

PRACTICE DIRECTION NUMBER 4 of 2015

LAND COURT OF QUEENSLAND

APPROVED FORMS

- (1) Land Court Forms 5, 6, 7, 8 and 10 have been updated and amended.
- (2) In accordance with section 77B of the *Land Court Act 2000*, I approve for use in the Land Court Form 5, Form 6, Form 7, Form 8 and Form 10 as they are attached to this Practice Direction.

Carmel MacDonald
President
9 September 2015

REFERRAL OF MINING COMPENSATION MATTERS
on behalf of the
Chief Executive, Department of Natural Resources and Mines

Please print clearly. If insufficient space, attach separate numbered sheets.

1. MANDATORY DETAILS

Mining District: _____

Local Government Area(s): _____

Tenure Identifier: _____

Referral requested by:
(see page 2 for further details)

Applicant

Landowner

Other

2. MINING TENURE APPLICANT / HOLDER DETAILS

**Tenure Applicant/Holder
Name(s):**

**Residential or Business
Address:**

Address for Service:
(if different from above)

Telephone:

()

Fax:

()

Mobile:

Email:

3. LANDOWNER DETAILS

Landowner Name(s):

**Residential or Business
Address:**

Address for Service:
(if different from above)

Telephone:

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Fax:

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Mobile:

Email:	
Property Description(s): <i>eg. Lot on Plan descriptions or Land Parcel identifiers</i>	

4. AFFECTED AREA

Estimate of the Access Area over the Property: <i>(Please attach map showing access route and area)</i>	Access Length: Access Width: Total Access Area:
Estimate of the Tenure Area affecting the Property: <i>(Please attach map showing area)</i>	

5. REFERRAL DETAILS

On behalf of the Chief Executive, Department of Natural Resources and Mines, I refer the following mining compensation matter under the *Mineral Resources Act 1989* for the attention of the Land Court:

(Tick boxes where appropriate)

Mining Claim Matters

- Section 85(5) – **Request for referral** of compensation for * grant / renewal of mining claim by the mining claim applicant/holder or the landowner
(delete whichever is not applicable)*
- Section 85(12) – Referral of compensation for grant of mining claim after 3 months
- Section 85A – Referral of compensation for renewal of mining claim after 3 months

Mining Lease Matters

- Section 281(1) – **Request for referral** of compensation for * grant / renewal of mining lease by the mining lease applicant/ holder or the landowner
(delete whichever is not applicable)*
- Section 279(5) – Referral of compensation for grant of mining lease after 3 months
- Section 279A – Referral of compensation for renewal of mining lease after 3 months

- Please also indicate whether compensation:**
- includes access
 - is only for access

6. BACKGROUND ISSUES AND INFORMATION	
Is a determination required under s 87 or s 283 of the MRA regarding the identity of the owner of the land?	YES NO
Have the parties attempted mediation or any other ADR process?	YES NO
Have there been any previous compensation determinations in respect of this property and tenure?	YES NO
If yes, please identify the Court file number/s and attach a copy of previous decisions if possible.	
Has any other matter relating to this tenure previously been referred to the Land Court for any purpose? (<i>eg. for the hearing of objections</i>)	YES NO
If yes, what type of matter and file number:	
Are there any other landowners affected by this tenure who are entitled to compensation?	YES NO
If yes, has or will the issue of compensation be referred to the Land Court? Please identify any relevant Court file numbers.	

6. REFERRAL DOCUMENTS

The following documents **must** be provided to the Land Court with this referral **::

1. MinesOnline Public Enquiry Report
2. Map showing the tenure area and access land
3. Information and maps showing which areas of the mining lease(s) or claim(s) are situated on which underlying land tenures
4. A copy of the application for the grant of a mining claim or mining lease or renewal application (whichever is relevant)
5. A copy of any amendments to the application or renewal that have occurred since lodgement
6. A copy of the mining claim application certificate or certificate of application for the mining lease
7. Any Land Court instruction or recommendation in respect of the mining claim or mining lease

- 8. A copy of any application by the mining tenure applicant or landowner for a determination of compensation
- 9. A copy of any compensation agreements filed in respect of the mining claim or mining lease
- 10. A copy of any environmental authority issued for the mining claim or mining lease

** See Land Court Practice Direction 4 of 2013

List any other attachments:

