

We Need Clarity on Land Resumptions

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Pictured: David Russell QC

Source: <http://www.davidrussellqc.com/>

Last week we looked at some basic principles of the law relating to compensation in the case of land resumptions.

There has been a lot of news lately concerning the fairness of the current system.

Many landowners are starting to speak out against the way that the law currently works as they see it as being unfairly weighted in favour of the government.

I support this outcry.

My view is that a lot of problems arise out of the attitude adopted by the people involved. I have had meetings on behalf of clients trying to get information from a government body so that we can assess the impacts of a resumption and the associated construction project that have ended up with us walking out and deciding that the authority itself actually had no idea what the impacts were likely to be.

I have also been in meetings when offers have been made that are so bizarrely low that all we could do was laugh.

The New South Wales government has recently come under fire for apparently suppressing the results of an inquiry, a government inquiry no less, by a respected lawyer, David Russell QC, that made recommendations about how to improve the system to make it fairer for landowners. The NSW government is presently involved in quite a few disputes in connection with the Westconnex project and the reports are suggesting the failure to release the report is related to this.

We saw last week that when someone has had their land or home taken from them there are legal principles that should result in a fair compensation calculation. But if those charged with negotiating with landowners are able to simply ignore those principles because they know that if they play hardball most people will not want to go to court, then there is something wrong with the system.

A responsible democratic system should not allow citizens to be forced into submission in a fight they have become involved in but did not start.

I for one support the immediate release of the Russell report and a review of the law in this area at both a national and state level.

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