes that no just claim will be barred and that time limits will not affect a person's just claim.

When I look back through the various relevant Acts and amendments, I find that there was no alteration of section 18 from its inception in 1906 until, I think, 1952. I had a note of the date when there was some relaxation of the one-year period to three years, but this was done only in unusual circumstances and applied only if all procedures in the past had been strictly adhered to. This is important, as it is very unjust for a person to be statute barred.

I have discussed this matter with various people, and when it came to discussion about compensation under section 18 there was strong criticism of the one-year limitation. There was a slight amendment to that provision in 1952, but that is irrelevant to the present argument. The statement relative to one year was probably one of the most deceptive statements possible. Because of it a person could be lulled into a false sense of security. He believed that a claim could be made within 12 months, but within that 12 months there were procedural time limits, such as 30 days for a request for information, another limited period for a compensation offer, and so on. Of course, this meant the filing of documents in the court. Non-adherence to those time limits within the period of 12 months automatically meant that a person became statute barred. The Minister has said today that no just claim will be barred and that time limits—I suppose there must be some time limits within reason—will not be mandatory where justice is concerned.

We will study the Bill to see if that is so. I assure the Minister that he will have our support if it is. I think that is a most favourable attitude to adopt. We will go back through the previous legislation in considering this Bill. Section 18, dealing with the time limit for making claims, section 22, dealing with the offer of compensation, and section 23, dealing with the determination of compensation by the Land Court, are probably the most important sections on compensation.

The fact that those provisions have existed almost unchanged since 1906 is in itself rather amazing. That the original Act of 1906 is now coming up for consideration by the Parliament is an indication that this review is long overdue.

I was very interested in the Minister's remarks about the purpose of resumption. He said that the constructing authority must specify all purposes for which the land is taken. Not long ago I had a discussion with the hon. member for Wavell about the resumption of land for the Brisbane Market Trust. Naturally, when that land was resumed by the Crown for the Brisbane Market Trust it was resumed for a specific purpose. An important principle is self-evident here, because the previous owner is seriously involved. It must be remembered that resumptions are made on a compulsory basis in the sense that if the land is required the owner must surrender it. Whether he does this by way of private treaty or conciliation with the Government, or whether the matter goes to the Land Court or the Land Appeal Court by way of dispute, makes no difference. In any event, the land is resumed from him for a specific purpose after a period of time.

It was not very long after the land was resumed for the Brisbane Market Trust that the constructing authority realised that the whole of the land was not required for the original purpose, but only portion of it. Approval has now been obtained for the sale of some of the land, if necessary. But where does the previous owner stand?

Previously he was required to surrender that land. At a later date he may find that the land (which he may or may not have been keen to hold) has been put on the market and made available to an interested purchaser and that the proceeds received by the resuming authority are much greater than the amount received by way of compensation.

We must consider this matter very carefully. As the purpose has to be defined, when a constructing authority states its purpose it must be very sure that it will carry out its intention. I discussed this matter with the hon. member for Wavell, who will probably remember my raising this with him in the aisle of this Chamber.

Mr. Dewar: Do you have any views on the rights of the person should the resuming authority change its mind?

Mr. O'DONNELL: He should have some rights within a specified time. If the resuming authority changed its approach within a reasonable time, he should receive some consideration. If I may digress, I point out that in relation to gift tax and succession duties and so forth there can be a reassessment. I will leave it to the Minister to say whether that is justice or not. He may feel that there are aspects of this matter that are well worth looking into.

The Minister stressed the point that any intention to resume requires specific notice to be given to the owner instead of the past practice, which was tantamount to the minimum of public notice, which the owner may or may not see. That is important, because it relates back to the statute bar—the time limit of 30 days. An owner may be sick or away on holidays, and he may never be aware of what is happening. Here he has definitely one loophole so far as his personal interest is concerned because he will at least receive notice personally by letter, whereas previously, although he might actually be in residence on the block concerned he may not know of a public notice relating to the action that the constructing authority is taking.

The proposed legislation is definitely fair play. I know that somebody can fall down on the job, perhaps through illness, and the

notice may not be sent. However, the leniency referred to by the Minister can overcome any action by the constructing authority that is inimical to the person concerned and, what is more important, may make him very inimical towards the constructing authority.

The points I am dealing with have a great deal of merit in them and require detailed study to see if their application is straight down the line.

Another important matter is that the constructing authority will be liable for damages. This relates to what I said a moment ago about a former owner who may find that property resumed from him is converted some time later to a use for which it was not resumed. It is important that the owner of a property should have the knowledge that the constructing authority is at least liable for damages for inconvenience caused to him. This is important indeed. It is only justice.

Again it is fair that advances should be made against compensation. The application is good, because again the person whose compensation is held in dispute for some considerable time may require some money to branch out, to take up other land, or to do something else of importance to himself because he has been prejudiced by the act of the constructing authority in resuming his property. And of course finance is essential. I think it is fair that a constructing authority can advance the amount that it is prepared to pay as compensation, even though the matter is in dispute.

Generally speaking, I would say that the Minister has done a very good job in presenting his case to us. We have yet to see the Bill in print, and when we do we will make a close and careful study of it. If what the Minister says is in fact in the Bill, it will receive our support. But if we find we do not agree with any of its principles we will state our case emphatically and will endeavour, as I mentioned previously, to introduce our ideas into the Bill.

Those who have endeavoured to consolidate into one Act certain of the provisions in 36 separate Acts must have worked very hard. I feel that they had a task in front of them. A fair amount of argument would have been put forward by various departments on why certain latitude should not be given. I am afraid we will have to amend this legislation in the not too far distant future. Naturally all of these different authorities—36 of them—have run their own sections of government in their own way for a long time. They know what is in their best interests for expediency and efficiency, and no doubt suggestions will be put forward that the whole of this legislation is not efficient in every regard. I do not think this is a bad thing, because we are attempting to do something. We are bringing together and achieving uniformity out of what is at present chaos and confusion. We will have to proceed from there and must realise that amendments will be necessary to make this a really efficient piece of machinery governing the operations of various constructing authorities. We must always protect the general public and we must protect the constructing authorities too, because they are two important sections of the community. If we can dispense justice all round we will indeed achieve something.

I again thank the Minister for his clear exposition of the Bill, and I hope that we do not have to push him around too much in Committee.

Mr. CORY (Warwick) (11.54 a.m.): I rise to speak briefly on this Bill because of the magnitude of its application over the whole of Queensland. Probably no other Bill will affect land ownership in Queensland more than this one. No area of Queensland is immune from resumption by one constructing authority or another. In my opinion, the Bill is long overdue, and I support it on various very important grounds. In the first place, it standardises resumption laws in Queensland. This is particularly important, because in most cases people who have land resumed have this experience only once in a lifetime. Having one definite principle and one formula under which resumptions are effected means that landholders throughout Queensland will know their rights and experience less confusion. Negotiations will therefore be much more amicable than they have been on many occasions in the past.

I also agree with the principle of paying part compensation in the early stages when it is obvious that there will be lengthy negotiations. It is important to keep in mind the feelings of those who probably have land resumed only once in a lifetime, and I do not think it unreasonable to expect resuming authorities to offer a little guidance and assistance during discussions on resumptions. I hope that the Bill will produce a different attitude in the approach of many resuming authorities, the most important of which in Queensland are the Department of Lands, the Main Roads Department, the Irrigation and Water Supply Commission, local authorities and municipal boards throughout the State.

Because rural local authorities and municipal boards are in close contact with the people, far more tolerance and personal interest are being shown in their resumptions than in those made by the larger authorities, who at times adopt a rather bureaucratic approach. Although I feel that resuming authorities want to be fair and do not want to create any real hardship by not paying adequate compensation, there have been cases in which there has been a lack of liaison with the people concerned which has prevented amicable discussion and the reaching of agreement in the best possible way.

I mentioned the Main Roads Department. I feel that any problems that arise in its resumptions are not so much the fault of

the officers who are charged with effecting them but of the machinery under which they operate. In many cases it boils down to lack of liaison with landholders and, on some occasions, lack of common courtesy in dealing with them. In one case in my area the first a landholder knew that an area of his land was to be resumed for road purposes was when he saw a man with a bag of pegs walking past his yard. Admittedly that man had, under the law, a right to be there, but I do not think it unreasonable to expect an authority as large as the Main Roads Department to show a little more respect to landholders. I do not say that what happened in this case was the fault of the man with the pegs, as obviously he had been told to go there and peg out a line.

It must be instilled into the minds of the resuming authorities that the landholder has rights as an individual. In the past, landholders have been left completely in the dark. The majority of them are not opposed to the principle of resumption, but they do object to action being taken and, in many instances, roads being built and cars running on them before negotiations relative to the land have taken place. Even though a fair settlement is reached finally, that does not help the person concerned at the time when the resumption is made and the land is taken. I do not think it is unreasonable to expect major resuming authorities to consider the personal feelings of the owners of land that is resumed.

Mr. Low: This should improve public relations.

Mr. CORY: It very definitely will improve public relations. As I said earlier, most of the people concerned are not against the principle of resumption, but they like to be put in the picture, not left in the dark.

I believe that the provisions of the proposed Bill will lead also to many more settlements being achieved amicably by private negotiation and treaty and to fewer cases being referred to the Land Court for decision. Although there has been a reasonably satisfactory conclusion to negotiations in many cases, in many other cases landholders have been forced to go to the Land Court, principally because they have not been put in the picture and have been unable to state right from the beginning what problems they face as a result of the resumptions.

Another matter that I wish to mention is the late stage at which the actual notice of resumption is served and at which negotiations take place. Frequently work is under way when those things are done. In fact, as I said, in many instances roads are constructed and in use while the landholder is still battling for his rights relative to severance, water access, and so on. He has lost the use of his land, but no compensation has been settled.

I appeal to the Minister for Lands, and to all other Ministers whose departments resume land, to plan further ahead than they do now. Early notice of resumption should be given, so that all negotiations and discussions can be completed before the land is taken and put to its new use. It is laid down that a claim for compensation must be lodged within twelve months, and I do not think it is fair to move into an area that is to be resumed for road or any other purposes before details have been settled. If things such as that can be avoided, the Minister will find that, instead of having antagonistic land holders, the department will be dealing with landholders who are quite happy to co-operate.

Although I have had quite a lot of experience in this field in the past few years, I know that much greater problems will very soon arise in this State because many more areas of land are to be resumed for road purposes in the very near future. I think if we can implement a policy whereby there is greater liaison in public relations, by resuming authorities giving notice well before the actual need for the land arises so that there can be early discussion on the resumption and payment of compensation, most of the problems will disappear.

Mr. NEWTON (Belmont) (12.6 p.m.): In introducing this Bill, the Minister no doubt endeavoured to give us a clear outline of its contents. However, as I was listening to his introductory remarks the thought struck me that there will be some very hard work in front of hon. members on this side of the Chamber. It is true that Government members might have much more knowledge of the Bill than the Opposition has at this juncture, but a Bill of this nature, which affects many Government departments and many Acts, calls for a good deal of research to discover just what the true picture is.

Members of the Opposition have been given some cause for wonder at the introduction of this Bill today because of the existence on the Business Paper of another Bill that is listed for its second-reading debate. The Opposition was of the opinion that in that debate it would propose some suggestion similar to the one now introduced by the Minister for Lands. We consider that the sooner the acquisition of all land was done by one Government department, the better the position would be. Further it could be said that, because of a number of local-government functions, this Bill will have an important bearing on local authorities throughout the State, particularly as resumptions by them are peculiar in that they range from the resumption of a small area, possibly to put a drain through a property, to much larger acquisitions of land for other purposes. This is one point that the Opposition will be looking at closely, apart altogether from the various other Acts that will be affected by this legislation.

Much has been said in relation to notice of intention to resume, and many debates have taken place in this Chamber on that matter. It is to be hoped that following

this legislation the notice of intention to resume will be set out much more clearly that in the past. I am making a point of this because in the past, whether it has been the Government, a local authority or anybody else acquiring land, other than for road-widening or re-aligning the actual purpose of the resumption has never been clearly indicated. Because the owner of the land had not known the purpose the Government or the local authority had in mind, a grave injustice could have been done to him in the compensation he received for the resumption of his land.

There have been many instances of this in the metropolitan area. No doubt the Minister for Education can recall one such instance when I mention the land on which the Mt. Gravatt High School stands. We know of other cases where owners have submitted counter-claims following offers by the Department of Lands on behalf of other Government departments.

What I am going to say now does not happen regularly, but it has happened. In some instances, for one reason or another, no acknowledgement has been made of the counter-claim and, because of that, the person lodging the counter-claim has lost his right of appeal against the compensation paid. That is why I am stressing this point about the notice of intention to resume. We have another Bill on the Business Paper which lays it down pretty thick and heavy just what local authorities have to do. It is hoped that the Government will follow that principle through in this amending Bill.

Another matter concerning the acquisition of land needs looking into. It is one of the reasons why the Government has brought this measure down. The whole procedure should be under the control of one Minister. In the past the Department of Lands, in the main, has been the authority that has served the acquisition notices for land required by the various Government departments. However, when it came to deciding the compensation payable for the land resumed there were remarkable differences of opinion. I cite the series of land resumptions presently being made in the Upper Mt. Gravatt area for the Main Roads Department, the Department of Education and the Department of Health. The owners of the land are entitled to know what they will be paid per acre by the department that is acquiring their land. If their land is to be resumed—particularly land in an area such as that—one cannot blame them for wanting to get the most they can for it. Immediately a notice of land acquisition is served a scrabble starts to find how much it is sold for, how it may affect other properties in the locality, and how it may affect development, something in which all property-owners in the locality are interested.

