



Speech by

WARREN PITT

MEMBER FOR MULGRAVE

Hansard 27 April 1999

MR AND MRS T. SIMPSON

Mr PITT (Mulgrave—ALP) (10.24 a.m.): As we approach the 21st century, it is difficult to understand how any Queenslander could be in a position of having acquired freehold title to a parcel of land through subdivision and not have secure, legal and practical access to that land. It would be reasonable to expect that when land is subdivided, both the solicitors who do the conveyancing for the purchasers and the solicitors for the local authority would have ensured that this fundamental right was established. However, that is not the case for Trevor and Gail Simpson of Bellenden Ker, who live within the local authority of Cairns City.

In 1988, the Simpsons purchased a property that previously had been subdivided and proceeded to establish an agistment property for thoroughbred horses. They constructed a substantial home on the property; one which has been featured in the local press as a residence of quality. The Simpsons access their property along a road that has up to seven individual access agreements over it. However, when this road reaches the Simpsons' property, no legal access exists for the Simpsons. To highlight this farcical situation even more, the next property owner further along the road has legal access right past the Simpsons' property.

Unfortunately, the situation is complicated by the ongoing disputation between the Simpsons and the owners of the property from which their property had been excised. It is not for me to take sides regarding a dispute between neighbours. The original owners are within their legal rights to assert that the Simpsons have no legal access to their property.

The Simpsons have exhausted most avenues of appeal. Their conveyancing solicitor refuses to accept any liability. The Ombudsman appears unable to find a satisfactory solution. The Cairns City Council will not accept responsibility, even though officers admit in private that the Simpsons have been done a great injustice. The family is unable to borrow against the property. They cannot sell the property as potential purchasers rightly demand secure legal access.

Clearly, the Cairns City Council or, in this case, the former Mulgrave Shire Council, was in error in allowing a subdivision to proceed without ensuring access. Any fair-minded person would agree that the council should put the matter to rest. One alternative is to resume the total length of the road and declare it a public road. Of course, that would be an expensive exercise and require recurrent expenditure on maintenance. Another option is for the council to bear the cost of establishing a new access to the Simpson property across its own freehold land from the last easement legally available to the family. As a matter of natural justice, I call upon the Cairns City Council to stop avoiding its responsibilities and make right a wrong that they have clearly been a party to.

Time expired.
