

Factsheet 4

Overview of general proceedings

The Land and Resources Tribunal is an independent statutory body established under the *Land and Resources Tribunal Act 1999*. The Tribunal is a court of record that offers a quick, informal, cost-effective method of resolving issues related to proposed resource development, land management and cultural heritage.

Commencing proceedings

Under Rule 3 of the Land and Resources Tribunal Rules 2000 proceedings are commenced before the Tribunal by application, unless an Act specifies a different procedure. Different procedures exist for matters relating to:

- applications for mining claims (s. 61 *Mineral Resources Act 1989*) and mining leases (s. 245 *Mineral Resources Act 1989*) and any objections to those applications.
- objections to environmental authorities for mining claims and mining leases (s. 216 *Environmental Protection Act 1994*).
- applications for determination of compensation (s. 281 *Mineral Resources Act 1989*).

Applications are made by completing *Application to Start Proceedings Form 2* (Rule 3). Applications may be filed in person, posted or faxed (Practice Direction No. 9 of 2000). There are no fees payable for the filing of an application. The applicant must serve the application on each respondent within 14 days of filing the application. In some circumstances it will also be necessary to serve an application upon the local Mining Registrar.

File creation and listing

Once the application has been filed it will be allocated a file number and details will be recorded. The Registrar will then set a time/date for a Directions Hearing and check the Tribunal calendar for possible hearing dates. At this time a Case Officer will also be allocated to the matter. The Case Officer's duties include liaising with all parties to the dispute and ensuring that all correspondence and orders are dealt with in a timely manner. Any enquiries concerning a particular matter should be directed to the assigned Case Officer.

Response

A respondent to an application who wishes to appear in the proceeding must file a *Response Form 3* (Rule 4) within 14 days of service of the application. A copy of the response must be served on each other party within 14 days after filing the response.

Directions hearing

A Directions Hearing will generally be listed approximately 21 days after the application is filed. At the Directions Hearing the Tribunal will request information from the parties so as to clarify the legal and factual issues in dispute. The Tribunal will make orders and give directions as to how the proceeding shall be conducted.

Pre-hearing settlement conference

For contested matters a hearing date will not be allocated until a pre-hearing settlement conference has been held.

Hearing and decision

Hearings are public and may be held in Brisbane or in regional cities and towns as required. Hearings may also be held wholly, or in part, by telephone or video link. Parties need not be legally represented before the Tribunal but can appear in person or by an agent. Upon hearing the matter, the Tribunal will make a determination which will be published and made publicly available. The nature of the Tribunal's decision will be dependent upon the nature of the matter and the legislation relevant to that matter. Unless the Tribunal orders otherwise, each party bears their own costs.

For further information

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Please note that the content of this factsheet is general information only.

Flowchart of general proceedings

