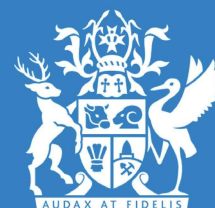


LAND COURT OF QUEENSLAND
ANNUAL REPORT

2024-2025



LAND COURT
OF QUEENSLAND



LAND COURT OF QUEENSLAND

Chambers of President PG Stilgoe OAM

12 September 2025

Brisbane Magistrates Court
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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 2024-2025

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

Yours sincerely,

President PG Stilgoe OAM



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President's overview

A year of apparently low filings does not mean that the Land Court was unproductive. We have taken the opportunity to review and refine Court processes to save parties time and money. The land valuation appeals jurisdiction, our largest jurisdiction, was the first to be analysed but it will not be the last.

Much of this work has been conducted with an eye to the wider Courts' Innovation Strategy. We have:

- rationalised the land valuation appeal forms to make them easy to complete while presenting a more comprehensive framework for the dispute
- expanded the availability of virtual preliminary conferencing (VPCs) in land valuation appeals while still providing in person conferencing
- introduced online booking for VPCs, saving time and resources
- assisted in the rollout of the new eTrials platform
- examined our website carefully to ensure it provides appropriate information in an easy-to-use format (in line with the whole of courts policy)
- adopted QR Codes to provide targeted jurisdictional information.



President Stilgoe OAM

The Court continues to seek feedback from all the Court's user groups as it works to refine and modernise its core jurisdictions.

We formally welcomed Member Loos to the Court in a ceremony held in July 2024 which was well attended by the profession and friends and family of the Court. Member Loos acknowledged the harmonious and efficient court, noted that it was an exciting court to be part of, and committed himself to aim for courtesy and efficiency with enthusiasm.

Also in July 2024, the Court welcomed a delegation of judges and registry staff from Papua New Guinea who are in the process of creating a resources, environment, and climate change track (a.k.a. 'division') in their national court. It was an excellent opportunity to exchange ideas and concerns and foster further co-operation between the two courts.



The Court again participated in the annual LawRight walk. While that in itself is not exceptional, the Court was proud that 75% of its Members, 100% of its Associates, and a few 'extras' took part.

As with previous years, I thank all the Members and Registry staff for their dedication and enthusiasm. We are a happy, innovative Court that is looking forward to a robust future.

Performance

Lodgements

The Court experienced a substantial decrease in lodgements this financial year. In particular, land valuation appeals (LVAs), which usually represent 84% of all filings, were down 40% from last year.

The drop in LVAs may be because the Valuer-General's 2024 valuation program did not include the local government areas of Brisbane, Ipswich, Logan, Townsville, Cairns, and Toowoomba. As we have noted in previous annual reports, the size of the valuation program, the density of the areas valued, and market movement all play a part in the number of appeals lodged.

This year the number of ratings categorisation appeals filed increased by 118%. Most appeals involved subject properties located within the Gold Coast City Council local government area and concerned owner-occupied and investment categories.

Although the filings in the balance of the jurisdictions were low, they consumed a disproportionate amount of the Court's resources. For example, although only 5 mining objections cases were referred, they occupied approximately 51 days of Court time. Similarly, while only 7 land acquisition cases were filed, they occupied 34 days of Court time.

Active caseload

At the end of the financial year, the Court's active caseload remained steady at **141** cases. This figure is about the same as last financial year.

Only **9** cases are more than 2 years old which represents **6.38%** of the Court's caseload, slightly above the **5%** target.

Finalisations and timeliness

Settlements

The Court continued its high settlement rate:

- **163** cases were resolved before any Court event (**116** LVA appeal cases and **47** other cases).
- **3** individual cases were resolved by mediation. Two were facilitated by the Court's ADR panel convenors.
- **253** cases settled at Preliminary Conferences (PCs) – 252 were LVAs under \$5 million, of which 10 were conducted via a Virtual Preliminary Conference (VPC). One mining resource case also settled at a PC.

Court determinations

The Court determined 24 matters.

