

# LAND COURT OF QUEENSLAND

## PRACTICE DIRECTION 2 of 2011

### Compensation determinations (referrals by the mining registrar)

#### Information required from the mining registrar:

1. This Practice Direction ensures the Court is provided with sufficient evidence and information to make a determination of compensation under the *Mineral Resources Act 1989* (MRA), for example, sections 85, 279 and 281.
2. References to forms are references to Land Court forms.
3. Referrals by mining registrars for determination of compensation are made to the Court on form 5.
4. Compliance with form 5 **requires** current copies of the following documents to be attached to the form:
  - Public Search DEEDI (Department of Employment, Economic Development and Innovation) Mining Tenure Report (Merlin Search)
  - Map indicating site
  - Information that shows which areas of the mining lease(s) or claim(s) are situated on which underlying land tenures.
  - Copy of original application for mining lease, mining claim or renewal
  - Any amendments to the application(s) or renewal(s) that have occurred since lodgement
  - Copy of the certificate of application
  - Copy of any application for determination of compensation by mining tenure applicant or landholder
  - Copy of the environmental authority or draft environmental authority
5. Form 6 is to be used by the mining registrar when providing additional documentation for the referral at a later date.

#### Identification of Parties

6. The **applicant** is the party that applies for a determination of compensation. This would usually be the miner. Even if the matter is referred by the mining registrar, the applicant would be the miner. Therefore the landowner is usually the **respondent**, except where the landowner asks that the Land Court determine compensation, in which case, the landowner would be the applicant (see ss.85(5) and 281(1) MRA).

**Carmel MacDonald**  
**President**  
**23 June 2011**