

FIRST PRINT

**LAND ACQUISITION (JUST TERMS COMPENSATION)  
AMENDMENT BILL 1993**

NEW SOUTH WALES



**EXPLANATORY NOTE**

(This Explanatory Note relates to this Bill as introduced into Parliament)

Section 42 of the Land Acquisition (Just Terms Compensation) Act 1991 requires an authority of the State that compulsorily acquires land to give the former owners of the land a compensation notice setting out the amount of compensation to be offered to the former owners as determined by the Valuer-General. The compensation notice is (with certain exceptions) required to be given within 30 days after the compulsory acquisition.

The object of this Bill is to amend that Act to enable a former owner to obtain, directly from the Valuer-General, particulars of the amount of compensation determined by the Valuer-General if the authority concerned fails to give the compensation notice to the former owner as required by section 42 of that Act.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on the date of assent.

Clause 3 amends the Land Acquisition (Just Terms Compensation) Act 1991 as outlined above.

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**LAND ACQUISITION (JUST TERMS COMPENSATION)  
AMENDMENT BILL 1993**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
  2. Commencement
  3. Amendment of Land Acquisition (Just Terms Compensation) Act 1991 No. 22,  
s. 42 (Notice of compensation entitlement and offer of compensation)
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**LAND ACQUISITION (JUST TERMS COMPENSATION)  
AMENDMENT BILL 1993**

NEW SOUTH WALES



No. , 1993

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**A BILL FOR**

An Act to amend the Land Acquisition (Just Terms Compensation) Act 1991 relating to the notification to persons entitled to compensation under that Act of the amount of compensation determined by the Valuer-General.

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*Land Aquisition (Just Terms Compensation) Amendment 1993*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Land Acquisition (Just Terms Compensation) Amendment Act 1993.

**5 Commencement**

2. This Act commences on the date of assent.

**Amendment of Land Acquisition (Just Terms Compensation) Act 1991 No. 22, s. 42 (Notice of compensation entitlement and offer of compensation)**

10 3. Section 42 of the Land Acquisition (Just Terms Compensation) Act 1991 is amended by inserting after subsection (7) the following subsection:

15 (8) If a former owner of land has not been given a compensation notice as required by this section, the Valuer-General must, as soon as practicable after being requested to do so, give the former owner written notice of the amount of compensation to be offered to the former owner as determined by the Valuer-General. This subsection extends to a compulsory acquisition of land before the commencement of this subsection.