Timeliness

The Court's time to finalisation remained strong with **85.32%** of cases resolving within 6 months of being filed. The average number of days open for any case in the Court was **106 days (3.4 months)**.

The Court delivered **88%** of its judgments within 3 months with most of those judgments being handed down within 1 month.

Clearance rate

The Court's clearance rate for this financial year was **101.12%**, an improvement on last financial year.

Note: All figures above are for the Land Court only. They do not include Land Appeal Court figures.

Decisions of note

Pembroke Olive Downs Pty Ltd v Namrog Investments Pty Ltd [2025] QCA 87 (30 May 2025)

Where the definition of "dam" and "area used for a dam" under section 68(1)(b)(i)(A) of the *Mineral and Energy Resources (Common Provisions) Act 2014* (Qld) was in dispute. Where the Land Court construed "dam" narrowly as the dam wall and necessary supporting works. Where the Land Appeal Court construed "dam" more broadly to include both the dam wall and the area of land impounding water. Where leave to appeal was refused and the decision of the Land Appeal Court upheld.

Environmental Advocacy in Central Queensland Inc v Department of Environment, Tourism, Science and Innovation & Ors [2025] QLC 7 (3 April 2025)

Where the internal review decision to approve a site-specific environmental authority proceeded on the basis of underestimated greenhouse gas (GHG) emissions and an unrealistically low estimate of coal seam gas (CSG) production. Where the re-estimation of the Project's CSG and GHG emissions was considered. Where the original decision was substituted by the Court, by consent.

Re Sungela Pty Ltd & Anor [2025] QLC 5 (20 March 2025)

Where the Court recommended that the mining lease for a thermal coal mine in the western part of the Central Bowen Basin not be approved unless the applicants show real and

significant progress towards mitigating their GHG emissions. Where the Court was not provided with sufficient expert evidence.

Land Court decisions appealed or reviewed

Land Appeal Court

The Land Appeal Court hears appeals from the Land Court and is constituted by a judge of the Supreme Court and two members of the Land Court, other than the member whose decision is under appeal.

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, 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 Judge 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.

Twelve appeals were lodged in the Land Appeal Court in 2024–2025 compared with 5 in 2023–2024. The 12 appeals and their current status are as follows:

Nature of Appeal	Region	LAC Panel	File no. and name	Final/Awaiting Outcome
Compensation payable on resumption that did not proceed.	Southern region	Cooper J President Stilgoe Member Loos	LAC001-25 Genamson Holdings Pty Ltd v Moreton Bay Regional Council	Hearing occurred on 9 June 2025. Judgment reserved.
Mining compensation	Central region	Crow J Acting Member Clarke DCJ Member Isdale	LAC002-25 Balanced Property Pty Ltd & Namrog Investments Pty Ltd v Pembroke Olive Downs Pty Ltd LAC004-25 Pembroke Olive Downs Pty Ltd v Balanced Property Pty Ltd & Namrog Investments Pty Ltd	Hearing occurred on 29 May 2025. Judgment reserved.



Nature of Appeal	Region	LAC Panel	File no. and name	Final/Awaiting Outcome
Land Valuation	Southern region	Cooper J Member McNamara Member Loos	LAC003-25 Calardu Gympie Pty Ltd v Valuer-General LAC005-25 Valuer-General v Calardu Gympie Pty Ltd	LAC003-25 was discontinued on 17/4/2025. LAC005-25 was heard on 12 June 2025. Judgment reserved.
Land Valuation	Central region	Cooper J Member McNamara Member Loos	LAC006-25, LAC007-25, LAC008-25, LAC009-25 Cost Pty Ltd, Allen v Valuer-General	All appeals were heard on 26 May 2025. Judgment reserved.
Resumption of land	Northern region	North J President Stilgoe Member McNamara	LAC010-25 Robke v Chief Executive, Department of Transport and Main Roads & Mackay Sugar Limited LAC011-25 Chief Executive, Department of Transport and Main Roads & Mackay Sugar Limited v Robke	Both appeals discontinued on 8/4/2025.
Mining compensation	Central region	Crow J President Stilgoe Member McNamara	LAC012-25 Comiskey v Fairhill Coking Coal Pty Ltd	Filed towards end of the financial year. Awaiting finalisation of orders and hearing dates.

