

**INQUIRY INTO IMPACT OF THE WESTCONNEX
PROJECT**

Name: Ms Michelle Jensen

Date Received: 25 June 2018

Partially
Confidential

Inquiry into the impact of the WestConnex project

Submission by Ms Shelley Jensen

This cover note has been prepared by the committee secretariat following a request from Ms Shelley Jensen for assistance in compiling her submission.¹

Ms Jensen's property in St Peters was compulsorily acquired by the government in 2016. This cover note presents the key issues that Ms Jensen wishes to raise about this experience. At Ms Jensen's request, links to relevant media coverage from around the time the acquisition process was completed is also appended for members' consideration. A subsequent submission provided by Ms Jensen is also attached.

1. Emotional, social and financial impacts of process

Ms Jensen reported severe emotional, social and financial impacts as a result of the compulsory acquisition process. Ms Jensen said:

- This process has been brutal and costly in terms my emotional state, money, and enjoyment of my life. It was extremely adversarial. Everyone was assured in the early stages of the process that everything would be fine. It was not.
- I was unable to afford a house in the same area with the money that I received from the compulsory acquisition process. I am now living in the Central Coast, and I hate it. But, I was under such pressure at the time to buy.
- It devastated my life. All my relationships, all the things I want to do such as visit my alumni society at Sydney University, see all my friends, go to the theatre. I liked living near Newtown, and I was studying at a local TAFE. Now I have to travel for 2.5 hours to get to the city. I can't even really go out at night anymore.
- I have not seen due process followed. This process has been duplicitous, immoral and Machiavellian. It was like a steamroller crushing everything in its path. I couldn't get out of bed for about a year I was so distressed.
- I had no legal capacity to borrow additional money. I am a retired teacher/librarian. However, I have incurred ongoing expenses since this process commenced – legal fees for documents, deposit bonds, other costs. The length of time I had to have lawyers engaged meant that I received less on my final payout.
- There was some assistance offered, however this was limited. A liaison officer came on board later in the process. He listened to me. But in terms of finding a house, it was not helpful. I was offered only one day of relocation assistance.

¹ Ms Shelly Jensen met with the secretariat on 21 September 2018, Parliament House. The secretariat has structured the issues, however, the narrative presented is closely transcribed.

- Once the house was acquired, I was put into temporary accommodation in a property on Parramatta Road. Which I call the Swedish Prison. They packed me up, it felt like they were in control of my life.
- I just felt it was a very improper way to run an improper process to low ball innocent people in a sociopathic way. They were not in any way caring for other people's situations.

2. Concerns regarding communication and transparency of process

Ms Jensen reported a series of concerns regarding her interactions with various bodies and individuals throughout the compulsory acquisition process. Ms Jensen said:

- In September 2016, I was called to a meeting organised by Lisa Chikarovski in North Sydney in a high spec office. I was not told what the meeting was about. I found it extremely intimidating. There were 13 people at this meeting, and I wasn't introduced to any of them. I felt there was no human decency shown.
- Even though I was already in an extreme state of stress, the September 2016 meeting brought it to a whole other level. At this meeting I was told that you have 60 days to buy and settle on a house otherwise you are on your own, so basically I was going to become homeless. Allowing for contract periods, I basically had 2 weeks to find a place. I was under extreme pressure.
- On another occasion, when I was due to move from my house in St Peters, I received a phone call from an unknown individual who as either an employer or contractor of WestConnex. I have never been more frightened of anyone in my life on account of the way he spoke to me.
- The individual threatened me that if my house wasn't spotless when I moved out, I'd be charged a cleaning fee – a cleaning fee for a house that was about to be knocked down! The phone call was menacing. It was so nasty. It was just another way of putting me in distress and taking even more money off me.
- I found out about my home being compulsory acquired in a tabloid newspaper in 2014. This was insulting.

