

# STATUTORY RULES.

**1907. No. 110.**

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## REGULATION UNDER THE LANDS ACQUISITION ACT 1906.

**I** THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulation under the *Lands Acquisition Act* 1906, to come into operation forthwith.

Dated this 11th day of October, One thousand nine hundred and seven.

NORTHCOTE,

Governor-General.

By His Excellency's Command,

J. H. KEATING,  
Minister of State for Home Affairs.

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## 'FORMS FOR USE UNDER ACT.

1. The forms set out in the schedule may be used in proceedings under the *Lands Acquisition Act* 1906, for which they are appropriate.

### SCHEDULE.

FORM A

Commonwealth of Australia.

The *Lands Acquisition Act* 1906.

### NOTIFICATION OF THE ACQUISITION OF LAND BY THE COMMONWEALTH.

It is hereby notified and declared by His Excellency the Governor-General, acting with the advice of the Federal Executive Council, that the land hereunder described has been acquired by the Commonwealth under the *Lands Acquisition Act* 1906, for the following public purpose, namely:—

Dated the                      day of                      , 19   .

Governor-General.

By His Excellency's Command,

Minister of State for Home Affairs.

DESCRIPTION OF LAND REFERRED TO.

Commonwealth of Australia.

The *Lands Acquisition Act* 1906.

*In re* land at

NOTICE OF ACQUISITION OF LAND, No.

Department of Home Affairs,

19

To

of

And to all and every person whom it may concern.

I hereby notify you that the land hereunder described, of which you are the  
\* , has been acquired by the Commonwealth of  
Australia under the *Lands Acquisition Act* 1906 (No. 13 of 1906).

The notification of the acquisition of the land prescribed by that Act was  
published in the *Commonwealth Gazette* of the                      day of  
19                      , and a copy of such notification, together with a plan of the land acquired,  
is herewith served upon you as\*                      of the land.

I hereby also notify you that if you claim compensation in respect of the land  
so acquired, you should, within 120 days (or such further time as the Minister may  
allow) from the date of the publication of the notification above referred to, serve  
upon the Minister of State for Home Affairs a notice, in writing, in accordance  
with the prescribed form, a copy of which is forwarded herewith.

Minister of State for Home Affairs.

\* "The owner" or "one of the owners."

DESCRIPTION OF LAND REFERRED TO.

Commonwealth of Australia.  
The Lands' Acquisition Act 1906.

FORM C.

CLAIM FOR COMPENSATION IN RESPECT OF LAND ACQUIRED AT

To the Minister of State for Home Affairs.

Pursuant to the *Lands Acquisition Act* 1906,  $\frac{I}{we}$  hereby give you notice that  $\frac{I}{we}$  claim compensation in respect of the land mentioned and described in the notice served upon  $\frac{me}{us}$ , and dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, being Notice of Acquisition of Land Number \_\_\_\_\_, which said land has been acquired by the Commonwealth of Australia under the said Act. The prescribed particulars are hereunder stated.

PARTICULARS.

Name, address, and occupation of claimant.	Nature of the estate, interest, or title of the claimant in such land. (If freehold, state whether tenant in fee, in tail, for life, or otherwise, and whether subject to any and what mortgage, and if any lease granted. If leasehold, state particulars, such as landlord's name, term of years, rent, &c. If the claim is in respect of part only of the land shown on the plan annexed to the notice herein served on you, state the part claimed for, otherwise it will be presumed that you claim for the whole.)	Particulars of Title, viz.:— Names of registered proprietors of land, registration numbers of documents of title, and system under which title is registered.	Full particulars of claim, specifying separately the amount claimed as the value of interest of the claimant in the land and the damage suffered by reason of severance and depreciation, and giving particulars with rough sketch plan* of any lands in respect of which a claim is made for damage by reason of severance or depreciation.	Names of persons having the custody of documents of title, and where the same may be inspected.	Names of occupiers, distinguishing whether tenants at will, or under lease reserved, terms, &c.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signature) .....  
(Address) .....

\* The plan referred to should be attached to this claim.

