

President of Land Court of Queensland – Approval of forms

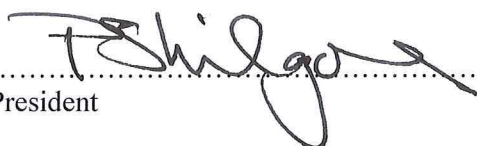
Pursuant to s77B of Land Court Act 2000

The President **approves** the following amended forms for use under the *Land Court Act 2000* in accordance with the following attachments.

- LAC Form 1 – Notice of Appeal to the Land Appeal Court – Version 4
- LAC Form 2 – General Application – Version 4
- LAC Form 3 – Notice of Withdrawal or Discontinuance – Version 4

The following forms are **revoked** from use:

- LAC Form 1 – Notice of Appeal to the Land Appeal Court – Version 3
- LAC Form 2 – General Application – Version 3
- LAC Form 3 – Notice of Withdrawal or Discontinuance – Version 3

A / 
President

6 July 2018



NOTICE OF APPEAL TO THE LAND APPEAL COURT
(Not to be used for appeals against Categorisation or Valuer-General decisions)

SECTION 1 - APPELLANT

Name of appellant:

Address for service:

Post Code:

Contact number:

Email address:

SECTION 2 – REPRESENTATION

Are you:

- ☐ Representing yourself (*the Court and other parties will use the details in Section 1 to serve documents on you*)
- ☐ Being represented by a solicitor (*go to Section 3*)
- ☐ Being represented by an agent (*go to Section 4*)

Note: All court notices and correspondence will be sent to you and all documents filed by another party will be served on you, unless you are represented by a solicitor or an authorised agent, in which case, they will be sent to and served on your solicitor or agent.

SECTION 3 – REPRESENTED BY A SOLICITOR

Name of firm:

Name of solicitor:

Address for service:

Post Code:

Contact number:

Email address:

SECTION 4 – REPRESENTED BY AN AUTHORISED AGENT

Name of agent:

Name of firm:

Address for service:

Post Code:

Contact number:

Email address:

- ☐ I have completed and signed the authorisation form (*Attachment 1 – Representation by an authorised agent*)



LAND APPEAL COURT OF QUEENSLAND

SECTION 5 - RESPONDENT

Name of respondent:

Address for service:

Post Code:

Contact number:

Email address:

SECTION 6 – DECISION APPEALED AGAINST

Date of decision:

Land Court File No:

Decision (*state briefly the decision appealed against*):

SECTION 7 – THIS APPEAL

Grounds of appeal:

Orders or other relief sought:

If insufficient space, please attach separate numbered sheets. (No of sheets attached):

SECTION 8 – PROCEDURE FOR FILING

This **Notice of Appeal** may be filed, together with the prescribed fee:

In person:

The Registry

Land Court and Tribunal Registry
Level 8, 363 George Street
BRISBANE QLD 4000

By Post:

The Registrar

Land Court and Tribunal Registry
GPO Box 5266
BRISBANE QLD 4001

The Notice of Appeal must then be served on the Respondent to the appeal.

SECTION 9 – DECLARATION

☐ I have read and understood the Privacy Statement below

Privacy Statement

The Land Court and Tribunal Registry (which forms part of the Department of Justice and Attorney-General) is collecting information provided on and with this form to assess the suitability of the matter for the Land Court.

Please ensure that the personal information you provide on this form is true and correct, including the information you provide about other parties.

Any information you provide will only be used by the Registry for the purpose for which it was provided. For more information about how DJAG manages personal information please refer to DJAG's [Privacy Guide](#).

SECTION 10 – DECLARATION SIGNATURE

Signed by: *(please select one)*

- ☐ Appellant
- ☐ Solicitor / authorised agent *(delete whichever is not applicable)*
- ☐ Company *(please specify the company name and your position below)*

Signature:

Date:

Name:

PROCEDURE TO INSTITUTE AN APPEAL

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 the 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 to:
- (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.

Attachment 1

ONLY COMPLETE IF BEING REPRESENTED BY AN AUTHORISED AGENT

Parties appearing in the Land Court often engage the services of a solicitor to represent them. Solicitors offer clients professional skills and expertise. They are accountable to their professional bodies and to the Court. They are also covered by insurance for any potential liability claims made against them by their clients.

