



QUEENSLAND

## Land and Resources Tribunal

### PRACTICE DIRECTION No. 1 of 2003

#### Compensation determinations (mining)

1. This practice direction applies to the determination of compensation by the Tribunal under sections 85, 279 and 281 of the *Mineral Resources Act 1989*.
2. To simplify and expedite the Tribunal's procedures for dealing with these matters, the following will now apply:
  - (a) Within 28 days after the matter is referred to the Tribunal by the mining registrar, the Applicant will file in the Tribunal and serve on the other party (the Respondent) a compensation statement and any supporting affidavits or statutory declarations.
  - (b) Within 28 days after being served with that material, the Respondent will file in the Tribunal and serve on the Applicant a compensation statement (which should also identify any aspects of the Applicant's compensation statement with which the Respondent agrees or disagrees—and if the Respondent disagrees, the reasons for any disagreement) and any supporting affidavits or statutory declarations.
  - (c) Within 7 days after being served with the Respondent's material, the Applicant will file in the Tribunal and serve on the Applicant any material in reply to the Respondent's material.
  - (d) If either party desires further time to comply with these procedures, that party should immediately contact the Tribunal case officer who will refer the request to the Presiding Member.
3. For paragraph 2—
  - (a) "Applicant" means the party applying under sections 85(5) or 281(1); otherwise, it means the applicant for the mining claim or mining lease.
  - (b) "compensation statement" means a statement detailing the amount of compensation the party considers the Tribunal should determine, having regard to, in the case of a mining claim—the criteria in section 85(7) and (8), and in the case of a mining lease—the criteria in section 281(3) and (4).
4. The Tribunal will then deal with the matter on the papers and without an oral hearing, unless:
  - (a) either party makes a written request to the Tribunal for a hearing; or
  - (b) the Tribunal considers that a hearing is necessary.
5. As these procedures may also expedite the determination of compensation matters which have been referred to the Tribunal but have not yet been heard, the Tribunal may require the parties to file in the Tribunal and to serve on the other party the material referred to above, by such dates as the Tribunal directs.

**Gregory J Koppenol**  
**President**  
**10 March 2003**