

LEGISLATIVE COUNCIL

Land Acquisition (Just Terms Compensation) Amendment Bill 2016

First print

Proposed amendments

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- No. 1 **Minimum period of negotiation for acquisition by agreement**  
Page 3, Schedule 1 [2], proposed section 10A (2), line 17.  
Insert "(starting on the date on which the authority first makes a written offer to the owner of the land to acquire the land by agreement)" after "6 months".
- No. 2 **Minimum period of negotiation for acquisition by agreement**  
Page 3, Schedule 1 [2], proposed section 10A. Insert after line 25:  
(5) The Minister must ensure that the owner of the land is given a copy of an approval under subsection (4) as soon as practicable after the Minister gives the approval.
- No. 3 **Minimum period of negotiation for acquisition by agreement**  
Page 3, Schedule 1 [2], proposed section 10A. Insert after line 35:  
(8) Indications of a genuine attempt to acquire the land by agreement (as referred to in subsection (2)) may include the following:  
(a) considering any options put forward by, and any options to put forward to, the owner of the land,  
(b) notifying issues in dispute and offering to discuss them with the owner of the land with a view to resolution,  
(c) providing or exchanging information to help identify and clarify issues in dispute and how they might be resolved,  
(d) actively attempting to resolve issues in dispute through negotiation.
- No. 4 **Minimum period of negotiation for acquisition by agreement**  
Page 3, Schedule 1 [2], proposed section 10A. Insert after line 35:  
(8) The regulations may provide for an authority of the State to advance to the owner of land, from money payable by the authority to the owner in relation to an acquisition of the land, an amount not exceeding \$5,000 to assist the owner in payment of legal costs or valuation fees (or both) in connection with the acquisition, and for the subsequent adjustment of the amount payable by the authority.

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No. 5      **Review of decisions on hardship applications**

Page 4, Schedule 1 [5], proposed section 27A, line 3.

Omit “person”. Insert instead “Review Panel”.

No. 6      **Review of decisions on hardship applications**

Page 4, Schedule 1 [5], proposed section 27A (3), lines 17–19. Omit all words on those lines. Insert instead:

- (3) The Secretary is to refer the application to the Review Panel (constituted by section 27B) for determination.

No. 7      **Review of decisions on hardship applications**

Page 4, Schedule 1 [5], proposed section 27A (4) and (5), lines 20 and 25–27.

Omit “reviewer” wherever occurring. Insert instead “Review Panel”.

No. 8      **Review of decisions on hardship applications**

Page 4, Schedule 1 [5], proposed section 27A (7), line 35.

Omit “, the appointment of reviewers”.

No. 9      **Review of decisions on hardship applications**

Page 4, Schedule 1 [5]. Insert after line 36:

**27B Independent Review Panel**

- (1) There is constituted by this Act a Review Panel.
- (2) The Review Panel is to consist of 4 members appointed by the Minister, of whom:
  - (a) one is to be a qualified valuer (within the meaning of section 59 (2)) with relevant expertise,
  - (b) one is to be an Australian legal practitioner with relevant expertise,
  - (c) one is to be engaged in a relevant profession (such as a town planner or an accountant), with relevant expertise,
  - (d) one is to be a community member whose property has previously been acquired under compulsory acquisition,and none of whom are to be associated with the authority of the State or the owner of the land the subject of the acquisition.
- (3) The functions of the Review Panel are:
  - (a) to review and determine applications under section 27A, and
  - (b) such other functions as are conferred by or under this Act.
- (4) A decision supported by the majority of members of the Review Panel is the decision of the Panel.
- (5) Subject to subsections (4) and (6), the procedure of the Review Panel is to be as determined by the Minister.
- (6) The regulations may make provision for or with respect to the constitution, procedure and functions of the Review Panel.

No. 10      **Former owner’s right to occupy land after compulsory acquisition**

Page 4, Schedule 1 [6], line 39.

Omit “rent is not”. Insert instead “neither rent nor a rental bond is”.

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No. 11     **Matters to be considered in determining compensation**

Page 5, Schedule 1 [14]. Insert after line 34:

- (e1) if it is necessary for the person to relocate the person's principal place of residence as a result of the acquisition—financial disadvantage resulting from equivalent reinstatement,

No. 12     **Disadvantage resulting from relocation**

Page 6, Schedule 1 [16], proposed section 60 (2A). Insert after line 18:

- (2A) The minimum amount of compensation in respect of the disadvantage resulting from relocation is 10% of the maximum amount under subsection (2) or, if that amount is increased under clause 2 of Schedule 1A, the maximum amount as so increased.

No. 13     **Disadvantage resulting from relocation**

Page 6, Schedule 1. Insert after line 21:

**[18] Section 60 (7)**

Omit “applies”.

Insert instead “and the minimum amount under subsection (2A) apply”.