





*This application must be signed by ALL Applicant (s) or their Solicitor or Authorised Agent*

## APPLICATION FOR STAY OF AN ORIGINAL DECISION

**TO BE ADDRESSED TO:**

The Registrar  
Land Court  
GPO Box 5266  
BRISBANE QLD 4001

**OR DELIVERED TO:**

The Registry  
Land Court  
Level 8, 363 George Street  
BRISBANE QLD 4000

**OR FILED BY FACSIMILE:**

(07) 3247 4635

The Applicant must lodge this form with the Land Court and then serve a copy on the Chief Executive of DERM pursuant to ss. 11, 12 of the *Land Court Act 2000*.

### EXTRACTS FROM Division 2 of Part 3 of Chapter 7 of the *Land Act 1994*

#### Division 2 Internal review of decisions

##### **422 Appeal process starts with internal review**

Every appeal against a decision (an *original decision*) under this Act must be, in the first instance, by way of an application for internal review.

##### **423 Who may apply for review etc.**

A person who has a right to appeal against a decision mentioned in schedule 2 may apply to the Minister for a review of the decision.

##### **424 Applying for review**

- (1) An application by a person for review of a decision must be made within 42 days after notice of the decision was given to the person.
- (2) The Minister may extend the period for making an application for review.
- (3) An application for review must be written and state in detail the grounds on which the applicant seeks review of the decision.

##### **425 Stay of operation of decision etc.**

- (1) If an application is made under this part for review of a decision, the applicant may immediately apply for a stay of the decision to the court.
- (2) The court may stay the decision to secure the effectiveness of the review and any later appeal to the court.
- (3) A stay—
  - (a) may be given on conditions; and
  - (b) operates for the period stated by the court; and
  - (c) may be revoked or amended by the court.
- (4) The period of a stay under this section must not extend past the time when the Minister reviews the decision and any later period the court allows the applicant to enable the applicant to appeal against the decision.
- (5) The making of an application under this part for review of a decision affects the decision, or the carrying out of the decision, only if the decision is stayed.

#### **426 Decision on reconsideration**

(1) After reviewing the original decision, the Minister must make a further decision (the *review decision*) to confirm the original decision, amend the original decision or substitute a new decision.

(2) The chief executive must immediately give the applicant written notice of the decision.

(3) The notice must state—

(a) the day the notice is given to the applicant (the *review notice day*); and

(b) if the review decision is not the decision sought by the applicant—

(i) the reasons for the decision; and

(ii) that the applicant may appeal against the decision to the court within 42 days after the review notice day.

#### **Schedule 2 Original decisions**

##### **Description of decision**

23A	about the allocation of a floating reserve
25(2)	about the unimproved value of a reservation
26(3)	about the boundaries of the land being resumed
26B(6)	about the value of commercial timber
58(3)	refusing a transfer
69(3)	about the unimproved value of land to be sold by a mortgagee in possession
109A(3)	imposing conditions on the approval for the simultaneous opening and closing of roads in deed of grant land
109B(4)	imposing conditions on the approval for the simultaneous opening and closing of roads in trust land or lease land
118(2)	excluding an applicant from a ballot or tender
127(7)	about the unimproved value of reclaimed land
130A(1)	about making a note in the appropriate register against a lease
155D(2)	reducing the term of a lease
160(3)	about whether the conditions of a lease have been fulfilled
168(5)	about whether the conditions of a lease have been fulfilled
170(3)	about the unimproved value or the timber value for the conversion to a deed of grant
176A(1)	refusal of approval of subdivision
176L(1)	refusal of approval of amalgamation
182(2)	about the category of a lease
212(3)	about a review change
214(1)	giving a remedial action notice
214E(2)	reducing the term of a lease
214E(2)	imposing additional conditions on a lease
222(6)	about compensation when a resumption is stopped
226(5)	about the value of improvements
232(5)	about the value of improvements
239(1)	not allowing the sale of a lease by a mortgagee
239(1)	not allowing the sale of a lease by a relevant local government
240C	forfeiting a lease
249(5)	about the value of improvements
322(6)	refusing a transfer
332(6)	refusing a sublease
347(4)	refusing an extension of time