ABSTRACT

Compulsory Acquisition of private property rights is a process which demands increasingly high levels of transparency by the acquiring authority as agency for the government and understanding of process by the dispossessed owner. Increasingly, major infrastructure projects require short timeframes for completion, which flows from the land acquisition stage onwards throughout the construction phase to the ribbon-cutting completion. Shorter land acquisition time periods, often with implication for increased penalty payouts where delays are experienced, have reduced the capacity for acquiring authorities to negotiate with and inform landholders. One such project in Sydney is known as Westconnex, a major inner-city motorway from the Sydney CDB, and has suffered a litany of poor press. The Westconnex experience has highlighted significant deficiencies in the traditional process of acquisition, which has resulted in legislative change.

The purpose of this paper is to examine the current compulsory acquisition process in New South Wales and lessons that can be learned from the Westconnex project which could have wider application. This paper demonstrates the significant flaws in the current acquisition process, which resulted in changes to the Land Acquisition (Just Terms Compensation) Act, 1991. Crucially, the paper examines whether these changes have been fundamental or merely cosmetic.

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