



Speech by

JEFF SEENEY

MEMBER FOR CALLIDE

Hansard 10 September 2003

PRIVATE PROPERTY PROTECTION BILL

Second Reading

Mr SEENEY (Callide—NPA) (Deputy Leader of the Opposition) (10.23 a.m.): I move—

That the bill be now read a second time.

This bill is the first of two bills which will enshrine in law a charter of property rights that will be the basis for greater security and fair dealing between successive Queensland governments and private property owners. While fully recognising the power of parliament to make laws, our charter of property rights will ensure that, in the future, new laws that impact on private property rights will be made on properly tested scientific information rather than the emotive scare campaigns that have become the trademark approach of the current Beattie government. Under our charter of property rights, there can be no more blatant dishonesty in this parliament, the likes of which we have with the Cubbie Station issue, the salinity scare campaign and the vegetation management debacle. Compensation for property owners will be mandatory.

The first part of this bill aims to ensure that parliament is properly informed when it considers the introduction of new laws which have the potential to impact on the property rights of individual private property owners. It requires the preparation and presentation to parliament of a private property impact study as a part of the process of preparing and considering new legislation that is likely to impact on the rights of private property owners.

The impact study would be required to fully assess and determine the benefits and costs of the proposed regulation and determine to whom the benefits would accrue and who would bear the costs and suffer the impacts if the parliament made the proposal law. This bill will also provide a process by which a private property impact statement prepared by a minister as a necessary part of the introduction of new legislation can be challenged and tested before a court. It will allow the claimed scientific basis for the proposed legislation as well as the assessment of the claimed costs and benefits to be tested for completeness and integrity in the light of evidence of expert witnesses given before the court.

This will ensure the information being provided to this parliament in the consideration of new legislation is complete and has integrity and will thereby prevent the sort of selective misuse of scientific information we have seen in this parliament in the recent past.

The second element of this bill commits this parliament to a system of fair compensation when through the passage of properly considered legislation individual property owners suffer substantial loss of their property rights for the benefit of the wider community. Statute law is now failing to protect property owners when the title to a property is not acquired by government, but one or more of the rights to use the property that have normally been associated with that title is either restricted or removed by government acting for the benefit of the broader community.

This bill recognises that the principle of fair compensation is no less applicable to an owner of private property who while retaining title to property loses the rights to use that property normally associated with property ownership. It enshrines in law that, where acting in the broader community interest a government imposes new statutory regulations that remove or restrict existing property rights, property owners shall be entitled to compensatory payments at least equal to the loss of value caused by the new regulations. It recognises the reality that this parliament of elected representatives has the

undoubted power to make decisions on behalf of the Queensland community which may be for a wider community benefit but also has an undeniable obligation to ensure that individuals are not left to bear the cost alone.

If the government, on behalf of the community, is not prepared or is unable to bear the cost of new regulations which are being imposed for the benefit of the whole community then there is no valid argument that individual property owners should be expected to suffer the impact alone. This bill will ensure that they will not be expected to do so. It will ensure that the costs and the benefits of new legislation are properly identified and it will ensure that the costs are borne by those who will enjoy the benefits. That is fair and reasonable and I commend the bill to the House.

Debate, on motion of Mr Robertson, adjourned.