



Queensland

Land Court and Other Legislation Amendment Act 2007

Act No. 39 of 2007



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Queensland

Land Court and Other Legislation Amendment Act 2007

Act No. 39 of 2007

An Act to amend the *Land Court Act 2000* and other Acts administered by the Attorney-General and Minister for Justice and Minister assisting the Premier in Western Queensland, and for related purposes

[Assented to 29 August 2007]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Land Court and Other Legislation Amendment Act 2007*.

2 Commencement

This Act, other than the following provisions, commences on a day to be fixed by proclamation—

- section 16, to the extent it inserts sections 89, 90 and 91
- section 27, to the extent it inserts sections 86, 87, 88 and 89.

Part 2 Amendment of Land and Resources Tribunal Act 1999

3 Act amended in pt 2

This part amends the *Land and Resources Tribunal Act 1999*.

4 Omission of ss 10–12

Sections 10 to 12—
omit.

5 Insertion of new s 14A

Part 2, division 2—

insert—

‘14A Land Court member filling vacancy of presiding member

- ‘(1) This section applies if a person who is a member of the Land Court is appointed to act as a presiding member for a period.
- ‘(2) For the period, the person is not a Land Court non-presiding member under section 15(2).
- ‘(3) However—
 - (a) the person’s appointment as a member of the Land Court is otherwise unaffected; and
 - (b) in particular, the person may continue to perform duties as a member of the Land Court as well as performing duties as an acting presiding member.
- ‘(4) The person is not entitled to any salary or allowances in addition to the person’s salary and allowances as a member of the Land Court unless the instrument of appointment under section 14 otherwise provides.

Note—

See also sections 87 and 92(2).’.

6 Insertion of new s 19A

After section 19—

insert—

‘19A Land Court officer filling vacancy of referee non-presiding member

- ‘(1) This section applies if a referee non-presiding member is required for the purposes of a proceeding in the tribunal and there is no person holding office as a referee non-presiding member of the type required for the proceeding.
- ‘(2) To remove any doubt, it is declared that—
 - (a) the Governor in Council may act under section 19 to appoint a person to act as a referee non-presiding member only for the proceeding; and
 - (b) the person appointed may be—

- (i) a judicial registrar of the Land Court, appointed and employed under the *Land Court Act 2000*, section 28, who is eligible for appointment; or
 - (ii) the registrar, a deputy registrar or another officer of the Land Court, appointed under the *Land Court Act 2000*, section 48(2) and (3), who is eligible for appointment.
- ‘(3) Subsection (2)(b) does not limit subsection (2)(a).
- ‘(4) If the person appointed is a judicial registrar or officer mentioned in subsection (2)(b), the person is not entitled to any salary or allowances in addition to the person’s salary and allowances as a judicial registrar or officer of the Land Court unless the instrument of appointment otherwise provides.

Note—

See also section 87.’.

7 Amendment of s 29 (Registrar of tribunal)

- (1) Section 29(3), ‘Subject to the president, the’—
omit, insert—
‘The’.
- (2) Section 29(5)—
omit.

8 Omission of s 38 (Arrangement of business)

Section 38—
omit.

9 Amendment of s 39 (General requirements for constituting tribunal for proceeding)

- (1) Section 39(3)(c)—
omit.

(2) Section 39(4)—
omit.

(3) Section 39(5), ‘subsections (2) and (3)(a)’—
omit, insert—
‘this section’.

10 Amendment of s 43 (Reconstituting tribunal—single member)

(1) Section 43(3)—
omit.

(2) Section 43(4), ‘or (3)’—
omit.

11 Omission of ss 51A–53A

Sections 51A to 53A—
omit.

12 Amendment of s 54 (Tribunal a court of record)

Section 54(3), ‘president’—
omit, insert—
‘registrar’.

13 Omission of s 78 (Annual report)

Section 78—
omit.

14 Omission of s 80 (Preservation of rights of non-presiding member)

Section 80—
omit.

15 Insertion of new s 82A

Part 5—

insert—

‘82A Expiry of Act

‘This Act expires on 31 December 2011.’.

16 Replacement of pt 6

Part 6—

omit, insert—

**‘Part 6 Transitional provisions for
Land Court and Other
Legislation Amendment Act
2007**

**‘87 Use of acting appointment provisions having regard
to limited jurisdiction of tribunal**

‘(1) Generally, the purpose of the *Land Court and Other Legislation Amendment Act 2007* is to transfer the tribunal’s jurisdiction to the Land Court.

Note—

See the *Land Court Act 2000*, section 91 for arrangements for proceedings now falling within the jurisdiction of the Land Court that are part heard.

‘(2) The tribunal’s ongoing jurisdiction, until the expiry of this Act takes effect under section 82A, is limited to proceedings about applications under the *Mineral Resources Act 1989—*

(a) lodged under that Act on or before 31 March 2003 and to which the native title (mining) provisions apply; and

(b) whether or not, for any application, a proceeding about the application was started before the tribunal before the commencement of this section.

‘(3) The Governor in Council—

(a) is not obliged—

- (i) to act under section 7 to appoint 1 or more presiding members of the tribunal; or
 - (ii) to act under section 16 to appoint 1 or more non-presiding members; and
 - (b) for the purposes of the tribunal's ongoing jurisdiction, may act as may be convenient—
 - (i) under section 14, to appoint persons to act as presiding members; and
 - (ii) under section 19, to appoint persons to act as appointed non-presiding members.
- ‘(4) Also, the *Acts Interpretation Act 1954*, section 24B(5) does not apply to an appointment mentioned in subsection (3).
- ‘(5) A person may be both—
- (a) the registrar or another member of the staff of the tribunal, as mentioned in section 29; and
 - (b) the registrar of the Land Court, or a deputy registrar or other officer of the Land Court, as mentioned in the *Land Court Act 2000*, section 48.
- ‘(6) Subsections (3) and (4) are to remove any doubt.

‘88 **Annual report**

- ‘(1) If, before the commencement of this section, the president had not given the Minister a report on the operations of the tribunal for the financial year ending 30 June 2007—
- (a) the president of the Land Court must, within 4 months after the commencement of this section, prepare and give to the Minister the report; and
 - (b) the Minister must cause a copy of the report to be tabled in the Legislative Assembly within 14 days after its receipt by the Minister.
- ‘(2) If, before the commencement of this section, the president had given the Minister a report on the operations of the tribunal for the financial year ending 30 June 2007, but the Minister had not caused a copy of the report to be tabled in the Legislative

Assembly, the Minister must cause a copy of the report to be tabled in the Legislative Assembly within 14 days after the commencement of this section.

‘89 Arrangements for president

- ‘(1) This section applies to the person holding appointment under section 7 as president on the commencement of this section.
- ‘(2) The Minister must make the following offer to the person—
 - (a) that if the person resigns from office, the Minister will recommend to the Governor in Council that the person be appointed as a District Court judge;
 - (b) that if the person is appointed as a District Court judge, the person will receive the entitlements mentioned in the *Land Court Act 2000*, section 86.
- ‘(3) If the person accepts the offer within 30 days, the Minister must recommend to the Governor in Council that the person be appointed as a District Court judge.

‘90 Arrangements for deputy president

- ‘(1) This section applies to a person holding appointment under section 7 as deputy president on the commencement of this section.
- ‘(2) The Minister must make the following offer to the person—
 - (a) that if the person resigns from office as deputy president, the Minister will recommend to the Governor in Council that the person be appointed as a member of the Land Court;
 - (b) that if the person is appointed as a member of the Land Court, the person will receive the entitlements mentioned in the *Land Court Act 2000*, section 87.
- ‘(3) If the person accepts the offer within 30 days, the Minister must recommend to the Governor in Council that the person be appointed as a member of the Land Court.

‘91 Arrangements for mining referee

- ‘(1) This section applies to a person holding appointment under section 16(2) as a mining referee on the commencement of this section.
- ‘(2) The Minister must make the following offer to the person—
 - (a) that if the person resigns from office as mining referee, the Minister will recommend to the Governor in Council that the person be appointed as a judicial registrar of the Land Court until 16 July 2008;
 - (b) that if the person is appointed as a judicial registrar of the Land Court, the person will receive the entitlements mentioned in the *Land Court Act 2000*, section 88.
- ‘(3) If the person accepts the offer within 30 days, the Minister must recommend to the Governor in Council that the person be appointed as a judicial registrar of the Land Court.

‘92 Effect of repeal of ss 10–12

- ‘(1) On the repeal of sections 10 to 12, a person still holding appointment under section 7 as president or deputy president—
 - (a) ceases to be entitled to any salary or allowance, or to any other employment or appointment related benefit, under the operation of the repealed sections; and
 - (b) is not entitled to any salary or allowance, or to any other employment or appointment related benefit, to which the person might otherwise be entitled because of the continued holding of the appointment.

Note—

See the *Land Court Act 2000*, sections 86 and 87 for the accrued rights of the president and deputy president.

- ‘(2) For the purposes of the ongoing work of the tribunal—
 - (a) the person’s office of president or deputy president is taken to have been vacated; and
 - (b) an acting appointment to the office may be made as provided under section 87(3)(b)(i).’.

17 Amendment of sch 1 (Requirements for constituting tribunal)

Schedule 1, entries for *Environmental Protection Act 1994*, *Fossicking Act 1994*, *Geothermal Exploration Act 2004*, *Petroleum Act 1923* and *Petroleum and Gas (Production and Safety) Act 2004*—

omit.

18 Omission of sch 2 (Negotiated agreements)

Schedule 2—

omit.

Part 3 Amendment of Land Court Act 2000

19 Act amended in pt 3

This part amends the *Land Court Act 2000*.

20 Amendment of s 5 (Jurisdiction of Land Court)

(1) Section 5(1) and (2), ‘any Act’—

omit, insert—

‘an Act’.

(2) Section 5(1)—

insert—

‘*Note—*

Various Acts confer jurisdiction on the Land Court. See the *Acts Interpretation Act 1954*, section 49A.’.

(3) Section 5—

insert—

‘(3) Subsection (2) does not limit parts 3 and 4.

- ‘(4) The jurisdiction of the Land Court can not be ousted only because a proceeding before it is about claims or interests of an equitable nature or involves making a decision about title to land.’.

21 Insertion of new pt 2, div 1A

After section 6—

insert—

‘Division 1A Cultural heritage division

‘6A Divisions of court

- ‘(1) The Land Court is divided into 2 divisions as follows—
- (a) the Cultural Heritage and Indigenous Land Use Agreement Division;
 - (b) the general division.
- ‘(2) A member may sit as, and exercise the powers and perform the functions of, a member of the Land Court in the cultural heritage division or the general division, as nominated by the president.
- ‘(3) A member may be nominated for both the cultural heritage division and the general division.

‘6B Purpose of cultural heritage division

‘The cultural heritage division is to exercise the jurisdiction of the Land Court in all matters coming before the court under any of the following—

- (a) *Aboriginal Cultural Heritage Act 2003*;
- (b) *Torres Strait Islander Cultural Heritage Act 2003*;
- (c) division 6B.’.

22 Amendment of s 16 (Appointment of president and other members of Land Court)

Section 16(4)(a)—

omit, insert—

‘(a) a local lawyer within the meaning of the *Legal Profession Act 2007* of at least 5 years’ standing with extensive experience in 1 or more of the following—

- (i) land-related matters;
- (ii) mining or petroleum issues;
- (iii) indigenous issues;
- (iv) something else considered by the Governor in Council to have substantial relevance to the duties of a member; or’.

23 Insertion of new pt 2, divs 6A to 6C

After section 32—

insert—

‘Division 6A Indigenous assessors

‘32A Indigenous assessors

- ‘(1) The Governor in Council may appoint indigenous assessors to perform functions in the Land Court in its cultural heritage division for proceedings to which they are allocated.
- ‘(2) A person is eligible to be appointed as an indigenous assessor only if—
 - (a) the person—
 - (i) has experience, for not less than 5 years, in industry, commerce, public administration, the practice of a profession or the service of a government or an authority of a government; or
 - (ii) has researched, and published in journals of high academic quality, in the field of anthropology,

history, law, public administration or indigenous issues; and

- (b) the person has, in the opinion of the Governor in Council, a high level of knowledge of or experience in 2 or more of the following—
- (i) cross-cultural issues;
 - (ii) resolving cultural heritage issues;
 - (iii) indigenous issues;
 - (iv) something else considered by the Governor in Council to have substantial relevance to the duties of an indigenous assessor.

- ‘(3) A member is not eligible for appointment as an indigenous assessor.
- ‘(4) An indigenous assessor who is allocated to a proceeding of the Land Court in its cultural heritage division is an officer of the Land Court for the proceeding.

‘32B Conditions of appointment of indigenous assessor

- ‘(1) The remuneration and allowances payable to an indigenous assessor are the remuneration and allowances decided by the Governor in Council.
- ‘(2) An indigenous assessor holds office as an indigenous assessor on the conditions, including the indigenous assessor’s term of appointment, decided by the Governor in Council.
- ‘(3) An indigenous assessor is appointed under this Act and not under the *Public Service Act 1996*.
- ‘(4) An indigenous assessor may resign by giving a signed notice of resignation to the Minister.

‘32C Allocation of indigenous assessor for a proceeding in the cultural heritage division

- ‘(1) The president may allocate an indigenous assessor to a proceeding of the Land Court in its cultural heritage division

if the president is satisfied the allocation will help to achieve the prompt and efficient conduct of the proceeding.

- ‘(2) The president is not required to allocate an indigenous assessor to a proceeding in the cultural heritage division.

‘32D Role of indigenous assessor for a proceeding

- ‘(1) The role of an indigenous assessor for a proceeding in the Land Court in its cultural heritage division is to advise the court about matters within the indigenous assessor’s knowledge or experience that are relevant to a question arising in the proceeding.
- ‘(2) The indigenous assessor does not form part of the Land Court for the proceeding.
- ‘(3) It is not necessary for the indigenous assessor to be present for all of the proceeding.
- ‘(4) All advice given under subsection (1) must be disclosed to the parties to the proceeding, and the parties must be given an opportunity to make submissions on the content of the advice.

‘Division 6B Jurisdiction of Land Court in its cultural heritage division

‘32E Jurisdiction under Commonwealth Native Title Act

- ‘(1) This section applies if, under the Commonwealth Native Title Act—
- (a) a claimant or body corporate objects to the doing of an act; and
- (b) the State is required to ensure that the objection to the doing of the act is heard by an independent person or body.
- ‘(2) The Land Court in its cultural heritage division has jurisdiction to hear the objection.

‘32F Jurisdiction for registered indigenous land use agreements

- ‘(1) This section applies if—
- (a) there is a registered indigenous land use agreement under the Commonwealth Native Title Act; and
 - (b) the State is a party to the agreement; and
 - (c) the agreement provides for a matter arising under the agreement to be referred to the LRT or the Land Court for—
 - (i) mediation of the matter; or
 - (ii) the making of a recommendation about the matter; or
 - (iii) the making of a decision about the matter.
- ‘(2) The Land Court in its cultural heritage division has jurisdiction—
- (a) if subsection (1)(c)(i) applies—to mediate the matter under division 8; or
 - (b) if subsection (1)(c)(ii) applies—to make a recommendation about the matter; or
 - (c) if subsection (1)(c)(iii) applies—to make a decision about the matter.

