



Approach to property acquisition in Queensland

FACT SHEET

QLD

Approach to property acquisition

This fact sheet is a general guide about the property acquisition approach the Australian Rail Track Corporation (ARTC) will follow for Inland Rail in Queensland.

How will land be acquired for Inland Rail?

Property acquisition processes in Queensland are guided by state laws. Different processes and legislation applies to property acquisition for Inland Rail in other states.

In Queensland, most of the land required to deliver Inland Rail will be compulsorily acquired (resumed) by the Department of Transport and Main Roads (TMR) on behalf of the Queensland Government. The resumption process will be carried out in accordance with the *Acquisition of Land Act 1967*. This legislation sets out the process for acquisition, landowner rights and the assessment of compensation.

When will the compulsory land acquisition process commence?

A critical requirement for advancing Inland Rail in Queensland is for the Queensland Coordinator-General to accept the draft Environmental Impact Statement (EIS) as final and release a Coordinator-General's Evaluation Report for each project.

The Coordinator-General's Evaluation Report will consider whether the project can proceed, subject to further approvals or specific project requirements.

Formal land acquisition processes to secure the rail corridor and access to land for construction will not commence until a final EIS is accepted and the Evaluation Report has been released.

While the current design may show the rail alignment passing through a particular property, it may take some time to confirm whether part of or all of a property will be required for the project. The alignment may also change as a result of community consultation or the EIS approval process.

What happens if I am affected by a compulsory acquisition?

Finding out your property is proposed to be resumed can come as a shock and can be a confusing and challenging time for landowners.

If a compulsory acquisition is proposed for land you hold, you will receive a notice of intention to resume.

ARTC will work closely with TMR during the compulsory acquisition process to ensure you receive the appropriate project information and address any questions you may have.

Some aspects of the compulsory acquisition process can be complex. TMR is available to assist landowners on any resumption matters.



When should I engage a lawyer?

You will be advised by ARTC during the community consultation process if your land is required for the Inland Rail Project. It is not necessary to engage a lawyer at this stage of the process.

The service of a Notice of Intention to Resume is the first formal step in the compulsory acquisition process. If you receive a Notice of Intention to Resume, it will also be accompanied by further information about the compulsory acquisition process and your rights to claim compensation, together with details of a contact person to answer any of your queries.

If you receive a Notice of Intention to Resume, you may wish to seek specialist legal advice at that time to ensure that you are aware of your legal entitlements. Legal expenses incurred prior to the issue of the Notice of Intention to Resume are unlikely to be recoverable.

How will I be compensated?

If land is compulsorily acquired, you will be entitled to claim compensation for the loss of the legal interest you hold in that property.

Rights and entitlements of landowners and interest holders are determined in accordance with the *Acquisition of Land Act 1967*. Compensation will normally include payment for the market value of the property and reimbursement of disturbance items (e.g. for costs reasonably incurred by the landowner, such as legal and valuation fees). Other types of compensation may be applicable depending on individual circumstances.

More information

For more information on land acquisition and compensation matters please visit TMR's website tmr.qld.gov.au/community-and-environment/property-information/land-and-property-resumptions

This fact sheet is intended to provide general information about the land acquisition process for Inland Rail in Queensland. It should not be treated as legal or commercial advice.

Want to know more?

ARTC is committed to working with landowners, communities, state and local governments as a vital part of our planning and consultation work, and we value your input. If you have any questions or comments about this fact sheet, please let us know.

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ARTC

The Australian Government is delivering Inland Rail through the Australian Rail Track Corporation (ARTC), in partnership with the private sector.

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