



SUPREME COURT OF QUEENSLAND

ANNUAL REPORT 2022-23



SUPREME COURT OF QUEENSLAND

CHAMBERS OF THE CHIEF JUSTICE

31 October 2023

Queen Elizabeth II Courts of Law
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The Honourable Yvette D'Ath MP
Attorney-General and Minister for Justice
Minister for the Prevention of Domestic and Family Violence
Leader of the House
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Dear Attorney,

I enclose my report, under s 19(1) of the *Supreme Court of Queensland Act 1991*, on the operation of the Supreme Court for the year ended 30 June 2023.

Yours sincerely,

A handwritten signature in blue ink, reading 'H Bowskill'.

Helen Bowskill
Chief Justice

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CHIEF JUSTICE'S OVERVIEW 2022-2023

CHIEF JUSTICE'S OVERVIEW 2022-2023

Performance

This overview concerns the performance of the Supreme Court over the 2022-2023 reporting year. The following statistics have been collated on the basis of the requirements of the Australian Government's Productivity Commission for the production of its annual "Report on Government Services" (RoGS).

Disposition of Caseload

Trial Division

Criminal

Over the reporting year, there were 1,903 lodgements in the criminal jurisdiction, compared with 2,201 for the 2021-2022 year. The Trial Division ended the year with 629 outstanding cases (compared with 770 in the previous year), having disposed of 2,043, a clearance rate of 107.4%.

Of the outstanding cases, 14.8% were more than 12 months old (from date of presentation of indictment), and 3.8% were more than 24 months old. Some of the last group would result from orders for re-trials made on appeal and some would result from referrals to the Mental Health Court.

Civil

In the civil jurisdiction, there were 3,203 lodgements, compared with 3,438 lodgements for the 2021-2022 year.

At the end of the 2022-2023 year, there were 3,235 outstanding matters (compared with 3,110 in the previous year), the Court having disposed of 3,107 matters, a 97.0% clearance rate.

Of the outstanding matters, 31.3% were more than 12 months old, and 10.6% more than 24 months old.

Court of Appeal Division

The Court of Appeal division disposed of 296 criminal appeals this year (307 last year), representing a clearance rate of 108.0%. As at 30 June, 260 criminal appeals awaited disposition (280 last year).

The Court of Appeal also disposed of 167 civil appeals (128 last year), with a clearance rate of 100.6%, leaving 113 outstanding at the end of the year (107 last year).

Observations on the Court's Caseload

The Court essentially returned to business as usual in this reporting year, following the challenges in previous years of administering justice in the context of the COVID-19 pandemic.

The number of criminal lodgements in the Trial Division was 13.5% fewer than in the 2021-2022 year and 14.2% fewer than in 2020-2021. The number of cases disposed of overall was also fewer (a reduction of 6.8%). However, there was an increase in the number of defendants finalised by trial state-wide (from 31 to 37), which is consistent with the return to a greater number of jury trials post-COVID. The explanation for the reduction in criminal lodgements is likely to be related to the lower number of matters committed for trial in the Supreme Court during the COVID years, as well as the reduction in police arrests in relation to drug offending during those years. At this stage, it is not anticipated that these figures represent a pattern for the future. The lower lodgements meant the Court was able to increase its clearance rate, from 99.5% in the previous year to 107.4%.

Civil filings were 6.8% fewer than in the 2021-2022 year in the Trial Division (3,203 lodgements, compared

with 3,438 in the previous year). However, this still reflects a generally upward trend overall, in contrast to earlier years. The clearance rate in civil matters also increased (from 94.6% in the previous year to 97.0%). The numbers of matters outstanding for more than 12 months and more than 24 months has remained stable.

Bail applications, applications for forfeiture, probate, admission as a legal practitioner and orders under the *Dangerous Prisoners (Sexual Offenders) Act 2003* are not recorded as part of the RoGS statistics, but nonetheless form a substantial amount of the work of the Court.

The number of bail applications lodged increased significantly to 874, compared to 745 applications lodged in the 2021-2022 year; and is well above the numbers in previous years. The increase in bail applications in this reporting year can no longer be attributed to “prisoner’s health concerns” in relation to COVID, as was the increase, for example, in the 2019-2020 year (733 applications) and the 2021-2022 year (745 applications). It is more likely to reflect, proportionately, the higher number of prisoners in custody overall (a significant proportion of whom are on remand) which has been steadily increasing. Bail applications represent a significant amount of the work undertaken by the Court in its applications jurisdiction, frequently taking all the time of one judge sitting in applications on any given day, leaving the other judge to deal with the remainder of the civil applications listed on that day.

The number of fresh applications under the *Dangerous Prisoners (Sexual Offenders) Act 2003* was 6 this financial year, significantly lower than the 20 applications filed in the 2021-2022 year. Indeed, that is the lowest number of applications the Court has seen for many years; the last time the figure was below 20 was in 2014-15 (in which 9 applications were filed). The number of periodic reviews and breach hearings undertaken by the Court also reduced, from 504 in the 2021-2022 year to 362 in the reporting year.

The efficiency of practice and procedure in the Trial Division was enhanced, through the issuing of, in some cases new and, in other cases, updated and improved, Practice Directions. These include Practice Direction 1 of 2023 (establishment of the new Commercial List), Practice Direction 8 of 2023 (establishment of a Class Actions List), Practice Direction 9 of 2023 (establishment of a new approach to the Caseflow Management List, with greater involvement from the Resolution Registrar (Civil)), Practice Direction 11 of 2023 (Consent orders of the Registrar), Practice Direction 13 of 2023 (Supervised Case List for proceedings involving self-represented parties) and Practice Direction 14 of 2023 (establishment of the Wills and Estates List). The Court engaged with representatives of the profession in the preparation of many of these Practice Directions.

In the Court of Appeal, the reporting year saw a small increase overall in the number of lodgements (2.3%), but this was balanced between a decrease in criminal lodgements (a reduction of 12.2%) and a substantial increase of 40.7% in civil lodgements, returning to the numbers seen pre-COVID, in 2018-2019 and 2019-2020. The Court of Appeal improved its criminal clearance rate (from 98.4% last year to 108% this year). Its civil clearance rate fell only slightly, notwithstanding the substantial increase in lodgements, and is still above 100% (from 108.5% last year to 100.6%).

1,120 new lawyers were admitted to the legal profession as lawyers this year, at ten ceremonial sittings of the Court held in the Banco Court. The apparent gender and cultural diversity of the newly admitted lawyers is a positive matter of note.

Diversity and Inclusion

In February 2023, the Court, with the support of the Chief Judge on behalf of the District Court and the Chief Magistrate on behalf of the Magistrates Courts, resolved to regularly raise and fly not only the Australian National flag and the Queensland State flag, but also the Aboriginal flag and the Torres Strait Islander flag outside courthouses across Queensland, commencing in Brisbane but extending to other places as the flag pole infrastructure becomes available. Previously, the flags had only been raised and flown during NAIDOC week. This step was seen as a means of demonstrating recognition of our shared history and promoting inclusion and respect.

In April 2023, the Court issued Practice Direction 10 of 2023, in relation to Pronunciation of Names and Preferred Forms of Address. Recognising that the correct pronunciation of names and use of preferred forms

of address is a matter of respect, the Court sought by this Practice Direction to facilitate a simple process by which legal practitioners and self-represented litigants can provide, and the Court can seek, guidance and clarification of these matters.

