



## Compulsory Acquisition of Your Property – new compensation processes now in force

**Date: Friday August 14, 2020**

On 2 July 2020, significant amendments made to the *Land Acquisition Act* dealing with compulsory acquisition of land came into effect in South Australia.

Whilst many of these amendments deal with procedural changes, many of the changes were made on the recommendation of a parliamentary Select Committee which examined processes used by the government in acquiring properties for the north-south corridor in Adelaide.

Some of the more significant changes include:

- Compensation for emotional distress;
- A lump sum to cover professional fees (legal and valuation);
- Compensation for residential tenants forced to move; and
- Payment of transfer costs for a replacement property.

## Daenke Lawyers Submission to the Select Committee

John Daenke made submissions to and appeared before the Select Committee. He also commented on many of the proposed changes when the amendments were introduced.

One significant change he advocated was the introduction of a solatium payment for the emotional distress caused to people who resided in properties compulsorily acquired by the state government.

# Additional compensation now available

Additional payments of up to ten percent of the property value, capped at \$50,000.00, will now be made to displaced owner-occupiers.

Provision is now made for residential tenants to be paid compensation of up to \$10,000.00 if forced to move.

An allowance of up to \$10,000.00, payable at an early time, will now be made to cover professional fees for legal and valuation advice to assist claimants to get appropriate advice.

Where the government acquires ownership of the property, it must pay the landowner who buys a replacement property of a similar kind within 12 months of acquisition, the stamp duty and registration fees payable on the transfer of the replacement property up to those applicable on the value of the property acquired.

The amendments require claimants to respond to a formal offer after acquisition within six months.

One interesting amendment allows an acquiring authority to acquire underground land for the purpose of constructing tunnels, but compensation is only payable if a landowner has water infrastructure (a well) which is affected.

If you receive a Notice of Intention to Acquire your land, or the land on which your business is operating is compulsorily acquired, then contact John Daenke. John has significant expertise and experience with assisting people adversely affected by compulsory land acquisition.

Daenke Lawyers

08 7477 8440

reception@daenkelawyers.com.au

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