

LAND COURT OF QUEENSLAND

ANNUAL REPORT

2023–2024



LAND COURT
OF QUEENSLAND



LAND COURT OF QUEENSLAND

Chambers of President PG Stilgoe OAM

4 September 2024

Brisbane Magistrates Court
363 George Street Brisbane
GPO Box 5266 Brisbane
Queensland 4001 Australia
P +61 7 3738 7441
E EA.Landcourtpresident@courts.qld.gov.au

The Hon. Yvette D'Ath MP
Attorney-General and Minister for Justice
Minister for the Prevention of Domestic and Family Violence
GPO Box 149
Brisbane QLD 4001
Email: attorney@ministerial.qld.gov.au

Dear Attorney-General,

Re: Land Court of Queensland Annual Report 2023–2024

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

Yours sincerely,

A handwritten signature in black ink, appearing to read 'PG Stilgoe'.

President PG Stilgoe OAM

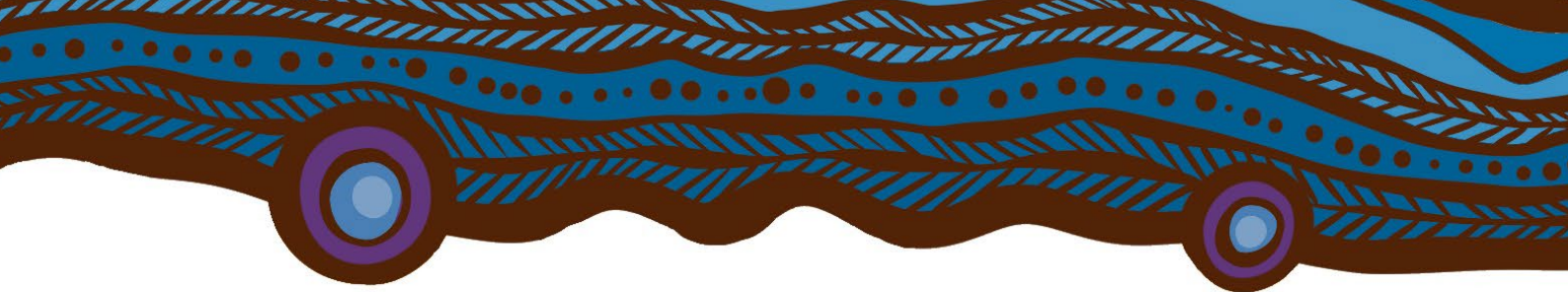


Table of contents

President's overview	3
Performance	3
Decisions of note.....	7
Judicial Development & Engagement	7
Profile of the Land Court and Land Appeal Court.....	8
Land Court of Queensland	8
Land Appeal Court.....	8
Principal Registrar's overview	12
Strategic plan	12
Conference 2023.....	12
Virtual preliminary conferences	12
Registry officers	13
Registry services.....	13
Registry development & engagement	13
Operating expenses	13
Aboriginal Tribunal.....	14
Location and contact details	14
Librarian's report	15
Collection of artefacts.....	15

President's overview



President Stilgoe OAM

It is a little strange to be presenting my second annual report, given that I only relinquished my training wheels at the end of May.

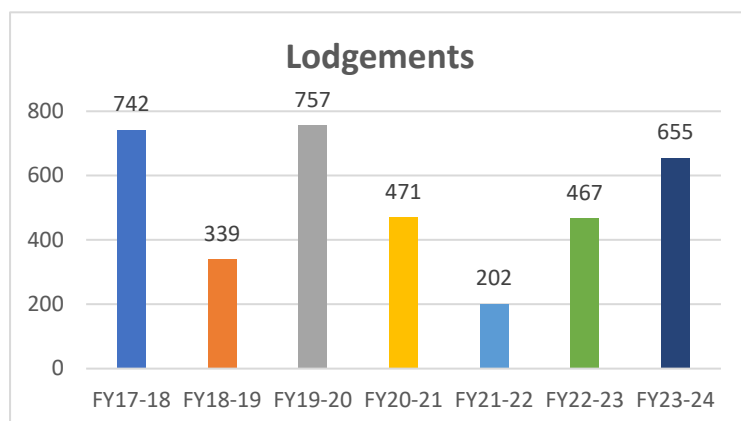
The Court is now back to its full complement of Members with the appointment of Member Nicholas Loos on 31 May 2024. Member Loos represents a fresh approach to the Court's work: he is the next generation of lawyer and comes from the private Bar. I look forward to working with Member Loos as the Court continues its journey as a modern, efficient Court.

We have had several personnel changes over the past year in both the Judiciary and the Registry. I would like to thank the Members and Judicial Registrar for their continued support and efforts in keeping up with the caseload increases.

