



Speech by

**Mr L. SPRINGBORG**

**MEMBER FOR WARWICK**

---

Hansard 8 June 1999

**STATE DEVELOPMENT AND PUBLIC WORKS ORGANISATION AMENDMENT BILL**

**Mr SPRINGBORG** (Warwick—NPA) (Deputy Leader of the Opposition) (10.55 p.m.): There is no doubt that the taking of a person's land for public infrastructure, whether it be for a dam, a railway line, a road, a school, or a hospital is a most traumatic experience for the land-holders involved. When I was Minister for Natural Resources for a brief period I had the opportunity of being able to discuss this issue with land-holders.

There is no doubt that any member representing an electorate in this Parliament would be aware of the concerns of people who have had their private property taken from them. Whilst many of those people believe that they should get fair compensation, nevertheless there is always a concern in their minds as to why they had to shift and whether it was a justified decision. In the case of proposed dams, I have had people say to me that they would be happy to leave their properties as long as they received fair compensation and were able to set up in an alternative area.

For many other land-holders the problem is far more serious because they have a sentimental attachment to their land. In many cases, their families might have gone onto the land 100 or 120 years ago. It might have been their great grandfather and their great grandmother who took up the selection. They cleared the land, they eked out their existence, they built the home, and they have so many memories associated with the land that it is very difficult for them to let go. It is fair to say that the current compensation provisions do not necessarily cater for that situation.

There is certainly a difference of opinion among land-holders. Some people might be new arrivals who just want decent compensation so that they can get on with their lives. Other people are affected far more than that. That is one of the difficulties for Government.

People generally accept the fact that the State has to be able to resume land to be able to put in place necessary public infrastructure. As I mentioned before, that includes such things as dams, roads, railway lines and a range of other very important service delivery infrastructure that we come across every day.

I make it very clear that when I was Minister I was prepared to put in place a charter of land-holder rights. I have always felt that we did not necessarily treat land-holders as well as we possibly could under the Acquisition of Land Act. I gave a direction to my department to look at the range of public infrastructure facilities for which we could take land and whether the taking of land for a gymnasium in 1998 or 1999 was an appropriate use for the acquisition power of a Government.

I also indicated very strongly that it was about time that we looked at the issue of solatium—solatium being the ability of the State to pay over and above the 100% market value of the land. It is something that has been missing from the statute book in Queensland. I felt that it was necessary for us to look into that area. I had a feeling that perhaps we should be looking at a premium of 20%. I was debating this issue most strongly with Treasury. We were working towards that and I believed that it was something that should be implemented in Queensland.

There is no doubt that a person who loses his land should be compensated a little more than the person who voluntarily leaves the land or who voluntarily sells out. As I said before, a person can have a sentimental attachment to the land and no amount of money or reparation will compensate that person for the loss of his connection to the land.

Aboriginal people feel that. People whose families took up a selection 100 years ago feel it as well. We need to be very sensitive about how we deal with those issues. That was something that I was putting in place when I was the Minister. I challenge this Minister and this Government to review the way in which we go about the acquisition of land and also the basic fairness in doing that. I note also that a lot of compulsory land acquisitions do not necessarily reach the Land Court stage. Some people trumpet that as a major achievement. They say that that particular land-holder is happy with the decision. Sometimes the land-holder asks, "What is the point in fighting any more?" and they just accept the decision. Therefore, it is very, very important that we preserve those fundamental private property rights.

That brings me to the provisions of this Bill that expand acquisition rights into areas where they have not reached before. Those provisions relate to the ability of the Government to be able to acquire private land for private development purposes if the Government deems that there is a major social or economic advantage to be gained by that acquisition. As has been pointed out in this debate by honourable members on this side, the great problem is that the provisions of the Bill are very, very broad and, regardless of what the Minister says, are not constrained. Even though the Bill tries to define the sorts of things for which the land might be acquired—it might be for a port, it might be for a railway line, it might be for a powerline, it might be for a mineral extraction dump or some other social infrastructure—there is still a major concern about the broad construction of the Bill. I do not think that we can dismiss that concern.

