

PRACTICE DIRECTION NUMBER 4 of 2013

LAND COURT OF QUEENSLAND

**COMPENSATION DETERMINATIONS
UNDER THE *MINERAL RESOURCES ACT 1989***

INFORMATION REQUIRED FROM THE CHIEF EXECUTIVE, DNRM

- (1) This Practice Direction repeals and replaces Practice Direction 2 of 2011.
- (2) The purpose of this Practice Direction is to ensure that the Land Court is provided with sufficient information and evidence in order to make a determination of compensation under the *Mineral Resources Act 1989* (MRA). Sections 85, 85A, 279, 279A and 281 of the MRA confer jurisdiction on the Land Court to determine compensation in respect of the grant and renewal of mining claims and mining leases.
- (3) Referrals by the chief executive for the determination of compensation under the MRA are to be made to the Court using the Land Court Form 5.
- (4) Compliance with the Form 5 requires current copies of the following documents to be attached to the form:
 - MinesOnline Public Enquiry Report;
 - Map showing the tenure area and access land;
 - Information and maps showing which areas of the mining lease(s) or claim(s) are situated on which underlying land tenures;
 - A copy of the application for the grant of a mining claim or mining lease or renewal application (whichever is relevant);
 - A copy of the any amendments to the application or renewal that have occurred since lodgement;
 - A copy of the mining claim application certificate or certificate of application for the mining lease;
 - Any Land Court instruction or recommendation in respect of the mining claim or mining lease;
 - A copy of any application by the mining tenure applicant or landowner for a determination of compensation;
 - A copy of any compensation agreements filed in respect of the mining claim or mining lease;
 - A copy of any environmental authority issued for the mining claim or mining lease (*to be obtained from the Department of Environment and Heritage Protection if not already held by DNRM*).
- (5) The Land Court Form 11 is to be used by the chief executive when providing any additional documentation about the matter to the Land Court at a later date.

Parties to the Land Court Proceeding

- (6) A referral by the chief executive starts a proceeding in the Land Court. The applicant to the proceeding will usually be the applicant for or holder of the mining claim or mining lease (the mining tenure applicant / holder) and the landowner will usually be the respondent, **except in cases where the landowner has requested the referral.**
- (7) In cases where the landowner has requested the referral (see ss.85(5) and 281(1) of the MRA), the landowner will be the applicant to the proceeding and the mining tenure applicant / holder will be the respondent.
- (8) In cases where neither party has requested the referral and the chief executive is compelled to refer the matter to the Land Court after 3 months (see ss.85(12), 85A, 279(5) and 279A of the MRA), the mining tenure applicant / holder will be the applicant to the proceeding and the landowner will be the respondent.

Paul A Smith
A/President
16 April 2013