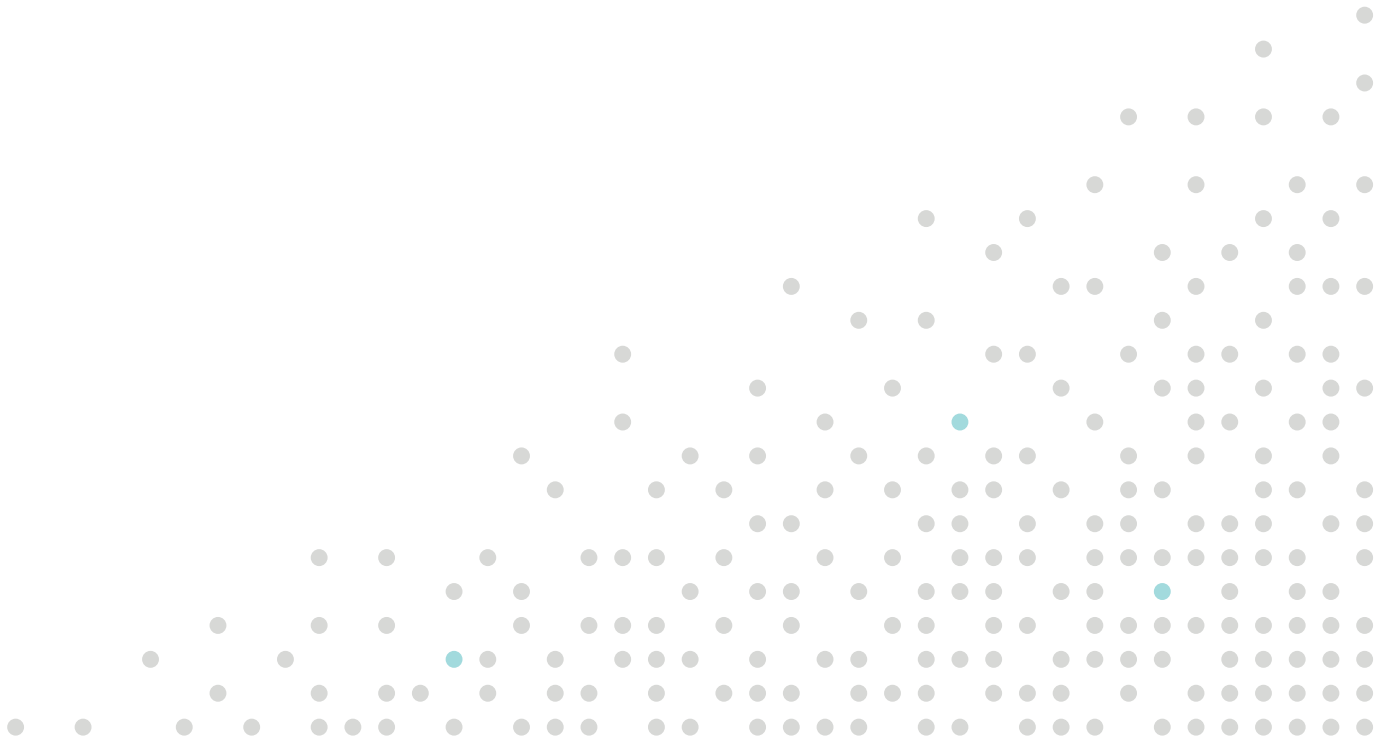




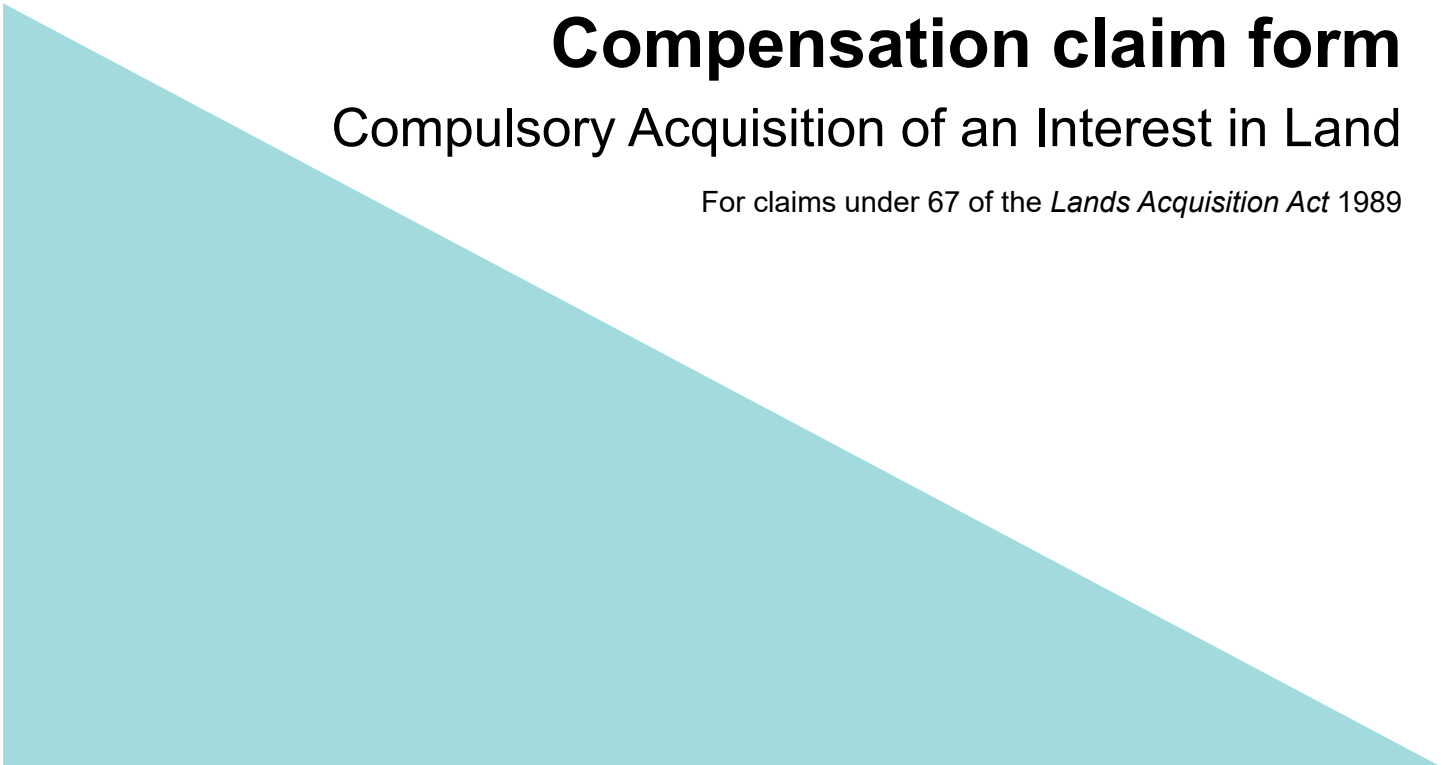
Australian Government
Department of Finance



Compensation claim form

Compulsory Acquisition of an Interest in Land

For claims under 67 of the *Lands Acquisition Act 1989*



Purpose of this form

Use this form to complete your claim for compensation for the compulsory acquisition of an interest in land under the *Lands Acquisition Act 1989* (the Act). You may wish to refer to “The Commonwealth and You: Compulsory Acquisition of Land” guide outlining the process and your compensation rights.

Further guidance to assist you in completing this claim form can be found on the Department of Finance’s website: [Compensation and other payments | Department of Finance](#).

If you think you have a claim for compensation under s 67 of the Act, you should seek legal advice about your claim. The costs associated with obtaining legal advice can be included in Section 3 of this form.

If you do not have enough space in this form to complete your claim, you can provide additional information as attachments to your claim. Where you have provided additional information in the attachments, please indicate clearly in Section 4.

Privacy Notice

The personal information collected as part of this claim is protected by law, in accordance with the *Privacy Act 1988* and the Australian Privacy Principles, and is collected by the Department of Finance (Finance) for the purpose of assessing this claim for compensation under the *Lands Acquisition Act 1989* (Cth).

In order to assess this claim Finance will only collect and share relevant information about your claim with relevant Australian Government departments or agencies and the Minister administering the *Lands Acquisition Act 1989* (Cth) unless you have otherwise agreed or it is required or authorised by law.

Finance may share the information collected as part of the claim with external parties for the purposes of obtaining independent expert advice in relation to the claim or processing any compensation. If you do not provide your personal information, Finance may not be able to assess your claim.

