Speech by

Hon. Jeff Seeney

MEMBER FOR CALLIDE

Hansard Wednesday, 28 November 2012

ECONOMIC DEVELOPMENT BILL

Hon. JW SEENEY (Callide—LNP) (Deputy Premier and Minister for State Development, Infrastructure and Planning) (10.41 pm), in reply: I want to thank all of the honourable members who contributed to the debate here tonight. I recall that I said at the beginning of my second reading speech that I expected some conspiracy theories and some ill-informed and misleading contributions from the members of the opposition. Well, honourable members, they certainly did not disappoint us. What a load of rubbish that we heard from the members of the opposition—conspiracy theories that would do well with the confused folk who sit up in the back corner of this chamber. What a load of nonsense.

No matter how many assurances were given about those particular issues, they stood up and repeated them over and over again. No matter how many assurances I gave in the second reading speech, no matter how many times the points were made in the government, they were determined to continue on those same old tired lines about conspiracy theories, not to mention the absolute hypocrisy for the members of the Labor Party to talk about taking away the powers of local governments! It is difficult to sit here and think that anyone in Queensland can be so ill-informed about the history of this state and the history of the legislation that has passed through this House as to think that a member of the Australian Labor Party can come in here and stand up and talk about disenfranchising local councils or taking away the rights of local councils. It is absurd to the extreme.

I want to thank the members of the State Development, Infrastructure and Industry Committee once again for their examination of the bill. I noted in my earlier remarks that the Economic Development Bill 2012 is primarily a process bill. It is nevertheless important legislation that will refine and improve existing requirements and assist the government to drive economic development in Queensland and remove red tape.

I referred to the bill as a process bill because its main effect is to integrate the existing Industrial Development Act 1963 and the Urban Land Development Authority Act 2007 and the entities that have carried out the functions under those two pieces of legislation. As detailed in the explanatory notes to the bill, the relevant government agencies were consulted during its development. This level of consultation is entirely appropriate for a bill that largely reframes procedural legislation and re-establishes and streamlines internal government arrangements.

To the best of my knowledge, the Industrial Development Act has operated without any fundamental issues for nearly 50 years—and the opposition did not point to any fundamental issues with the operation of that bill over the last 50 years—while the single most common complaint relating to the Urban Land Development Authority Act has been a lack of engagement with local governments under the former state Labor government when the powers and functions of that act were exercised. But of course members of the opposition did not mention that in their criticism of the bill tonight. As the member for Mansfield quite rightly pointed out, this bill requires a completely different approach.

Integrating the two acts, the Economic Development Bill modernises the provisions of the existing Industrial Development Act, expanding their scope beyond industrial land to enable the government to unlock and drive opportunities for economic development, together with opportunities to develop land,

property and infrastructure for community purposes. When it comes to planning and development functions relating to the declaration of priority development areas, the bill mandates consultation with local governments, addressing the concerns of councils with the existing legislation—concerns that were ignored by the former government, concerns that were completely ignored by any of the members of the opposition in their contributions here in the parliament tonight.

It is understandable, in my opinion, that local governments did not trust the former Labor government. The Urban Land Development Authority Act was forced on them without consultation regarding urban development in their particular areas. However, this bill mandates consultation with local governments. It reflects this government's commitment to open dialogue with local governments and reflects our ongoing commitment to recognise the autonomy and the role that local governments play in their communities.

Noting the committee's recommendations about consultation with local government, the Department of State Development, Infrastructure and Planning has consulted with the SEQ Council of Mayors and the Local Government Association of Queensland about the bill. No new issues with the bill were identified to the department during these briefings that have not already been addressed.

I thank those opposite and the committee for their interest in ensuring adequate consultation is undertaken in developing good legislation. But at the same time I must stress how important it is that the limited resources of government are not deployed on consultation for consultation's sake or, as the former government did, consultation just so they could tick the box.

