

PLACE ATTACHMENT AND DISPOSSESSED HOMEOWNERS IN QUEENSLAND INFRASTRUCTURE PROJECTS: THEIR HOME IS THEIR STORY

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ABSTRACT: The acquisition of land undertaken for public purposes has left many residential property owners deprived of their homes and meaningful opportunity to rehouse. The response and subsequent framework developed by government have been to address such loss by payment of market value with other heads of compensation for incidental loss, with a top-up of solatium for good measure in some states. This form of compensation does not recognise that dispossessed owner's homes are their story. The absence of understanding their loss has led to gross dissatisfaction towards government and the public purposes for which land is acquired.

This paper defines the meaning of place attachment and the factors that impact dispossessed property owners in Brisbane and the Gold Coast Queensland. Interviews with acquiring officers and dispossessed homeowners demonstrate the complexity of cases, the lack of preparation and the limitation of skilled professionals within the acquisition process. It illuminates the underlying budgetary blindness of government by substituting place attachment with monetary compensation. It sets out the factors that account for loss and the equivalence needed through a dispossessed owner's lens. It defines the factors that government has recognised should be reformed, but yet to be adopted in achieving acquisition by agreement.

KEYWORDS: Land acquisition, solatium, place attachment, dispossessed owner.

1. INTRODUCTION

The compulsory acquisition of land is undertaken by each level of government in Australia, with the states responsible for over 80 per cent of all acquisitions of which the acquisition for transportation is the dominant purpose (Russell, 2014). Each state has acquisition legislation that addresses relevant heads of compensation payable and overarches the operation of the various government agencies undertaking acquisitions. It is highlighted by Brown (2010, p. 3) that across Australia ‘none of the nine statutes governing land acquisition are a model of excellence,’ and that while the legislation was generally adequate, it is the ‘factual complexities surrounding the tasks for claimants, administrators, valuers and the courts’ is where the challenge arises.

Across the capital cities of Australia, Mangioni (2019) highlights that current legislation has been suited to the acquisition of land in an evolving city environment, where traditional public purposes precipitated the need for land to be acquired for infrastructure, health, education and transport. Since the early 1990s, many of Australia’s capital cities have moved from the initial phase of land urbanisation, to a more complex rationale encompassing the regeneration and re-urbanisation of some locations and land uses (Property Council of Australia, 2010). As summarised in Table 1, the complexity of acquisition on total and partial bases and the emerging purposes for which land is acquired, results in the need for principles that clearly define and adequately compensate dispossessed owners. This highlights the need for compensation to address the reality that market value assumes that the dispossessed owner is a willing but not over-anxious seller, but does not address the parity of value of their property to them.

Table 1. Acquisition Types Purposes and Principles. Source: Mangioni 2019.

Acquisition Type	Acquisition Purpose	Basis of compensation
Total – Piecemeal Method	Traditional – Infrastructure roads, health and utilities.	Market Value + Solatium + Items of Disturbance
Partial – Before and After Method	Non-traditional – housing, retailing and production.	
Existing compensation		Required Compensation
Existing / outdated application of the Principles of Compensation		Reinstatement = Parity of Value

Overwhelmingly and encompassing the administrative and legislative complexity of land acquisition, Mangioni (2018, p. 158) states “that while legislation provides important scaffolding in the land acquisition phase, it

is the practices of acquiring authorities that ultimately determines the success and acceptance by impacted property owners.” This paper demonstrates the gap between land acquisition statute in Queensland and how it is applied in meeting the needs of dispossessed owners, which is reflected in the approach used by government, which is examined. The sections that follow define place attachment and the intricacies involving impacted property owners in the acquisition of homes across two large infrastructure projects. The Brisbane Airport Link constructed between 2008 and 2012 and Gold Coast Light Rail projects constructed between 2011 with stage 4 ongoing, lay the foundations for the interviews of property professionals involved in the acquisition process and commentary from dispossessed property owners impacted by the development of these projects.

2. LITERATURE REVIEW

The literature review that follows defines the evolution of place attachment and solidifies its importance in the assessment of compensation of dispossessed owners. This is followed by a review of the reforms introduced to assess compensation for loss other than the market value of a home and defines the gap in Queensland’s statute and application of its processes. It sets out the attempts by government to quantify the loss in addressing the gap between market value and the loss of place attachment that increasingly cannot be replaced solely through monetary compensation.

Place Attachment

Place attachment is defined as “an effective bond or link between people and specific places,” (Hidalgo and Hernandez, 2001, p. 273), that comprise places that might be only as large as a few streets or a neighbourhood (Parker and Doak, 2012). It does not appear to be restricted to culture, age of the persons concerned, or socio-economic grouping (Jack, 2010; Livingston et al., 2010). Indeed, writers describe such bonds spanning from Canada to the UK and Scandinavia to Ireland and examine these bonds as being cross-cultural (Williams and Kitchen, 2012; Jack, 2010; Andersen, 2011; Corcoran, 2010). Even in times of increasing cultural and ethnic diversification of contemporary societies, a sense of place can result from the formation of communities of belonging which are not limited to the narrow ethnicities or class identifications of the participants (Antonsich, 2010).