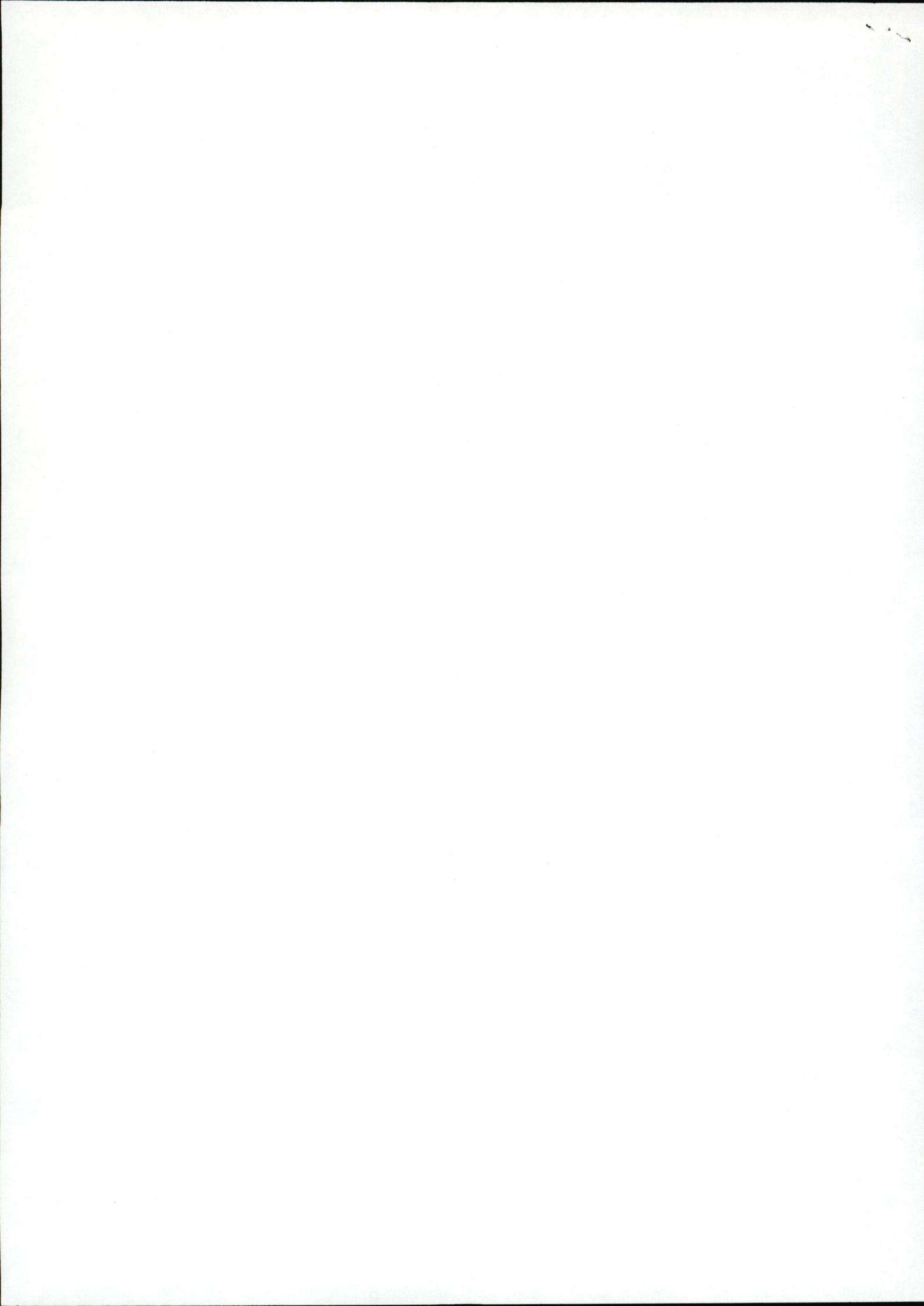
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LAND ACQUISITION (JUST TERMS COMPENSATION)  
AMENDMENT BILL

MR PRESIDENT,

THE OBJECT OF THE BILL IS TO ENSURE THAT THE STATUTORY TIMETABLE ASSOCIATED WITH CLAIMING COMPENSATION FOR COMPULSORY LAND ACQUISITION IS OBSERVED. THIS WILL BE ACHIEVED BY ALLOWING AN OWNER OF RESUMED LAND TO OBTAIN A COPY OF THE VALUER-GENERAL'S VALUATION DIRECT FROM THE VALUER-GENERAL IF THE ACQUIRING AUTHORITY HAS FAILED TO PROVIDE IT IN THE FIRST INSTANCE. CURRENTLY SECTION 42(1) OF THE LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991 PROVIDES FOR THAT. A STATE AUTHORITY THAT HAS COMPULSORILY ACQUIRED LAND UNDER THAT ACT MUST WITHIN 30 DAYS AFTER THE PUBLICATION OF THE ACQUISITION NOTICE GIVE THE FORMER OWNER OR OWNERS OF THE LAND WRITTEN NOTICE OF THE COMPULSORY ACQUISITION. THE ENTITLEMENT OF THE OWNER OR OWNERS TO COMPENSATION AND THE AMOUNT OF COMPENSATION OFFERED TO THEM IS DETERMINED BY THE VALUER-GENERAL.

