

LAND COURT OF QUEENSLAND

PRACTICE DIRECTION No. 9 of 2009

Compensation determinations (mining)

1. This practice direction applies to the determination of compensation by the Court under sections 85, 279 and 281 of the *Mineral Resources Act 1989* (MRA):
 - a) Within twenty-eight (28) days after the date of the acknowledgement letter issued by the Land Court Registry, the applicant will file in the Court and serve on the other party (the respondent) a compensation statement and any supporting affidavits or statutory declarations.
 - b) A statement as to whether the applicant wishes the matter to be dealt with on the papers or by hearing must be included. (Both parties must consent if a matter is to be heard on the papers pursuant to r.35 of the *Land Court Rules 2000*.)
 - c) Within twenty-eight (28) days after being served with that material, the respondent will file in the Court and serve on the applicant a compensation statement (which should also identify any aspects of the applicant's compensation statement with which the respondent agrees or disagrees – and if the respondent disagrees, the reasons for any disagreement) and any supporting affidavits or statutory declarations.
 - d) Within seven (7) days after being served with the respondent's material, the applicant will file in the Court and serve on the respondent any material in reply to the respondent's material.
 - e) If either party desires further time to comply with these procedures, that party should immediately contact the Deputy Registrar who will refer the request to the relevant Member.
2. For paragraph 1 –
 - a) "applicant" means the party applying for a determination of compensation under sections 85(5) or 281(1) MRA.
 - b) "compensation statement" means a statement detailing the amount of compensation the party considers the Court should determine, having regard to, in the case of a mining claim, the criteria in section 85(7) and (8), and in the case of a mining lease the criteria in section 281(3) and (4) MRA.

Carmel MacDonald
President
4th September 2009