File No:

(Court Use Only)

**Form 01A** | *Mineral Resources Act 1989 (MRA) and Mineral and Energy Resources (Common Provisions) Act 2014*

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| **ORIGINATING APPLICATION**  **For determination of mining compensation and conduct and compensation disputes** |

**Please refer to Practice Direction 3 of 2019**

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| **Act or Regulation under which this application is made to the Land Court:** |
| |  | | --- | | Click to enter text. | |
| **Relevant Section(s) [of the relevant Act or Regulation]:** |
| |  | | --- | | Click to enter text. | |

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| **SECTION 1 – MANDATORY DETAILS** | |
| **Mining District:** | |
| |  | | --- | | Click to enter name of mining district. | | |
| **Mining Lease or Mining Claim numbers** | |
| |  | | --- | | Click to enter tenure identifier. | | |
| **Type of mining application:** | |
|  | **Renewal** |
|  | **Grant** |
|  | **Conduct and Compensation Agreement (CCA)** |
| **Filed by:** *(Tick whichever is applicable)* | |
|  | **Applicant/Miner or Resource Authority Holder** |
|  | **Respondent/Landholder** |

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| **SECTION 2 – MINING APPLICANT / HOLDER DETAILS**  *(if there is more than one applicant, please click the plus button at the bottom right corner of the table to add them)* |

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| **Name(s):** |
| |  | | --- | | Click to enter name of tenure applicant / holder. | |
| **Residential or Business Address:** |
| |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | Click to enter address. | **Suburb:** | Click to enter suburb. | **State:** | Select an item. | **Postcode:** | Enter postcode. | |
| **Address for Service:** *(if different from above)* |
| |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | Click to enter address. | **Suburb:** | Click to enter suburb. | **State:** | Select an item. | **Postcode:** | Enter postcode. | |
| **Contact number(s):** |
| |  |  | | --- | --- | | Click to enter telephone number. | Click to enter mobile phone number. | |
| **Email address:** |
| |  | | --- | | Click to enter email address. | |

| **SECTION 3 – REPRESENTATION** | |
| --- | --- |
| **Are you:** *(please select the relevant option)* | |
|  | **Representing yourself** *(the Court and other parties will use the details in Section 2 to serve documents on you)* |
|  | **Represented by a solicitor** *(go to section 4)* |
|  | **Represented by an agent** *(go to section 5)* |
| 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 4 – REPRESENTED BY A SOLICITOR** |
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| **Name of firm:** |
| |  | | --- | | Click to enter name of firm. | |
| **Name of solicitor:** |
| |  | | --- | | Click to enter name of solicitor. | |
| **Address for service:** |
| |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | Click to enter address. | **Suburb:** | Click to enter suburb. | **State:** | Select an item. | **Postcode:** | Enter postcode. | |
| **Contact number(s):** |
| |  |  | | --- | --- | | Click to enter telephone number. | Click to enter mobile phone number. | |
| **Email address:** |
| |  | | --- | | Click to enter email address. | |

| **SECTION 5 – REPRESENTED BY AN AUTHORISED AGENT** | |
| --- | --- |
| **Name of firm:** | |
| |  | | --- | | Click to enter name of firm. | | |
| **Name of agent:** | |
| |  | | --- | | Click to enter name of agent. | | |
| **Address for service:** | |
| |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | Click to enter address. | **Suburb:** | Click to enter suburb. | **State:** | Select an item. | **Postcode:** | Enter postcode. | | |
| **Contact number(s):** | |
| |  |  | | --- | --- | | Click to enter telephone number. | Click to enter mobile phone number. | | |
| **Email address:** | |
| |  | | --- | | Click to enter email address. | | |
|  | **I have attached the authorisation form** (Attachment 1 – Representation by an authorised agent) |

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| **SECTION 6 – LANDHOLDER DETAILS**  *(if there is more multiple landowner details, please click the plus button at the bottom right corner of the table to add them)* |

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| **Landholder Name:** |
| |  | | --- | | Click to enter name of landowner. | |
| **Residential or Business Address:** |
| |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | Click to enter address. | **Suburb:** | Click to enter suburb. | **State:** | Select an item. | **Postcode:** | Enter postcode. | |
| **Address for Service:** *(if different from above)* |
| |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | Click to enter address. | **Suburb:** | Click to enter suburb. | **State:** | Select an item. | **Postcode:** | Enter postcode. | |
| **Contact number(s):** |
| |  |  | | --- | --- | | Click to enter telephone number. | Click to enter mobile phone number. | |
| **Email address:** |
| |  | | --- | | Click to enter email address. | |
| **Property Description(s):** *(e.g. Lot on Plan descriptions or Land Parcel identifiers)* |
| |  | | --- | | Click to enter property description(s). | |