I also want to thank Jan Moy for taking on the role of Principal Registrar and leading the Registry with patience and flexibility through the changes over the past 12 months.

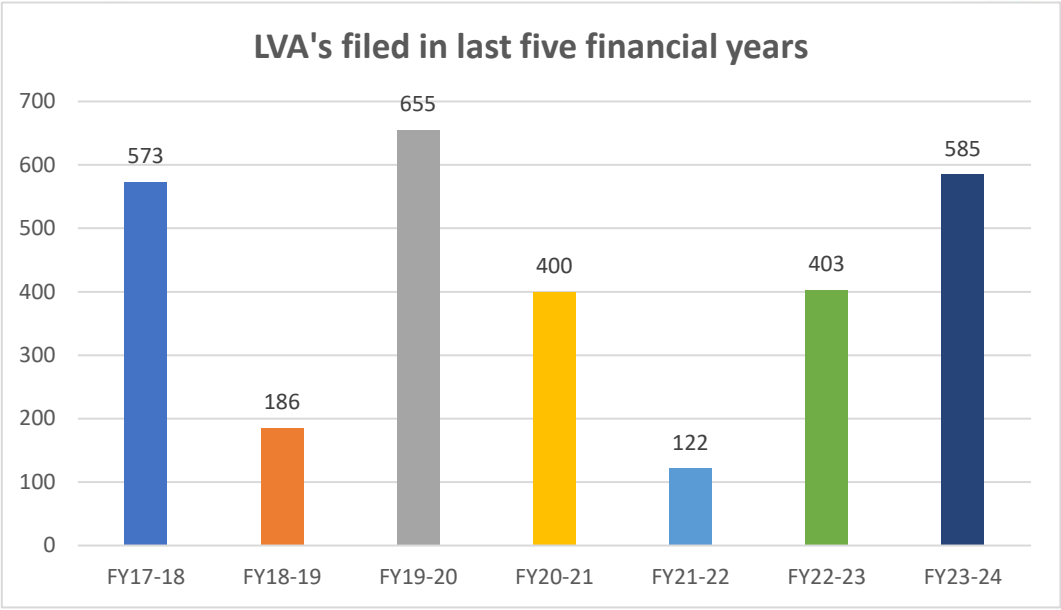
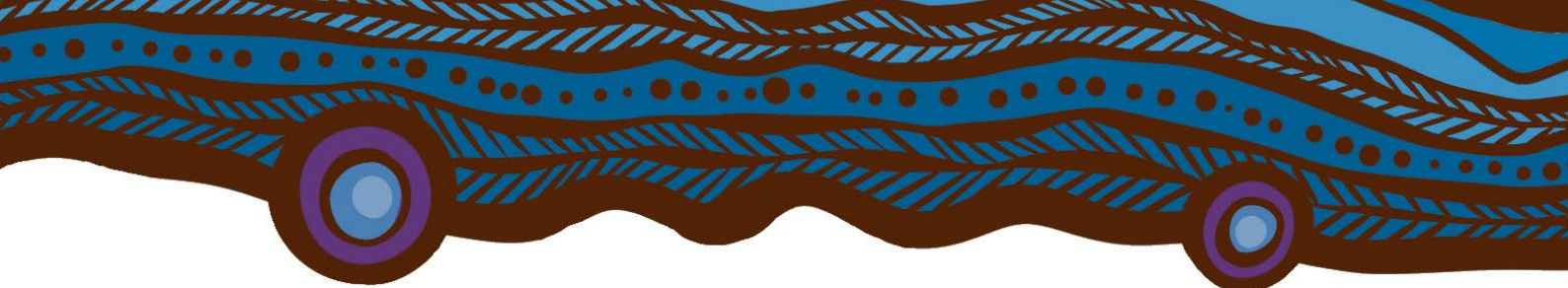
Performance

There was a substantial increase in both lodgements and finalisations this financial year. The clearance rate increased, which was an expected and welcome result.



With a steady flow of land valuation appeal (LVA) lodgements throughout the year, the finalisations continued to increase throughout the second half of the year which is typically a time of fewer lodgements. With a higher number of lodgements in the previous financial year, the Court had a larger number of cases to resolve coming into the current financial year.

Appeals numbers of 585 were lodged in the LVA jurisdiction which equates to 89.3% of total filings. The Valuer-General's 2023 valuation program (1 October 2022 date of valuation) saw fewer properties revalued with only 805,000 compared to 1.51 million in the 2022 program (DOV 1 October 2021 date of valuation). These figures demonstrate that the number of valuations doesn't always equate to the number of appeals filed. The increase in this year's filings could be due to large percentage increases in valuation amounts. The Court also continues to experience appeal filings from previous valuation years due to a change in process regarding the Valuer-General's decisions on objections.