One very good aspect of the measure concerns cases in which disagreement arises between the Minister's department and the property-owner. I take it that when the Minister's department is directly affected the position will be as at present, in that there will be an appeal to the Land Court. In our opinion, that is a much better procedure than having to apply to the Local Government Court because the courts are constituted differently. When a case concerning the acquisition of land is heard in the Local Government Court, it is very difficult for the small person. He must be legally represented if he is "taking on" the Brisbane City Council, or a provincial council, because such bodies usually employ the best legal representatives they can get. The Land Court is a layman's court. In other words, it hears the appeal, and the ordinary citizen can state his case and then await a decision. This ensures that he is not involved in heavy costs from the word "go" in fighting for his rights when his land is acquired. If he is not satisfied with what happens in the Land Court he can appeal to the Land Appeal Court. We believe the ordinary person will now be given a better chance to fight his case without becoming involved in heavy costs to protect his rights.

We will watch this with interest and make sure that everything possible is done for people who may be affected by the Bill—to ensure that their interests are at all times protected—now that there will be a uniform law and uniform procedures for the acquisition of land.

As was pointed out by the hon. member for Barcoo, if the Bill is lengthy the Opposition will probably have to do quite a deal of research, because it encompasses many Acts. However, if it is a short measure I suppose our problems will not be particularly great. If it is lengthy, it is to be hoped that it will not be rushed through the Chamber and that we will be given ample time to study it to ensure that we are convinced that what the Minister is endeavouring to do is in the interests of the community. If we can assure ourselves of that, we will indicate our feelings when the Minister moves the second reading of the Bill.

Mr. LICKISS (Mt. Coot-tha) (12.21 p.m.): Matters relating to land acquisition and land resumption are of vital importance to the people of this State. They are issues that can directly affect the future of families in terms of location and that quite often impact severely on the major material asset that man possesses—his family home. Over the years I have advocated, in this place, reforms to this important aspect of public administration. Hon. members are well aware of this.

Hon. members might be curious as to my interest in this subject. Suffice it to say that I have been closely associated with all aspects of this subject, as part of my general association with land administration, for most of my working life. I have seen at first hand what have been the advantages and disadvantages of the various systems in Australia and have studied the systems elsewhere in the

world. Indeed—I say it most regrettably—I have witnessed in this city an abuse of this power by the Brisbane City Council. Long in the memory of the people of this State will remain the Carter case, the Wildermuth case and the Ward case, so adequately reported on by Commissioner Bennett quite recently.

My general comments at this stage will be based largely on my actual experience and will be related to a number of investigations, together with consequential studies of the various aspects of resumption over the years. My comments now are, and those in the past were, more particularly directed to satisfy my desire to see enacted by this Parliament a uniform code for resumption of land in Queensland and for such a code to be contained wholly within one Act of Parliament, and to see embodied in this legislation, as in terms of other legislation, provisions that will ensure that justice is done, that the public conscience is satisfied, that the dignity and rights of the individual are preserved, that a straightforward approach is possible along the lines of sound and humane principles, and that where the provisions of such legislation are invoked a sense of fair play will be necessarily adopted by all parties involved in the action.

What indeed I advocate above all might best be described as a Bill of Rights for the property owner. I hope that this Assembly will not accept less. Indeed, I am advocating legislation that will demonstrate quite clearly that provisions exist and are designed to promote development and to cater for changing circumstances and conditions on the one hand and will clearly demonstrate on the other hand that in this march of progress there is both a desire and an acceptance on the part of all that whilst there is a general benefit likely to accrue to the community, no individual should be disadvantaged.

There must at all times be adequate protection for the rights of the individual. This, in turn, demands that the community, through its elected representatives and Government, ensures that adequate and just compensation is paid to those who are dispossessed of their land or any interest in it and who have any consequential losses caused by that disturbance.

We might examine what is meant by "acquisition" and "resumption" of land. Without quoting dictionary definitions, suffice it to say that "resumption" or "acquisition" normally connotes the taking of land. We normally find that the word "acquisition" is associated with Commonwealth legislation, whilst "resumption" is normally associated with State legislation. There is a very real reason why those words are so used.

Never at any time did the Commonwealth possess the land of Australia. Each State, in its own right, has sovereign powers over the area within its boundaries, and therefore a "resumption" is a State's taking back what it previously disposed of. Under the Commonwealth Land Acquisition Act, by an "acquisition" the Commonwealth acquires for the first time land that it has never owned. However, that is only of passing interest.

Acquisition in most places in the world, including Australia, can be carried out by agreement, on the one hand, or by a compulsory process, on the other hand, and, in some instances, by a combination of both means. When we use the word "compulsory," or imply its meaning in terms of law, we introduce a situation in which land can be taken against the will, if necessary, of the owner by either the Commonwealth or the State Government.

That is possible, as we know, and has the force of constitutional right or sovereign power, provided the appropriate Parliament legislates so as to contain its powers to legislate in terms within, and in accordance with, its authority.

Section 51, placitum 31, of the Commonwealth Constitution gives to the Commonwealth Government the right to acquire land for purposes for which the Commonwealth may make laws. It must be acquired on just terms, and there are volumes of case history in relation to "just terms". Within the State there are sovereign powers, and I propose to discuss them more fully later. Suffice it to say at this stage that "sovereign powers" means that the State Government has complete power within the State of Queensland.

Another question that often arises is whether the Crown should have the right to take land compulsorily for prescribed purposes. This matter is frequently debated. It has been said that a Englishman's home is his castle. It is also said that the freehold of land means absolute ownership. As we all know, that is not precisely correct. It is obvious that effective and progressive development and administration of our nation, our State, our cities and towns, dictates that there must be a means whereby land necessary to carry out development in the interests of the community can be obtained with as little delay as possible. It further follows that where reasonable agreement cannot be reached between the parties, provision must be made for a compulsory process.

I give the example that the location of a major highway or a major railway project cannot depend on willing vendors. In the interests of the community, location is all-important. Topography, economic location, and costs of construction, are of vital interest to the community, and the State must legislate accordingly. In the more sophisticated countries, it is a necessary requirement for Governments to be able to legally take land for prescribed purposes.

Reverting to the question of taking land, as I said earlier, the Commonwealth has inbuilt safeguards in its Constitution. It would be constitutionally impossible for the Commonwealth Government to enact legislation that purports to take property or land

other than on just terms and courts would rule accordingly. This, of course, is covered by section 51, placitum 31, in Part V of the Constitution, which deals with the powers of the Parliament, so there is a restriction and there are also the necessary safeguards at that level.

But what of Queensland? I believe that hon. members should have this information and it is for this very reason that the provisions of the uniform Act should be spelt out in great detail. Hitherto, Queensland has had three main resumption Acts: the Public Works Land Resumption Act; the City of Brisbane Improvement Act (which deals with the City of Brisbane); and the Land Act. Hon. members know, of course, that the Commonwealth, under the Commonwealth Land Acquisition Acts, 1955 to 1957, has somewhat parallel legislation for its purposes under the Constitution of Australia.

Then one has a look at the question of compensation. "Just terms" has already been defined in very simple terms by the courts of law in Australia. There are numerous court determinations, and any valuer valuing for the purpose of a Commonwealth acquisition knows precisely what guide-lines he has to follow. But in Queensland there are no such guide-lines, and in terms of the Court, which the hon. member who has just resumed his seat said something about—if time permits, I shall have something to say in that regard——

Mr. Houston: Do you agree with him?

Mr. LICKISS: I definitely do not agree with him.

On the question of the State's sovereign powers—this is where I say great care must be taken—the State has no restrictions or limitations placed upon its powers of resumption such as one sees in the legislation of the Commonwealth. Indeed, the Parliament of a State, within the ambit of its powers, is in the fullest sense—I stress the words "in the fullest sense"—sovereign, and that Parliament is the judge of what measures are appropriate to achieve its ends.

In relation to private property, the State is a fully sovereign power, and one of the characteristics of a full sovereign power is its legal right to deal as it thinks fit with anything and everything within its territory. In the United States of America this is referred to as "eminent domain", and it is the right of the State to take to itself any property, or any interest therein, on such terms and for such purposes as it thinks fit. "Eminent domain" thus is the proprietary aspect of sovereignty.

It is therefore possible, though admittedly it is not probable, that it would do so, for the State Government of Queensland to pass an Act of Parliament enabling the resumption of land and to provide therein that no compensation is payable in respect of that resumption. Although it is not probable, something along those lines was done when land values were fixed in 1942 in connection with the post-war land settlement scheme in Queensland. So this State was heading in that direction, and I believe that is all the more reason why hon. members should observe a great degree of caution relative to the wording of the Bill that will shortly come before them. That is the type of background information the Committee requires to formulate a uniform code of resumptions, because I believe that hon. members would be flying blind without it.

The machinery part of the Bill, of which we have no knowledge, will be largely filled in by various departmental advisers, but again I suggest that the policy of the Bill is a matter solely for this Parliament. We must remember that where land is resumed for a public purpose, no individual who has a valuable equity in that land should be disadvantaged from an economic point of view for the benefit of the community. I think we are on very safe grounds if we work on that premise.

Mr. Houston: Are you going to support the Bill?

Mr. LICKISS: The hon. gentleman is asking questions. I am sure he will get the necessary answers in due course.

Mr. Houston: You had better hurry up; we have other speakers. We have not seen the Bill yet.

Mr. LICKISS: Having covered the general background of this Bill, let me confirm that I was somewhat surprised at its introduction at this date. The Bill as outlined by the Minister deals with freehold land only, if I interpreted that Minister's introductory remarks correctly, and I stress that if we are to have a uniform code for resumption of land, it must deal with all categories of land in Queensland. Consequently, if it is not possible at the moment, I should certainly expect to see the extension of the uniform code to leasehold land—to all land in the State of Queensland—otherwise we are merely playing with the proposal.

We now could have a uniform code in relation to land which is freehold, but then operate under the Land Act in terms of the auction perpetual lease alongside it.

Mr. Walsh: Do you mean leases from the Crown?

Mr. LICKISS: I am referring entirely to lands alienated from the Crown; not lands alienated from a subservient landlord.

One of the first things we ask for in a uniform code is that in essence we have such a code in the true sense of the term. I agree with the Minister that simplicity is desirable, but simplicity will not be achieved if we still have to move from one Act to another. All we have done, as I see it, is to apply in the uniform code for resumption —that is, the actual format or machinery for resumption—a uniform code in terms of

period, time of notification, and so on. This is not now being introduced by amendment in other legislation. We are correcting many anomalies in relation to the resumption of freehold land. I refer particularly to the State Development and Public Works Organisation Act, which applies the principles of the Public Works Land Resumption Act to restrict the time in which a person can make a claim from 12 months under the Public Works Land Resumption Act to three months under the State Development and Public Works Organisation Act.

All those things were causing confusion. However, in the principles outlined by the Minister there is a marked improvement. Many of the suggestions advocated in previous debates now appear to have been accepted in the proposed Bill and for this we should be very pleased. The removal of the possibility that a person could be statute barred is commendable. The fact that a person can now obtain an advance against compensation is to be appreciated. In the past, of course, the fact that a person was unable to obtain partial compensation was often a weapon in the hands of authority to force the individual into submission. That possibility has now been removed, and that is a worth-while innovation.

There are many other points, from the rather broad outlines that the Minister has given us at this stage, which appear to be most desirable. The Brisbane City Council, since 1916, has had autonomy in matters of resumption pursuant to the City of Brisbane Improvement Act. I believe it is advisable that the Brisbane City Council, by virtue of its operation and its constitution, should be in the same position as any other local authority. It should not be autonomous in its own right, and in view of the great Press speculation about it, let us hope that when we see the Bill we find that this position has been corrected.

The Minister rests very heavily in his submissions on the fact that he has had a report on the Bill by an eminent barrister. One would not deny the legal knowledge of Mr. Connolly, Q.C., but when it comes to commenting on policy, I feel that this is a matter for this Parliament. As I say, in matters of law I respect Mr. Connolly's legal knowledge, but his words in terms of policy consideration should be disregarded by this Parliament.

Under the Commonwealth legislation it is readily accepted that land acquired for the purpose of the Commonwealth is considered to be set aside for that purpose. I would hope that no authority, at State or local authority level, can change the purpose for which the land is resumed without the authority of the Governor in Council. It is all too easy to resume a piece of land under the pretext of requiring it for park purposes, only to say, "We don't really need it for this. We will now sell it for housing units." I believe that once it is resumed for a purpose, land must be set aside for that purpose until the Governor in Council otherwise directs. In terms of the Commonwealth scheme, I know from experience that in most instances where acquisition has taken place within a reasonable time and the land is no longer required for the original purpose, it is then first offered to the person from whom it was resumed. That is not a bad policy. It is a matter that I think this Committee should consider.

One of the most important aspects to consider in this type of legislation dealing with compensation is that the compensation to an owner for land taken from him should be for the value of the land to the owner, not to the resuming authority. There appears to creep into the administration of resumption Acts a feeling that the land is worth so much to the resuming authority, therefore that should be the quantum of compensation. All judgments covering compensation for resumption have led me to the conclusion, and it has been indelibly imprinted in the volumes of textbooks on the subject, that in terms of compensation it is the value of the land to the dispossessd owner and not the value of the land to the resuming authority that should be considered.

That brings me to the point raised by the hon. member for Belmont about the Land Court. I suppose we can agree to disagree on the benefits or otherwise of the Land Court. I hope I will have much more to say on this subject during the second-reading debate. The operation of the Land Court, with the "equity and good conscience" provisions, sounds very good in theory, but let me say that in practice it does not work quite so well because in Queensland we lack local court judgments on compensation and many other facets of administration that are finally determined on appeal before the Land Court.

I would hope to see in the implementation of the policy of resumption in this State that all resumptions will be effected by agreement, or at worst that resumptions by compulsory process will be effected in very few cases indeed. The way to success in this regard is to have proper guide-lines for the guidance of those who assess compensation, and the heart of this is a court of competent jurisdiction, which Queensland has not got for this purpose at the moment.

