



Queensland

*Land Court Act 2000*

# Land Court Rules 2000

**Current as at 13 December 2013**

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## Queensland

# Land Court Rules 2000

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# Land Court Rules 2000

[as amended by all amendments that commenced on or before 13 December 2013]

## Part 1 Preliminary

### 1 Short title

These rules may be cited as the *Land Court Rules 2000*.

### 2 Commencement

These rules commence on 1 July 2000.

### 3 Application of rules

- (1) These rules, other than parts 6 and 9, apply to proceedings in the Land Court and, with necessary changes, to proceedings in the Land Appeal Court.
- (2) Part 6 applies only to proceedings in the Land Court.
- (3) Part 9 applies only to appeals to the Land Appeal Court.
- (4) In a provision of these rules, a reference to *the court* is a reference to the court mentioned in subrule (1) that is appropriate in the context of the provision.

### 4 Application of Uniform Civil Procedure Rules

- (1) If these rules do not provide for a matter in relation to a proceeding in the court and the *Uniform Civil Procedure Rules 1999* (the *uniform rules*) would provide for the matter, the uniform rules apply in relation to the matter with necessary changes.

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- (2) For subrule (1), an originating process under these rules is to be treated as if it were a claim under the uniform rules.

## **5 Definitions**

The dictionary in schedule 1 defines particular words used in these rules.

## **6 Compliance with rules**

The court may waive compliance with a rule, or excuse non-compliance with a rule, if the court considers compliance would be likely to cause injustice or unreasonable expense or inconvenience.

# **Part 2 Starting proceedings**

## **7 Starting proceeding**

- (1) A proceeding is started by filing an originating process in the registry.
- (2) An originating process may be filed by facsimile.

## **8 Content of originating process**

An originating process for a proceeding must—

- (a) comply with any requirements of the Act giving jurisdiction for the proceeding to the court; and
- (b) identify the respondent; and
- (c) briefly state the facts, circumstances or other relevant matters on which the proceeding is based; and
- (d) identify the land, building, watercourse, tenure or licence to which the proceeding relates; and



- (e) state—
  - (i) the orders or other relief sought in the proceeding;  
and
  - (ii) the grounds on which the orders or other relief are sought.

## 9 Contact details and address for service

- (1) An applicant or appellant (the *person*) acting personally must ensure all of the following details are stated on the originating process before it is filed—
  - (a) the person’s residential or business address;
  - (b) the person’s telephone number, if any, or a way of contacting the person by telephone;
  - (c) the person’s facsimile number, if any;
  - (d) the person’s email address, if any.
- (2) A lawyer or agent acting for the person must ensure all of the following details are stated on the originating process before it is filed—
  - (a) the person’s residential or business address;
  - (b) the name of the lawyer or agent;
  - (c) if the lawyer practises in a firm or the agent conducts or is employed in a business, the name of the firm or business;
  - (d) the address of the lawyer’s or agent’s place of business;
  - (e) the lawyer’s or agent’s telephone number;
  - (f) the lawyer’s or agent’s facsimile number;
  - (g) the lawyer’s or agent’s email address.
- (3) The *address for service* of the person is—
  - (a) for a person acting personally—the address given under subrule (1)(a); or

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- (b) for a person for whom a lawyer or agent acts—the address given under subrule (2)(d).
- (4) Notice of any change in a party's address for service must be filed and served on all other parties.

#### **10 Signing originating process**

The applicant or appellant, or the lawyer or agent acting for the applicant or appellant, must sign the originating process.

#### **11 Giving originating process to other parties**

Unless the court otherwise orders, the applicant or appellant must serve a copy of the originating process on each other party.

#### **12 Documents served on the State**

A document required to be served on the State must be served on the chief executive of the department administered by the Minister administering the provision giving jurisdiction to the court to hear the proceeding to which the document relates.

#### **13 Disclosure**

Chapter 7 of the uniform rules applies, with necessary changes, to disclosure in relation to a proceeding in the court.