Mining resource cases across the board were low in lodgements this financial year.

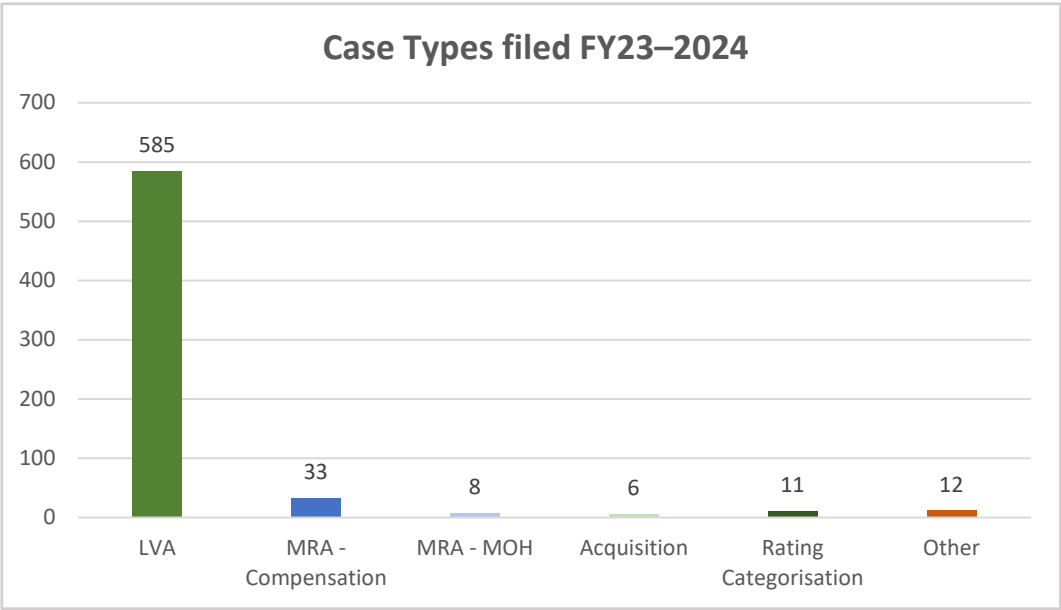
EPA matters were above average with a combination of objections and appeals against internal review decisions. There was also an increase in referrals of decisions made against PRC Plans.

Acquisition of land cases were slightly lower than average. Categorisation appeals were slightly above average.

Land Act and Land Court Act lodgements remained steady throughout the year.

Although these other jurisdictions have lower numbers of filings, their complexity consumes proportionally more Court time.

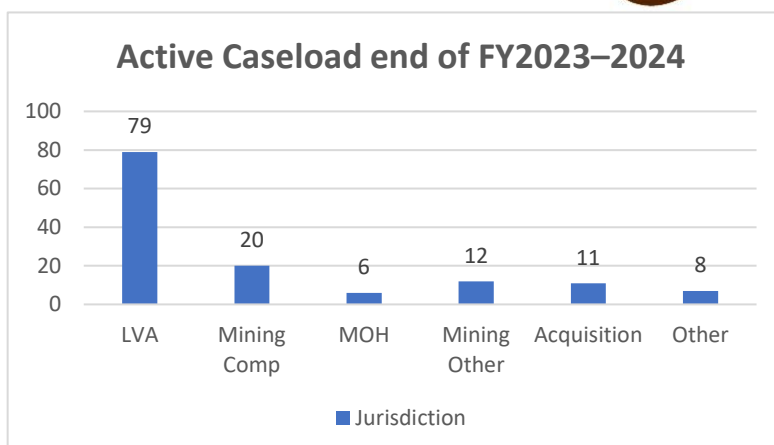
Land Appeal Court had slightly more lodgements than usual as 4 appeals were filed against 2 lower court matters.



Active caseload

At the end of the financial year, the Court's active caseload was 136 cases an increase of 0.7% from last financial year. This is a positive result considering the Court's lodgements increased by 40.7%.

Only 7 cases are more than two years old which is only 5% of the Court's caseload.



Finalisations and timeliness

The Court continued its high success rate in Preliminary Conferences (PCs) for LVA appeals under \$5M with 306 settlements. A further 323 LVA appeal cases listed for a PC resolved before any Court event. Clearly, listing an appeal for a PC serves as a trigger for parties to negotiate and settle, saving the parties, and the Court, time and costs.