The Land Appeal Court handed down **3** decisions this financial year.

In *Namrog Investments Pty Ltd v Pembroke Olive Downs Pty Ltd* [2024] QLAC 2 (2 August 2024) the Court (Crow J, Clarke DCJ, Isdale M) determined both the substantive issue and costs. The Court of Appeal in *Pembroke Olive Downs Pty Ltd v Namrog Investments Pty Ltd* [2025] QCA 87 (30 May 2025) refused leave to appeal (Boddice and Brown JJA and Crowley J).

In *Jensen & Anor v Valuer-General* [2024] QLAC 3 (12 December 2024) the Court (Henry J, Isdale and McNamara MM) determined both the substantive issue and costs. The Court of Appeal in *Jensen v Valuer-General* [2025] QCA 102 (13 June 2025) heard and dismissed an appeal (Boddice and Bradley JJA and Kelly J).

In *Department of Environment, Tourism, Science and Innovation v BHP Coal Pty Ltd & Ors* [2025] QLAC 1 (5 March 2025) the Court (Crow, Clarke DCJ, Loos M) determined the substantive issue. The parties later agreed the costs in dispute.

Judicial review and special leave

A party to a mining objection hearing may apply to the Supreme Court for a review of the Court's recommendation. No judicial review applications were made in the Supreme Court in 2024–2025.

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.

No applications for special leave were filed in the High Court in 2024–2025.

Court circuit travel

The Court performed circuit work in Atherton, Bowen, Caboolture, Cairns, Dittmer, Emerald, Gympie, Ipswich, Maryborough, Nambour, Noosa, Proserpine, Rockhampton, Roma, Southport, and Toowoomba.

Judicial development and engagement

QELA expert witness workshop

The Land Court held its second expert witness workshop in conjunction with the Queensland Environmental Law Association (QELA). The purpose of the workshop is twofold: to encourage young and/or emerging subject experts to consider a career in giving expert evidence, and to promote and enhance quality expert evidence.

Once again, the workshop was fully subscribed. It was particularly pleasing to see valuers participate in the workshop.

The Land Court is grateful for QELA's organisation of the workshop and its ongoing commitment to excellence in expert witnesses.

Queensland Bar Practice Course mock trial

For the first time, a Member of the Land Court was invited to participate as a guest judge at the Bar Association of Queensland's Bar Practice Course mock trial in April 2025.

The mock trial is the culmination of the six-week Bar Practice Course and is the final assessment piece for would-be barristers before they can sign the roll. It is practice of a trial modelled from a real-life case with expert and lay witnesses, submissions, and closing arguments.

The role of a guest judge is to listen, test the arguments, ask questions, and provide feedback to the participants. Member Loos judged the mock trial for one group of hopeful barristers, all of whom were successful.

Annual Australian ADR Awards gala dinner

The Land Court was nominated for, and a finalist in, the Australian ADR Awards (Courts and Tribunals ADR Group of the Year). Acting Principal Registrar, Chris De Marco, submitted a detailed analysis to the Australian Dispute Centre that enabled the selection panel to examine the make-up of the ADR undertaken, the Land Court's process management, and the benefits to stakeholders flowing from those ADR processes.

The Judicial Registrar attended the gala dinner that followed the ADR International Conference held in Sydney on May 2. In what was described as a photo finish, the Land Court of Queensland was pipped at the post by the ACT Magistrates Court ADR/family communication group.

Although he did not bring home the trophy, Judicial Registrar Smith considered the process of nominating well worthwhile as it prompted him to review the Court's processes to see if they were still "fit for purpose".

