

PRACTICE DIRECTION NUMBER 3 of 2013

LAND COURT OF QUEENSLAND

APPROVED FORMS FOR REFERRALS UNDER THE *MINERAL RESOURCES ACT 1989* AND THE *ENVIRONMENTAL PROTECTION ACT 1994*

- (1) This Practice Direction repeals and replaces Practice Direction 4 of 2011.
- (2) This Practice Direction explains the use of approved forms associated with referrals to the Land Court under the *Mineral Resources Act 1989* (MRA) and the *Environmental Protection Act 1994* (EP Act).

REFERRAL OF MINING COMPENSATION MATTERS

Form 5 – Referral of Mining Compensation Matters

- (3) The Land Court Form 5 is used by the Department of Natural Resources and Mines (DNRM) for the referral of mining compensation matters to the Land Court.
- (4) Practice Direction 4 of 2013 applies to compensation referrals and identifies a list of documents which DNRM must provide to the Land Court at the time of the referral.

REFERRAL OF MINING OBJECTIONS AND ENVIRONMENTAL OBJECTIONS

Form 6 – Referral of Mining and/or Environmental Objections

- (5) The Land Court Form 6 is used for the referral of:
 - (a) mining objections under the MRA; and/or
 - (b) environmental authority objections under the EP Act.
- (6) DNRM will be responsible for using the Form 6 to refer matters to the Land Court involving:
 - (a) Objections under both the MRA and the EP Act; and
 - (b) Objections under the MRA only.
- (7) The Department of Environment and Heritage Protection (DEHP) will be responsible for using the Form 6 to refer matters to the Land Court which involve environmental objections under the EP Act only.
- (8) The Form 6 contains a list of documents that **must** be attached to the form and provided to the Land Court at the time of the referral. These documents are prescribed by the MRA and the EP Act. DNRM and DEHP must ensure that these documents are attached to the Form 6 before faxing or posting the referral to the Land Court.

Form 7 – DNRM Report for the Land Court

- (9) The Land Court Form 7 is used by DNRM to provide information and documents to the Land Court with respect to the tenure application that has been referred to the Land Court for hearing under the MRA.
- (10) The Form 7 and all relevant attachments are to be provided to the Land Court as soon as possible after the Form 6 referral.

Form 8 – DEHP Report for the Land Court

- (11) The Land Court Form 8 is used by DEHP to provide information and documents to the Land Court with respect to the environmental authority application that has been referred to the Land Court for hearing under the EP Act.
- (12) To avoid any doubt, the Form 8 must be completed by DEHP and provided to the Land Court in the following cases:
 - (a) Matters involving objections under both the MRA and the EP Act (where DNRM was responsible for the Form 6 referral); and
 - (b) Matters involving objections under the EP Act only (where DEHP was responsible for the Form 6 referral).
- (13) The Form 8 and all relevant attachments are to be provided to the Land Court as soon as possible after the Form 6 referral.

Form 9 – Additional Applicant Information and Statutory Declaration for the Land Court

- (14) In matters where objections are lodged in respect of an application for a mining claim, mining lease or additional surface areas of land for a mining lease, the applicant must complete a Land Court Form 9 and provide a copy to DNRM within five (5) business days after the last objection day (see Practice Direction 6 of 2013).
- (15) DNRM will provide the completed Form 9 to the Land Court by way of an attachment to the Form 7 DNRM Report.

Form 10 – Objectors Participation Level in Objections Hearings under the MRA and the EP Act

- (16) Upon receipt of a Form 6 referral from either DNRM or DEHP, the Land Court Registry will send an acknowledgment letter to each objector enclosing a Land Court Form 10.
- (17) Objectors must complete the Land Court Form 10 and return it to the Land Court as soon as possible (see Practice Direction 7 of 2013).
- (18) If a completed Form 10 is provided by an objector to either DNRM or DEHP instead of the Land Court, DNRM or DEHP will immediately forward the document to the Land Court for action.

MISCELLANEOUS

Form 11 – Coversheet enclosing Documents

- (19) If, at any stage of a proceeding, DNRM or DEHP wish to provide the Land Court with further documents relevant to the proceeding, a Form 11 coversheet should be completed which identifies the relevant Court file number/s and provides details of the attachments.

Paul A Smith
A/President
16 April 2013