Mr. WALSH (Bundaberg) (12.45 p.m.): The proposal before the Committee was referred to by one hon. member as an amending measure. If I understood the Minister correctly, it does not seek to amend any existing law but rather repeals something like 36 Acts. For that reason it appears that hon. members can rise and have a free-for-all in discussions about the things which surround not only the resumption of land but also the methods and procedure involved in valuing land, determining compensation, and so on. Although these things are not specifically provided for in the measure that the Minister has outlined, nevertheless I take it that somewhere in this proposal

there will be a power to negotiate on the resumption of land, and therefore compensation is involved.

I do not know what is wrong with the Minister today. Usually he gives us a very enlightened outline of any measure he is bringing down. For some reason, on this important measure, which seeks to repeal 36 Acts going back to 1906, when the law on these matters was last consolidated, I do not think that today he conveyed to the Committee very much of what is involved, having regard to the importance of the provisions.

Mr. Fletcher: I gave you the principles.

Mr. WALSH: I think in his introduction the Minister conveyed the fact that a uniform code is to be applied to the resumption of land for public purposes generally, but I would have understood him more clearly concerning the facts of this proposed law if he had conveyed to us whether it is proposed that the Brisbane City Council, the various local authorities, the private corporations, and so on, will still have the same resuming powers. That is very important, because one links with the other.

I am not suggesting that in all cases these bodies should be deprived of the powers presently vested in them for resuming land. We have harbour boards, the Corporation of the Co-ordinator-General and the 130-odd local authorities, as well as the Brisbane City Council, with its own specific law relating to these matters. If the Committee can feel satisfied that irrespective of whether these powers are still vested in these various authorities they will have to conform strictly in every respect to the principles contained in the measure, I think it is a step in the right direction. By his nod the Minister assures me that that will be the case.

One hon. member said that this is a measure that should not be discussed on a party-political basis. I think the Minister knows my position. I am not particularly interested in that part of it. At this stage no-one is in a position to determine whether this matter should or should not be discussed on a party-political basis without knowing the full contents of the Bill. There may be some features of it that deserve a little more attention by the official Opposition. I notice that on my left there still appears to be some simmering disagreement, perhaps because the Bill does not go far enough. I do not know whether I have misjudged the remarks of the hon. member for Mt. Coot-tha, but he probably feels that the measure could go much further than has been proposed.

It has been said that the measure goes back to 1906 and that it has been amended on various occasions up till 1955. That is understandable, because many things that have entered into the activities of public bodies, local authorities, and the like, in the last 50 years were not envisaged 50 years ago. In this case there seems to be some advantage in having an amendment of the definition of "public purposes," and I have no doubt that in future something like this will be necessary.

I can remember land held outside Cairns by a legal man in that area that was valued for local authority purposes at 2s. 6d. an acre. However, when notice of intention to resume the land was given by the Department of Lands when it was carrying out some P.E.I. works in the Cairns area that necessitated a good deal of reclamation and the blasting out of the side of a hill to get spoil for the reclamation work, the property-owner took the matter to the Land Court—I should like the hon. member for Mt. Coot-tha to understand this—and the Land Court ruled that he was entitled to 3d. royalty for every ton of spoil taken from his property. This led to an amendment of the law to give the Crown the right to withdraw from its intention to resume the land. Do not let us get the idea that in all cases of resumption the matter is weighted against the owner of the land, because that is not so.

Mr. Lickiss: No-one ever suggested that. My complaint was the inconsistency that exists.

Mr. WALSH: I always give the hon. member for Mt. Coot-tha credit for the amount of research he does in these things, even though I do not agree with much of what he says. I cannot ignore that he is one hon. member who applies himself to those matters in which he is interested, but that does not restrict my right to disagree with him. I am sure he accepts that, too.

Mr. Porter: And he disagrees with you.

Mr. WALSH: The hon. member for Kurilpa had better keep out of this. He has been in enough trouble in the last few days.

A Government Member: He is not in the Chamber.

Mr. WALSH: Well, whoever his substitute is. It sounded like him. It was the same voice.

The hon. member for Mt. Coot-tha said that in considering the amount of compensation, very often it is the value of the land to the resuming authority that is considered.

Mr. Lickiss: No. It is the value of the land to the owner, not to the resuming authority, that should be considered.

Mr. WALSH: Very good. But very often, if the value of the land to the resuming authority was considered, the owner would get much more than the land was worth to him. I do not think the hon. member for Mt. Coot-tha will disagree with me on that point.

Mr. W. D. Hewitt: The purpose for which it is intended to use the land would come into it, too.

Mr. WALSH: That is so. The hon. member is particularising.

If a harbour board resumes land for port purposes it is obvious that the land would be worth hundreds of thousands of dollars more than the owner could get out of it. I raise these points to create a little interest. I am all for a uniform code on the resumption of land by any authority. The trouble in the past was that Governments, including those with which I was associated, wanted to give specific powers to the particular body corporate and to give it an overriding authority quite distinct from that given to any other body acting in a similar way. For example, under the Public Works Land Resumption Act the Co-ordinator-General is given certain powers. Having reached this stage of development, I hope that in the future the Government, when considering an amendment of the law, will not decide to depart from the uniform code.

Whilst a uniform code may be prescribed to apply to those who have power under the present law to resume land, what will happen in cases where another law overrides the resumption powers of a local authority? It is necessary, for instance, for those required to carry out surveys under the Act relating to surveying to have certain powers, and those powers should be distinct from the ones contained in the Public Works Land Resumption Act. But where any action by a surveyor is part of the resumption of the land, I think the authority resuming the land should conform to the principles laid down in this Act, particularly in the matter of giving notice.

I do not want to refer to specific cases, although one has come to my notice which justifies amending the law. There is no reason to ridicule constant amendments to the law, because they are necessary as various matters arise. A case in which land was to be resumed for Crown purposes recently came to my notice. I shall not say what the purposes were, because they do not matter. A surveyor arrived one morning with what purported to be a letter of authority from the proper source informing the owner there and then that the surveyor was coming onto his property. I think the Minister knows the case to which I am referring. I do not want to identify it, because I have done my best to straighten it out without making a political matter of it.

I think that what was done in that case was entirely wrong. Whilst the owner cannot deny that powers of resumption reside in the Crown for this purpose, I do not think that expecting reasonable notice is asking too much. I understand from one of the Minister's well-trained officers that seven days is regarded as reasonable notice. Although that appears to me, too, to be reasonable, there could be times when, because of situations of emergency, it is not practicable to give seven days' notice. That is understandable. As a general rule, however, if the Crown is going to resume a parcel of land which may not be used for 12 months, two years, or even five years—the Government is always short of money—there is really no emergency and no harm would be done to anybody by a requirement that an owner be given at least seven days' notice.

[*Sitting suspended from 1 to 2.15 p.m.*]

Mr. WALSH: Before the sitting was suspended, I was dealing with the need to give reasonable notice to the owner or occupier of land that is to be resumed by any one of the authorities as provided for in the Bill. I suggested that it would not be unreasonable to give at least seven days' notice before action is taken to enter the land under any heading. As I pointed out, certain provisions of the Act relating to surveying do give a surveyor authority to enter land and make a survey of the area that it is proposed to resume.

Mr. Smith: Surely he would not need seven days' notice?

Mr. WALSH: The hon. member for Windsor has been talking about law reform——

Mr. Chinchen: And doing a good job, too.

Mr. WALSH: He may be; but this is a case in which a person who owns the land, or at least has a substantial equity in it, has to meet the situation that the land is to be taken from him compulsorily. If land has been held by members of one family for 100 years or more, it is unreasonable to expect that its owner should be given seven days' notice? I have already made the point that an emergency may arise under certain circumstances.

Mr. Pizzey: I think you did say that.

Mr. WALSH: In case of emergency, the rights of the owner could be protected.

The law now provides that reasonable notice shall be given, where practicable. That is an example of the legal jargon in which the hon. member for Windsor is so well versed, and the Government must get away from wording of that type if the law is to be simplified for the benefit of ordinary people. I do not think it is too much to ask any authority to give at least seven days' notice, with the proviso that something different may be done if an emergency arises. If the hon. member for Windsor wishes to split straws as to the difference between going to a person at 8 o'clock or at 9 o'clock in the morning with an authority and saying, "I am going to enter your property in seven days", I think his argument is a bit "lousy".

Mr. Hanlon: Particularly as in some cases the authority would have been mulling it over for months before deciding to resume.

Mr. WALSH: That is true. I do not think any reasonably intelligent Minister would disagree with what I am saying. I do not wish to make any party-political issue out of this, but I do not think it is unreasonable to ask that this consideration be continued.

Let us face facts. I was not a Minister of the Crown for almost 14 years without finding out that in certain circumstances officers administering the law for public authorities, local authorities, or Government departments, may overlook an injustice that might be done in cases of this nature. What is expected should be written into the law; then there can be no humbug about whether there will be a telephone call or a letter, as the case may be, giving notice of resumption. I think it is reasonable to ask that seven days' notice be given. However, I leave it to the equity and good conscience of the Minister to determine the matter.

The Minister said that the provisions of the proposed Bill provide that the resuming authority will have to state the specific reasons for which the land is being resumed. That does not mean a thing to me unless it is followed by some qualification as to what will happen to the land if the resuming authority decides not to use it for the particular purpose for which it was resumed. I am not kidding myself that there is no skulduggery in local authorities, whether it be with town planning or anything else. I remember one case that came to my notice while I was Minister for Local Government. It was raised by the hon. member for Wavell. He might be amazed at my memory.

Mr. Dewar: I am going to raise it again, too.

Mr. WALSH: I am going to deal with it as I see it, not as the hon. member sees it. In 1953, I think it was, the city council decided to resume an area of land for what it said was a specific purpose. Frankly, I do not think it ever intended that the land should be used for that purpose, but it took the land out of the hands of the owner. Then, after the lapse of a period, it determined the real purpose for which the land was to be used—and somebody made a good profit, believe me. The original owner of the land did not share in that profit. The land was set aside for a shopping centre, a service station or something of that nature, something that we know can happen, and has happened. I have knocked about the bush long enough to know that these things go on.

Mr. Hanlon: Somebody happened to be in the right place at the right time.

Mr. WALSH: It may be as the hon. member for Baroona says.

Unless there is some protection for the owner and the land is going to be used for a specific purpose, then, within a reasonable time, I think he should still have some rights over the land. I do not want to go into the question of the Serpentine now, but that is another instance of what one might term bureaucracy taking land from the owner. If and when the council decides to rezone it and put it into a category in which it will attract higher valuations, somebody will benefit—and it will not be the original owner of the land. These are matters which I think require a little attention, and I think we have that obligation. We are talking about giving people justice. We should therefore see that this is written into the legislation so that there will not be any misunderstanding or confusion, as the Minister has already said.

The failure of some authorities to understand the true position because of confused laws provides them with a good excuse, and wherever they set out to beat the owner of land they do so with no other intention in mind. In the case of a Crown authority, I do not think the Crown does things this way. It has the larger community interests to look at, and has rights that allow it to protect those interests.

I think I can say to the Minister relative to the other principles of the Bill that at least he gives a little attention to these things and endeavours to meet the wishes of those outside who are agitating for a better deal, particularly following the Bennett Commission Report. I am not, of course, referring to the hon. member for South Brisbane.

There is still much to be done regarding the other laws. It is no good arguing on this point; I know that the things I have in mind will not be included in this legislation, but let us get back to the position where the Land Court is to determine and decide on well-defined principles. I know that over the years this Government has been subjected to a great deal of pressure to change land valuation laws under different headings but, as I have said previously in this Chamber, when we get away from the principles laid down by Sir Samuel Griffith in the case of Spencer v. The Commonwealth of Australia, that will be the day when the Government will be in a lot of trouble.

(Time expired.)

Mr. DEWAR (Wavell) (2.25 p.m.): My main concern about the Bill is along the lines mentioned by the hon. member for Bundaberg in the last few minutes of his speech, that is, the situation that obtains in respect of a person from whom land has been resumed allegedly for specific public purposes. I listened carefully to the Minister when he introduced the Bill. I had hoped to learn whether the Government intended to take any new power to ensure that justice is done in all cases. I was called away to the telephone for a couple of minutes but from my inquiry on my return I understand that the Minister did not cover that point. As I understand what is in the Bill —I would know as much about it as does the official Opposition——

Mr. Walsh: You should know more.

Mr. DEWAR: I have no reason to know more.

As I understand it, the Bill simply preserves the situation as it is, except that it brings the whole of the activities of resumption, as they obtain in regard to the various Crown departments, under the Department

of Lands. I think that is a very sound move. However, I am concerned to learn whether there is any intention to correct not only anomalies but shocking and rank injustices —one could almost say "immoralities", a term that has been bandied around in this session of Parliament—at the hands of local authorities and, in my view, at the hands of the Government as well.

The hon. member for Bundaberg referred to a case that I raised in this Parliament in 1953 in a speech which is reported at page 1241, Volume 207, of "Hansard". At that time I said—

> "In 1950 one of my constituents, a neighbour of mine, received a letter from the council informing him that the council proposed to resume certain land belonging to him, being re-sub. 55/59 Shaw Road, Wavell Heights, for public purposes. The owner realised that there was little he could do to resist the intentions of the council."

As I said then, the owner realised that there was very little he could do about it, and this is what goes on in the minds of most of the little people in the community. It is to get justice for the little people that I rise in my place today. The little man elects parliamentarians to protect his rights. In most cases he expects these rights to be protected against local authorities, because local authorities are not loath to abuse their trust in regard to the rights of the people.

