

Communication

Subject: *Procedure in applying to access Land Tribunal records*

Audience: Land Tribunal users

Commencing: Effective as of 13 February 2018

Legislation: *Aboriginal Land Act 1991*

BACKGROUND

A Chairperson has been appointed to the Land Tribunal to act in a part-time basis from 21 December 2017 up to and including 20 December 2018.

Sections 223 and 231 of the *Aboriginal Land Act 1991* provide general powers for the purpose of a proceeding in relation to a claim, the Land Tribunal may do all other things necessary or convenient to be done or in connection with the hearing and determination of the claim.

PROCEDURE

Sections 223 and 231 of the *Aboriginal Land Act 1991* provide authorisation to issue forms for use in applications before the Land Tribunal. The Land Tribunal has created an “Originating Application Form” (**Form 1**) and a “Template Affidavit Form” (**Form 2**).

If a party is seeking to apply to access records from the Land Tribunal, that party must apply the following procedure:

1. File an originating application on the attached (Form 1)
2. File an affidavit(s) on the form attached (Form 2) outlining the following:
 - a. what records the applicant(s) seek
 - b. whether the applicant(s) have the consent of a representatives of the original claimant(s) to whom the records relate
3. File proof of service with the originating application and affidavit(s).

The Chairperson will decide the application. The Registrar of the Land Court will establish and maintain a record of any applications for access to the records of the Land Tribunal.

Please submit the information detailed above to the Land Court Registry by email to landcourt@justice.qld.gov.au.

Contact: Darren Campbell, Registrar of the Land Court (landcourt@justice.qld.gov.au)

Date Issued: 13 February 2018

ORIGINATING APPLICATION

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

1. APPLICANT(S) DETAILS	
Applicant Name(s):	
Residential or Business Address:	
Telephone:	()
Fax:	()
Mobile:	
Email:	

2. SOLICITOR OR AGENT DETAILS <i>(if applicable)</i>	
Name of Solicitor and Legal Firm, or Authorised Agent:	
Business Address of Solicitor or Agent:	
Contact Details of Solicitor or Agent:	Telephone: () Fax: () Mobile: Email:

NOTE: All court notices and correspondence will be sent to your solicitor or authorised agent unless you are acting personally.

3. RESPONDENT(S) DETAILS

Respondent Name(s):	
Address:	
Telephone: Fax: Mobile:	() ()
Email:	

4. LAND CLAIM PARTICULARS, BASIS FOR THE APPLICATION, AND THE OUTCOME YOU ARE SEEKING FROM THE LAND TRIBUNAL

<p>State the details of the land claim to which this application relates, including claim number, property description, name of the claimant group, and names of any other parties to that claim.</p> <p><i>(if insufficient space, attach separate numbered sheets)</i></p>	
<p>Briefly state the facts, circumstances or other relevant matters on which this application is based:</p> <p><i>(if insufficient space, attach separate numbered sheets)</i></p>	
<p>Orders or other relief sought:</p> <p><i>(if insufficient space, attach separate numbered sheets)</i></p>	

Grounds on which the orders or other relief are sought: <i>(if insufficient space, attach separate numbered sheets)</i>	
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Signed: <i>The application must be signed by ALL Applicants or their Solicitor or Authorised Agent</i>	Applicant/ Solicitor/Authorised Agent
Date:	

List any attachments:

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PROCEDURE FOR STARTING PROCEEDINGS

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

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| <p>(a) in person at –
 The Registry
 Land Court
 Level 8
 363 George Street
 BRISBANE QLD 4000</p> | <p style="text-align: center;">OR -</p> <p>(b) by post addressed to –
 The Registrar
 Land Court
 GPO Box 5266
 BRISBANE QLD 4001</p> |
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2. The Applicant **must** serve a copy of the Originating Application and supporting affidavit, on the Respondent.

<i>Court Use Only:</i> File Number:

AFFIDAVIT

Applicant: *(Insert Name)*

AND

[First] Respondent: *(Insert Name)*

AND

[Second] Respondent: *(Insert Name)*

I, *(Full name of deponent)* of *(residential or business address, or place of employment), (occupation or other description)* states on oath *[or: solemnly and sincerely affirms and declares]:*

1. I am etc
2. Exhibit A to this affidavit is etc
3.

Signed:.....
Deponent

Taken by:.....,
Solicitor/Justice of the Peace/
Commissioner for Declarations

Include the following at the end of the body of the affidavit:

All the facts sworn to in this affidavit are true to my knowledge and belief except as stated otherwise.

(Sworn/Affirmed) by *(Full name of deponent)* on *(date)* at *(place)* in the presence of:

Signed:.....
Deponent

Taken by:.....,
Solicitor/Justice of the Peace/
Commissioner for Declarations

Signed:.....
Deponent

Taken by:.....,
Solicitor/Justice of the Peace/
Commissioner for Declarations