Before making any concluding remarks, I will address some of the points raised during the debate and by the committee. The member for South Brisbane was critical about how quickly the bill was progressed through the committee system. This is a bit rich given some of the occasions we have seen in this House when legislation was gagged and guillotined and legislation that had not even been to a committee! For the benefit of the member for South Brisbane, who has been in this place about five nanoseconds, it has only been in recent times that legislation went to the committees at all. Before then, legislation used to be brought in here and rammed through the House using the guillotine or the gag, which the member for Hinchinbrook was protesting so loudly, and quite rightly, about earlier tonight. That was the way the Labor Party did it. That was the way the Labor Party did it for years and years and years.

It has only been in very recent times—I think four or five months before the state election—that we had a proper committee system, and we were insistent in drawing up that committee system that the committees had the authority and the power to consider legislation. So, once again, how absurd is it, honourable members—how absurd, how ridiculously laughably absurd—that a member of the Australian Labor Party would come in here and talk about the short period of time for a bill to be referred to a committee? She knows absolutely nothing about what she is talking about. I can assure the House once again—and I can assure the member for South Brisbane and all the other conspiracy theorists over there—that there is no Machiavellian conspiracy here. There is no smoking gun. There is no grand conspiracy.

The member for South Brisbane is simply not right when she says there was no consultation on the draft bill, nor were the members for Rockhampton or Mulgrave who parroted her point over and over. It seems to have escaped the attention of those opposite that this is an omnibus bill. That means it is a bill with a number of different parts. Each of the parts were the subject of consultation with the appropriate stakeholders. So while the bill in its entirety was not the specific of broad consultation, specific components of the bill were the subject of consultation, each in their own area. For example, the amendments to the South Bank Corporation Act, which I did not hear mentioned a heck of a lot in the debate, were the subject of extensive consultation with the Brisbane City Council. The amendments to the Environmental Protection Act were the subject of consultation with the Queensland Resources Council as well as a substantial list of other stakeholders which, as is required, was detailed in the explanatory notes.

Ms Trad interjected.

Mr SEENEY: Page 21, member for South Brisbane. Read the material. It is listed. For the benefit of the House, the other stakeholders named were the Australian Industry Group, the Chamber of Commerce and Industry Queensland, the Queensland Farmers Federation, the Australian Petroleum Production and Exploration Association, the Waste Contractors and Recyclers Association of Queensland, the Local Government Association of Queensland and a range of government departments. What the member for South Brisbane has shown is that she simply did not understand the bill. She came in here with a speech that had been written for somebody else and stood up and demonstrated quite clearly that she did not understand—

Ms TRAD: Mr Deputy Speaker, I rise to a point of order. I find the imputation that I did not write my own speech personally offensive, and I ask the Deputy Premier to withdraw.

Mr DEPUTY SPEAKER (Mr Berry): Order! The member has found offence in the—

Mr SEENEY: I withdraw, Mr Deputy Speaker. The member for South Brisbane has also shown that she has not understood the bill when she talked about the removal of the appeal rights that existed under the Urban Land Development Authority Act. There were no appeal rights in the Urban Land Development Authority Act relating to the declaration of urban development areas—the equivalent of priority development areas in the new bill. There were no appeal rights under the legislation introduced by the former Labor government. These provisions were transferred across and there were no appeal rights for the priority development areas.

Concern has been expressed that moving the functions of the Urban Land Development Authority into the Department of State Development, Infrastructure and Planning would remove the transparency and accountability that existed by having an authority with independence from government. I am able to assure all members that the bill will require the MEDQ, through the departments, to maintain all of the processes, all of the administrative and reporting functions of the ULDA including the need for the Minister for Economic Development Queensland, or MEDQ, to keep registers which must be available to the public via the department's website.

Transparency is also achieved through broad representation in advising and making recommendations to the MEDQ through the Economic Development Board established by the bill. As I said in my second reading speech, the board will be made up of four of the most senior public servants in Queensland. Exercising the functions of the MEDQ through the department will ensure that all of the accountability mechanisms applying to state departments apply to the exercise of these functions, including oversight by the Auditor-General of Queensland. Furthermore, it will firmly place responsibility for the performance of these functions with the responsible minister and the responsible departmental heads.