However, a party may choose to represent themselves or be represented by an agent.

Before deciding to be represented by an agent, you should give careful consideration to the suitability and skill of the agent. You should be aware that an agent (unlike a solicitor) is not required to have professional indemnity insurance cover when representing clients before the Land Court. If you hire an agent and they have no professional indemnity insurance, you may find it difficult to get compensation if serious errors are made by the agent.

In some proceedings in the Land Court, costs are awarded against the unsuccessful party. If the successful party has engaged an agent to represent them, then it is unlikely the agent's fees can be recovered from the unsuccessful party.

You may be asked by your agent to sign a waiver to remove your right to make a claim against them if you are dissatisfied with the outcome of the proceedings. You should be aware that you are engaging an agent who may not have to accept any responsibility for the outcome of the proceedings.

☐ I have read and understood the information above

My agent's authority to represent me is [limited / unlimited]

(If limited please provide details)

Signed by:

☐ Appellant

Signature:

Date:

Name:



**LAND APPEAL COURT OF
QUEENSLAND**

(Court Use Only)

Receipt No:

LAC Form 2 | LAC Section 77B of the *Land Court Act 2000*

GENERAL APPLICATION

Land Appeal Court File No:

In the matter of:

Appellant:

v

Respondent:

TAKE NOTE that the Appellant | Respondent in this proceeding makes an application to the Land Appeal Court:

(Tick whichever is applicable):

☐ Appellant

☐ Respondent

This application is to be heard by the Land Appeal Court at:

Location:

Date:

Time:

☐ Please contact the Land Court registry for the allocation of 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.

I want the Land Appeal Court to make the following orders:

The reason I am seeking orders from the Land Appeal Court:

If insufficient space above, please attach separate numbered sheets: *(No. of sheets attached)*

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PROCEDURE FOR FILING

This **General Application** may be submitted electronically or:

In person:

The Registry
Land Court and Tribunal Registry
Level 8, 363 George Street
BRISBANE QLD 4000

By Post:

The Registrar
Land Court and Tribunal Registry
GPO Box 5266
BRISBANE QLD 4001

☐ This application must be filed and served on each other party to the proceeding.

DECLARATION

☐ I have read and understood the Privacy Statement below

Privacy Statement

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Any information you provide will only be used by the Registry for the purpose for which it was provided. For more information about how DJAG manages personal information please refer to DJAG's [Privacy Guide](#).

DECLARATION SIGNATURE

Signed by *(please select one)*:

- ☐ Appellant | Respondent
- ☐ Solicitor / authorised agent *(delete whichever is not applicable)*
- ☐ Company *(please specify the company name and your position below)*

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Signature:

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Date:

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Name:

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NOTICE OF WITHDRAWAL OR DISCONTINUANCE

SECTION 1 – APPEAL DETAILS

Land Appeal Court File No:

In the matter of:

Appellant:

v

Respondent:

SECTION 2 – TAKE NOTICE

The Appellant discontinues the **[whole | part]** (*select one*) 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)].

SECTION 3 – CONSENT

Does the [First] respondent consent to the discontinuance or withdrawal?

☐

Yes (*complete this section*)

☐

No (*continue to Section 4*)

☐

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.

Signed by: (*please select one*)

☐

Respondent

☐

Solicitor / authorised agent (*delete whichever is not applicable*)

Signature:

Date:

Name:



LAND APPEAL COURT OF QUEENSLAND

SECTION 4 - PROCEDURE FOR FILING

This **LAC Form 3 - Notice of withdrawal or discontinuance** may be filed:

In person:

The Registry
Land Court and Tribunal Registry
Level 8, 363 George Street
BRISBANE QLD 4000

By Post:

The Registrar
Land Court and Tribunal Registry
GPO Box 5266
BRISBANE QLD 4001

SECTION 5 - DECLARATION

- ☐ I have read and understood the Privacy Statement below
- ☐ The appellant does not represent any other person in the proceeding

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Any information you provide will only be used by the Registry for the purpose for which it was provided. For more information about how DJAG manages personal information please refer to DJAG's [Privacy Guide](#).

DECLARATION SIGNATURE

Signed by: *(please select one)*

- ☐ Appellant
- ☐ Solicitor / authorised agent *(delete whichever is not applicable)*

Signature:

Date:

Name: