

LAND COURT OF QUEENSLAND

CITATION: *Re Matrix Metals and McDonald* [2009] QLC 0089

PARTIES: In the matter of Mining Lease 2519 – Determination of compensation payable by Matrix Metals Limited to Archibald James McDonald

FILE NOS: MLC00072/2009

PROCEEDING: Application for determination of compensation

DELIVERED ON: 23 June 2009

DELIVERED AT: Brisbane

MEMBER: MR BR O'Connor, Judicial Registrar

ORDERS: **1. Compensation determined at \$200.**
2. The miner pay the total compensation of \$200.00 to the landholders within two months from notification of the renewal of the mining lease by the Mining Registrar.

CATCHWORDS: MINING – Determination of Compensation
Mineral Resources Act 1989, s.281

APPEARANCES: Not applicable – Heard on the papers

Background

[1] Matrix Metals (the miner) currently holds ML 2519. On 24 November 2008, the miner lodged an application for another renewal of the mining lease for a term of 9 years with the Mining Registrar, Mount Isa District.

[2] This determination of compensation relates to access to the mining lease and the mining lease itself both included in a property owned by Archibald James McDonald (the landholder).

Tribunal Practice Direction

[3] On 12 March 2009 the Court sent letters to the miner and the landholder bringing the referral of this matter to the Court by the Mining Registrar to their attention, and advising them of their obligations under Court Practice

Direction. Timeframes for the submission of relevant material were provided to each party. Neither party have made submissions to the Tribunal.

- [4] It is not an uncommon occurrence for either or both parties in a compensation matter before the Court to fail to comply with the relevant Practice Direction. The absence of detailed, or any, compensation evidence clearly makes the task of the Court in determining compensation very difficult. In the circumstances, I adopt the analysis of the legislative provisions, compensation principles and methodology applied by Mining Referee Windridge in *Re Wallace & Ors & Evans* [2006] QLRT 93.

Determination

- [5] Taking into account all heads of compensation in subsection 3 of s.281 of the *Mineral Resources Act 1989* (the Act), and absent any details of the area of land required for access, I assess compensation for access in the minimal sum of \$5.00 per hectare per annum for the term of the lease, which equates to \$180. Pursuant to s.281(4)(e) of the Act, I award the additional sum of \$20.
- [6] Taking all relevant factors into account, I order that the miner pay the total compensation of \$200 to the landholder within two months from notification of the renewal of the mining lease by the Mining Registrar.

**BR O'CONNOR
JUDICIAL REGISTRAR**