## **Part 3 Ending proceedings early**

#### **14 Failure to prosecute proceedings**

- (1) A respondent in a proceeding may apply to the court for an order dismissing the proceeding for want of prosecution if—

- 
- (a) the applicant or appellant is required under these rules to take a step in the proceeding, or is required to comply with an order of the court, within a stated time; and
    - (b) the applicant or appellant does not do what is required within the time stated.
  - (2) The court may dismiss the proceeding or make another order it considers appropriate on an application under subrule (1).
  - (3) An order dismissing a proceeding for want of prosecution may be set aside only on appeal or if the parties agree to the setting aside.
  - (4) Despite subrule (3), the court may vary or set aside an order dismissing a proceeding for want of prosecution made in the absence of the applicant or appellant, on terms the court considers appropriate, and without the need for an appeal.

## **15 Discontinuance or withdrawal**

- (1) An applicant or appellant may, at any time, discontinue a proceeding or withdraw part of it.
- (2) An applicant or appellant may discontinue against 1 or more respondents without discontinuing against other respondents.

## **16 Notice of discontinuance or withdrawal**

- (1) A discontinuance or withdrawal is effected by filing a notice in the approved form and serving it as soon as practicable on the other parties to the proceeding.
- (2) If a party to whom the discontinuance or withdrawal relates consents to the discontinuance or withdrawal, the party must sign the notice before the notice is filed.
- (3) If the party's consent is on conditions, the conditions must be stated on the notice.
- (4) If the discontinuance or withdrawal is effected within 7 days before the date set for hearing the proceeding, the court may require the parties to explain the reason for the late discontinuance or withdrawal.

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### **17 Subsequent proceeding**

A discontinuance or withdrawal under this part is not a defence to another proceeding on the same or substantially the same ground.

### **18 Costs**

If an applicant or appellant discontinues or withdraws, the court may order the applicant or appellant to pay—

- (a) the costs of the party to whom the discontinuance or withdrawal relates up to the date of the discontinuance or withdrawal, if the party has not consented to the discontinuance or withdrawal; and
- (b) the costs of another party or parties caused by the discontinuance or withdrawal.

## **Part 4 Court supervision**

### **19 Directions hearing**

- (1) At any time after an originating process for a proceeding is filed—
  - (a) any party may apply to the court for a hearing about an order or directions about the proceeding (a *directions hearing*); or
  - (b) the court may order the parties to attend a directions hearing.
- (2) Without limiting subrule (1), a party may apply for, or the court may on its own initiative make or give, 1 or both of the following—
  - (a) an order about a preliminary point that may wholly or substantially decide a significant issue in the proceeding;

- 
- (b) an order or direction about the conduct of the proceeding, not provided for in these rules or under an Act, including an order about 1 or more of the following—
- (i) identifying and separating or making an early decision about the issues in dispute;
  - (ii) filing and serving statements of evidence;  
*Editor's note—*  
See rules 24G and 24J.
  - (iii) filing and serving outlines of intended argument;
  - (iv) disclosure by delivery or production of documents or delivery of interrogatories;
  - (v) a court-supervised settlement conference;
  - (vi) a hearing date.
- (3) The application must be filed and served on each other party to the proceeding at least 5 business days before the date set for hearing the application.
- (4) If the application is for an order mentioned in subrule (2)(a), a party wishing to make submissions on the application must file with the registrar and serve on each other party the following documents—
- (a) any affidavit on which the party intends to rely;
  - (b) a short outline of the party's intended argument.
- (5) The affidavit and outline of argument must be filed and served at least 2 business days before the application is heard.

## **20 Effect of application under rule 19**

- (1) An application under rule 19 must be dealt with by the court before the court hears the proceeding.
- (2) If the court makes or gives any orders or directions under the rule, the court may decline to set a date for hearing the

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proceeding until the court is satisfied the parties have complied with the orders or directions.

- (3) The parties must comply with the orders or directions before the proceeding is heard, unless the court considers it appropriate, because of the circumstances of the case, to hear the proceeding without the orders or directions being complied with.

## **21 Power to correct mistakes**

- (1) This rule applies if—
  - (a) there is a clerical mistake in an order or certificate of the court or in a record of an order or certificate of the court; and
  - (b) the mistake resulted from an accidental slip or omission.
- (2) At any time, the court, on application by a party or on its own initiative, may correct the mistake.

# **Part 5 Evidence**

## **Division 1 Preliminary**

### **22 Definitions for pt 5**

In this part—

*expert* means a person who would, if called as a witness in a proceeding, be qualified to give opinion evidence as an expert witness in relation to an issue in dispute in the proceeding.