A combined Diversity and Inclusion Committee, comprising judicial officers from the Supreme Court, District Court, Magistrates Court and QCAT, as well as court administrators, has been established.

Court Technology

Courts & Tribunals Digitisation Program

The Courts & Tribunals Digitisation Program (CTDP) has been established.

One of the initiatives of the CTDP is the Supreme District and Land Court (SDLC) Case Management Project, which commenced on 31 March 2023. This is the project through which it is hoped the “QCase” civil case management system will be introduced to the Supreme Court and the Court of Appeal – enabling, among other things, electronic filing of court documents and electronic management of court files. Although funding has been made available (as mentioned in the previous annual report) there has been little progress in relation to this project from the Supreme Court’s perspective in the reporting year. It is a source of frustration for the judiciary and also for members of the legal profession, who are pressing for the ability to file court documents electronically, as is the case in many other jurisdictions.

The Court is still awaiting progress in relation to the establishment of a dedicated and contemporary website. The current “Queensland Courts” website is no longer fit for purpose.

Recording and Transcription Service

This year, the responsibility for recording and the production of transcripts of court proceedings moved from Auscript, which was an external service provider, to QTranscripts, which is part of the Department of Justice and Attorney-General. The transcription itself is outsourced to two Transcription Service Providers. In the first few months of the new arrangements, a number of practical and technical issues arose. In addition, there were considerable delays in the provision of requested transcripts, which caused difficulties for judges and practitioners, in particular in the conduct of criminal trials, where the provision of accurate and timely transcripts on a daily basis is imperative. These problems gradually resolved and improved during the course of the reporting year.

Continuing Judicial Education and Development

During the reporting year, in addition to the heavy work load of court work, judges of the Court contributed a significant amount of time teaching or presenting at legal seminars and conferences, including judicial education programs, as well as attending such programs as participants. This training and development is not limited to legal content and court craft, but importantly extends to social issues that judicial officers must be aware of and matters addressing their health, wellbeing and capacity to perform their role. The sustained commitment by judges of the Court to judicial education and development is commendable and essential to our collective ability to discharge our duty to the administration of justice to a high standard.

In addition to the many externally organised lectures, seminars or conferences, the Supreme Court’s annual judicial education seminar was held, on 8 and 9 August 2022, at Noosa. This year, the seminar was organised jointly with the judges of the District Court, recognising our shared interest in a number of areas of knowledge and learning. Almost all the judges attend this seminar, which is an important professional development, educational and collegiate event.

A number of judges of the Court (in particular, Justice Mullins AO, Justice Martin AM, Justice Henry and Justice Burns) are regular teachers at programs organised by the National Judicial College of Australia (including the National Judicial Orientation Program; the Judgment Writing Program; and the National

Magistrates Orientation Program). Justice Martin AM is the Chair of the Program Advisory Board of the NJCA and Justice Burns is a member of the Council of the NJCA, as the nominee of the Chief Justices of the State and Territory Supreme Courts.

A number of judges presented lectures or presentations on a wide range of topics at educational events organised by the Australasian Institute of Judicial Administration, Universities, the Bar Association of Queensland, the Queensland Law Society, other professional associations and external conference organisers.

In addition, some judges are involved in providing continuing legal education to our colleagues in the South Pacific Region, which is facilitated by the Bar Association of Queensland's South Pacific Region CLE Committee.

Many judges attended conferences, seminars and lectures, locally (including the conferences organised by regional law associations), nationally and internationally. A number of judges attended the annual Supreme Court & Federal Court Judges' Conference which was held this year in Christchurch, New Zealand in January 2023. A number of judges also attended the Colloquium organised by the Australian Judicial Officers Association, held in Hobart in October 2022.

Many judges participate in the education program facilitated by the Supreme Court Library, by speaking to groups of school students throughout the year. In the reporting year, this program was extended to Community Groups.

Many judges also contribute to the Bar Practice Course each year, either as presenters or as judges in the "mock hearings" which form part of the assessment for the Course.

Rules Committee

The Rules Committee was established in 1998, under (what was then) s 118C of the *Supreme Court of Queensland Act 1991* (Qld) (see now s 89 of that Act), in anticipation of the reform that resulted in the introduction of the *Uniform Civil Procedure Rules 1999* (Qld). The function of the Rules Committee is to provide advice to the Attorney-General about any law giving jurisdiction to the Supreme, District and/or Magistrates Courts (s 89), to consider and approve the making of rules of court (s 85) and also to approve forms for use under certain legislation (s 87). During the reporting year, the members of the Rules Committee were the Chief Justice, Justice Morrison, Justice Bond (Chairperson), Justice Jackson (up to February 2023), Justice Brown (from March 2023), Judge Rackemann, Judge Porter KC, Magistrate Sinclair and Magistrate McKenzie. In carrying out its functions, the Rules Committee is also assisted by the Executive Director of the Supreme, District and Land Courts Service, Ms Steel PSM, representatives from the Queensland Courts Registry (Ms Adams) and Legal & Policy Unit (Ms Bannister) as well as Ms Riethmuller from the Office of the Queensland Parliamentary Counsel. The Rules Committee met regularly throughout the year and addressed a wide range of matters. I express the Court's gratitude to Justice Bond for his work in coordinating the work of the Rules Committee and to all the members and others who assist for their valuable contribution to its important work.

Benchbook Committee

The Benchbook Committee was established in 1999, as a joint committee of Supreme and District Court judges tasked with coordinating the collation of relevant resources and helpful guidance to assist trial judges in the conduct of criminal trials, in particular in the drafting of a summing up appropriate to the particular case. The Supreme and District Courts Criminal Directions Benchbook is an invaluable resource, for both trial judges and legal practitioners. The work involved in ensuring the Benchbook is up to date, including in response to decisions of the Court of Appeal and legislative changes, is significant. That has been particularly so this year, as there have been many legislative amendments, of direct relevance to the criminal work of this Court and the District Court, as part of the government's response to the Women's Safety and Justice Taskforce Report. That work is expected to continue at pace in the year ahead. It is largely undertaken by the

members of the Benchbook Committee, with some input from other judges of both courts. The Committee is also greatly assisted by Dr Joseph Lelliott from the University of Queensland, who provides regular updates in relation to relevant Court of Appeal decisions. The Benchbook Committee presently consists of Justice Henry, Justice Ryan (Chair), Judge Rafter SC, Judge Moynihan KC and Judge Byrne KC, to whom I express the Court's grateful thanks for their time and effort. A project has commenced this financial year for the digitisation of the Benchbook, which will be a most welcome development to an already excellent resource.

Judges' Policy on Workplace Conduct

The judges of the Court recommitted to the Policy on Workplace Conduct. A review of the policy was undertaken in May-June 2023, informed by an anonymous survey of Court and registry staff. No amendments to the policy were identified as necessary, but a need for additional training of Court staff about the existence and operation of the policy was identified and will be implemented.

Chief Justice's Calendar

Over the reporting year, I sat in Brisbane in the Court of Appeal (six weeks), the criminal jurisdiction (seven weeks), civil sittings (three weeks) and applications (four weeks).

It is my aim to travel to each of the Central, Northern and Far Northern Regions on circuit twice per year, for a week at a time. In that regard, I travelled to Rockhampton on circuit for part of a week in July 2022, hearing criminal matters, and again in April 2023 for one week, presiding over a criminal trial, sentences, and other criminal matters. I sat for a week in Townsville in late November 2022, presiding over an admissions ceremony and various criminal matters. I returned to Townsville in May 2023, for the Northern Court of Appeal sittings. I travelled to Cairns for a week-long circuit in late November-early December 2022, presiding over a criminal trial and a sentence. I returned to Cairns for another week in March 2023, hearing a mix of civil and criminal matters.

