



Speech by

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STATE DEVELOPMENT AND OTHER LEGISLATION AMENDMENT BILL

Miss SIMPSON (Maroochydore—NPA) (12.14 p.m.): In speaking to the State Development and Other Legislation Amendment Bill I will draw attention to some issues relating to acquisition of property. First, I note with interest in the explanatory notes a history behind the principal legislation this bill seeks to amend. It gives an interesting insight into the history of development in this state.

The first act was passed in 1938 as a post-depression measure to create employment and to develop the state through a system of coordinated public works. Today we recognise still that there is a very real role for state governments to play in encouraging development across a state as vast as Queensland. Particularly with the amendments contained in this bill, there is an intention to provide a stronger role of coordination to continue to try to enhance state development, which is so important. We cannot simply leave things to market forces and fail to recognise the role of government to facilitate and encourage development, to provide the way forward for people to be able to put infrastructure and services in place and to provide jobs. It is very important that that role continues.

This bill seeks to amend a number of acts. The State Development and Public Works Organisation Act, the original act, is of long standing. This bill also seeks to amend a number of other acts. This bill seeks to reflect the changes to the assessment of mining which have occurred with the transfer to the Environmental Protection Agency. It is interesting that the amendments are supposed to maintain the coordinator's ability to coordinate impact assessment for significant projects which require an environmental authority. Given that other amendments in previous years went through, I note with interest that this is a provision specifically relating to the Coordinator-General.

There is also supposed to be clarification of administration and enforcement provisions with regard to the completion of an EIS, as well as other provisions that give the Coordinator-General the power to delegate and transfer his or her powers. Also, the Coordinator-General seeks to have financial rules applied that apply to a statutory authority.

In particular, there are provisions here that relate to the power for the Coordinator-General to acquire property on title less than fee simple of the total property. I wish to particularly address this and make some comments. In his second reading speech the minister notes that other powers have been given with regard to pipelines—a recognition that private investment is a very real opportunity for government in developing infrastructure in this state. There have been other bills that have been used for third-party acquisition. The pipelines act is referred to in passing, though not specifically.

I believe it is time for state government to review and overhaul all of its acquisition powers, to look at its powers and the rights of people whose property is affected. I recognise that there is a need for governments to have the power to acquire private property, but we need to consider that the balance of power is significantly in favour of government and that its legal firepower is quite considerable. When government has powers to legally acquire people's property, there is the possibility of injustice. There is the possibility of this imbalance of power resulting in a situation whereby somebody's property rights are significantly impinged upon.

The principle that in theory has been adhered to by government has related to the public good. Certainly under the Acquisition of Land Act there has been a setting out of when property can be acquired. Significantly, it is supposed to be when there is a public benefit. But there have been moves in recent times to loosen those provisions relating to when property can be acquired, particularly under

IPA and this particular act, so that a third party can be the ultimate beneficiary, if you like, even though public services may be provided by that third party.

I believe there is a need for an overhaul of powers in general to ensure a more reasonable balance, to ensure greater recognition of the rights of property owners. While an overall public benefit can be argued, the weight of power is still very much in the hands of government. As my colleague the member for Gregory has already outlined, the opposition acknowledges that there are some provisions in this legislation that would enable the Coordinator-General to acquire other types of rights over people's property, such as leases and potentially rights of way where there may be an easement. This may be preferable to some landowners who do not want to lose their whole property. I recognise that this provides an additional option, and it may be well received by some property owners.

It is important to put on the record what happened with regard to the legislation relating to pipelines which was introduced in 1927 or 1929 and was used as the vehicle to acquire easements over property on the Sunshine Coast. At that time Allgas was involved, although it has since been taken over. Those processes should ring loud warning bells about the importance of ensuring a balance between the government and third parties that are operating with the blessing of government and a proper consideration of people's property rights.