‘32G Jurisdiction for negotiated agreements

- ‘(1) A party to a negotiated agreement may apply to the Land Court for an order—
- (a) for the enforcement of a negotiated agreement; or
 - (b) deciding a matter arising under a negotiated agreement; or
 - (c) making a declaration about the interpretation of a negotiated agreement.
- ‘(2) The Land Court in its cultural heritage division must hear and decide an application under subsection (1) and may make the order it considers appropriate.

- ‘(3) For subsection (5), definition *negotiated agreement*, a reference to a part or division of the Mineral Resources Act includes a reference to the part or division as applied by another provision, or other provisions, of the native title (mining) provisions.
- ‘(4) Without limiting subsections (1) to (3), a reference in a negotiated agreement to the LRT must, if the context permits, be taken to be a reference to the Land Court in its cultural heritage division.
- ‘(5) In this section—
- native title (mining) provisions* means the Mineral Resources Act, parts 12 to 18 and part 19, divisions 2 and 5.
- negotiated agreement* means—
- (a) an access agreement under the Mineral Resources Act, part 13, part 15, division 2 or part 16, division 2; or
 - (b) a negotiated agreement under the Mineral Resources Act, part 17, division 4; or
 - (c) an agreement about the payment of compensation mentioned in the Mineral Resources Act, part 18; or
 - (d) an agreement obtained under the Commonwealth Native Title Act, section 31(1)(b).

‘32H Jurisdiction for particular cultural heritage matters

- ‘(1) A group, or a member of a group, may apply to the Land Court for an injunction under this section to stop the doing of an act.
- ‘(2) The Land Court in its cultural heritage division must hear and decide an application under subsection (1) and may grant the injunction only if the court is satisfied that—
- (a) the person against whom the injunction is sought is doing the act, or there are reasonable grounds for concluding that the person is likely to do the act; and
 - (b) the act is a relevant act; and
 - (c) the applicant has standing to make the application; and

- (d) it is necessary to grant the injunction to stop the person doing the act.
- ‘(3) For this section, a group or member of a group has standing to make an application if the group has a traditional, historic or custodial interest in—
- (a) if the relevant act is a contravention of an Aboriginal cultural heritage protection provision—the Aboriginal cultural heritage to which the contravention relates; or
 - (b) if the relevant act is a contravention of a Torres Strait Islander cultural heritage protection provision—the Torres Strait Islander cultural heritage to which the contravention relates; or
 - (c) if neither paragraph (a) nor paragraph (b) applies—an item, place or area of cultural significance that may be adversely affected by the doing of the act the subject of the application.

- ‘(4) In this section—

Aboriginal cultural heritage protection provision means the *Aboriginal Cultural Heritage Act 2003*, section 24(1), 25(1) or 26(1).

group means a group of Aboriginal people or Torres Strait Islanders.

relevant act means an act that is a contravention of—

- (a) an Aboriginal cultural heritage protection provision; or
- (b) a Torres Strait Islander cultural heritage protection provision; or
- (c) a provision of another Act providing for the protection or preservation or access to, items, places or areas of cultural significance to Aboriginal people or Torres Strait Islanders.

Torres Strait Islander cultural heritage protection provision means the *Torres Strait Islander Cultural Heritage Act 2003*, section 24(1), 25(1) or 26(1).

‘321 Jurisdiction for contract conditions

- ‘(1) A relevant person may apply to the Land Court for an order—
- (a) for the enforcement of contract conditions; or
 - (b) to decide a matter under contract conditions; or
 - (c) making a declaration about the interpretation of contract conditions.
- ‘(2) The Land Court must hear and decide an application under subsection (1) and may make the order it considers appropriate.
- ‘(3) Without limiting subsections (1) and (2), a reference in contract conditions to the LRT must, if the context permits, be taken to be a reference to the Land Court in its cultural heritage division.
- ‘(4) In this section—
- contract conditions*** means contract conditions under the relevant provision, as applying in relation to—
- (a) a mining lease; or
 - (b) another mining tenement, because of the application of the Mineral Resources Act, part 17, division 4 to the mining tenement.

mining tenement means a prospecting permit, mining claim, exploration permit, mineral development licence or mining lease under Mineral Resources Act.

relevant person means a consultation and negotiation party under the relevant provision.

relevant provision means the Mineral Resources Act, section 675(1)(b)(ii).

**‘Division 6C Additional power of Land Court
when exercising particular
jurisdiction**

**‘32J Land Court has power of the Supreme Court for
particular purposes**

- ‘(1) This section applies when—
- (a) the Land Court in its cultural heritage division is exercising jurisdiction; or
 - (b) the Land Court in its general division is exercising jurisdiction under any of the following Acts that was conferred on the Land Court under the *Land Court and Other Legislation Amendment Act 2007*—
 - *Environmental Protection Act 1994*
 - *Fossicking Act 1994*
 - *Geothermal Exploration Act 2004*
 - *Mineral Resources Act 1989*
 - *Petroleum Act 1923*
 - *Petroleum and Gas (Production and Safety) Act 2004*
 - *State Development and Public Works Organisation Act 1971*
 - *Water Act 2000*.
- ‘(2) The Land Court has, for exercising jurisdiction conferred under an Act, all the powers of the Supreme Court, and may in a proceeding before the Land Court, in the same way and to the same extent as may be done by the Supreme Court in a similar proceeding—
- (a) grant any relief or remedy; and
 - (b) make any order, including an order for attachment or committal because of disobedience to an order; and
 - (c) give effect to every ground of defence or matter of set-off, whether equitable or legal.

- ‘(3) Without limiting subsection (2), the Land Court has, in a proceeding before it, power to grant relief—
- (a) under a declaration of rights of the parties; or
 - (b) under an injunction, whether interim, interlocutory or final, in the proceeding; or
 - (c) by staying the proceeding or a part of the proceeding; or
 - (d) by appointing a receiver including an interim receiver.
- ‘(4) The Land Court may order that a record of, or information about, a proceeding before the Land Court must not be made available to the public.
- ‘(5) Without limiting the things the Land Court may have regard to in deciding whether to make an order under subsection (4), the Land Court may have regard to Aboriginal tradition and Island custom.
- ‘(6) To the extent that the practice and procedure of the Land Court in exercising its jurisdiction in particular matters, including enforcing its judgments and orders, are not provided for in the rules, they must as far as practicable be the same as the practice and procedure of the Supreme Court in similar matters.
- ‘(7) Without limiting subsection (6), the appropriate officer of the Land Court must, in addition to duties otherwise imposed on the officer, discharge—
- (a) any duty an officer of the Supreme Court would be required under the practice of the Supreme Court to discharge in similar circumstances; and
 - (b) any duty imposed on the officer by an order of the Land Court.
- ‘(8) For subsection (7), the appropriate officer of the Land Court has the powers of the relevant officer of the Supreme Court.
- ‘(9) Subsections (2) and (6) have effect subject to—
- (a) another provision of this Act; and
 - (b) a provision of another Act under which jurisdiction is conferred on the Land Court.’

24 Amendment of s 39 (Leave of absence)

(1) Section 39(2)—

renumber as section 39(3).

(2) Section 39—

insert—

‘(2) However, for the purpose of applying section 15 of that Act for leave of absence of members, the prescribed authority is the Governor in Council.’.