*joint report*, for a proceeding, means a report—

- (a) stating the joint opinion of experts in relation to an issue in dispute in the proceeding; and

- 
- (b) identifying the matters about which the experts agree or disagree and the reasons for any disagreement.

*meeting of experts*—

1 A *meeting of experts* is a meeting at which experts in each area of expertise relevant to a proceeding meet, in the absence of the parties—

- (a) to discuss and attempt to reach agreement about the experts' evidence in relation to an issue in dispute in the proceeding as it relates to the experts' area of expertise; and
- (b) to prepare a joint report.

2 The term includes —

- (a) a resumed meeting of experts or further meeting of experts; and
- (b) a meeting attended by the experts in either, or a combination, of the following ways—
- (i) personally;
- (ii) a way that allows contemporaneous communication between the experts, including by telephone, video link or email.

*party*, for a proceeding, means a party to the proceeding or the party's lawyer or agent.

*statement of evidence*, of an expert, see rule 24E.

## **Division 2 Meetings of experts**

### **23 Application of div 2**

Unless the court otherwise orders, this division applies in relation to a meeting of experts ordered or directed by the court at any time in a proceeding.

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## **24 Party must ensure expert ready to take part in meeting of experts**

Before a meeting of experts, a party to a proceeding must do all things reasonably necessary or expedient to ensure an expert chosen by the party is ready to take part fully, properly and promptly in the meeting, including by giving the expert—

- (a) reasonable prior notice that the court has ordered or directed a meeting of experts; and
- (b) notice of the contents of any order or direction about the meeting, including the time by which the meeting must be held; and
- (c) reasonable notice of the issue in dispute in the proceeding to the extent it is relevant to the expert's expertise; and
- (d) enough information and opportunity for the expert to adequately investigate the facts in relation to the issue in dispute in the proceeding; and
- (e) written notice that the expert has a duty to assist the court and the duty overrides any obligation the expert may have to the party or any person who is liable for the expert's fee or expenses.

### **24A Experts attending meeting must prepare joint report**

- (1) The experts attending a meeting of experts must, without further reference to or instruction from the parties, prepare a joint report in relation to the meeting.
- (2) However, the experts attending the meeting may, at any time before the joint report is completed, ask all parties to respond to an inquiry the experts make jointly of all parties.
- (3) Despite subrule (1), any of the experts may participate in a mediation involving the parties.
- (4) The joint report must—
  - (a) confirm that each expert understands the expert's duty to the court and has complied with the duty; and



- (b) be given to the parties.
- (5) The applicant or appellant must deliver to the registry, personally or by facsimile or email, a copy of the joint report received under subrule (4) at least 21 days before the date set for the hearing.

### **24B Admissions made at meeting of experts**

- (1) Subrule (2) does not apply to a joint report prepared in relation to a meeting of experts.
- (2) Evidence of anything done or said, or an admission made, at a meeting of experts is admissible at the hearing of the proceeding or at the hearing of another proceeding in the court or in another civil proceeding only if all parties to the proceeding agree.
- (3) In this rule—  
*civil proceeding* does not include a civil proceeding founded on fraud alleged to be connected with, or to have happened during, the meeting.

## **Division 3 Evidence given by experts**

### **24C Duty of expert**

- (1) A witness giving evidence in a proceeding as an expert has a duty to assist the court.
- (2) The duty overrides any obligation the witness may have to any party to the proceeding or to any person who is liable for the expert's fee or expenses.

### **24D Giving or accepting instructions to adopt or reject a particular opinion prohibited**

A person must not give, and an expert must not accept, instructions to adopt or reject a particular opinion in relation to an issue in dispute in a proceeding.

[r 24E]

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## **24E Expert must prepare statement of evidence**

- (1) An expert must prepare a written statement of the expert's evidence (a *statement of evidence*) for the hearing of a proceeding.
- (2) If the expert has taken part in a meeting of experts—
  - (a) a joint report prepared in relation to the meeting is taken to be the expert's statement of evidence in the proceeding; and
  - (b) a further statement of evidence in relation to any issue of disagreement recorded in the joint report is to be prepared by the expert.
- (3) However, the further statement of evidence must not, without the court's leave—
  - (a) contradict, depart from or qualify an opinion in relation to an issue the subject of agreement in the joint report; or
  - (b) raise a new matter not already mentioned in the joint report.

