

PRACTICE DIRECTION NUMBER 1 of 2015

LAND COURT OF QUEENSLAND

PROCEDURES APPLICABLE TO MATTERS REFERRED TO THE LAND COURT (INCLUDING BUT NOT LIMITED TO) UNDER THE *MINERAL RESOURCES ACT 1989*, THE *ENVIRONMENTAL PROTECTION ACT 1994*, THE *PETROLEUM AND GAS (PRODUCTION AND SAFETY) ACT 2004*, THE *ABORIGINAL CULTURAL HERITAGE ACT 2003*, AND THE *TORRES STRAIT ISLANDER CULTURAL HERITAGE ACT 2003*

- (1) This Practice Direction applies to all matters that are referred to the Land Court (including but not limited to) under the *Mineral Resources Act 1989*, *Environmental Protection Act 1994*, the *Petroleum and Gas (Production and Safety) Act 2004*, the *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003* – “referred matters”.
- (2) This Practice Direction is to ensure that court procedures with respect to “referred matters” are fair, and consistent with all other matters before the Land Court.

PROCEDURES

- (3) The procedures to be applied to “referred matters” are the same as those outlined in the Land Court Rules 2000 (with the exception of Rules 8, 9, 10 and 11).
- (4) Where there is any matter which arises in a “referred matter” that is not covered by these procedures, then the procedures in the Uniform Civil Procedure Rules 1999 will apply and are to be followed with respect to that matter.

PRELIMINARY CONFERENCES AND MEDIATION

- (5) With respect to “referred matters” a Member or Judicial Registrar may arrange for parties to attend a preliminary conference or mediation.
- (6) A preliminary conference or mediation is to be conducted on a “without prejudice” basis.
- (7) Parties must act reasonably and genuinely throughout the process to identify and seek to resolve issues in dispute.

- (8) Parties who attend a preliminary conference or mediation must have authority to settle the matter.
- (9) Unless otherwise ordered, parties will share the cost of mediation equally.

Carmel MacDonald

President

27 July 2015