25 Insertion of new s 77A

After section 77—

insert—

‘77A Annual report

‘(1) The president must, within 4 months after the end of each financial year, the first of which is the financial year ending 30 June 2008, prepare and give to the Minister a report on the operations of the Land Court for the year.

‘(2) The Minister must cause a copy of the report to be tabled in the Legislative Assembly within 14 days after its receipt by the Minister.

‘(3) Until the repeal of the LRT Act, each annual report prepared by the president must include a report on the operations of the LRT for the year the subject of the report.’.

26 Insertion of new pt 6, div 1 hdg

Part 6, before section 79—

insert—

‘Division 1 Savings and transitional provisions for Act No. 1 of 2000’.

27 Insertion of new pt 6, div 2

After section 85—

insert—

**‘Division 2 Transitional provisions for Land
Court and Other Legislation
Amendment Act 2007**

‘86 LRT president

- ‘(1) This section applies if the person (the *relevant person*) holding appointment under the LRT Act, section 7 as the president of the LRT—
- (a) resigns the person’s office as president (the *resignation*); and
 - (b) at or about the same time as the resignation takes effect, is appointed as a District Court judge (the *new appointment*).
- ‘(2) From the new appointment, and while the relevant person holds the appointment, the salary, allowances and rates of allowances payable to the relevant person cease to be those payable to a Supreme Court judge and become those payable to a District Court judge.
- ‘(3) On being appointed, the relevant person is entitled to receive a single payment of an amount equal to the difference between the salary, allowances and rates of allowances payable to a Supreme Court judge and those payable to a District Court judge for the period starting on the day of appointment and ending on the prescribed day.
- ‘(4) The State has no liability of any kind, other than as provided for in subsection (3), to compensate the relevant person in any way because of the resignation and new appointment, and in particular because of any reduced salary, allowances and rates of allowances payable to the person after the prescribed day.
- ‘(5) Subject to subsection (6), the relevant person retains all entitlements accrued but not received by the person while the person was the president of the LRT.
- ‘(6) Leave, including leave of absence under the Judges Pensions Act, accrued by the person and not taken before the date of

appointment is to be paid at the salary applicable to a District Court judge.

- ‘(7) Subsection (8) applies if, after the new appointment, the relevant person continues uninterruptedly as a District Court judge until the person—
- (a) retires after the prescribed day; or
 - (b) retires or is removed from office as mentioned in the Judges Pensions Act, section 5(1); or
 - (c) earlier dies.
- ‘(8) The Judges Pensions Act, to the extent that Act provides for the payment of any pension, including for example the payment of a pension to a spouse or child, is taken to apply in relation to the relevant person as if the person—
- (a) had been a Supreme Court judge from when the person was appointed president of the LRT until the person’s retirement or death as mentioned in subsection (7) (the *relevant period*); and
 - (b) had been entitled to the salary, as defined under that Act, of a Supreme Court judge as applying from time to time in the relevant period.
- ‘(9) In this section—
- prescribed day*, in relation to the relevant person, means the first day on which the relevant person would become eligible to receive a pension under the Judges Pensions Act, section 4, if the relevant person retired from office (otherwise than because of permanent disability or infirmity as specified in section 5 of that Act) on that day.

‘87 LRT deputy president

- ‘(1) This section applies if a person (the *relevant person*) holding appointment under the LRT Act, section 7 as a deputy president of the LRT—
- (a) resigns the person’s office as deputy president (the *resignation*); and

- (b) at or about the same time as the resignation takes effect, is appointed as a member of the Land Court (the *new appointment*).
- ‘(2) From the new appointment, and while the relevant person holds the appointment, the salary, allowances and rates of allowances payable to the relevant person cease to be those payable to a District Court judge and become those payable to a member of the Land Court.
- ‘(3) The State has no liability of any kind to compensate the relevant person in any way because of the resignation and new appointment, and in particular because of any reduced salary, allowances and rates of allowances payable to the person after the new appointment.
- ‘(4) The relevant person retains all entitlements accrued but not received by the person while the person was a deputy president of the LRT, and for calculating any amount payable to the person in relation to an entitlement accrued but not received, the applicable salary and allowances of the person are taken to be the salary and allowances of a District Court judge in force when the amount comes to be calculated.
- ‘(5) Subsection (6) applies if, after the new appointment, the relevant person continues uninterruptedly as a member of the Land Court until the person—
- (a) retires after the prescribed day; or
 - (b) retires or is removed from office as mentioned in the Judges Pensions Act, section 5(1); or
 - (c) earlier dies.
- ‘(6) The Judges Pensions Act, to the extent that Act provides for the payment of any pension, including for example the payment of a pension to a spouse or child, is taken to apply in relation to the relevant person as if the person—
- (a) had been a District Court judge from when the person was appointed a deputy president of the LRT until the person’s retirement or death as mentioned in subsection (5) (the *relevant period*); and

(b) had been entitled to the salary, as defined under that Act, of a District Court judge as applying from time to time in the relevant period.

‘(7) In this section—

prescribed day, in relation to the relevant person, means the first day on which the relevant person would become eligible to receive a pension under the Judges Pensions Act, section 4, if the relevant person retired from office (otherwise than because of permanent disability or infirmity as specified in section 5 of that Act) on that day.

‘88 LRT mining referee

‘(1) This section applies if a person (the *relevant person*), holding appointment under the LRT Act, section 16(2)(c) as a mining referee of the LRT—

(a) resigns the person’s office as mining referee (the *resignation*); and

(b) at or about the same time as the resignation takes effect, is appointed as a judicial registrar of the Land Court (the *new appointment*) under this Act.

‘(2) From the new appointment until 16 July 2008, and while the relevant person holds the appointment, the salary and allowances payable, and the conditions applicable, to the relevant person continue to be those payable and applicable to the person under the person’s instrument of appointment as a mining referee of the LRT.

‘(3) The State has no liability of any kind to compensate the relevant person in any way because of the person’s ceasing to hold appointment as a referee non-presiding member under the LRT Act and being appointed under this Act as a judicial registrar.

‘(4) The relevant person retains all entitlements accrued but not received by the person while the person was a mining referee of the LRT, and for calculating any amount payable to the person in relation to an entitlement accrued but not received, the applicable salary and allowances of the person continue to be the salary and allowances payable to the person under the

person's instrument of appointment as a mining referee of the LRT when the amount comes to be calculated.

- '(5) The relevant person's entitlements under this section must not be reduced.
- '(6) Sections 45 and 46 do not apply to the relevant person.
- '(7) The relevant person may resign the person's appointment as a judicial registrar by giving a signed notice of resignation to the Minister.
- '(8) The appointment and employment of the relevant person as a judicial registrar is not subject to any industrial award, industrial agreement or other industrial instrument or any decision or rule of an industrial tribunal.
- '(9) At the end of the relevant person's term as a judicial registrar, the relevant person ceases to hold office and the relevant person has no further entitlement to hold office under this Act or the LRT Act.

'89 Previous LRT deputy president

- '(1) This section applies to a person if—
 - (a) before the commencement of this section—
 - (i) the person held appointment under the LRT Act, section 7 as a deputy president of the LRT; and
 - (ii) the person resigned the person's office as a deputy president (the *resignation*); and
 - (iii) at or about the same time as the resignation took effect, the person was appointed as a District Court judge (the *new appointment*); and
 - (b) on the commencement of this section, the person still held the new appointment.
- '(2) For the purposes of the application of the Judges Pensions Act to the person, that Act is taken to apply to the person, including to a spouse or child of the person, as if the person had been a District Court judge for the whole of the time from when the person was appointed a deputy president of the LRT until the new appointment.