## **24F Requirements for statement of evidence other than joint report**

- (1) An expert's statement of evidence, other than a joint report, must be addressed to the court and signed by the expert.
- (2) The statement of evidence must include the following information, to the extent the information is not already contained in a joint report prepared for the proceeding—
  - (a) the expert's qualifications;
  - (b) all material facts, whether written or oral, on which the statement is based;
  - (c) references to any literature or other material relied on by the expert to prepare the statement;

- (d) for any inspection, examination or experiment conducted, initiated or relied on by the expert to prepare the statement—
    - (i) a description of what was done; and
    - (ii) whether the inspection, examination or experiment was done by the expert or under the expert's supervision; and
    - (iii) the name and qualifications of any other person involved; and
    - (iv) the result;
  - (e) if there is a range of opinion on matters dealt with in the statement, a summary of the range of opinion and the reasons why the expert adopted a particular opinion;
  - (f) a summary of the conclusions reached by the expert;
  - (g) a statement about whether access to any readily ascertainable additional facts would assist the expert in reaching a more reliable conclusion.
- (3) The expert must confirm, at the end of the statement of evidence—
- (a) the factual matters included in the statement are, as far as the expert knows, true; and
  - (b) the expert has made all enquiries considered appropriate; and
  - (c) the opinions included in the statement are genuinely held by the expert; and
  - (d) the statement contains reference to all matters the expert considers significant; and
  - (e) the expert understands the expert's duty to the court and has complied with the duty; and
  - (f) the expert has read and understood the rules contained in this part, as far as they apply to the expert; and

[r 24G]

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- (g) the expert has not received or accepted instructions to adopt or reject a particular opinion in relation to an issue in dispute in the proceeding.

#### **24G Serving statement of evidence other than joint report**

- (1) This rule applies to a statement of evidence other than a joint report.
- (2) A party to a proceeding intending to call evidence by an expert in the proceeding must deliver to the registry, personally or by facsimile or email, and serve on each other party to the proceeding, a copy of the expert's statement of evidence.
- (3) A party must comply with subrule (2) at least 21 days before the date set for the hearing or, if the court directs a different time, within the time directed by the court.

#### **24H Matters contained in statement of evidence not to be repeated**

During examination in chief, an expert must not, without the court's leave, repeat or expand on matters contained in the expert's statement of evidence or introduce new material.

#### **24I Evidence from only 1 expert may be called**

Other than with the court's leave, a party to a proceeding, at any hearing of the proceeding, may call evidence from only 1 expert for each area of expertise dealt with in the hearing.

### **Division 4 Non-expert statements of evidence**

#### **24J Statement of evidence of witness other than expert**

- (1) This rule applies to a party who intends to do either or both of the following—
  - (a) give evidence in a proceeding;

- (b) call another person, other than an expert, to give evidence in a proceeding.
- (2) Before giving the evidence or calling the other person, the party must deliver to the registry, personally or by facsimile or email, and serve on each other party, a written statement containing—
  - (a) the name, address and occupation of the party or other person; and
  - (b) the evidence of the party or other person for the hearing.
- (3) The party must comply with subrule (2) at least 21 days before the date set for the hearing or, if the court directs a different time, within the time directed by the court.
- (4) During examination in chief, the party or other person must not, without the court's leave, repeat or expand on matters contained in the party's or person's statement delivered under subrule (2) or introduce new material.

## **Division 5            General**

### **24K    Way evidence given**

- (1) Unless the court orders that a witness's evidence in a proceeding be given by affidavit or in another way, the evidence may only be given orally.
- (2) Giving evidence orally may include merely swearing to the accuracy of a statement of evidence submitted to the court.
- (3) If the court orders that evidence be given by affidavit, the court may impose conditions on the order.

### **24L    Calling witnesses**

A party to a proceeding must not, without the court's leave, call an expert or another person to give evidence in the proceeding unless the party has complied with the rules contained in this part.