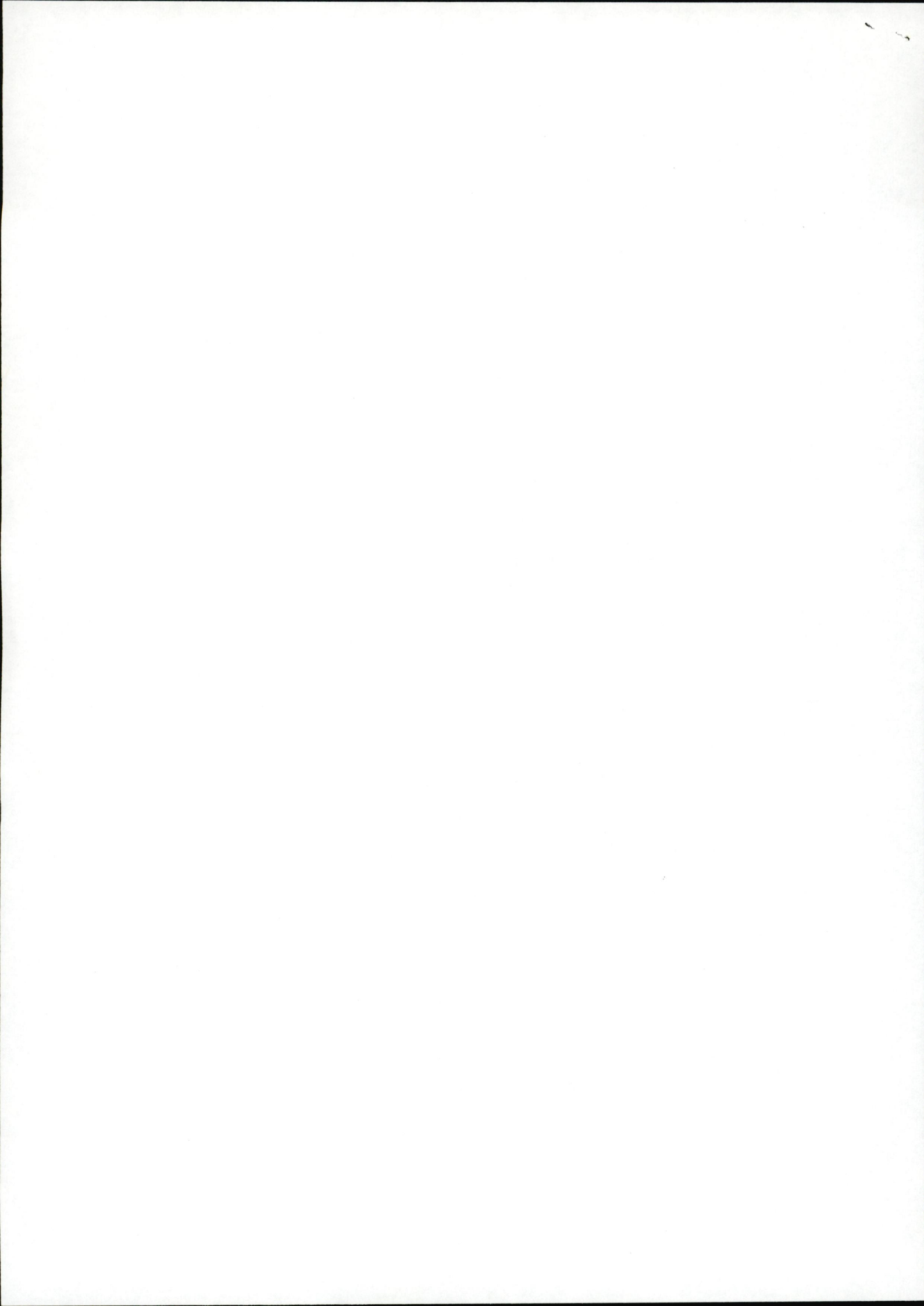
CONCERNS HAVE BEEN RAISED THAT SOME COUNCILS HAVE FAILED TO COMPLY WITH THEIR STATUTORY OBLIGATIONS TO FORWARD VALUATIONS TO THE RELEVANT LANDOWNERS. IN ONE INSTANCE A REPRESENTATION WAS RECEIVED WHICH INDICATED THAT A COUNCIL FAILED TO OFFER COMPENSATION WITHIN 30 DAYS OF RESUMPTION BECAUSE IT DID NOT AGREE WITH THE VALUER-GENERAL'S VALUATION.





