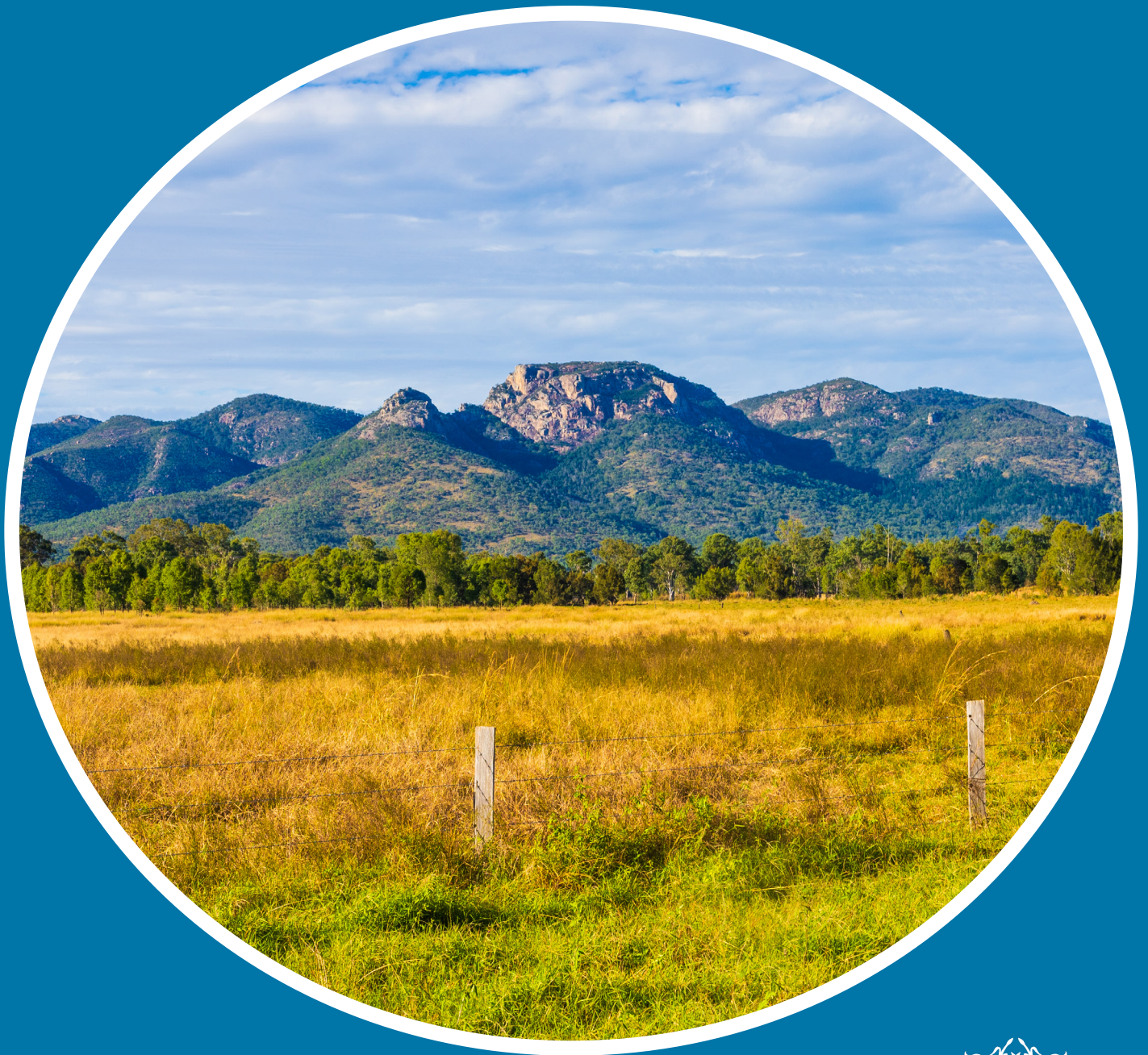


LAND COURT OF QUEENSLAND

ANNUAL REPORT

2025-2026



LAND COURT
OF QUEENSLAND



LAND COURT OF QUEENSLAND
Chambers of President PG Stilgoe OAM

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21 September 2026

The Hon Deb Frecklington MP
Attorney-General and Minister for Justice and Minister for Integrity
GPO Box 149
BRISBANE QLD 4001
Email: attorney.general@ministerial.qld.gov.au

Dear Attorney-General

Re: Land Court of Queensland Annual Report 2025-2026

As required by s 77A(1) of the *Land Court Act 2000*, I provide you with the eighteenth annual report on the operations of the Land Court of Queensland.

Yours sincerely,

President PG Stilgoe OAM

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President's overview

After a relatively quiet year last year, lodgements were up 22% across all jurisdictions (448 to 550). We farewelled Member Isdale in December 2025. As the Judicial Registrar has separately recorded, Member Isdale had been the backbone of the Court for many years. We miss his steady hand and wise counsel.

