



Speech by

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**MEMBER FOR CALLIDE**

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**ACQUISITION OF LAND AMENDMENT BILL**

**Mr SEENEY** (Callide—NPA) (3.57 p.m.): I appreciate the opportunity to make some comments on the Acquisition of Land Amendment Bill. As the shadow Minister has indicated, we in the coalition will be supporting the legislation. However, the whole area of compulsory acquisition of land is one of such grave concern to me that I welcome the opportunity to make some comments on the subject today.

As I have indicated in previous speeches in this House, I believe the current Act is totally outdated. Although the amendments being proposed here are of a relatively minor and technical nature, I wish to take the opportunity today to repeat the need for a major review and rewrite of this Act to take account of the changing community attitudes to the compulsory acquisition of land and to avoid the angst and trauma that all of us have seen in the past.

As members of this House should realise by now, the site of the Nathan dam and most of the associated Surat Basin development is included within the electorate of Callide. This legislation is of much interest to many of my constituents. It 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. It is also of critical interest to many other people in many different situations where the Government needs to resume land for public infrastructure. There will always be a need for such resumptions. We need to ensure that the legislation is capable of handling these situations without causing unnecessary trauma and without giving rise to clearly unfair situations. In my view, that is clearly not the case at the moment. In fact, the whole issue of resumption or compulsory acquisition of land is one that is of such contention across my electorate that it has occupied an inordinate amount of my time since coming to this role.

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

The water allocation management plan has still not progressed past the draft stage. It is increasingly apparent that the Minister for Natural Resources has adopted a strategy of interminable delay to effectively stop the project. However, the many supporters of the Nathan dam project have always recognised and repeatedly stated that an important part of the successful implementation of this project will be to ensure that the land-holders who will suffer the inundation of their properties are properly and fairly treated. It is an unfortunate fact that the site of this major dam will inundate some prime Dawson River properties. Those properties are owned by families who have no desire to sell or move and who can be justifiably proud of the assets 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 doubt, 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 the emotional

attachments that have built up over time, sometimes over generations. All those things that make a house a home are lost when a family is forced to relocate.

However, it is many times worse when the land being compulsorily acquired is a rural property. I can understand that it is very difficult—perhaps totally impossible—for many urban people to fully appreciate the ties that bind rural land-holders to rural properties. I can understand that it is very difficult—perhaps impossible—for members opposite and the Minister responsible for this legislation to understand what compulsory acquisition means in such a situation. For these people the property is their home and their business, 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, sometimes the life's work of a number of generations of their family. These properties have values that are difficult to quantify for those who own them. They have financial values obviously, 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 which are too often not considered by developers, who are quite understandably focusing on the future of their own projects.

Valuers and lawyers, who too often are left to work these situations out, 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 value that the property owner has for the properties under negotiation. Notwithstanding the fact that there will always be a need for land acquisition to allow for infrastructure development, 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—a complete review—to ensure that it can more appropriately take account of, and compensate for, all the values attached to land, particularly rural properties.

Long before coming to this role, I was working at an organisational level to have this Acquisition of Land Act reviewed, 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 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 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 respect for land-holders. 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 Government's behalf.

People who are subject to the compulsory acquisition process should be able to be confident that they will end up better off for the upset to their lives. There needs to be a guaranteed premium paid over and above the actual value in the case of compulsory acquisition. That premium can be 110%, 120%, 150% or whatever percentage is arrived at. The important thing is that land-holders should know that they are to be paid a premium to compensate them for the fact that they are unwilling sellers. I personally prefer an option which recognises the need for greater compensation for long-term land-holders who are unwilling sellers to account for the emotional attachments and the non-financial values that they quite genuinely have built up over a period.

There is currently an accepted practice in the industrial relations sphere in which severance payouts for non-voluntary redundancies are negotiated in proportion to the employee's length of service, whether it be two weeks' pay for each year of service or whatever. That model could easily be adopted and adapted for compulsory land acquisition with a premium over and above so-called fair market value being negotiated in proportion to the number of years of land ownership. If the land had only recently been acquired, then little or no premium would be payable.