Tax File Numbers (TFN) will not be requested by Finance and are not to be supplied as part of this claim. For your protection, if a TFN is received by Finance it will be redacted from your claim and will not be stored.

Further information on how your personal information will be handled, including how to make a complaint about the handling of your personal information, is contained in Finance’s Privacy Policy.

Our Privacy Policy is available at: <http://www.finance.gov.au/publications/policy/department-finance-privacy-policy>. You can also contact Finance to obtain a copy.

Section 1: Claimant details

The details in this section are required to identify the person entitled to be paid compensation pursuant to section 67(1) of the Act. Please use a separate form for each claimant.

First name

Middle name(s)

Surname

Previous known names (if applicable)

Business Name (if applicable)

Australian Business Number (ABN)*

* Please do not include your Tax File Number.

Registered for GST

Yes

No

Legal representative information
(if applicable)

If you are the claimant providing information about your legal representative, please ensure that your legal representative has read the Privacy Notice at the beginning of this form and that s/he consents to the provision of their personal information here.

Name of representative

Name of law firm

Contact number (please include area code for landline)

Further information

Residential address

Street address

Suburb

Postcode

State

Country (specify if not Australia)

Postal address (if different to residential address)

Street address

Suburb

Postcode

State

Country (specify if not Australia)

Contact information

Home phone (please include area code)

Mobile

Email

Section 2: Details of the interest in land

The details in this section are required to identify the interest of the person in the land acquired by compulsory process pursuant to section 67(2)(b)(i) of the Act.

Please outline below the details of the interest in land that has been acquired.

Street address

Suburb

Postcode

State

Certificate of Title Reference and Lot on Plan Description

What is your interest in this land (tick the appropriate box)¹

Registered owner

Mortgagee

Lessee

Licensee

Other (please provide details below)

Please provide a full description of your interest (or interests) in that land at the date of acquisition including by reference to any documents listed in section 4.

¹ The nature of interests in land that may be acquired are described in section 17 of the Act:

(1) The interests that may be acquired under this Act are:

- (a) a legal or equitable estate or interest in land; and
- (b) any other right (including a right under an option and a right of redemption), charge, power or privilege over, or in connection with, land or an interest in land.

Those interests include:

- (a) an interest of the Commonwealth, a State or Territory in Crown land;
- (b) an interest that did not previously exist in relation to particular land;
- (c) an easement in gross; and
- (d) a restriction on the use of the land, whether or not annexed to particular land.

Section 3: Compensation amounts requested

The details in this section are required to identify the amount of compensation the person claims in respect of the acquisition. If you claim to be entitled to any of the heads of compensation identified in the table below, you will need to provide evidence supporting your entitlement to be paid compensation, as explained in Section 4 below.

Below is a summary of the relevant matters (drawn from the non-exhaustive list at section 55(2) of the Act) that may be taken into account in assessing the amount of compensation. Please delete any of the matters below which are not applicable to your claim for compensation.

Please specify all matters comprising your whole claim for compensation.

Item	Description	Amount (\$ ex GST)	GST amount (\$)	Supporting Document ref. (refer to documents listed in Section 4)
A	Market value – on the day of the acquisition (s 55(2)(a)(i) of the Act)			
B	Special value – any financial advantage, additional to market value, incidental to ownership of the interest in land. (s 55(2)(a)(ii) of the Act)			
C	Severance – the amount of any reduction in market value of any other interest in land caused by its severance by the acquisition of the acquired interest. (s 55(2)(a)(iii) of the Act)			
D	Enhancement or injurious affection – where the acquisition severs the acquired interest from another interest, any increase or decrease in the market value of the interest still held by the person resulting from the nature of, or carrying out of, the purpose for which the property was acquired. (s 55(2)(a)(iv) of the Act)			
E	Disturbance – any loss, injury or damage suffered or expenses reasonably incurred as a direct, natural and reasonable consequence of acquisition or the making or giving of a pre-acquisition declaration (or certificate under section 24 of the Act). (s 55(2)(c) of the Act)			