Despite the loss of Member Isdale and the increase in filings, the review and refinement in Court processes meant that the Court continues to meet, and exceed, its benchmarks.

The review of its processes has also placed the Court in an excellent position to transition to the digital filing system when it is introduced in the next financial year. Already, the registry accepts many documents electronically and its forms are well-suited to the electronic migration of information.

The Court has weathered its record year of Land Appeal Court matters thanks to the cooperation and assistance of the Supreme Court Justices who presided in each of them. It is always valuable to have a different perspective on issues that the members of the Court may think are routine.

The excellent results this year would not be possible without the hard work and dedication of registry staff, the two remaining members, and the Judicial Registrar.

Having said that, I am conscious that the workload of the members will shortly be unsustainable unless Member Isdale's position is filled. The Court has a full calendar of matters for the first half of the next financial year and the first half of 2027 is rapidly filling. The Court's ability to decide complex matters is also hampered by its facilities. The Court has only one courtroom able to cope comfortably with large matters with multiple parties. Again, I express my thanks to the Supreme Court Justices in the regions who have made courts available to hear matters in locations close to the subject matter of the dispute.



President Stilgoe OAM

Court profiles

Land Court of Queensland

President

Peta Stilgoe OAM

Members

William Isdale (retired 19 December 2025)

James McNamara

Nicholas Loos

Judicial Registrar

Graham Smith



Member Isdale

Retirement of Member Isdale

(by Judicial Registrar Graham Smith)

Member William Isdale (Bill) was admitted to the Queensland Bar in 1980. For the next 30 years he pursued a career in government litigation and, as a tireless jack-of-all-trades, provided specialist advice and advocacy for a substantial volume of contested cases in all jurisdictions, particularly the Mental Health Tribunal and Land Court.

Bill's government career concluded on 15 April 2010 following his appointment to the Land Court, and, without further ado, he quickly progressed to determine a tranche of mining disputes.

Moving forward, Bill's ongoing determinations would involve a broad range of contested litigation across the jurisdiction of the Court. Other notable duties included oversight of the ehearing technology of the Land Appeal Court during COVID-19 and a period of Acting President during 2019.

Finally, Bill's approachable and generous spirit cannot be overlooked or overstated. His thoughtful, patient guidance and practical advice was not limited to courtroom matters; his example and leadership contributed greatly to productivity and morale among his colleagues. If you were having a bad day or a bad week, Bill was there with a kind word of encouragement and an uplifting pep talk. Each day he looked for and helped bring out the best in those around him.

Bill's final day with the Court was 19 December 2025. A fitting celebration with judicial and registry staff marked his well-deserved retirement. The Court acknowledges and greatly appreciates Bill's outstanding contribution throughout his career and extends best wishes for the future to the Isdale family.

Judicial support

The President, Members, and Judicial Registrar are supported by a Judicial Support Team comprised of an Executive Assistant, four Associates, and Librarian. In 2025–2026 the Judicial Support Team was:

- Executive Assistant, Sarah Shorter
- Land Court Librarian, Helen Bannerman
- Associate to President Stilgoe OAM, Sophie Little (until 16 January 2026);
Louise Galvin
- Associate to Member Isdale, Caleb Lawrence (until 19 December 2025)
- Associate to Member McNamara, Holly Edmondson (until 16 January 2025);
Rosemary Jackson
- Associate to Member Loos, Kathleen Housego (until 16 January 2026);
Natalie Graham

Land Appeal Court

The Land Appeal Court hears appeals from the Land Court and is constituted by a Justice of the Supreme Court and two Members of the Land Court, other than the Member whose decision is under appeal. The Land Appeal Court may sit at Brisbane, Rockhampton, Townsville and Cairns. The Chief Justice nominates a Supreme Court Judge to act as a Member of the Land Appeal Court for the Southern Region.

The Land Appeal Court Justices are:

- Far Northern Region – the Honourable Justice James Henry
- Northern Region – the Honourable Justice David North (retired 23 March 2026)
- Northern Region – the Honourable Justice Christopher Johnstone (appointed 24 March 2026)
- Central Region – the Honourable Justice Graeme Crow
- Southern Region – the Honourable Justice Sean Cooper

With the cooperation of the Chief Judge, Clarke DCJ also sat as a Member of the Land Appeal Court in one matter this financial year.

Appeals to the Land Appeal Court are by way of rehearing, usually on the record of the Court below. The Land Appeal Court has power to admit new evidence, but only if the Court is satisfied that such evidence is necessary to avoid grave injustice and that adequate reason can be shown why the evidence was not previously given. By convention, the Supreme Court Justice presides, but all Members of the Land Appeal Court sit as equals and the decision of the majority is the decision of the Land Appeal Court.

