Speech by

JEFF SEENEY

MEMBER FOR CALLIDE

Hansard 27 May 1999

STATE DEVELOPMENT AND PUBLIC WORKS ORGANISATION AMENDMENT BILL

Mr SEENEY (Callide—NPA) (3.57 p.m.): I rise to speak against the proposed legislation and, in particular, to make some comments about that part of the legislation that will allow private land to be acquired for the use of third-party developers. Previous speakers in the debate have well enough illustrated the dangers that the legislation presents, its lack of safeguards and the potential it brings for misuse. In the limited time available to me, I record my support for those views already outlined by my coalition colleagues, especially the member for Hinchinbrook and the member for Burnett. I also bring a local perspective to my contribution to the debate.

As members of the House would know from my previous contributions in this place, the site of the Nathan dam and most of the associated Surat Basin development is located within the electorate of Callide. This legislation and the changes that it proposes are of much interest to me and many of my constituents. The legislation is of critical interest to those land-holders whose properties will be inundated by the Nathan dam and who are currently negotiating land acquisition matters with the SUDAW consortium. In fact, the whole issue of resumption or compulsory acquisition of land is of some contention across my electorate and it has occupied an inordinate amount of my time since coming to this place.

I take this opportunity to reiterate to the House that there is overwhelming support for the Nathan dam project in the Dawson Valley and central Queensland generally. There is overwhelming support for the project that is seen as a necessary development to provide an economic future for many individual operations and many Dawson River communities, particularly Taroom, Wandoan, Theodore, Moura, Baralaba and the regional service centres of Biloela, Rockhampton and Gladstone.

There is overwhelming support for the project, but there is a growing sense of frustration at the seemingly interminable delay and indecision. I commend the Minister for Natural Resources for the initiative that he displayed in recently visiting the area, albeit briefly and unannounced, and I commend him for some of the positive comments that he made while he was there. I assure him that support for this project remains very strong at a local level. It was also gratifying to hear the comments from the member for Bundaberg earlier in this debate. I appreciate her support on this issue and I hope that she is progressing the issue to the utmost of her ability within the Labor caucus. What she did not mention is that that is where the project is stalled. The project is stalled within the Labor caucus while the factional battle between the Minister for Natural Resources and the Deputy Premier is played out. The people of the Dawson Valley wait while the Labor Party plays its factional games.

However, the many supporters of the Nathan dam project have always recognised and stated repeatedly that an important part of the successful implementation of this project will be to ensure that the land-holders who will suffer inundation of their properties are treated properly and fairly. It is a very unfortunate fact that the site of this major dam will inundate many prime Dawson River properties. Those properties are owned by families who have no desire to sell or move and who can justifiably be proud of the properties that they have built up and developed over long periods.

The compulsory acquisition of a person's or a family's land in any circumstances is without exception a most disruptive and emotionally draining experience for anyone unfortunate enough to find themselves living or operating a business in an area which becomes the subject of a major development. It is bad enough for anyone to be forced to lose their family home, with all of the

emotional attachments that have been built up over time, sometimes over generations; it is many times worse when the land that is being compulsorily acquired is a rural property.

I can understand that it is difficult, perhaps totally impossible, for urban people and members opposite to fully appreciate the ties that bind land-holders to rural properties. I can easily understand that it is difficult, perhaps totally impossible, for the Minister responsible for this legislation to understand what compulsory acquisition means to families that have been successfully developing properties over years, more often than not involving members of a number of generations of the same family. That property is their home and their business, and yet it is much more than that. The land encompasses their family history and their plans for the future. It is the result of their life's work and sometimes the life's work of a number of generations of the one family. These properties have values that are difficult to quantify for those who own them. Obviously, they have financial values, but they also have many personal, emotional and historical values that are not as immediately apparent or definable in financial terms. It is these non-financial values that are too often not considered by developers, who are, quite understandably, focusing on the future of their own projects. Valuers and lawyers who are often left to work out these situations very quickly end up in a confrontational situation—a situation that quickly becomes a test of wills and negotiation skills. The resolution of these compulsory acquisition situations tends to focus more on the economics and the future of the proposed development than on the values, especially those non-financial values, to the property owners, who never wanted to be involved in the process in the first place.

Notwithstanding the difficulties, there will always be a need for land acquisition to allow infrastructure development of the type necessary for the Nathan dam and the Surat Basin development. In my view, the Acquisition of Land Act 1967, under which land is acquired in such circumstances, is outdated and desperately in need of a major review to take account of the genuine impacts that compulsory acquisition has on people who fall under its influence. There needs to be a complete rethink on how these resumption processes are carried out. There needs to be an immediate review of the Acquisition of Land Act 1967 to make sure that it can more appropriately take account of and compensate for all of the values attached to land and, in particular, rural properties.

To extend the powers and the use of the Acquisition of Land Act 1967 when it is clearly, in my view, inadequate and deficient to extend the use of that Act to allow land to be acquired for third-party developers is totally inappropriate. The acquisition of land creates enough problems when it is carried out by Governments. Every member in this House whose electorate has been the subject of land acquisitions can testify to the angst and dissatisfaction that it causes amongst the people we represent, irrespective of which side of the House we sit on.

Long before coming into this role, I was working at an organisational level to have the Acquisition of Land Act 1967 reviewed and modernised and made more sensitive to the ownership rights of land-holders. Irrespective of the outcome of this debate, I will continue to urge the responsible Minister, whoever that is, to fix this problem quickly. There needs to be a realisation that negotiations for acquisition are probably not best carried out at a regional level of whatever department is involved. I believe that there is a case to be made for the establishment of a specialist unit at a high level within Government to ensure that the acquisition process is carried out with sensitivity and with respect for the land-holders, and that does not always happen. That sensitivity and respect for land-holders' ownership rights needs to be the overriding motivation, not the need to acquire the land as cheaply as possible to ensure the economic returns of the particular project or the career prospects of those public servants negotiating on the department's behalf.