BY FAILING TO MAKE AN OFFER FOR COMPENSATION, THE COUNCIL WAS ABLE TO DELIBERATELY STALL THE WHOLE PROCESS. UNDER THE EXISTING LEGISLATION A LANDOWNER IS UNABLE TO PROCEED WITH THE MATTER UNTIL AN OFFER HAS BEEN RECEIVED. THE LEGISLATION, HOWEVER, IMPOSES NO SANCTION AGAINST A FAILURE BY THE AUTHORITY TO COMPLY WITH ITS REQUIREMENTS. THE ONLY RECOURSE IS FOR THE AFFECTED LANDOWNER TO TAKE COURT ACTION TO COMPEL THE AUTHORITY TO ABIDE BY THE ACT. THIS ACTION IS CONSIDERED UNJUST AND CONTRARY TO THE PRINCIPLES OF THE ACT.

THE INTENTION OF THE LAND ACQUISITION (JUST TERMS COMPENSATION) ACT IS TO ENSURE THAT A STATUTORY TIMETABLE IS FOLLOWED TO GUARANTEE THE SPEEDY RESOLUTION OF LAND RESUMPTION AND THE PROMPT PAYMENT OF COMPENSATION TO THE LANDOWNER. THE LANDOWNER SHOULD NOT BE BURDENED WITH UNNECESSARY LEGAL COSTS AND DELAYS MERELY TO ENFORCE THE STATUTORY OBLIGATIONS OF A GOVERNMENT OR LOCAL GOVERNMENT AUTHORITY. THE PROPOSED AMENDMENTS WILL ENABLE OWNERS OF RESUMED LAND TO APPLY DIRECTLY TO THE VALUER-GENERAL TO OBTAIN A COPY OF HIS VALUATION WHEN THE GOVERNMENT AUTHORITY HAS FAILED TO DO SO. IT SHOULD BE NOTED THAT THE PURPOSE OF THE VALUER-GENERAL'S ASSESSING THE AMOUNT OF COMPENSATION IS TO ENSURE THAT LANDOWNERS ARE TREATED CONSISTENTLY IN TERMS OF VALUATIONS WHEN THEY ARE GOING THROUGH THE RESUMPTION PROCESS.



THIS AMENDMENT WILL STRENGTHEN THE RIGHTS OF THE PRIVATE PROPERTY-OWNER. GOVERNMENT AGENCIES WILL NO LONGER BE ABLE TO FRUSTRATE A LANDOWNER BY DELAYING THE PAYMENT OF COMPENSATION MERELY BECAUSE THEY DO NOT AGREE WITH THE VALUER-GENERAL'S INDEPENDENT ASSESSMENT. THE AMENDMENT WILL ENSURE THAT MATTERS RELATING TO COMPULSORY LAND ACQUISITION ARE DEALT WITH IN THE SHORTEST PERIOD WITH A MINIMAL LEVEL OF INCONVENIENCE IMPOSED UPON THE LANDOWNER.

I COMMEND THE BILL TO THE HOUSE.



