

PRACTICE DIRECTION NUMBER 3 of 2015

LAND COURT OF QUEENSLAND

OBJECTORS PARTICIPATION IN OBJECTIONS HEARINGS UNDER THE *MINERAL RESOURCES ACT 1989* AND/OR THE *ENVIRONMENTAL PROTECTION ACT 1994* (FORM 10)

- (1) This Practice Direction repeals and replaces Practice Direction 7 of 2013.
- (2) This Practice Direction applies to proceedings in the Land Court under the *Mineral Resources Act 1989* and/or the *Environmental Protection Act 1994* involving objections lodged against:
 - applications for mining claims, mining leases or additional surface areas of land to be included in mining leases; and/or
 - applications for environmental authorities or amendment applications.
- (3) The Land Court recognises that not all objectors desire to fully participate in the hearing process. To accommodate that, the Court offers objectors two options from which to choose their level of participation, as follows:
 - ❖ **Level 1 (lower level involvement)**

A Level 1 objector relies on their written objection only and elects not to participate in the court process. The Court will consider what is written in their objection.

Level 1 objectors do not have the opportunity to cross-examine the witnesses of the mining applicant, to respond to any evidence which challenges their objection, or to make submissions.
 - ❖ **Level 2 (higher level involvement)**

A Level 2 objector fully participates in the court process and:

 - (a) attends all court hearings;
 - (b) may call expert and other witnesses to support their objection;
 - (c) may cross-examine the witnesses of the other parties; and
 - (d) may make submissions at the end of the final hearing about why the application should be refused or what conditions should be imposed if approval is given.
- (4) Regardless of which level of participation is chosen, all objectors (Level 1 and Level 2) **must** attend the initial directions hearing before the Court. Afterwards, Level 1 objectors will be excused from attending or participating in the court process.
- (5) All objectors must complete and return to the Court the attached **Form 10** to indicate their level of participation in the matter before the Court. A copy of the Form 10 must be served on the mining applicant.
- (6) Where an objector fails to make an election as set out above, the objector will be treated as a Level 2 objector (higher level of involvement).

- (7) In all cases the following documents will be forwarded to an objector:
- (a) Copies of court orders and decisions; and
 - (b) Hearing notices.
- (8) Objectors can only change their level of participation by applying to the Court for leave (ie. permission). The application must be filed in the Court and served on the other parties as soon as possible and no less than twenty-eight (28) days prior to the final hearing.
- (9) Objectors can withdraw their objection at any time by giving written notice to the Court and the other parties. There may be costs implications depending on the timing of the withdrawal.

Carmel MacDonald
President
9 September 2015

**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

.....
Signature

.....
Date