



Speech by

**Hon. S. ROBERTSON**

**MEMBER FOR STRETTON**

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Hansard 29 May 2001

**NATURAL RESOURCES LEGISLATION AMENDMENT BILL**

**Hon. S. ROBERTSON** (Stretton—ALP) (Minister for Natural Resources and Minister for Mines) (6.36 p.m.), in reply: I thank all members for their participation in this debate. In particular, I thank my opposite number, the member for Callide, for his support for this legislation. I appreciate that the member for Callide and other members on the other side of the chamber—including the member for Gladstone, the member for Gregory and the member for Hinchinbrook—have raised a number of matters in relation to which I hope I will be able to allay their concerns.

I thank the member for Greenslopes for his contribution. I am aware that the member for Greenslopes has had an interest in valuations now for some years. I would have been disappointed had the member for Greenslopes not mentioned valuations on an occasion such as this. I say to the member that I have some knowledge about the concerns that he has had in his electorate over many years, and I share some of those concerns. I hope that, during my tenure as minister, I may be able to assist in some way with the issues that affect in particular inner-city suburbs.

The member for Fitzroy's passion for looking after his constituents, in particular mineworkers, is well known and appreciated in this place. I am concerned at a number of suggestions made during the member's speech and undertake to investigate them on behalf of the member following this debate.

The member for Mackay's interest in matters affecting the Mackay Port Authority also are well known. His contribution was appreciated in terms of the amendments that relate to his area. He correctly identified—and this may assist the member for Gladstone somewhat—that these amendments go towards removing red tape and saving time in cases where a port authority may wish to give up its land or transfer it to a local authority. We are trying to achieve here a process which is more efficient. Knowing some of the issues in the member for Gladstone's electorate on Gladstone Port Authority land, I hope that that may be seen to be of some benefit in the longer term. There is nothing more to that particular amendment than simply implementing a process which would expedite the transfer of land between a port authority and a local authority.

I always appreciate the member for Burnett's contribution to these debates. He in fact answered many of the questions raised by the member for Callide and the member for Gregory. However, as minister, it is my responsibility to explain more fully what is contained in this legislation.

The member for Callide asked why the bill was brought on so early and so quickly. Principally, that relates to the need for the regulations under the Explosives Act to carry on beyond the end of this financial year. We needed to bring the debate on at the earliest possible opportunity so that those regulations would continue to be in force until the new regulations were brought on. That is why we have sought the extension of some 12 months.

In relation to the Explosives Act, the member asked why the new regulations have taken so long to be formulated. I share those concerns. The simple answer is that we are awaiting the outcome of the coroner's inquiry into the Bray Park incident. The coroner may make additional recommendations as a result of that inquiry. We thought that it was prudent to hold off until the inquiry was concluded so that any recommendations could be picked and included in the new regulations. As I understand the issue from my department, it is as simple as that.

In relation to the Acquisition of Land Act, I will bundle together the concerns expressed by the members for Callide, Hinchinbrook, Gladstone and Gregory. I hope that I do those concerns justice. Simply, these amendments are not associated with dams; they are associated with weirs. Therefore, the amendments to the act do not necessarily relate to a lot of the concerns expressed by the member for Gladstone about the Awoonga Dam. Of course, the member for Gladstone will recall that in a former life I met with some of her constituents who were concerned about that process. Knowing some of the concerns that they have, I have sought assurances that the amendments to the act, which are designed to apply solely to weirs, do not impact on the constituents around the Awoonga Dam.

In relation to the comments of the member for Hinchinbrook, he would be aware that the level of water in weirs does not necessarily have the same capacity to rise and fall as is the case with dams. Therefore, his suggestions about the ability to develop the banks of weirs for aquaculture or whatever are not really relevant. Weirs tend to be far more stable structures. It is highly unlikely, if not impossible, for the mixed use arrangement of land that may have been taken as an easement. That would not necessarily apply under these circumstances. I will deal with the taking of land as an easement, because all members opposite have expressed concern about that.

It is not the intention of the bill that the department—or whoever—acquires land as an easement. We are simply providing this as something that landowners may request. The member for Gregory picked this up when he was talking about the previous bill relating to the Burnett. This amendment actually came out of our experience with the Walla Weir. During the acquisition process land-holders asked the department whether or not they could retain the ownership of the land and have an easement created over it. At that time, the act did not provide for that. We are amending the act to allow, where landowners request retention of ownership, for that to occur. It is not or should not be as complicated as the member for Callide feared. This is not something that we would be proactive about, but should a land-holder request an easement rather than have their land acquired, the act would enable that to occur. To that end, the bill actually provides additional benefits to land-holders should they require them.

During a number of speeches questions arose about the creation of an easement and compensation for the land-holder. I am advised that the compensation would be calculated as if the land was being acquired. Although the easement is created and, obviously, the water inundates over that easement, the compensation to the land-holder would be as if the land had actually been acquired. In relation to the future value of the land, although still owning the land underneath the easement the land-holder has been compensated as if it was acquired. Therefore, if the land-holder wishes to sell that land in the marketplace, the price of the remaining land would reflect that adjusted value because the land-holder already has in his or her hand the money for the easement. He or she has been compensated as if the land was actually acquired, even though the land-holder still owns the land. Members may wish to pursue this matter further in the clauses, but I hope I have been able to put their minds at rest about that.

I took on board the member for Callide's comments about the acquisition process. He commented that he is not aware of any land-holder who has ever come out of the acquisition process a happy person. My experience has been a bit different. Perhaps we hear only from the people who are unhappy. We are unlikely to get people coming to our doors saying how happy they are with the process. As someone who has been around a few years and had to put up with various infrastructure projects going through my electorate, I share some of the member's concerns. Sometimes departments are less than sensitive to the needs of landowners and home owners. My experience has been in a suburban context whereas the member's experience has predominantly been in a rural setting. I will be doing what I can to ensure that my department acts sensitively, because it can be a stressful process. I have lived through some of the bad old days when departments had an air of arrogance about acquiring land. That is not an attitude that I would like to see my department adopt. There are better ways to do things. I will be looking at ways to improve that process.

The member for Gregory raised concerns about the amendments to the Aboriginal Land Act, and particularly clause 3 which relates to the appointment of part-time and full-time members. He wants to ensure that people who are appropriately qualified take on this kind of work so that, as a result, the settlements reached through the court may improve. We are amending the legislation to allow for a part-time chair because the state native title process has been so successful that, at this stage, the work of the tribunal does not require a full-time chair. We are actually saving some money that we can put into other areas. That is the simple reason for this particular amendment.

Finally, the member for Hinchinbrook asked whether this amendment bill applies to drainage. The answer is, no, the legislation already exists for an easement for drainage for public utilities. With that, I once again commend the bill to the House.

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