



Speech by

## **Hon. V. LESTER**

### **MEMBER FOR KEPPEL**

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Hansard 26 August 1999

#### **ACQUISITION OF LAND AMENDMENT BILL**

**Hon. V. P. LESTER** (Keppel—NPA) (3.50 p.m.): As members are well aware, the Queensland coalition has been a most staunch advocate of the right to private ownership, the right to security of land tenure and the right to security of land use. Fair, equitable and up-front compensation laws are a key State coalition policy. It is a mark of just one of the fundamental differences between the Labor Party and the coalition that these principles, which are so closely guarded by those on this side of the House, are almost regarded dismissively by the Beattie Government.

In just over 12 months of Beattie Government these principles have been eroded badly. The Minister has already proved in the House that he does not acknowledge the difference between freehold tenure and leasehold tenure. He does not recognise that freehold title holders actually own their land and have paid for that title accordingly. Now the Minister is also intent on introducing tree-clearing restrictions on freehold land without any guarantee of compensation for any loss of productivity of that land. The Minister has also refused on numerous occasions to guarantee compensation for any loss of water entitlement as a result of the water allocation management planning, or WAMP, process.

But perhaps the most serious assault on the security of tenure and landownership has already occurred with the passage of the Beattie Government's State Development and Public Works Organisation Amendment Bill. In passing that legislation, the Beattie Government gave itself unfettered power to compulsorily acquire private property for private development or infrastructure without reference to Parliament. Although the Opposition accepts that there will be cases where resumptions for private companies developing public infrastructure can be justified, that situation should be the exception rather than the rule.

Against this backdrop of the Beattie Government's massive assault on the sanctity of the private ownership of land, it was with some considerable caution that I studied the Acquisition of Land Amendment Bill 1999. I emphasise that it will always be necessary for Governments to acquire land in the overall interests of the State, but the Queensland coalition firmly believes that these acquisition powers must be used sparingly and be clearly defined in law.

It was also on that basis that the Opposition has assessed the Bill which we are debating now. As I understand it, the Bill addresses three broad issues. The first of these amendments aims to modernise provisions of the Act as they apply to the development powers of the Governor in Council. I note that these provisions are inconsistent with other legislation as well as the recommendations of the Electoral and Administrative Review Commission's 1990 report, which called for the replacement of deliberative powers on the Governor in Council with alternative arrangements. The Opposition accepts that the Acquisition of Land Act 1967 is out of step with that recommendation and practice. In any event, given the scale and complexity of paperwork and other specialist material the existing legislative provisions entailed, it would seem unrealistic to expect the Governor in Council to fully consider these applications on balance. Therefore, the Opposition supports these amendments.

The second issue relates to the provision of a more reasonable approach for both land-holders and constructing authorities in the identification of land to be acquired for the construction of a roadway. I note that this amendment will not change the requirements for the land to be surveyed to enable registration in the land titles registry, but it will enable a constructing authority to substantially identify the land required in the first instance and then prepare a plan of survey of the exact needs of the

constructing authority after construction. In this way, the Minister has claimed that no more land is taken than necessary, which in my view should always be the goal in any public land acquisition.

Similarly, the Minister stated in his second-reading speech that this approach will not in any way limit or alter the land-holder's right to compensation, and I hold him to that. As I understand it, this approach has historically been common practice, but recent legal opinion suggests that the existing provisions of the Act may be somewhat deficient. On balance, these amendments are straightforward and have the support of the Opposition.

The third and final issue follows the second in that it seeks to validate those longstanding practices of the Main Roads Department to which I have just referred. Without this validation a host of road building projects may be disrupted. Given the explanation that this issue is now under question only because of more recent technical opinion, the Opposition supports this series of amendments also.

In conclusion, after assessing this Bill I can report to the House that it, thankfully, does not represent another assault on the rights of land-holders, nor does it diminish the rights to fair compensation. I accept the Minister's assurance that these amendments are not in response to any legal actions pending and that they are only in response to correcting a legal deficiency in the current acquisition practice followed by the Department of Main Roads. On that basis, the Opposition is satisfied with these amendments and will be supporting the Bill. I thank officers of the Department of Natural Resources for their briefings of Opposition members. I thank the Minister for that opportunity and also his staff, who are always quite helpful.

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