The member for South Brisbane has also accused the government of having a lack of regard for the environment, lacking concern for agricultural industries and for public health and safety when it comes to the release of water from the flooded mines under temporary emission licences.

Mr Powell: More conspiracy theories.

Mr SEENEY: As the Minister for Environment and Heritage Protection says, it was an address based almost entirely on conspiracy theories—almost entirely on scary stories that had no basis at all.

The temporary emissions licence is designed, as I said in my second reading contribution, to enable a quick decision on limited criteria to permit a release for a limited time period. The licence might only allow for the release over a number of hours. However, where the emissions are required for longer, such as the temporary authorisation of a waste transfer station to operate beyond its usual condition, it can be granted for months. It is in fact aimed at preserving and, in many cases, preventing further damage to the environment. It is about managing environmental issues, not ignoring them.

As this is an emergency tool, the decision on whether to approve the licence must be made within 24 hours. The member also raised concerns that cumulative emissions cannot be assessed within 24 hours. Cumulative impacts include both the existing emissions and the potential future emissions. The existing emissions are known and, while true that potential future emissions are not known, particularly where multiple applications for temporary licences are made, this is one of the reasons why the licence is fully flexible. Flexibility is one of the measures in place to prevent environmental harm and detrimental impacts on agricultural land. However, more importantly, water quality, especially drinking water quality, is still the most important consideration in deciding whether to approve the licence in the first place.

Mr Cripps: Hear, hear! Did you hear that, Bill?

Mr SEENEY: We have said that over and over and over again. To begin with, as part of the application for temporary emission licences, proponents would be required to provide information on any increased risks arising from additional discharges and the proposed monitoring and mitigation strategies to offset these risks. In addition, the decision maker would still be required to consider water quality, environmental health and public health issues in deciding whether to approve the application. These criteria are specifically spelt out in the criteria for the decision in proposed section 357D of the Environmental Protection Act, particularly subsection (f), which states that the administering authority must have regard to 'the likelihood that the release will adversely impact the health, safety or wellbeing of another person'.

No matter how many times it is pointed out to the members of the opposition, they come in here and parrot speeches that completely ignore the facts and that completely ignore the black-and-white words in the bill. As I said, this is a tool. It is designed to be used as part of a response to unforeseen emergent events. It is a responsible use of regulation and it was in response to the Floods Commission of Inquiry.

The members for South Brisbane and Gladstone also spoke about the acquisition of land powers. Let me make it clear: in combining the existing legislation to establish an economic development act, the bill does not introduce powers to compulsorily acquire land. What it does is allow the government to deal in

land, infrastructure and property like any other member of the community or any other entity. Those members who have been in this House for any particular length of time will well know the concern I have around the powers of compulsory acquisition as it affects landholders. They well know the long history I have of talking in here about the issue of private property rights and the impact on those private property rights of public infrastructure. Some may well even remember the fact that I have introduced four private members' bills in regard to that particular issue. It is beyond my power to describe how it makes me feel to be lectured tonight by the member for South Brisbane.

Honourable members interjected.

Mr DEPUTY SPEAKER: Order! There are too many interjections. The Deputy Premier has the call.

Mr SEENEY: Over 14 years in this place there is no single issue that has been a more central plank to my political identity than the protection of private property rights. The member for South Brisbane comes in here—here for five nanoseconds on a Socialist Left platform—and suggests to me that I need to be aware of the private property rights of private landholders. I struggle, colleagues, to find words to adequately describe the absurdity of such a situation and the sheer ignorant gall of a member who would advance such a proposition in such a reckless way and then sit there and laugh about it. It shows a complete disrespect for any sort of argument that another member might put forward.

Having said that, I acknowledge that the concerns raised by the member for Gladstone were very sincere because I have heard the member for Gladstone raise those concerns before and I share the concerns that I think were the motivations for the things she raised. We will always as a government be very careful to recognise the impacts on private property owners.