‘90 Assumption by Land Court of role of warden and Wardens Court under particular Acts

- ‘(1) The relevant mining Act provisions are taken to continue to have effect as if the *Land and Resources Tribunal Act 1999* had not been enacted, but only to the extent necessary for giving full effect to the relevant designated Act provisions.
- ‘(2) A reference in a relevant mining Act provision or relevant designated Act provision to a warden or the Wardens Court is taken to be a reference to the Land Court.
- ‘(3) In subsection (4), definition *designated Acts*, a reference to an Act includes a reference to any instrument—
- (a) that has been made or entered into under the Act; and
 - (b) that the reference to the Act does not otherwise include.
- ‘(4) In this section—

designated Acts means the following Acts—

- *Alcan Queensland Pty. Limited Agreement Act 1965*
- *Central Queensland Coal Associates Agreement Act 1968*
- *Offshore Minerals Act 1998*
- *Petroleum Act 1923*
- *Queensland Nickel Agreement Act 1970*
- *Thiess Peabody Coal Pty. Ltd. Agreement Act 1962.*

relevant designated Act provisions means the provisions of the designated Acts that mention a warden or the Wardens Court.

relevant mining Act provisions means the provisions of the *Mineral Resources Act 1989* that, immediately before the commencement of the LRT Act, section 86 mentioned, directly or indirectly, a warden or the Wardens Court.

‘91 Land Court to assume jurisdiction for proceedings already before the LRT

- ‘(1) This section applies to a proceeding if—

- (a) the proceeding was started in the LRT before the commencement of this section; and
 - (b) immediately before the commencement of this section, the proceeding had not finally been disposed of; and
 - (c) if the proceeding had been started after the commencement of this section, the proceeding would have been started in the Land Court.
- ‘(2) The Land Court has jurisdiction to finish a proceeding to which this section applies and for that purpose—
- (a) the proceeding is a proceeding in the Land Court; and
 - (b) the Land Court has all the powers of the LRT.
- ‘(3) The president may give any necessary directions about how the proceeding is to be dealt with by the Land Court instead of by the LRT.
- ‘(4) Without limiting subsection (3), the president may give or make any of the following directions or orders—
- (a) that the matter be heard afresh entirely or partly;
 - (b) that any record of the LRT or any evidence, materials or submissions before the LRT be taken to be part of the proceeding before the Land Court;
 - (c) any costs order, including an order that any costs be paid from the appeal costs fund and for that purpose may grant to any party to the proceeding, other than the State, an indemnity certificate.
- ‘(5) An indemnity certificate granted under this section—
- (a) has effect as if it were an indemnity certificate granted to a respondent by the Supreme Court under the *Appeal Costs Fund Act 1973*; and
 - (b) entitles a party to whom it is granted to be paid from the appeal costs fund the reasonable costs of the proceeding as assessed by the appeal costs board.’.

insert—

‘Commonwealth Native Title Act means the *Native Title Act 1993* (Cwlth).

cultural heritage division means the Cultural Heritage and Indigenous Land Use Agreement Division of the Land Court.

general division means the general division of the Land Court.

Judges Pensions Act means the *Judges (Pensions and Long Leave) Act 1957*.

LRT means the Land and Resources Tribunal.

LRT Act means the *Land and Resources Tribunal Act 1999*.

Mineral Resources Act means the *Mineral Resources Act 1989*.

Part 4 Amendment of Mineral Resources Act 1989

29 Act amended in pt 4

This part amends the *Mineral Resources Act 1989*.

30 Amendment of s 86 (Appeal against tribunal’s determination upon compensation)

- (1) Section 86, heading, ‘tribunal’s’—

omit, insert—

‘Land Court’s’.

- (2) Section 86(1), from ‘of the tribunal’ to ‘made’—

omit, insert—

‘of the Land Court made’.

- (3) Section 86(1) and (3) to (7), ‘tribunal (appeal)’—
omit, insert—
‘Land Appeal Court’.
- (4) Section 86(2)(a), ‘in the tribunal’—
omit, insert—
‘in the Land Court’.
- (5) Section 86(2)(c)—
omit.
- (6) Section 86(4) to (6), ‘tribunal at first instance’—
omit, insert—
‘Land Court’.
- (7) Section 86(8)—
omit.

31 Insertion of new s 86A

After section 86—

insert—

‘86A Security for costs of appeal

- ‘(1) This section applies when an appeal under section 86 is lodged.
- ‘(2) A further step can not be taken in the appeal until security for the costs of the appeal has been lodged under this section.
- ‘(3) The registrar of the Land Court must, within 10 business days, decide the form and amount of the security.
- ‘(4) The registrar must give the appellant written notice of the decision as soon as practicable after making it.
- ‘(5) The appellant must lodge the security in the decided form and amount within 15 business days after the giving of the notice.
- ‘(6) If the appellant does not comply with subsection (5), the appeal lapses.’.

32 Amendment of s 282 (Appeal against tribunal's determination upon compensation)

- (1) Section 282, heading, 'tribunal's'—
omit, insert—
'Land Court's'.
- (2) Section 282(1), from 'of the tribunal' to 'made'—
omit, insert—
'of the Land Court made'.
- (3) Section 282(1) and (3) to (7), 'tribunal (appeal)'—
omit, insert—
'Land Appeal Court'.
- (4) Section 282(2)(a), 'in the tribunal'—
omit, insert—
'in the Land Court'.
- (5) Section 282(2)(c)—
omit.
- (6) Section 282(4) to (6), 'tribunal at first instance'—
omit, insert—
'Land Court'.
- (7) Section 282(8)—
omit.

33 Insertion of new s 282A

After section 282—

insert—

'282A Security for costs of appeal

- '(1) This section applies when an appeal under section 282 is lodged.
- '(2) A further step can not be taken in the appeal until security for the costs of the appeal has been lodged under this section.

- ‘(3) The registrar of the Land Court must, within 10 business days, decide the form and amount of the security.
- ‘(4) The registrar must give the appellant written notice of the decision as soon as practicable after making it.
- ‘(5) The appellant must lodge the security in the decided form and amount within 15 business days after the giving of the notice.
- ‘(6) If the appellant does not comply with subsection (5), the appeal lapses.’.

34 Relocation and renumbering of pt 19, div 6, first occurring, hdg (Transitional provisions for Mineral Resources and Other Legislation Amendment Act 2005)

Part 19, division 6, first occurring, heading—
relocate and *renumber* as part 19, division 7.

35 Relocation and renumbering of s 739, first occurring (Application of particular provisions)

Section 739, first occurring—
relocate and *renumber*, in part 19, division 7, as section 764.

36 Insertion of new pt 19, div 8

Part 19—
insert—

‘Division 8 Transitional provisions for Land Court and Other Legislation Amendment Act 2007

‘765 Particular references to Land Court to be taken to be references to tribunal

- ‘(1) A reference in this Act to the Land Court is taken to be a reference to the tribunal for—

- (a) any application under this Act, including any proceeding relating to the application, to which any provision of the native title provisions applies; and
 - (b) any other matter that is the subject of the native title provisions if, in the opinion of the Land Court or the tribunal, it is necessary or convenient that the reference be taken to be a reference to the tribunal.
- ‘(2) If, for a particular matter, subsection (1) would require a reference, in a relevant section, to the Land Court to be taken to be a reference to the tribunal, any reference in the section to the Land Appeal Court is taken to be a reference to the tribunal (appeal) as defined in the section immediately before the commencement of this section.
- ‘(3) In this section—
relevant section means section 86 or section 282.

