

Land and Resources Tribunal

REGISTRY: Brisbane
NUMBERS: AML 207/2006
 ENO 208/2006
TENURE IDENTIFIER: 4761-ASA 2

Applicant: **XSTRATA COAL QUEENSLAND PTY LTD & OTHERS**
 AND
Respondents: **QUEENSLAND CONSERVATION COUNCIL INC,**
 MACKAY CONSERVATION GROUP INC
 AND
Statutory Party: **ENVIRONMENTAL PROTECTION AGENCY**

**QUEENSLAND CONSERVATION COUNCIL'S SUBMISSIONS ON NATURAL
JUSTICE AND FAIR AND PROPER CONSIDERATION OF ISSUES**

1. Following the conclusion of the objections hearing on 1 February 2007, on 5 February 2007 the Tribunal wrote to the parties to give an opportunity to make any submissions concerning two documents that the Tribunal had become aware of that "may be relevant to the decision". The correspondence did not state how those documents might be relevant or what use the Tribunal proposed to make of them.
2. On 9 February 2007 the applicant, Xstrata, and QCC filed written submissions on the two documents raised by the Tribunal. Today, 14 February 2007, the Environmental Protection Agency (EPA), filed further submissions on the two documents and in reply to the submissions of Xstrata and QCC.
3. The submissions of Xstrata and the EPA raise matters which go beyond the evidence and that were not put to any of the expert witnesses called at the hearing.
4. QCC does not know how the Tribunal proposes to make use of the two documents or the submissions of Xstrata and the EPA; however, QCC raises the requirements in subs 49(1) of the *Land and Resources Tribunal Act 1999* that the Tribunal must observe the rules of natural justice¹ and must act as quickly, and with as little formality and technicality, as is consistent with a fair and proper consideration of the issues before it.

CHRIS MCGRATH
Junior counsel for QCC²
14 February 2007

¹ Of possible relevance in these circumstances is the decision in *York v General Medical Assessment Tribunal* [2002] QCA 519; [2003] 2 Qd R 104.

² Stephen Keim SC is currently on annual leave.

QCC SUBMISSIONS ON
NATURAL JUSTICE
Filed on behalf of Queensland
Conservation Council Inc

Environmental Defenders Office (Qld) Inc
Level 9, 193 North Quay
Brisbane Qld 4000
Telephone: (07) 3211 4466
Facsimile: (07) 3211 4655
Email: edoqld@edo.org.au