The first significant research undertaken of displacement from the human attachment to place was undertaken by Fried (1963). This research investigated the psychological effects of the forced relocation of the population of the West End, a suburb in Boston. The study was conducted utilising interview techniques to gather data prior to and two years after the relocation to determine the psychological impacts of the displacement. It found the reactions of many of the interviewees resembled the sorrow experienced after the loss of a loved one. Fried found that forced transfer from a place of residence caused an interruption in the individual's 'sense of continuity' and fragmented two essential components of identity: spatial identity and group identity. These translate directly into the impacts of displacement as being the severance of attachment to residence and severance of attachment to community.

Williams and Kitchen (2012, p. 257) "tie this displacement directly to adverse health outcomes." A sense of place can build social capital, social inclusion and social cohesion; destruction of a sense of place, including by removing a person from a place in which he or she feels comfortable, is, they argue, associated with self-assessed problems in health, including mental health (Williams and Kitchen, 2012). Kasarda and Janowitz (1974) conducted several significant studies of community attachment and sentiment in 1967 in the UK. Community attachment was measured using three variables: 1) feeling of belongingness to place of residence, 2) interest in neighbourhood activities, and 3) the pleasure or displeasure experienced by moving and rootedness and sentiment (Janowitz 1974). The study utilised several independent variables, community size, population density, length of residence, and socioeconomic data. In particular, the length of residence was closely correlated with the feeling of belongingness, and to sorrow at moving from a community, both of which were linked to age of the displaced homeowner. The older they were, and the longer they had lived in the home and the community, the greater the emotional attachment and the greater the impact of the displacement.

These impacts raise likeness to Maslow's hierarchy of human needs to which Ahmed (2018, p. 5) sets out a summary of the five levels of needs as follows:

"The needs described as the most prepotent are physiological needs which include breathing, food, water, sex, sleep, homeostasis, and excretion. The next set of prepotent needs is safety needs such as security of the body, employment, resources, morality, the family, health, and property. Love and belonging are the next tier and includes friendship, family, and sexual intimacy. Next are esteem needs which are self-esteem,

confidence, achievement, respect of others and respect from others. Self-actualization is considered by many to be the peak of the hierarchy and the needs are described as morality, creativity, spontaneity, problem solving, lack of prejudice, and acceptance of facts.”

In line with Maslow’s Hierarchy of needs, Relph (1976) proposed that “Attachment to a place is considered a fundamental human need”. Several place attachment authors have described the concept of place to include three key dimensions: physical (form and space), functional (activities), and psychological (emotion/cognition) (Klatenborn, 2002; Knez, 2005; Lewicka, 2010). It is the emotional attachment that transforms a space into a place and a house into a home. A home is defined as “a place of rest from which we move outward and return ... a place of security within an insecure world, a place of certainty within doubt, a familiar place in a strange world” (Dovey, 1985, p. 35). A neighbourhood is therefore a collection of homes and other significant places which together form a collective representation through symbolic markers that help with personal identification in the context of where people live, where becoming accustomed to a sense of stability and social mix can help generate social feelings that emotionally bind a person to a place (Corcoran, 2010; Livingston et al., 2010)

A neighbourhood created with others is a shared collective memory based on length of residence, and it feeds into a positive disposition towards place. “Social, public, collective memories are stored and transmitted in and through places”, and this process is “heavily relied upon for helping to delineate an inclusive suburban community.” Corcoran (2010, p. 2537) states “People become emotionally attached to places if these places support their self-identity”. Williams and Kitchen (2012, p. 257) add that long-term residents living in their neighbourhoods for 20 years or more had significantly higher ‘sense of place’ scores than did those who had lived in their neighbourhood for a shorter period. This point is significant because a “sense of place in turn helps to cement social embeddedness which acts as a bulwark against isolation and alienation” (Corcoran, 2010, p. 2537).

It is a common theme that the stability of a neighbourhood is one of the things which gives residents a sense of place as discussed by Fee (2006, p. 783):

“There has always been something uniquely personal about one’s own [i.e. owner-occupied as opposed to leasing someone else’s investment property] home, making it different and in a sense of higher value than other forms of real property, although it might not appraise as such.”

Residential instability often brings about other forms of instability in families because, although moves begin with a desire to move and are, for the most part, rational, deliberate, and planned, the involuntary nature of forced displacement has been linked to a wide array of social and health disparities (Desmond et al., 2015). It follows that the disruption that would flow from a person's having to leave an area as a result of a compulsory acquisition (i.e. against the person's will) would not only destroy that person's sense of place it also goes some way in destroying her, or his, existing self-identity (Livingston et al., 2010; Williams and Kitchen, 2012). According to Desmond et al. (2015, p. 227) the process of children changing schools and having to make new friends, adults needing to integrate into new neighbourhoods, and other traumatic perceptions of instability resulting from forced mobility, compromise the life chances of adults and children. The resulting trauma has been associated with material hardship, homelessness, and substantial mental health problems (Desmond et al., 2015 p. 230).