A party to a proceeding in the Land Appeal Court may appeal a decision of that Court to the Court of Appeal on the ground of error or mistake in law or jurisdiction. A further appeal could lie to the High Court of Australia, but only with special leave.

There were **three (3)** appeals lodged in the Land Appeal Court in this financial year, compared with **twelve (12)** appeals filed in the previous financial year. The appeals filed and their current status are:

Issue on Appeal	Region	LAC Panel	File no. and name	Final/Awaiting outcome/ Notes
Rights declaration	Southern	Justice Cooper Member McNamara Member Loos	LAC013-25 - Philip Usher Constructions Pty Ltd v Cross River Rail Delivery Authority & Anor	Judgments handed down. Matter finalised. [2026] QLAC 1 [2026] QLAC 8
Land rates	Northern	Justice Johnstone President Stilgoe OAM Member McNamara	LAC014-25 - Citigold Corporation Limited v Charters Towers Regional Council	Hearing listed for 1 day on 5 August 2026 in Townsville.
Compulsory acquisition compensation	Southern	Justice Cooper President Stilgoe OAM Member Loos	LAC001-26 - Clark v Sunshine Coast Regional Council	Judgments handed down. Matter finalised. [2026] QLAC 3 [2026] QLAC 7

There were **twelve (12)** decisions handed down in the Land Appeal Court in this financial

Issue on Appeal	Region	LAC Panel	File no. and name	Final/Awaiting Outcome/ Notes
Compulsory acquisition compensation	Southern	Justice Cooper President Stilgoe OAM Member Loos	LAC001-25 - Genamson Holdings Pty Ltd v Moreton Bay Regional Council	Appeal allowed relating to interpretation. [2025] QLAC 2 No order as to costs. [2025] QLAC 4
Mining compensation	Central	Justice Crow Acting Member Clarke DCJ Member Isdale	LAC002-25; LAC004-25 - Balanced Property Pty Ltd & Anor v Pembroke Olive Downs Pty Ltd; Pembroke Olive Downs Pty Ltd v Balanced Property Pty Ltd & Anor	Respondent/cross-appellant to pay compensation to the appellants/cross-respondents. [2025] QLAC 3 Respondent/cross-appellant pay the appellants/cross-respondents' costs. [2025] QLAC 5
Rights declaration	Southern	Justice Cooper Member McNamara Member Loos	LAC013-25 - Philip Usher Constructions Pty Ltd v Cross River Rail Delivery Authority & Anor	Final decision handed down on 10/4/2026. Land Court order set aside and new orders made. [2026] QLAC 1 Costs decision handed down on 18/6/2026. [2026] QLAC 8
Mining compensation	Central Transferred to Southern	Justice Cooper President Stilgoe OAM Member McNamara	LAC012-25 - Comiskey & Anor v Fairhill Coking Coal Pty Ltd	Final decision handed down on 20/4/2026. Appeal dismissed. [2026] QLAC 2 Costs decision handed down on 4/6/2026. [2026] QLAC 6
Compulsory acquisition compensation	Southern	Justice Cooper President Stilgoe OAM Member Loos	LAC001-26 - Clark v Sunshine Coast Regional Council	Appeal allowed against order 3. Otherwise, appeal dismissed. [2026] QLAC 3 Appellant to pay the respondent's costs. [2026] QLAC 7
Land valuation	Central	Justice Crow Member McNamara Member Loos	LAC006-25; LAC007-25; LAC009-25 - Cost Pty Ltd v Valuer-General; Allen v Valuer-General	Appeals dismissed. [2026] QLAC 4
Land valuation	Southern	Justice Cooper Member McNamara Member Loos	LAC005-25 - Valuer-General v Calardu Gympie Pty Ltd	Appeal dismissed. [2026] QLAC 5

There were **two (2)** appeals from the Land Appeal Court to the Court of Appeal in this financial year.

Issue on Appeal	File no. and name	Final/Awaiting outcome/Notes
Compulsory acquisition compensation	CA4306/25 - Moreton Bay Regional Council v Genamson Holdings Pty Ltd	Leave to appeal granted. Matter remitted to Land Court. [2026] QCA 23 No order as to costs. [2026] QCA 37
Mining compensation	CA2405/25 - Comiskey & Anor v Fairhill Coking Coal Pty Ltd	Application for leave filed on 29 May 2026. Awaiting outcome.

There was **one (1)** judicial review application made in the Supreme Court.

Issue on Appeal	File no. and name	Final/Awaiting Outcome/Notes
Internal review decision	SC47/26 - Ut-Alkar Aboriginal Corporation RNTBC v Pacgold Limited & Others	Hearing listed on 11 September 2026. Awaiting outcome.

There were no applications for special leave filed in the High Court this financial year.

