

PRACTICE DIRECTION NUMBER 1 of 2015

LAND APPEAL COURT OF QUEENSLAND

APPROVED FORMS

- (1) All Land Appeal Court Forms have been reviewed.
- (2) In accordance with section 77B of the *Land Court Act 2000*, I approve for use in the Land Appeal Court Form 1, Form 2 and Form 3 as amended and renumbered.
- (3) All previous Land Appeal Court Forms are withdrawn.

Carmel MacDonald
President
20 October 2015

**LAND APPEAL COURT OF
QUEENSLAND**

(Court Use Only)

Receipt No.

NOTICE OF APPEAL TO THE LAND APPEAL COURT

Please print clearly. If insufficient space, use separate numbered sheets. Sheets attached ()

APPELLANT(s)			
Address for service			
Postal address			
Telephone:	()	Fax:	()
Email:			

Name of solicitor and firm, or authorised agent (if applicable)			
Address for service			
Postal address			
Telephone:	()	Fax:	()
Email:			

RESPONDENT(s)			
Address for service			
Postal address			
Telephone:	()	Fax:	()
Email:			

DECISION APPEALED AGAINST

Date of decision	
Land Court file no.	

Decision	
State briefly the decision appealed against	

THIS APPEAL
(If insufficient space please attach separate sheet)

Grounds of appeal	
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Orders or other relief sought	
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Signed	
	Appellant /Authorised Agent / Solicitor . * Tick whichever is applicable

Date	
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PROCEDURE TO INSTITUTE AN APPEAL

1. The **Notice of Appeal** may be filed, **together with the prescribed fee-**

(a) in person at -
The Registry
Land Appeal Court
Level 8
363 George Street
BRISBANE QLD 4000

OR

b) by post to -
The Registrar
Land Appeal Court
GPO Box 5266
BRISBANE QLD 4001

2. Appeals come to the Land Appeal Court in a variety of ways, most commonly by way of section 65 of the *Land Court Act 2000* or section 282 of the *Mineral Resources Act 1989*. Please check your relevant Act for any specific sections relating to the Land Appeal Court.

Land Court Act 2000

65. Notice of Appeal

- (1) A party intending to appeal against a decision of the Land Court must, within 42 days after the court's decision is given to the party, serve notice of appeal against the decision on-
 - (a) all other parties to the proceeding on which the decision was made; and
 - (b) the registrar of the Land Appeal Court.
- (2) The period of 42 days applies whether the decision appealed against is the original decision of the Land Court, the decision on the application for rehearing or the decision on the rehearing.
- (3) The notice of appeal must state the grounds on which the decision is appealed against.

Mineral Resources Act 1989- Mining leases

282. Appeal against Land Court's determination upon compensation

- (1) A party aggrieved by a determination of the Land Court made under section 281 may, within 20 business days of the date of that determination or within such further period as the Land Appeal Court, on the application of that party in that behalf prior to the lodgement of the appeal, considers appropriate in any particular circumstances, appeal against the determination to the Land Appeal Court.
- (2) The appeal shall be instituted by, within the time and in the manner prescribed—
 - (a) lodging in the Land Court, written notice of appeal which shall include the grounds of appeal; and
 - (b) serving copies of the notice of appeal on the mining registrar and each other party.
- (3) The Land Appeal Court shall have jurisdiction to hear and determine an appeal under this section.
- (4) In deciding an appeal, the Land Appeal Court must consider the things relevant to the appeal that the Land Court was required to consider when making the decision appealed against.
- (5) Upon hearing an appeal under subsection (1) the Land Appeal Court may—
 - (a) vary the determination of the Land Court in such way as it thinks just; or
 - (b) disallow the appeal and confirm the determination of the Land Court; and may make such order as to costs of the appeal as it thinks fit.
- (6) The Land Appeal Court shall not admit further evidence upon an appeal from a determination of the Land Court under subsection (1) unless—
 - (a) it is satisfied that admission of the evidence is necessary to avoid grave injustice and there is sufficient reason that the evidence was not previously adduced; or
 - (b) the appellant and respondent agree to its admission.
- (7) The determination of the Land Appeal Court on appeal shall be final and conclusive.

**LAND APPEAL COURT OF
QUEENSLAND**

(Court Use Only)

GENERAL APPLICATION

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

Court Reference:

In the matter of:
.....

Appellant

v.

.....

Respondent

TAKE NOTICE that the Appellant / Respondent (tick whichever is applicable) in this proceeding makes an application to the Land Court under:

Legislation under which this application is made to the Land Court

Relevant Sections or Rules of Court

**** This application is to be heard by the Land Appeal Court at on
..... at**

****Contact the Land Court registry for the allocation of a date and time for hearing.**

Parties served with this application must appear before the Court in person or by lawyer or authorised agent unless the Court otherwise orders.

<p>Briefly state the facts, circumstances or other relevant matters on which this application is based: <i>(if insufficient space, attach separate numbered sheets)</i></p>	
<p>Orders or other relief sought: <i>(if insufficient space, attach separate numbered sheets)</i></p>	
<p>Grounds on which the orders or other relief are sought: <i>(if insufficient space, attach separate numbered sheets)</i></p>	

<p>Signed: <i>The application must be signed by all Applicants or their Solicitor or Authorised Agent</i></p>	<p style="text-align: center;">Applicant <input type="checkbox"/> / Solicitor <input type="checkbox"/> / Authorised Agent <input type="checkbox"/> * <i>tick whichever is applicable</i></p>
<p>Date:</p>	

1. This **General Application** may be filed:

- | | | |
|--|---|---|
| <p>(a) in person at –
The Registry
Land Court
Level 8
363 George Street
BRISBANE QLD 4000</p> | <p>OR -
(b) by post addressed to –
The Registrar
Land Court
GPO Box 5266
BRISBANE QLD 4001</p> | <p>OR -
(c) by facsimile to –
The Registrar
Land Court
Fax: (07) 3247 4635</p> |
|--|---|---|

2. The application **must** be filed and served on each other party to the proceeding.

(Court Use Only)

NOTICE OF WITHDRAWAL OR DISCONTINUANCE

Land Court Reference:

In the matter of:

Appellant

v.

Respondent

TAKE NOTICE that the Appellant discontinues the whole of the appeal against the [First] Respondent [or: withdraws that part of the application against the [First] Respondent by which the Appellant seeks (*specify relief to be withdrawn*).]

The Appellant does not represent any other person in the proceeding.

Signed:

(*Appellant or Solicitor*)

Description:

(of signatory)

Dated:

[The [First] Respondent consents to this discontinuance [or: withdrawal].]

Signed:

(*Respondent or Solicitor*)

Description:

(of signatory)

Dated:

(If consent is on conditions, the conditions must be stated on this notice.)

(If this notice is in relation to more than one respondent, each is to sign a consent in these terms.)