I am always warmly welcomed by the local members of both arms of the legal profession in Cairns, Townsville and Rockhampton, and enjoy the opportunity to meet with them in person.

There were 10 admissions ceremonies held in the Banco Court in Brisbane, presided over variously by Justice Mullins AO, President of the Court of Appeal, Justice Morrison and me. There can be a significant amount of preparatory work required in advance of admissions ceremonies, in relation to applicants for admission who have been issued "qualified" certificates by the Legal Practitioners Admissions Board. A proposal has been made for amendment of the timeframes in the *Supreme Court (Admission) Rules 2004*, to enable the material filed in support of the applications to be made available to the Board and to the Court earlier.

In the course of engagement with the judiciary, legal profession and the public, I attended conferences, functions and other events organised by the National Judicial College of Australia, courts and tribunals, professional associations, Universities, community legal services, other community organisations, volunteer groups and others, giving many speeches and presentations in Brisbane, in regional centres and online. I also attended a number of educational or professional development programs as a participant, including seminars organised by the Australian Academy of Law, the Current Legal Issues seminar series, the Selden Society lectures the Australian Judicial Officers Association Colloquium in Hobart in October 2022, and the combined NJCA/ANU conference on Therapeutic Jurisprudence in February 2023.

I attended the 58th Meeting of the Council of Chief Justices of Australia and New Zealand in person in Perth on 3 October 2022. On 24 April 2023, Brisbane hosted the 59th Meeting of the Council of Chief Justices of Australia and New Zealand.

I continued my role as the Chair of the national Judicial Council on Diversity and Inclusion (formerly the Judicial Council on Cultural Diversity), attending its meetings in Brisbane on 14 October 2022 and in Sydney on 12 May 2023.

I took the role of Acting Governor for a period aggregating 57 days and Deputy Governor for a period of 3 days over the reporting year.

International Aspects

In September 2022, Justice Morrison and Justice Dalton were appointed to the Court of Appeal for the Kingdom of Tonga. Former Chief Justice (and former Governor) the Honourable Paul de Jersey AC CVO KC was also appointed. These appointments arose as a result of a call for expressions of interest from the Lord Chief Justice of the Kingdom of Tonga. Justice Morrison and Justice Dalton will sit as required on the Tongan Court of Appeal, provided they are not scheduled to sit in the Queensland Court of Appeal (for example, when on leave). They have both agreed not to accept any remuneration in respect of this additional role, although they are to be reimbursed for travel and associated expenses. In the reporting year, Justice Morrison travelled to Tonga for a two week sittings commencing on 27 March 2023. Justice Dalton is scheduled to travel to Tonga for a two week sittings commencing on 25 September 2023.

From 16 to 21 June 2023, I visited Port Moresby, Papua New Guinea at the invitation of the Chief Justice of Papua New Guinea, the Honourable Chief Justice Sir Gibuma Gibbs Salika GCL KBE CSM OBE. The itinerary for the visit was comprehensive and well organised by the PNG Centre for Judicial Excellence. It included meeting with the Chief Justice, Deputy Chief Justice Ambeng Kandakasi CBE, the Australian High Commissioner, Mr Jon Philp, judges of the Supreme and National Courts and Magistrates from the District Court, academics, lawyers, staff and students from the Legal Training Institute. The Chief Justice and I signed a new Memorandum of Understanding between the Supreme Court of PNG and the Supreme Court of Queensland (in the same terms as the existing Memorandum of Understanding). I conveyed to the Chief Justice this Court's ongoing commitment to a mutually cooperative and supportive relationship, in the interests of the administration of justice in our respective jurisdictions, and our willingness to give practical effect to the agreement reflected in the Memorandum of Understanding.

Judicial Retirements

On 16 July 2022, Justice Hugh Fraser retired after serving for 14 and a half years as a Judge of Appeal, from 25 January 2008. During his tenure as a Judge of Appeal, Justice Fraser made an enormous contribution to the law and to the administration of justice, leaving an indelible mark on the jurisprudence of the State and the nation. His Honour also made a significant contribution to the administration of the Court, including through his role, from 2009 to 2017, as Chair of the Supreme Court Library Committee, and to the profession as Chair of the Bar Practice Course Management Committee for a number of years.

On 27 February 2023, Justice David Jackson retired after serving for just over 10 years as a Judge of the Trial Division, from 8 October 2012. On the occasion of his Honour's retirement, Justice Jackson's high intellect and remarkable career at the Bar and on the bench was lauded. The depth of his Honour's legal knowledge and understanding across many areas of the law, including legal history, which were reflected in his judgments, his work on the Rules Committee and as Chair of the Queensland Law Reform Commission were recognised as some of his Honour's achievements and contribution to the Court.

On 8 April 2023, Justice Philip McMurdo retired, after 20 years' service as a Judge of the Court, first, as a Judge of the Trial Division, from 27 February 2003 and then as a Judge of Appeal, from 13 November 2015. On the occasion of his retirement, Justice McMurdo was recognised as an outstanding legal scholar and jurist, renowned for his unfailing courtesy, diligence and clarity. Among many other contributions, Justice McMurdo was one of the two judges who first coordinated the compilation of the Supreme Court's Equal Treatment Benchbook and also served as Chair of the Supreme Court Library Committee. Justice McMurdo left a visible legacy, having been a member of the Judges' Building Committee that oversaw the design and construction of the QEII Courts of Law complex. His Honour also contributed to service of the judiciary nationally through his role as President of the Judicial Conference of Australia (now the Australian Judicial Officers' Association) from 2012 to 2014.

Judicial Appointments

Justice Peter Flanagan was appointed as a Judge of Appeal on 16 July 2022.

Justice Thomas Sullivan was appointed a Judge of the Supreme Court of Queensland on 24 February 2023.

Justice David Boddice was appointed as a Judge of Appeal on 10 April 2023.

Justice Catherine Muir was appointed a Judge of the Supreme Court of Queensland on 11 April 2023.

Recognition

The Honourable Patrick Keane AC retired as a justice of the High Court of Australia in October 2022. The judges of the Supreme Court, Federal Court of Australia, Federal Circuit and Family Courts (Div 1 and Div 2), District Court and Land Court came together to host a combined dinner on 30 September 2022 to mark this significant occasion and pay tribute to him, as a leader of the Queensland Bar (1977 to 2005), including 12 years as Solicitor-General for the state of Queensland, Judge of Appeal of the Court of Appeal of the Supreme Court of Queensland (2005 to 2010), Chief Justice of the Federal Court of Australia (2010 to 2013) and Justice of the High Court (2013 to 2022).

Acknowledgements

I thank all the judges for their ongoing dedication and commitment to the work of the Court and the administration of justice and for their unerring support in our collective endeavours in this regard. I thank all the judges' associates and executive assistants and secretaries, officers and staff of the Registry, the Court's security staff, and all other Court staff who quietly go about keeping the courts across the State running in an orderly manner. I also thank the former Director-General, Mr David Mackie (who was appointed to the role of Queensland Public Sector Commissioner on and from 1 May 2023) and current acting Director-General, Ms Jasmina Joldić PSM and staff for their cooperation and support over the year. I particularly thank Ms Julie Steel PSM, Executive Director of the Supreme, District and Land Courts Service, for her wise counsel, invaluable support and assistance, and for her impeccable leadership of the administrative arm of the Court.