Decisions of note

***Walker Road Pty Ltd v Valuer-General* [2025] QLC 19 (5 Sep 2025)**

The Court allowed an appeal against valuation and decided that the property qualified for a farming tax concession because cattle grazing remained its dominant use despite some residential development works occurring on a small portion of the site. The Court also held that the statutory "for profit" farming test under the *Land Valuation Act 2010* requires actual capacity for profit rather than merely an intention to make a profit.

***Balanced Property Pty Ltd v Pembroke Olive Downs Pty Ltd* [2025] QLAC 3 (9 September 2025)**

This case concerned the correct method for assessing compensation payable to the landholder for the impacts of a mining lease over grazing properties.

The Land Appeal Court held the Land Court erred by relying heavily on "carrying capacity" rather than a true before-and-after market value approach consistent with the *Spencer* principle. It confirmed that compensation must be grounded in properly adjusted, comparable sales and reflect the actual diminution in market value caused by the mining interference.

***Deimel v Phelps & Anor* [2026] QLC 1 (19 February 2026)**

The Court dismissed an application by a gold miner who sought to compel landowners to facilitate the final surrender of his mining lease. The court determined that under their settlement deed, the owners were not legally obligated to help with, or accept, the lease surrender until the land was successfully rehabilitated to their reasonable satisfaction, a condition both parties conceded had not been met.

***Moreton Bay Regional Council v Genamson Holdings Pty Ltd* [2026] QCA 23 (20 February 2026)**

Regarding the scope of recoverable costs following a discontinued land resumption process, the Court of Appeal allowed the appeal in part, finding that "costs and expenses incurred" under section 16 of the *Acquisition of Land Act 1967* does not extend to claims for general loss, damage, or lost profits, but may encompass certain out-of-pocket costs and expenses incurred because of the notice of intention to resume. The matter was remitted back to the Land Court to determine which of the expenses are recoverable, according to this interpretation of s 16.

Comiskey v Fairhill Coking Coal Pty Ltd [2026] QLAC 2 (20 April 2026)

This case concerned whether late compensation payments, renegotiation agreements, and increased land value amounted to a “material change in circumstances” under the *Mineral Resources Act*.

The Court held that s 283B is only engaged where changed circumstances materially alter the compensable effects of the mining lease itself. It confirmed that contractual disputes, delayed payments, and ordinary market value increases do not satisfy that threshold.

Cost Pty Ltd v Valuer-General [2026] QLAC 4 (24 April 2026)

This case concerned whether the Land Court was correct to reject the appellants’ expert valuation evidence for lack of independence and impartiality.

The Court upheld the finding that an expert who had acted as an advocate in the same matter could not later present as an independent expert. It confirmed the strict requirement that expert valuers in land valuation appeals must remain impartial and avoid conduct inconsistent with their overriding duty to the Court.

There was discussion on the 2-step test outlined in *Body Corporate for Tennyson Reach*, and how it might be a 3-step process with the additional step to determine whether the demonstrated error renders the valuation incorrect.

The Court discussed the nature of an appeal by way of rehearing.

Judicial development and engagement

President Stilgoe

Conference	Session Title	Date
Building Dispute Practitioners’ Conference: Expert Evidence	Unconscious Bias of Experts	Aug 2025
UIA, 35 th World Forum of Mediation Centres	How Tribunals and Judges Encourage Engagement in Mediation (a.k.a. a Carrot, a Stick and a Mirror)	Sep 2025
Climate Litigation Conference, NZ	The Right to a Future: How Queensland Mining Objections Became a Human Rights Issue	Mar 2026
	The Courts as Climate Arbiter: Has Public Law Outgrown its Traditional Boundaries?	Mar 2026
18 th International Conference on Climate Change: Impacts & Responses	Maturing or Muddled? The Changing Landscape of Climate-Related Expert Evidence in the Land Court of Queensland	Apr 2026
QELA Annual Conference 2026	Pleading to Win the Member’s Mood Board	May 2026

Member McNamara

Conference	Session Title	Date
Indigenous Lawyers Association of Queensland	ATSIS moot	Sep 2025
QELA	Land Court Update Seminar	May 2026
QELA Annual Conference 2026	Annual Conference Land Court Update	May 2026

Member Loos

Event	Date
QELA Seminar – Land Court Update	Oct 2025
Bar Association of Queensland Annual Conference	Mar 2026
QELA Seminar - EPBC Act Reforms	Mar 2026
2026 Bar Practice Course Judge	Apr 2026
2026 QELA Annual Conference	May 2026
Coexistence Community Leaders Council	Jun 2026
QELA Seminar – Renewable Energy in the Regions	Jun 2026

In addition to presenting at conferences throughout the year, Land Court members attended a number of conferences and professional events relevant to the jurisdiction of the Land Court of Queensland, events organised by:

- Australian Legal Convention
- Queensland Environmental Law Association
- Australian Judicial Officers Association
- Australian Association of Women Judges (International Women's Day event)
- International Association of Women Judges Asia Pacific Conference

Principal Registrar's overview

Once again, I am privileged to present a report of this year's activities of the Land Court Registry.

