

# Practice Direction 4 of 2024

## Process for appeals under the Land Valuation Act 2010

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### Table of Contents

Preliminary	2
Scheduling a Virtual Preliminary Conference	3
At the Preliminary Conference	4
General	4
Virtual Preliminary Conferences	4
At the conclusion of a Preliminary Conference	5
General	5
Virtual Preliminary Conferences	5
Commencement	5
Repeal	5
Appendix A - Standard Directions	6



This Practice Direction applies to proceedings commenced in the Land Court through an appeal under the *Land Valuation Act 2010* (LVA).

## Preliminary

1. An LVA appeal is commenced by filing *Form 03 - Notice of appeal against the Valuer-General's decision on objection* in the Land Court Registry<sup>1</sup>.
2. For all LVA appeals, the Valuer-General must file in the Court and serve on the appellant a *Form 29 – Valuer-General's Response to Appeal* within 28 days from the filing of the appeal in the Land Court.
3. In cases where the valuation appealed against is \$5 million or less, the parties must attend a preliminary conference (PC)<sup>2</sup> in an effort to resolve or narrow the issues in dispute. PCs may be conducted:
  - (a) in person – scheduled according to the Court's availability, and within 3 months of the appeal being filed
  - (b) virtually (VPC) – where the appellant/s are self-represented.
4. If the Court is unable to schedule a PC within 3 months of the appeal being filed, the Court may offer a VPC to the parties, or the appellant/s may request a VPC, whether or not the parties are represented.
5. Where the valuation appealed against is more than \$5 million:
  - (a) the Court will not offer a PC, save in exceptional circumstances
  - (b) the Registry will issue the Standard Directions (See Appendix A).
6. The Court will nominate the convenor for the PC. Usually, it will be the Judicial Registrar but may be a Member of the Court.

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<sup>1</sup> LVA appeals may be filed in-person, by post, or electronically via email. For further information about filing electronically, see [Practice Note 1 of 2022 - Electronically filing a Land Valuation Appeal in the Land Court](#)

<sup>2</sup> *Preliminary conference* means an informal meeting, supervised by the Court, which brings the parties together to discuss the case and try to settle it at an early stage. The conference is usually convened by the Judicial Registrar but may be convened by a Member of the Court. See section 27B of *Land Court Act 2000*.



## **Scheduling a Virtual Preliminary Conference**

7. If eligible for a VPC,<sup>3</sup> the appellant acknowledgement email will contain details of the VPC and a link to the Land Court online booking form.
8. To attend a VPC, the appellant must have:
  - (a) access to Microsoft Teams via the app or online browser
  - (b) a reliable internet connection
  - (c) a microphone
  - (d) a speaker or headset
  - (e) a camera.
9. Appellants book a VPC using the link provided in the acknowledgement email.
10. The available dates and times for VPCs are determined by the Court.
11. Once the booking form is completed and submitted, the appellant and the Court each receive a confirmation email of the date and time for the VPC.
12. The link to the VPC will be contained in the confirmation email.
13. On receiving the confirmation email, the Court will forward the VPC booking details to the Valuer-General's representative.

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<sup>3</sup> A VPC is not mandatory. The appellant can choose to have an in-person PC. Refer to information contained in the acknowledgement letter.



## At the Preliminary Conference

### General

14. Each PC will be for one (1) hour.
15. The party or representative attending the PC must:
  - (a) be familiar with the substance of the issues in dispute
  - (b) be prepared to identify and discuss the issues in dispute in an attempt to reach a resolution, and
  - (c) have authority to resolve the appeal, or any issue in dispute.
16. Each party must act reasonably and genuinely during the PC.
17. If a party fails to attend the PC or is not represented by a person with appropriate authority, the convenor presiding may terminate the PC and make any order as to costs they consider appropriate.

### Virtual Preliminary Conferences

18. During the VPC, the parties must:
  - (a) ensure minimal background noise and/or potential interruptions
  - (b) identify all persons present and the capacity in which they appear, (e.g. support person, spokesperson, expert)
  - (c) have their cameras turned on
  - (d) have the ability to share the screen, if they want to refer to documents.
19. Where appropriate, the convenor may allow parties to take a short break for private discussions. When this happens, the parties should mute their microphones and turn off their cameras.
20. If the convenor wants to talk to a party privately, a virtual breakout room, separate from the main VPC meeting, will be established.
21. A VPC cannot be recorded.



## At the conclusion of a Preliminary Conference

### General

22. If the parties agree on a resolution of their dispute, or any part of it, the convenor presiding may dispose of the appeal in the way agreed, including by making consent orders.
23. If the parties require additional time to continue their negotiations, the convenor presiding may:
  - (a) grant a period of two (2) weeks for further discussion, and/or
  - (b) list the appeal for another PC.
24. If the parties do not reach agreement at the PC, or within two weeks of the conference, and the convenor presiding has not exercised their discretion under [22] above, the Registry will issue the Standard Directions.<sup>4</sup> These Directions set out preliminary steps parties must take before a review of the matter by the Member managing the LVA list.

### Virtual Preliminary Conferences

25. If the parties settle the dispute, the terms of settlement will be recorded and sent to the parties by either email or the chat function within Microsoft Teams to receive confirmation of the parties' agreement. That document will be printed and placed on the court file as the true and correct record of the agreement.

## Commencement

26. This amended Practice Direction commences on 11 December 2024<sup>5</sup>.

## Repeal

27. Practice Direction 1 of 2021 and Practice Direction 3 of 2024 are repealed.



**PG Stilgoe OAM**  
President  
11 December 2024

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<sup>4</sup> See Appendix A

<sup>5</sup> Amended paragraph 2 to change from 10 business days to 28 days from the date of the acknowledgment letter, for the Valuer-General to file in the Court and serve on the appellant a Form 29 - Valuer-General's Response to Appeal



## Appendix A - Standard Directions

1. By **4:00pm on the date 4 weeks from the filing of Form 29 or conclusion of the PC process** (whichever occurs later), each party must deliver the following to the other party:
  - (a) a list of all documents in their possession or control that are directly relevant to the issues in dispute, and
  - (b) a separate list of any of the documents for which they claim privilege from disclosure, and the basis for that claim.
2. By **4:00pm on the date 1 week after the date indicated in order 1**, each party must produce the listed documents for inspection or deliver copies of the listed documents as requested by the other party.
3. By **4:00pm on the date 1 week after the date indicated in order 1**, each party must file in the Land Court Registry and serve on any other party a written notice of the expert witnesses they intend to engage for the hearing. The notice must include the following details for each expert witness nominated:
  - (a) the name of the expert witness
  - (b) their discipline or area of expertise, and
  - (c) a short statement of each specific issue or assertion the expert witness will address.
4. The appeal is listed for review at **[as soon as practicable after the date for nomination of the experts]**.
5. Either party may apply for review by giving at least two (2) business days written notice to the Land Court Registry and to the other party of:
  - (a) the proposed date for review, and
  - (b) the reasons for the request.