**FORM D.**

*In re* land at

**CLAIM FOR COMPENSATION FOR DAMAGE CAUSED BY THE EXERCISE OF POWERS UNDER PART III. OF THE ACT.**

**To the Minister of State for Home Affairs.**

Pursuant to the *Lands Acquisition Act* 1906,  $\frac{I}{we}$  hereby give you notice that  $\frac{I}{we}$  claim compensation for damage suffered by  $\frac{me}{us}$  by reason of the exercise, by the Minister, of powers under Part III. of the above Act on the lands hereunder specified. The prescribed particulars are hereunder stated.

Name, address, and occupation of claimant.	Short description of the land in respect of which the claim is made.*	Capacity in which the claim is made (such as owner or lessee of the land).	Amount of compensation claimed.	Particulars of the damage claimed for, giving the heads of damage and the amount claimed in respect of each such head.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

(Signature) .....

(Address).....

\* A rough sketch plan of the land in respect of which the compensation is claimed should be attached to this claim.

**NOTICE ADMITTING CLAIM FOR COMPENSATION.**

of

To enable you to comply with the Act, you should follow the directions set out on the back of this notice.

Minister of State for Home Affairs.

3. Sign and return the attached Voucher claiming the amount of the compensation.

CERTIFICATE BY CLAIMANT.

(b) That I am not aware of any mortgage, lease, or encumbrance affecting the said land, or that any other person hath any estate or interest therein at law or in equity, in possession, remainder, reversion, or expectancy, other than the following:—

Claimant.

FORM F.

NOTICE OF OFFER BY THE MINISTER IN SATISFACTION OF A CLAIM  
FOR COMPENSATION.

of

You are required, within sixty days after the receipt of this offer, to notify me in writing whether you *do* or *do not* accept this offer.

Minister of State for Home Affairs.

FORM G.

Commonwealth of Australia.

The *Lands Acquisition Act* 1906.*In re* land at

## NOTICE DISPUTING A CLAIM FOR COMPENSATION.

To

of

Take notice that I dispute your claim for compensation in respect of the land acquired by the Commonwealth, and referred to in the Notice of Acquisition of Land, number \_\_\_\_\_, published in the *Commonwealth Gazette* No. \_\_\_\_\_ of \_\_\_\_\_

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Minister of State for Home Affairs.

FORM H.

Commonwealth of Australia.

The *Lands Acquisition Act* 1906.*In re* land at

## NOTICE BY A CLAIMANT THAT HE DOES OR DOES NOT ACCEPT THE MINISTER'S OFFER IN SATISFACTION OF A CLAIM FOR COMPENSATION.

To the Minister of State for Home Affairs.

I hereby give notice that I (a) \_\_\_\_\_ accept your offer of £ \_\_\_\_\_ with interest to the date of acceptance of such offer, in satisfaction of my our claim for compensation in respect of \_\_\_\_\_ without \_\_\_\_\_

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

(a) If the offer is not accepted insert here the words "do not."

NOTE.—This notice MUST be sent to the Minister within SIXTY days after the receipt of his offer.

FORM I.

Commonwealth of Australia.

The *Lands Acquisition Act* 1906.*In re* land at

## NOTICE BY THE MINISTER TO A MORTGAGEE OF INTENTION TO PAY OFF HIS MORTGAGE.

To

of

Take notice that I intend at or before the expiration of six months, from the date of this notice, to pay off your mortgage over the land hereunder described and to pay to you the amount to which you are entitled under section 48 of the above Act, a copy of which section is indorsed on the back of this notice.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Minister of State for Home Affairs.

## DESCRIPTION OF LAND REFERRED TO.

48. (1) If any land acquired under this Act by agreement is subject to a mortgage, the Minister may pay off the mortgage.

(2) In order thereto the Minister shall give notice to the mortgagee that he intends at or before the expiration of six months from the date of the notice to pay off the mortgage, and to pay to the mortgagee the amount to which he is entitled under this section.