Status of Reform for Compensation Beyond Market Value of Property Acquired

Current provisions for parity of compensation in addition to market value generally operate under two heads of compensation in Australia, these are Disturbance and Solatium. The latter being a gratis payment for item that are deemed to account for non-financial loss. As set out in Table 2, these heads of compensation vary across state jurisdictions. In addition to their operation in Australia, they exist in various forms internationally. It is noted the main divide in the provision for solatium, is a fixed amount versus a percentage of the total compensation, of which 10 per cent is used in Victoria and Western Australia. In contrast, New South Wales (NSW) has a fixed sum to which an amount may be awarded up to the full amount, to which Brown (2009), states is primarily dictated by the length of time a resident has lived in the acquired dwelling.

In Hong Kong where redevelopment has proliferated since the 1970s, Mangioni (2019) refers to an alternate safety net known as the Home Purchase Allowance (HPA). The Home Purchase Appeals Committee (2007) sets out provisions for domestic property being an ex-gratia HPA based on the replacement cost of a notional seven years old property in the same location as the acquired property. This provides some recognition of the issues facing dispossessed parties and a measure of restoring dispossessed parties with an alternate property within the same location.

The Hong Kong model is a tangible step towards reinstatement compensation.

Table 2. Legislative Provision of Solatium and Disturbance Across Australia. Source: State, Territory and Commonwealth Land Acquisition Statutes.

Jurisdiction	Solatium	Disturbance	Reinstatement
VIC Land Acquisition & Compensation Act 1986	Up to 10% of total compensation	Section 41 Professional costs	Section 42 Purchase or intended purchase
Qld Acquisition of Land Act 1967	No Provision	Section 20 Reasonable professional & financial costs	No provision
NSW Land Acquisition (Just Terms Compensation) Act 1991	Up to \$27,250 to \$75,000 from 2017	Section 59 Items reasonably incurred for relocation, finance and acquisition costs.	No provision El Boustani case has assisted
South Australia Land Acquisition Act 1969	No Provision	Section 25 Not detailed	Section 25 Similar to disturbance
Western Australia Land Administration Act 1997	Up to 10% of total compensation	Section 241 Removal & professional	No specific provision
TAS Land Acquisition Act 1993	Limited circumstances	Section 27 Reasonable costs	Section 31 Where no market
ACT / Commonwealth Lands Acquisition Act 1989	Yes, as decided by the authority or court	Section 55 Reasonable expenses	Section 58 No general market

In New Zealand, solatium for the purchase of a dwelling has recently increased from NZ\$2,000 to up to NZ\$50,000 in 2012. Mangioni (2019) states that the \$2,000 figure had not been updated since 1975 and it was

decided that an increase was required to modernise the amount. Rather a set amount, the solatium is now on a sliding scale and provisions are currently being drafted within the legislation to set out the criteria to determine how much is paid in each case. One option is whether a component of this solatium could be paid on early agreement i.e. within 6 months of negotiations commencing, (Land Information New Zealand. Pers Com, 2013). In addition, a new land-loss payment will be introduced, at 10% of the land value acquired to a maximum of NZ\$25,000 for any one property (and minimum of \$250). This reflects the view that an owner suffers disruption not just from losing a home but also if land is taken. If there is more than one owner, or more than one interest (e.g. freehold, lease) then the land loss payment is to be divided between those qualifying owners (Mangioni, 2019).

The 2014 report into the system of compensation for compulsory land acquisition prior to the introduction of the amending NSW legislation, Russell (2014) nor the relevant minister, when introducing the amending legislation into the NSW Parliament, gave any justification for the existence of solatium as a matter of public policy (NSW Parliament, 2016). Each merely sought to justify the increase in the maximum amount payable to disaffected landowners in the form of Solatium. There has, therefore, been no public discussion since the publication of the Scott Report in 1918, based on any type of social research, as to whether solatium, as a statutory right, ought to exist at all or other more tailored measures would be more suitable. It is noted that while Solatium is void in Queensland legislation, there is no definable research or reports commissioned reviewing its appropriateness in assessing compensation of dispossessed property owners.

3. RESEARCH DESIGN AND METHODOLOGY

Research design refers to the approach used to conduct research in which semi-structured interviews were developed and used to collect primary data on the impact of the land acquisition process on homes in Queensland. Interviews are generally used in conducting qualitative research, in which the researcher is interested in collecting data or gaining insights into or understanding of opinions, attitudes, experiences, processes, behaviours, or predictions (Rowley, 2012). The semi-structured format is sufficiently structured to address specific topics related to the phenomenon under investigation while leaving space for participants to offer new meanings and ideas to the study. The advantage of this research is that the semi-

structured interviews are designed to centre on ascertaining the variables that determine attitudes of homeowners, which are largely unknown.