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- (b) an order that a party answer interrogatories;
  - (c) an order that proceedings be heard together;
  - (d) an order that a party file any document that, in the judicial registrar's opinion, will help resolve the matters in dispute between the parties;
  - (e) an order that a party produce stated documents to the court;
  - (f) an order that the evidence of a witness be allowed to be taken on an examination before the hearing of the proceeding;
  - (g) an order that a party give further particulars of a claim, reply or cross-claim;
  - (h) an order about the amendment of a document;
  - (i) an order to assist in the expedition of proceedings;
  - (j) an order in accordance with a draft consent order;
  - (k) an order necessary because of the failure of a person to comply with an order mentioned in paragraphs (a) to (j);
  - (l) an order for substituted service;
  - (m) an order granting an extension of time for filing an originating process in the court, unless the Act giving jurisdiction to the court for the proceeding does not allow an extension of time;
  - (n) any other order directed by the president in writing that the president considers appropriate having regard to—
    - (i) the nature and complexity of the matter; or
    - (ii) any special circumstance in relation to the matter.

*Example of a special circumstance—*

A matter has a connection with land in a location and could be finalised by a judicial registrar making an order for final relief because the judicial registrar is on circuit in the location.

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## **28 Matter must not be heard by judicial registrar**

The court, as constituted by a member, may order or direct that an application about a relevant matter in a particular proceeding can not be heard by the court as constituted by a judicial registrar.

*Example—*

The court may order or direct that an application about a relevant matter in a proceeding can not be heard by the court as constituted by a judicial registrar because the court, as constituted by a particular member, is managing the entire proceeding.

## **29 Application about relevant matter must not be made to court**

If a judicial registrar is available, a person may make an application about a relevant matter to the court as constituted by a member only if the court gives leave.

## **30 Referral of application about relevant matter**

- (1) If a judicial registrar considers it would be appropriate for an application about a relevant matter to be decided by the court as constituted by a member, the judicial registrar must refer the application to the court as constituted by a member.
- (2) A judicial registrar must also refer an application about a relevant matter to the court as constituted by a member if, before the hearing starts—
  - (a) a party asks the judicial registrar to refer the application; and
  - (b) the judicial registrar considers it is in the interests of justice to refer it.
- (3) On a reference, the court, as constituted by a member, may also give a direction about the conduct of the hearing.



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**31 Removal of application about relevant matter**

The court as constituted by a member may, before the end of a hearing of an application about a relevant matter before the court as constituted by a judicial registrar, order that the application or a part of it be removed to the court as constituted by a member.

**32 Involvement of court as constituted by a member**

- (1) This rule applies if there is—
  - (a) a reference of an application about a relevant matter under rule 30(1) or (2); or
  - (b) a removal of an application about a relevant matter under rule 31.
- (2) The court as constituted by a member may—
  - (a) hear and decide the application or remit the application to the court as constituted by a judicial registrar with the directions the court considers appropriate; or
  - (b) decide a matter arising under the application or remit the matter to the court as constituted by a judicial registrar with the directions the court considers appropriate.

## **Part 7 Hearing proceedings**

**33 Setting down for trial**

The registrar must give the parties written notice of the date and place for trial of a proceeding.

**34 Request for trial date**

- (1) A party who is ready for trial may prepare and sign a request for trial date in the approved form.

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- (2) The party who prepared the request must serve copies of it on each other party and, if a party served is ready for trial, the party must sign the request and return it to the party who prepared it.
- (3) The party who prepared the request must file, as soon as practicable, a copy or copies of the request signed by all parties.
- (4) For this rule, a party is *ready for trial* if, as far as the party is concerned—
  - (a) all reasonable steps have been taken to separate and resolve the issues and settle the proceeding; and
  - (b) the proceeding is, in all respects, ready for trial.

### **35 Request for decision without oral hearing**

- (1) A party may, with the written consent of each other party to a proceeding, ask the court to decide the proceeding or an application in the proceeding without an oral hearing.
- (2) A request under subrule (1) must be accompanied by an outline of argument and details of the evidence proposed to be submitted.

### **36 Court may decide request without oral hearing**

The court may decide a request made under rule 35 without an oral hearing and make or give orders or directions about the conduct of the proceeding.

### **36A Court may dispense with oral hearing**

The court may, in the court's discretion, dispense with the oral hearing of a proceeding or an application in a proceeding if—

- (a) the court is satisfied that it is appropriate to decide the proceeding or application without an oral hearing; and
- (b) the parties are given notice of the court's proposal to make the decision without an oral hearing; and

- (c) there is no objection raised by any party to the proceeding.

**37 Court may decide that decision without oral hearing is inappropriate**

If, at any time, the court decides that a proceeding or an application in a proceeding is inappropriate for decision without an oral hearing, the court—

- (a) must, as soon as practicable, notify the parties of the decision by telephone or in some other way; and
- (b) may set a date for hearing the proceeding or application.