In the Allgas case, the company sought to negotiate easements over people's property on the Sunshine Coast without recognising the significant devaluation of that property. Their argument was that, in the past, where the legislation had been used to acquire people's property there were no problems; but I doubt that. The legislation had been used mainly in relation to the construction of pipelines on very large properties, which may not have had as much of an impact upon those overall property values. But when people's property—very expensive property—is to be dissected, the overall value of that property can be significantly affected. That is why it is important that when compensation is paid to people for an infringement of their property rights, that compensation should reflect market values in the real world. As well, it should take into account the direct impact and a fair and appropriate consideration of the indirect impact. I believe it is important that property owners still have the option of having their whole property taken and that they can pursue that option through the Coordinator-General; because some people may find that an easement would have a significant impact upon the balance of their property—not only in terms of its value but also its aesthetics.

My colleague the member for Gregory raised the issue of overhead transmission powerlines. One could argue quite validly that there are still very grave concerns about the potential health impacts on people living within a certain radius of overhead transmission powerlines. Yet others would argue that no firmly established scientific proof of a risk exists. I know that there has been significant debate about that, but I certainly would not want to live next door to overhead transmission powerlines. So if an easement was to go through a person's property and they were seeking to have the balance of their property taken, I would hope that the Coordinator-General or any government acting on behalf of a third-party agency would give due consideration to the balance of that property being adversely affected, even if there is ongoing debate about the health impacts of those transmission lines.

We hear it said that people's rights are taken into consideration. But after nearly nine years in this place, I know that many members of parliament have had to go in to bat for their local constituents to make sure that the balance of power is more in favour of those constituents. Governments are very powerful, and that is why we have to be very wary about how these powers are administered. I believe it is time for all acquisition powers to be reviewed and overhauled, particularly in regard to the compensation that is payable to those who are giving up property rights supposedly in favour of the greater good of the public.

There is also the issue of the indirect effect of an acquisition, for which adequate compensation is not provided. We have certainly seen that with projects such as freeways. There are people who are just missed; their properties are not directly or indirectly acquired, but they have a major project on their doorstep but not within their property boundaries. They certainly know how injurious that is to their lifestyle and to the market value of their properties. I believe that when major infrastructure is to be built in Brisbane—such as new road routes—or when better access is to be provided through a number of major regional cities, governments really should consider those who are just outside the boundary of direct effect. This is a relevant issue to this debate today, because we are talking about state development and third-party owned infrastructure with the government as facilitator.

The other issue which I must mention is our concern about the way in which this government has abused its position of power in regard to Lang Park. I am talking about the infrastructure and the way in which government ministers are overriding people's legal and moral ability to object to a project. It is absolutely outrageous that this government has taken an election result and translated it into a mandate to run roughshod over the rights of the neighbouring property owners and others in the community around Lang Park. Those people have found that their rights have been removed by this government, yet they have been told, 'If you really want to object, you can object to this minister, and this minister will be fair.' Clearly, there is a conflict of interest.

It is an absolute insult to suggest that following cabinet's decision to ride roughshod over people's rights to legally object, those people can then appeal to a minister as part and parcel of the decision-making process. It is an insult to those people, and it is certainly an insult to the intelligence of Queenslanders who are watching that process. It is also a very worrying step if that is the way that this government, which has a large majority, is going to operate. It demonstrates that it can arrogantly take the results of the last election to do anything it likes and run roughshod over the individuals—the minority—who do not have the numbers and who reside around Lang Park. That is most unfortunate, because it is undermining the rights of the minority who really should have had a right under the law to object to that project.

I reiterate my belief that the issues relating to acquisition which were raised by my colleague the member for Gregory are fair. I believe that if people want their whole property to be acquired rather than only part of it being leased, that option should still be available to them; because there are times when there will be a significant impact on the balance of a property—for instance, in the case of overhead transmission lines or pipelines. In such cases, people may find that their overall property value is adversely impacted upon and they may be struggling to obtain a fair compensation package for that property. So the best way to test the real impact on the value of a property is to acquire it. And if the acquiring authority wants to sell off the balance of that property in the future once the impact of the infrastructure is known, then that is well and good.

I urge the government to consider these processes and to remember that, when dealing with the acquisition of property on behalf of third parties and when dealing with major infrastructure, it is important to recognise that although there are public benefits, the rights of the individual landowners must be carefully considered. I have seen people who have literally died from stress after going through very difficult acquisition processes. So we must never lose sight of the individuals who are paying a more direct price when we seek development for the public good.