I also express my gratitude to the leaders and other representatives of the Bar Association of Queensland, the Queensland Law Society, Legal Aid Queensland, the Aboriginal and Torres Strait Islander Legal Service, Youth Advocacy, the State and Commonwealth Directors of Public Prosecutions' Offices, the Department of Justice and Attorney-General, Queensland Corrective Services, the Queensland Police Service, the Department of Youth Justice and the Parole Board for their work over the course of the year.



PROFILE OF THE SUPREME COURT

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The Supreme Court comprises the Office of the Chief Justice and two divisions: the Court of Appeal Division and the Trial Division.

Judges of the Supreme Court

(listed in order of seniority)

Office of the Chief Justice

Chief Justice

The Honourable Helen Bowskill

Court of Appeal Division

President

The Honourable Justice Debra Mullins AO

Judges of Appeal

The Honourable Justice Hugh Fraser (retired 16 July 2022)

The Honourable Justice Philip Morrison

The Honourable Justice Philip McMurdo (retired 8 April 2023)

The Honourable Justice John Bond

The Honourable Justice Peter Flanagan (appointed 16 July 2022)

The Honourable Justice Jean Dalton

The Honourable Justice David Boddice (appointed 10 April 2023)

Trial Division

Senior Judge Administrator

The Honourable Justice Glenn Martin AM

Trial Division Judges

The Honourable Justice Peter Applegarth AM

The Honourable Justice David North (Northern Judge)

The Honourable Justice James Henry (Far Northern Judge)

The Honourable Justice David Jackson (retired 27 February 2023)

The Honourable Justice Martin Burns

The Honourable Justice Susan Brown

The Honourable Justice Peter Davis

The Honourable Justice Graeme Crow (Central Judge)

The Honourable Justice Soraya Ryan

The Honourable Justice Elizabeth Wilson
The Honourable Justice Thomas Bradley
The Honourable Justice Peter Callaghan
The Honourable Justice Frances Williams
The Honourable Justice Paul Freeburn
The Honourable Justice Declan Kelly
The Honourable Justice Kerri Mellifont
The Honourable Justice Sean Cooper
The Honourable Justice Melanie Hindman
The Honourable Justice Lincoln Crowley
The Honourable Justice Sullivan (appointed 24 February 2023)
The Honourable Justice Catherine Muir (appointed 11 April 2023)

Other Appointments

Mental Health Court

The Honourable Justice Elizabeth Wilson
The Honourable Justice Soraya Ryan

Land Appeal Court

The Honourable Justice David Boddice (Southern District) (retired 10 April)
The Honourable Justice Sue Brown (Southern District) (appointed 11 April)
The Honourable Justice David North (Northern District)
The Honourable Justice James Henry (Far Northern District)
The Honourable Justice Graeme Crow (Central District)

Industrial Court

The Honourable Justice Peter Davis



COURT OF APPEAL DIVISION

COURT OF APPEAL DIVISION

Governance

Organisational Structure

The work of the Court of Appeal is varied, both in its nature and complexity and has and always will be substantial. Resources are applied to ensure the efficient disposal of the work without compromising the quality of the Court's judgments. The purpose of a permanent Court of Appeal is to maintain a group of judges of the highest ability to specialise in appellate work.

The Court of Appeal hears appeals¹ in civil and criminal matters from both the Trial Division of the Supreme Court of Queensland and from the District Court of Queensland. The Court also hears appeals from the Planning and Environment Court, the Land Appeal Court and from other tribunals, principally the Queensland Civil and Administrative Tribunal (QCAT).

An appeal from the Court of Appeal to the High Court of Australia can only proceed by way of an application for special leave and must persuade the Court in a preliminary hearing that there are special reasons to cause the appeal to be heard. For most cases, the Court of Appeal is Queensland's final appellate court.

The Court of Appeal is comprised of the President and five Judges of Appeal. The President of the Court of Appeal is the Honourable Justice Debra Mullins AO. During 2022-2023, the Judges of Appeal otherwise were:

- the Honourable Justice Hugh Fraser, who retired on 16 July 2022;
- the Honourable Justice Philip Morrison;
- the Honourable Justice Philip McMurdo, who retired on 8 April 2023;
- the Honourable Justice John Bond;
- the Honourable Justice Jean Dalton;
- the Honourable Justice Peter Flanagan, who commenced as a Judge of Appeal on 16 July 2022; and
- the Honourable Justice David Boddice, who commenced as a Judge of Appeal on 10 April 2023.

When one of the Judges of Appeal was unable to sit due to an injury, retired Judge of Appeal the Honourable Robert Gotterson KC was appointed an Acting Justice of the Supreme Court of Queensland for the period of three months from 6 February 2023 to 5 May 2023 and directed by the Chief Justice to sit as an additional Judge of Appeal. The President and the other Judges of Appeal were grateful that the Attorney-General responded quickly to the request for an additional Judge which allowed all hearings to proceed as listed.

The Court sat as a bench of three judges for 33 weeks this year, an increase of three weeks over last year.

The President and the Judges of Appeal together sat 150 individual judge weeks this year,² compared to 154 weeks last year. Three weeks before the Court's summer break, two weeks before the Court's winter break, and every fourth week during the Court year were allocated as judgment writing weeks and therefore were non-sitting weeks.

The Chief Justice sat in the Court of Appeal, apart from admissions and welcome ceremonies, for seven weeks this year, one of those weeks was sitting in Townsville. In the 2022-2023 reporting period, Trial Division judges sat in the Court of Appeal for 65 individual judge weeks.

The Chief Justice and Trial Division judges continue to bring vast experience to the consideration and determination of appeals. The President and Judges of Appeal express their gratitude for their continued support which assists the Court of Appeal to manage its caseload in an efficient and timely manner.

¹ Including applications and references.

² This expression refers to every week an individual judge sits in the Court of Appeal.

A total of 425 matters were heard, an increase over the previous reporting period's 362 and 471 judgments were delivered, also an increase over the previous period's 375 judgments (see appendix 1, tables 1, 2 and 3).³

The President and Court of Appeal Registry staff case managed matters of a complex nature or matters at risk of undue delay in being heard. Regular criminal call overs and the following up by the Deputy Registrar (Civil) of civil matters where parties did not accept the offer of hearing dates ensured the timely progress of such matters.

The following categories of matters were monitored to ensure the determination of urgent appeals in a timely fashion:

- appeals concerning short custodial sentences;
- appeals by the Attorney-General of Queensland or the Commonwealth Director of Public Prosecutions against sentences where respondents have been released into the community;
- matters involving children;
- appeals against interlocutory decisions so that the determination of the principal action is not unnecessarily delayed pending appeal;
- pressing commercial disputes which have been dealt with expeditiously in the Trial Division's commercial list; and
- other matters where urgency is demonstrated.

The President and the Judges of Appeal wish to thank the Senior Deputy Registrar, the Registrar and Deputy Registrars, Court of Appeal Registry staff, judges' Associates and Executive Secretaries who all provide a high standard of support and continue to diligently serve the public, the profession and the judges.

The judges also express their appreciation for the commitment and support of the Executive Director of the Supreme, District and Land Courts Service, Ms Julie Steel PSM, and her staff.

The Court also thanks Mr Andrew Nichols, Court Security Manager, together with the QEII Building security team for their assistance.