- (3) The amount to which a mortgagee is entitled under this section shall be—
- (a) The principal secured by the mortgage; and
  - (b) The interest due at the date of the notice and six months' additional interest; and
  - (c) The costs and charges (if any) due to the mortgagee under the mortgage; and
  - (d) The mortgagee's costs of discharging the mortgage and conveying his interest in the land to the Commonwealth; and
  - (e) In case the mortgage is paid off prematurely, a sum to meet the costs of reinvestment of the principal; and
  - (f) In case the mortgage is paid off prematurely, and the rate of interest secured by the mortgage is higher than the interest which can reasonably be expected to be obtained on the reinvestment, regard being had to the then current rate of interest, a sum to meet the loss sustained by the mortgagee by reason of the premature repayment of the principal.
- (4) The mortgagee shall thereupon, and upon payment or tender to him within the time specified in the notice of the amount to which he is entitled under this section, execute a discharge of the mortgage and any conveyance necessary to convey his interest in the land to the Commonwealth.
- (5) If a mortgagee fails to execute a discharge of the mortgage and any conveyance necessary to convey his interest in the land to the Commonwealth as required by this section, the Minister may assess the amount to which the mortgagee is entitled, and may deposit the amount in the Treasury with a statement of the facts relating to the deposit.
- (6) After the deposit has been made, the Attorney-General may, for and on behalf of the Commonwealth, execute a Deed Poll containing a description of the land in respect of which and describing the circumstances under which the deposit was made, and the names of parties concerned, and may cause the Deed Poll to be registered.
- (7) Upon the registration of the Deed Poll the land mentioned therein shall be freed and discharged from the mortgage, and all interest of the mortgagee in the land shall vest in the Commonwealth.

FORM J.

Commonwealth of Australia.

The *Lands Acquisition Act* 1906.*In re* land atNOTICE ADMITTING CLAIM FOR COMPENSATION UNDER PART III.  
OF THE ACT.

To

of

Take notice that I admit your claim dated the                      day of                      19                      for compensation for damage suffered by you by reason of the exercise by the Minister of powers under Part III. of the above Act, in respect of the land hereunder described.

The amount of compensation claimed, viz. :—£                      will be paid to you on compliance with the above Act.

To enable you to comply with the Act, you should follow the directions set out on the back of this notice.

Dated the                      day of                      , 19                      .

Minister of State for Home Affairs.

DESCRIPTION OF LAND REFERRED TO.

## DIRECTIONS TO CLAIMANT.

1. All deeds or documents in your possession or under your control relating to or evidencing your title to the said land should be produced to the Department or its representative for inspection by the Attorney-General or his representative, if necessary.

2. Fill in and sign in the presence of a witness the attached form of "Certificate by Claimant" and produce same when completed to the Department or its representative with your title deeds.

3. Sign and return the attached Voucher claiming the amount of the compensation.



Commonwealth of Australia.  
The *Lands Acquisition Act* 1906.  
*In re* land at

CERTIFICATE BY CLAIMANT.

I hereby certify—

- (a) That there are no documents or evidences of title in my possession or under my control affecting the land hereunder described other than the following :—
- (b) That I am not aware of any mortgage, lease, or encumbrance affecting the said land, or that any other person hath any estate or interest therein at law or in equity, in possession, remainder, reversion, or expectancy, other than the following :—

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

Claimant.

DESCRIPTION OF LAND REFERRED TO.

FORM K

Commonwealth of Australia.  
The *Lands Acquisition Act* 1906.  
*In re* land at

NOTICE OF OFFER BY THE MINISTER IN SATISFACTION OF A CLAIM  
FOR COMPENSATION UNDER PART III. OF THE ACT.

To

**of**

Take notice that I offer you the sum of £with  
interest from the time when your right to compensation arose to the date ofwithout  
acceptance by you of this offer, in satisfaction of your claim dated the  
day of 19 for compensation for damage suffered by you by  
reason of the exercise by the Minister of powers under Part III. of the above  
Act in respect of the land hereunder described.

If you accept this offer, the amount offered will be paid to you on compliance with the above Act, with interest from the date of such acceptance, at the rate of 3 per centum per annum.

You are required, within sixty days after the receipt of this offer, to notify me in writing whether you *do* or *do not* accept this offer.

Dated the                      day of                      , 19                      .

**Minister of State for Home Affairs.**

DESCRIPTION OF LAND REFERRED TO.

FORM L.

Commonwealth of Australia  
The *Lands Acquisition Act* 1906.  
*In re* land at:

NOTICE DISPUTING A CLAIM FOR COMPENSATION UNDER PART III.  
OF THE ACT.

To

of

Take notice that I dispute your claim dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ for compensation for damage alleged to have been suffered by you by reason of the exercise by the Minister of powers under Part III. of the above Act in respect of the lands hereunder described.

Dated the                      day of                      , 19     .

**Minister of State for Home Affairs.**

### DESCRIPTION OF LAND REFERRED TO.