Item	Description	Amount (\$ ex GST)	GST amount (\$)	Supporting Document ref. (refer to documents listed in Section 4)
F	<p>Expectation of lease or licence renewal – where the interest is subject to termination or to a limitation as to time, regard shall be had to the likelihood of continuation or renewal of the interest or licence and the likely terms and conditions of any continuation or renewal. (s 55(2) (d) of the Act)</p>			
G	<p>Legal/professional costs – reasonably incurred, including the costs of:</p> <ul style="list-style-type: none"> • obtaining advice in relation to the acquisition, the entitlement of the person to compensation, or the amount of compensation; and • executing, producing or surrendering such documents, and making out and furnishing such abstracts and attested copies as are required by the Commonwealth. (s 55(2)(e) of the Act) 			
H	<p>Mortgage interests – if claim relates to the acquisition of a mortgage interest under a mortgage:</p> <ul style="list-style-type: none"> • a clear indication of the amounts that, for the purposes of Part VII Division 3 of the Act (relating to the amount of compensation that is payable for the acquisition of a mortgage interest) are the amounts of: <ul style="list-style-type: none"> ◦ principal secured by the mortgage at the time of the acquisition of the interest; and ◦ any interest, costs and charges due under the mortgage at that time. (s 65(1)(a) of the Act) 			

Item	Description	Amount (\$ ex GST)	GST amount (\$)	Supporting Document ref. (refer to documents listed in Section 4)
I	<p>Legal/professional costs associated with mortgage interests – any legal or other professional costs reasonably incurred by the mortgagee in relation to the acquisition of the mortgage interest, including costs of:</p> <ul style="list-style-type: none"> • obtaining advice in relation to the acquisition, the entitlement of the mortgagee to compensation or the amount of compensation; and • executing, producing or surrendering such documents, and making out and providing such abstracts and attested copies as are required by the Commonwealth. (s 65(1)(b) of the Act) 			
J	<p>Other – please specify below or provide in a supporting document.</p>			
K	<p>Total Compensation Claimed</p>			

Section 4: Evidence supporting claim

Please attach copies of the evidence which substantiates your claim, including:

- a. evidence that you are the holder of an interest in relation to the land, and details of the interest you hold (this may include certificates of title, sales contracts, leases, mortgage documents, wills and birth certificates);
- b. evidence to support your claim for compensation, including:
 - i. any expert reports that you rely on (for example, land valuations, business valuations and/or reports detailing any alleged loss in relation to any elements of your business);
 - ii. records relating to business operations and outputs, if you are claiming a loss in relation to any element of your business;
 - iii. full copies of invoices for any legal or other professional costs (for example valuer or other experts' fees) that you claim were reasonably incurred in relation to the acquisition, including a summary of the total amount claimed for such costs; and/or
 - iv. other expenses incurred as a result of the compulsory acquisition of the property, such as the cost of rent, storage costs or reasonably incurred moving costs.

Please list all documents below that you rely on in support of your claim for compensation and indicate if these documents are attached to the claim form.

Document number	Description of document	Date

Section 5: Declaration

I declare that the information provided by me in this form is true and correct to the best of my knowledge and belief. Should I become aware of any inaccuracies in the information provided I will inform Finance as soon as practicable. I understand that it is an offence under section 136.1 of the *Criminal Code Act 1995* to provide false or misleading statements.

Signature of Claimant or Legal Representative

Name (*printed*)

Date

Approved Form

This compensation claim form is in a format approved by the Minister for the purposes of subsection 67(2) of the Act.

Additional Information

It is strongly recommended that claimants (or their legal representatives) refer to the specific provisions of the Act when making a claim. Further information is available on the Finance website and in the Section 48 Notice of Compulsory Acquisition which accompanied the Acquisition Declaration you received. You can also email Finance at: LAA@finance.gov.au

You may also refer to *Acquisitions under the Lands Acquisition Act 1989 – A Guide* to assist your understanding of the acquisition process. This is found on the Finance website or you can contact LAA@finance.gov.au to obtain a copy.

How to Lodge a Claim

Please send your completed claim form and relevant documentary evidence to LAA@finance.gov.au or by pre-paid post to:

The Minister for Finance
c/- Department of Finance
One Canberra Avenue
FORREST ACT 2603

Attn: First Assistant Secretary, Property and Construction Division

What happens after you lodge your claim?

The Minister (or delegate) may either accept a claim and offer compensation, or reject a claim (s. 70 of the Act). In either event, the Minister (or delegate) will write to you as the claimant advising of the decision and the next steps.