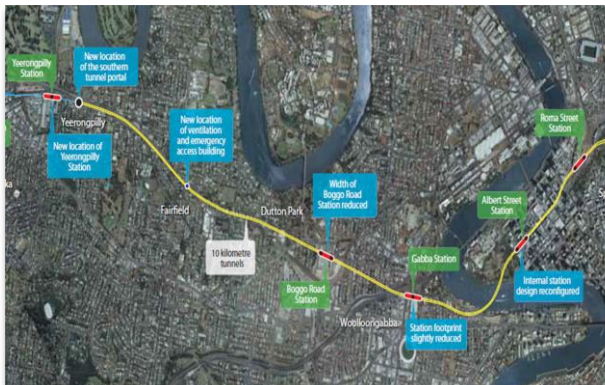


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“All reasonable legal fees to prepare and lodge a compensation claim are reimbursed to the land owner as part of their overall compensation payout....”

Have you received a Notice of Intention to Resume?

Getting a notice of intention to resume (“**NIR**”) your land from a government authority can be a very stressful event for a land owner. A land owner is entitled to be paid fair compensation for their loss suffered because of the resumption. The Acquisition of Land Act 1967 (Qld) (“**Act**”) gives a land owner the right to compensation.

The main steps of the compulsory land acquisition process are the NIR, objections to land acquisition, application to acquire land, resumption notice and compensation claims.

What are the steps of the compulsory land acquisition process?

Step 1: NIR

The NIR is served on all parties with an interest in the land such as the land owner, easement holder, lease holder and/or mortgagee.

Step 2: Objection

A land owner has 30 days from the date of the NIR to object to the proposed compulsory land acquisition. The land owner is responsible for any costs incurred in engaging professionals to assist them with the written objection or the hearing. If the land owner does not object, the Authority will proceed with a gazette notice and become the land owner from the Gazettal date.

Step 3: Application to Acquire Land

The Coordinator-General and the Minister will consider the compulsory acquisition and apply to the Governor in Council to resume the land. The Coordinator-General’s application to the Minister must be made within 12 months of the NIR date.

Step 4: Resumption Notice

If the Governor-General approves the compulsory land acquisition, then a resumption notice is published in the Queensland Government Gazette. Upon publication, the Coordinator-General becomes the land owner (or easement). Access and

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construction on the land can proceed before compensation is paid.

Step 5: Compensation

Claiming Compensation

Upon publication in the Government Gazette, a land owner can lodge a written claim for compensation within 3 years of the resumption notice publication date.

Engage Professional Services

Land owners can engage a registered land valuer to assess the property value and also appoint a solicitor to prepare and lodge the claim on their behalf. All reasonable legal fees to prepare and lodge a claim, are reimbursed to the land owner as part of their overall compensation payout.

Compensation Offer

The Coordinator-General will arrange and independent land valuation and then make the land owner an offer.

The land owner then chooses to either accept or reject the offer. If the land owner chooses to reject the offer, the parties will meet to negotiate a settlement. If the parties cannot agree on the compensation, either party can refer the matter to the Land Court.

Following the lodgment of a claim, an advance payment against the compensation can be requested in writing. This payment does not affect your right to have the matter determined by the Land Court.

Where to go for help

If you ever find yourself in this situation, our specialised team of lawyers can assist you to develop a strong case in support of any compensation claims. Do not expect that the government authority will be generous in any offers they make.

We can assist you with the preparation, lodgment and negotiation of your compensation claim.

All reasonable legal fees to prepare and lodge your compensation claim, will be reimbursed to you as part of your overall compensation payout – this means no cost to you.

Conclusion

If you are uncertain about the compulsory acquisition process or are being affected by the Cross River Rail Delivery Authority, please get in contact with us to discuss your specific requirements. It won't cost you anything to ask.

Disclaimer: This is generalist information only, and is not a substitute for legal advice tailored towards your individual circumstances. If you would like further information, please contact us.



MARK HARLEY

PRINCIPAL

Boss Lawyers

(T) 1300 267 711

(E) mharley@bosslawyers.com.au

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