Other judicial appearances

Presentations

Event & presentation	Judicial Officer	Date
10 th Asia Pacific Mediation Forum Conference	President Stilgoe	19–24 August 2024
QELA Regional Intensive	President Stilgoe	5–6 September 2024

QELA Twilight Seminar	Member Loos	7 November 2024
2025 QELA Conference	President Stilgoe and Member Loos	15–16 May 2025

Attendances

Event	Judicial Officer	Date
QELA Regional Intensive	Member McNamara	5–6 September 2024
QELA Twilight Seminar	President Stilgoe	7 November 2024
AJOA (Australian Judicial Officers Association) Conference	President Stilgoe Member McNamara Member Loos	11–13 October 2024
National Judicial College of Australia's Judicial Orientation Program	Member Loos	10–15 November 2024
QELA Christmas Function	President Stilgoe Member McNamara Member Loos	28 November 2024
AAWJ (Australian Association of Women Judges) Spotlight on Power Imbalance Seminar	Member McNamara	25 February 2025
QELA Seminar: Heritage Listings and Appeals	Member Loos	26 February 2025
Coexistence Queensland's Community Leaders Council 2025	President Stilgoe	26–27 March 2025
24 th Commonwealth Lawyers Conference	Member McNamara	6–10 April 2025
QELA Seminar: Working with Experts: From Filing to Final Orders	Member Loos	12 June 2025

Court profiles

Land Court of Queensland

President

In 2024–2025 the President was Peta Stilgoe OAM.

Members

In 2024–2025 the Members were:

- William Isdale
- James McNamara
- Nicholas Loos.

Judicial Registrar

In 2024–2025 the Judicial Registrar was Graham Smith.

Judicial Support

The President, Members, and Judicial Registrar are supported by a Judicial Support Team comprised of an Executive Assistant and four Associates. In 2024–2025 the Judicial Support Team was:

- Executive Assistant, Rhia Sims-Brown
- Associate to President Stilgoe OAM, Jacob Bennett (until 17 January 2025); Sophie Little
- Associate to Member Isdale, Andrew Rosemond (until 17 January 2025); Caleb Lawrence
- Associate to Member McNamara, Radhika Peddibhotla (until 17 January 2025); Holly Edmondson
- Associate to Member Loos, Kathleen Housego (from 8 July 2024).

Land Appeal Court

Judges

In 2024–2025 the Judges for the Land Appeal Court were:

- The Honourable Justice Cooper, Southern Region
- The Honourable Justice Crow, Central Region
- The Honourable Justice North, Northern Region
- The Honourable Justice Henry, Far Northern Region

In 2024–2025, His Honour Judge Clarke of the District Court acted as a Member of the Land Appeal Court for matters held in the Central Region.



Principal Registrar's overview

It is with great pride and gratitude that I present this year's report on the activities and achievements of the Land Court Registry. As Principal Registrar, I have witnessed firsthand the dedication, professionalism, and collaborative spirit that define our remarkable team. I extend my sincere thanks to every member of the Registry for their unwavering commitment to delivering exceptional public value and supporting the important work of the Land Court.

I had the privilege of joining the Land Court as Acting Principal Registrar in October 2023, and I am delighted to share that, as of January 2025, I have been permanently appointed to this role. This follows the retirement of my predecessor, Darren Campbell, whose significant contributions over many years have left an enduring legacy. On behalf of the entire Registry, I extend our best wishes to Darren for a fulfilling and well-deserved retirement.

This year, we have continued to focus on enhancing the efficiency and effectiveness of our processes and services to better address the evolving needs of our stakeholders and Court users. Beyond our regular operations, we actively engaged in a series of collaborative workshops aimed at identifying, refining, and finalising the business and stakeholder requirements for the development of the new civil case management system. These workshops have been instrumental in ensuring the system will align with the practical needs of all users. In addition, we successfully completed the Land Court archive project for offsite files held at Grace Storage.



Principal Registrar Jan Moy

Land Court archive project

The Land Court archive project has been a critical initiative aimed at ensuring the integrity, accessibility, and compliance, of the Land Court's records. This project builds on earlier efforts to address record-keeping challenges, particularly those identified during the Land

Tribunal Project of 2018, which focused on records relating to land claims under the *Aboriginal Land Act 1991*.