It has been a year of continual improvement and consolidation to make sure that the Court is ready for the introduction of digital filing. That work has enabled the Court to cope well with the increased filings in this financial year.

The registry personnel never stand still. We have, sadly, farewelled senior registry staff due to ill health. The commitment and dedication of those staff members cannot be understated, and the holes left by their departure have been difficult to fill.

Nevertheless, we have welcomed new Registry staff who have brought fresh enthusiasm and perspectives to the work of the registry. I am grateful to our long-standing staff for their care and patience in training the new members of our family.

The highlight of my year was the Land Court conference, this year held in Charters Towers. Building on the success of last year, we opened the conference to attendees beyond our usual stakeholders. The unavailability of technology forced the speakers to go "old school" with mineral samples being handed around and not a PowerPoint in sight.

The "old school" theme was carried through to the catering, provided by the Country Women's Association. Nothing can beat a CWA scone!



Principal Registrar Jan Moy

Registry officers

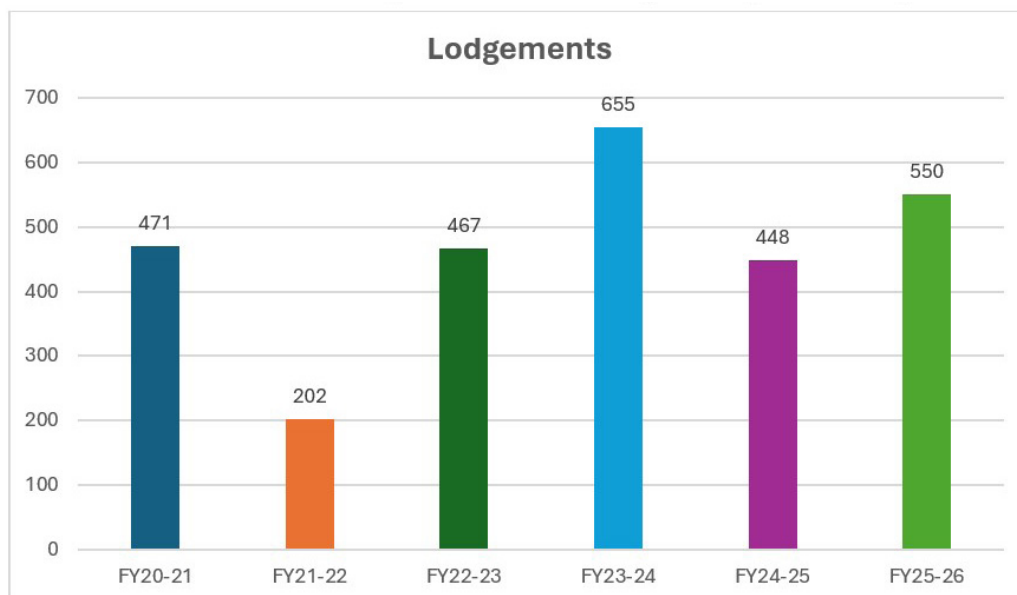
The Principal Registrar is responsible for the management and coordination of the Land Court Registry administration. In 2025–2026 the Registry officers were:

- Principal Registrar, Jan Moy
- Senior Registrar Business Operations, Nichole Padovan and Megan Kuhs
- Senior Registrar Court Operations, Chris De Marco
- Deputy Registrar, Gregory Grodecki
- Deputy Registrar, Paulo Frutuoso
- Court Services Officer, Paulo Ribeiro Junior

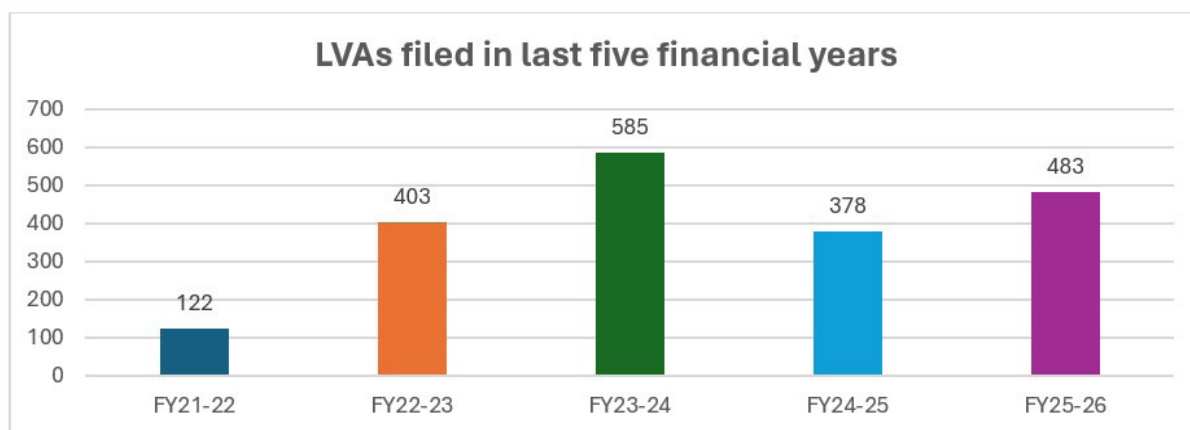
Performance

Lodgements

There was a 22% increase in lodgements this financial year compared to last year.