The other part of the issue that causes grave difficulties is the time scale over which these land acquisitions are considered. It is a historical fact that very often a major project is discussed and considered for many years before it is proceeded with, if at all. Consequently, land-holders are placed in a situation of continuing uncertainty, of not knowing what is going to happen to their property for many years. Land-holders are placed in a situation of having their lives and properties placed in limbo until decisions are made to proceed and acquisition begins. This is certainly the unfortunate and regrettable case in respect of the Nathan dam. All of the land-holders affected have had to live with that uncertainty for five years now—five years of not knowing whether to proceed with the development of their property and five years of being distracted and wasting time and emotional energy dealing with the range of issues that arise in these circumstances. Once again, this is bad enough where urban houses or businesses are concerned, but it is many times worse for the owners of rural properties.

In particular, the land-holders on whose property the dam wall is to be located have endured a disruption to their lives over that five-year period which could not be seen as anything other than unfair. I salute the patience and tolerance of Geoff and Meg Becker and their family, who own the property Spring Creek, where the Nathan dam will be built. They continue to cope with the uncertainty surrounding this project and the land acquisition process and the intrusion into their lives in a way that has earned them everyone's respect. I believe every supporter of the Nathan dam project right across central Queensland would join with me in strongly urging the Minister for State Development and

SUDAW to reach a fair agreement with these land-holders quickly—an agreement that errs, if anything, on the side of generosity—so that they can relocate to another property. We all wish them well in that endeavour. I believe that Governments need to be aware of the problem of long-term uncertainty and be prepared to acquire land early in the process so that people such as these are not left in a state of uncertainty for long periods.

As a community, we need to recognise more fully the impact of compulsory acquisition or land resumption on such landowners, who want only to be left alone. We need to be more aware of the whole range of impacts when land has to be resumed, as will happen inevitably if our State is to be developed. Those charged with negotiating that land acquisition to allow the community generally to benefit need, as I said, to err on the side of caution and generosity, and not treat the situation as a chance to demonstrate their negotiating power. It is my experience that that does not happen now. It certainly has not happened in the negotiations so far in respect of the Nathan dam. There has been no erring on the side of generosity. It certainly has not happened in a range of other situations around the State—situations referred to earlier this morning by the member for Burnett. There is simply no chance at all that a more compassionate and sensitive approach will be implemented if land-holders are forced to negotiate with private developers, who will inevitably be large multinational corporations concerned only with the economics of their project, with no interest at all in social justice issues.

Quite apart from the acquisition powers contained in this legislation, the powers of entry and investigation that this legislation extends to private developers are particularly frightening to land-holders. Many people throughout Queensland have experienced the use—or the misuse, more correctly—of the powers of entry that exploration companies have exercised under the Mineral Resources Act and the Petroleum Act. Many of the injustices that land-holders have suffered at the hands of exploration companies under those particular pieces of legislation will potentially be repeated over and over and over again under the provisions of this legislation.

I reiterate the comments made by my colleague the member for Burnett, who pointed out that under this legislation anything can be brought on to a land-holding and anything can be done to that land by a developer in the process of investigating any project. That raises a whole range of issues for rural land-holders that no doubt are not immediately apparent to the Minister and a whole range of issues that are no doubt beyond the ability of the architects of this legislation to understand. Those issues range from simple things such as weed infestations and leaving gates open through to major damage to infrastructure, interruption to cropping programs and damage to pasture. If this legislation is to be passed, the provisions relating to the access by developers for investigation of potential projects must be strengthened to protect the land-holder's interests. They are just not acceptable in their current form.

There is no doubt that the move to private sector construction and the development of what was previously considered to be public infrastructure will continue into the future and, in that regard, I agree with a number of the contributions that have been made by members on the other side of the House. There is no doubt that that trend will continue into the future. But the issues that that trend raises with respect to land acquisition must be addressed adequately. They are certainly not addressed adequately by this Bill.

It is simply not good enough to extend access to the powers and provisions of an inadequate Act to third-party developers without any consideration of the adequacy or fairness of those powers and provisions. That is what this Bill does. It gives to private developers the powers Government traditionally used under the Acquisition of Land Act 1967. That legislation, in my view, has proven to be inadequate in the hands of Government departments. It has proven to be inadequate in taking account of the complexities of land acquisition in the present day. It is inadequate in a whole range of areas, in particular in the way that values are arrived at and the consideration that is—or more correctly is not—given to the non-financial values that I referred to earlier. It is inadequate in terms of process and the impracticalities for many land-holders in accessing the Land Court. In that regard, I endorse the sentiments that were expressed by members earlier.

In conclusion, I urge the Minister to rethink and review the legislation in this whole area. I urge him to work together with the Minister for Natural Resources and come up with some modern legislation that deals fairly with all the issues that have arisen since 1967 when the Acquisition of Land Act was proclaimed. Not least of those issues will be those arising from private investment in what was traditionally public infrastructure.

I urge the Deputy Premier to consult with the people who have been subjected to this unenviable process of having their homes, their businesses and, most importantly, their rural properties acquired or threatened with resumption. If he does that in any genuine way, he will be unable to avoid coming to the conclusion that this legislation is a totally inappropriate response to those issues. We all agree that those issues need to be solved, and solved quickly.