Court of Appeal Registry

In the 2022-2023 reporting period, there were minimal changes to the Court of Appeal Registry staff. The positions of Senior Registrar, Deputy Senior Registrar, Registrar, Deputy Registrar (Crime), Deputy Registrar (Civil), Court Service Officer, Administrative Officer (Crime) and Administrative Officer (Civil) encountered no change throughout the year. Six of the nine staff were consistently with the Registry throughout the year. Staff continuity has reflected positively in the level of service provided to the judges and court users and has assisted in the timely disposition of the Court's work.

The training priority for staff has been cross skilling in alternate roles to ensure continuity of service to the Court.

QTranscripts (Court Recording and Transcription Services)

During the reporting year, the responsibility for recording and the production of transcripts of Court of Appeal proceedings passed from Auscript to QTranscripts on 22 August 2022. Over the months preceding the transition, Judicial and Registry staff spent time with the QTranscripts project team with a view to ensuring an orderly transition with minimal disruption to the Court.

³ These figures are non-RoGS (Report on Government Services).

The Court of Appeal Associates order transcripts of recordings from QTranscripts after matters are heard and the reasons are reserved. The Registry also requests transcripts of recordings from lower courts for inclusion in the appeal record books.

Unsurprisingly with such a transition, teething problems have emerged and where problems have been identified, they have been drawn to the attention of QTranscripts staff and, when necessary, have been escalated to ensure the timely production of transcripts. While the new system has not been problem free, there have been continued improvements in the delivery of transcripts to Associates.

Performance

Disposal of Work

A total of 440 matters were commenced in the Court of Appeal (274 criminal matters and 166 civil matters). This was a slight increase from 430 matters commenced last year (312 criminal matters and 118 civil matters). Active matters decreased slightly from 387 last year to 373 this year. The Court finalised 463 matters, an increase from 435 matters finalised in the previous year (see appendix 1, table 3).

The Court's clearance rate for criminal matters increased from 98.4% in the previous year to 108% for this reporting year. In civil matters, the clearance rate, however, decreased slightly from 108.5% last year to 100.6% this year. Overall, 69.8% of Court of Appeal matters were finalised within 12 months of lodgement (see appendix 1, table 4). Some civil matters which were not finalised within 12 months of lodgement experienced delays occasioned at the request of one or both parties. Some delay in criminal matters was occasioned by self-represented appellants seeking adjournments to be referred to the pro bono scheme or to find legal representation.

The median time for the delivery of reserved judgments in criminal matters was 42 days, a significant improvement over the previous year's 88 days and for civil matters, 84 days, a slight decrease from 95 days in 2021-2022. The overall median time between hearing and delivery of reserved judgments was 50 days, an increase of 54.9% over the previous year (see appendix 1, table 5).

During the reporting period, there were four civil matters heard on the papers.

Applications for criminal extensions of time applications and merit assessment

The change instituted by former President Sofronoff in September 2020 after consultation with the Office of the Director of Public Prosecutions (DPP), the Commonwealth DPP (CDPP), Legal Aid Queensland (LAQ) and Registry staff to facilitate timely disposal on the papers of an application for extension of time in a criminal appeal by an unrepresented litigant has continued during the reporting year with good results.

Because legal aid is not available for the purpose of applying for an extension of time within which to appeal or to seek leave to appeal in a criminal matter, the unrepresented litigants must make their own application.

The extension of time application and associated notice of appeal is sent to the DPP or CDPP, as required, upon receipt by the Registry. If the relevant prosecuting authority consents to the extension, the order granting the extension is made on the papers and the matter proceeds to a full appeal for which appeal record books are prepared and the unrepresented litigant can apply for legal aid for the appeal, as the extension has been obtained.

During the reporting year 49 applications for extension of time were filed in criminal appeal matters of which 27 were granted on the papers after there was no objection to those orders by the DPP. Five of the remaining 22 applications were then abandoned. The granting of an extension of time application on the papers with the consent of the respondent will usually facilitate an earlier hearing of the appeal.

Origin of Appeals

Filings from the Trial Division in civil matters increased significantly this year from 89 to 160, however, there was a decrease in criminal matters from 85 to 69. Filings from the District Court in civil matters increased slightly from 51 to 53 and decreased in criminal matters from 281 to 253. Planning and Environment Court filings decreased from eight to seven, while appeals commenced from QCAT increased this reporting year from 10 to 24. There were six civil matters and seven criminal matters filed from the Industrial Court.

There were no matters filed this reporting year from the Land Appeal Court (see appendix 1, table 6).

There were 134 general civil appeals (including personal injury) filed this reporting year compared to 100 last year. There was a marked increase in civil applications from 54 last year to 122 this year.

There was a decrease in filings of sentence applications from 151 to 122 and filings of conviction only appeals from 85 to 77. A total of 41 combined conviction and sentence appeals were filed this year, a slight decrease from 44 the previous year. Extension applications (sentence) marginally increased from 18 last year to 19 this year and extensions (conviction) increased from nine last year to 15 this year. Extensions for both conviction and sentence significantly increased from six last year to 11 this year. Filings of sentence appeals brought by the Queensland Attorney-General or the CDPP decreased from five last year to one in this reporting period (see appendix 1, table 7).

Appeals to the High Court of Australia

Of 16 applications for special leave to the High Court of Australia in civil matters, three were granted. In criminal matters, 23 applications for special leave were sought, with six being granted. In short, there were 39 special leave applications to the High Court of Australia from the Queensland jurisdiction, with nine applications granted (see appendix 1, table 8).

The High Court of Australia delivered one judgment from the Queensland Court of Appeal during the period of 1 July 2022 to 30 June 2023. The appeal was allowed in part (see appendix 1, table 9).⁴

As at 30 June 2023, the High Court of Australia has heard four matters from the Queensland jurisdiction, with each of these reserved at the time of this Report.⁵ In addition, the High Court of Australia has granted leave to appeal in two matters, with the hearing date yet to be set in either matter.⁶

Reasons of the Court

This year, of 348 total outcomes for the Court of Appeal, 296 QCA numbers were allocated for Court of Appeal decisions, this is 39 more than last year.⁷ In 70 of these outcomes, reasons were delivered as a judgment of the Court, an increase of 46 from last year. There were 226 outcomes delivered with three separate judgments concurring with the orders made, a decrease of 27 over last year. Five outcomes were delivered with two joint concurring reasons and one separate reasons, two less than last year.⁸

Out of the total 348 outcomes, 26 involved dissents (an increase of 17 from last year). There were 21 outcomes where reasons were delivered by a single judge, five more than last year (see appendix 1, table 10).⁹

4 *BDO v The Queen* (2023) 97 ALJR 377 – On appeal from *R v BDO* [2021] QCA 220.

5 *CCIG Investments Pty Ltd v Schokman* [2023] HCATrans 24 – Date heard: 9 March 2023; *HCF v The Queen* [2023] HCATrans 43 – Date heard: 14 April 2023; *Lang v The Queen* [2023] HCATrans 60 – Date heard: 12 May 2023; and *Crime and Corruption Commission v Carne* [2023] HCATrans 74; [2023] HCATrans 75 – Date heard: 6 and 7 June 2023.

6 *Huxley v The Queen* [2023] HCATrans 36 – Date heard: 17 March 2023 – Special leave granted on limited grounds; and *Redland City Council v Kozik & Ors* [2023] HCATrans 34 – Date heard: 17 March 2023 – Special leave granted.