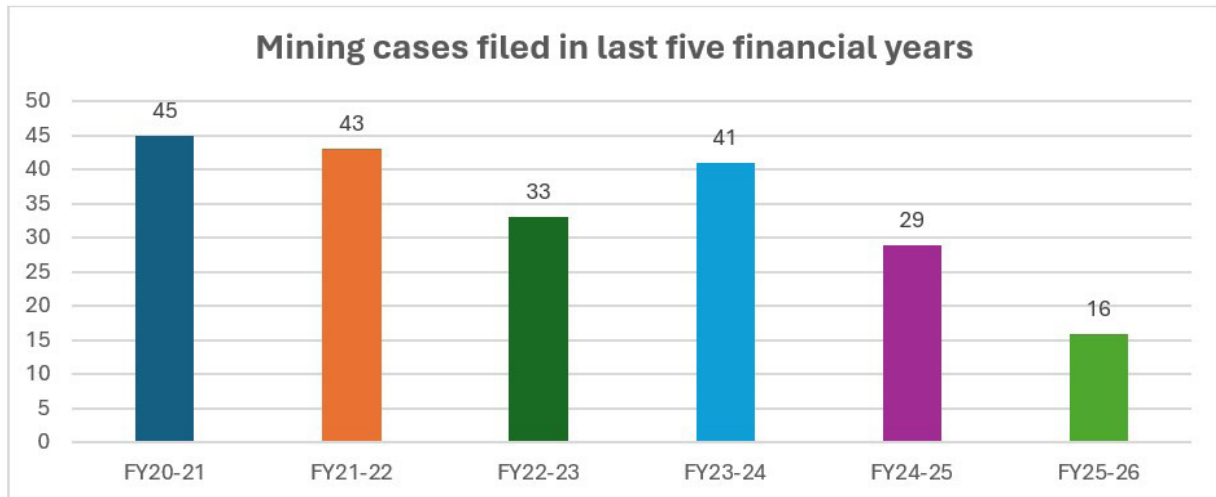


483 land valuation appeals (LVAs) were filed which represents 87.81% of the Court's total filings, an increase of 28%. Many of these filings were received in the second quarter.

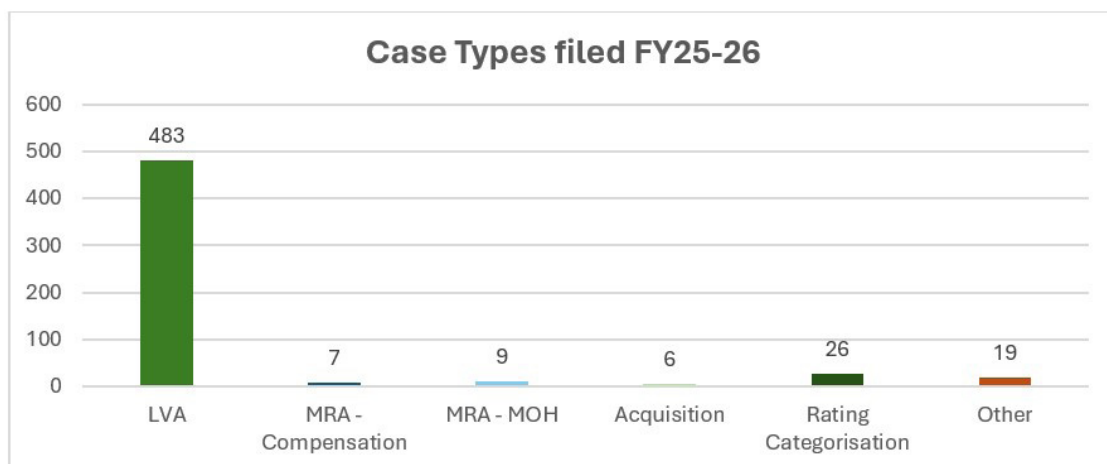


The Valuer-General's 2025 valuation program was slightly larger than the previous year's program. As noted in previous annual reports, the size of the valuation program can influence the number of appeals filed.

