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**Inland Rail and the NSW Land Acquisition  
(Just Terms Compensation) Act 1991**

# Background

- IR is a Commonwealth Government project. They selected the Australian Rail Track Corporation (ARTC) to deliver the project.
- ARTC is an unlisted public corporation wholly owned by the Commonwealth
- The Commonwealth has entered into agreements with the eastern States to deliver the project. NSW in 2018.
- NSW agreed to provide in-principle support and facilitate the delivery of the project.



# The land role of Transport for NSW

- TfNSW has leased part of its rail network to ARTC.
- Inland Rail will form part of the leased network

This means for Inland Rail in NSW -

- ARTC as a corporation can undertake land transactions but is not an acquisition authority.
- NSW keen to ensure that landowners are treated consistently, fairly, equitably and that they receive entitlements in accordance with NSW policy, process and legislation.
- TfNSW must comply with the NSW *Land Acquisition (Just Terms Compensation) Act 1991* (LAA) and contingent Government mandated standards and practices.
- ARTC and TfNSW have an established agreement that sets out the roles and responsibilities for the two parties to enable compliance with the LAA. (Note: ARTC *Early access to land* via a licence or lease does not involve TfNSW).

# Land Acquisition (Just Terms Compensation) Act 1991 (LAA)

- All NSW Government Agencies must comply with the LAA when acquiring land for a Public Purpose (Project).
- Purchase of lands by agreement is strongly encouraged and an object of the Act .
- The LAA establishes the required steps to acquire land, including;
  - Rights and Obligations – empowerment and entitlement.
  - Preliminary – Minimum period of negotiation.
  - Hardship cases – Owner initiated.
  - Pre-acquisition procedures – Proposed acquisition notice.
  - Compensation – How it is assessed, the role of the Valuer General.
  - Objections and Appeals – Land and Environment Court.

# Land Acquisition (Just Terms Compensation) Act 1991 (LAA)

- The LAA establishes compensation provisions for landowners;
  - Sec 55 – determines the relevant matters to be regarded.
    - Market value
    - any special value of the land to the owner
    - any loss attributable to severance
    - any loss attributable to disturbance
    - the disadvantage from relocation
    - Increase or decrease in the value of other land adjoining or severed by the proposal

# Review and Reform of the LAA

- Around 2010 the NSW Government commenced a substantial increase in infrastructure projects and identified issues with acquisition of Land.
- David J. Russell SC was instructed by the Government to undertake a review of the LAA. After investigations and consultations a report was delivered in February 2014 making 20 recommendations.
- Michael Pratt AM completed a *Housing Acquisition Review in 2017* and the NSW Government responded to the 20 recommendations (“The Pratt Report”) that brought about changes to the LAA, setting minimum standards and practices for AA’s.
- Some of the reforms include; a minimum 6 months of negotiations before a compulsory acquisition commences, introducing a more generous allowance for *Disadvantage resulting from relocation*, and greater engagement and support eg personal managers for impacted landowners.

# The Centre for Property Acquisition

- Part of the Government reforms was the establishment of the Centre for Property Acquisition (CPA).
- The CPA provides Whole-of-Government operational support and guidance to agencies that acquire properties as part of their infrastructure projects.
- The CPA is responsible for ensuring that:
  - property acquisition processes are standardised and consistent across all of the NSW Government acquiring agencies.
  - property owners and residents are dealt with in a respectful and empathetic way throughout the acquisition process.
  - the centre continues to develop a customer-focused approach to property acquisition (Including mandatory Customer Relationship Reporting).

Link to CPA Website;

<https://www.propertyacquisition.nsw.gov.au/property-acquisition>

The site has Standards and Principles, Useful Information and Resources, including Publications, for example; The Pratt Report, LAA, Guides, NSW Valuer General's Role, etc.

# Questions?