7 This figure represents judgments that are published and issued with a QCA number.

8 These figures are non-RoGS.

9 These figures are non-RoGS.

Northern Sitting

In 2022-2023, the Northern Sittings was held in Townsville from Monday 15 to Friday 19 May 2023. The Court comprised combinations of the Chief Justice, Mullins P, Morrison JA and North and Henry JJ and heard two appeals against conviction and sentence, three appeals against conviction, two sentence applications and one Commonwealth Attorney-General appeal against sentence.

The judges and Associates were welcomed by the North Queensland Bar Association and the Townsville District Law Association.

Advocacy in the Court of Appeal

The Judges of Appeal encourage those counsel who appear in the Court of Appeal with a junior counsel to give a speaking role to the junior when feasible to do so. It is important for junior counsel to have opportunities to develop their advocacy skills and appellate experience with the support of their senior counsel. It is in the public interest that a range of counsel gain experience and confidence in appearing on appeals.

Self-Represented Litigants

Many matters involving a self-represented litigant were listed for reviews to ensure that timelines for the lodgement of materials were followed and that matters were heard without delay.

There were 71 self-represented litigants in cases where judgment was delivered in the Court of Appeal this year compared to 50 last year. In 38 civil matters in which judgment was delivered this reporting year at least one party was self-represented, compared to 13 last year. There were 33 criminal matters where at least one party was self-represented and in which judgment was delivered this reporting year, compared to 37 last year (see appendix 1, table 11).¹⁰

This reporting year had a 33.5% decrease in matters involving self-represented litigants being finalised either before or after the hearing. A total of 182 matters (includes matters that were abandoned, withdrawn, discontinued, struck out or stayed) were finalised, compared to 111 last year.¹¹

Of the 348 outcomes in Court of Appeal matters (both criminal and civil) in 2022-2023, 20.4% involved a self-represented litigant compared to 16.1% last year.

A total of 3% of self-represented criminal litigants (compared to 10.9% last year) and 10.5% of self-represented civil litigants (compared to 23.1% last year) were successful in their appeals. (see appendix 1, table 12)¹²

LawRight

LawRight's Court and Tribunal Services (CTS) provided valuable assistance and ongoing advocacy to self-represented litigants who had appeals before the Court, or who were considering commencing proceedings in the Court of Appeal. The CTS received 153 total applications for assistance this financial year, of which four concerned potential appeals and seven concerned existing appeals. Of the potential appeals, all four applicants were advised not to commence appeals as they did not have promising prospects, and none of these applicants ultimately commenced appeals after receiving advice from CTS. Of the seven applicants who were involved in existing appeals, CTS was able to obtain pro bono representation for two applicants, both of whom were able to resolve their appeals without the need for any hearings, and two applicants were advised that they did not have promising prospects and ultimately discontinued their appeals.

¹⁰ These figures are non-RoGS.

¹¹ These figures are non-RoGS.

¹² These figures are non-RoGS.

As well as providing substantive advice to applicants with potential or current appeals, some general enquiries are also received from clients wanting to commence appeals to the Court of Appeal. CTS provide brief information about the appeal process and those matters often do not proceed any further. CTS assists not only self-represented litigants but also the Appeals Registry and court staff, the judges and, indirectly, the broader community. The Court extends their thanks to LawRight and its Co-CEOs, Ms Linda Macpherson and Ms Karen Dyhrberg, the Director of CTS, Mr Ben Tuckett, and the solicitors of the State Courts office, Ms Natalie Morris and Ms Melinda Willis.

Pro Bono Assistance

The Court of Appeal pro bono scheme is now in its 23rd year. The Court requests the Registry to refer serious criminal matters where the appellant is not legally represented to the coordinator of the pro bono scheme who invites barristers and law firms who have volunteered to be on the pro bono register to consider accepting the referral. For the reporting period, pro bono counsel appeared for applicants/appellants in 16 judgments that were published by the Court of Appeal.¹³

In five of these judgments, or 20%, the applicant/appellant was successful where pro bono counsel appeared. Conviction appeals were allowed and retrials ordered in two of the matters. In another two matters, the conviction appeals were dismissed but the sentence leave applications succeeded. In the last matter, the sentence application for a youth succeeded. Importantly, the involvement of pro bono counsel enabled matters to progress through the Court in a timely and professional manner (see appendix 1, table 13).¹⁴

The President and the Judges of Appeal appreciate the generosity of the public-spirited barristers and law firms listed in appendix 2 who have indicated their willingness to appear pro bono. Particular thanks are extended to Joshua Jones who coordinates the pro bono register and to the barristers and law firms who accepted briefs to act pro bono in criminal applications and appeals in the Court of Appeal in the last year, also shown in appendix 2.

Technology and Infrastructure

Video Links

Of the 97 matters that were arranged to be heard by video link, 38 matters were abandoned or adjourned, and 59 matters proceeded to a hearing.

In this reporting year, Pexip was the main video conference platform utilised. Pexip does not require any specialist hardware or equipment. External parties may appear from their computer or smartphone/tablet device via the internet. Pexip also allowed judicial officers to hear matters remotely when they were unable to sit in person. The video links were of a high standard, particularly with Correctional Centres which have purpose-built video conference facilities.

Although the standard of video links was high, the video link facilities currently available in the Banco Court made it difficult for two Court of Appeal corams to simultaneously conduct hearings via video link. There are plans to upgrade the facilities in the Banco Court in the next reporting year.

The Registry continued to maintain electronic files for each matter, where materials filed by parties are scanned and digitised (or copied, if electronically filed). The Registry will continue to work with the Court Service Centre in identifying ways to improve the provision of electronic material to the Court and parties.

¹³ This figure is non-RoGS.

¹⁴ These figures are non-RoGS.

Court of Appeal Management System (CAMS)

In mid-September 2020, the Court of Appeal Registry identified that the CAMS listings calendar did not extend past December 2020 and could potentially no longer operate past that date. The Information and Court Technology Branch (ICTB) were engaged to investigate the issue and identified the two calendars within the system for registrations of matters and listings had expiry dates of 31 December 2020, which itself had been set in response to the calendar issues related to Y2K in 1999. Initially, it was not considered viable to rectify CAMS due its age and status as a legacy system, however, in October 2020, ICTB identified a potential solution to extend the life of both calendars and the result was the expiry date was extended for a further 10 years to the end of 2030.

The question of an upgrade for CAMS was first raised in the Trial Division's 1995-1996 Annual Report and has been mentioned almost every year since then in the Court of Appeal Annual Report.

In June 2021, it was announced that, as part of the Courts and Tribunals Digitisation Program that was established within Courts Services, funding had been allocated over five years (2022-2023 to 2027-2028) to several projects including expanding the QCase solution to the higher courts, the Court of Appeal and others. Initial consultations and reviews into CAMS and the requirements of a case management system for the Court of Appeal have commenced and are ongoing.

Judgment Delivery

All Court of Appeal judgments delivered during 2022-2023 were available free to the public on the internet through:

- AustLII; and
- the Supreme Court Library website (via a link on the Queensland Courts website) which included:
 - o links to judgments of the Full Court and the Criminal Court of Appeal, the predecessors of the Court of Appeal;
 - o links to the Summary Notes which provide a brief overview of relevant cases.

The Court's Research Officer, Mr Bruce Godfrey, continues to coordinate the publication of the Court's judgments including the distribution of hard copies and electronic links to major Brisbane media outlets, interested Queensland judicial officers and selected Queensland government agencies. Mr Godfrey also prepared the judgments for publication on the Supreme Court Library website.