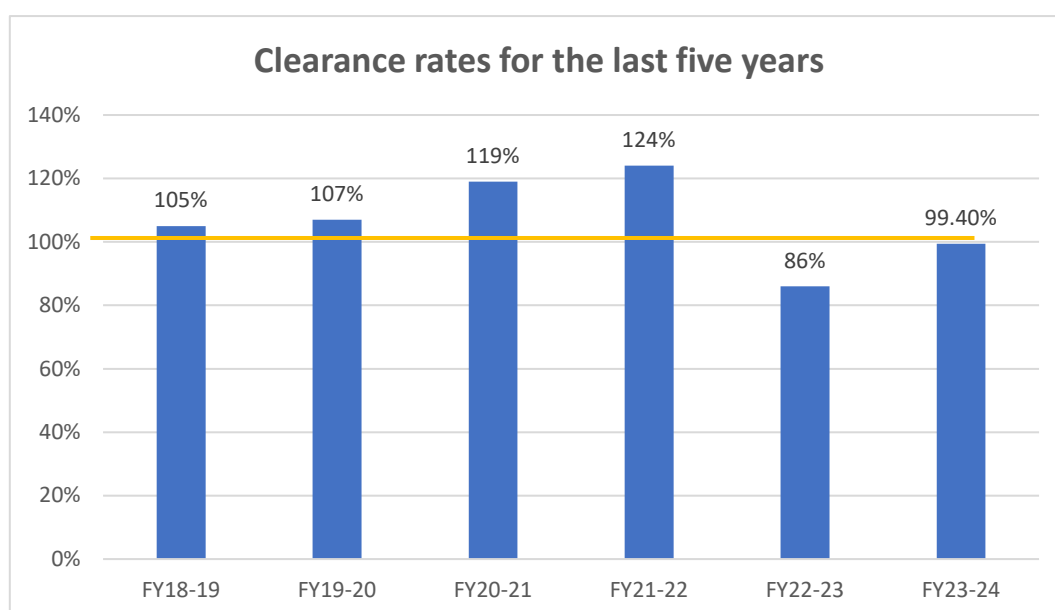
Seven cases were resolved by private mediation.

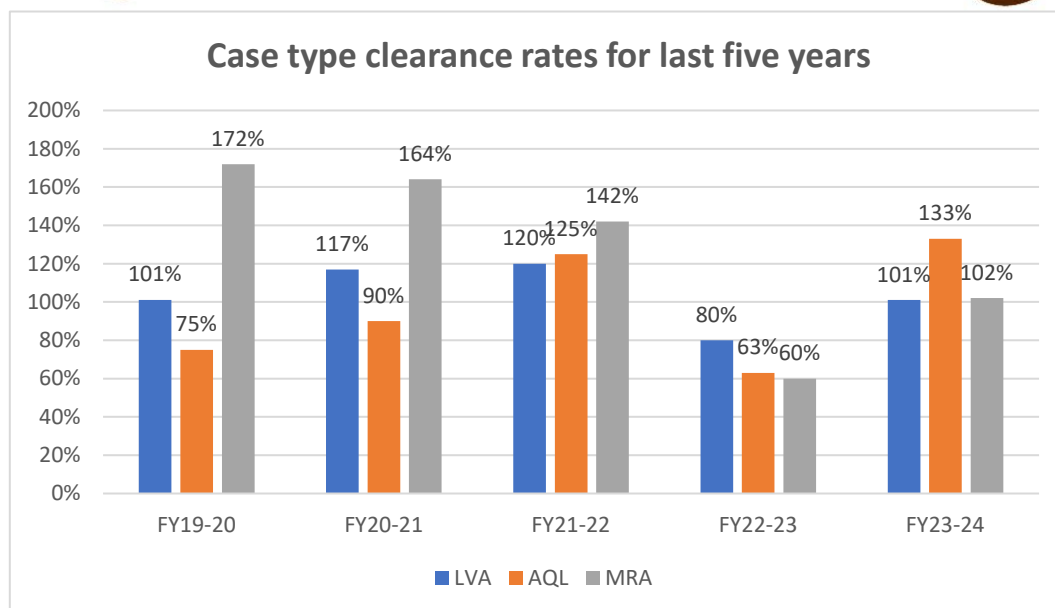
The Court heard and determined 20 individual matters.

The percentage of cases resolved within 6 months from the date of filing was 88.64%. This is a slight improvement on last financial year, particularly given the higher lodgement numbers. The average time for finalisation was 106 days (3.4 months).

Clearance rate

The Court's clearance rate for this financial year was 99.4%, an improvement from last financial year. With higher numbers of lodgements, the Court continued to achieve high settlement rates as it finalised 656 files this financial year.