‘766 Reference to tribunal in s 764 (Application of particular provisions)

‘The reference in section 764(7) to the tribunal may, for a recommendation mentioned in that provision that is made by the Land Court after the commencement of this section, be taken to be a reference to the Land Court.’.

Part 5 Amendment of Supreme Court of Queensland Act 1991

37 Act amended in pt 5

This part amends the *Supreme Court of Queensland Act 1991*.

38 Insertion of new pt 7, div 5A

After part 7, division 5—
insert—

‘Division 5A Costs assessors

‘93LA Ordinary protection and immunity allowed

- ‘(1) In performing the functions of costs assessor, the person appointed as a costs assessor has the same protection and immunity as a judge performing the functions of a judge.
- ‘(2) A party appearing in a costs assessment has the same protection and immunity the party would have if the costs assessment were a proceeding being heard before the Supreme Court.
- ‘(3) A witness attending in a costs assessment has the same protection and immunity as a witness attending before the Supreme Court.
- ‘(4) A document produced at, or used for, a costs assessment has the same protection during the costs assessment it would have if produced before the Supreme Court.
- ‘(5) In this section—
party includes a party’s lawyer or agent.

‘93LB Preservation of confidentiality

- ‘(1) If a person gains confidential information because of being, or an opportunity given by being, a costs assessor—
 - (a) the person must not make a record of the information other than—
 - (i) for the purpose of carrying out the costs assessment; or
 - (ii) to discharge another function under a law; and
 - (b) the person must not disclose the information other than—
 - (i) under an order of a court or tribunal; or
 - (ii) if authorised by the person to whom the confidential information relates.
- ‘(2) In this section—

confidential information includes information about a person's affairs, but does not include—

- (a) information already publicly disclosed unless further disclosure of the information is prohibited by law; or
- (b) statistical information that could not reasonably be expected to result in the identification of the person to whom the information relates.

'93LC Preservation of privilege

'Privilege continues despite disclosure to a costs assessor.'

39 Amendment of sch 1 (Subject matter for rules)

Schedule 1, section 18(d)—

omit, insert—

'(d) assessment of costs, including—

- (i) the approval of registrars, and the appointment and removal of other persons, to assess costs under the *Uniform Civil Procedure Rules 1999*; or
- (ii) powers of costs assessors to assess costs; or
- (iii) procedures; or
- (iv) review of assessments.'

40 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

'***costs assessment*** means an assessment of costs under an Act, the *Uniform Civil Procedure Rules 1999* or an order of the court.

costs assessor means—

- (a) a registrar approved to assess costs under the *Uniform Civil Procedure Rules 1999*; or

- (b) a person appointed to assess costs under the *Uniform Civil Procedure Rules 1999*.’.

Part 6 Amendment of other Acts

41 Acts amended in schedule

The schedule amends the Acts mentioned in it.

Schedule Minor and consequential amendments

section 41

Aboriginal Cultural Heritage Act 2003

- 1 Section 32(8), ‘tribunal has for cultural heritage matters under the *Land and Resources Tribunal Act 1999*, section 53.’ and footnote—**

omit, insert—

‘Land Court has for cultural heritage matters under the *Land Court Act 2000*, section 32H.’.

- 2 Section 75, definition *party*, paragraphs (a) and (b), ‘tribunal’—**

omit, insert—

‘Land Court’.

- 3 Section 76, ‘tribunal’—**

omit, insert—

‘Land Court’.

- 4 Section 77, heading, ‘Tribunal’s’—**

omit, insert—

‘Land Court’s’.

Schedule (continued)

- 5 Section 77(1), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 6 Section 77(2)—**
omit.
- 7 Section 77(3)—**
renumber as section 77(2).
- 8 Section 78, heading, ‘Tribunal’s’—**
omit, insert—
‘Land Court’s’.
- 9 Section 78, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 10 Section 79(1), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 11 Section 79(2)(a), ‘tribunal’s’—**
omit, insert—
‘Land Court’s’.

Schedule (continued)

- 12 Section 106(2), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 13 Section 106(3), ‘a presiding member of the tribunal’—**
omit, insert—
‘the Land Court’.
- 14 Section 106(3), ‘the tribunal may’—**
omit, insert—
‘the Land Court may’.
- 15 Section 110, definition *party*, paragraph (b), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 16 Section 111, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 17 Section 112, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 18 Section 113, ‘tribunal’—**
omit, insert—
‘Land Court’.

Schedule (continued)

- 19 Section 114, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 20 Section 115, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 21 Section 116, heading, ‘Tribunal’s’—**
omit, insert—
‘Land Court’s’.
- 22 Section 116(1) and (4), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 23 Section 116(2)—**
omit.
- 24 Section 116(3) and (4), as amended—**
renumber as section 116(2) and (3).
- 25 Section 117, heading, ‘Tribunal’s’—**
omit, insert—
‘Land Court’s’.

Schedule (continued)

- 26 Section 117(1), (3) and (5), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 27 Section 117(2), ‘tribunal’s’—**
omit, insert—
‘Land Court’s’.
- 28 Section 118, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 29 Section 119, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 30 Section 120(1), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 31 Section 120(2)(a), ‘tribunal’s’—**
omit, insert—
‘Land Court’s’.
- 32 Schedule 2, definition *tribunal*—**
omit.

Schedule (continued)

Acts Interpretation Act 1954

1 Section 36, definitions *Land Appeal Court* and *Land Court*, ‘*Land Act 1994*’—

omit, insert—

‘*Land Court Act 2000*’.

Environmental Protection Act 1994

1 Section 197, stage 5, ‘tribunal’—

omit, insert—

‘Land Court’.

2 Section 218(2)(b), ‘tribunal’—

omit, insert—

‘Land Court’.

3 Chapter 5, part 6, division 7, subdivision 1, heading, ‘tribunal’—

omit, insert—

‘Land Court’.

4 Section 219, ‘tribunal’—

omit, insert—

‘Land Court’.

Schedule (continued)

- 5 Section 220(1), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 6 Section 220(3) and (4)—**
omit.
- 7 Section 221, heading, ‘Tribunal’—**
omit, insert—
‘Land Court’.
- 8 Section 221(1) and (2), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 9 Section 221(2), footnote—**
omit.
- 10 Section 221(3)—**
omit.
- 11 Section 222(3), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 12 Section 223, ‘tribunal’—**
omit, insert—
‘Land Court’.

Schedule (continued)

- 13 Section 231(2)(b), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 14 Section 251(5), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 15 Section 522, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 16 Chapter 11, part 3, division 3, subdivision 1, heading, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 17 Section 523, heading, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 18 Section 524, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 19 Section 525(1), footnote—**
omit.

Schedule (continued)

- 20 Section 525(2), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 21 Section 526, heading, ‘Tribunal’—**
omit, insert—
‘Land Court’.
- 22 Section 526, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 23 Section 526(2), footnote—**
omit.
- 24 Section 528, heading, ‘Tribunal’s’—**
omit, insert—
‘Land Court’s’.
- 25 Section 528, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 26 Section 529(2), ‘tribunal’—**
omit, insert—
‘Land Court’.

Schedule (continued)

- 27 Section 530, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 28 Section 562(3), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 29 Section 572, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 30 Schedule 1, part 1, heading, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 31 Schedule 3, definition *tribunal*—**
omit.

Fossicking Act 1994

- 1 Section 3, definition *tribunal*—**
omit.
- 2 Section 16(4)(b)(ii) and (5)(c), ‘tribunal’—**
omit, insert—
‘Land Court’.

Schedule (continued)

3 Section 20(4)(c), ‘tribunal’—

omit, insert—

‘Land Court’.