The President and Judges of Appeal are grateful for the work Mr Godfrey does, particularly in ensuring compliance with the many legislative naming prohibitions.

Judicial Exchanges

Following the success of previous judicial exchanges between the Courts of Appeal of Queensland and Western Australia, the program was expanded to include the Court of Appeal of South Australia. The South Australian Court of Appeal was established by the *Supreme Court (Court of Appeal) Amendment Act 2019* (SA) and commenced sitting in February 2021.

There were three judicial exchanges in the reporting year, two with Western Australia and one with South Australia. Subsequent to Justice Hugh Fraser sitting in the Western Australian Court of Appeal for two weeks in April 2022, a reciprocal exchange for Justice Andrew Beech to sit on the Queensland Court of Appeal took place from 11 to 19 August 2022.

In a simultaneous exchange between Western Australia and Queensland, from 1 to 12 May 2023, Justice Robert Mitchell of the Western Australian Court of Appeal sat in Queensland and Justice Philip Morrison sat in Western Australia.

In the first exchange between South Australia and Queensland, from 29 May to 9 June 2023, Justice Mark Livesey, President of the South Australian Court of Appeal, sat in Queensland and Justice Jean Dalton sat in South Australia.

The judicial exchanges are an important way for the Courts in different States to share information and experiences to improve the delivery of justice to the community. As each Court has established their own procedures for dealing with their appellate jurisdiction, it has also been a valuable source of potential changes to process to improve efficiency and access to justice. The judicial exchanges facilitate the continuing professional development of the judiciary of the courts involved in the exchanges.

Appendix 1

Table 1: Judgments, Criminal Matters

Judgments	2020-2021	2021-2022	2022-2023
Outstanding at start of year	42	39	30
Reserved	164	143	141
<i>Ex tempore</i> judgments delivered	89	97	91
Reserved judgments delivered	162	150	162
Outstanding at end of year	39	30	25

Table 2: Judgments, Civil Matters

Judgments	2020-2021	2021-2022	2022-2023
Outstanding at start of year	36	28	32
Reserved	110	78	110
<i>Ex tempore</i> judgments delivered	65	44	90
Reserved judgments delivered	120	83	128
Outstanding at end of year	29	32	26

Table 3: Annual Caseload - Number of Cases

	2020-2021	2021-2022	2022-2023	Change from Previous Year
Lodged	466	430	440	2.3%
Heard	412	362	425	17.4%
Finalised*	451	435	463	6.4%
	Lodged 2022-2023	Heard 2022-2023	Finalised* 2022-2023	Active (including reserved judgments not yet delivered)
Criminal	274	231	296	260
Civil	166	194	167	113
TOTAL	440	425	463	373

* Includes matters abandoned, withdrawn, discontinued, struck out or stayed.

Table 4: Performance Indicators

	Clearance Rate %	% Finalised within 12mths	% Finalised > 12mths old	% Finalised > 24mths old	% Active > 12mths old	% Active > 24mths old
Criminal	108	64.9	35.1	4.1	30.8	10.4
Civil	100.6	78.4	21.6	12.0	15.9	8.0
ALL CASES	105.2	69.8	30.2	6.9	26.3	9.7

* RoGS reports on cases based on the initiating application. Multiple applications may be lodged on a case.

Table 5: Time between Hearing and Delivery of Reserved Judgments

Type of cases	Median number of days		
	2020-2021	2021-2022	2022-2023
Criminal cases	92	88	42
Civil cases	115	95	84
ALL CASES	99	91	50

Table 6: Court from which Matters came to the Court of Appeal

Court	Number of matters filed		
	2020-2021	2021-2022	2022-2023
Trial Division – civil*	99	89	160
Trial Division – criminal*	89	85	69
District Court – civil	59	5	53
District Court – criminal	308	281	253
Planning and Environment Court	3	8	7
Land Appeal Court	-	-	-
QCAT	30	10	24
Other Court	1	-	-
Industrial Court – civil	1	2	6
Industrial Court – criminal	-	-	7
Other – criminal	-	-	-

* Source: Court of Appeal Management System (CAMS)

Note:

* These statistics include Circuit Court matters.

Table 7: Types of Appeals Filed

Appeal type	2020-2021	2021-2022	2022-2023
Civil			
General (including personal injury)	129	100	134
Applications	60	54	122
Leave applications	1	3	7
Planning and environment	0	0	1
Other	3	3	0
Criminal			
Sentence applications	165	151	122
Conviction appeals	87	85	77
Conviction and sentence appeals	39	44	41
Extensions (sentence applications)	25	18	19
Extensions (conviction appeals)	16	9	15
Extensions (conviction and sentence)	8	6	11
Sentence appeals (A-G/Cth DPP)	2	5	1
Other	55	48	36

Table 8: Applications for Special Leave to Appeal to the High Court of Australia

Applications 2022-2023	Criminal	Civil
Granted	6	3
Refused	17	13

Table 9: Appeals from the Court of Appeal to the High Court of Australia

Appeals 2022-2023	Criminal	Civil
Allowed	1	0
Dismissed	0	0

Table 10: Reasons of the Court*

Judgment of the Court or all concurring without separate reasons	Three separate concurring reasons	Two joint concurring reasons and one separate reason	Two joint concurring reasons, one dissent	Separate concurring reasons, one dissent	Single judge	Total outcomes for the Court of Appeal
70	226	5	7	19	21	348

* These figures represent only judgments that have been given a QCA number and published.

Table 11: Matters Determined where One or Both Parties Self-Represented*

Number of cases**	2020-2021	2021-2022	2022-2023
Criminal	39	37	33
Civil	44	13	38
TOTAL	83	50	71

* The above table represents final outcomes from the Court of Appeal, i.e. judgments delivered. In some matters there are more than one outcome. For example, when there are multiple parties in criminal matters, each party has a separate outcome, despite only one QCA number being allocated to the overall decision.

** non-RoGs figures.

Table 12: Matters Finalised where One or Both Parties Self-Represented*

Number of cases	2020-2021	2021-2022	2022-2023
Criminal	86	39	104
Civil	81	72	78
TOTAL	167	111	182

* Includes matters abandoned, withdrawn, discontinued, struck out or stayed.

Table 13: Success Rates of Pro Bono Counsel in the Court of Appeal*

Success Rates	2022-2023
Appeal/Application allowed	5
Appeal/Application dismissed	11

* non-RoGS figures.

