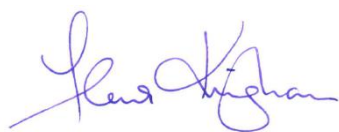


Filing Documents Electronically in the Land Court of Queensland

Practice Direction 2 of 2019

A handwritten signature in blue ink, appearing to read 'FY Kingham', is positioned above the printed name.

President FY Kingham
Issued 25 January 2019

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INTRODUCTION

Introduction

1. This Practice Direction is issued pursuant to s 22(2) of the *Land Court Act 2000* and repeals and wholly replaces *Land Court Practice Direction 1 of 2016 – Provision of Electronic Documents to the Land Court*.
2. This Practice Direction explains the procedure the Court will use for *filing documents electronically*.
3. This Practice Direction is to be applied with the objective of avoiding undue delay, expense and technicality.
4. The purpose of this Practice Direction is to facilitate the Court dealing with cases in a way that is accessible, fair, just, economical and expeditious.
5. Terms that appear in italics in the Practice Direction are defined in the Words and meanings section of the document.

WHAT DOCUMENTS MAY BE FILED ELECTRONICALLY?

What documents may be filed electronically?

6. The following documents **may be** provided electronically for filing—
 - a) general applications¹ in a case;
 - b) affidavits, statements of evidence, expert reports, or, subject to paragraph 6, any other documents to be filed in a case; and
 - c) documents, including referral documents in cases commenced in the Court under a recommendatory provision.²
7. The following documents³ **may not** be provided electronically for filing and must be *filed* in hardcopy—
 - a) an originating application; and
 - b) a notice of appeal.
8. A request for a subpoena⁴ or a notice of non-party disclosure may be made by email. If the request is approved—
 - a) the subpoena or notice will be issued in electronic format, and provided to the party who requested it; and
 - b) the Land Court Registry will file the requests.

¹ The Land Court Registry will provide, electronically, a sealed copy of the general application for service.

² *Land Court Act 2000* s 52A defines the meaning of recommendatory provision. It includes referrals to the Court which commence mining objection hearings.

³ Document is defined in the *Evidence Act 1977* Sch 3.

⁴ A request for a subpoena will not be processed until the applicable fee is paid.

HOW ARE DOCUMENTS FILED ELECTRONICALLY?

How are documents filed electronically?

9. The Land Court Registry will accept a document electronically for filing if it complies with the following requirements–
 - a) it is provided as an unrestricted text-searchable PDF file or in another form approved by the Principal Registrar in writing prior to filing;
 - b) if the document does not exceed 10MB it–
 - i. is attached to an email; or
 - ii. provided on a USB or portable hard drive;
 - c) if the document exceeds 10MB, it is provided on a USB or portable hard drive.
10. The Land Court Registry will not accept a document electronically for filing if the document can only be accessed through a *file hosting service* or via links to other websites provided in an email.
11. A document that is longer than 30 pages may be provided electronically for filing, however, the party filing the document must also provide a hardcopy to the Land Court Registry, either in person or by post as soon as practicable.
12. The date of filing for a document provided electronically will be–
 - a) if the document is received⁵ by the Land Court Registry before 4.30pm on a day the registry is open for business – that day; or
 - b) otherwise – the next day the registry is open for business.

⁵ If the document is provided electronically in parts, the document is not received until all parts have been received.

Words and meanings

Filing documents electronically: Providing documents to the Court for filing in electronic format in accordance with this practice direction.

Referral documents: Referral documents include the approved form for referral, if any, and the documents provided to the Court by the referring agency or party to commence a case under a recommendatory provision.

Text-searchable PDF: A text-searchable PDF file is a Portable Document Format file which enables text to be searched using the standard Adobe Reader search function.