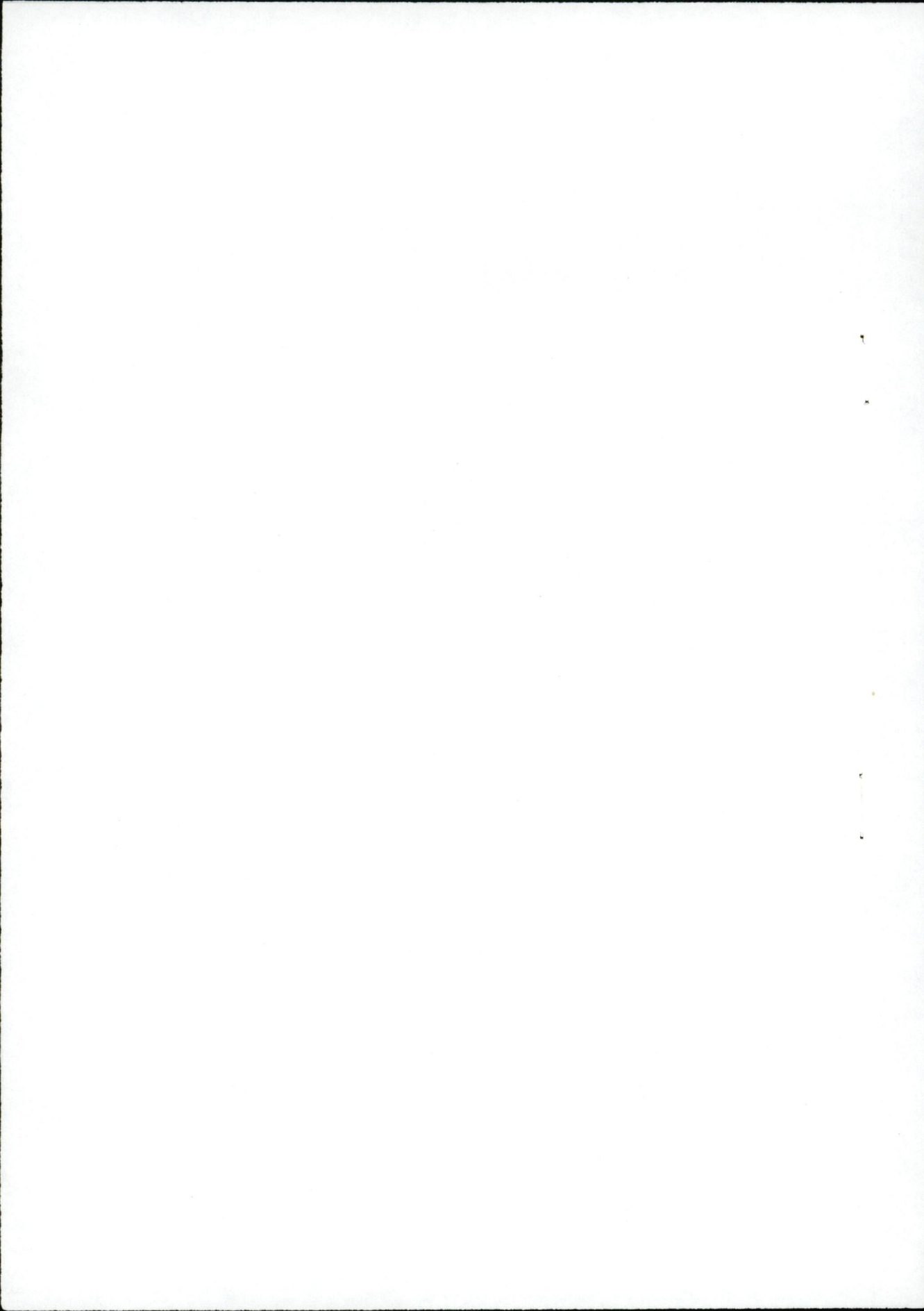
**LAND ACQUISITION (JUST TERMS COMPENSATION)  
AMENDMENT ACT 1993 No. 77**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
  2. Commencement
  3. Amendment of Land Acquisition (Just Terms Compensation) Act 1991 No. 22,  
s. 42 (Notice of compensation entitlement and offer of compensation)
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**LAND ACQUISITION (JUST TERMS COMPENSATION)  
AMENDMENT ACT 1993 No. 77**

NEW SOUTH WALES



**Act No. 77, 1993**

An Act to amend the Land Acquisition (Just Terms Compensation) Act 1991 relating to the notification to persons entitled to compensation under that Act of the amount of compensation determined by the Valuer-General. [Assented to 22 November 1993]

**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Land Acquisition (Just Terms Compensation) Amendment Act 1993.

**Commencement**

2. This Act commences on the date of assent.

**Amendment of Land Acquisition (Just Terms Compensation) Act 1991 No. 22, s. 42 (Notice of compensation entitlement and offer of compensation)**

3. Section 42 of the Land Acquisition (Just Terms Compensation) Act 1991 is amended by inserting after subsection (7) the following subsection:

(8) If a former owner of land has not been given a compensation notice as required by this section, the Valuer-General must, as soon as practicable after being requested to do so, give the former owner written notice of the amount of compensation to be offered to the former owner as determined by the Valuer-General. This subsection extends to a compulsory acquisition of land before the commencement of this subsection.

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*[Member's second reading speech made in—  
Legislative Assembly on 22 April 1993*

*Minister's second reading speech made in—  
Legislative Council on 11 November 1993]*