

## PRACTICE DIRECTION NUMBER 2 of 2015

### LAND COURT OF QUEENSLAND

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#### THE PRELIMINARY CONFERENCE PROCESS FOR APPEALS UNDER THE *LAND VALUATION ACT 2010*

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- (1) This Practice Direction applies to proceedings commenced in the Land Court by way of an appeal under the *Land Valuation Act 2010*.
- (2) In cases where the valuation appealed against is \$5 million or less, each party will be invited to attend a preliminary conference in an effort to resolve or narrow the issues in dispute.
- (3) Where the valuation appealed against is more than \$5 million, the Valuer-General will have offered the objector the opportunity to participate in an independently-chaired objection conference under the *Land Valuation Act 2010*. In these cases, the Land Court will not offer a preliminary conference to the parties save in exceptional circumstances.

#### **Timeframe**

- (4) The Land Court expects that, save in exceptional circumstances, the parties will have participated in a preliminary conference and concluded any post-conference negotiations, within 12 months of the appeal being filed.

#### **Listing Arrangements**

- (5) Preliminary conferences will be scheduled by the Land Court in consultation with the parties as soon as reasonably practicable after the filing of the appeal.
- (6) The Court will endeavour to accommodate each party's preferred dates for the conference, but it will not always be possible to accommodate everyone.
- (7) Normally, the conference will be held in the district where the subject land is located.

#### **Preliminary Conference Procedures**

- (8) Where a matter has been listed for a preliminary conference, it is compulsory for each party or their representative to attend the conference in person. If a party or representative wishes to appear otherwise than in person (eg. by telephone or videolink), an application for leave must be made to the Court at least 14 days prior to the date scheduled for the conference.
- (9) The party or representative attending the conference must:
  - (a) be familiar with the substance of the issues in dispute; and
  - (b) be prepared to identify and discuss the issues in dispute in an attempt to negotiate a settlement; and
  - (c) have authority to settle the matter or any issue in dispute.
- (10) Each party must act reasonably and genuinely in the preliminary conference process.

- (11) A preliminary conference is conducted on a 'without prejudice' basis. Evidence of anything said or any admission made at the conference is not admissible in any subsequent proceeding without the consent of the parties.
- (12) If a party fails to attend the conference or is not represented by a person with appropriate authority, the Member or Judicial Registrar presiding over the conference may terminate the conference and make any order as to costs as is considered appropriate.

**Conclusion of Preliminary Conference Process**

- (13) If, at a preliminary conference, the parties agree on a resolution of their dispute, the Member or Judicial Registrar presiding over the conference may dispose of the matter in the way agreed.
- (14) If the parties require additional time to continue their negotiations, the parties will normally be granted a period of two (2) to four (4) weeks for further discussion. The maximum period of time which the Court will allow for post-conference negotiations is six (6) weeks, save in exceptional circumstances.
- (15) If agreement is not reached at the preliminary conference, or within a reasonable time after the conference, the proceeding will be listed for hearing and determination by a Member.

**Carmel MacDonald**  
**President**  
**27 July 2015**