3. Concerns regarding the property valuation process

Ms Jensen expressed concerns about the valuation process, noting discrepancies between the valuations provided for her St Peters home and those of her neighbours. Ms Jensen said:

- I received an offer of \$825,000 for my home. This was based on a valuation of the property based on the previous year. At the time, the median house price in the area was \$1.25 million, and house prices were still going up.
- The valuation process was not transparent. It was all smoke and mirrors. My neighbour was initially offered \$30,000 more than me, but they challenged the valuation in the courts and ended up with \$400,000 more than me. That's what the judge decided. I know of another example, of a property in the next street being, being valued at \$1.3 million.

4. Relationship between RMS and Slater and Gordon

Ms Jensen reported concerns about the relationship between RMS and Slater and Gordon, legal team appointed Ms Jensen said:

- I really felt a great deal of pressure from my lawyer from Slater and Gordon. I feel I was pressured because their fee was contingent upon the settlement of my acquisition. I was being pushed, even though I was sobbing with anguish. It was like nothing to him. I felt under extreme duress. I felt the firm just wanted to settle and get their fee.
- It was not clear whose interests Slater and Gordon was working in. Me as the client, or RMS as the fee payer.

Attachments

- ABC Video – To be circulated.
- Sydney Morning Herald – Article and video. <https://www.smh.com.au/national/nsw/absolute-insult-for-st-peters-residents-turfed-out-of-homes-for-westconnex-20161018-gs4xbk.html>
- Daily Mail – Article and video. <https://www.dailymail.co.uk/news/article-3850908/Sydney-woman-loses-home-WestConnex-says-real-estate-agents-laugh-her.html>

**Submission re Inquiry: RMS and Westconnex
(d) the compulsory acquisition**

Dear Committee Members

Re: Campbell St, St Peters

RMS: the Grinch that stole my house at Christmas

Current Situation

I am devastated by the brutality of RMS and its lingering effects. RMS officers told me I would be able that I could stay in my neighbourhood. This was completely delusional. I was exiled to the Central Coast in late December 2016 from the city I love, Sydney.

Since being forced out of my home, I have been living in poverty. I have been so depressed I could not get out of bed so had no income. I was isolated, extremely depressed, unable to cope. A mortgage is not possible as my tiny income is insecure. I have not been able to gain work.

It was exacerbated by my suffering from Attention Deficit Hyperactivity Disorder (a life long illness) not diagnosed or treated before 2017. I take 3 different medications. I am old, disabled and exploitation by a

heartless, brutal culture of abuse and stinginess. A process of RMS, managed by .

I am now in Gosford, which I loathe. For example, Leaving Sydney at 5pm twice, coming back to Gosford I was stalked by a man on ice. At about 6.30PM the first time, a bus came, the second time I screamed so loud the police came but there was no arrest made. (There are about 3 drug dealing spots, I have to walk past to get from the train station to my bus stop. I can't go out at night for safety.)

History

I was summoned to a meeting by Manager of RMS, daughter of in late 2016. No reason was given. There was no agenda. I think 13 people were at a round table. There were no introductions. I had to ask the people their names and contact details. I felt like I was in a star chamber (the 17th century one). I have evidence to show handwriting. I was told I was being moved, and I had 2 months to find somewhere or "You are on your own." Homelessness was being threatened. There was no negotiation. A contract is often 6 weeks to settle. The time bomb was ticking. I was under extreme duress.

I saw image on line page showing horse riding, partying, living a champagne lifestyle, while heartlessly chucking innocent people out of their homes.

NSW Government was spending mega millions on legal defence. The Auditor General can show this and the river of gold from stamp duty.

There was a huge budget for an advertising campaign. If the process was reasonable it wouldn't have astronomical legal and PR bills.

Beginning

I discovered the WestConnex plan in a tabloid in 2014. It was insulting and frightening.

Community meeting in late 2014 with people from WestConnex and RMS. We were assured we would be given a fair price for our homes and we would be looked after.

Made fabulous mouse cake on my former stove (90 cm stove Italian stove I adored. (Now - small gas cook top and a tiny electric oven which I hate) I am a fabulous cook, but I have lost interest in that now.

I went to a community meeting with Slater and Gordon's, . He said he would fight for an absolutely fabulous settlement. The pitch was enthralling, the spin better than Shane Warne. He quoted settlements that excite Rockefeller. I engaged the firm. It was my Faustian descent in to hell, but I had not sold my soul to the devil.