The primary data for this study were captured using face-to-face semi-structured interviews of which property officers for the acquiring infrastructural authorities and dispossessed homeowners were interviewed. An open interview technique can produce a valid and reliable set of responses. However, it is heavily dependent on the type of question, and the manner in which questions are asked and the responses solicited from the interviewee (Holden, 2004). Semi-structured interviews allow interviewees to add detail and the interview does not follow a fixed list of questions, or ask questions in the same pattern. The choice of semi-structured interview allowed for a much more personal interaction despite the complexity, making the experience more social and comfortable, and an ideal approach for in-depth qualitative analysis since it encourages uninhibited expression.

The interviews with dispossessed homeowners responded to requests for interviews, together with interviews of property officers sought ideas, context, stories and themes, tapping into unique knowledge and experiences. In Queensland, there are not a large number of professionals practising in land acquisition, with all compulsory acquisition actions for transport infrastructure proceeding through the Acquisition of Land Act 1967, administered by The Queensland Department of Transport and Main Roads. As a result, the sample size was limited to the number of individuals involved in compulsory acquisitions associated with that department. They comprised a number of professions including solicitors, departmental officers and valuers working with that department in the area of compulsory acquisition. These professionals are classed as property officers in undertaking the acquisition of property. Of the possible total population of interviewees, 40 were approached to participate in interviews, of which 12 responded and proceeded to an interview.

The interviews have additionally been designed to contrast the findings of the professionals experienced in compulsory acquisition practice, with those of individuals who experienced displacement as a result of the compulsory acquisition process. Responses from a population of approximately 100 formally dispossessed owners were sought of which 32 dispossessed homeowners accepted and were interviewed. Dispossessed householders' names were obtained from Government Gazette, a public record of compulsory acquisition actions in South East Queensland Road and Rail Infrastructure projects between 2008 and 2016, and each person on the list who was contactable was invited to participate. The detailed interview was designed to contrast the findings of professionals

experienced in compulsory acquisition practice, compared to those of individuals who had experienced displacement as a result of a compulsory acquisition action.

The aim of the interviews is twofold and focused on the following primary factors:

- From homeowners, it is expected that it will be possible to investigate the impacts of a compulsory acquisition and displacement from a home.
- From professionals, given the experience of interviewees, it will be possible to discover and discuss voids in the process and define compensation options and strategies to assist owners dispossessed of their homes.

To create an appropriate narrative which was sufficiently robust to provide for the drawing of inferences and conclusions, Rowley observed, “a good rule-of-thumb for new researchers is to aim for around 12 interviews of approximately 30 minutes in length, or the equivalent, such as six to eight interviews of around one hour.”(Rowley, 2012, p. 260) Interviewees were asked, “How has the compulsory acquisition process changed your everyday routine and activities?” and were prompted to discuss their typical days and important valued activities as defined by Antonsich (2010, p. 119). They were prompted to discuss how their lives had either improved, or become more difficult, in that context. There was an opportunity for the researcher to ask individualised questions intended to explore particularly interesting or ambiguous initial responses as defined by Morgan (1998, p. 362). In most cases, the final open-ended question asked was: “What additional information would you like to provide to explain these responses?”

Interview recordings were transcribed verbatim, with data analysed and grouped supporting the themes that emerged. This development allowed the researcher to explore both interconnected and distinct aspects of those phenomena, and developing the themes most relevant to home owners. It further elaborated aspects of the acquisition process that may in part be addressed through improved ‘educational development’ of officers in their interaction with homeowners during the acquisition process as defined by Greene et al. (1989, p. 255). From the responses, the themes impacting owners emerged from their experiences, which began to illuminate the basis for how the process could be managed, in assisting impacted homeowners relocate.

4. RESULTS AND DISCUSSION

The two primary lines of discussion on which the findings are determined to focus on defining the problems encountered in the land acquisition process and secondly what reforms and remedies are required to minimise these problems in addressing the needs of dispossessed owners. In examining these two points, we commence with the feedback and views of government property officers, being the first group interviewed and are followed by the interviews with dispossessed owners.

Acquiring Officer's Responses and Commentary

The commentary distilled from acquiring property officers undertaking the acquisition of land results in a number of themes that articulate the complexity of their role and address the question about the adequacy of compensation and the emerging problems that impact dispossessed owners. The first component of the interview focused on defining the actual problems and challenges they viewed as contributing to the opposition of the acquisition process.

Quantum of Compensation

The matter of adequate compensation is vastly impacted by the location of the property, of which acquiring officers highlighted that many of the acquisitions are of property in marginal value locations and state:

“Normally, it is homeowners who are situated on main roads, or adjoining railway lines that are affected. Typically, they are the cheapest ... property type within an area. Their ability to reinstate themselves with market value seems to be a big challenge for them ... They're basically forced to buy another ... sub-optimal location, but they have to then buy again on the main road ... that's what market value does.”