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| **SECTION 7 – AFFECTED AREA** | | |
| **Estimate of the Tenure Area affecting the Property:** *(Please attach map showing mining tenure area and access route if applicable)* | | |
| |  | | --- | | Click to enter number. | | | |
| **Estimate of the Access Area over the Property:** *(Please attach map showing access route and area)* | | |
| **Access Length:** | | |  | | --- | | Click to enter number. *(kilometres)* | |
| **Access Width:** | | |  | | --- | | Click to enter number. *(metres)* | |
| **Total Access Area:** | | |  | | --- | | Click to enter number. | |
| **Please also indicate whether compensation:** | | |
|  | is for tenure and access | |
|  | is only for tenure | |
|  | is only for access | |

| **SECTION 8 – BACKGROUND ISSUES AND INFORMATION** | | | |
| --- | --- | --- | --- |
| **Have there been any previous compensation determinations in respect of this property and tenure?** | | | Please select. |
|  | **If yes, please identify the Court file number/s.** | | |
|  | | |  | | --- | | Click here to enter text. | | |
| **Has any other matter relating to this tenure previously been commenced in the Land Court for any purpose?** *(e.g. for the hearing of objections)* | | | Please select. |
|  | **If yes, what type of matter and file number:** | | |
|  | | |  | | --- | | Click here to enter text. | | |

| **SECTION 9 – WHAT IS THE BASIS FOR YOUR APPLICATION AND WHAT OUTCOME ARE YOU SEEKING FROM THE LAND COURT?** |
| --- |
| **Briefly state the facts, circumstances or other relevant matters on which the application is based:** |
| |  | | --- | | Click to enter text. | |
| **Orders or other relief sought:** |
| |  | | --- | | Click to enter text. | |
| **Grounds on which the orders or other relief are sought:** |
| |  | | --- | | Click to enter text. | |

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| **SECTION 10 – RELEVANT DOCUMENTS** |
| **For documents to attach with this application in support of your compensation dispute see Practice Direction 3 of 2019 – Procedure for deciding compensation disputes and conduct and compensation disputes in particular paragraph 25 a) to o).** |

| **SECTION 11 – 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.](https://www.justice.qld.gov.au/corporate/publications-policies/information-and-privacy) |

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| **SECTION 12 – DECLARATION SIGNATURE** |
| **The originating application must be signed by ALL applicants or their Solicitor or Authorised Agent.** (If there is more than one signature required on this form, please click the plus button on the bottom right hand corner of the table to add additional signatures) |

|  |  |
| --- | --- |
| **Signed by:** *(please select one)* | |
|  | **Applicant** |
|  | **Solicitor** |
|  | **Authorised agent** |
|  | **Company:** *(please specify the company name and your position below)* |
| **Company name:** | |
| Click to enter company name. | |
| **Position within company:** | |
| Click to enter position within the company. | |
| **Name of signatory:** | |
| Click to enter name. | |
|  | |
| Click here to select date of signing. | |

| **SECTION 13 – PROCEDURE FOR FILING** | | |
| --- | --- | --- |
| You or your representative must file this **Form 01a** in the Land Court. Please print and sign the completed **Form 01a** and submit either: | | |
| In Person:  **Land Court Registry**  Level 8  363 George Street  BRISBANE QLD 4000 | By Post:  **The Registrar**  Land Court Registry  GPO Box 5266  BRISBANE QLD 4001 | By Fax:  **The Registrar**  Land Court Registry  (07) 3738 7434 |
| **YOU MUST SERVE A COPY OF YOUR APPLICATION ON THE OTHER PARTY** | | |
| NB: The legislation giving jurisdiction to start proceedings in the Land Court may specify time limits for filing and service of the application. Check the relevant legislation and seek legal advice if necessary. | | |

**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** Choose an item. | |
| *(if limited, please provide details)* | |
| Click here to enter text. | |
| **Signed by applicant:** *(if Company, please specify full name and description of signatory below)* | |
| **Position within company:** | |
| Click to enter position within the company. | |
| **Name of signatory:** | |
| Click to enter name. | |
|  | |
| Click here to select date of signing. | |