

**PRACTICE DIRECTION NUMBER 11 OF 2023**  
**PLANNING AND ENVIRONMENT COURT**

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**SELF-REPRESENTED LITIGANTS**

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**Purpose**

1. The purpose of this Practice Direction is to set out procedures for the efficient conduct of proceedings involving self-represented litigants.

**Application**

2. This Practice Direction applies after 18 March 2024 to proceedings in the Brisbane registry of the Court involving self-represented litigants where the proceeding was filed after 18 March 2024 or where a party in an existing proceeding becomes a self-represented litigant after 18 March 2024.
3. A proceeding involves self-represented litigants if:
  - (a) a party is, or becomes, self-represented;
  - (b) a party files an Entry of Appearance or a Notice of Election nominates an individual, who is not a solicitor, to represent the party; or
  - (c) the solicitor on the record for a party is granted leave to withdraw, and a replacement solicitor is not appointed.

**Definitions**

4. For the purpose of this Practice Direction, the following terms are defined:

“*ADR Registrar*” means the P&E ADR Registrar for the Planning and Environment Court;

“*First return date*” means the first mention of a proceeding before the Court;

“*Kit for Self-Represented Parties*” means a kit containing the information identified in paragraph 8;

“*List Manager*” means the List Manager for the Planning and Environment Court;

“*Rules*” is a reference to the Planning and Environment Court Rules as made from time to time; and

“*subsequent review*” means any review after the First return date.

**Information to be provided to self-represented litigants**

5. Unless the Court orders otherwise, if a party to a proceeding is, or becomes, self-represented, that party is to immediately notify in writing, by email, the ADR Registrar and the List Manager of that fact, with a copy to all other parties.<sup>1</sup>

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<sup>1</sup> The contact details for the ADR Registrar and the List Manager are in paragraph 18 of this Practice Direction.

6. Within five business days of receiving a notice under paragraph 5 or 7, the ADR Registrar or the List Manager will send the self-represented party an email with the Kit for Self-Represented Parties.
7. For the purpose of assisting the Court, if a party to a proceeding is aware that another party is or has become self-represented and has not received a copy of a notice under paragraph 5, that party is encouraged to notify the ADR Registrar and the List Manager in writing, by email, that another party to the case is self-represented.
8. The Kit for Self-Represented Parties will include:
  - (a) a copy of this Practice Direction;
  - (b) a web address for the Court's home page, drawing attention to the section headed "*Representing yourself in court*" and indicating how parties might obtain access to the *Planning and Environment Court Act 2016*, the Rules, the *Uniform Civil Procedure Rules* and the other Practice Directions.

#### **What is expected in communications with the Court and Court staff?**

9. In any communications with the Judge's associate, the ADR Registrar, the List Manager or any other Court officer, parties are not to seek legal advice, including advice about the Rules.
10. Parties must always copy all other parties into any email communications sent to the Court or Court staff.<sup>2</sup>
11. Where a communication with a Judge's associate relates to a matter of substance in connection with the proceedings, as distinct from a matter of procedure (such as a request to appear by telephone), the party must obtain the consent of all other parties to the communication and its contents before the communication is sent.<sup>3</sup>

#### **What is required by way of appearance when a proceeding is listed for review or hearing?**

12. An appearance in Court on behalf of each party is required on the First return date or a subsequent review, with the following exceptions:
  - (a) where the Judge who is to hear the application or conduct the review permits an appearance otherwise than in person. Requests for leave to appear otherwise than in person (e.g., by telephone) may be made before 12 pm on the preceding business day by contact and arrangement with the Associate to the Judge who is to hear the application or conduct the review; or
  - (b) where a consent order has been made on the papers by the ADR Registrar or a Judge in advance of the return date.
13. If a party wishes to have an agent or representative appear on their behalf at the First return date, a subsequent review or a hearing and has not nominated the person on the Notice of Appeal, Originating Application, Entry of Appearance or Notice of Election, the party must file and serve a Notice of Appointment of Agent (a copy of which is

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<sup>2</sup> This obligation mirrors the obligations of legal representatives under the Barristers Rules and Solicitor Conduct Rules.