Closely related to this point are features of the property that owners have become accustomed to that may not be found in a replacement home. Factors that are unique and may not convert into monetary value and are not replicable in a replacement property. This was defined by one officer which may relate to the house or the land on which that dwelling sits and states:

“Sometimes there's unique issues associated with property that create difficulties for owners in accepting that they can have something that's going to be similar to what they currently have.”

This led the officer to conclude that in many cases, compensation is assessed on a house and not a home, the latter reflecting all the tangibles that have value to the owner that become apparent over time and are subtle, they do not necessarily exist in the value of what is defined as a comparable property on which monetary value is ascribed. These factors are physical and while hold value to the owner, are not replicable in alternate homes or the sales evidence used to determine the value of the acquired home.

It was further highlighted by this interviewee that a sum up to \$20,000 should be offered in addition to the market value of a property to adequately compensate for factors that were not readily or easily definable and were better aligned with value to the owner. This sum also included not being able to relocate within the location they were living prior to being dispossessed. This additional sum, albeit an arbitrary sum, is not clearly defined against the physical attributes of the property or its location. It was also stated that this loss begins to morph into a non-monetary compensable component of the value that binds an owner and their community.

“It's a very emotional sort of thing particularly for home owners. Once you get over the hurdle and if they are accepting of the process and loss, then it comes down to obviously compensation and their perception of what should be included. Sometimes that's not always within the parameters of what we call disturbance or acceptable items of disturbance.”

One officer went so far as to say that ‘voiding’ householders — that is, removing them from their community — did serious damage, and amelioration was a “really important part of trying to put people back in the same position as they were.” The general view was that this was not particularly important for “the younger people [who are] much more mobile” but “for others ... it's almost an attachment to where they live to that property because it's been in their family for a long period of time.” In those cases, a typical view was that “the social, community, psychological [factors], those aren't addressed at all in the legislation and would be difficult to address on a monetary basis in most circumstances.”

However, this does not mean that it cannot be assessed, or that the impact cannot be predicted, to which it was stated:

“It's often a combination of the amount of compensation as well as those concerns about moving away from family, community, kids leaving their schools and friends and all that sort of stuff. The negative social consequences.”

The majority of the professional interviewees were aware of the difficulty of fully compensating dispossessed homeowners in circumstances where, to paraphrase one interviewee, the monetary

compensation does not, in the eyes of the dispossessed owner, cover the emotional loss. This was particularly the case “where people have been in those communities for long periods of time, we're talking about individuals that might be sixty, seventy years old ... it's quite traumatic for them to pull up stumps and go somewhere else.”

One officer expressed the contrary view, “I have my doubts that it can be achieved on a monetary basis. Emotional elements in many acquisition matters ... aren't addressed within the present legislation and would be difficult to address just on the basis of some monetary payment. For this officer, that seemed to be sufficient justification for not making monetary payment in respect of the emotional element at all. The majority of property officers indicated that it was acceptable to make payment of solatium, but there was no clear opinion as to who ought to receive what amount. A view offered was that “65 per cent of displaced persons were happy with the amounts they had received and many of the rest were just being difficult, it followed that additional assistance was not merited.”

Impact of the Acquisition Process on Dispossessed Owners

The line of discussion then turned to what degree did the attitude of the resuming authority impacted negatively on them in their dealings with dispossessed owners, and resulting in negative escalation. Two views expressed by officers on this point follow:

“A problem with the process is the owner is not entitled to any compensation or even an advance against a compensation until such time as the property is resumed from them. Even once resumed from them, they find quite often that they can't get an advance against compensation until such time as they make a claim for compensation ... on many occasions where it is the resuming authority that's taken the initiative to take someone's property from them, but then refuses to provide any advance until the dispossessed owner takes their steps in the process.”

“Most often there is little financial assistance offered to the dispossessed owner apart from after he makes a claim for compensation, at which point he is entitled, under the legislation to receive an advance against that compensation. That may not even include the fees incurred by the dispossessed owner, and payment for those fees reasonably incurred is usually at the discretion of the resuming authority. Sometimes they take the attitude that they possibly exploit the power of the constructing authority and putting too much onus of proof on the dispossessed

owner to prove their claim. As a result of that I think that they lose the compassionate side of the process. It comes down to a more or less, 'win at all costs' approach from them."

A not uncommon view taken by those working for resuming authorities was:

"I think the framework ... for fair and equitable compensation ... is already there ... [but] it's on a case-by-case basis. It's really up to ... the consultants for the claimant, and the consultants for the constructive authority [to ensure that occurs] ... If someone, for example, is suffering emotionally or psychologically, or is put in family stresses, that's well outside the scope of what I [as a valuer] ... am engaged to do, to concern myself with. Whether those things have been catered for ... I don't know because I'm not involved in that part of the process."