Although filings in the Court's other jurisdictions are lower, they are usually more complex and, consequently, occupy more of the Court's resources. Filings in mining resource cases were unusually low this financial year with a combined total of 16 matters received. Much of that decline may be attributed to a significant reduction in mining compensation filings (down to 7 from 24, previous financial year)



- LGR (Local Government Regulation) appeals were at a record high this financial year with 26 appeals filed, mostly involving Gold Coast and Fraser Coast councils. Usually, the Court receives between 5 and 10 appeals per year.
- MERCPC (Minerals and Energy Resources (Common Provisions)) lodgements were higher this year with a total of 9, mainly Conduct and Compensation Agreement disputes (5) along with jurisdiction and caveat related matters (4).
- EPA (Environmental Protection Act) matters remained low but consistent (3).
- AQL (Acquisition of Land) cases remained low but consistent (6).
- Land Act (2) and Land Court Act (3) lodgements remained low but consistent.
- There was 1 Sugar Industry Act lodgement.
- There was 1 Aboriginal Land Act lodgement.



Active caseload

At the end of the financial year, the Court's active caseload remained steady at 135 cases.

The two-year backlog indicator has risen to 15% with 20 cases more than 2 years old. Many of these cases are awaiting decisions in other Courts before they can progress in the Land Court.

Finalisations and timeliness

Settlements

The Court continued its high success rate in Preliminary Conferences for LVA appeals under \$5 million. 355 settled through in-person Preliminary Conferences and 23 settled through Virtual Preliminary Conferences. A further 98 LVA appeal cases resolved before any Court event.

21(6 LVAs) individual cases were determined by the Court.

6 cases were resolved by mediation (4 mining and 2 AQL).

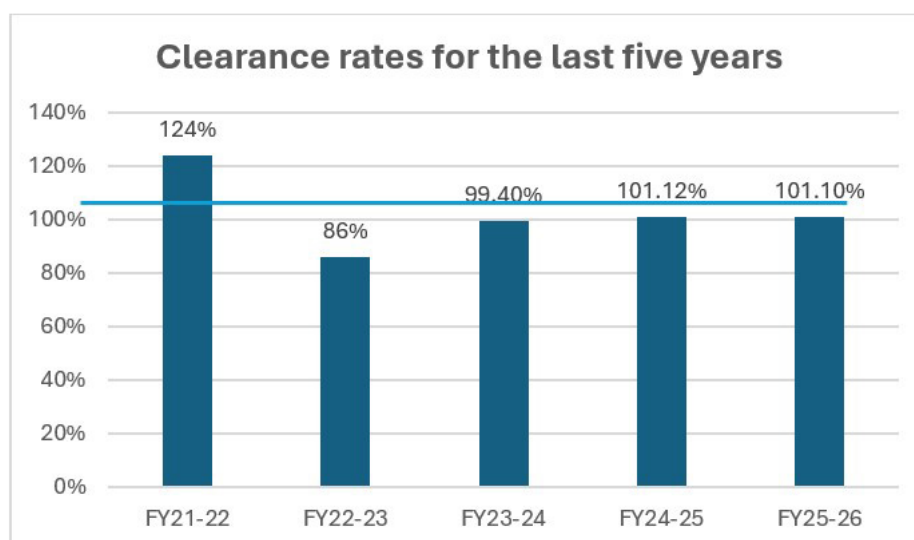
6 LGR appeals were settled by the Judicial Registrar through Preliminary Conferences. 25 were withdrawn due to settlement negotiations outside of Court, and one was determined by the Court.

Timeliness

The Court's timeliness improved over the previous financial year with 93.47% of cases resolving within 6 months of filing. The average days open for any case in the Court was 91 days (3 months).

Clearance rate

The Court continued to achieve high settlement rates and closed 556 files this financial year. The Court's clearance rate for this financial year was 101.10%, nearly identical to last financial year.



Court circuit travel

The Court circuted to the following locations

Atherton, Caboolture, Cairns, Emerald, Logan, Longreach, Mackay, Moranbah, Nambour, Proserpine, Rockhampton, Roma, Southport, Toowoomba, Townsville, and Warwick.

Registry engagement

- Engagement with eCivil project – testing and subject matter experts
- Stakeholder engagement on operational requirements with Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development
- Training and development relating to public service writing and leadership.

Location and contact details

Phone: (07) 3738 7199

Email: LandCourt@justice.qld.gov.au

Hours: 8:30am to 4:30pm, Monday to Friday (excluding public holidays and other designated court holidays)

Postal: GPO Box 5266, Brisbane, Queensland, 4001

Address: Level 8, Brisbane Magistrates Court Building, 363 George Street
Brisbane, Queensland, 4000

Website <https://www.courts.qld.gov.au/the-courts/Land-Court>

Land Court annual conference

The Land Court travelled north in 2025 for its annual conference, which was held in gold country – Charters Towers. The conference began with storytelling and Welcome to Country by Gudjal elder, Tania Ault, who shared stories about her mob and connection to surrounding lands and waters. The Welcome concluded with Ngrragoonda Aboriginal Corporation providing a smoking ceremony according to custom.

