



Speech by

Mr BRUCE LAMING

MEMBER FOR MOOLOOLAH

Hansard 27 May 1999

STATE DEVELOPMENT AND PUBLIC WORKS ORGANISATION AMENDMENT BILL

Mr LAMING (Mooloolah—LP) (5.40 p.m.): I have grave reservations about one of the main aspects of this Bill, and I will confine my contribution basically to that aspect. I find it difficult to accept that a Government that gives weight to the appearance of wearing its social conscience on its sleeve could allow such a Bill to get through its caucus. I refer, of course, to the amendment which is referred to by the Minister in his second-reading speech. He says—

"While this Government actively seeks the participation of the private sector in public infrastructure development, there remain legal barriers that hinder this outcome. A principal issue that needs to be overcome is the inability of the Government to acquire land for private development of public infrastructure. The Government can acquire land for the development of infrastructure by Government authorities, including Government owned corporations that are expected to behave like the private sector, but it is limited, under current legislation, in its power to acquire interests in land for private proponents of like infrastructure, even though the end users of the infrastructure are the public at large."

The Explanatory Notes provide more pungent details, in dot point form, of what the Bill sets out to do—

"Enable the Coordinator-General to acquire land for the development of infrastructure by persons other than the State;

Provide access provisions for persons other than the State contemplating development of infrastructure; and

Provide a specific definition of the type of infrastructure for which land may be acquired for the private sector."

The Minister bemoans the fact that there—

"... remain legal barriers that hinder ... the ability of the Government to acquire land for private development of private infrastructure."

It is just as well that there are legal barriers! One of the main, basic, fundamental rights of our society is the quiet enjoyment of our land. Yet on page six of the Explanatory Notes, we see it quite clearly spelt out that—

"The amendment to include Division 6, Part 6, authorises the disruption of land owners' rights to enjoy the use of land they occupy in order to progress the development of an infrastructure facility which has economic or social significance to Australia, Queensland or the region in which the facility is to be constructed."

This note begs the question: just what might be classified within the definition of a privately owned infrastructure facility which has purported social significance to a region? The answer to such a question is, of course, debatable. I have no problem with that, and such things should be debated. But this Bill will, if passed, render these questions beyond debate.

Referring to the Explanatory Notes again, we see that—

"The decision of the Coordinator-General to grant or refuse to grant an applicant with an investigator's authority is not subject to review on the basis of the merits of the decision."

Mr DEPUTY SPEAKER (Mr Reeves): Order! I am having difficulties hearing the member.

Mr LAMING: Thank you, Mr Deputy Speaker. I note your interest in my contribution.

Neither will the appropriate debate be able to come to this forum, where it belongs. Not only will the decision-making process be removed from this House—and we are talking about processes as fundamental as compulsorily acquiring people's land—but we, as members of Parliament, will be powerless, whether we are in Government or Opposition, to act in any meaningful way on behalf of affected constituents.

The purpose of the amendments to section 55 of the State Development and Public Works Organization Act 1971 is to provide the means for stronger, more contemporary enforcement mechanisms to implement a development scheme for a State development area. Enforcement indeed! Are we talking about miscreants here or the people we are supposed to be representing? I wonder whether the Minister was briefed on this legislation at 8 p.m. on a Monday night—Yes Minister. This legislation might suit big business, this legislation might suit big bureaucracy, but it does not suit my idea of Australian society, and it should be voted down.

Let me turn to the question of consultation. This is supposed to be the long suit of the ALP. I do not recall the Minister talking about consultation in his speech, but I noted the copious references in the Explanatory Notes, and I will read them in full—

"The proposed amendments have been supported."

That is it! To be fair, however, the notes do list the organisations that have been supportive, and they are worth reading, too: the Department of the Premier and Cabinet; the Department of Communication and Information, Local Government and Planning; the Department of Natural Resources; the Department of Main Roads; the Department of Transport; the Department of Families, Youth and Community Care; the Department of Mines and Energy; the Department of Employment, Training and Industrial Relations; the Department of Justice and Attorney-General; the Department of Public Works and Housing; the Department of Environmental Protection Agency; the Queensland Treasury; and Crown Law. Some consultation! Only the bureaucrats! What about those who are most affected—those whose land might be taken away?

This Bill talks about access to private land. I refer again to the Minister's speech—

"It is essential that, if a project is to proceed, the prospective proponents are able to access this land for this purpose. I again make it very clear that provisions for access to land by public enterprises exist in this and other legislation. Before land is taken, the Coordinator-General may authorise a potential infrastructure provider to gain access to property for the purposes of undertaking an investigation into the suitability of the land for the planned infrastructure facility."

He might be referring to Acts like the Petroleum Act. I suggest he talk to his colleague the Minister for Mines and Energy, who will give him a bit of an insight into how people react to impositions on them and their land by private companies and their employees involved with gas pipelines.

The Scrutiny of Legislation Committee had something to say about this, too—

"5.19 Proposed ss91A to 91M inclusive will impact adversely on the common law rights of landowners to the possession and quiet enjoyment of their land, in that they will authorise the entry on land by an additional category of persons, namely, persons investigating the land's suitability for the development of an infrastructure facility. Such persons will generally be representatives of private sector developers."

Obviously, the committee had some opportunity to work more closely at this than did the ALP caucus. I will be watching with interest the vote of the Labor members of the Scrutiny of Legislation Committee, the members for Kurwongbah and Ashgrove. I note that they are not yet on the speaking list.

Finally, I note from the Minister's speech that—

"Landowners will have recourse to the Land Court in the event that parties cannot agree on appropriate compensation."

That is great. But why is it the responsibility of landowners to have to troop off to court in their own time and at their own expense to defend their fundamental rights? Everyone else there will be either on the payroll or a potential beneficiary.

The Minister has been sold a pup with this Bill. If any project is that important that it should require taking land off any Australian and giving it to another, then let the proponent make arrangements with the Government to put it through this House under full public scrutiny. The member for Sandgate claimed that we were opposing this Bill because it was put forward by the ALP. I advise the member for Sandgate that this was proposed during the last Parliament and it was rejected by the coalition when in Government.

As members can tell from my remarks, I oppose the Bill, and I oppose the Bill for the right reasons. I would like to take this opportunity——

Mr Hayward: You often oppose it for the wrong reasons, do you?

Mr LAMING: No. I oppose it for the right reasons—in reference to the comments made by the member for Sandgate, who gave the impression that we were, as an Opposition, opposing it for the wrong reasons. I appreciate the member's interjection.

I take this opportunity to mention some recent events in my electorate that might be considered to be associated with this legislation. I do not believe that the legislation, even in the way that it is proposed to be amended, would have solved the problem of the powerlines at the Sunshine Coast University. I take this opportunity to commend the efforts of the Minister's director-general and Mr Alan Best in endeavouring to resolve that problem. It is being resolved. I pass on those comments to the Minister.