4 Section 22(4)(b), ‘tribunal’—

omit, insert—

‘Land Court’.

5 Section 99, ‘tribunal’—

omit, insert—

‘Land Court’.

6 Section 100(4), ‘tribunal’—

omit, insert—

‘Land Court’.

7 Section 101, ‘tribunal’—

omit, insert—

‘Land Court’.

8 Section 102(2), ‘tribunal’—

omit, insert—

‘Land Court’.

9 Section 103, ‘tribunal’—

omit, insert—

‘Land Court’.

Schedule (continued)

Geothermal Exploration Act 2004

- 1 Section 87(1)(a)(ii), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 2 Section 89, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 3 Section 97H, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 4 Section 97I(1) and (2), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 5 Section 97J, heading, ‘Tribunal’—**
omit, insert—
‘Land Court’.
- 6 Section 97J, ‘tribunal’—**
omit, insert—
‘Land Court’.

Schedule (continued)

- 7 Section 101, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 8 Section 109, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 9 Section 110(2), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 10 Section 111(1), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 11 Section 112, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 12 Section 113, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 13 Section 114, heading, ‘Tribunal’s’—**
omit, insert—
‘Land Court’s’.

Schedule (continued)

- 14 Section 114, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 15 Section 114(2), footnote—**
omit.
- 16 Section 137—**
omit.
- 17 Schedule, definition *tribunal*—**
omit.

Land Court Act 2000

- 1 Section 14, ‘any Act’—**
omit, insert—
‘an Act’.
- 2 Section 54, ‘any Act’—**
omit, insert—
‘an Act’.
- 3 Section 61, ‘any Act’—**
omit, insert—
‘an Act’.

Schedule (continued)

Legal Profession Act 2007

- 1 Sections 350 to 352—**
omit.

Magistrates Act 1991

- 1 Section 6(1)—**
insert—
‘(g) a retired magistrate.’.

Mineral Resources Act 1989

- 1 Section 28(1), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 2 Section 38(1), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 3 Section 39(4), ‘tribunal’—**
omit, insert—
‘Land Court’.

Schedule (continued)

- 4 Section 40, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 5 Section 41(1), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 6 Section 42, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 7 Section 53(6)(b), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 8 Section 64C(2)(b), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 9 Section 70, heading, ‘Tribunal’—**
omit, insert—
‘Land Court’.
- 10 Section 70, ‘tribunal’—**
omit, insert—
‘Land Court’.

Schedule (continued)

- 11 Section 72, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 12 Section 75, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 13 Section 76, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 14 Section 77, heading, ‘Tribunal’—**
omit, insert—
‘Land Court’.
- 15 Section 77, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 16 Section 78, heading, ‘Tribunal’s’—**
omit, insert—
‘Land Court’s’.
- 17 Section 78, ‘tribunal’—**
omit, insert—
‘Land Court’.

Schedule (continued)

- 18 Section 79(1), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 19 Section 80, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 20 Section 81(1)(o), (2) and (5)(b), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 21 Section 83(3), (4), (5) and (9), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 22 Section 85, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 23 Section 85(10), ‘tribunal’s’—**
omit, insert—
‘Land Court’s’.
- 24 Section 85A, ‘tribunal’—**
omit, insert—
‘Land Court’.

Schedule (continued)

- 25 Section 87(1), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 26 Section 93(3)(a), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 27 Section 99(2)(c), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 28 Section 100(b), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 29 Section 101(2), (3) and (4), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 30 Section 105(5), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 31 Section 107(5) and (6), ‘tribunal’—**
omit, insert—
‘Land Court’.

Schedule (continued)

- 32 Section 116, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 33 Section 117(4), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 34 Section 118, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 35 Section 119(1), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 36 Section 120, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 37 Section 125, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 38 Section 145(1), ‘tribunal’—**
omit, insert—
‘Land Court’.

Schedule (continued)

- 39 Section 154(2)(c), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 40 Section 155(b), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 41 Section 156(2), (3) and (4), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 42 Section 162(2) and (3), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 43 Section 174, heading, ‘Tribunal’—**
omit, insert—
‘Land Court’.
- 44 Section 174, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 45 Section 191(1), ‘tribunal’—**
omit, insert—
‘Land Court’.

Schedule (continued)

- 46** **Section 194A, heading, ‘Tribunal’s’—**
omit, insert—
‘Land Court’s’.
- 47** **Section 194A(1) and (2), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 48** **Section 201(2)(c), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 49** **Section 202(b), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 50** **Section 203(2), (3) and (4), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 51** **Section 222, heading, ‘Tribunal’—**
omit, insert—
‘Land Court’.
- 52** **Section 222, ‘tribunal’—**
omit, insert—
‘Land Court’.

Schedule (continued)

- 53 Section 250(4), (5), (6) and (7), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 54 Section 252C(2), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 55 Section 259, heading, ‘Tribunal’—**
omit, insert—
‘Land Court’.
- 56 Section 259, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 57 Section 265, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 58 Section 267(1), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 59 Section 268, ‘tribunal’—**
omit, insert—
‘Land Court’.

Schedule (continued)

- 60 Section 269, heading, ‘Tribunal’s’—**
omit, insert—
‘Land Court’s’.
- 61 Section 269, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 62 Section 269(1)(d) and (5), ‘tribunal’s’—**
omit, insert—
‘Land Court’s’.
- 63 Section 270, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 64 Section 270(1), ‘tribunal’s’—**
omit, insert—
‘Land Court’s’.
- 65 Section 271(1), ‘tribunal’, first mention—**
omit, insert—
‘Land Court’.
- 66 Section 271(1)(c), ‘tribunal’—**
omit, insert—
‘Land Court’.

Schedule (continued)

- 67 Section 272, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 68 Section 278A, heading, ‘Tribunal’s’—**
omit, insert—
‘Land Court’s’.
- 69 Section 278A(1) and (2), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 70 Section 279(1), (2) and (5), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 71 Section 279A, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 72 Section 281, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 73 Section 283(1), ‘tribunal’—**
omit, insert—
‘Land Court’.

Schedule (continued)

- 74 Section 283B, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 75 Section 283B(3), ‘and 282’—**
omit, insert—
‘, 282 and 282A’.
- 76 Section 299(3), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 77 Section 303(2)(c), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 78 Section 304(b), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 79 Section 305(2), (3) and (4), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 80 Section 309(10), ‘tribunal’—**
omit, insert—
‘Land Court’.

Schedule (continued)

- 81 Section 317, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 82 Section 318BC, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 83 Section 318CR(1)(b)(ii) and (2)(b), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 84 Section 318CS, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 85 Section 318EI(2)(b), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 86 Section 318EQ(2)(c)(ii), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 87 Section 318EU, ‘tribunal’—**
omit, insert—
‘Land Court’.

Schedule (continued)

- 88 Section 318EV(1) and (2), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 89 Section 318EW, heading, ‘Tribunal’—**
omit, insert—
‘Land Court’.
- 90 Section 318EW, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 91 Part 10, division 2, heading, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 92 Section 363, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 93 Section 364, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 94 Section 378(1), (2) and (3), ‘tribunal’—**
omit, insert—
‘Land Court’.

Schedule (continued)

- 95 Section 380, heading, ‘Tribunal’—**
omit, insert—
‘Land Court’.
- 96 Section 380, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 97 Section 381, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 98 Section 382, definition *person*, paragraph (c), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 99 Section 386(4)(a)(ii), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 100 Section 391A(2), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 101 Section 392, ‘tribunal’—**
omit, insert—
‘Land Court, the tribunal’.