Appeals to the Land Appeal Court and judicial review

The Land Appeal Court (LAC) received 5 appeals this financial year, 4 of which related to 2 matters – *Jensen*¹ and *Namrog*². In June the Court heard *Namrog* in Rockhampton and *Jensen* will be heard in the first quarter of the new financial year. An appeal from BHP Coal Pty Ltd & Ors v Chief Executive, Department of Environment, Science and Innovation [2024] QLC 9 was filed just before the end of this financial year.

The Land Appeal Court determined an appeal in Aurizon concerning both the substantive decision³ and costs of the hearing below⁴.

No judicial review applications were made to the Supreme Court and no appeals were filed in the Court of Appeal.

Court circuit travel

The Court performed circuit work in the following locations –

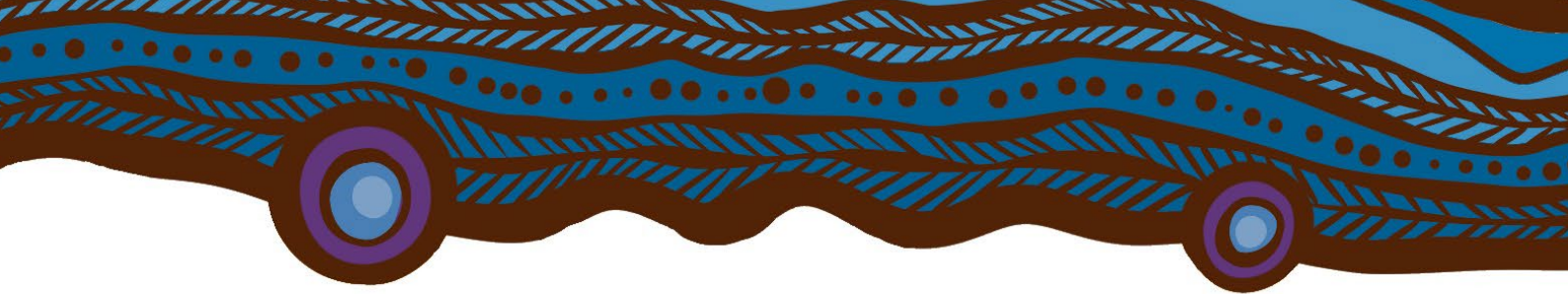
Atherton, Barcaldine, Beaudesert, Beenleigh, Blackall, Bundaberg, Caboolture, Cairns, Chinchilla, Dalby, Gladstone, Goondiwindi, Ipswich, Longreach, Mackay, Mareeba, Maroochydore, Rockhampton, Southport, St George, Toogoolawah, Toowoomba, Townsville, and Warwick.

¹ *Jensen & Anor v Valuer-General (No 2)* [2023] QLC 13 and *Jensen & Anor v Valuer-General (No 3)* [2023] QLC 19.

² *Pembroke Olive Downs Pty Ltd v Namrog Investments Pty Ltd & Anor; Namrog Investments Pty Ltd v Pembroke Olive Downs Pty Ltd* [2023] QLC 14 and *Namrog Investments Pty Ltd v Pembroke Olive Downs Pty Ltd (No 2)* [2023] QLC 25.

³ *Aurizon Property Pty Ltd v The Chief Executive, Department of Transport and Main Roads* [2023] QLAC 1.

⁴ *Aurizon Property Pty Ltd v The Chief Executive, Department of Transport and Main Roads (No2)* [2024] QLAC 1.



Decisions of note

[*The State of Queensland \(Represented by the Department of Housing and Public Works\) v Valuer-General \[2024\] QLC 1*](#)

Where the Court determined that an appeal from a valuation notice issued to the incorrect land “owner” was invalid and could not be cured by substitution, amendment, or the rectification of the appeal notice.

[*Far North Queensland Ports Corporation Limited v Valuer-General \[2024\] QLC 3*](#)

Where the Court dismissed an application for further and better particulars of a valuation appellant’s contended highest and best use.

[*BHP Coal Pty Ltd v Chief Executive, Department of Environment, Science and Innovation \[2024\] QLC 7*](#)

The Court’s first mining objection decision after *Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors (No 6)* [2022] QLC 21.

[*Genamson Holdings Pty Ltd v Moreton Bay Regional Council \[2024\] QLC 8*](#)

Where the Court considered when it was appropriate to determine a preliminary question.

[*Minister for Resources v Fortune Island Holding Company Limited \[2024\] QLC 10*](#)

Where the Court ordered that a state lease may be forfeited for breach of its conditions.