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Signature

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Name and Position

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Assessment Hub

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Date of Referral

<p>Are you the ongoing contact person for this matter?</p>	<p>YES NO</p>
<p>If no, please identify the relevant contact person for this matter and their job title, together with a telephone number, postal address and email address for the person:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	

Land Court of Queensland

REFERRAL OF MINING OBJECTIONS AND/OR ENVIRONMENTAL OBJECTIONS

See Practice Direction 5 of 2015

Tenure Identifier:

EA Identifier:

Assessment Hub:

Mining Applicant Details
Applicant Name:
Residential or Business Address:
Address for Service: <i>(if different from above)</i>
Telephone:
Fax:
Mobile:
Email:

Background Issues and Information	
Has a conference been called by the chief executive or has voluntary mediation been attempted?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Has any matter relating to this tenure previously been referred to the Land Court for any purpose? (eg. Compensation, native title issues decision)	<input type="checkbox"/> YES <input type="checkbox"/> NO
If Yes, what type of matter and file number: Enter file number/s and type of matter previously referred to the Land Court	

Number of Objections Lodged
Objections lodged under the MRA ()
Objections lodged under the EP Act ()
Respondent / Objector Details

Respondent / Objector 1	<input type="checkbox"/> MRA	<input type="checkbox"/> EP Act (<i>tick whichever is applicable</i>)
Objector Name:		
Residential or Business Address:		
Address for Service: <i>(if different from above)</i>		
Telephone:	()	
Fax:	()	
Mobile:		
Email:		

Respondent / Objector 2	<input type="checkbox"/> MRA	<input type="checkbox"/> EP Act
Objector Name:		
Residential or Business Address:		
Address for Service: <i>(if different from above)</i>		
Telephone:	()	
Fax:	()	
Mobile:		
Email:		

Respondent / Objector 3	<input type="checkbox"/> MRA	<input type="checkbox"/> EP Act
Objector Name:		
Residential or Business Address:		
Address for Service: <i>(if different from above)</i>		
Telephone:	()	
Fax:	()	
Mobile:		
Email:		

Respondent / Objector 4	<input type="checkbox"/> MRA	<input type="checkbox"/> EP Act
Objector Name:		
Residential or Business Address:		
Address for Service: <i>(if different from above)</i>		
Telephone:	()	
Fax:	()	
Mobile:		
Email:		

For additional objectors, attach separate numbered sheets to this form

On behalf of the Department of
I refer the following matter/s for the attention of the Land Court:

Referrals under the *Mineral Resources Act 1989 (MRA)*

OBJECTIONS TO GRANTS AND VARIATIONS OF ACCESS

Mining Claim

- Section 72 – Application and objections to grant of mining claim
- Section 76 – Referral of the issue of reserve owner’s consent
- Section 125 – Application for variation of access to mining claim area

Mining Lease

- Section 265(2) – Application and objections to grant of mining lease (*MRA & EP Act objections*)
- Section 265(4) – Application and objections to grant of mining lease (*MRA objections only*)
- Section 317 – Application for variation of access to mining lease area

Referrals under the *Environmental Protection Act 1994 (EP Act)*

ENVIRONMENTAL AUTHORITY OBJECTIONS

- Section 185 – Referral of environmental authority application
Please indicate whether the referral relates to one or both of the following:
 - An objection notice for a submission about the application given under section 182(2)
 - An applicant request for referral under section 183(1)

- Section 232 – Referral of application to amend an environmental authority
Please indicate whether the referral relates to one or both of the following:
 - An objection notice for a submission about the amendment application
 - An applicant request for referral

- Section 683 – Transitional referral of objection/s relating to an application for an environmental authority (mining activities) or an amendment application made under the former Chapter 5 before 31 March 2013

Referral Documents

The following **must** be provided to the Land Court with this referral.

MINERAL RESOURCES ACT

- Form 7 DNRM Report for the Land Court

ENVIRONMENTAL PROTECTION ACT

- Form 8 EHP Report for the Land Court

List of any other attachments:

- 1.
- 2.
- 3.