On that occasion I further said—

> "The owner realised that there was little he could do to resist the intentions of the council and in a spirit of conciliation he decided not to take the matter to court but to allow the council to resume the land. He entered into negotiations with the council through his solicitors and subsequently an amount of £375 was paid for the land."

I should imagine that it was five 24-perch blocks. I do not propose to read the whole of the speech that I made in 1953. The burden of it was that the council—it was a C.M.O. council at the time—resumed the land. Two years later the Australian Labour Party was in control of the City Hall, and on 4 April, 1953, an advertisement appeared in the newspapers in which the Brisbane City Council called tenders for the purchase of resubs. 55 and 56 and part of resub. 57 as a site for a service station, and part of resub. 57 and resubs. 58 and 59 as a shopping site. I remind the hon. member that the land resumed from my constituent was resubs. 55-59, the five blocks of land for which three years later tenders were called for their sale as service station and shop sites. I went into great detail about the injustice and immorality of resuming land for public purposes and then selling it for such a purpose. I do not propose to reiterate my remarks on this occasion.

Mr. Walsh: It had nothing to do with local government purposes at all.

Mr. DEWAR: Not at all. So far as I know—and I said this in 1953—I am unaware of a barrow-load of dirt being placed on this piece of land, which is only 250 yards from my home, to make it into a children's playground or suitable for any other purpose. I am relying entirely on what is in my 1953 speech, when I said that the previous owner of the land had told me that he understood that the council had received £2,200 for it as a service-station site. I remind hon. members that whereas the whole of this land was resumed for £375, certainly nothing less than £2,200 was realised for it by the council. Surely if there were any rights or justice in this, that profit, or part of it, lay in the hands of the man from whom the land was resumed.

Mr. Walsh: How long was this after resumption?

Mr. DEWAR: Three years.

Mr. Walsh: That is entirely wrong.

Mr. DEWAR: Quite wrong. The hon. member for Bundaberg made very relevant comment at the time when he said—

> "The matter raised by the hon. member for Chermside should be looked into by the council. I would not subscribe to the view that land that was specifically purchased for a public purpose three years ago for £375 should be sold by the council for £2,200."

That appears in the same volume of "Hansard", at page 1246.

I seemed to have a spate of these things at about that time. I have not been able to locate in "Hansard" where I raised another matter concerning land at Chermside, right at the tram terminus, where there is now a shopping centre on roughly 48 perches of land which lay vacant from the days when I attended the Chermside school. That land was resumed by the council. I do not know which party was in power, and I am not concerned with politics in this; it is a matter of principle.

Mr. Walsh: What year was it?

Mr. DEWAR: I am not sure, but it was about the time I came to Parliament in 1950.

Mr. Walsh: That would be the Chandler administration.

Mr. DEWAR: The land was resumed at that time for a public purpose, to wit, the building of a grand waiting-shed-cum-bus-terminal of the future so that the tramway personnel could have a place for their normal facilities. As it transpired, a small toilet block was built for the tramwaymen. That is all that was done with the land. Then, round about 1953, 1954 or 1955, the land was sold at a fantastically high price—I am unaware of the figure at this stage—for a shopping block.

I have referred to two cases that arose within a mile of each other, at about the same time. Each stuck out as gross inequity, gross injustice and, if I may use the term again, gross immorality. I know of nothing in the Bill that will correct these wrongs. The Minister said that a constructing authority or a local authority must state, in specific terms, the reason for any resumption. If that is as far as it goes, it is not worth the paper it is written on. The hon. member for Bundaberg has referred to this point. What is to stop such a constructing authority or local authority from doing what was done in the early 1950's with the two parcels of land I have referred to and, no doubt, what would have been done in the cases that the hon. member for Mt. Cooth-tha raised. I know what happened in the Wildermuth case, at the back of the Toombul shopping centre, because Mr. Wildermuth came to see me, through the hon. member for Nundah, to complain about the inequitable dealings.

I spoke of many of these matters in the debate on the Estimates two years ago, and I was howled out of the Chamber in scorn. However, it was a great delight to me to find that the Bennett Commission found that there was substance in the charges I had made. Some of the very cases I cited here of injustice at the hands of the Brisbane City Council were placed before that commission and Mr. Bennett made an appropriate ruling in relation to them.

I wish to cite an analogy to show that this sort of thing takes place at Government level. The hon. member for Barcoo touched on this matter this morning. Not long ago we discussed resumed land in the Sherwood area that is to be disposed of by a trust for purposes that I have yet been unable to discover. The impression going around the corridors of this building is that the 25 acres or thereabouts will be sold for something like $250,000, or $10,000 an acre. This matter was raised with me by the man concerned after he saw the Press publicity on it. He indicated the price paid, and I have here documents from the Department of Lands and the solicitors indicating that these figures are correct. They relate to a substantial part of the land at the western end of the reserve, which is the land to be disposed of.

I quote from "Government Gazette" No. 136, dated 5 April, 1952, as follows:—

"Area to be taken.—An area of 6 acres being the whole of the subdivision, and being the whole of the land contained in Certificate of Title No. 9778, volume 79, folio 48.

"Land to be taken.—Subdivision 1 of portion 107A.

"Owners.—Elizabeth Curley, widow, and Edward James Curley, as devisees in trust under the will of Patrick Curley, deceased.

"Area to be taken.—An area of 5 acres, being the whole of the subdivision, and being the whole of the land contained in Certificate of Title No. 9795, volume 79, folio 65.

"Land to be taken.—Subdivision A of portion 116.

"Owners.—Elizabeth Curley, widow, and Edward James Curley, as devisees in trust under the will of Patrick Curley, deceased.

"Area to be taken.—An area of 12 acres, being the whole of the subdivision, and being the whole of the land contained in Certificate of Title No. 159147, volume 974, folio 137."

The Government of the day paid £608 for the 6 acres, £507 for the 5 acres, and £1,450 for the 12 acres. The land was resumed for public purposes, to wit, an animal reserve within the department concerned.

I quoted cases in which a C.M.O. council resumed, under this iniquitous power, land which a Labour council sold at a fantastic price, and in which a Labour Government resumed land for public purposes that a non-Labour Government is allowing to be sold. The land was resumed from these people at a peppercorn price for public purposes, to wit, an animal health station, it was then transferred to a trust, and has now been completely alienated from the Crown. This was wrong in principle under the terms of the resumption order in 1952. It is now to be sold at a figure which, as I said, is claimed to be something like $10,000 an acre.

What about the rights of the little people who did not have the wherewithal or desire to fight the Government and simply allowed this land, which is now to be sold, with the blessing of the Government, for $10,000 an acre, to go out of their control at the peppercorn price of £101 and £121 an acre? I quote those cases to indicate that this standard of morality exists at both council and Government levels.

Mr. Bromley: What do you think about the Wilbur Smith resumptions?

Mr. DEWAR: They are being carried out for the public good, and the land will not be used for anything save public-highway purposes. That is the whole purpose of my argument up to this stage.

Land is resumed ostensibly for public purposes and then, willy-nilly, without any regard to those from whom it was taken, it is put to some other use. Often it is taken because the little man has not the wherewithal to fight the case. It is all very well to beat our chests and talk about democracy and justice being available to all. The ordinary man cannot afford it and, rather than fight Governments and councils, he accepts the deals made. There is nothing morally sound or just about resuming land for one purpose and then using it for another, to wit, making money.

I am anxious to know whether there is anything in the Bill to prevent this type of thing. It is the little men, those who elect this Parliament to make laws for their protection, who are disadvantaged by local

authorities and other bodies who take land for one purpose and then use it for another. Until I am sure that the Bill meets that situation, I am no more happy about it than I am about a situation that has allowed these things to happen ad nauseam.

Mr. SHERRINGTON (Salisbury) (2.41 p.m.): Possibly nothing causes more heart-burning and public dissatisfaction than does the matter of land resumption. This Bill, which is designed to introduce a uniform pattern of land resumption, merits the earnest consideration of every member. The fact that compilation of the legislation has entailed the repealing or consolidating of approximately 31 Acts shows the very great need for regular reviews of legislation. I was rather surprised to hear the Minister for Justice agree last night with the need for a law reform committee and say that the only thing preventing its establishment was lack of finance. It seems that if we have not the necessary money we will have to put up with archiac laws. Such an attitude is hardly consistent with the Government's claim that it is creating an affluent society.

The Bill, which is an attempt by the Minister to modernise the laws of land resumption in this State, is of wide influence and importance, and it behoves every hon. member to give it his undivided attention. The Minister indicated that one thing that exercised his mind was the matter of giving specific and detailed reasons why land is needed for public purposes. This produced the usual barrage from those who are particularly opposed to the Jones administration in the Brisbane City Council.

I agree with the hon. member for Wavell that the Government itself has not been entirely blameless in this respect, and I shall give the Committee details of a case in which land in my electorate was resumed, ostensibly for the purpose of resiting the Carol Park State School. In introducing the proposed Bill, I believe that the Government could well take notice of what happened in that case.

Some time ago, just before I was first elected to this Assembly, the Savoy Corporation took an option over land that was called, if my memory is correct, the Transfield Estate. The area included land on which the Carol Park State School stood. A former Minister for Labour and Industry, Mr. Ken Morris, was a director of the company, and I vividly recall that, as a result of the company's representations to the Government, it was decided that the Carol Park State School should be re-sited in the interests of the proper development of the area.

The Government then moved to resume about 9 or 10 acres of land held by two people and being farmed by them. To the best of my recollection, one person received $2,400 for 5 acres of land, after I had made representations extending over many months in an endeavour to have the compensation increased to that amount.

However, because of the inefficiency of the Savoy Corporation or its directors, the Transfield Estate, over which it held an option for five years, was never developed; neither was the Carol Park State School shifted, although the department resumed land and held it for school purposes for five years. The result is that there are two school sites within a quarter of a mile of each other. Very little, if any, maintenance has been carried out at the existing school, and applications for subsidy for the installation of a cricket pitch at the existing site have been refused on the ground that the Carol Park school is to be re-sited. Although, as I said, the area to which I referred was resumed for school purposes, nothing has been done to re-site the school, and the whole future of the school and the development of the area has been held in abeyance. In the meantime, the two people who were farming the land have been paid their compensation and have left the area, and that land also has been lying idle for five years. There were leasehold tenures on part of the Transfield Estate and, again from memory, six or eight people had their leases terminated. Only now, almost seven years after the idea was originally conceived, does one see the beginnings of development on this industrial estate.

On the question of the need to specify the purpose for which the land resumed might be required, I agree with the hon. member for Wavell that the provision in the proposed Bill, as outlined by the Minister, is piffling. Here we have the very case that the hon. member related to the Committee where land in his area was resumed by one council and was subsequently sold by another council, of a different political colour. Surely this Government is not going to tie future administrations, whether they be councils or Governments, to decisions made in this regard. Surely on this question of resumption, as in the case at Carol Park where we were holding two areas for school sites, this Government is not going to hold a Labour Government to what, in my opinion, is a bad and wrong decision. When we become the Government, if it is laid down in the Bill now being introduced that the siting of land at Carol Park was for all time to be for school purposes and there is little development in this area, the incoming Government will be tied down despite the fact that there is no need, at this point of time, nor will there be at any future time, to have two school sites within 200 yards of each other.

Mr. Lickiss: Normally, under the Commonwealth, the Governor-General in Council can otherwise direct. I suggest that at State level the terms could be that the Governor in Council could otherwise direct.

Mr. SHERRINGTON: The hon. member is saying that the Governor in Council could direct that this land could be released from the original purpose for which it was resumed?

Mr. Lickiss: Yes.

Mr. SHERRINGTON: This is a case in which, in my opinion, the Minister for Education and the Minister for Industrial Development at that time blundered. I can see no rhyme or reason in having two school sites located within 200 yards of each other. There will never be need for two school sites so close together, but if the land is tied up under the provisions of this Bill so that it cannot be used for other than school purposes—of course, the hon. member for Mt. Coot-tha indicates that the Governor in Council might change this—the whole idea of specifying land use in this legislation is piffling and of no purpose.

Mr. Lickiss: I am saying that that is the level at which a change could be directed—and only at that level.

Mr. SHERRINGTON: That is fair enough. The hon. member says that is the only level at which a change could be directed. Unfortunately the hon. member for Wavell spoke before I did. I was going to draw a parallel, as he did, with the disposal of land owned by the Brisbane Market Trust. The difficulties in which that Trust finds itself prove that we cannot put preconditions on tenures of land in any way whatever, and for this type of legislation to be really effective I would be concerned not with specifying what the use of the land must be but with specifying in the Bill that in the case of resumption there must be clear specifications why it is necessary to resume.

I think it would be more important that the resuming authority had to prove that there was an absolute need to resume the land and that it would be needed within a reasonable time. I would be happier if the legislation provided for this. It is true that in the development of housing estates, or real estate generally, there must be forward planning of sites for schools, public utilities, civic centres and parks. Those things must be taken into consideration. When it is a matter of resuming land for public purposes or public use, particularly when resumptions are taking place in either a built-up area or a rapidly growing area, I would be more inclined to support the legislation if it spelt out in clear and concise terms that, before resumption was agreed to, those who desired to resume the property would have to put up a watertight case and prove to the satisfaction of the Minister, the Land Court, the Land Administration Commission, or some other appropriate authority or body, that the land was not only required urgently for the specified purpose but in fact would be used within a reasonable period of time for that purpose.

No sensible person could disagree with that suggestion. If that had been included in the Act, the complaint of the hon. member for Wavell would not have arisen because the land would not have been resumed in the first place unless a clear and concise case had been made out for its resumption for public purposes. Whether we choose to make this debate a political attack on those whom we oppose is of little consequence. As I said in my opening remarks, possibly the administration of no other Act causes more heart-burning than the administration of the laws relating to the resumption of property. Brisbane, the State's capital city, because of lack of planning in the early stages now finds that it needs fair, just and adequate laws to cover land resumption and compensation payments for it. Unless this Parliament can provide fair, just and good legislation in this field, much more heart-burning and much public dissatisfaction will occur, whether the resumptions are made by local authorities or the Government.