**38 Further information**

- (1) The court deciding a proceeding or an application in a proceeding without an oral hearing may obtain further information, including evidence, about the proceeding or application by telephone, facsimile, email or in another way.
- (2) If the court decides to obtain further information, the court—
  - (a) must inform all parties of the substance of the inquiry; and
  - (b) give all parties an opportunity to be heard.

**39 Order if decision without oral hearing**

If, in deciding a proceeding or an application in a proceeding without an oral hearing, the court makes an order, the registrar must send each party a copy of the order by post, facsimile or email together with a copy of the court's reasons.

## **Part 8                      Orders**

### **40            Judgment**

Final relief in a proceeding is granted by giving a judgment setting out the entitlement of a party to payment of money or another form of final relief.

### **41            Order**

- (1) An order of the court is made by—
  - (a) the order being pronounced in court by the member or judicial registrar making the order; or
  - (b) the order being set out in a document, with or without reasons, and signed by the person making the order.
- (2) An order takes effect on the day on which it is made.
- (3) However, the court may order that an order takes effect from an earlier or later date.

### **42            Reasons for order**

- (1) The court's reasons for making an order may, if in written form, be published—
  - (a) by the reasons being delivered in court to the registrar or a deputy registrar to give a copy to each party; or
  - (b) by a copy of the reasons, signed by the member or judicial registrar making the order, being given to the registrar or a deputy registrar to—
    - (i) deliver in court; and
    - (ii) give or send a copy to each party; or
  - (c) for a proceeding in which a decision is made without an oral hearing—by a copy of the reasons, signed by the member or judicial registrar making the order, being sent to each party.

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*Editor's note—*

See rule 39 (Order if decision without oral hearing).

- (2) The court's reasons for a proposed order may be published before the order is made.

#### **43 Delivery of reserved decision by a different member or judicial registrar**

- (1) If a member reserves a decision in a proceeding, the member may—
- (a) arrange for written reasons for decision to be prepared setting out the proposed order; and
  - (b) sign the reasons for decision and send them to another member for delivery.
- (2) The other member must, at a convenient time, publish in court the reasons for decision.
- (3) The publication by the other member has the same effect as if, at the time of publication, the member who reserved the decision had been present in court and made the order proposed in the written reasons, and published the reasons, in person.
- (4) In this rule—  
*member* includes judicial registrar.

#### **44 Consent orders**

- (1) The court may give judgment, or make another order, by consent if—
- (a) the parties consent in writing; and
  - (b) the court considers it appropriate.
- (2) The consents must be filed in the registry.
- (3) The judgment or order must—

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- (a) state that it is given or made by consent; and
- (b) be filed in the registry.

#### **45 Setting aside an order**

- (1) The court may vary or set aside an order before the earlier of the following—
  - (a) the filing of the order; or
  - (b) the end of 7 days after the making of the order.
- (2) However, the court may set aside an order at any time if—
  - (a) the order was made in the absence of a party; or
  - (b) the order was obtained by fraud; or
  - (c) the order does not reflect the court's intention at the time the order was made; or
  - (d) the party who has the benefit of the order consents.

## **Part 9 Appeals to the Land Appeal Court**

#### **46 Application of pt 9**

This part applies to an appeal to the Land Appeal Court.

#### **47 Parties to an appeal**

- (1) Each party to a proceeding who is directly affected by the relief sought in the notice of appeal or who is interested in maintaining the decision under appeal must be made a respondent to the appeal.
- (2) The notice of appeal need not be served on a party who is not made a respondent to the appeal.

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**48 Inclusion, removal or substitution of party**

- (1) The court may order—
  - (a) the inclusion or removal of a person, whether or not a party to the original proceeding, as a party to an appeal from the decision in the original proceeding; and
  - (b) the inclusion or substitution of a person directly affected by the appeal as a party to the appeal.
- (2) However, a person who has not consented in writing may not be made an appellant.
- (3) If the court orders the inclusion of a person as a party to an appeal, it may adjourn the hearing of the appeal and make an order or give a direction it considers appropriate about the conduct of the appeal.