In 2021, as part of the Court's Strategic Planning process, Land Court initiated an audit of all archived files held offsite at Grace Storage. This project was designed to ensure records were complete, accurate, and aligned with retention and disposal obligations. A key goal was to establish a comprehensive inventory of permanent records, including those related to the Aboriginal Land Tribunal, and transfer these to the Queensland State Archives to meet legislative requirements under the *Public Records Act 2023*.

The audit revealed 800 containers of records dating back to 2006 that had not been managed under the Courts Retention and Disposal Schedule (QDAN 705). The audit was completed in December 2024, resulting in the identification of six Cultural Heritage/Native Title files and approximately 40 Land Court/Land Appeal Court records for permanent retention. All other temporary records identified were destroyed in compliance with QDAN 705.

Land Court Referring Agencies Annual Conference 2024

The 2024 Annual Conference was held in August at the Emerald Town Hall and brought together diverse presentations and perspectives in a vibrant and engaging setting. The event began with a heartfelt Welcome to Country by Jonno Malone of Lumburra Bimbi, followed by a captivating cultural performance by the Western Kangoulu Dancers.



Valuer-General Laura Dietrich presenting at the conference

Attendees were appreciative of presentations by:

- AgForce CEO, Michael Guerin, who introduced AgCarE, a tool for landholders to assess natural capital on agricultural land
- Warwick Squire of Coexistence Queensland, who discussed the organisation's evolving role in resource and renewable energy sector engagement

- Dr Alison Cummings and Dr Juliana McCosker from the Department of Environment, Science and Innovation, who spoke on preparing and monitoring Progressive Rehabilitation and Closure Plans
- Resources Director-General, Warwick Agnew, who detailed legislative updates
- Queensland Law Reform Commissioner Fleur Kingham, who facilitated a live survey about the review of contested mining lease applications
- Nicole Guguid of the Queensland Resources Council, who spoke on the sector's priorities heading into the 2024 election
- Valuer-General Laura Dietrich, who shared updates from the State Valuation Service, including the formation of a Technical Advisory Panel.

For the first time, the conference welcomed university students, landholders, and local community members, fostering open discussions on issues impacting the region. This inclusivity enabled attendees to connect with Members of the Court, government representatives, and industry leaders, creating a meaningful platform for dialogue and collaboration.

Registry officers

The Principal Registrar is responsible for the management and coordination of the Land Court Registry administration. In 2024–2025 the Registry Officers were:

- Principal Registrar: Jan Moy
- Senior Registrar, Business Operations: Nichole Padovan
- Senior Registrar, Court Management: Chris De Marco
- Deputy Registrar: Gregory Grodecki
- Deputy Registrar: Paulo Frutuoso
- Court Services Officer: Paulo Ribeiro.

Registry development and engagement

The Principal Registrar and both Senior Registrars participated in the Supreme, District and Land Courts Service (SDLCS) Leadership Retreat Program. This immersive two-day program provided valuable insights and practical skills, focusing on:

- making confident, informed, evidence-based decisions
- identifying and utilising appropriate escalation pathways
- applying critical thinking to real-time and everyday challenges
- leading purposeful discussions while communicating professionally, persuasively, and with clarity.



Deputy Registrar, Paulo Frutuoso, completed the People Matters course, a three-day program designed to enhance team management capabilities. The course emphasised driving better outcomes through effective management, communicating with confidence during times of change, and delivering on key priorities for Court Services.

Location and contact details

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

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363 George Street
Brisbane, Queensland, 4000

Website www.courts.qld.gov.au/courts/land-court



Librarian's report

Mining Wardens' decisions now available

Thanks to a partnership with the Supreme Court Library Queensland, an archive of Queensland Mining Wardens' decisions is being digitised and progressively made available through the Library's CaseLaw platform.

The paper collection of around 1,400 decisions was donated to Land Court and work commenced in 2022 to collate and organise the material, identifying duplications and lacunae. Land Court Associates scanned the decisions, which ranged from typed, foolscap-sized decisions delivered in 1967 to decisions in a more recognisable format from 2000.