The process was overwhelming. I had trouble sleeping, high blood pressure and so distressed that at one stage that I asked _____ of Slater and Gordon to stop the process. I believe he wanted early settlement. He and his law clerk _____ have left the firm. I was told by Slater and Gordon that they did not know where they went.

My stress was compounded by real estate agents laughing when I told them my budget of \$960 000 to buy in my neighbourhood.

I couldn't cope with it and was sobbing in despair most of the time. The Sydney Morning Herald, magazine, did an expose of the firm. Every 15 minutes of a solicitors time would be billed to a client. They were called "fee earners".

Slater and Gordon

A shocking example of my treatment is this: when as I was leaving the firm, _____, a legal assistant for _____ told me he had forgot to put my moving expenses in my claim, so I would not get the money for that. I burst in to tears.

A female solicitor, intervened. It was arranged that the Coffs Harbour office would handle my case. I did not realise the extra expenses that would accrue in extras. (phone calls and document delivery etcetera). I had to use a deposit bond, as RMS would not pay a

deposit and wanted vacant possession. A legal assistant, _____ handled now had my case. I do not know why I had an assistant not a solicitor.

Only last Christmas time, legal assistant _____ at Slater and Gordon (Coffs Harbour) emailed me on the weekend a nasty message accusing me of not paying a building inspection for a house report. I was ordered to pay immediately. I was extremely upset, as I have an impeccable record with bills. At this time, I was paying building reports at \$500 a pop.

Fortunately, I managed to find payment details as I was told to do a transfer from my bank account, which I did on the same day. It took weeks to find the details compounding distress when it was the incompetence of the building firm's accounting. There was no apology, which was no surprise. This sets the tone of the firm purportedly was acting for me.

I was trying to survive on a teeny tiny insecure income. There was endless vacuuming of my bank account. There were charges for many items: document delivery, including a mortgage bond, phone calls, building reports etcetera, with the result that on settlement money was reduced with an Everest of extra fees.

There was mega pressure to buy to bugger off. I had signed 2 contracts - lost holding deposits of about

\$8 000, which I paid - was not reimbursed. The firm paid for the first building reports. Cash was deducted, about \$20,000. I was in financial and emotional hell.

My house and interests

I had a close connection with my house and my community. My people are in Sydney. My interests are in Sydney. I had my house painted, inside and out. The floors were sanded. I had my modest art works on the walls. I had a sunny courtyard where I had planted olive trees, a kafir lime tree, a beautiful magnolia tree and a bay tree. Also, I could dry my clothes in the sun. Something that I cannot do now. When I left the olive, tree had started to fruit for the first time. My interests include the performing and visual arts. I loved my neighbourhood. I loved my terrace house. I loved attending Alumni events at the University of Sydney. I loved being near Newtown. I loved my huge Italian stove that baked my patisserie goods, my lasagna and my breads. (I have lost enjoyment of life.)

My visits now includes attending a support group for Attention Deficit Hyperactivity Disorder.) All my treating doctors are in Sydney. I do not attend most of those clinics now, due to the long travel times and dirty conditions and lack of seating on the trains. (No one has ever offered me a seat in either direction.)

(It was such a dreadful mistake. I was under immense pressure.)

Current Situation

I have lost enjoyment of life. I cannot afford to live in my current place in whoop whoop. The water is so expensive, and the strata fees are exorbitant. where I was forced out of Sydney as the settlement price was so low and I was under so much pressure by RMS and only given 60 days to buy and settle on a house. (When a contract takes about 6 weeks to settle, the bomb was ticking.)

The body corporate takes an average for each unit, so I am also paying (unaffordable) the same as an owner that has 7 people living there. I just hate it. The cost of the water rates and land rates astoundingly high. This council is not a member of the association that provides affordable rates. Therefore, the Energy and Water Ombudsman cannot assist me. Nor can Consumer Affairs. I have asked to see the mayor, she will not see me, nor communicate with me in any way. There is no response to my contacts. I have contacted the council many times they just go dead on it. The strata manager is not interested. Councillors will not respond. Local members offer nothing. It is real hillbilly territory.