**49 Service of written submissions**

- (1) At least 14 days before the date set for hearing an appeal (the *hearing date*), the appellant must file and serve on all respondents to the appeal an outline of submissions stating in a precise but comprehensive way—
  - (a) each ground of appeal intended to be relied on by the appellant; and
  - (b) the argument intended to be relied on in support of each ground; and
  - (c) any authorities intended to be relied on in support of each ground; and
  - (d) the facts, identified by reference to stated parts of the court record, intended to be relied on in support of each ground; and
  - (e) the grounds of appeal stated in the notice of appeal but not intended to be relied on by the appellant.
- (2) Any reply by a respondent must be filed and served on the appellant at least 7 days before the hearing date and must include an outline of submissions stating in a precise but comprehensive way—

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- (a) the arguments intended to be relied on by the respondent; and
  - (b) any authorities intended to be relied on in support of each argument; and
  - (c) the facts, identified by reference to stated parts of the court record, intended to be relied on in support of each argument; and
  - (d) the assertions or propositions of fact or law in the appellant's outline of submissions that the respondent admits or does not dispute.
- (3) At least 3 business days before the hearing date, each party must file and serve on the other parties a list of cases to which the party intends to refer in argument at the hearing.

## **Part 10                      Miscellaneous**

### **50            Opening hours of registry**

- (1) Subject to subrule (2), the registry must be open between 9am and 4pm on business days, other than a court holiday.
- (2) The president or registrar may direct that the registry is to be opened or closed at any time.

### **52            Court dress**

A member or judicial registrar constituting the court or a lawyer appearing before the court must not robe.



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## Schedule 1      Dictionary

rule 5

*address for service* see rule 9(3).

*application in a proceeding* means an application about a proceeding made after the proceeding is started and before it is decided.

*expert*, for part 5, see rule 22.

*joint report*, for part 5, see rule 22.

*meeting of experts*, for part 5, see rule 22.

*notice of appeal* means a notice in the approved form that starts an appeal to the court.

*order* includes a judgment, direction, decision or determination of the court whether final or otherwise.

*originating application* means an application in the approved form that starts a proceeding in the court, other than an appeal.

*originating process* means any of the following that, under an Act conferring jurisdiction on the court, may start a proceeding in the court—

- (a) an originating application;
- (b) a notice of appeal;
- (c) another document.

*party*, for part 5, see rule 22.

*relevant matter*, for part 6, see rule 25.

*statement of evidence*, of an expert, for part 5, see rule 24E.

*the court*—

- (a) for part 6—see rule 25; and
- (b) for part 9—means the Land Appeal Court; and
- (c) otherwise—see rule 3.

*uniform rules* see rule 4.

*without an oral hearing*—

A matter is decided *without an oral hearing* if it is decided on written material and submissions without the parties attending.

# Endnotes

## 1 Index to endnotes

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## 2 Date to which amendments incorporated

This is the reprint date mentioned in the *Reprints Act 1992*, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 13 December 2013. Future amendments of the *Land Court Rules 2000* may be made in accordance with this reprint under the *Reprints Act 1992*, section 49.

## 3 Key

### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised version
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 4 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 300 39601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments to	Effective	Reprint date
1	none	1 July 2000	5 July 2000
Reprint No.	Amendments included	Effective	Notes
1A	2006 SL No. 82	5 May 2006	
1B	2007 SL No. 286	23 November 2007	
Current as at 13 December 2013		Amendments included 2013 SL No. 280	Notes

## 5 List of legislation

### *Regulatory impact statements*

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### *Explanatory notes*

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

### **Land Court Rules 2000 SL No. 166**

made by the Governor in Council on 29 June 2000  
 notfd gaz 30 June 2000 pp 736–48  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 July 2000 (see s 2)  
 SIA pt 7 does not apply (see SIA s 57(2) and sch 2A)  
 amending legislation—

**Land Court Amendment Rule (No. 1) 2006 SL No. 82**

notfd gaz 5 May 2006 pp 76–7  
commenced on date of notification

**Land Court Amendment Rule (No. 1) 2007 SL No. 286**

notfd gaz 23 November 2007 pp 1682–4  
commenced on date of notification

**Land Court Amendment Rule (No. 1) 2013 SL No. 280**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 13 December 2013  
commenced on date of notification