It is vital that we have good legislation, and it is important that each and every hon. member apply himself in a constructive way to an examination of our resumption laws. I was astounded last night when the Minister for Justice said in effect that if we did not get more money in a hurry we would have archiac laws for a long while to come, despite the fact that we usually seem to be able to find money to assist industry to establish itself in the community.

Mr. PORTER (Toowong) (2.58 p.m.): I would think that this Bill, covering the acquisition of land and codifying all the various procedures that hitherto have operated, is one of the most significant measures ever to come before this Parliament. Certainly, in terms of the broad principles outlined by the Minister in introducing the measure, the Bill would gain the commendation of hon. members on both sides. It is true that it is coming a little late in the session, but this is one of the times when it is very much better late than never.

I, too, regret that the Bill covers only freehold land. I suppose this is a case where big reforms have to move slowly. Certainly half a cake is better than no cake at all. With other hon. members, I look forward to these reforms being extended in future sessions of Parliament.

It was good to hear the hon. member for Barcoo suggest that the Opposition, at this stage of the presentation of the measure, could see it almost as a non-political Bill. This is certainly desirable, because when we touch on the principles of individual liberty and the rights of property, we are dealing with something that would enhance the name of this Parliament if we could cope with it on a non-party, non-political basis.

Naturally, I concede the right of the Opposition to reserve its fire until after examining the Bill in detail. Opposition members will not be alone in that. However, when it is examined in detail it will probably go a long way towards allaying the doubts raised by the hon. members for Bundaberg and Wavell. In general terms, I suggest that the Government is to be commended. Especially there should be commendation for the rank-and-file members of the Government parties who have worked long and earnestly towards achieving this end.

I think we will all concede that one of the major problems of public administration down through the ages has been to balance the necessary use of power by various authorities for what is called the public good against what should be the inalienable rights of the individual. This Bill, in that sense, conforms to the principles long espoused by the parties that comprise the coalition Government. Indeed, it goes a long way towards providing some of the safeguards that we contemplated in the Bill of Rights, which has been mentioned often in this Parliament as one of the measures proposed by the Government parties when they were looking forward to winning the election in 1957.

Mr. Houston: They did not go ahead with it, did they?

Mr. PORTER: I said previously that it was impossible, when it was investigated, to provide a simple Bill of Rights.

I believe that this measure goes a long way towards providing some of those factors that we sought to provide in the Bill of Rights. I speak with a little authority, because I was one of the persons who drafted the original document.

Mr. Houston: No wonder it was no good.

Mr. PORTER: That may well be so; the hon. member is entitled to his viewpoint.

The principles of this Bill as enunciated by the Minister conform to and are in complete harmony with the recent proposal for law reform, which obviously has the support and commendation of the entire Chamber. What is happening now is something like what happens when we shift into a new home and consider all the junk, impedimentia, trivia—all the material we do not want. We remove it and burn it. In this new measure codifying the procedures for land resumption, that is exactly what we are doing. We are getting rid of all the methods and procedures which are no longer wanted and which are baffling and confusing. I think it is excellent legislation.

The Bill will tend to curb the arbitrary and unthinking use of power by any authority that wants to resume land. Nobody suggests that resuming authorities have a sinister intent when they make a mistake. Sometimes they may but, by and large, I think that because of the way a bureaucracy works it tends to be unthinking rather than just plain mischievous. I think there is too great a tendency to believe that acts done in the common good must take precedence over individual rights, almost in any circumstances. I think Mr. Bennett, in his report, made the point—and it was a very valid one—about the good of the community. The community is comprised only of the individuals in it, so we must always be careful, when using machinery for the community good, that we use it in such a way as not to bear down too harshly and arbitrarily on the individual.

From my viewpoint it is pleasing to note that this Bill will apply to all resuming authorities, which of course include the Greater Brisbane council. That is another reason why I welcome the Bill. To me, it is another very significant—and, in my view, long overdue—move to prune Greater Brisbane's excessive powers. I think the hon. member for Mt. Coot-tha pointed out that since the inception of Greater Brisbane it has had absolute powers to resume land and it has even used these as a weapon, as it were, to get its own way in matters where the acquisition of land was not the prime purpose.

Under the legislation as outlined by the Minister, I do not think Greater Brisbane will be able to do that any more. For the first time since Greater Brisbane was constituted, the machinery of this Bill prevents the council from being a total resuming authority in its own right, because the Government will now hold a reserve power. In my view, this is right and proper, and, I say again, long overdue. So I regard this measure, in the sense in which it applies to the Greater Brisbane local authority, as a good, healthy piece of legislation.

The Government is now assisting the trend away from this malformed, bloated civic bureaucracy, because here we have a very severe case of "gigantism" if I can use that word, and the Government has started to cure it. This Bill, as I understand it, provides that the Brisbane City Council will take all necessary procedural steps in line with the uniform code to enact resumptions, but the Governor in Council will hold a reserve power, as he will over any other resuming authority; in other words, if the Government is satisfied that Greater Brisbane has indeed properly satisfied all the requirements of the code—and I imagine this will be the case in the overwhelming majority of resumptions—approval may be given, but if there should be reason to believe that these have not been properly satisfied it is possible that approval will not be so easily given. I say again that it is right and it is proper, so I again congratulate the Government on a great step forward in terms of protection of individual liberties. I think all will welcome the measure in the terms of the broad principles enunciated by the Minister, even though it does not go as far as some would have hoped. We hope that in future it will go further.

But it is with particular satisfaction that I welcome this Bill as a step in the difficult task of reducing Greater Brisbane's hitherto quite extraordinary and unique powers. I believe that this Bill, together with the implementation of the Bennett Report—which has already had legislative introduction in this Chamber—marks tremendous changes in the relationship between the Government and what was once a city-State but is becoming less and less so with each piece of legislation of this nature that is introduced. This Bill is a significant pointer to changes on the way for Greater Brisbane—limited changes

at the moment—but I hope becoming larger as time goes on, and, in terms of all the resuming authorities throughout the State and of the people who are concerned with the acquisition of land by those various resuming authorities, this is a measure that I am sure will have the wholehearted support of the entire community.

Mr. HANSON (Port Curtis) (3.8 p.m.): As has been stated by a number of speakers, particularly those on the Opposition side, this is an important measure indeed. From the point of view of the Opposition, after a number of years of obvious litigation and considerable argument, an attempt is now being made to overcome the difficulties relative to resumption. In a number of cases of resumption of land in this State there has been a considerable amount of litigation over the years, and the introduction of a Bill consolidating these very important phases of land resumption has not only my approval but that of other Opposition members as well, with this reservation: if when the Bill is printed we are in doubt about certain things, or if there is conflict with our political ideals, we will express ourselves accordingly.

Mention has been made of certain resumptions carried out by authorities, and the Brisbane City Council's name has been bandied around the Chamber all afternoon. Very fine contributions have been made by Opposition members, but members of the Liberal Party seem to do nothing but dream and think of the Brisbane City Council.

I, as the representative of a rural electorate, wish to comment on some of the problems experienced in my area. I stress that there are numerous Acts under which resumptions take place. I think it was in the early 1920's that large-scale resumptions were made under the Railway Act. In recent years resumptions have been made from landholders along the route of the railway line between Gladstone and Moura. These have created so much difficulty that officers of the Department of the Valuer-General, the Land Court, and the Railway Department have been kept very busy in dealing with entreaties, pleas, demands and requests of those who have had land resumed.

Resumptions for railway purposes must figure very prominently in this legislation. When a railway line is to pass through an area, the Railway Department disclaims all responsibility for land beyond the actual area to be occupied by the line, despite the fact that the contractors engaged on its construction have to erect camps, pull down fences, clear land, and engage in other activities to accommodate the equipment necessary to do the job. Those are things that have to be taken into consideration.

I noted the Minister's statement that the legislation will be completely unambiguous, and any person of ordinary intelligence will have no trouble in understanding it. I agree with the hon. member for Barcoo that the legislation may have to be amended in the years to come. Indeed, we may have to amend it in the very near future, because many difficulties will arise to exercise the mind of the Minister.

Whilst listening to the various speeches made on this Bill, I noted the reference to land resumed for a specific purpose which was sold some time later at a large profit. In such a situation, I think the original owner should at least share in the profit that has accrued. I believe that to be only fair and just, although I realise that it may be opposed by those concerned with land administration. My sense of fair play suggests that those from whom the land was resumed should receive a share of the profits obtained from the sale of the land, particularly if its value has appreciated considerably. Although I have not heard that suggestion advanced before, I think it is just and I hope that members of the Government agree with it.

Mr. Hughes: Would you put a time limit on it?

Mr. HANSON: There could be a time limit imposed and that, too, would have to be specified. It may be found that deciding a suitable time limit becomes a matter of "a horse for a course". In some cases it could be two or three years, and in others perhaps five or six. My whole point is that it is completely wrong to deprive people of their land and then, completely disregarding the specific purpose for which it was resumed, sell it at a high profit. Several people believe that they have a grievance because of this.

I raised the question of uniformity, particularly as it related to the Harbours Act, about four or five years ago when the former Treasurer, Sir Thomas Hiley, brought down a Bill to amend that Act. I asked him repeatedly to ensure that no harbour board or authority in this State would be unduly prejudiced by the amendments that he brought down.

There seemed to be two or three ways in which land could be resumed by an authority or body corporate, and many harbour boards became involved in expensive litigation to obtain justice and ensure that they could acquire lands for their future purposes. I was a member of the Gladstone Harbour Board when it took legal action, and I know there was never any intention on the part of the seven members of the board to inconvenience in any way the landowners concerned. Those people had their rights under the law, they exercised them, and they succeeded to a certain degree; but the board had a very unhappy experience on that occasion. The present method of resuming land under the Harbours Act and the Public Works Land Resumption Act is very unsatisfactory, and the litigation cost the Gladstone Harbour Board about $10,000.

I remember pointing out to the Treasurer that three judges in the court of appeal had given separate rulings on the jurisdiction and

powers that the board could exercise in resuming land. In spite of that, he said that any board experiencing trouble could call upon the Solicitor-General, who would tell it what course to pursue, and everything would be all right. I disagreed with what Sir Thomas Hiley said on that occasion; I still disagree with it. Although the Solicitor-General is very learned in the law, judges sitting in a court of appeal may vehemently disagree with the procedure that the Solicitor-General suggests should be followed by a harbour board that is desirous of exercising its powers of resumption. As a matter of fact, after the litigation before the Full Court of Queensland, leave was given to appeal to the High Court of Australia, but it was never exercised. The acquisition of the land was a matter of urgency and a cash settlement was agreed upon.

In speaking to this motion, I might add that at present there are two different procedures under the Harbours Act by means of which land may be resumed, and it is necessary to set out the purposes and plans for the use of the particular land. One of the procedures requires that the land be resumed generally for harbour purposes; the other procedure requires that the purposes of resumption must be specified. The correct procedure for resumption had, and still has, the harbour boards of the State in a quandary, and I hope that the proposed Bill will have the effect of easing the difficulties that they experience.

The particular case to which I referred earlier was Austin v. the Gladstone Harbour Board. The authority claimed that, under the Harbours Acts, 1955 to 1959, and the Public Works Land Resumption Acts, 1906 to 1955, it had sufficient power of resumption. By causing a notice under section 6, subsection 3, of the Public Works Land Resumption Act to appear in the "Government Gazette" and in a newspaper circulating in the Gladstone district, advertising its intention to resume, the authority thought that its case was quite clear. Subsequent to the printing of the notices, a proclamation purporting to be a proclamation under section 7 (ii) of the Public Works Land Resumption Act was published declaring that it had resumed the said land. The plaintiffs in the case claimed that the authority had no power, right or authority to resume, that the said notice contained no statement of the nature of the works proposed to be constructed on the said land, and that the proclamation did not specify any works or purposes as being the works or purposes for which the said land was resumed.

As I said, this involved a very progressive authority in very expensive litigation, and it was only because the land was required urgently that a cash settlement was effected and the matter was closed. But it did not clear up the doubt; it still did not clear up the problems that all harbour boards in this State experience, both under the Harbours Act and the Public Works Land Resumption Act, in desiring to resume land without having to go to the courts and involve themselves in that way.

If this Bill purports to solve some of those problems I whole-heartedly congratulate the Minister on bringing it down, although I am very suspicious that it will make a considerable amount of work for lawyers in some direction or another.

The hon. member for Mt. Coot-tha raised matters pertaining to the powers of the Commonwealth and mentioned how generous resumptions under Commonwealth Acts are in comparison with those under the resumption Acts in this State.

Mr. Lickiss: No. I said the Commonwealth had their own inbuilt controls and that under the Constitution they had to resume on just terms.

Mr. HANSON: As a matter of fact, my own experience and the experience of others I have been connected with in my area indicate that the Commonwealth, in its desire to resume land, is not very humane. I refer particularly to an instance of only a few years ago, when it was the Commonwealth's intention to resume certain lands at the southern end of Curtis Island for the resettlement of Nauruan people. Even now, that intention of the Commonwealth Government and its actions are still causing considerable distress to many residents of the area. Many people have built small homes and shacks there. They are pensioners—working-class people who, at the end of their working lives, decided to live out their days in the very salubrious climate of that area.

As a result of notices that appeared in the Press, visits from various officers of the Queensland Department of Lands, the Commonwealth Department of the Interior, and allied departments, these people, for a considerable number of years, feared for their land. They were under extreme nervous strain and anxiety because they were told that their lands were frozen. As a matter of fact, the stage was reached when their land was not only frozen but was kept in a very deep freeze. Many of them suffered extreme anxiety, fear and discontent in the deal handed out to them.

