

Yeppoon Hospital Site Acquisition Bill 2006

Explanatory Notes

General Outline

Short Title

The short title of the Bill is the *Yeppoon Hospital Site Acquisition Bill 2006*.

Policy Objectives

The objective of the Bill is to facilitate the taking of the land for the purposes of constructing a hospital to service the township of Yeppoon without undue delay. The present regime under the *Acquisition of Land Act 1967* has left this process in uncertainty and this Bill will remove that uncertainty.

Reasons for the Policy Objectives

The Government wishes to ensure that construction of a new hospital at Yeppoon starts as soon as possible.

There are a number of problems with the current hospital site at Yeppoon, the site is:

- located on the beachfront, making it potentially liable to storm and flood inundation. This is not ideal for a facility which would be the focus of relief operations;
- undersized and unable to cope with the projected population increases and service delivery demands over the next 20 years because there is no ability to expand the built infrastructure on the current site;
- in need of substantial capital upgrade to continue as a viable facility. This would be better directed to a new purpose built facility.

The Yeppoon hospital is one which has grown out of a community hospital tradition. The buildings and traditions of the hospital have dictated the way the health service responds to the needs of the community. The Health Service Plan for Capricorn Coast Health Services, prepared in 2005, identifies that a new integrated health service facility can incorporate a range of services including inpatient, outpatient, community health, aged care, and possibly co-located private provider services.

All this will help to cater for the projected 63% population increase on the Capricorn Coast over the next 20 years.

With the need identified in the Health Service Plan, work on locating the best site commenced.

The site - nearly three hectares of land on the corner of the Rockhampton-Yeppoon Road and Hoskyn Drive at Yeppoon – is the best available site for the new hospital and is ideally located just a few kilometres from the heart of Yeppoon.

Ongoing negotiations with the owner for the purchase of the land have proved unsuccessful. An offer was made to the owner based on fair market value for the land. Unfortunately, the owner has chosen not to accept the government's offer. Consequently a formal Notice of Intention to Resume was issued in November 2005 which allows for a formal response from the owner and objections under the provisions of the *Acquisition of Land Act 1967*. The site has yet to be acquired.

This Bill will authorise the acquisition of this site in the interests of ensuring construction of the new Yeppoon hospital can commence as soon as possible.

The legislation will provide certainty that the government will acquire this parcel of land for hospital purposes but will not prevent further negotiations proceeding on the price to be paid for the land. If, however, agreement cannot be reached on the value of the land then this will be determined in the normal way through the Land Court.

This process will allow building to start on a new hospital for the people of Yeppoon without any further unnecessary delay.

How the Policy Objectives will be achieved

The policy is to be achieved by

- providing for the taking of particular land in the Bill itself, rather than relying on a Notice to Resume and subsequent objection

process to determine this, as is required under the *Acquisition of Land Act 1967*; and

- preserving the owner's right to compensation under the *Acquisition of Land Act 1967*.

Alternatives to the Bill

There are no non-legislative methods by which the objects of the Bill can be achieved.

The only legislative alternative to the Bill would be to continue with the acquisition process under the *Acquisition of Land Act 1967*. That process is proving unacceptably slow and it is in the public interest to ensure construction of the new Yeppoon hospital can commence as soon as possible.

Estimated administrative cost to the Government for implementation

The administrative costs to Government will be those normally associated with the resumption of interests under the *Acquisition of Land Act 1967*. Compensation rights of current land owners and others with an interest in the land will not be changed by the Bill.

Consistency with Fundamental Legislative Principles

The Bill is consistent with the fundamental legislative principles. Whilst the Bill removes the right of an owner to be notified or to object to the resumption of land, the Bill protects the owner's right to claim compensation and the right to have compensation determined by the Land Court.

This unusual course of action is considered by the Government to be balanced by the greater public interest of being able to progress with a much needed hospital.

Consultation

Community

No specific community consultation has occurred on this Bill. Resumption is normally a matter between a land holder and the authority acquiring the land.

There has been select consultation with stakeholders about the need for a new hospital, which is required to replace an obsolete, poorly located and undersize facility. This consultation occurred during the preparation of the Health Service Plan for Capricorn Coast Health Services carried out by health service consultants in 2005.

The Livingstone Shire Council has also been consulted regarding the new hospital.

Government

Representatives of the Department of the Premier and Cabinet, Coordinator General and Queensland Health were consulted in relation to the Bill.

Results of consultation

Community

The community and Livingstone Shire Council support the construction of the hospital at Yeppoon in the timeliest manner.

Government

All Departments consulted support the Bill.

Notes on Provisions

Short title

Clause 1 provides that the short title of the Bill is the *Yeppoon Hospital Site Acquisition Act 2006*.