## 6 List of annotations

**Application of Uniform Civil Procedure Rules**

**r 4** amd 2013 SL No. 280 s 3

**Definitions**

**r 5** amd 2007 SL No. 286 s 3; 2013 SL No. 280 s 4

**Starting proceeding**

**r 7** sub 2013 SL No. 280 s 5

**Content of originating process**

**r 8** sub 2013 SL No. 280 s 5

**Contact details and address for service**

**r 9** sub 2013 SL No. 280 s 5

**Signing originating process**

**r 10** sub 2013 SL No. 280 s 5

**Giving originating process to other parties**

**r 11** sub 2013 SL No. 280 s 5

**Disclosure**

**r 13** amd 2013 SL No. 280 s 6

**Failure to prosecute proceedings**

**r 14** amd 2013 SL No. 280 s 7

**Discontinuance or withdrawal**

**r 15** amd 2013 SL No. 280 s 8

**Costs**

**r 18** amd 2013 SL No. 280 s 9

**Directions hearing**

**r 19** amd 2013 SL No. 280 s 10

**PART 5—EVIDENCE**

**pt hdg** sub 2013 SL No. 280 s 11

**Division 1—Preliminary**

**div hdg** ins 2013 SL No. 280 s 11

**Definitions for pt 5**

**r 22** sub 2013 SL No. 280 s 11

**Division 2—Meetings of experts**

**div hdg** ins 2013 SL No. 280 s 11

**Application of div 2**

**r 23** amd 2007 SL No. 286 s 4  
sub 2013 SL No. 280 s 11

**Party must ensure expert ready to take part in meeting of experts**

**r 24** sub 2013 SL No. 280 s 11

**Experts attending meeting must prepare joint report**

**r 24A** ins 2013 SL No. 280 s 11

**Admissions made at meeting of experts**

**r 24B** ins 2013 SL No. 280 s 11

**Division 3—Evidence given by experts**

**div 3 (rr 24C–24I)** ins 2013 SL No. 280 s 11

**Division 4—Non-expert statements of evidence**

**div 4 (r 24J)** ins 2013 SL No. 280 s 11

**Division 5—General**

**div 5 (rr 24K–24L)** ins 2013 SL No. 280 s 11

**Judicial registrar’s power to hear and decide matters**

**r 26** amd 2006 SL No. 82 s 3; 2007 SL No. 286 s 5; 2013 SL No. 280 s 12

**Judicial registrar’s power to make orders**

**r 27** amd 2006 SL No. 82 s 4; 2013 SL No. 280 s 13

**Request for trial date**

**r 34** amd 2013 SL No. 280 s 14

**Request for decision without oral hearing**

**r 35** amd 2013 SL No. 280 s 15

**Court may decide request without oral hearing**

**prov hdg** amd 2013 SL No. 280 s 16(1)

**r 36** amd 2013 SL No. 280 s 16(2)

**Court may dispense with oral hearing**

**r 36A** ins 2013 SL No. 280 s 17

**Court may decide that decision without oral hearing is inappropriate**

**r 37** amd 2013 SL No. 280 s 18

**Further information**

**r 38** amd 2013 SL No. 280 s 19

**Order if decision without oral hearing****r 39** amd 2013 SL No. 280 s 20**Opening hours of registry****r 50** sub 2013 SL No. 280 s 21**Approved forms****r 51** om 2013 SL No. 280 s 22**SCHEDULE 1—DICTIONARY**

prev sch 1 ins 2007 SL No. 286 s 7

om 2013 SL No. 280 s 23

pres sch 1 (prev sch 2 (orig sch)) num 2007 SL No. 286 s 6

renum 2013 SL No. 280 s 24(4)

def *address for service* amd 2013 SL No. 280 s 24(3)def *application* om 2013 SL No. 280 s 24(1)def *application in a proceeding* ins 2013 SL No. 280 s 24(2)def *approved form* om 2013 SL No. 280 s 24(1)def *expert* ins 2013 SL No. 280 s 24(2)def *joint report* ins 2013 SL No. 280 s 24(2)def *meeting of experts* ins 2013 SL No. 280 s 24(2)def *notice of appeal* ins 2013 SL No. 280 s 24(2)def *originating application* sub 2013 SL No. 280 s 24(1)–(2)def *originating process* ins 2013 SL No. 280 s 24(2)def *party* ins 2013 SL No. 280 s 24(2)def *statement of evidence* ins 2013 SL No. 280 s 24(2)

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