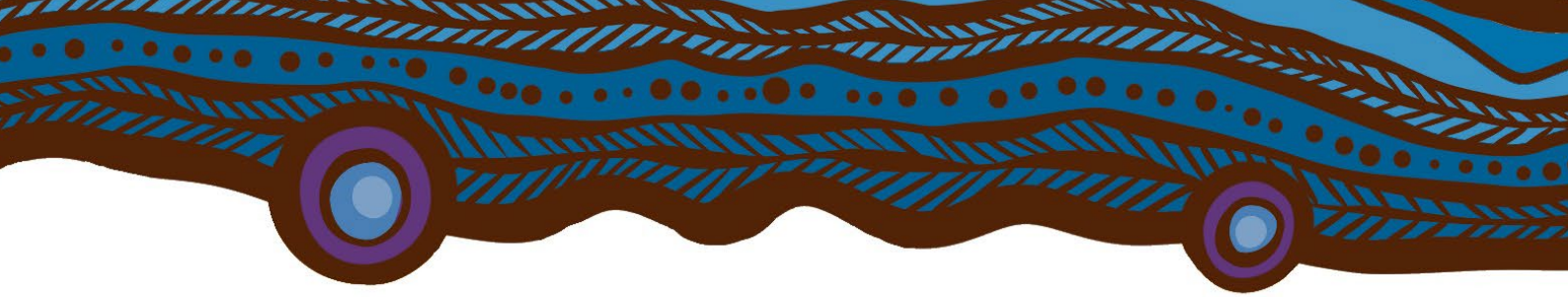
Judicial Development & Engagement

Members presented at:

Event & presentation	Judicial Officer	Date
Queensland Environmental Law Association Land Court update	Member McNamara	November 2023
Queensland Environmental Law Association Land Court update	Acting President Stilgoe	May 2024
CPE Conferences, Positano 2024 Experts, ADR, and Me	President Stilgoe	June 2024

Members also attended:

- Australian Judicial Officers Association (AJOA) - Annual Conference
- Queensland Environmental Law Association (QELA) - Regional Intensive
- The University of Queensland (UQ) - 10th Frontiers in Environmental Law Colloquium
- QELA - Welcome Function
- Magistrates Court of Queensland, Reconciliation Action Plan Group - The Witnessing to Silence inaugural lecture
- Eminent Environmental Lawyer Awards
- Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) - Summit 2024



Profile of the Land Court and Land Appeal Court

Land Court of Queensland

The Land Court hears and determines matters relating to land and natural resources and is comprised of a President, Members, and a Judicial Registrar.

The President is responsible for the administration of the Land Court and ensuring the orderly and expeditious exercise of the jurisdiction and powers of the Land Court. Peta Stilgoe OAM was Acting President until being appointed as President on 31 May 2024.

The Land Court comprised of:

- Member William Isdale
- Member James McNamara
- Member Nicholas Loos (appointed 31 May 2024)
- Judicial Registrar Graham Smith

Judicial Support

The members are supported by a team comprising an executive assistant and 4 associates.

- A/Executive Assistant, Rhia Sims-Brown (from 11 December 2023)
- Associate to President Stilgoe OAM:
 - Dean Cosgrove (until 19 January 2024)
 - Jacob Bennett
- Associate to Member Isdale:
 - Courtney Pipa (until 19 January 2024)
 - Andrew Rosemond
- Associate to Member McNamara:
 - Rosalba Rigamoto (until 19 January 2024)
 - Radhika Peddibhotla
- Associate to Member Loos (vacant).

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.

Judges

- Far Northern Region, the Honourable Justice James Henry
- Northern Region, the Honourable Justice David North
- Central Region, the Honourable Justice Graeme Crow
- Southern Region:
 - the Honourable Justice David Boddice (until 9 April 2023)
 - the Honourable Justice Susan Brown (from 10 April 2023 to 25 June 2024)
 - (26 June to 30 June 2024) vacant.

Two judges of the District Court also sat as Land Appeal Court members:

- His Honour Judge John Coker (until 29 February 2024)
- His Honour Judge Jeffrey Clarke (appointed 5 May 2024)

Appointment of President Stilgoe (by Member Loos)

On 31 May 2024, Peta Stilgoe OAM was sworn in as the President of the Land Court. Her Honour had been acting in the role for more than a year.

President Stilgoe has had a distinguished career. Called to the Bar and as solicitor of the High Court of Australia in 1984, her Honour specialised in commercial litigation before her appointment as the first Alternative Dispute Resolution Registrar of the Planning and Environment Court of Queensland (PEC). That position was designed as a 12-month trial but following the success of it, was made permanent. In that position, President Stilgoe was instrumental in designing and implementing court-facilitated mediation in the jurisdiction for expeditious and inexpensive resolution of PEC disputes. The role also involved the trial of the eFiles Pilot Project.

In-keeping with her pioneering penchant, President Stilgoe was appointed as an inaugural member of the Queensland Civil and Administrative Tribunal at its inception in 2009 and then as a Senior Member in 2012. The following year her significant contributions were recognised when she was awarded a Medal of the Order of Australia (General Division) for her services to dispute resolution.