I think it has been generally agreed in the discussion on this matter that whilst we know it is out of the power of the State Government to resume ——

The TEMPORARY CHAIRMAN (Mr. Hodges): Order! I should like to warn the Committee, after listening to many speeches made so far on this measure, that very few speakers have produced any new arguments. As a matter of fact, there has been tedious repetition of the same matter. I mention now that if any future speaker cannot offer any new material, under the provisions of Standing Order 141, which deals with tedious repetition, I will ask him to discontinue his speech.

Mr. HANSON: The principles I am discussing are very pertinent to the Bill, and I hope that my future remarks will be taken cognisance of by the Minister. I assure you, Mr. Hodges, that it is my desire to be very helpful to the Minister.

I think it is generally conceded that provision is made for resumption of land for any of the following purposes: land to be set apart, to be subdivided, to be resubdivided, to be reclaimed, to be alienated, to be taken up and occupied, leased, used as town lands or suburban lands, or to be dealt with in any manner in which Crown land may be dealt with under the Land Acts, 1910 to 1955. To the best of my knowledge, the Curtis Island instance was the only one of its kind that has exercised the minds of officers of the Department of Lands this century. Never before has there been a resumption of land in this State because of the Government's desire to resettle people. It was not a matter of giving the Nauruans independent sovereignty over the land, but of resuming the land and resettling them on it.

What I have said might be very pertinent to this Bill. This sort of thing may come up again in later years. After all, this is a vast land with very few people. At some time in the distant future this Bill might be looked at by some neighbours of ours who might be involved in a great resettlement programme. The only proper method available to resettle the Nauruans would have been to create a reserve under section 334 of the Land Act of 1962. Such reserves can be created only for special purposes. Whether that resettlement programme was a special purpose or not would have been open to protracted litigation.

Reference will have to be made to section 51 of the Commonwealth Constitution with regard to land acquisition. The Commonwealth Government has certain powers within the State to resume land for defence purposes. Under sections 6 and 10A of the Land Acquisition Act, 1955 to 1957, the Federal Government is given power to acquire land for public purposes, either by agreement or by compulsory process. Under that authority the Commonwealth Government can acquire land for defence purposes. Whether the resettlement of the Nauruans on Curtis Island was one of those purposes would have been another matter. If the Commonwealth Government was trying to dispossess certain residents for the sake of the Nauruans, that does not seem right. Why could not the Commonwealth Government dispossess those people in favour of Papuans, New Guineans, or Victorians? It might involve a question of degree. That matter is very pertinent to the present legislation.

I made certain overtures to the Premier on the matter to which I am referring. He got in touch with the then Prime Minister, Sir Robert Menzies, and expressed anxiety in the matter. I impress upon the Committee that in the letter the Premier sent to the Prime Minister he said—

> " . . . in view of the continuing uncertainty about the final outcome of the proposal and following on the statement made by the Commonwealth Minister for Territories on 18th August, the State Government feels it should not proceed further with any plans for acquisition of properties or resettlement unless and until the Nauruans make a definite decision to settle on Curtis Island. As a result, the Prime Minister has been informed that the Queensland Government is ceasing acquisition action forthwith."

That was some time in 1964. Subsequent to that the Press continually played up the fact that these people would have to be resettled. It was only recently that the final decision was made in Canberra. For the whole of the intervening time the residents of Curtis Island were in fear that their properties would be frozen. Many of them put their properties on the market. They could have gained considerably by selling their properties and going elsewhere, but sales could not be effected and transfer of titles could not be contemplated by anyone. Real estate agents would not touch them with a 40-ft. pole because of the proposed acquisition for the Nauruan people. Many pensioners and other people who could ill afford to lose money suffered considerably.

The Minister should closely investigate these matters. This circumstance has arisen only once in 50 years, but it is quite possible that it may arise in the future as we are advancing in a changing world. I impress upon the Minister that in no way should the little man, or the person who can ill afford to lose a cent on the sale of his property, be inconvenienced by Governments or local authorities.

I should like the Minister to give some consideration to the rateability of certain authorities or bodies corporate in the community. This problem is exercising the minds of many people. Whilst the Local Government Act states it is not the occupier of the land but the owner of the land who is liable for rating purposes, at times there is conjecture between a local authority and some other Government authority. In this instance I cite what happened between the Gladstone Town Council and the Gladstone Harbour Board, resulting in extensive litigation. The harbour board exercised its powers of resumption over certain land and, by a statement that appeared in an Order in Council of 27 February, 1958, the Administrator in Council by Order in Council, in pursuance and exercise of the authority conferred by the Land Acts, 1910 to 1957, ordered that the land, all of which at that date was Crown land, should be "permently reserved and set apart for harbour

board purposes" and that the said land should be placed under the control of the Gladstone Harbour Board as trustee.

(Time expired.)

Mr. HUGHES (Kurilpa) (3.33 p.m.): Judging by the tenor of the debate, I would say that there is general support of the introduction of this measure to enable a more detailed study to be made of all its aspects and ramifications.

Mr. Davies: Don't worry about the rest of the Chamber; let us hear your opinion.

Mr. HUGHES: I have a few opinions. I might say that I believe my opinions are listened to, not only here but in other places as well. I wonder if the same could be said of the hon. member for Maryborough.

There are many advantages that can flow from the measure before us. It will avoid confusion and injustice, and bring about uniformity. In the past, lack of uniformity has been one of the problems. Various Government departments, constructing authorities, fire brigades and other local authorities, which had certain resumption rights, acted in their own peculiar way with no pre-required or pre-known method or manner of carrying out resumptions.

This Bill purports to establish some standardised requirements and procedures. The Minister has admitted that there have been occasions on which there have been scandalous, harsh and unjust aspects of land resumptions, and that there have been drastic penalties. Local authorities on many occasions have got themselves into a position where they were powerless to restore the moral rights of individuals on the basis of just terms and fair dealing. I do not intend to outline the cases I know of for fear that it will be regarded as tedious repetition. I shall deal with the other aspects of this matter.

The Minister said he sought the opinion of Mr. Peter Connolly, Q.C., in this matter. The opinion of the hon. member for South Brisbane may have been less partial than that of Mr. Connolly. His being president of the Bar Association does not, in my opinion, give him any peculiar right to be an adviser to the Crown. He has been the advocate for a certain local authority in many cases, so one could be excused for thinking that his opinion would favour the local authority. This could be the reason the Minister and the department wanted to brief Mr. Connolly and obtain his opinion. But as far as possible, in matters that are brought before the Legislature we should seek the opinions of people who are known to be completely impartial.

Mr. Bennett: In other words, you are arguing that they should get my opinion.

Mr. HUGHES: The hon. member for South Brisbane employs too much of his time in court to be able to spare any to give an opinion to the Government.

I believe that some of the provisions contained in 36 Acts will be consolidated in this legislation. This could be the forerunner of what was advocated by the hon. members for Windsor and South Brisbane relative to law reform, and, if the Bill is couched in clear terms, it will be good legislation.

No statute that bars claims is good. I believe that under the Bill claimants will be able to refer at any time to the Land Court provided three months have elapsed from the time the land was resumed. The Minister may be able to clarify this point. Can a claimant go to the court at any time after the taking of the land by the council or the constructing authority or after notice of intention is served? If all the steps to acquire the land have been carried out, does the claimant have to wait? I know that if the constructing authority says it thinks the land is worth a certain amount the owner can accept that amount without prejudice to a claim for the amount he believes his land is worth. But does he have to wait three months, or does the three months refer only to the constructing authority? The claimant can now require the constructing authority to make an advance payment, and the difference between that amount and what the seller thinks it is worth can be settled by the court.

The constructing authority must specify the intended use of the land. Some councils in the past have taken more land than was required for their purposes. In this case will the council—I should not say "council"—will the constructing authority——

Mr. Bennett: The acquiring authority.

Mr. HUGHES: Although the Minister referred to the constructing authority, I prefer the term of the hon. member for South Brisbane. The acquiring authority might take a greater area of land than it ultimately uses. What is the position relative to the remaining area of land?

Mr. Houston: Like the Market Trust, they would sell it to the highest bidder.

Mr. HUGHES: That is in the past. Let us think now of what will happen under this Bill. Does the hon. member think the same thing will apply? The acquiring authority could, with malice aforethought, resume 5 acres of land knowing that it required only 2½ acres.

Mr. Bennett: It would be sold to a brewery.

Mr. HUGHES: I wish you would keep your mind off alcohol.

The TEMPORARY CHAIRMAN (Mr. Hodges): Order! I remind the hon. member for Kurilpa that he is addressing the Chair.

Mr. HUGHES: My apologies, Mr. Hodges. I should like the Minister to indicate what effect the Bill will have on any extra land that is acquired. We know the steps that

will have to be taken, what the acquiring authority will have to do, and the time allowed in compensation matters, but what is to be the position when a greater amount of land is taken than is eventually used? It is also good that the acquiring authority is required to inform the Titles Office of its intention so that that is known by intending purchasers of the land. The acquiring authority must also take action within 12 months of issuing a notice of intention to resume, otherwise the resumption lapses. I think that is a wise provision.

I am wondering if in his reply the Minister will say how far the Bill goes in dealing with matters of realignment. Is there anything in it covering future realignments, or what is to happen in the present situation? I know that realignment notices have applied to properties in Fairfield Road for well over 10 years, although no action has been taken to acquire the land. In the meantime, the owners have been unable to carry out maintenance, repairs or additions to their properties without going to the Brisbane City Council and indemnifying the council against claims made in respect of work done on the property when the council finally clears the land.

Mr. Newton: I will give you the answer to that on the second reading of the Local Government Act Amendment Bill.

Mr. HUGHES: I think a reply from the Minister would be more authoritative. There are many people not only in the electorate I represent but with properties on many of the major roads in Brisbane who are affected by realignment notices.

Mr. Newton: Why didn't you raise this in your caucus?

Mr. HUGHES: For the same reason that the hon. member for Port Curtis apparently did not raise his matters in his caucus. I should be very grateful if the Minister would say to what extent that is covered by the Bill. I want the Minister to make a public statement on the matter.

The Bill favours the public, and sets out the time and the steps to be taken in lodging objections. In the first instance, objection is to be made to the local authority, which is a matter of appealing from Caesar to Caesar. Another point is whether the Governor in Council must approve of an acquisition if all the steps prescribed in the legislation are taken. In other words, when all the steps prescribed have been taken, must the Governor in Council approve of the acquisition? This is something that warrants the closest scrutiny. I believe that in many cases the acquiring authority would take no notice of objections made to it in the first instance, There could be a number of other people or organisations in contiguous areas concerned with proposed resumptions, and I believe that they should have the right to have objections lodged and considered not only in a Caesar-to-Caesar way by the acquiring authority but by the Governor in Council. I believe that the Bill should provide the Governor in Council with the right of veto after taking into consideration all objections lodged, even if the acquiring authority had taken all the proper and necessary steps outlined in the Bill.

If the land is acquired for a specific purpose, for how long is the acquiring authority allowed to hold it without putting it to that use? The hon. member for Port Curtis touched on this matter, and I find myself somewhat in agreement with him. There does seem to be some merit in his arguments. They are certainly worth investigating.

Although what the hon. member for Salisbury said about the Carol Park State School may be true, I understand that the Department of Education usually follows the principle that if, having acquired land, it finds in later years that it does not require it, it offers the land to the person from whom it was acquired or his estate, or to the beneficiaries of his estate. I think there is some merit in that course of action.

In my opinion, a time should be stipulated within which the acquiring authority must make use of the land for the purposes for which it was acquired. It should be a fair time.

Mr. Bennett: How many years would you suggest?

Mr. HUGHES: That would depend on the zoning, and on the particular case. I cannot give an off-the-cuff answer; nor could the Minister. That would have to be worked out very carefully. Local Authorities should not be hamstrung—I do not think any hon. member would want to do that, because local authorities are there for the public good and to provide services—but I think a time limit should be imposed with justice and fairness.

Mr. Bennett: Do you think 15 years is long enough?

Mr. HUGHES: In some cases, far too long.

Mr. Bennett: It has been 15 years in the case of the South Brisbane railway land.

Mr. HUGHES: I think the Government could well be at fault, too. With due respect to the hon. member, I am speaking of the resuming authority. I am not saying that the Brisbane City Council is wholly and solely at fault; on occasions Government departments have been at fault. I do not intend to enumerate cases and go into details, because all hon. members know that that has happened.

Mr. E. G. W. Wood interjected.

Mr. HUGHES: Resuming authorities have to acquire land that they believe they will need for roads, parks, gardens, or some other purposes, in two, three, four, or five years' time; but the provision should not be left open so that they can acquire land now and hold it for 30, 50 or 70 years. I am sure the hon. member for Logan will agree that a reasonable time limit should be laid down.

Although the needs and purposes of the acquiring authority may be debatable, surely something could be worked out.

I ask the Minister to inform the Committee whether the provisions of the proposed Bill, when they become law, will give the Government an opportunity to carry out the redevelopment of Roma Street in accordance with the Bligh Plan. It is obvious that it will be necessary to have legislation under which the Government can resume and acquire land so that the successful tenderer or developer can implement the Bligh Plan in accordance with its wishes. The plan received very favourable and widespread Press publicity, both in Australia and overseas, and I understand that at least one formal letter of intention has been received.

I do not intend to strain your tolerance, Mr. Hodges, and castigate the Co-ordinator-General relative to certain aspects of the matter. My understanding is that, even if it were dealt with properly, fairly, impartially and expeditiously and a decision arrived at—all systems at "Go", as it were—there would still be almost insuperable problems before the scheme could get off the ground.

