Mrs Giulia Jones MLA

Chair

Standing Committee on Justice and

Community Safety (Legislative Scrutiny Role)

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Dear Mrs Jones

I write in response to comments in the Standing Committee on Justice and Community Safety Committee’s Scrutiny Report 7 of 18 July 2017 with regard to the Lands Acquisition Amendment Bill 2017.

I have had the opportunity to review the report and advise that I propose to take the following actions to address the concerns raised.

On page 4 of the report, the Committee refers to section 106 of the *Lands* *Acquisition Act 2004*.  Section 106 permits the Executive or a private person who may claim compensation after their property has been compulsorily acquired to apply to the Supreme Court for a determination of the nature of the relevant interest and who holds it and also for the Supreme Court to make consequential declarations.

The committee raised a concern that, without amendment, section 106 would not apply to the new scenario proposed by the bill that no claim for compensation can be made once the Executive has made an offer of compensation.

I confirm the intention was to continue to permit an application to be made to the Supreme Court when the Executive has made an offer and the disapplication was inadvertent. A Government amendment of the bill will be prepared to ensure section 106 applies to the new scenario.

The Committee also refers to transitional provisions in the bill (new section 201) that apply to persons who have had their property compulsorily acquired but at the time of the commencement of the Act have not yet made a claim for compensation.  The bill proposes that in this case the persons will have three years to make a claim from the date of the commencement of the Act after which time the Executive can make an offer of compensation under new section 61A with the result that the person will from then on be precluded from making a claim for compensation.

The Committee raised a concern that the effect of this is that conceivably the proposed three year period could elapse without the interest holder being made aware of the time limit to make a claim.

As the Committee acknowledges, the bill does not preclude a fresh notice being given. However, to remove any doubt and address the Committee’s concern, a Government amendment of the bill will be prepared to require a notice to be sent to the persons in this transition scenario and for the three year period to run from the date of the notice.  Further, a government amendment will be prepared to provide that the Executive must send the notice within 14 days of the commencement of the Act. The notice will have the same content that would go to persons subject to a new acquisition post the commencement of the Act ie it will include a copy of the acquisition declaration, compensation form, and notice about the three year time limit and that the three year period runs from the date of the notice.

I trust that I have adequately addressed the Standing Committee’s concerns.

Yours sincerely

Mick Gentleman MLA

Minister for Planning and Land Management