Supreme Court Library staff are retrospectively assigning medium neutral citations to the decisions and publishing them on their website. During 2024–2025, the Library made 400 Mining Wardens' decisions available.

Mining jurisdiction

The Office of the Mining Warden was established in Queensland by the *Gold Fields Act 1874* and given responsibility for matters relating to mining leases. The jurisdiction in relation to claims, compensation, and lease applications was transferred to the Land and Resources Tribunal in 2000, and then to the Land Court in 2007 on the abolition of the Tribunal.

Court decisions generally were only available in paper until around 1995 when the Australasian Legal Information Institute (AustLII) commenced operation to provide free internet access to legal materials.

This is the first time that these decisions have been made available to practitioners, courts, and the public.

Court innovation

The Land Court, the second oldest court in Queensland, prides itself on being a court of innovation and engaging with technology to assist with receiving, progressing, and determining matters relating to land and natural resources.

In recent years the Court has adopted active case management, encouraged alternative dispute resolution (ADR), developed a procedural assistance scheme, established a process

for Court Managed Expert Evidence (CMEE), and strengthened the practice of e Trials. In the *Waratah Coal* matter, the Court took evidence from First Nations witnesses on country.

A pilot program for virtual preliminary conferences (VPCs) – initially offered to self-represented appellants outside South-East Queensland – has been extended more widely.

Artificial Intelligence

Generative AI (Gen AI) has arrived and the Court is aware of the dangers of using Gen AI and the need to preserve confidentiality and privacy of information. However, this year the Registry has used QChat (a Queensland Government approved AI assistant) to assist with administrative tasks, including workflow tracking, refining public document templates, creating graphics for presentations, proofing public documents, and creating summaries.

Registry case study – template refresh

We already had a solid suite of templates from when the Panel first formed, but over time they had been modified more times than I can count – adding and removing bits and pieces along the way. It left them looking a bit clunky.

Out of curiosity, I decided to see what QChat could do. I started by popping one of the existing email templates into QChat and used some prompting to refine it. I honestly didn't know what to expect, but the outcome was fantastic – clear, structured, and perfectly fit for purpose. Encouraged by the result, I applied the same process to all the templates.

The result? I've now got a fresh set of current, concise, and polished templates that make day-to-day correspondence with the ADR Panel so much easier.

- Nichole Padovan, Senior Registrar

The Court is alive to the dangers of Gen AI and at this stage endorses a cautious approach to using QChat for administrative tasks only.

Authorised reporting

The Court is committed to making its key judgments available to courts, practitioners, and scholars through an authorised report series.

Annual volumes of the *Queensland Land Court Reports* (QLCRs) have been produced continuously since 1974, and prior to that under the title *Crown Land Law Reports*, the first volume of which was published in 1906.

An advantage of authorised reports is the summary included for each judgment. This allows a reader to quickly grasp the essence of the matter.

Streamlined process

The work required to produce the QLCRs has to date been undertaken by the Judicial Registrar and Court staff in addition to their core work. This has resulted in delays in publishing the annual volumes.

This year the Court has streamlined its process for selecting cases, preparing case summaries, checking judgments, and getting approvals.

At regular Members' meetings, new cases are considered against established criteria, and selected for reporting. The associate whose Member's decision has been selected is assigned the task of writing the summary, which is then peer reviewed by another associate, and finally approved by their Member.

Associates have received training and summaries are in the new format of a one-paragraph summary outlining the nature of the proceeding and how it was resolved, followed by a list of issues examined and the Court's findings.

The Court judgment is proofread by an associate other than the one with the task of writing the summary, and any proposed alterations to the judgment are approved by the relevant Member. The benefit of this process is that the judgment is fresh in the minds of the Member and the associate for creating a summary, and a third person unfamiliar with the judgment is likely to pick up undetected errors.

Judgments to be reported in the 2025 QLCR volume will be prepared under the new process and be available to users with minimal delay.



LAND COURT
OF QUEENSLAND

Published by:

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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.