



Speech by

Liz Cunningham

MEMBER FOR GLADSTONE

Hansard Thursday, 12 October 2006

YEPPOON HOSPITAL SITE ACQUISITION BILL

Mrs CUNNINGHAM (Gladstone—Ind) (4.15 pm): The Queensland Acquisition of Land Act has been used and continues to be used for the compulsory acquisition of land for public purposes and should be appropriate to this particular situation. In the briefing that I received from the minister's office—and I thank him for that—a number of extenuating circumstances were listed as to why a special act of parliament was required. One was to allow for a timely acquisition of the land. I requested from the officers who were briefing me an explanation on which current rights of the owners of the property would be removed. I was told that their judicial review rights would be removed but that they would retain the right for fair compensation through the Land Court, and that is as the act stands.

However, a number of issues have been raised today that I seek specific answers for, if time allows. The words of John Gardiner that have been read into the *Hansard* by members of the opposition are compelling, and I would seek the minister's response to Mr Gardiner's statements that there is very little difference in the physicality of both sites. I have heard from members of the government that the second site that was proposed by the developer was a flood plain, yet Mr Gardiner would have been well informed, well across the issue and certainly well across the topography of both sites. It is in stark contrast to the briefing that I received on that second site—the optional site of six hectares—that it would therefore be in a flood plain.

The size of the properties too is important, because the larger the property the greater the probability of co-locating medical services. It would be interesting to know the advantages of the 2.95 hectares versus the six hectares. Visibility of a site may be ultimately the best way to go; however, in the majority of cities and towns our hospitals are located because of good signage, and certainly a prominent position in terms of visual location is not an absolute criteria.

I am concerned about comments that were made to me that this issue has already gone to the courts—and I was advised of this three times at least—and that the courts upheld the developer's application. I have since been advised by the minister that it did not go to court and that that court appearance was in fact the decision made by Mr Gardiner. I would seek clarification from the minister about that.

We should as a parliament be very cautious in undermining the rights of people. In the past, I voted against bills—I can recall two, in fact—where a person had taken their case to the Supreme Court and had won and this parliament had then moved to trample on the rights that were appropriately, legally and objectively won. If that is the case in this instance, I would have to vote against the bill. Therefore, I seek the minister's clarification.