There is a need to acquire properties in a certain area, and it was thought that maybe $5,200,000 would have been the acquiring figure. But who is to say that this will be the figure that will finally relate itself to this scheme? The developer, or successful tenderer, one might say, who has put forward a proposal accepted by the Government could be frustrated and the whole scheme could be negated by the fact, as it is at the moment, that a particular property-holder says, "I will not sell." The city could lose a 500-room Pan-Am international-standard hotel. It could frustrate the whole development of this blighted area—and it is a blighted area.

This developmental scheme has much to commend it, but I wonder if we will get it. I ask the Minister in his reply to indicate to interested parties and the public whether this Bill provides the means whereby the Government itself might be an acquiring authority and as such acquire land for the purposes of making it available to the successful tendered or developer of the Bligh scheme. If so, I ask him to indicate when the Government intends to take such action as will bring about some positive programme in relation to the scheme, which has already been broadcast throughout the length and breadth of this country and overseas and for which there is a remarkable amount of American money available. There is no English money available. It was not available before devaluation, so it will be even less so now. But I have seen proof of money being available for the Bligh scheme from world-renowned, reputable American sources. There is $40,000,000 available but I do not think anything can be done about it until the Government initiates certain action. I am wondering whether this Bill provides ways and means by which something positive can be done to expedite this developmental work in the city.

I want to stress one point as wholeheartedly, vehemently and positively as I can. If this legislation is to be worth anything at all, it will need to have embodied in it a clause under which the Governor in Council may give approval to an acquiring authority, after which, the acquiring authority having taken all necessary steps as required by the Bill to acquire the land, the Governor in Council still has the power of veto after having taken into consideration all representations, requests and objections not only from the parties affected by the acquisition but from other parties who think they could be affected by it.

I also wonder if the Queensland Ambulance Executive, of which you, Mr. Dean, and Mr. Houghton and myself are members, is given powers of resumption. At times, we have problems in acquiring sites. We have been negotiating with various people at Nundah for a considerable time on the site for an ambulance station, and we have difficulty in obtaining sites. I must give credit to the Brisbane City Council which, as the Leader of the Opposition knows, enabled us to obtain a site at Bulimba.

Mr. Houston: Very good representation.

Mr. HUGHES: I give the Leader of the Opposition full credit for the work he did in the acquiring of that site. It is a commendation that has been duly earned by him.

The Ambulance Executive has no powers of acquisition, as, for instance, the fire brigades have. Although we are covered by the Ambulance Services Act, and although there is an executive committee set up with Government nominees, what is the power of the ambulance in acquiring land? I believe that we will require this power in the future to provide the ambulance services that are needed and, in fact, demanded in some areas.

Mr. Houston: Was this Bill discussed in Caucus? I am not being facetious. Did you ask these questions there?

Mr. HUGHES: I am asking these questions because I represent people, just as the hon. gentleman represents people. Whatever I may ask the Minister privately, whatever may be said at our party meetings, our rooms are not tapped or bugged, so the public is not aware of what goes on. I am asking these questions of the Minister, just as the hon. gentleman and other hon. members would ask him questions. We want to get public answers from those who have the authority to give them and thus make the public aware of the terms of the Bill. I hope the public, whom we represent, are able to get the answers. I hope the Minister will give due consideration to the matters that I have brought before his notice.

Mr. CHINCHEN (Mt. Gravatt) (3.56 p.m.): It is obvious that the principles of the Bill outlined by the Minister will be widely accepted. This legislation has been required for a long time, and the uniform code will obviously have ready acceptance.

The principles of the Bill were, of necessity, outlined in broad terms. My only purpose in entering the debate is to clear up one or two points not touched on as only broad issues have been disclosed to us.

One matter that worries me is the notice of intention to resume by inference. I mentioned this matter in another debate. As I see it this can be done two ways. First of all, I cite the instance of the Brisbane City Council outlining in great detail in "The Courier-Mail" of 12 May 2,000 acres of land that it intended to resume. To date the council has taken steps to resume only something like 87 acres, but by declaring to the public the whole area that it would eventually resume, not by any fixed date, it has frozen the land. Much of it may be council land, but I know that some of it is privately owned. Those people are very worried. That notice was just the same to those people as the issuing of a notice of intention to resume. The land has been surveyed down to the last block, but if anyone asks the Brisbane City Council about the time factor he is told that it may be 10, 15 or 20 years before the land is resumed; the council does not know. I am not bringing this up against the Brisbane City Council particularly; it could apply to any other authority.

It is entirely unfair for any authority to publish its plans in this fashion. By some means or other such notices of intention to resume by inference must be prevented. If notices are issued in this form, a time limit must apply in the same way as a time limit applies when an official notice of intention to resume is issued. As I say, this sort of notice is in fact a notice of intention to resume. The land immediately becomes frozen. One farmer rang me about it. He had been negotiating to buy a larger property. Everything had been arranged for the sale of his property—the parties had only to sign the contract—but when the announcement appeared in the newspaper he could not sell it. He is stuck there. He had already paid a deposit on a larger property.

Notice of intention to resume by inference can be given in another way. For instance, an authority can be negotiating to purchase property, and then the Press mentions that there is to be another big city project. What happens to the properties involved in the outline given by the Press? They immediately become frozen. That is notice of intention to resume by inference, and it is just as damaging to the properties as if a notice of intention to resume had been issued in the formal manner. Some methods should not be encouraged—in fact, they should be illegal.

Mr. Lickiss: You are referring to the Anzac Square case.

Mr. CHINCHEN: That could be taken as an example.

By some means all authorities must be prevented from greatly disadvantaging people by freezing their properties. It is a fact that property freezing must be engaged in by local authorities, but please do not let us have any authority freezing properties by inference and placing people in a most awkward and difficult situation.

The Minister said he would like to see compensation payments settled by negotiation. We would all like to see that, but the desire has to be there. Many authorities never go to court, while others seem to force the issue at all times, particularly the Brisbane City Council, which is a great shame.

It seems that the constructing authority will pay over money, up to its offer. This will give a person who has land involved money to play with. However, it may mean that the constructing authority will make a low offer because that is the sum it has to pay over, and the settlement may not be made for 12 months or more. I am a little worried that the constructing authority may limit its original offer to a small amount, thus forcing the owner to court. In order to overcome this problem it may be wise for the court to be notified of the offer made. If it is obviously low, it should award costs against the constructing authority. In that way the landowner would be in a much better position. When an authority adopts the attitude of not settling on a common-sense, normal basis and forces the owner to court to incur added expense in an effort to force a settlement, I believe it is acting quite wrongly. If the offer of the constructing authority is not reasonable, the court should award costs against the constructing authority.

The hon. members for Barcoo and Salisbury said that, at this stage, this measure should not be political. We know that was because their whitehaired boy, the Lord Mayor, would be taken to task. It is not my intention to make this a political issue, but that was obviously their intention.

I come now to another matter. On page 5 of the Bennett Report the Town Clerk, Mr. J. C. Slaughter, is quoted as saying—

> "Surely it is the responsibility of the local authority to acquire land at the cheapest possible price."

That is not justice; there is no intention to give a just and fair price. That must necessarily force everyone to court, which is not the intention of this legislation. As good as the legislation may be, will the authority do the right thing by the individual if its thinking is similar to that of the Lord Mayor's, as evidenced by this statement—

> "We in this city have not yet realised that the demands of modern living will require many sacrifices by individuals if the needs of the majority are to be served."

The statement by the Town Clerk that, "Surely it is the responsibility of the local authority to acquire land at the cheapest possible price," must be taken in conjunction with the attitude of the Lord Mayor that it is not the individual who counts, but the needs of the majority. The legislation will not prevent that from happening. There is no reason why a reasonable price should not be offered in the first place, but it is to the authority's advantage to offer a low price because that is the basis for the initial payout. This worries me because this particular authority has not the will to do the right thing by the individual. Many other authorities operating under State authority have never been taken to court by people from whom they have resumed land because they adopted a reasonable attitude and by negotiation and discussion, and by getting valuations, came to a satisfactory arrangement with the people concerned. That is how it should be done. It is impossible to enact legislation to compel authorities to adopt a responsible and common-sense attitude towards the individual, because they think that the authority is of greater importance. That is the problem.

There is no doubt that this legislation will do a great deal to overcome the problems facing many people who have had land acquired. A uniform code is necessary—there is no question about this—and I hope that the Minister can see some way of preventing the freezing of land by disclosing that it will be resumed at some future time. This is most unfair and I hope it can be prevented.

Mr. BROMLEY (Norman) (4.7 p.m.): Many complimentary remarks have been passed by members on both sides of the Chamber. I will not know whether it is good legislation until I see the Bill; nor do I know whether it is aimed at the Brisbane City Council or at the Government. I shall deal briefly with some Government resumptions that have taken place in the last year or so.

Will this legislation serve the ordinary people? Under this legislation will the ordinary people be able to go to the Minister for Lands or his department and get the justice to which they are entitled? Apparently at the moment they are not getting their just deserts in the way of compensation for their property when it is resumed. This is causing me a good deal of worry. Many people contact me when they are told that their property will be resumed by either the Government or the council. That is why I am wondering whether the legislation is aimed at the Government for some of the shocking and scandalous action it has taken relative to compensation, or at the Brisbane City Council. Without a doubt some scandalously low amounts of compensation have been paid by the Government.

I refer now to the resumptions that have been made under the Wilbur Smith plan. Many people on the south side are affected by these resumptions. Only this morning I spent several hours visiting people who have contacted me. Many are in the 80 to 90 age group. They are wondering what will happen when their properties are resumed under this plan. I realise that the Wilbur Smith plan is not the responsibility of the Minister for Lands, but this legislation deals with resumptions. It refers to the "acquisition of land . . . and for other purposes".

Recently I have received letters in sharp contrast to what I was told by the Minister for Main Roads by way of interjection and in his speech, namely, that these people would get full compensation irrespective of whether their land was affected by the Wilbur Smith plan or not. The brochure sent out to them says—

> "The Crown's assessment for compensation is set by valuation as at the date of Proclamation, and is based on fair market value of the land and property taken, and includes any other losses suffered by the dispossessed owner by reason of the acquisition in accordance with the Statutes."

Yet I have, by correspondence and interview, been told by people in the area affected by the Wilbur Smith traffic plan that they have been offered miserly amounts such as $5,650, $6,850 and $6,000 for their homes. They have, of course, asked for more. I have seen the homes, and I know that they would be worth much more on the open market.

When I was dealing with compensation in a previous speech and I asked whether the people concerned would be happy with what they were paid, the Minister for Mines and Main Roads said by interjection, "You are going to be a very happy man later." That was on 24 August last. I am in fact not happy, nor are the people. I have seen one house which on the open market should be worth between $10,000 and $12,000 and for which $6,850 has been offered. One house valuer said that it would bring $9,000 without any trouble. For these people it is a case of take it or leave it, as they have to get out. The ordinary people whose properties are being resumed are receiving no assistance from the Government. They have no rights. It is all very well for the Minister to say that they can go to the department or the Land Court. I know that, because there are clauses in the legislation making such provision. But how in fact can they do it?

A special department should be set up to deal with all compensation matters in the metropolitan area. It should be staffed with permanent officers who would deal direct with the public and go to the homes of those who, because of age or infirmity, cannot go to the office. Irrespective of what the Minister for Mines and Main Roads has said in the past, the people whose properties are being resumed are not being helped. The Minister said that they would get the full amount of compensation, irrespective of whether or not their homes are

to be affected by the Wilbur Smith traffic Plan. Because the Minister made that interjection during my speech on 24 August, I went to the trouble and expense of obtaining copies of it and sending them to the people so that they could read for themselves the Minister's assurance that they would get full compensation irrespective of whether or not their land was being resumed for the purposes of the Wilbur Smith traffic plan.

I say that these people are not getting the compensation they deserve. Many of them are worried sick, and I say in all seriousness that the predicament that they are in is hurrying some of them to their graves. I know this, because I go to their homes day after day and week-end after week-end. I get letters from relatives asking me if I will visit their mothers and fathers, who are worrying about the coming loss of their homes and who know, from what they have been told by others, that they will not be given full compensation. Where can they go? If they are to lose their homes, let the Government do something about finding them other homes.

I must stress the matter of resumptions because it is worrying me and the people concerned. Every day I receive three or four phone calls from people whom I then see and endeavour to assist in any way I can. In my opinion, they have no chance of receiving any assistance at all. For one thing, they are too old. What chance have they? How can they come into town to see someone about the amount of compensation or find out when their properties will be resumed and their homes taken from them? I believe that an officer should be appointed permanently to deal with that aspect of resumptions for the purposes of implementing the Wilbur Smith plan—in fact, with all resumptions made by Government departments.

People can go to the Land Court, of course. However, most of the Ministers whose departments would be concerned in resumptions are comparatively young men, and I pose this question to them: how would they fare if they were aged and infirm widowers, or had aged relatives? How can people who are sick, who probably never leave their home but just sit there with four walls around them, go to a particular department and ask to have everything explained to them? My plea is made on behalf of people of that type.

I know this is not an election issue, because only a few hundred people are affected; but, because it is not an election issue, the Government does not give a tinker's damn what is done about these people. As members of Parliament, hon. members should have a sense of responsibility and should live up to it. Whether 100 or 1,000 people are affected, the Government has a responsibility to each and every person in the community, and unless the Government takes action along the lines I have suggested, I say without any hesitation that Ministers will have the death of many elderly people on their consciences.

Hon. A. R. FLETCHER (Cunningham—Minister for Lands) (4.17 p.m.), in reply: I think I can take to myself the satisfaction of saying that most hon. members who have taken part in the debate have been at least in sympathy with the Government's aim and very largely, to the extent to which it has been disclosed, with the method of achieving its aim of getting a uniform code of resumptions in Queensland.

I am certainly not going to become involved in an argument about the Wilbur Smith plan, for instance, which is a matter with which my department does not have anything to do at the moment.

