Speech by

Mrs E. CUNNINGHAM

MEMBER FOR GLADSTONE

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STATE DEVELOPMENT AND PUBLIC WORKS ORGANISATION AMENDMENT BILL

Mrs LIZ CUNNINGHAM (Gladstone—IND) (5.48 p.m.): In rising to speak on this Bill, I do so recognising that, in my electorate, development has been the backbone for economic growth and economic soundness. I thank the Minister for the briefing on this Bill that was made available to me by his officers.

My electorate has a strong development focus. But in all development, it has to be acknowledged that landowners are affected. One of the previous speakers, the member for Springwood, used as an example of development and of State Government involvement in development the Aldoga Industrial Estate. The irony of the use of that example is that Aldoga, which is a significant land mass—over 6,000 hectares—has been purchased by the State Government under existing legislation. I have no understanding of any preclusions in the administration of the State Development and Public Works Organization Act, as it is now, that would cause problems with the acquisition of the Aldoga site.

In a couple of areas I would query the accuracy of the member for Springwood's information. He said that existing landowners in the corridor would be able to retain ownership of the land provided it was a contiguous use or a compatible use. It is my understanding that only landowners in the buffer area have been able to retain ownership. The Government has purchased the land in the actual corridor where the conveyors and the pipes will be placed. Relatively recently, a Bill was passed through this House which specified the location of the corridor which was to be purchased.

In relation to a Bill such as this, one has to keep in mind that, in spite of what appears on paper to be a reasonably enclosed process, there have been instances where major development has occurred through a legislative process or a franchise agreement and still there are residual problems that remain unresolved. An example is Queensland Cement Limited, which was established in Gladstone 25 years ago. Some landowners in that area still have unresolved difficulties with that company. In the way that this Bill is proposed to be implemented, I am not sure that there would not still be problems for landowners.

Given what appears to be the major status of the projects that this Bill is going to cover, I wonder why there was any difficulty in using legislation for each specific project. Two projects—namely SUDAW and Nathan dam—have been mentioned in this House. I can understand that SUDAW would affect quite a significant number of land titles because of the corridor issue. Because of the impact on landowners' rights and the introduction of the spectre of third-party acquisitions that this Bill introduces, if it is just the major projects I wonder why the Minister felt that the acquisition of the properties affected could not be accomplished by a piece of legislation specifically targeted to those projects. I will be interested to hear what the difficulties were in that respect.

I would like to ask some questions in relation to the Bill. For the purposes of consultation, I have circulated some proposed amendments to the Bill. Those amendments were designed to address one specific issue, and that was the involvement of this Parliament in the decision-making process when it came to the area of compulsory Government acquisition of freehold title land for a third party, a private company.

Under section 26 of the Forestry Act, a similar process is used. The proposal is that, rather than an infrastructure facility being approved by the Governor in Council and then by gazette notice, the

whole section would be removed and the infrastructure facility would be approved by a regulation. It would not be a regulation as currently happens with subordinate legislation, it would be a regulation that would have to be introduced into this House and debated as a motion before this Parliament. During the debate, the obligations on a Minister that are proposed in the Bill— namely, the obligation to table the reasons for the land being taken and the details of any negotiations—would continue.

My third amendment proposes to remove the obligation of the disallowance motion in the Statutory Instruments Act. The reason why the opportunity for disallowance is removed is that these are major projects and they would have significant funding, or capital investment, behind them. Once this House has passed a resolution to empower a regulation to be made, those financial backers would need some certainty so that the project could proceed. I would be interested to hear the Minister's perspective on those proposed amendments before we reach the Committee stage.

There are a number of other elements on which I seek responses from the Minister. One of the things that caused me to raise those amendments was the subjectivity that appeared to be attached to the test by the Coordinator-General that sufficient or appropriate negotiations had occurred between the landowner and the private company proposing the infrastructure development. It is a very subjective test. To the landowner the negotiations may have been superficial and almost, in some instances, an affront to him as a freehold title landowner. A company, however, from its perspective, could present those negotiations as being detailed and exhaustive and that the landowner was not at all willing to negotiate. The perspectives differ so markedly. The test that is to be included in this Bill provides that the Coordinator-General, in recommending to the Governor in Council, would have to be confident in his or her mind that appropriate and sufficient attempts at negotiation had occurred. I would be interested to hear how that test would be set.

The other issues that I wanted to raise included the powers of the investigator's authority and the ability of a company representative to enter upon private land with an authorisation to inspect the land as to its suitability for a development. A lot of heavy industry development would include geotechnical tests which involve either core drilling or, in some instances, more extensive excavation. The Bill states that there will have to be a bond or security. The Coordinator-General will be responsible for setting that bond or security. How would it be set?

If there was conflict over the amount of compensation for loss or damage, the matter would have to go to the Land Court. I wonder who would pay the landowners' costs for attendance at the Land Court. All of these costs are cumulative. It is not a one-off cost to a landowner. A big company has a lot at stake and it also has a lot behind it. Often, the landowners are struggling, particularly if they are in a remote area—not remote in the sense of the back of Bourke—and if they have had poor seasons such as we have had in my electorate. My electorate is still suffering from the effects of drought.

Page 12 of the Explanatory Notes deals with public notification and states that such notification should be through a major newspaper that circulates throughout the State. This provision is not contained in the Bill. I wondered how that obligation would be called up. Would it be through the EIS process or is there going to be some separate obligation?

There are a couple of other issues in the Explanatory Notes that I wish to clarify. I have already raised the matter concerning the member for Springwood's contribution. The amendment provides for an enforcement scheme that is similar to that found in local government planning schemes. It provides an option for the landowners to remain in, for example, buffer areas to the State development area. Aldoga was the example given if they do not undertake land uses that compromise the purposes of the State development area. That can be a very constructive element. As I said, I question whether anyone still owns the property in the corridor. I believe it is only in the buffer area where there are landowners. The member for Springwood was a little incorrect in that area.

Page 18 of the Explanatory Notes talks about the ability of the Coordinator-General to have valuations done on properties or to get the land valued. I wondered at whose expense that would be done. If the landowner had to get valuations, would that cost be covered? Would it be covered by the Government or by the proponent? Would the landowner be assured that he would have the choice of the person to undertake the valuation? Currently, that works fine in the development program, but I would seek the Minister's comment.

Debate, on motion of Mrs Liz Cunningham, adjourned.