However, if the land had been held for 20 or 50 years and is needed for general community benefit, then I believe that the community should and would be prepared to pay the owner compensation in the form of a premium over and above the actual market value, with the size of the premium rising in proportion to the length of time the property had been held. This would allow genuine and fair compensation to be paid to long-term property owners who have built up attachments and non-financial values in the properties to be resumed. It will also prevent speculators from profiting by buying land in the path of proposed developments to benefit from an outright premium payment. Whatever system is adopted, it has to be better than the current one. It is just not good enough and it is just not fair to the people who, through no wish of their own, are caught up in the process.

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 the situation of continuing uncertainty, of not knowing what is going to happen to their property for

many years. Land-holders are placed in the 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 the regrettable case in the Nathan dam situation.

All of the land-holders there have had to live with that uncertainty for five years now—five years of not knowing whether to proceed with the development of their own properties, five years of being distracted and wasting time and emotional energy dealing with the range of issues that arises in these circumstances. Once again, this is bad enough for urban homes or businesses—and I acknowledge that it is a problem there as well—but it is many times worse for the owners of rural properties. I believe Governments need to be aware of this problem of long-term uncertainty and be prepared to acquire land early in the process so that people are not left in a state of uncertainty for long periods. The option will always be there for the Government to resell the land if the project does not eventuate.

As the number of studies and investigations into these projects ever increases, we need to be aware that the process of determining the viability or acceptability of the project is in itself intrusive and disruptive to the owners of the properties. It is undoubtedly intrusive and disruptive over a long period. While I am not suggesting that there should be wholesale land acquisition before a project gets the go-ahead, there needs to be mechanisms developed to allow property owners to move on and continue with their life elsewhere and not have to endure some sort of limbo situation for five years or longer while the Government makes up its mind on whether to proceed or not.

The previous coalition Government recognised this and, to its credit, came up with a concept of the Government standing in the marketplace to buy these properties if the land-holders wanted to avoid the years of intrusion and disruption that are associated with the major projects. This concept involved giving land-holders an option to sell early in the process—an option they would not have had if the Government was not prepared to stand in the marketplace as a willing buyer, because there are quite obviously no other willing buyers once it becomes known that the land is likely to be subject to compulsory acquisition at some indeterminate time in the future.

It is a matter of enormous regret to me that the concept of the Government standing in the marketplace to overcome some of these problems has not been realistically and honestly carried on by the present Labor Government in the case of the Nathan dam project. As in so many other cases, it has paid lip-service. It has talked about it, but the reality is that the present administration has made the process difficult and convoluted, with the deliberate intention of ensuring that property owners are discouraged from this option.

I believe the concept as originally developed was a good one. There was some \$6m allocated in last year's Budget specifically for the Nathan dam land purchases. This year's Budget will show that none has been spent. No land-holder has been able to negotiate their way out of the maze that the current Minister has put in their way. It is typical of his whole approach to the Nathan dam project. "Obstruct and impede" has been his motto from day one. It is an indictment on the present Government and the present Minister that they have not been able to proceed with this project at all in over 12 months. They have not been able to make one positive decision, such is the grip that the extreme conservation movement has on the current Minister for Environment. The "anti-everything brigade" has the Minister captive.

He is not capable of making any decision, let alone a positive one, So we have a stalemate situation where nothing happens. That is exactly what the anti-everything brigade set out to achieve, and it has done a good job in relation to Nathan dam. It is an indictment on the present Government and the present Minister that they have not been able to proceed with the concept of standing in the marketplace to allow land-holders caught in this situation to sell their properties to the Government and get on with their lives.

We as a community need to recognise more fully the impact of the threat of compulsory acquisition on land-holders and the effects of the actuality of the process on land-holders who want only to be left alone. We need to be more aware of the whole range of impacts that occur when land does have to be resumed, as will inevitably happen if our State is to be developed.

Those charged with negotiating that land acquisition, which allows the community generally to benefit, need to err on the side of caution. They need to err on the side of generosity and not treat the situation as a chance to demonstrate their negotiating skills. In my experience, that does not happen. It certainly has not happened so far in negotiations in the Dawson Valley in relation to the Nathan dam project. There has been no erring on the side of generosity. That is also the case in a range of other instances throughout the State.

While the Opposition will be supporting the amendment to this legislation, I conclude by strongly urging the Minister to review this legislation and make some major amendments—a complete rewrite of the Acquisition of Land Act—to ensure that Queenslanders are treated more fairly in this process. I believe that the general community, who are the beneficiaries of the projects for which land needs to be acquired, would support such a major amendment. I believe that the community generally would support a fairer and more just process and I commend that course of action to the Minister.