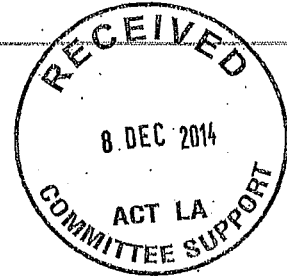


From: LAWLESS
Sent: Thursday, 4 December 2014 8:35 AM
To: Committees
Subject: Fwd: Feedback from jeremyhanson.net



Committee Chair

Please see my correspondence with the Leader of the opposition.

I write to raise a fundamental legal problem with the compulsory acquisition aspect of the mr fluffy scheme that appears to have been ignored by the government.

The government has foreshadowed that it will compulsorily acquire the larger blocks affected and has also foreshadowed that it will rezone them from single to multiuse. Thus increasing the values these blocks.

But rather than the government giving this increased value to the owners it plans to harvest the value for itself and thus thereby refuse just terms compensation to the affected owners.

This offends the Constitution and is grossly unfair.

Yours sincerely
lawless

Cheers

From ipad


Begin forwarded message:

From: LAWLESS
Date: 3 December 2014 8:55:37 am AEDT
To: HANSON <HANSON@parliament.act.gov.au>
Subject: Re: Feedback from jeremyhanson.net

Jeremy

If the government were to offer properties back at a higher rezoned price- at a high price no doubt set by the government - then I would say this is just a ruse. Designed to force people to give in and give up their properties. They couldn't afford to pay the rezoned rate and continue single dwelling usage.

The chief minister is quoted in the paper this morning as saying "The actual outcome once the costs are washed through wouldn't change significantly," she said. The government was also concerned that people on high-value land would be the ones opting to keep the land, skewing the result."

	A.C.T. LEGISLATIVE ASSEMBLY COMMITTEE OFFICE
SUBMISSION NUMBER	71
DATE AUTH'D FOR PUBLICATION	15/12/14

So she is saying the financial viability of the scheme depends on harvesting the value of the bigger blocks and not giving that value to the owners of those blocks.

So it depends on not giving them just terms under the Constitution!

As I said I have no involvement. It just looks unfair and illegal. Please get your lawyers to look at it.

Thanks for your time.

Cheers

From ipad

On 3 Dec 2014, at 8:35 am, HANSON <HANSON@parliament.act.gov.au> wrote:

My understanding is that under the government's plan owners will not be offered their blocks at the 'unzoned' price but will essentially be given the option to buy it back rezoned (potentially 25% more expensive than previous value). For most this will be unaffordable. I think that is problematic and may offend the constitution?

Regards

Jeremy Hanson

Jeremy Hanson | CSC MLA | Leader of the Opposition | Member for Molonglo |

Shadow Attorney General, Shadow Minister for Health, Police and Veterans' Affairs

| ACT Legislative Assembly | P: 02 6205 0133 | F: 02 6205 3017

| W: <http://www.jeremyhanson.net>

-----Original Message-----

From:

Behalf lawless

Sent: Wednesday, 3 December 2014 7:45 AM

To: HANSON

Subject: Feedback from [jeremyhanson.net](http://www.jeremyhanson.net)

Dear Mr Hansen

As a solicitor I write about a fundamental flaw in the ACT Governments Mr Fluffy scheme.

The government has foreshadowed that it will compulsorily acquire all the affected parcels of land and has also foreshadowed that it is intending to rezone some to allow multi dwelling use. While this re zoning increases the value of the parcels in question, the owners will only be given the lesser current single use value. Not only is this unfair, it offends the Australian Constitution which requires government acquisitions to be on just terms. Just terms would require compensation at the rezoned value.

At the very least I urge that you seek from the government it's legal advice on this point and you get your own advice. I predict that this will be a serious problem with the proposed scheme.

I have no involvement in this matter.

Yours sincerely

lawless