In common with many other members, in my electorate office I have experienced significant traffic from people who are concerned about the Government giving itself this broad acquisition power. I say to the Deputy Premier that when this legislation is passed, as the Government has the numbers to do—as concerning and immoral as it might be—the responsibility is on him to placate those land-holders who are concerned that the Government is going to use this acquisition power more broadly than the legislation might even intend, which is very, very broad indeed. People in rural areas in particular have been besieged and battered. Quite frankly, they have had enough of the Government doing things that are not in their best interests. They have been concerned about the growing threat of native title posed by Mabo and Wik. Although attempts have been made to clarify their position in statutes, a lot of the issues relating to native title are still left up in the air. Basically, we are dealing with a living, breathing and evolving thing that is going to continue to manifest itself in all sorts of ways in rural areas and, as new precedents are set, the people of those areas are going to find themselves under a continuing level of stress.

The other issue that concerns people and makes them very cynical about the action of the Government is land clearing on freehold land. I note that the Honourable Minister for Natural Resources is in the Parliament tonight. That is an issue that cannot be dismissed. People are concerned about that. They are also concerned about their water rights. Basically, they see every fundamental tenet of their ownership of their property being constantly besieged and attacked by the Government. It is up to the Government to reinstate the certainty that those people had in their ownership and which they want to retain. Constantly talking about issues of land clearing on freehold land and water rights does not do anything whatsoever to build a picture in those people's minds that this is a sensitive Government.

In recent times, rather ludicrous statements have been made by some Ministers which have made people in rural areas even more uncertain and scared; for example, the comments of the Honourable Minister for Natural Resources about the dingo bounty and the comments of the Honourable Treasurer about farmers' wives taking the cattle truck into town to do the shopping, even though it gets seven miles to the gallon compared to their Commodore, which gets 30 miles to the gallon. Those comments have certainly not engendered in the minds of those people a great deal of confidence in the Government. Although we on this side accept that there is a very, very compelling need for development, and particularly for development in rural and regional areas, we should not do that by stripping away people's fundamental private property rights, particularly in relation to freehold land, and the Government will never convince those people otherwise. Even people who have leasehold land are concerned.

Generally, people in rural areas are very supportive of development, but they are not supportive of development to the extent that they will tolerate the Government coming in and acquiring their private freehold land for the development of something by a private party. Those people's attitude is not unreasonable. If private developers want those people's land, they should be able to acquire it in the marketplace or negotiate one on one with them. What is wrong with that? I would have thought that that was a reasonable expectation. If a private developer is unable to purchase the property, then the private developer should go somewhere else. As has been pointed out by honourable members on this side, if there is an overwhelming and compelling need for an infrastructure and we can demonstrate that that infrastructure will provide a very significant economic advantage to an area, then we should bring project-specific legislation into this Parliament to acquire that land. That legislation would inject transparency into the process—something which people are prepared to accept and tolerate, although they might not necessarily like it. The members of this Parliament should debate the acquisition of

private land by the Government for private purposes on a project-specific basis. Those people who will be affected should have the opportunity to have an input and the Government should demonstrate to them that there is an overwhelming public need for the project. Once that is done, then that faith that people have had traditionally in the Government is reinstated.

That is my challenge tonight. We need to make sure that we preserve people's fundamental private property rights. This legislation does not do that. This legislation is far too broad and needs to be curtailed. The Government cannot dismiss the very, very legitimate concerns of those people in rural areas who, over the past month or so that this legislation has been on the table of this Parliament, have come to talk to me about it. The nature and scope of this legislation, the very broad way in which it is drawn and the very broad way in which it can be interpreted has left the Opposition with absolutely no choice but to oppose this legislation and to stand up for the freehold property rights of those people in rural and regional areas who will be mostly affected by it.

---