Speech by

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MEMBER FOR BURDEKIN

Hansard Tuesday, 28 November 2006

STATE DEVELOPMENT AND OTHER LEGISLATION AMENDMENT BILL

Mrs MENKENS (Burdekin—NPA) (5.26 pm): I rise to speak to the State Development and Other Legislation Amendment Bill, and I support the comments made by the shadow minister and other members on this side of the House. The government's reason for introducing this bill is to streamline and facilitate the assessment and decision-making processes for significant projects. It will give the Coordinator-General unprecedented powers to impose conditions to override and direct those responsible for some of our state's most significant and pressing projects. That is it pure and simple. It will enact far-reaching legislation and ignore natural principles of justice in order to speed up its own flawed systems and avoid its own bureaucracy and processing works vital to all of our futures. Is there any doubt that this is due entirely to this government's procrastination and inability to anticipate the current water crisis? It is ironic that because of the head-in-the-sand attitude of the Premier and the responsible ministers they now see fit to introduce a new layer of bureaucracy and oversight to correct the huge problems caused by this government's abject failure to manage this state's future.

There is no doubt that once this government finally acknowledged the imminent water crisis it should act to immediately address the problem. That the government ignored and denied Queensland was facing such a disaster until the 11th hour is a fact it cannot deny. Extraordinary efforts must now be made to avoid the Premier's oft repeated Armageddon situation. Interestingly, I believe the Premier may have outspun even himself with this analogy. 'Armageddon' is commonly taken to refer to the ending of the world. However, in this case I believe that the Premier may have been subconsciously referring to the downfall of his government and the end of his own ambitions.

I would first like to deal with the several articles of faith broken and trivialised in the framing of this bill. The hypocrisy shown by the leaders and minister of this government in this bill is breathtaking. As I have detailed in this House before, the Premier is on record promising to deliver open and accountable government to the residents of Queensland. However, in only the third setting of this new parliament we are debating yet another bill that is clearly and demonstrably in breach of fundamental legislative principles and was framed without even attempting to consult with stakeholders and other concerned parties.

Yet again the Beattie government is demonstrating that it is more than willing to ignore principles of justice and government and trample over people's rights in its haste to cover up its inadequacies. The explanatory notes detail three instances where the bill clearly breaches these principles. I draw the attention of the minister to the definition of such principles as underlying a parliamentary democracy based on the rule of law. The notes detail not one but two instances of the removal of the rights to appeal a decision made under the provisions of this bill. What use are the laws of this state if this government is prepared to change the laws of this state to suit its own purposes as and when it sees fit? Just how secure can Queenslanders—our constituents—feel when they know that this government is willing to use any means possible to force its agenda, despite significant and lawful objections? How democratic can this

government claim to be when it legislates to remove people's rights without even paying lip-service to the need and requirement to consult beforehand?

As the explanatory notes explain, section 4(3)(b) of the Legislative Standards Act is concerned with natural justice principles, which include the right to be heard, an absence of bias and procedural fairness. The explanatory notes also detail the reasons for this bill's departure from those principles, with the somewhat circular explanation that the Coordinator-General requires these new powers so that he or she may exercise these powers under the proposed amendments.

The legislation also seems to introduce a new notion of infallibility in the Coordinator-General's deliberations and decisions. It makes one wonder whether, on first introduction, one would be required to shake hands with or genuflect in front of this omnipotent being. At a time and in a political climate when we expect this government to adhere rigidly to conventions of probity, it will once again use its majority in the House to override objections to its heavy-handed approach and pass legislation that will further erode the rights of every Queenslander to be fairly heard and judged.

I will now address the major concerns that we have with the bill itself and the ramification of its introduction. Firstly, as I mentioned earlier, this bill is in response to the government's own lethargy in proceeding vital public infrastructure. It is in response to poor management by government departments and the inability of government ministers to recognise and address emerging problems in their portfolios. There is no need to enact yet more legislation. The powers and laws are already available to facilitate the commissioning and building of new public works without having to resort to measures such as those contained in this legislation. However, these powers presuppose that we have a government that has a clear view of the future needs of this state.

