



Speech by

**BILL FELDMAN**

**MEMBER FOR CABOOLTURE**

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Hansard 13 April 1999

**TRANSPORT (SOUTH BANK CORPORATION AREA LAND) BILL**

**Mr FELDMAN** (Caboolture—ONP) (2.44 p.m.): Earlier, I heard a member opposite say that there was not enough passion in this debate. I hope that I can rise to put just a little bit of passion into it. I was going to comment about the importance of the South East Transit Project busway and its benefit to south-east Queensland before making a comment about the principles upon which this Bill infringes. However, I have decided to get straight to the point.

**Mr Lucas:** You have as much passion as a rotten mango.

**Mr FELDMAN:** If the member would like to interject, could he please go back to his correct seat?

I thought this Government had learned its lesson about the resumption of land, especially in the light of the Pacific Highway debacle that might have cost Labor Government. In this case, does the end justify the means? Ethics dictate that it does not. This Parliament is supposed to be the epitome of ethical behaviour. Regardless of the importance of this project, the infringement upon the common law rights of the landowners involved is wrong and should be opposed at all costs. Although the Land Acquisition Act allows land to be resumed for the transit project, these people believed that their land could not be resumed for transport purposes because of the South Bank Corporation Act. No less than a Supreme Court judge had the same view. He agreed with this belief, yet this Bill says, "To hell with that." This Bill says, "To hell with our legal system"—and this comes from a Government that talks about the separation of powers—"To hell with natural law, to hell with the rights of private landowners. We will get what we want by whipping a Bill through Parliament." The Minister's attitude and arrogance displayed in his second-reading speech made my blood boil. How dare any Government treat people with such disdain!

I take on board that this situation is not solely the Government's fault; there is fault lying on the opposite side of the House, too. However, my mind races immediately to the Australian movie—and we all know it well; we have all seen it—The Castle. In that movie, we saw an Australian man protecting his home—his castle—when a Government attempted to resume his property. Darryl Kerrigan did not mind living with adversity, he did he not mind living in the poverty of his circumstances, he did not mind living under the flight path, and he did not mind living under the powerlines; this was his home, his refuge, his place of safety. In that movie we saw Bud Tingwell play a constitutional lawyer fighting for Darryl's rights as an individual and winning in court. We have seen the same thing here: we have seen people fighting for their rights in a court of law and winning. We all saw the public's reaction to such an injustice, too. This film had one of the highest number of attendances for an Australian movie since Crocodile Dundee. Why? Because every Australian believes in the fundamental right that once people have purchased their land, it is their land; no-one has the right it take it away from them. No-one has the right to take people's businesses away from them. It is theirs. Here is a little bit of passion in the debate.

In this case, we are not just talking about a person's home; we are talking about the removal of a man's business, his livelihood— something that he has worked a lifetime achieve, something that he wants and intends to leave to his family to carry on. This person intends that not only he but also his family not be a burden on our society. Why do a jobs, jobs, jobs Government and a Premier want to destroy a business that is not a burden on this community? Can the Premier guarantee that this

business will not lose the goodwill that exists on its current site if it is forced to move? This business cannot afford to move, and why should it? If the Government made the mistake, it should pay for it.

The transport project was never originally planned for this area. The South Bank Corporation Act protected the people involved from being harmed by any transport development, and the Supreme Court ruled in their favour. What right does this Government have to overrule all of that by passing legislation?

A letter from Mr Noble, one of the landowners involved in this case, which I was assured everyone in this House received, highlights a few of the issues that, strangely, the Minister failed to mention in his second-reading speech. A few points of interest from Mr Noble's letter include the fact that the approved plan of the development of the South Bank site clearly provided a different location for the bus corridor than that which was eventually chosen. As has been highlighted by the member for Gladstone and the member for Gregory, the location of the corridor has been changed many times, so why cannot a few more changes be made? The mechanisms that apply for making changes to the South Bank Corporation Act were not applied to the relocation of the busway. Section 21 of the South Bank Corporation Act provides that any changes made to the approved plan shall not affect any right, privilege or liability of other parties. The Parliament was made aware of the potential problems as early as 26 August 1997 by Ms Bligh, but as has already been said, those problems were totally ignored.

The business involved was willing to relocate if a suitable property in the immediate area was available. According to Mr Noble's letter, the cheapest available property would have cost in excess of \$1m. Two offers were made to the Nobles: one for just over \$500,000 and a later one, which was basically a threat to comply, for \$865,000. Neither offer was enough to compensate the Nobles for the cost of relocating their business or the cost of the goodwill that existed in the location where they were and also in the area where they were available to carry out their business.

It is always interesting to hear the other side of the story. The arrogance of this Bill was evident from the Minister's second-reading speech and Mr Noble's letter simply reinforces it. Although little can be done about the way that members of this Parliament may vote, I can tell the House how One Nation will vote: we will vote the same way that every Australian would want us to vote, especially when we are talking about taking someone's livelihood and land away from them. Just as every Australian supported the rights of Darryl Kerrigan as they watched The Castle, we will fight against any Government having the right to come in and take away land that legally belongs to someone, especially when that person has won the right to keep it in a court of law. It is no wonder they have taken our firearms. People will be standing arm in arm to protect this block of land right now.

I urge all members of this House to contemplate the precedent that the Parliament will be setting if we pass this Bill. We are not kings who ride out into serfdom and take what we want. Kings were killed for such tyranny. Let us be the representatives of the people that we should be. I suggest that until just and fair compensation—and I mean just and fair compensation—can be made, those people's rights should be observed. I concur with the member for Gladstone: at this stage, those people have not been offered fair and reasonable compensation. Until that is done, those people deserve the right to occupy the land that is legally theirs, especially now that the Supreme Court has ruled in their favour.

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