



Speech by

Hon. V. LESTER

MEMBER FOR KEPPEL

Hansard 29 February 2000

NATURAL RESOURCES AND OTHER LEGISLATION AMENDMENT BILL

Hon. V. P. LESTER (Keppel—NPA) (5.49 p.m.): The Natural Resources and Other Legislation Amendment Bill seeks to amend the Body Corporate and Community Management Act 1997, the Land Act 1994, the Land Title Act 1994 and the Integrated Planning Act 1997 to make important policy and administrative changes. The amendments to the Body Corporate and Community Management Act are designed to achieve two things. The first amendment retrospectively validates orders made in particular circumstances by the adjudicators under the dispute resolution provisions of the Body Corporate and Community Management Act 1997. The second amendment to the Body Corporate and Community Management Act 1997 will establish the capacity to delegate the investigate powers of an adjudicator under that Act.

I advise the Government that the Opposition has been through this Bill very carefully and is supporting it. However, there is one issue in relation to the road closure provisions, which will also be amended to remove the limitation that only owners of the land immediately adjoining a road may seek a road closure. I would be grateful to the Minister if he could explain a little more about these road closures. One always seems to get many questions on that issue. I believe the Minister has tried to address this issue as best he could in the Explanatory Notes, but further explanation would be helpful.

It certainly seems to me that the legislation does not require me to speak at any great length. It is plainly for the most part housekeeping. The amendment to the Body Corporate and Community Management Act 1997 corrects the situation whereby an adjudicator's order was determined to be invalid because the report of a departmental community titles inspector did not have the authority because that officer did not have a proper delegation. There is no suggestion that this was anything other than a technical shortcoming, and an amendment fixes that. A related amendment concerns retrospectivity and protecting decisions of the adjudicators based on reports where the same shortcoming existed in relation to the titles inspector. Ordinarily, retrospectivity in legislation is highly undesirable. In the context of any other situation, I would certainly be taking a much closer look at it. However, in this instance it goes simply to the issue of delegation, not to the issue of the standing of a report where the issues taken are unrelated to the question of the delegation. Therefore, the Opposition has no problem with that.

Similarly, there does not appear to be any problem with the amendment to this Act enabling the delegation of the investigative powers of an adjudicator. The amendments to the Land Act are for the most part simple streamlining that is to be welcomed. Anything that reduces the time it takes for clients and line departments to achieve a particular service—and, importantly, that is what we are trying to do—and which makes the application of the law clearer and simpler is to be welcomed by the Opposition. The Opposition does not intend to waste the time of the House in speaking any further on this legislation. We support the Bill.