But past comments by members of this government, such as that no new dams will ever be built in Queensland, are not indicative of a government that is willing or able to listen to common sense. They indicate that members opposite prefer to govern by ideology rather than practicality. Such comments indicate that the members opposite are more interested in appeasing and pandering to minority interest groups and party factions than being responsible and representing those who really elected them.

I have already mentioned the appalling lack of public consultation with this bill. I find it really incredible that even the Local Government Association of Queensland was not involved or consulted prior to the introduction of this bill. The Local Government Association of Queensland has raised several serious concerns about provisions that are contained in this bill that could have been addressed more properly if discussions had taken place. The LGAQ was rightfully concerned, especially about the possibility that it could be forced by the Coordinator-General to carry out infrastructure works irrespective of cost, a council's ability to pay, or community support or need. However, I note from the amendments circulated that some of the concerns of the LGAQ may have been addressed. I certainly look forward to the debate on the amendments to see exactly how many of these concerns have been truly addressed.

In the explanatory notes another significant departure from principles is prefaced with the excerpt from section 4(3)(g) of the Legislative Standards Act, which states clearly that legislation should not impose obligations retrospectively. How can the minister defend a provision that could affect a proponent who may have commenced activities or expended moneys and may be unable to proceed due to a decision made by the Coordinator-General? It is wrong to penalise or cause anyone to suffer loss because the government has changed the rules. What kind of security does this give to companies that are involved in major projects? How many would be willing to tender for such projects when they know that at any time, for reasons beyond their control, they could lose control and suffer significant loss because a government department has failed to process a permit on time?

None of this would be necessary if ministers practised proper control and oversight of their departments to ensure that they were efficient and if the government planned far enough ahead that there was no need to rush decisions on major works. The planning times for dams, roads and hospitals should not be measured in months. To position Queensland for the future, we should be planning now for 10, 20 and 30 years ahead, not playing catch-up after over eight years of neglect. If ministers ran their departments properly and with due diligence, there should be no need to find ways to bypass bureaucratic process, let alone legislate to do it. If the government had kept its eye on the ball, instead of its head in the clouds, it would have had forward plans in place to address water shortages, inadequate road systems or too few hospital beds.

To use examples from my own Burdekin electorate, the Water for Bowen Project and the Urannah Dam would already be underway or finished; a base load power station would be on line in north Queensland, preferably in the Collinsville area; and Townsville's port access road would be more than a faint dream to residents who are forced to endure a massive increase in heavy traffic as the port, which is the central structure in the whole north Queensland development area, continues to expand. Drought would not be the excuse it now is for the water crisis in the south-east, because a good government would have planned for this eventuality. The government seems bewildered that, despite record population

growth, especially in the south-east, the demand for infrastructure and services has correspondingly increased.

Imagine that instead of building a larger electricity supply system the government said that power stations were blokey and, as an alternative to meeting demand, it would instead restrict supply to manage the system. Imagine if we were told that we really did not need more power; we needed only to turn on the lights between four and seven on each alternate day and start receiving power-saving rebates for batteries. It would be completely unacceptable. Yet this is the same style of management that the government is applying to our water storage and reticulation: 'Do not increase capacity; restrict supply.'

This is the reason the government needs to introduce such heavy-handed and draconian measures as contained in this bill. They have finally realised just how far it has let our infrastructure deteriorate. It realises that more than eight years of inattention means double the work just to fix existing problems, let alone build into the system capacity for growth. The problem is not the processes of government and decision making; it is the inability and unwillingness of those in charge to acknowledge problems where they exist and their incapacity to deal with them as they arise. It is a failure of those chosen to govern to act on time and in good measure compounded by an abrogation of their responsibilities to the people of this state. It is not the act that we should be seeking to change; it is those responsible for the mess that we find ourselves in because of their lack of foresight and vision.

This bill lacks a demonstrated need. It lacks consultation, due attention and recognition of judicial review and good governance. It is another demonstration of this government applying a bandaid to a cut and then claiming to have set a broken limb. I will not be supporting this bill.