The conference featured the following leading departmental and industry speakers:

- Queensland Mine Rehabilitation Commissioner, James Purtill, provided insight into performance and trends in mine rehabilitation and closure planning.
- Land Access Ombudsman, Jane Pires, gave updates about her office and upcoming changes.
- Luke Croton, Director at the Mineral Assessment Hub, provided an update on streamlining approvals. His presentation included a 'show and tell' element by bringing along samples of critical minerals.

- Chief Operating Officer, Ali Davenport from Coexistence Queensland, spoke about her organisation's culture and the important part it plays in building coexistence.
- Amy Rosanowski, Deputy Director-General at the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development, spoke about the Lands Division and enhancing customer focus.
- The Valuer-General, Laura Dietrich, delivered an update on the development of Statutory Guidelines through the Technical Advisory Panel process.



Land Court judicial and registry staff at the Charters Towers conference

The conference was held at the Country Women's Association (CWA) Jane Black Hall. The CWA ladies catered for the event and provided the most magnificent scones and other sweet and savory delights. The Court and attendees were grateful for the level of service and care provided by the CWA Charters Towers branch.

This year's conference included the inaugural conference dinner. The event was met with great attendance and feedback as guests said it, 'broke the ice' and offered a more relaxed platform to network and collaborate. The success of the dinner meant it will now be a highlight for future conferences.

The President, after providing her update about the Court, had the honour of introducing Member Isdale for his final conference presentation pending his retirement in December 2025.

Member Isdale provided his insights on developments in land valuation from his perspective in the Land Court. His Honour reflected on his long and prosperous judicial career which was acknowledged by all who attended.

Librarian's report

The Land Court robes

From 1 November 2025, members of the Land Court and Land Appeal Court of Queensland started wearing robes for hearings, delivering judgments, and reviews.

Although the Land Court is Queensland's second oldest continuously operating court and was established in 1898, it has not previously robed.

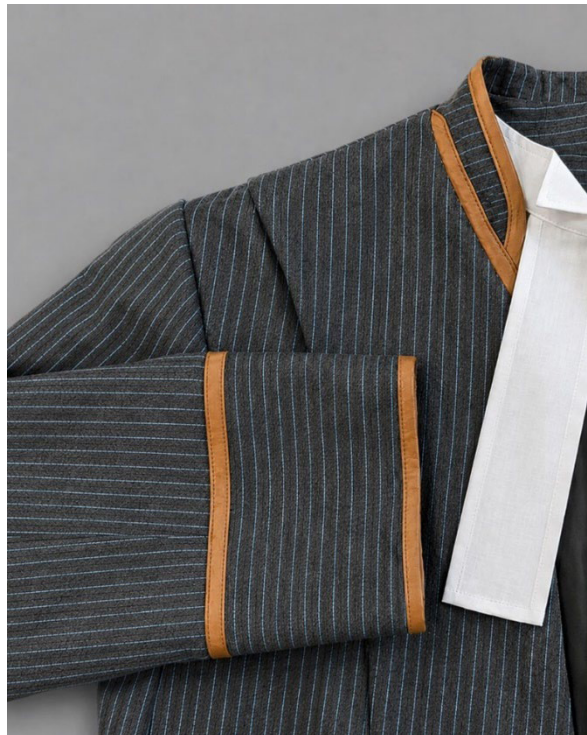
The change to robes properly acknowledges the importance of cases that come before the Court, clothes judicial officers with the authority of the Court, and brings it into line with courts of like jurisdiction.

Since colonisation, curial dress in Australia has signalled continuity with the English common law tradition.

Historically, judges have worn robes to symbolise the impartiality, neutrality, and authority of the law, rather than the personal identity of the individual sitting on the bench.

The Land Court judicial robes were designed as a modern, practical garment that retains continuity with legal history but establishes its own identity. The robes are a closed gown, adaptable to all genders and made from pure wool. The weave includes a blue pinstripe to symbolise water and ochre trim to symbolise the land.

For Land Appeal Court sittings, the Supreme Court judge from the relevant district wears their usual robe and the 2 Land Court members wear the Land Court robe.



Helen Bannerman - Land Court Librarian



Published by:

The Land Court of Queensland

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The Land Court of Queensland recognises and acknowledges Aboriginal and Torres Strait Islander peoples as the First Peoples of Queensland and as the Traditional Custodians of Queensland's precious land and waters. We pay our respects to their Elders past, present and emerging.

We recognise and celebrate the unique and continuing position of Aboriginal and Torres Strait Islander peoples in Australia's history, culture and future, and acknowledge their ongoing strength, resilience and wisdom. We are working to translate this recognition into fair, safe and inclusive practices, policies and services for Aboriginal and Torres Strait Islander peoples.