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Signature

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Name and Position

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Department

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Date of Referral

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Contact details – email and telephone number

Are you the ongoing contact person for this matter?	YES NO
If no, please identify the relevant contact person for this matter and specify a telephone number, postal address and email address for the person:	
If this matter involves a referral by DNRM on behalf of DEHP, please identify a relevant contact person in DEHP for this matter and specify a contact number and email address for the person:	

**LAND COURT OF
QUEENSLAND**

Please insert:
Land Court File Number/s:
MRA Ref:
EP Act Ref:

**DNRM REPORT
FOR THE LAND COURT**

Tenure Identifier:

EA Identifier:

Date of Application:

Name of Applicant/s:

**Does this matter involve an application under
s.275 of the MRA for the inclusion of additional
surface area in respect of an existing mining
lease?**

YES

NO

1. Chronology of Events: Please complete the table below by identifying relevant dates and attaching certified copies of relevant documents (where not already provided as part of the referral).

Attachment No.	Event	Date	✓
	MinesOnline Public Enquiry Report		<input type="checkbox"/>
	Map showing the tenure area and access land		<input type="checkbox"/>
	If the matter relates to an application for variation of access to a mining claim or mining lease area, attach a copy of the application and a map showing the proposed access land (s.125, s.317 MRA)		<input type="checkbox"/>
	Application for the grant of a mining claim, mining lease or additional surface area (s.61, s.245, s.275 MRA)		<input type="checkbox"/>
	Any amendments to the application that have occurred since lodgement		<input type="checkbox"/>
	Mining claim application certificate / Certificate of application for proposed mining lease (s.64, s.252 MRA)		<input type="checkbox"/>
	Certificate of public notice for proposed mining lease (s.252A MRA)		<input type="checkbox"/>
	Consents from owners of reserves or restricted land (s.51(2), s.54, s.238 MRA) #		<input type="checkbox"/>
	Consents from, written views of or statutory declarations in relation to the views of existing authority holders (s.51(1)(e), s.248, MRA) °		<input type="checkbox"/>
	Consents from or written views of earlier applicants (s.51(1)(e), s.249 MRA) °		<input type="checkbox"/>

Attachment No.	Event	Date	✓
	All objections (s.71, s.260 MRA)		<input type="checkbox"/>
N/A	The last day for objections (s.64(3)(c), s.252A(2)(a) MRA), which will also be the last day for submissions under the EP Act (s.154 EP Act)		N/A
	Declaration of compliance (s.64C, s.252C MRA) <i>[If a longer period is allowed under s.64C(1)(b) or s.252C(1)(b) MRA, insert the extended due date]</i>		<input type="checkbox"/>
	Land Court Form 9 Additional Applicant Information and Statutory Declaration (Land Court Practice Direction No. 6 of 2013)		<input type="checkbox"/>
	Substantial compliance power exercised? (s.392 MRA) <i>If yes, please supply details:</i>		

Please attach copies of consents from owners of reserves or restricted land.
 ° Please attach copies of written views and consents.

List any other attachments:

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2. If the referral relates to MRA objections only, please provide a copy of any environmental authority issued for the mining claim or mining lease *(to be obtained from DEHP if not already held by DNRM)*.

Attached

3. Is the application in respect of land in a “restricted area” (s.391 MRA)?

Yes No

If yes, please supply details:

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4. Are there existing holders of (or applicants for) any mining tenements within the application area?

Yes No

If yes, please supply details:

5. Please attach copy of current Departmental cadastral maps of:

Attached

- (a) the application area; and
- (b) the locality, showing the nearest town (including application area)

6. As far as you are aware, has the Applicant (or if the Applicant is a company, any of its directors) ever had a:

- (a) notice to rectify non-compliance or damage;
- (b) notice to show cause;
- (c) tenure cancelled;
- (d) penalty imposed; or
- (e) conviction,

under the MRA?

Yes No

If yes, please supply details including (if applicable) how the matter was resolved:

7. Is the grant of the tenement a “future act” for native title purposes?

Yes No

8. Is there a relevant ILUA?

Yes No

9. If ‘yes’, please identify the date that the ILUA was entered into as well as the end date or expiry date of the agreement:

Date of ILUA:

Expiry Date of ILUA:

Please also briefly provide any relevant details about the ILUA:

10. Do the Alternative State Provisions regarding native title apply?

Yes No

11. Have native title processes been finalised?

Yes No

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Signature

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Name and Position

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Assessment Hub

.....
Date

**DEHP REPORT
FOR THE LAND COURT**

NOTE:

For transitional referrals made under s.683 of the EP Act in respect of objection/s relating to an application for an environmental authority (mining activities) or an amendment application made under the former Chapter 5 before 31 March 2013, this form is still to be used with necessary changes.