Schedule (continued)

- 102 Section 393(1)(a), ‘tribunal’—**
omit, insert—
‘Land Court, tribunal’.
- 103 Section 399(2), ‘tribunal’—**
omit, insert—
‘Land Court, tribunal’.
- 104 Section 401, ‘tribunal’—**
omit, insert—
‘the Land Court, the tribunal’.
- 105 Section 404(c) and (d), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 106 Section 406, heading, ‘Tribunal’—**
omit, insert—
‘Land Court’.
- 107 Section 406, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 108 Section 406(6), ‘tribunal’s’—**
omit, insert—
‘Land Court’s’.

Schedule (continued)

- 109 Section 409, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 110 Section 418B(3)(b), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 111 Schedule, definition *hearing*, ‘before the tribunal’—**
omit.

Native Title (Queensland) Act 1993

- 1 Section 4, definition *tribunal*—**
omit.

Petroleum Act 1923

- 1 Section 2, definition *tribunal*—**
omit.
- 2 Part 6CA, division 6, subdivision 2, heading, ‘Tribunal’—**
omit, insert—
‘Land Court’.

Schedule (continued)

- 3 Section 75IZE, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 4 Section 75IZF, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 5 Section 75IZG, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 6 Section 75IZH, heading, ‘tribunal’s’—**
omit, insert—
‘Land Court’s’.
- 7 Section 75IZH(1), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 8 Section 75IZI, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 9 Section 79D, ‘tribunal’—**
omit, insert—
‘Land Court’.

Schedule (continued)

- 10 Section 79E(1) and (2), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 11 Section 79F, heading, ‘Tribunal’—**
omit, insert—
‘Land Court’.
- 12 Section 79F, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 13 Section 79R, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 14 Section 79S, heading, ‘Tribunal’—**
omit, insert—
‘Land Court’.
- 15 Section 79S, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 16 Section 79T, ‘tribunal’—**
omit, insert—
‘Land Court’.

Schedule (continued)

- 17 Section 79V(1), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 18 Section 95, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 19 Section 104(1), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 20 Section 105(2), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 21 Section 106(1), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 22 Section 107, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 23 Section 108, ‘tribunal’—**
omit, insert—
‘Land Court’.

Schedule (continued)

- 24** **Section 109, heading, ‘Tribunal’s’—**
omit, insert—
‘Land Court’s’.
- 25** **Section 109, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 26** **Section 109(2), footnote—**
omit.
- 27** **Section 162(4), ‘tribunal’—**
omit, insert—
‘Land and Resources Tribunal’.

Petroleum and Gas (Production and Safety) Act 2004

- 1** **Section 28(2)(b), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 2** **Section 115(1)(b)(ii) and (2)(b), ‘tribunal’—**
omit, insert—
‘Land Court’.

Schedule (continued)

- 3 Section 116, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 4 Chapter 2, part 9, division 6, subdivision 2, heading, ‘Tribunal’—**
omit, insert—
‘Land Court’.
- 5 Section 274, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 6 Section 275, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 7 Section 276, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 8 Section 277, heading, ‘tribunal’s’—**
omit, insert—
‘Land Court’s’.
- 9 Section 277(1), ‘tribunal’—**
omit, insert—
‘Land Court’.

Schedule (continued)

- 10 Section 278, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 11 Section 320, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 12 Section 504(3), note, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 13 Chapter 5, part 2, division 3, subdivision 3, heading, ‘Tribunal’—**
omit, insert—
‘Land Court’.
- 14 Section 508, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 15 Section 509, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 16 Section 510, ‘tribunal’—**
omit, insert—
‘Land Court’.

Schedule (continued)

- 17 Section 521, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 18 Section 522(1) and (2), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 19 Section 523, heading, ‘Tribunal’—**
omit, insert—
‘Land Court’.
- 20 Section 523, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 21 Section 533, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 22 Section 534, heading, ‘Tribunal’—**
omit, insert—
‘Land Court’.
- 23 Section 534, ‘tribunal’—**
omit, insert—
‘Land Court’.

Schedule (continued)

- 24 Section 535, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 25 Section 537(1), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 26 Section 823(2) and (3), ‘or tribunal’—**
omit.
- 27 Section 829, heading, ‘tribunal’s’—**
omit, insert—
‘Land Court’s’.
- 28 Section 829, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 29 Section 830(2), footnote—**
omit.
- 30 Section 922(4), ‘tribunal’—**
omit, insert—
‘Land and Resources Tribunal’.

Schedule (continued)

31 Schedule 1, table 2, column 3, 'tribunal'—

omit, insert—

'Land Court'.

32 Schedule 2, definition *tribunal*—

omit.

State Development and Public Works Organisation Act 1971

1 Section 127(1)(c), 'the Land and Resources Tribunal'—

omit, insert—

'the Land Court'.

2 Section 127(2)—

omit.

Torres Strait Islander Cultural Heritage Act 2003

1 Section 32(8), 'tribunal has for cultural heritage matters under the *Land and Resources Tribunal Act 1999*, section 53.' and footnote—

omit, insert—

'Land Court has for cultural heritage matters under the *Land Court Act 2000*, section 32H.'

Schedule (continued)

**2 Section 75, definition *party*, paragraphs (a) and (b),
'tribunal'—**

omit, insert—

'Land Court'.

3 Section 76, 'tribunal'—

omit, insert—

'Land Court'.

4 Section 77, heading, 'Tribunal's'—

omit, insert—

'Land Court's'.

5 Section 77(1), 'tribunal'—

omit, insert—

'Land Court'.

6 Section 77(2)—

omit.

7 Section 77(3)—

renumber as section 77(2).

8 Section 78, heading, 'Tribunal's'—

omit, insert—

'Land Court's'.

Schedule (continued)

- 9 Section 78, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 10 Section 79(1), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 11 Section 79(2)(a), ‘tribunal’s’—**
omit, insert—
‘Land Court’s’.
- 12 Section 106(2), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 13 Section 106(3), ‘a presiding member of the tribunal’—**
omit, insert—
‘the Land Court’.
- 14 Section 106(3), ‘the tribunal may’—**
omit, insert—
‘the Land Court may’.
- 15 Section 110, definition *party*, paragraph (b), ‘tribunal’—**
omit, insert—
‘Land Court’.

Schedule (continued)

- 16 Section 111, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 17 Section 112, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 18 Section 113, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 19 Section 114, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 20 Section 115, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 21 Section 116, heading, ‘Tribunal’s’—**
omit, insert—
‘Land Court’s’.
- 22 Section 116(1) and (4), ‘tribunal’—**
omit, insert—
‘Land Court’.

Schedule (continued)

- 23 Section 116(2)—**
omit.
- 24 Section 116(3) and (4)—**
renumber as section 116(2) and (3).
- 25 Section 117, heading, ‘Tribunal’s’—**
omit, insert—
‘Land Court’s’.
- 26 Section 117(1), (3) and (5), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 27 Section 117(2), ‘tribunal’s’—**
omit, insert—
‘Land Court’s’.
- 28 Section 118, ‘tribunal’—**
omit, insert—
‘Land Court’.
- 29 Section 119, ‘tribunal’—**
omit, insert—
‘Land Court’.

Schedule (continued)

- 30 Section 120(1), ‘tribunal’—**
omit, insert—
‘Land Court’.
- 31 Section 120(2)(a), ‘tribunal’s’—**
omit, insert—
‘Land Court’s’.
- 32 Schedule, definition *tribunal*—**
omit.

Water Act 2000

- 1 Section 972, ‘Land and Resources Tribunal’—**
omit, insert—
‘Land Court’.