There is a perception that the role of a property officer is to reduce the liability, in economic terms, of the authority, with anything else, such as reducing the pain and suffering of people being 'moved on', fell outside the ambit of their role. The fact that the only method of appeal was to take the matter to the Land Court was a concern for several professional interviewees.

"[S]o many dispossessed owners ... [s]ee their losses on the emotional side as something that they can't be properly compensated for, and irrespective of the ex-gratia payment, might well remain dissatisfied, without the satisfaction being heightened by the absence of any appeal process against the decision made by a particular person..."

The problem seemed to be with the adversarial nature of the acquisition process:

"[T]he onus is on the dispossessed owner and their representatives ... to prove their claim. If the dispossessed owner's ... representatives think that they have a case, the owner is often put off by the attitude of the constructing authority initially in those negotiations on compensation because they get the impression that it's an uphill battle against a constructing authority. The legal representatives tell the dispossessed owner, 'Well if you wanna take this, the next step is to take it ... to the land court' and ... you know there is monetary risks associated with that."

Two officers put the problem squarely with the property offices of the construction authorities:

“[S]ome people have absolutely no empathy at all ... especially long term public servants who don't know what it's like to be on the other side...[P]roperty officers... just expect that once they serve the legal notice then that's it ... [and t]he government owns everything. They never empathise with the person who's being resumed... Having been on both sides, with probably 80% of my life in private enterprise side, acting for people against the government I've seen horrendously difficult property officers who have no regard at all of the [householder] ... that's probably the main thing ... no empathy.”

“[It's the] ... attitude taken towards a negotiation process by the individuals acting on behalf of the resuming authority. That attitude, and the management of the resumption process, can make a very substantial difference to the view of dispossessed owner. There should be greater endeavours to educate officers of the resuming authorities in that context.”

Some unfortunate anecdotes demonstrated a lack of regard to the different personal circumstances of the dispossessed landholder. An example is set out in the following account:

“Now this property officer had gone in there and said to the [landowner, who had]... just recovered from cancer, and said, you got to be out by such and such a day. You're going to have to hurry up and find another house and get your family moved. When they protested, her answer was, under the Acquisition of Land Act I can have you out in x number of weeks and this is all you're entitled to.”

The majority view seemed to be:

“[T]he resuming authority should have an obligation to take the initiative. To do their quantification of the compensation, and to further that initiative by approaching the dispossessed owner with not only the dollar amount of the compensation they have in mind, but the whole methodology they've used to approach it.”

That is, the resuming authority ought not decline to deal directly with dispossessed owners until such time as they come forward with their position. It should work with them to reduce the non-economic loss suffered by those owners.

Non-Economic Loss of Owners – Options for Reform

The interview then focused on how non-economic losses might be addressed. The majority view of the interviewees was that compensation

for displacement from home and concern about family, community and neighbourhood dislocation does not have to be in economic terms.

The majority of officers mentioned the concern amongst dispossessed homeowners about loss of property rights; first, because of the indignation that the state can strip them of a lifetime of home-making, regardless of how good the reason might be and secondly because of the imposition of having to find somewhere else to live, and the stress of actually moving once it has been found. Officers responses to this follow:

“There is no compensation for their time, for the social and the personal side, so I think that's where people would find it difficult, and;

[I]t's time out of your life that you never get [back] and it can be a long, disturbing, upsetting process so how can you equate that to money?”

All 12 professional interviewees were acutely aware of the effect of displacement from friends, family, and neighbourhood. Typical comments included:

“The community aspect of it, they could never really get themselves back into the same community. They usually had to go elsewhere.

[W]e're going to kick this person out of their property. That's a big issue that people [from the resuming authorities] need to understand. I don't know of any resuming authorities that actually goes through that at all.”

Dispossessed Property Owners

Of the dispossessed property owners 21 owners had originally owned houses in the Brisbane suburbs of Lutwyche, Windsor and the city end of Kedron which were acquired so as to facilitate the building of the Northern Busway and the Airport Link. These suburbs in 2006, according to the Social Atlas of Brisbane, were rapidly gentrifying with both low numbers of children and low numbers of persons aged over 75. Unemployment was relatively low on the northern section of the project alignment in 2006, although on the southern section unemployment was higher than the average for Brisbane. A relatively high number of households in this southern section had household income of less than \$500 per week in 2006.

11 interviewees had originally owned houses in the Gold Coast suburbs of Southport, Parkwood and Arundel. These suburbs, in 2006, were relatively low-income suburbs despite the close proximity to the beach,

with higher unemployment than both the Gold Coast average and the Brisbane average.

Place Attachment

One dispossessed property owner, typical of those who had no motivation to settle in a new area stated:

“I didn’t particularly want to leave the area I was in. I’d been in Kedron for 13 years, I knew my way around, I felt comfortable, I knew people in the local shops, local tradies, I’d played netball with quite a few of them or their wives, I wouldn’t have left if I didn’t have to.”