Tenure Identifier:

EA Identifier:

Date of Application:

Name of Applicant/s:

1. Chronology of Events: Please complete the table below by identifying relevant dates and attaching certified copies of relevant documents (where not already provided as part of the referral).

Attachment No.	Event	Date	✓
	Map showing the application area and location of proposed resource activities		<input type="checkbox"/>
	Application for an environmental authority / Amendment application (s.125, s.226 EP Act)		<input type="checkbox"/>
	Any notices given by the applicant to change the application for an environmental authority or amendment application (s.132, s.236 EP Act)		<input type="checkbox"/>
	Any information request (s.140, s.238(3) EP Act)		<input type="checkbox"/>
	The applicant's response to any information request (s.146 EP Act)		<input type="checkbox"/>
N/A	When did the information stage end? (s.148 EP Act)		N/A
N/A	If the public notification stage applied to the application, please identify the date that the application notice was published (s.152 EP Act)		N/A
N/A	When did the submission period end? (s.154, s.155 EP Act)		N/A
	Declaration of compliance (s.158 EP Act)		<input type="checkbox"/>
	Submissions (s.161 EP Act)		<input type="checkbox"/>
N/A	What date did the decision stage start? (ss.165-167 EP Act)		N/A
	The decision notice and any draft environmental authority, or draft amended environmental authority (s.181 EP Act)		<input type="checkbox"/>
	Any objection notices given under s.182(2) EP Act		<input type="checkbox"/>

Attachment No.	Event	Date	✓
	Any applicant request for referral under s.183(1) EP Act		<input type="checkbox"/>
	Any standard conditions for the relevant activity or authority		<input type="checkbox"/>
	For transitional referrals made under s 683 of the EP Act, a copy of the application documents, including any draft environmental authority for the application, and each current objection (see s 219(2) of the unamended EP Act)		<input type="checkbox"/>
	Any other relevant assessment documents? <i>If yes, please attach copies and list below:</i>		<input type="checkbox"/>

List any other attachments:

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2. Please briefly describe the resource project for which the environmental authority is sought:

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3. If the referral relates to environmental authority objections under the EP Act only, please provide a copy of the relevant mining tenure application (*to be obtained from DNRM*).

Attached

4. If the referral to the Land Court relates to an application to amend an environmental authority, please provide copies of:

(a) the original environmental authority; and

Attached

(b) the relevant tenure authority (*to be obtained from DNRM*)

Attached

5. Does the application relate to a coordinated project under the *State Development and Public Works Organisation Act 1971*?

Yes No

If yes, please provide a copy of the Coordinator-General's report.

Attached

6. Was an EIS required for the project?

Yes No

7. Please attach copy of current Departmental cadastral maps of:

Attached

(a) the application area, identifying any relevant activity areas; and

(b) the locality, showing the nearest town (including application area).

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Signature

.....
Name and Position

.....
Date

**LAND COURT
OF QUEENSLAND**

Please insert:
Land Court File Number/s:
MRA Ref:
EP Act Ref:

**Objectors Participation Level in Objections Hearings under the
Mineral Resources Act 1989 and/or the *Environmental Protection Act 1994***

I/We, _____ elect to have the following level of participation in the objections hearing:

(Please tick the appropriate box)

Level 1 objector/s

- Level 1 objector/s rely on their notice of objection only and choose not to participate in the court process other than attending the first directions hearing.

Level 2 objector/s

- Level 2 objector/s in addition to relying upon their notice of objection:
 - (a) must attend all court hearings;
 - (b) may call evidence and cross-examine witnesses; and
 - (c) may make submissions at the end of the hearing.

Please send this **completed Form 10** to the Land Court and provide a copy to the mining applicant as soon as possible.

Mail / Fax / Email to:-
Land Court Registry
GPO Box 5266
BRISBANE QLD 4001
Fax: (07) 3247 4635
Email: landcourt@justice.qld.gov.au

OR

Deliver to:-
Land Court Registry
Level 8, 363 George Street
BRISBANE QLD 4000

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Signature

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Date