



Speech by

Lawrence Springborg

MEMBER FOR SOUTHERN DOWNS

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PRIVATE PROPERTY PROTECTION BILL

Mr SPRINGBORG (Southern Downs—NPA) (Leader of the Opposition) (7.42 p.m.): It is quite obvious, listening to the speech made by the Minister for Natural Resources, Mines and Energy, that the real reason for the government's opposition to this legislation is its old-style, socialist attitude to land ownership in the state of Queensland. It is anti compensation, it is anti private land ownership, it has a view and an attitude that it will take someone's land if it wants it. It will not justify why it will take it and it will not necessarily pay the person appropriate compensation.

It is quite amazing that a government that says that it is casting off its old-style, socialist attitudes has a very strong socialist attitude when it comes to the notion of private land ownership in this state. Private land ownership is a fundamental tenet of a person's self-confidence in the land that they own and their capacity to be able to invest. This is a principle that has been upheld for a long time.

It is quite extraordinary to see this government, this minister and this party keep whittling away the fundamental rights of private land ownership in this state. Nobody argues that the state does not have a fundamental right to acquire property if it justifies this for a range of community purposes. Those community purposes may very well be schools; they may very well be roads; they may very well be universities; they may very well be national parks. The government has to justify those purposes. Nobody argues against the government's right to acquire land for national parks, for roads, for schools or for other essential government and community infrastructure such as dams. This government has a creeping and insidious approach to this. It will continue to regulate away and take away people's fundamental rights. We have a serious problem.

What we saw with the government's Vegetation Management Bill was a government going one step further than it has ever gone before in this state. Every other time the government has taken land for whatever purpose it has justified it and compensated for it. In the case of Vegetation Management Bill it sought to justify it in this parliament—and that is a matter for subjective debate—but it did not compensate for the rights which it regulated away.

It is now regulating away people's rights which in no way requires it to pay compensation. That is a very insidious attack on the rights of private property owners in this state. The Commonwealth has an obligation to pay compensation if it acquires property. It is true, as the minister said, that the people of Australia voted against four questions in a referendum in 1988, but there were three other questions asked at that referendum that caused people some concern. The attitude of Australians was that they could not trust what the government was trying to do—and I would not have necessarily trusted that particular Labor government either—so they decided to throw the whole lot out. It was a stalking horse referendum.

The state of Queensland has no constitutional obligation to pay compensation for land acquired. It is only by various acts of parliament that it pays it at all. There was a court decision in New South Wales in the last couple of years that led to the concerning presumption that maybe states can get away without having to pay any form of compensation. But it is dangerous that the government can now continue to regulate away people's rights for whatever political whim of the day and have no obligation whatsoever to pay compensation for that right which it has regulated away.

These bills seek to make the government justify its decisions which impact upon the private property of citizens. If those opposite believe that they can justify it on environmental grounds, then justify it on environmental grounds. If they believe that they can justify it on other grounds, then justify it on other grounds. But justify it! If the government can justify it scientifically—which it has been doing little of lately; it is justifying it perceptually and emotionally but not scientifically—then fair enough, go out there and do it. If it does justify it, then at least enshrine the right to properly compensate people.

Insofar as vegetation management is concerned—and this is something that those opposite do not know and do not appreciate—when people bought the freehold right to their property they actually had as part of that calculation the cost of the commercial value of the timber on their property. They actually bought that property. That was a fundamental tenet of legislation and the statutory instruments of this state, and has been for decades. When they converted from freehold to leasehold they bought that timber. Anything of the commercial value is theirs. Any non-commercial species are considered to have no value.

So people have paid hundreds of thousands of dollars to buy the commercial value of timber on their property which is, in effect freeholding, and the government has come into this place and snatched the viability and value of those properties without paying compensation. The government has regulated away that right. The minister knows that. That is just not fair. If the government wants to justify and do something because it has a policy to do it, then that is its right and prerogative. Just because it only affects maybe several thousand Queenslanders and it sees them as expendable, it does not mean that they do not have some justifiable right to be treated decently and given compensation.

Mr Terry Sullivan interjected.

Mr SPRINGBORG: Did the honourable member for Stafford know that those people bought the commercial value of the timber on their property and there has been nothing in the government's legislation that seeks to compensate them for a commercial transaction between them and the state which gave them the freehold title of that land? The government has taken that away without giving them any opportunity for compensation. In the legislation that passed through this place some time ago it did not even call it compensation. People are not even entitled to it. It was called a special project development. A person has to justify that they have a special project and then they may be entitled to a grant if the people driving around in white cars do not burn it all up in the meantime.

What is fundamentally wrong with the government being able to justify its decisions, whether it is to regulate away a right or whether it is to directly acquire a right and then lay down a charter of property rights which basically says that those people have a right to fair compensation and that they have a right to know that the government is indeed justifying the decision which it is making that impacts upon their property? If it is so absolutely convinced that its policy position is right and that it is doing the right thing, then the government should have no problems whatsoever in doing that.

I use by way of example what we have seen with regard to the salinity debate in the state of Queensland—that is, the red maps, the blue maps and a whole range of other maps. It is easy to prey on the fundamental and genuine concerns of the consumers in the electorate at large when we say that there is a salinity risk and that there is salt in the soil. Well, there is salt in all of the soil across Australia, and there always has been. It is a very old country. The very real issue is where it is going to manifest itself and become a problem. So it is easy to be very historical and to use those sorts of genuine concerns to then seek to justify a change that the government wants to make. With regard to issues of vegetation management, it is like seeking to say that all vegetation clearing is wrong. A lot of it may not necessarily be justifiable, but some of it is sustainable. There are areas in Queensland which never historically had timber on them prior to European settlement that have today and areas which do not today which did during the time of European settlement. They are the very real facts.

The National opposition does not argue against sensible regulation to protect the environment. We do not argue against that at all. In actual fact, we had a very strong policy position which moved to protect all endangered species of timber and of concern species of timber. All we are seeking to do is to ask the minister and his government to justify its decisions and to then give a commitment that they will pay appropriate levels of compensation to those particular people. Again, what is wrong with that? It provides people with security of tenure. It provides them with the opportunity to invest with confidence, and that is what people want.

What the government is doing at the moment is providing them with no opportunity to invest with confidence, because it has proven a willingness to come into this place and use its numbers and use perception—and that is its right if it wishes to do that—to regulate away their rights without in any way seeking to compensate them, and that is insidious and that is wrong. That is the government coping out on what has to date been its obligation and its duty—which it has recognised—to pay compensation to people if it has sought to impede or impact upon their land or to take their land.