

PRACTICE DIRECTION NUMBER 2 of 2018

LAND COURT OF QUEENSLAND

SITE INSPECTIONS

1. This Practice Direction, issued pursuant to s 22(2) of the *Land Court Act 2000*, defines the process for site inspections in Land Court hearings. Most cases in the Land Court involve the value of land, the impact of activities on land or the terms of access to or use of land. Site inspections can provide useful context for the hearing.
2. In the ordinary course, the court will conduct a site inspection at or shortly before the commencement of a hearing. At the hearing review, the Member hearing the case will decide whether there will be a site inspection and, if so, will settle the arrangements in consultation with the parties.
3. Five working days prior to the hearing review, the parties must provide the associate to the Member hearing the case a proposed site inspection plan that deals with the following matters:
 - a. the address of any site(s) to be inspected;
 - b. the person or company in control of the site(s);
 - c. the date and time proposed for the site inspection;
 - d. the exact location of any site(s) to be inspected;
 - e. the order in which any sites are to be inspected;
 - f. how long the site inspection is expected to take;
 - g. who will attend and their role in the site inspection;
 - h. whether there are any special requirements for the site inspection (e.g. particular vehicles); and
 - i. if any party seeks an order for evidence to be taken during a site inspection:
 - i. the names of any proposed witness;
 - ii. if a proposed witness is an expert, their field of expertise;
 - iii. the proposed time and place for the evidence to be taken and an estimate of the length of the evidence;
 - iv. their reasons for proposing evidence is taken during the site inspection; and
 - v. the attitude of any other parties to their request.
4. During a site inspection, a party or their representative may:
 - a. draw the Member's attention to an area, item, feature or condition;
 - b. ask the Member to specifically observe something about that area, item, feature or condition;
 - c. identify in what way the area, item, feature or condition relates to an issue for the hearing; and
 - d. identify which witness(es) will give evidence about it.

However, in doing so, what a party or their representative says to the Member is not evidence in the hearing.

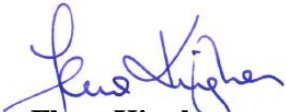
5. Unless ordered prior to the site inspection, the Court will not take evidence from any witness during a site inspection. If an order is made for evidence to be taken during a site inspection:
 - a. evidence will only be taken from witnesses specified in the order and only about topics specified in the order; and
 - b. the associate or another court officer will record the evidence on a portable recording device provided by the court.

6. Unless otherwise ordered, an Authorised Officer of the Department of Natural Resources, Mines and Energy (NRME Officer) will escort the court party during site inspections for hearings of objections to the grant of resource tenures and environmental authorities; or for access to land and compensation for the grant of resource tenures.

7. If paragraph 6 applies, the associate to the Member hearing the case will identify the NRME Officer who will escort the court party and advise the parties, and will keep the NRME Officer informed about arrangements for the site inspection.

8. Prior to the site inspection, the parties must:
 - a. agree on who will lead the site inspection; and
 - b. provide the Land Court Registry and, where applicable, the NRME Officer, with a map that shows the meeting point and any sites to be inspected, numbered in the order in which they will be inspected.

9. During the site inspection, the person in control of any site¹ to be inspected is responsible for:
 - a. ensuring the site is safe for inspection and complies with the requirements of relevant acts and regulations;²
 - b. advising the court as soon as practicable of any special site requirements that it cannot provide;³
 - c. providing access to a reasonable range of facilities;⁴ and
 - d. if necessary, conducting an induction before the court party enters the site.⁵



Fleur Kingham
President
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¹ For example, the holder of a mining lease will be in control of the mining lease area.

² *Work Health and Safety Act 2011; Coal Mining Safety and Health Act 1999; Petroleum and Gas (Production and Safety) Act 200; and Mining and Quarrying Safety and Health Act 1999 and associated regulations*

³ Such as walking boots, protective clothing, hard-hat, 4WD vehicle etc.

⁴ Such as water, shelter and toilet facilities.

⁵ An induction may be required if the site inspected is under active mining.