

## QUESTION ON NOTICE

No. 916

asked on Tuesday, 14 June 2011

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MR MALONE ASKED THE MINISTER FOR ENVIRONMENT AND RESOURCE MANAGEMENT (MS JONES)—

QUESTION:

Now that the Stanwell to Gladstone Infrastructure Corridor has been registered on landholder property deeds, will the Minister advise the (a) timeline for compensation to be paid to landholders and (b) criteria used to determine the amount of compensation to be paid to landholders?

ANSWER:

The Treasurer and Minister for State Development and Trade is the responsible Minister for this matter.

On this occasion, I can provide the answer below. I would suggest that in the future questions regarding this matter are directed to the Treasurer and Minister for State Development and Trade.

- a) Once the Coordinator-General has resumed land under the *State Development and Public Works Organisation Act 1971* using the processes for the taking of land and assessment of compensation in the *Acquisition of Land Act 1967* (the Act), affected landowners are entitled to make a claim and be paid compensation for the taking of easements.

The Coordinator-General has made offers of compensation to all affected landowners and has invited claims for compensation to be lodged. The Act provides up to three years from the date of the taking of land to make a claim. Once landowners make a claim, negotiations to reach a settlement are initiated. A set timeframe cannot be ascribed to a process that requires both parties to agree. There is no time limit for finalising compensation however the Act provides for an affected landowner or the Coordinator-General referring the matter to the Land Court to determine compensation once a claim has been lodged.

- b) For the assessment of compensation payable for the easement taken, the Coordinator-General has appointed an independent valuation firm who operate within that region. That valuer is required to assess compensation payable in accordance with the Act. Such assessment must take into consideration factors relating to the loss of land, or use rights, in the case of easements, and any injurious affection to the balance land, plus a number of disturbance items as nominated in the Act and as established by Court precedents.

Landowners have been advised to seek professional legal and valuation advice. Reasonable professional fees incurred by landowners for the preparation and filing of a claim will be paid as part of a settlement.

In the event the claim from the landowner differs to the assessment provided to the Coordinator-General, each party can negotiate in a meaningful manner to establish whether an agreement on compensation can be reached. At any time after a claim has been lodged, a landowner can request an advance of compensation which will be paid by the Coordinator-General within 90 days.