Definitions

Clause 2 sets out the definitions used in the Bill. The definition of “Yeppoon land” describes the land in Yeppoon that is being acquired for the construction of a hospital.

Taking of Yeppoon land

Clause 3 provides that the Yeppoon land is taken by the State for the purpose of a hospital and associated health and medical facilities. The land

will vest in the State and become unallocated State land free of any interest or obligation. The land will stay unallocated State land until a freehold title is registered over it to the State of Queensland. This provision ensures the State can deal with this land after acquisition as necessary to achieve the purpose of the acquisition.

Application of the Acquisition Act

Clause 4 provides that the *Acquisition of Land Act 1967* applies to the taking of the land specified in clause 3 above subject to necessary changes. The changes are necessary because the resumption is being effected by this Bill instead of the usual processes.

Some changes are specified in the Schedule and are described in that part of the notes. The changes made in clause 4 are:

- Despite the land being taken under this Bill, a person who has interest in the land has the right to claim compensation under the *Acquisition of Land Act 1967*;
- Several changes are made to the provisions of the *Acquisition of Land Act 1967* to reflect the differences between the resumption of the Yeppoon land and a normal resumption of land under that Act which are:
 - It is normally a constructing authority that resumes land and pays compensation rather than the State; and
 - The filing of an application for compensation normally requires the claimant to file in the Land Court a notice of intention to resume and a gazetted copy of the resumption notice. Neither is required under this Bill for the resumption of the Yeppoon land.

Objection under Acquisition Act

Clause 5 provides that any objection that had been lodged under the *Acquisition of Land Act 1967* in regard to the land being resumed by this Bill and not finally dealt with is taken to be withdrawn. This provision ensures that the land can be resumed by the State immediately but does not affect any claim to compensation that an interested party may have.

Regulation-making power

Clause 6 provides that the Governor in Council may make regulations under this Bill.

Schedule – Provisions of Acquisition Act that do not apply

The Schedule sets out provisions of the *Acquisition of Land Act 1967* that do not apply to the resumption of land under this Bill. The changes are necessary because the resumption is being affected by this Bill instead of the usual processes. Details are as follows

Section	Subject matter of section
5	Purposes for which land may be taken
6	Easements
7	Notice of intention to take land
8	Dealing with objections
9	Ways in which land is to be taken
11	Amending of gazette resumption notice
12(other than as provided by section 4(3) of this Bill)	Section 12 relates to the effect of a gazette resumption notice. Under this Bill there will be no need for a gazette resumption notice. Section 3(3) of this Bill preserves the right to claim compensation in the absence of such notice.
12A	Section 12A requires a constructing authority to lodge a new plan of survey for particular land if the land taken is subject to a building units plan. The Yeppoon hospital site is not subject to a building units plan.
13	Section 13 provides that an owner may require a small parcel of severed land to be taken by the constructing authority where that land is of no practical use. There will be no such small block of land in respect to the Yeppoon hospital site.
15	Section 15 relates to taking by agreement. There is no agreement in relation to the Yeppoon hospital site.
16	Section 16 provides for discontinuance of resumption before publication of gazette resumption notice. There need be no gazettal of a resumption notice under the provisions of this Bill.
17	The section deals with the revocation of a notice of resumption before determination of compensation. Under this Bill there need be no notice of resumption with the resumption of the land being immediate and compensation being determined later.

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21	Grant of easement etc. in satisfaction of compensation. In this case it would not be appropriate to grant the current landowner an easement on any part of the Yeppoon land.
31	Powers of Supreme Court in respect of building units. This section is not relevant to the Yeppoon hospital site because the land being resumed does not involve building units being resumed.
31A	Powers of District Court for community titles scheme. This section is not relevant because the Yeppoon hospital site land does not involve a community titles scheme.
36	The section deals with powers of entry and the like prior to resumption of the land, for purposes such as valuation of the land, surveying etc. The section is unnecessary because on commencement of this Bill, the land the subject of this Bill will vest in the State immediately.
37	Section 37 provides for temporary occupation of land. The provision is unnecessary because, on commencement of this Bill, the land the subject of this Bill will vest in the State immediately.
41	Section 41 deals with disposal of land by the constructing authority. It provides that if, within 7 years of taking the land, the constructing authority no longer needs the land, it be offered to the former owner at a price determined by the chief executive. The section does not need to apply to the proposed Yeppoon hospital site because the land will definitely be used for the hospital.
Part 6	Part 6 deals with transitional provisions relating to previous amendments to the <i>Acquisition of Land Act 1967</i> . Those provisions can have no application to the proposed Yeppoon hospital site acquisition.