<sup>3</sup> This obligation mirrors the obligations of legal representatives under the Barristers Rules and Solicitor Conduct Rules.

Attachment A to this Practice Direction) no later than two business days prior to the date on which the party is required to appear in Court.

14. Unless the Court orders otherwise, a self-represented party may not have an agent or representative appear on their behalf, in place of the person nominated on the Notice of Appeal, Originating Application, Entry of Appearance or the Notice of Election, where the party has not complied with paragraph 13.
15. Compliance with paragraphs 12, 13 or 14 assists the Court to discharge its obligations under s 10(1) of the *Planning and Environment Court Act 2016*.

### **What happens at a First return date and subsequent review?**

16. A Judge will conduct the hearing at the First return date and subsequent review and will list a proceeding for hearing in accordance with Practice Direction:
  - (a) Number 3 of 2023, Determination of merits appeals;
  - (b) Number 4 of 2023, Determination of Originating applications seeking declarations about development approvals and development applications;
  - (c) Number 5 of 2023, Determination of proceedings involving enforcement notices and enforcement orders;
  - (d) Number 6 of 2023, Listing for hearing; and
  - (e) Number 8 of 2023, Reviews, applications and orders on the papers.
17. At the First return date and subsequent reviews, the Court will make orders to assist the parties to finalise the case consistently with:
  - (a) section 10 of the *Planning and Environment Court Act 2016* (Qld), which provides:
    - “(1) *In conducting P&E Court proceedings and applying the rules, the P&E Court must—*
      - (a) *facilitate the just and expeditious resolution of the issues; and*
      - (b) *avoid undue delay, expense and technicality.*
    - (2) *The parties to a P&E Court proceeding impliedly undertake to the court and each other to proceed in an expeditious way.*”
  - (b) the philosophy underlying the Rules set out in rules 4 and 5, which provide:
    - “**4 Philosophy – overriding obligations of parties and court**
      - (1) *The purpose of these rules is to facilitate the just and expeditious resolution of the real issues in proceedings at a minimum of expense.*
      - (2) *Accordingly, these rules are to be applied by the courts with the objective of avoiding undue delay, expense and technicality and facilitating the purpose of these rules.*

- (3) *In a proceeding in a court, a party impliedly undertakes to the court and to the other parties to proceed in an expeditious way.*

**5 Compliance with rules and orders of the P&E Court**

*The P&E Court may—*

- (a) *waive compliance with a provision of these rules if the court considers compliance would be likely to cause injustice, unreasonable expense or inconvenience or otherwise considers waiving compliance appropriate; or*
- (b) *excuse noncompliance with a provision of these rules; or*
- (c) *impose appropriate sanctions if a party to a P&E Court proceeding does not comply with these rules or an order of the court.*

*Example for paragraph (c)—*

*The P&E Court may dismiss a P&E Court proceeding if a party to the proceeding fails to proceed as required by these rules or an order of the court.”*

**Contact details**

18. The contact details for the ADR Registrar and the List Manager are:

- (a) ADR Registrar: [PE.Registrar@justice.qld.gov.au](mailto:PE.Registrar@justice.qld.gov.au);
- (b) List Manager: [DC-PEListManager@justice.qld.gov.au](mailto:DC-PEListManager@justice.qld.gov.au).

19. If required, the contact details for a Judge’s Associate can be obtained from the List Manager.



**Brian Devereaux  
Chief Judge**

7 December 2023

In the Planning and Environment Court

No

Held at:

Between:

Appellant/Applicant

And:

Respondent

And:

Co-respondent / Co-respondent by election

**NOTICE OF APPOINTMENT OF AGENT**

Filed on / /20 .

*Name of party , of address, appoints name of person appointed as agent to appear as agent for Name of party at the first return date / all reviews / the hearing / all reviews and hearings before the Court and for all correspondence from the Court and other parties*

Service address of agent:

Phone of agent:

Email:

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NOTICE OF APPOINTMENT OF AGENT  
Filed on behalf of  
Form PEC-10

Name  
Service Address  
Phone no.  
Email

*Name of party*

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NOTICE OF APPOINTMENT OF AGENT  
Filed on behalf of  
Form PEC-10

Name  
Service Address  
Phone no.  
Email