



Queensland

*Land and Resources Tribunal Act 1999*

# Land and Resources Tribunal Rules 2000

Reprinted as in force on 5 May 2000

Reprint No. 1 \*

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the Office of the Queensland Parliamentary Counsel  
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\* Minor differences in style between this reprint and another reprint with the same number are due to the conversion to new styles. The content has not changed.

# Information about this reprint

These rules are reprinted as at 5 May 2000.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. A table of reprints is included in the endnotes.

**Also see endnotes for information about when provisions commenced.**



Queensland

# Land and Resources Tribunal Rules 2000

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# Land and Resources Tribunal Rules 2000

[reprinted as in force on 5 May 2000]

## 1 Short title

These rules may be cited as the *Land and Resources Tribunal Rules 2000*.

## 2 Definition

In these rules—

*approved form* means a form approved under rule 10.

## 3 Starting proceeding before tribunal

- (1) A proceeding before the tribunal is started by application, unless an Act specifies a different procedure for starting the proceeding.
- (2) The application must—
  - (a) be in the approved form; and
  - (b) include a statement of the relevant facts and circumstances supporting the application; and
  - (c) be filed in the tribunal.
- (3) The applicant must serve the application on each respondent within 14 days after it is filed.
- (4) Despite subrule (2), the president may, if the president considers it appropriate, allow an application starting a proceeding to be made orally, but only if—
  - (a) the application seeks urgent relief; and
  - (b) the applicant undertakes to file a written application within the time directed by the president.

#### **4 Response to application starting proceeding**

- (1) A respondent to an application starting a proceeding who wishes to appear in the proceeding must file a written response to the application within 14 days after service of the application on the respondent.
- (2) The response must be in the approved form.
- (3) The respondent must serve a copy of the response on each other party to the proceeding within 14 days after filing the response, unless the tribunal otherwise directs.

#### **5 Directions hearing**

- (1) The registrar, on the filing of an application starting a proceeding—
  - (a) may fix a time, day and place for a directions hearing; and
  - (b) unless a practice direction otherwise provides, may require the parties, within the time fixed by the registrar—
    - (i) to deliver to each other party a copy of the orders and directions the party would like the tribunal to make or give; and
    - (ii) to confer with a view to agreeing, as far as practicable, on the orders and directions the tribunal should be asked to make or give.
- (2) At a directions hearing, the tribunal may make any orders and give any directions about the conduct of the proceedings that the tribunal considers appropriate.
- (3) Without limiting subrule (2), the tribunal may make any orders and give any directions about any of the following matters—
  - (a) the need for, and extent of—
    - (i) disclosure and interrogatories; or
    - (ii) inspection of property;
  - (b) including other persons as parties;
  - (c) the way and adequacy of service;

- (d) when and where a proceeding is to be heard and how the hearing will be conducted, including whether a view is required;
  - (e) evidence, including expert evidence.
- (4) This rule does not prevent the president, if the president considers it appropriate, from fixing a time, day and place for hearing an application without a directions hearing being held.

## **6 Application in a proceeding**

- (1) Unless the tribunal otherwise directs, an application in a proceeding—
- (a) must be in the approved form; and
  - (b) may be supported by affidavit; and
  - (c) must be filed in the tribunal.
- (2) The applicant must serve the application and any supporting affidavit on each other party to the proceeding at least 3 days before the day fixed for hearing the application, unless the tribunal otherwise directs.
- (3) Despite subrule (1), the president may, if the president considers it appropriate, allow an application in a proceeding to be made orally, but only if—
- (a) the application seeks urgent relief; and
  - (b) the applicant undertakes to file a written application within the time directed by the president.

## **7 Steps before hearing application in a proceeding**

Before an application in a proceeding, other than an urgent application, is heard, the parties to the proceeding must confer with a view to agreeing, as far as practicable, on the orders and directions the tribunal should be asked to make or give on the application.

**8 Practice directions**

- (1) The president may make practice directions, not inconsistent with the Act, for the tribunal.
- (2) A practice direction made under subrule (1) applies subject to a direction given under section 49(4)<sup>1</sup> of the Act.

**9 Procedure for attendance of witnesses**

- (1) A person may be notified to attend as a witness at a tribunal hearing by a subpoena.
- (2) The *Uniform Civil Procedure Rules 1999*, chapter 11, part 4<sup>2</sup> applies, with necessary changes, in relation to the subpoena.<sup>3</sup>

**10 Approval of forms**

The president may approve forms for use under these rules.

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1 Section 49 (Conduct of proceeding) of the Act

2 *Uniform Civil Procedure Rules 1999*, chapter 11 (Evidence), part 4 (Subpoenas)

3 See section 57 (Attendance of witnesses) of the Act for the consequences of failing to comply with the subpoena.

## Endnotes

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Land and Resources Tribunal Rules 2000 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	28 April 2000	5 May 2000

## 5 List of legislation

### **Land and Resources Tribunal Rules 2000 SL No. 74**

made by the Governor in Council on 27 April 2000

notfd gaz 28 April 2000 pp 1558–9

commenced on date of notification

exp 1 September 2010 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.