Her Honour was appointed as a member of the Land Court of Queensland in July 2017, bringing the extensive experience and skill which later contributed to the development of this Court's innovative Court Managed Expert Evidence processes. Her Honour remains a sessional member of QCAT.

In dedications written about the President during her notable career, her Honour has been admired as technically excellent, pragmatic, courteous, kind, and a force to be reckoned with. Her Honour's forthrightness is well known. It is a splendid asset, both in and out of Court. In Court, no practitioner or litigant is left unsure of where they stand. Matters before her Honour move swiftly and efficiently.

The Land Court of Queensland is honoured to welcome the President. The Court community looks forward to her Honour's continuation of a strong track record of highly regarded leadership and commitment to fairness, efficiency, and innovation.



President, Members of the Land Court and associates at Welcome Ceremony for Member Loos and President Stilgoe

Appointment of Member Loos (by Member McNamara)

On 31 May 2024, Member Nicholas Loos was appointed to the Land Court of Queensland. He was welcomed alongside the President of the Land Court in a public ceremony well-attended by the profession, friends, and family.

Member Loos joins the Land Court after a distinguished career at the private Bar where he appeared predominantly in the Land Court and the Planning and Environment Court. Prior to his career at the Bar, Member Loos worked as a solicitor in private practice for 5 years. As a result of this experience, Member Loos has acquired a breadth of experience in matters concerning property, planning, local government, water, heritage, valuation, and mining.



Member Loos

Member Loos has also been an active member of the Queensland Environmental Law Association, where he has built a strong reputation among the profession and demonstrated keen insights in topical issues for this jurisdiction and beyond.

The perspective and expertise of Member Loos will be an invaluable addition to this Court.



L to R: Judicial Registrar Smith, Member McNamara, President Stilgoe, Member Loos and Member Isdale

Retirement of Fleur Kingham (by *President Stilgoe*)

It is not difficult to find tributes to the work of former President Fleur Kingham in her roles as a District Court Judge, Deputy President of QCAT, President of the Land Court, and a reformer of practice and procedure. This is not the place to plough the same furrow. Instead, I want to comment on the personal qualities of the former President and their impact on the Land Court.

Recently, I have been privileged to speak with the Court's many stakeholders. The consistent message I receive is that the Land Court is a kind Court, a fair Court, and a happy Court. The prudent selection of Members can influence the disposition of a court, but the tenor of leadership is the key to achieving and maintaining a court in which its members happily come to work, advocates happily appear, and parties feel they have been fairly treated.

President Kingham enabled and encouraged this atmosphere. Each of us felt heard and valued. President Kingham listened and thought before acting. She placed fairness and efficiency – the core values of the Court – at the centre of every decision and discussion.

President Kingham's influence will remain at the centre of the Court's work for some time to come. She may have moved on, but she is not forgotten.



*Fleur Kingham,
Former President*

Vale Paul Smith (by *Judicial Registrar Smith*)



*Paul Smith, Former Member of the
Land Court of Queensland*

Paul Smith, a Member of the Land Court from 2007 until 2019, passed away on 21 November 2023 following a period of prolonged ill-health. Prior to his appointment to the Court, Paul had a significant career in the Public Service commencing as an administrative officer in 1975 and progressing to Executive Director of Native Title Services at Crown Law. During this period Paul had substantial involvement in both the *Mabo* and *Wik* native title proceedings.

Throughout his time at the Land Court Paul was active across the entire range of matters within the jurisdiction, including a strong involvement with statutory valuation appeals, a variety of mining judgements together with Land Appeal Court decisions when required.

In addition to a deep love for his family and a passion for justice, Paul was strongly committed to his voluntary university appointments in the Ukraine. Paul's love of sport and his encyclopaedic knowledge of local history were regularly shared with his work colleagues and friends.

Principal Registrar's overview

As Registrar of the Land Court, I am pleased to report on the activities of the Registry in the past financial year.

In October 2023 I was appointed as the Acting Registrar of the Land Court upon the previous Principal Registrar, Darren Campbell, taking long leave.

I would like to acknowledge the work done by the former President, Fleur Kingham, and Darren Campbell and Registry staff who have worked tirelessly over past years to have the Land Court Registry to where it is today. There have been many improvements and projects undertaken and completed by a small, dedicated team and I will continue to follow the structure and commitment that is now in place. President Stilgoe and I are committed to continuing this great work.



Jan Moy, Principal Registrar

Along with my move to the Land Court this financial year, we have seen other significant changes as well. Acting President Stilgoe was permanently appointed in May 2024, and we welcomed a new Member to the Land Court, Nicholas Loos.