Features of their former houses that owners were attached to included their gardens, the graves of family pets, ashes of relatives scattered in the gardens, the design of the kitchen as the heart of the house, space for a bicycle workshop, a shed with a craft cupboard with a fold-out desk, bookshelves in the study, a music room, space to cook, space for work on motorbikes, space for the caravan, a shed for a plumbing business, and closeness to work or children’s schools.

“It was my parents’ house, we always lived there. My mother was ill, so I looked after her. It wasn’t fancy, but it’s hard not to love somewhere you know so well.”

A recurring commentary on locational and emotional attachment is set in the following commentary:

“We’d lived there almost our entire marriage, after our second was born. My wife really took pride in the cottage garden, and I grew vegetables.”

Particular problems with the relocation process included those related to the failure to make allowances for the cost of installation of solar panels, heat pump, water tank, extra glazing, or mobility safety rails in bathrooms for the elderly.

Only one dispossessed owner reported getting help to find a house:

“They did show me around a few units, however, helped me find somewhere else to live. And they got someone to talk to Mum but she died before we moved. Broken hearted.”

Most owners first found out that the government wanted to acquire her home when they received a notice in the mail:

“I received some sort of notice, which basically invited me to sell voluntarily, but only at a price which the government had worked out. I was told that if I wouldn’t agree to sell at that price,

they will take it off me [at] that price anyway, so I didn't see that I have much choice."

This owner feels the forced move had a dramatic negative effect on her life:

"Well, it came to arguing with my ex, because we weren't going to be able to afford to live in Kedron, and with his bad back we weren't going to get another mortgage. I wanted to move back to Townsville, I could have kept on teaching there, but he didn't like the heat. Eventually I persuaded him to retrain, get his certificate IV and start teaching auto-electrics in TAFE, but he could only get contract work, and the banks weren't prepared to lend to someone who could only get contract work. So it drove us apart, that, it destroyed our marriage. His sister had become widowed, and suddenly he announced that he was moving to Dubbo to live with her, got a job in the TAFE in Parkes. There was really nothing left for me to do but move in with the daughter, well she had two littlies and needed a hand but I knew at that moment that I would never own my own house again. Heartbreaking. I did some part time teaching in Maleny until I turned 65, but I couldn't take full-time work, I was too full of antidepressants. Wasn't the course I expected my life to take really."

Some older owners thought that they lacked the personal resources important for their ability and motivation to settle in a new area. A typical response from a 67-year-old woman from Lutwyche:

"If you mean that youth and vitality is a personal resource, sure, I lack that personal resource. And I'm not saying that I was targeted, but my son works in aeronautics in the US and my daughter is an obstetrician in Melbourne, so it wasn't possible for me to ask either of them to return to Brisbane to help their ageing mother find a new house."

The sole Maori owner, from Windsor, had an interesting case, because her social situation, once removed from a neighbourhood in which she had been living for 26 years, was characterised (in her new neighbourhood) by low status, a small social network, her own comparatively low education and the racism of the other inhabitants in the area in which she found that she had to live. Although when living in inner Brisbane this 59-year-old had done unskilled work, the areas she lived in had gradually become gentrified, and she had a wide social network through involvement with the church, so that she was able to earn much more money as a cleaner and

childminder (and similar jobs), than she was able to earn when relocated to an outer Brisbane area.

She had moved from a house where there were anywhere up to 8 people, “Myself, my late husband, whilst he was alive, we had four kids, sometimes the cousins”. Her current situation is very different: “It’s a unit, and it’s just me now. I gave some money to the kids, and they will let me stay with them, but they have moved so far away...”. She went on to say:

“In the older areas of South Brisbane there might have been one Maori family per street. It’s not that we wanted to live in proximity to other Maori, because Brisbane isn’t Auckland and there weren’t that many Maori. But it was a working-class area, and there weren’t complaints about ‘unseemly’ Maori behaviour. Also, at least in the early days, the only way we could pay the house off was to tolerate overcrowding. We were Seventh Day Adventists, so we didn’t have the sort of complaints that we found with other Maori families when we were living in Auckland, tensions over things like noise at ‘unseemly’ hours, incessant drinking, foul language, or barbecuing pigs in the backyard. The Church teaches us not to be above such modest work as cleaning, taxi driving, or picking fruit, and in those early days there was plenty of work for anybody who wanted it, even if from time to time you had to travel to get it. So, plenty of the family use this place as a base in the early days, and that’s how Dad and I started to pay the mortgage. Well now I can’t see or drive so well, I buried my husband probably 10 years back, I’m stuck in an outer suburb and I can’t visit anyone. No-one here can afford cleaners and the kids just run riot after school, they’ve never heard of a babysitter. I’m 30 km from the nearest Seventh Day Adventist Church.”

