

CLAIM FOR COMPENSATION FOR ABANDONED ACQUISITION OF LAND

[What follows after these parentheses is Form 5 and is for use from the date specified in the relevant notice of gazette publication, until superseded. Owners should seek legal advice in completing this form.]

This is a claim for compensation for the purposes of section 71(1) of the *Land Acquisition (Just Terms Compensation) Act 1991* (the Act), for use by a person who wishes to claim compensation under Part 4 of the Act for the withdrawal of a proposed acquisition notice or the rescission of an acquisition notice by the authority of the State.

TO: (the Acquiring Authority)
[name of Authority] [address] [contact person (if known)]

FROM: (the Owner)
[name] [address]

Please note that it is a criminal offence under Part 5A of the *Crimes Act 1900* to make a false or misleading statement in this form.

- 1. The Owner owns the land described in the Schedule to this form (the Schedule).**
- 2. In accordance with section 71(1) of the Act, the Owner claims compensation for the financial costs or any damage actually incurred or suffered by the Owner as a direct consequence of:**

TICK BOX TO INDICATE BASIS FOR YOUR CLAIM

a) the giving of the proposed acquisition notice dated _____ by the Acquiring Authority and its later withdrawal

OR

b) the compulsory acquisition by the Acquiring Authority of the land described in the Schedule and its rescission by rescission notice published in Government Gazette No. _____ on _____

- 3. Full details are provided here of the financial costs or any damage the Owner has actually incurred or suffered as a direct consequence of:**

TICK BOX TO INDICATE BASIS FOR YOUR CLAIM

a) the giving of the proposed acquisition notice and its later withdrawal

OR

b) the compulsory acquisition and its rescission.

4. The Owner attaches evidence of these financial costs or other damage actually incurred.

NOTE: Evidence of costs or damages, such as receipts or invoices, should be attached to this form and submitted to the Acquiring Authority.

SCHEDULE

[Insert particulars of title to describe the land, part of land or interest as described in the proposed acquisition notice, acquisition notice or rescission notice.]

Signature(s) of the Owner(s) (must be signed by all the owners):

Date:

NOTES

1. The Acquiring Authority may accept a claim for compensation (in whole or in part) or reject any claim notice made under section 71 of the Act.
2. Compensation is not payable in respect of any change in the value of the land.
3. Compensation payable in the case of a rescission of an acquisition notice (but not the withdrawal of a proposed acquisition notice) includes compensation for any easement or other interest which was created after the acquisition of the land and which subsists after the rescission of the acquisition notice.
4. Compensation is not payable unless a claim for the compensation is made within three years after the withdrawal of the proposed acquisition notice or the rescission of the acquisition notice.
5. A claim for compensation is taken to have been rejected if the Acquiring Authority has not dealt with the claim within 60 days after receiving the claim.
6. If your claim is rejected (or taken to be rejected) or is accepted in part only, you may appeal to the Land and Environment Court against that decision.