The Registry is continuing to follow the Reconciliation Action Plan (RAP) with all staff regularly attending cultural learning sessions and considering all relationships and alliances when going about our day-to-day business. We will continue to expand our RAP in conjunction with Reconciliation Australia and other government agencies.

Strategic plan

The Registry has been able to complete most items from the 2022-2023 Land Court Strategic Plan. Moving forward, we are now incorporated into the Supreme, District and Land Court Strategic Plan.

Conference 2023

In July 2023, the Land Court and Referring Agencies Annual Conference took place at the Dreamtime Cultural Centre, Rockhampton. The conference was opened with a Welcome to Country and Smoking Ceremony by Caleb Tull and Tarryn Cora of the Darumbul Community Youth Services Inc, followed with a ceremonial corroboree dance by Jordan Young of Mundagatta Didgeridoos. The conference program featured a range of stakeholders, including former Commissioner for the Royal Commission into the Child Protection and Youth Detention Systems in the Northern Territory, Executive Director Strategic Policy and Legislation, Queensland Law Reform, representatives for the Department of Resources, Environmental and Heritage Policy and Programs Division, and AgForce.

Virtual preliminary conferences

In March this year President Stilgoe initiated a pilot program for virtual preliminary conferences (VPCs). While the Land Court may sit anywhere in Queensland and cases are normally heard in the district where the land that is the subject of the dispute is located, the Land Court now offers a virtual preliminary conference process. This was initially offered to self-represented appellants located outside of South-East Queensland. This process allows for parties to attend a VPC via video conferencing.

Registry officers

The Land Court Registry is comprised of 1 x AO8, 2 x AO6, 2 x AO4, and 1 x AO3.

The Principal Registrar is responsible for the management and coordination of Land Court Registry administration. In 2023-2024 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 Officer, Paulo Ribeiro Junior.

Registry services

The Land Court Registry is responsible for:

- receiving and sealing documents for filing and service
- providing procedural information about Court processes and the progress of particular matters
- maintaining Court records and ensuring that documents are created and distributed to give effect to orders of the Court
- organising resources to enable matters to progress through the system and for hearings to proceed
- performing administrative support to the Court, including budget and resource management.

Registry development & engagement

Principal Registrar, Jan Moy attended:

- Building on the Strengths of our Stories - Cultural Agility Program
- Reconciliation Australia - Monthly Webinars

Operating expenses

Expenses 2023-2024:	Amount:
Employee expenses	\$ 1,469,195.85
Supplies and services	\$ 268,672.01
Depreciation	\$ 0.00
Total:	\$ 1,737,867.86



Aboriginal Tribunal

The *Aboriginal Land Act 1991* established the Land Tribunal to receive and hear claims made by groups of Aboriginal peoples to areas of claimable land.

The Act contained a sunset clause, which provided no new claims could be lodged after 22 December 2006, and the last claims determined were the Boodjumululla (Lawn Hill) National Park claims, determined in 2016.

However, claims under the Act were lodged with the Department of Resources (as it now is) but have not been referred to the Tribunal. The Land Court President has been appointed Chairperson of the Land Tribunal on a part-time basis to deal with any residual claims.

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

Librarian's report

Collection of artefacts

The Land Court of Queensland has care of a small collection of First Nations artworks. These were acquired by the late Graeme Neate, Chairperson of the Aboriginal Land Tribunal and Torres Strait Islander Land Tribunal from 1992 until 2001.

Pandanus weavings

There are 2 circular mats — one by Bessie Numarididi — made from fibre of pandanus palm leaves and dyed using roots, bulbs, bark, and ashes. These mats are used as floor coverings, to provide shade, and for carrying.

Woven pandanus objects are a tangible link between the weaver, Country, and ancestors. The vibrant colour of the mats has diminished with time and this year the Court commenced a project to preserve the mats and display them to ensure their longevity.



Pandanus Weaving by Bessie Numarididi



Pandanus Palm Mat

Tiwi Island carvings

The Court has 2 wooden Tiwi Island carvings in the style of grave posts used in funeral ceremonies, which are coated in a medium and decorated. The larger carving stands at 90 cm and the smaller one 30 cm.



Close up of larger Tiwi Island carving



Tiwi Island carvings

Works on canvas

Two prints by Malcolm Jagamarra, a Lander River Warlpiri artist, depicting water dreaming are displayed in the registry precinct. A painting signed by H Kirk depicting a brolga is hung at the entrance to courtrooms used by the Court.



Water dreaming prints by Malcolm Jagamarra on canvas



Brolga painting by H Kirk



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Artwork by:

Bernard Lee Singleton, Miyamiya, March 2022 ©

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.