Other ethnic minorities also found relocation difficult as one owner from Lutwyche found, a 40-year-old woman who identified as Chinese, said:

“No-one told me about the employment and training opportunities in Inala. We suffered alienation, we were lonely, the new environment was so different and we were so far from the relatives, we had no help from anyone finding new jobs, or a new house, or schools for the kids ... The kids felt lonely, that they didn’t belong ... this led to both personal difficulties and them acting up. The different ethnic mix showed up differences in behaviour and lifestyle, their different speech patterns didn’t fit well in Logan and were often frowned upon, other kids teased

their ‘posh’ accents. It’s almost as if all non-bogans in Logan are expected to act like they’ve come off the set of Housos.”

At the same time though, the majority of owners expressed feelings of loss, often because in their later years they were being denied, due to the relocation, of features of their former home that had been installed for enjoyment later in life. Another owner, a 52-year-old woman from Southport, had been living with her husband and two children in a 22-year-old weatherboard home for 18 years.

“When we had to move, I lost everything that I physically enjoyed in life. I didn’t lose my husband, I didn’t lose my kids, but I lost the kitchen which I had specially designed myself for my cooking, and had assembled over so many years with special places to put everything; I lost the garden I had been carefully tending for 30 years; even if I had the money to replace everything, this is work that I did in my 30s and 40s, which I am not physically capable of doing now that I’m in my 60s.

And, well, I got depressed, and that affected my job performance. So, the boss sacked me, said that I was no longer up to front-line reception work, and I probably wasn’t. I haven’t been able to get a job since. My husband is still in the public service, but my time as front of house for a public library is well and truly over. That didn’t aid my depression at all.”

Another dispossessed owner, a 36-year-old male from Parkwood, thought:

“I guess we were all dealing with our own problems, the houses going to build the tram line, no-one had time to help anybody else deal with anything else. The biggest thing I remember was that on the day we had to leave, there was some big fundraising event for some international disaster, it might have been an earthquake in New Zealand, I can’t actually remember what it was, there was some huge support concert they held, somewhere in Brisbane, and raised some funds and whatever. I can remember thinking, those people in Christchurch, okay they lost their houses too, but they are in another country and they have insurance, here we are in Brisbane’s backyard, why can’t we have some of that community support?”

5. CONCLUSION AND REFORMS

This paper demonstrates from the interview commentary that the black letter of land acquisition statute is inadequate in addressing the non-financial losses impacting dispossessed owners in Queensland. While financial compensation in the form of solatium is a potential financial opportunity that may and is recommended to be incorporated within the statute, the actions and approach used by property officers engaged in the acquisition process are as equally if not more important. As was highlighted in the review of Maslow's hierarchical order, that while the market value of a property is compensated, the higher order of needs including belonging, place attachment and esteem are intangible, and are not accounted for or in many cases recognised. More importantly, there is no approach or basis as to how the circumstances of individuals impacted should be determined.

It was highlighted in the interviews of property officers involved in the acquisition process, human intelligence and empathy towards dispossessed owners, achieved a greater level of success in applying support for the needs of dispossessed owners. This emotional intelligence and empathy are best encapsulated in the following selected excerpt that should shape the way forward with practical reforms that address the intangible factors not easily articulated in statute or policy. The principle of equivalence is not simply compensable by money alone, but by actions and the attention to the human factors required through the development of the acquiring authorities and their actors.

The professional interviewees were asked what they thought should be done about the problem.

“[T]raining [departmental officers] ... to realise that the power that they are exercising is [serious] ... you're taking someone's land. It has serious consequence for most people. They need to start ... factoring that into the way they negotiate rather than seeing that as purely a budgetary construction.”

Property officers are to recognise that for dispossessed home owners, the acquisition process was “a time of their life they wish that they'd never had to have gone through.” It was highlighted by one of the professionals interviewed that the authority appointed an agent to go out and find a property because the people are elderly, or frail and cannot look around themselves to find somewhere to go. It was further demonstrated in another case an owner with psychological psychiatric constraints elicited a greater level of assistance as they were under a protection order in which they had

to live within a certain [distance] of the Gold Coast Hospital ... This is stage one of the light rail...

“Based on the amount of money that he was going to get for the value of his unit ... and it was a one-bedroom unit, he couldn't find a one-bedroom within that radius. The next available size was two bedrooms and that took him. This was thirty-five or forty grand over what the value of the property would have otherwise been, in the authority paid for.”

This seemed to be an exception to the general rule as expressed by two other interviewees in addressing Maslow's hierarchical needs and that government and their officers don't think enough about those basic needs of human beings. Ensuring that the dispossessed owner is not left in a position where their self-esteem is affected or any of those other needs are derided to the extent that whilst they might get a satisfactory monetary compensation, not enough is done to address the intangible elements of their loss. Whether or not someone might claim for counselling for their kids, they're losing friends or something like that. It is clear that property officers that engage directly with impacted owners are not qualified and do not think beyond the market value of the property. Considerable reform in addition to the monetary compensation and the introduction of solatium is needed to first assess the impact and individual needs of each owner in assessing the value of the loss to them.

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