

PRACTICE DIRECTION NUMBER 2 of 2013

LAND COURT OF QUEENSLAND

HOW TO START A PROCEEDING IN THE LAND COURT

Applications and Appeals

- (1) This Practice Direction explains the use of the Form 1 Originating Application and the Form 2 Notice of Appeal for starting a proceeding in the Land Court.
- (2) A person who wishes to start a proceeding in the Land Court should check the relevant legislation giving the Land Court jurisdiction to hear the matter. In most instances, the legislation will specify that a proceeding in the Land Court is started by way of an “application” or “appeal”. (For proceedings started by way of a “referral”, see below.)
- (3) Where the legislation provides a person may “apply” to the Land Court or that a proceeding may be started in the Land Court by filing an “application”, the Form 1 Originating Application should be used.
- (4) Where the legislation provides that a person may “appeal” to the Land Court, the Form 2 Notice of Appeal should be used to start the proceeding **except** in the following cases:
 - (a) Where the matter is an appeal against an objection decision concerning a land valuation under the *Land Valuation Act 2010* or the *Valuation of Land Act 1944*, the appellant must use the Form 3 Notice of Appeal against Valuer-General’s Decision on Objection;
 - (b) Where the matter is an appeal against a categorisation decision under the *Local Government Regulation 2012* or the *City of Brisbane Regulation 2012*, the appellant must use the Form 4 Notice of Appeal against a Categorisation Decision.
- (5) In all other cases, the Form 1 Originating Application should be used.

Referrals

- (6) A proceeding is sometimes started in the Land Court by way of a “referral” from a State government department. Examples can be found in the *Mineral Resources Act 1994* (MRA), the *Environmental Protection Act 1994* (EP Act) and the *Land Act 1994*.
- (7) Practice Direction 3 of 2013 explains the use of the Form 5 for the referral of mining compensation matters under the MRA and the Form 6 for the referral of mining objections and/or environmental objections under the MRA and EP Act, respectively.
- (8) Where there is no specific form for a referral, the Form 1 Originating Application should be used.

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A/President
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