Mr. Houston: He got it in well.

Mr. FLETCHER: That is so; but it is not pertinent to the introduction of the Bill, although difficulties arising out of it may constitute some of the reasons why I am bringing this measure down. Nor do I wish to go into the question of the Roma Street redevelopment or the Bligh Plan, both of which would, I think, require special Acts of Parliament. Again, they do not constitute any sort of reason for my introduction of this Bill. Realignments have to be argued under the Local Government Act, and my department is not implicated in the current argument on realignments.

Mr. Houston: No, but it will be through the Land Court and under the provisions of the Act that compensation will be determined.

Mr. FLETCHER: Yes, but it does not come within the ambit of the introduction of the Bill.

One hon. member suggested that a local authority might take more land than it required and asked whether there would be a limit to the area it could take. A constructing authority cannot take more land than it requires; the resumption is unlawful if it does that.

Mr. Bennett: What about the Brisbane Market Trust.

Mr. FLETCHER: That could be an exception. There has to be reasonable resilience and elasticity in the provisions of the Act, and an exception could be where less than a whole allotment was needed under the Wilbur Smith plan, or some other plan. In that case the owner of the allotment might desire the whole allotment to be taken rather than have it spoilt. The Bill makes this a possibility and, if the owner is willing to make a deal with the constructing authority, then that is permitted—and it is only common sense. That is the sort of thing that we are putting our hand to making possible.

It is very easy to get into an argument on the subject of resumptions, and it is terribly easy to be wise after the event and to parade lots of things that are regrettable in themselves and which, on the face of it, without having any capacity to look at the background of such matters, look like

cases of undesirable practice. This might occur, but I do not think there is any sense in parading these one after the other as a background to the introduction of this Bill. As a matter of fact, the Temporary Chairman at one stage referred to this when he appealed to members not to parade a lot of argument based on their own experiences of things which were very regrettable and close to their hearts. All those matters are reasons why I was asked to bring this Bill down. The accumulative effect of all those things moved the Government to decide to adopt the policy of having a code that everyone would understand and respect. On the one hand, resuming authorities must have a fair idea of their powers and responsibilities and owners must have a clear idea of their rights and, I suppose, their responsibilities.

I do not think we should parade a lot of regrettable experiences of our own as having much bearing on what we are trying to do. Some controls have been suggested on the acquisition of land which may subsequently be sold, or at least not used for the purpose for which it was ostensibly taken, and it was asked whether it may not be possible to do something about controlling this position. In respect of this, I think we have to assume that there is good faith on the part of authorities such as city councils, local authorities and Government departments. After all, where do we go if we do not start on the premise that these people are honest and are working in the best interests of the communities they represent? I know that this can possibly sometimes fall down and we have, I think, to put some reasonable restraint into the situation. But in the main, we give constructing authorities credit for being honest in their intentions.

With regard to land that may not be used for the purpose for which it was acquired —perhaps not all of it has been used and perhaps some of it has to be disposed of—this may not be as a result of a good-faith act, but, as I said before, we have to assume that it is. We have put some constraint on it. In the case of the Crown, all disposals must have the approval of the Governor in Council, who is in a position to decide whether or not malpractice has occurred. Constructing authorities must be given the power to dispose of surplus land or land in excess of their requirements. In the case of the Crown, with land taken for Crown purposes all disposals must go to the Governor in Council; in the case of local authorities all disposals must be approved by the Minister for Local Government and Conservation. This, to some extent, puts them on their mettle. They have to go through some scrutiny before they are allowed to dispose of it.

Before land is taken at all, the Governor in Council must be satisfied that the taking is lawful and that the land is actually required for the purpose of the constructing authority. Somebody may be able to get past the Government at present but that is not very likely. At least it is necessary to run the gauntlet of getting Governor in Council authority. The proclamation taking the land may vest the land in the constructing authority as freehold, or the land may become Crown land for dedication or reservation according to the particular purpose for which it is taken. The land vested in a constructing authority, if it becomes surplus or is no longer required for the purpose for which it was taken, may be disposed of. In the case of the Brisbane City Council, for instance, or any other local authority, the permission of the Minister for Local Government is required.

The specification of the actual purpose—I mentioned in my earlier speech the fact that it is necessary to specify the reasons for the taking—is to enable a proper check of the bona fides of the resumption by the Governor in Council, and to allow the owner a proper opportunity for challenging the resumption before a court of law if he thinks it is wise and warranted.

Some councils have been resuming land for the purpose of the Local Government Acts. Now they will be required to show that it is for the purpose of drainage, or for the purpose of sewerage, or for the purpose of roads, as the case may be, so that the bona fides of the resumption can be challenged or checked.

All we need to do is to ask ourselves, "Is this code that we are going to set up just and fair?" I suggest that the Committee carefully examine the code as far as we have been able to get it to the stage that it has been printed as a Bill.

When I was speaking an hon. member opposite interjected and asked, with respect to my having said that there was a right to object, whether if the objections were made good, so to speak, and the action discontinued, any compensation would be payable. I said that it was unlikely since at that stage very little work would have been carried on. I have since thought about that. I realise that there will be some occasions where work will have been carried out concurrentiy. In that case, compensation will be payable. Any disturbance of the land or disturbance of the person in ownership is compensable.

Mr. Houston: You could have a case where a person was cultivating the land but decided not to plant. There would be an actual loss of production.

Mr. FLETCHER: That is right.

I suggest that the Committee take to heart what I have just said. I think that if they carefully examine the Bill when it is printed they will agree that on the broad approach it is good.

If between us all we can make it any better in detail, I will welcome any suggestions.

Motion (Mr. Fletcher) agreed to.

Resolution reported.

FIRST READING

Bill presented and, on motion of Mr. Fletcher, read a first time.

TRAFFIC ACTS AMENDMENT BILL

INITIATION IN COMMITTEE—RESUMPTION OF DEBATE

(The Chairman of Committees, Mr. Hooper, Greenslopes, in the chair)

Debate resumed from 22 November (see p. 1877) on Mr. Camm's motion—

"That a Bill be introduced to amend the Traffic Acts, 1949 to 1965, in certain particulars."

on which Mr. Walsh had moved the following amendment:—

"Add the words—

'and for other purposes.' "

Amendment (Mr. Walsh) negatived.

Hon. R. E. CAMM (Whitsunday—Minister for Mines and Main Roads) (4.31 p.m.), in reply: In general, hon. members have agreed with the proposals outlined in the Bill. The debate covered a very wide field not necessarily connected with the content of the Bill. However, it indicated strong concern by hon. members for the necessity of taking positive steps to reduce the road toll and the incidence of traffic accidents. I, too, share in this concern.

The various comments and views are appreciated, but they also indicate the problems associated with determining the causes of accidents and preventing them. That, of course, is precisely the reason for establishing the Standing Committee for Road Deaths and Accident Prevention, because many hon. members here differed on their interpretation on how the Traffic Act should be amended to cope with the road toll. The committee we have established, and the various departments associated with it, are very much concerned with the traffic regulations and their enforcement. I am sure that they will find the remarks of hon. members of interest.

The Leader of the Opposition referred to permits for street meetings at election-time. These permits are issued on the basis of a permit covering a number of sites. In the absence of advice as to the identity of the person against whom the police have taken action in the circumstances outlined by the hon. gentleman, it has not been possible for me to confirm his statement.

Mr. Houston: I did not say anyone had been wrongly charged.

Mr. CAMM: I thought the hon. gentleman did.

Mr. Houston: I said that the person concerned might not have the permit in his possession.

Mr. CAMM: Inquiries to date from the District Superintendent of Traffic are to the effect that to his knowledge—and he has been associated with this since 1959—no action has been taken as outlined by the Leader of the Opposition.

Mr. Houston: Under the law at the time action could have been taken.

Mr. CAMM: It has not been taken.

Mr. Hanlon: When you decided administratively, or in your caucus, to introduce this amendment concerning driving licence production, was an administrative instruction issued not to book people for the non-production of a driving licence, as you virtually recognise the position?

Mr. CAMM: No.

Mr. Hanlon: Don't you think that in all logic it should have been issued?

Mr. CAMM: That is not in the points system; non-production of a driver's licence is not included in that.

Mr. Hanlon: When it was decided to introduce the provision giving 48 hours to produce did you still allow police officers to more or less penalise people because they were not doing something that you recognised was not necessary when you made this decision? Administratively that is fair.

Mr. CAMM: It must be conceded that when we start thinking of an amendment to cover an eventuality we cannot lift the offence from when we start to think about it; it must be dated from when the Bill is passed.

The hon. member for Bundaberg raised the matter of the Alice Street-George Street intersection, and the effect of the Alice Street bus stop on vehicles turning left out of George Street from the Technical College end. The markings and signs at this intersection are under the control of the Brisbane City Council. I have been informed that from an engineering point of view the existence of this bus stop, the end of which is 30 feet from the George Street property alignment, is acceptable. I have also been informed that the width of 21 feet from kerb to centre line in Alice Street at this point could create a hazard if a bus parks not close enough or parallel to the kerb. But this has been brought to the notice of the Commissioner and I am quite sure that he will confer with the Brisbane City Council and the bus drivers in this respect.

The hon. member for Toowoomba West spoke of the use of radar devices when the permissible speed is reduced from 60 to 40 or 35 miles an hour. There is a definite policy in the Police Department that radar is used on roads or at places which have an accident history or in relation to complaints about driver behaviour that we have received. If a particular location has an accident history, that is where the police set up the radar trap in an effort to discover whether speed is causing the accidents. I can assure hon. members that the radar traps are not set up in an effort to collect revenue for the Crown. These officers are interested in collecting information on

accidents and are not there purely for the sake of collecting revenue. They are there to prevent accidents and that is why radar traps are set up where accidents happen.

Mr. Davies: If there is a radar trap in a 35-mile-an-hour area and a driver is caught exceeding that speed limit, does he lose points?

Mr. CAMM: That is correct.

The hon. member for Wavell referred to the applicant's fitness to hold a driver's licence. He mentioned a sight test and a test of the driver's knowledge of the traffic laws and traffic conditions. This is done at present. In fact, we go further and indicate the type of practical driving test to be undertaken. If there is any doubt about the physical fitness of an applicant there is provision to call for the production of a medical certificate.

An Australian committee on driver improvement examined driver behaviour generally and, in its report issued in December, 1965, dealt with the testing of applicants for drivers' licences. The committee comprised representatives from all States and Territories of the Commonwealth, these representatives being persons associated with the administration of the traffic laws in their individual States and Territories. In its report, the committee outlined what it believed should be the policy adopted in relation to testing applicants for drivers' licences, and it was found that the Queensland law and the procedures adopted conformed with the recommendations of that committee.

The hon. member for Wavell referred also to the broad white lines extending from the centre line to the kerb, indicating that before a motorist enters an intersection he must stop. Unless these lines are associated with an official traffic sign—for example, a "Stop" sign or a traffic-control light signal—a motorist is not required to stop at those lines. They are placed upon a road merely as an advisory sign, that is, to advise the motorist in effect that from that point he must proceed with caution.

There was suggestion that certain road markings (such as the positioning of stop lines and the location of double lines) could be improved from a road safety point of view. Road marking is, in general, at present, and certainly on declared roads, the subject of a close and scientific examination. I should say that there would be few exceptions to the general rule that the markings on the road are the most appropriate to regulate traffic with safety. In these things, as in all aspects of road safety, accidents can be prevented only by responsible actions of drivers. Anyone who drives a great deal on country roads knows that the broken, continuous and double lines are placed in positions where they afford greatest protection. I make a practice of driving in areas that are strange to me strictly in accordance with the lines marked on the road.

The hon. member for Wavell said that approximately 15 per cent. to 20 per cent. of all people concerned in traffic accidents have criminal records. There are no records in my department to confirm that assertion.

The Government does not approach any form of traffic law enforcement with the idea of obtaining additional revenue. It must be remembered that a member of the Police Force is at all times answerable at law for his actions in issuing traffic-offence notices. His actions in this regard are available for scrutiny by courts of justice. This is so because the issue by him of a traffic-offence notice brings in its wake, if the recipient does not pay the penalty prescribed in the notice, the appearance of the police officer concerned in the witness box to recount on oath the circumstances under which he issued the relevant notice.

There can be no greater safeguard than this, and it must be remembered that every policeman knows only too well that if civil action is commenced in relation to anything done in the course of his duty, that action will be against him and him alone. It is therefore wrong to suggest by innuendo that any policeman would operate outside the ambit of the duty imposed on him by the traffic laws for the purposes of acquiring money for the Treasury.

Mr. Hanlon: In view of the Government's Karrala House philosophy, have you thought of locking traffic offenders in their cars in the sun with the windows up all day to give them a desire to become better drivers?

Mr. CAMM: I am rather surprised that the hon. member for Baroona would even say that. Having sat in the heat in a room today, I am surprised that any member in the Chamber could even consider such a thing as locking young people in cars in the heat.

Mr. Hanlon: That is the philosophy you follow at Karrala House. On that philosophy, locking people in cars in the heat might give them a desire to be better drivers.

Mr. CAMM: The hon. member for Toowoomba West mentioned the difficulty of passing large slow-moving vehicles on range roads. The regulations prescribe that a driver must follow at a safe distance behind another vehicle, especially if it is a long vehicle, and similarly the long vehicle must travel at a specified distance behind the vehicle in front of it.

Many other things were dealt with in the debate on this Bill. As I indicated at the outset, it is solely to allow drivers 48 hours in which to produce their licences. I am afraid that the debate got far away from the Bill.

I commend the Bill to the Committee.

Motion (Mr. Camm) agreed to.

Resolution reported.

FIRST READING

Bill presented and, on motion of Mr. Camm, read a first time.

The House adjourned at 4.46 p.m.