The other provision in this bill that goes to the heart of that philosophy is what we are doing with the declarations for infrastructure facilities of significance. As I said in my second reaching speech, the only purpose of such a declaration is to allow for the compulsory acquisition of private land by the Coordinator-General for a private entity, for a private infrastructure facility. It is a provision that is in the legislation at the moment, and we are doing two things with that. We are changing the name of it so that the infrastructure facility of significance cannot be misrepresented as something that has the support of the state. But, more importantly, when we look at it from the perspective of private property owners' rights, we are ensuring that a proponent does not have access to that compulsory acquisition power until such time as extensive efforts have been made to acquire the land through commercial negotiation.

I said in my second reading contribution that I am well aware of situations where companies or company representatives have come to landholders and put the authority to compulsorily acquire on the table and said, 'Now let's negotiate,' and that is not a fair situation. The compulsory acquisition powers should be the last resort in any situation, and particularly more so when that situation involves the compulsory acquisition of land for a private infrastructure facility, such as the situation that is anticipated by this bill.

Once again, I acknowledge the contributions that were made by the committee members. I have the highest regard for our developing committee structure and the process used by the State Development, Infrastructure and Industry Committee to consider this bill. I thank the committee for rising to the challenge and giving substantive consideration to the bill within a relatively short period of time.

I will be moving a number of amendments in response to the committee's recommendations and stakeholder feedback that will support the intended operation of the legislation. I will do that, just as I have done with previous pieces of legislation I have brought into this House. As I have said before, a number of us—and my colleague the member for Southern Downs was one—were involved in putting the committee system in place. There were a number of sceptical points of view at the time that ministers would not allow the committee system to operate in the way that it should. The committee system in this parliament will only operate if ministers make a genuine attempt to take account of the recommendations that the committee makes. I have done that and I intend to continue to do that. The suggestion from members of the opposition that, in taking notice of the committee, a minister is somehow acknowledging that the legislation is deficient is a repugnant suggestion and it strikes at the heart of the committee system itself. If that suggestion takes hold, then all honourable members who sit on committees will be wasting their time.

I encourage each and every minister in this government to take due account of the committee system and the recommendations that the committees put forward and reject completely the absurd notion that, in so doing, they are somehow confirming that the legislation they introduced into the parliament was deficient or somehow not up to scratch. It is an absurdity from the member for South Brisbane, and it is one of the more absurd suggestions in the long list of absurdities that she has brought to this parliament tonight. It shows an appalling lack of understanding of the committee system, an appalling lack of understanding of the processes of this parliament and an appalling attitude to go with it.

I commend this bill to the members of the parliament tonight. I thank the members of the parliament for the kind comments they made and I thank those who recognised the significance of some of the provisions of this bill. I particularly acknowledge the comments that were made by my colleague the

member for Currumbin and Minister for Tourism in regard to the Commonwealth Games village. Meeting our state's obligations in regard to the Commonwealth Games will be a huge challenge. It was a challenge that was totally unrecognised by the former government when they made the commitment to have the Commonwealth Games on the Gold Coast. It is a project that we anticipate with some—

Mrs Stuckey: Trepidation?

Mr SEENEY: That is not the word I wanted.

Mrs Stuckey: Enthusiasm.

Mr SEENEY: Yes, we anticipate that project with some enthusiasm, but in anticipating that event with that enthusiasm we do not for one moment underestimate the challenge that will be involved in delivering that event for the people of Queensland and the people of Australia. A critical part of delivering that event will be delivering the infrastructure that is necessary, including the athletes' village and all of the sporting infrastructure that is necessary. A particular part of this bill has been designed specifically for that purpose—that is, to ensure that we meet our obligations in regard to the Commonwealth Games. I look forward to working with the Minister for Tourism in that task in the years ahead. Again, I thank all honourable members for their contributions to the debate this evening. I commend the bill to the House.