The “SeaChange” (ABC series) character, Bob Jelly (a real estate agent) is representative of the council here. It has been described as the worst council in Australia.

I feel like I am living in a gulag. I was just a paper transaction to them. RMS and their culture have no

moral compass. Absurdly, RMS has a mission statement that boldly declares that it is an honest and ethical. This is completely delusional.

In reality it is the Machiavellian “The end justifies the means”.

You may wish to talk to _____ (RMS my handler who was aware of my mental state sobbing in anguish when I spoke to him by phone.)

The Process of Stealth

Initial offer from RMS of \$825,000 was rejected. (At the time real estate was booming.) RMS made a comparison with a house from the year before 2015. At the time it was October 2016. The median house price was over \$1 million and rising.

My home was assessed as 3 bedrooms when in fact it was 4 bedrooms with a tiny bit of work. My neighbour _____ was offered \$30 000 more than me. His terrace was 2 doors from mine and basically same. The Land and Environment Court awarded in excess of \$400 000 more than me.

There was a Land and Environment court award for a similar house near me. _____ (in Brown Street) of the WestConnex Action Group was paid double the amount I was offered. She took the RMS to court and got \$1.85 million, I only received \$960,000. It was unfair.

Slater & Gordon then negotiated with the RMS brought the offer up to \$900,000. RMS told me that they would offer me more even though it was not worth it.

I was then offered \$950,000 which I rejected. My lawyer, _____ said the offer was good. I was pressured to take it. I was so distressed. Later Slater and Gordon contacted me and told me the RMS offered \$960,000. I was told was the '**best offer I could get**' and should accept it. I felt under extreme duress.

I was threatened with a huge cleaning fee if the house wasn't 'spotless' even though the house was going to be demolished. The man who only identified himself by a first name spoke to me in the nastiest and threatening manner that I have ever encountered. I presume he was either a public servant or contractor. His manner, tone and words were not representative of the code of conduct of the NSW Public Service. I felt frightened. There was further pressure and intimidation. The process was adversarial. I was bullied.

I reluctantly accepted \$960,000. I could not stop crying. My hands were shaking when I signed the contract. My solicitor ignored my distress. I deeply regret it.

I was aware that a property down the road without a roof (uninhabitable) sold for over \$1.350 million. RMS had a comparison with a property in 2015.

I think Slater and Gordon had an improper relationship with RMS. RMS was cruel. For example, RMS had an old Vietnamese man arrested taken away for refusing to leave. What law he had broken?

RMS forced me out on 16 October 2016. Strangers came into my home to pack up my belongings, while a silent vigil occurred. I was interviewed by many sources of the media at the time.

I was put up (and had to put up with) at a small place at serviced apartments Camperdown. I called it the Swedish prison. No kitchen, with a room tiny and cell like. I could touch the walls easily from my bed. The only thing I could make was tea bag tea or instant coffee in a teeny tiny cup, with a little capsule of long-life milk. I was told I could go to a bigger place after some time, which was still horrible but bigger.

RMS had a thin veneer pretending to be of assistance. I was told I would be given help from a house buying expert. (Only 7 hours) She said she was removal expert. I asked her to help me bid at an auction but that was not possible.

My fate

Being in a state of distress and having a cruel and unrealistic deadline, I bought a unit in East Gosford which I hate. I could not afford to stay in St Peters, despite assurances from RMS staff.

I feel like I am in exile in Siberia.

You may wish to see the vast amount money, mega millions that the NSW government has spent in legal fees defending a cruel, mean, bullying model. It is a false economy lowballing home owners then paying millions defending their position in the Land and Environment Court. These are costs that would not exist if there was fair dealing.

I have always believed in the rule of law, the separation of powers, the responsibility and authority of government process, but I have only seen an immoral, Machiavellian, instrument of torture.

I believe that RMS and Slater and Gordon acted in an unethical way. Slater and Gordon and the RMS are perfect partners in crime. They are more interested in spreadsheets than bedsheets (money not people).

In my opinion it was an Orwellian nightmare of state sanctioned theft and one from which I cannot awake.