Appendix 2

Court of Appeal Pro Bono List for 2022-2023

Below is a list of barristers that have taken a pro bono brief via the Court of Appeal Pro Bono Scheme in the last 12 months:

Scott Carter	Jessica Goldie	Bridget O'Brien
Daniel Caruana	Ryan Haddrick	Clare O'Connor
Edward Coker	Kylie Hillard	Gabriel Perry
Emily Cooper	Michal Horvath	Tom Pincus
Carmen De Marco	David Jones KC	Sally Robb
Kerala Drew	Joshua Jones	Carl Tessmann
Nathan Edridge	Sean Lamb	James Wallace
Sarah Farnden KC	Simon Lewis	Samuel Walpole
Genevieve Feely	Dominic V Nguyen	Pat Wilson
April Freeman	Andrew O'Brien	

Below is a list of barristers that are on the list but who have not taken a pro bono brief via the Court of Appeal Pro Bono Scheme in the last 12 months:

Samuel Bain	Simon Hamlyn-Harris	Isaac Munsie
Renee Berry	Sophie Harburg	Philip O'Higgins
Claude Bolovan	Matthew Hynes	Rachelle Logan
Morgan Clarke	Renae Kirk	Shereen Parvez
Benedict Coyne	Robert Lake	Ben Power KC
Allana Davie	Michael Larsen	Rachael Taylor
Grace Devereaux	Adam Mason	Jason Wang
Benjamin Dighton	Joshua Morris	Daniel Whitmore
Liam Dollar	Jules Moxon	

Below is a list of the solicitor firms that have taken a pro bono brief via the Court of Appeal Pro Bono Scheme in the last 12 months:

Bell Criminal Lawyers	Guest Lawyers
Bouchier Khan	Jasper Fogarty Lawyers
Brighton Langley Law	Mackenzie Mitchell
Fisher Dore	Robertson O'Gorman Lawyers
Gilshenan & Luton Legal Practice	Wallace O'Hagan Lawyers

Below is a list of the solicitor firms that are on the list but who have not taken a pro bono brief via the Court of Appeal Pro Bono Scheme in the last 12 months:

Jeff Horsey Solicitors

Potts Lawyers



TRIAL DIVISION

TRIAL DIVISION

The Work of the Trial Division

The Trial Division resolves matters commenced by indictment (in criminal cases), claim or originating application (in civil proceedings) by trial, hearing or consensus.

The Senior Judge Administrator is responsible for the administration of the Trial Division.

Criminal trials are usually heard with a jury. Civil cases are almost always determined by a judge alone.

Criminal trials mainly concern murder, manslaughter and more serious drug offences including the importation of border-controlled drugs and drug trafficking.

In its civil jurisdiction, the Court deals with a wide range of cases, including contests about commercial matters, building and engineering contracts, civil wrongs, wills and estates, conveyancing, insurance, judicial review of administrative decisions, and class actions.

Trial Division judges also sit on the Court of Appeal and the Land Appeal Court. Two judges serve on the Mental Health Court and a number of judges devote extra time to manage the Criminal List, the Dangerous Prisoner Sexual Offenders List, the Commercial List, the Case Flow List, the Wills and Estates List and the Supervised Case List which includes the Self-Represented Litigant Supervised Case List. That additional management has assisted in the expeditious determination of many of those matters. A judge is President of the Industrial Court of Queensland the Queensland Industrial Relations Commission and another is President of the Queensland Civil and Administrative Tribunal.

In addition, in the reporting year six of the Trial Division judges (Applegarth J, Boddice J (until his appointment as a Judge of Appeal), Burns J, Brown J, Davis J and Williams J) were appointed as supplementary members of the Queensland Civil and Administrative Tribunal, to assist with the hearing of matters on the Legal Practitioners List.

Some judges also act as members of bodies such as the Queensland Law Reform Commission and many are involved with groups that have a responsibility for implementing procedures to improve the administration of justice, including the Rules Committee, the Benchbook Committee and the Streamlining Criminal Justice Committee. A number of judges also assist in training newly appointed judges from all around Australia in the National Judicial Orientation Program which is conducted over a week and usually held twice a year. Assistance is also regularly provided by Trial Division judges to the Bar Practice Course and other professional education programs.

The Structure of the Trial Division

The Court is divided into far northern, northern, central and southern regions, reflecting the decentralised nature of the State and its large area.

Most of the Trial Division judges are based in Brisbane in the southern region. That region includes Toowoomba and Roma.

The Central judge resides in Rockhampton, where he presides at civil and criminal sittings. He also conducts sittings in Maryborough, Bundaberg, Longreach and Mackay and assists in Townsville as required. The Northern judge resides in Townsville and he circuits to Mackay.

The Far Northern judge resides in Cairns and he circuits to Mount Isa.

In Townsville, Rockhampton and Cairns, a registrar and support staff assist the judges.

More than 80% of the workload arises in and around, and is dealt with in, Brisbane.

Information about the organisation and practices of the Trial Division, including its calendars, law lists, fact

sheets, Practice Directions, and reasons for judgment, are published on the Queensland Courts website: www.courts.qld.gov.au.

Developments

The effects of the COVID pandemic continued but at a lower level. The protocols which had been developed under the guidance of Lyons SJA and Bowskill SJA were adjusted to account for this. It remained the case that the use of reserve jurors is higher than before the pandemic.

Problems with the use of video conferencing for trials, applications, DPSOA hearings and sentences remain. The stability of the video resource is often determined by the weakest part of the links between the parties. A particular problem in the criminal jurisdiction is that there remains an increased demand from Supreme, District and Magistrates Courts for connections to the various prisons and the ability of the prisons to respond is limited.

A new practice direction was issued for class actions with the intention of standardising the treatment of the preliminary matters which often arise.

The composition of the Trial Division was affected by the following developments:

Justice Peter Flanagan – appointed to the Court of Appeal 16 July 2022.

Justice Thomas Sullivan – appointed 24 February 2023.

Justice David Boddice – appointed to the Court of Appeal 10 April 2023.

Justice Catherine Muir – appointed 11 April 2023.

Criminal jurisdiction

The number of defendants finalised by trial state-wide increased from 31 to 37.

The average length of a trial increased from 5.0 days to 5.9 days.

The number of criminal lodgements state-wide decreased from 2,201 to 1,903.

Finalisation by guilty plea dropped by 9.3% from 1,807 last financial year to 1,639 this financial year.

Overall, the number of defendants finalised decreased by 6.8% from 2,191 to 2,043. The clearance rate increased by 7.8% to 107.4% compared to 99.5% in 2021-2022. The number of defendants pending decreased from 770 to 629.

Brisbane's clearance rate increased from 94.3% to 104.6%, with a decrease in active pending defendants of 15.2% from 605 to 513.

The number of outstanding defendants awaiting trial after 12 months has decreased by 32.6% state-wide, from 138 defendants (17.9%) to 93 defendants (14.8%). In Brisbane, the decrease was less being 25.2%, from 111 defendants (18.3%) to 83 defendants (16.2%).

Effects of the COVID-19 pandemic have dissipated but there are some permanent legacies. The increase in the number of court appearances being conducted by video or audio link is likely to be permanent. So too are the expanded and regular consultations with stakeholders (including the District Court, both branches of the profession, the Department of Justice and Attorney-General, the Director of Public Prosecutions (Qld), Legal Aid (Qld), the Magistrates Court and the Commonwealth Director of Public Prosecutions).

Although a large part of the profession has embraced the practice of listing matters administratively, the opportunity may present for greater use of this facility. It reduces the number of court appearances needed for that purpose, and is a source of savings in time and cost for the Court, the profession and the public. There will always remain a category of matters in respect of which it is necessary to have some sort of hearing prior to listing a matter for trial. Rather than reviewing matters at a lengthy sitting twice a week, a smaller number

of reviews are now being held on most days. The Court will continue to consult with the profession as to the efficacy of the new arrangement.

The progress of cases continues to be slowed because the profession is encountering difficulties in obtaining reports from mental health professionals and securing their attendance at Court. There is only a small pool of practitioners who are available for forensic work, and a high demand for their services. A review of all cases that have been before the Court for a lengthy period reveals that frequently, these issues are the source of the delay.

The other major issue that continues to challenge the efficient running of the list is the late resolution of matters listed for trial. This can occur even when the Court has been assured, on more than one occasion, that the matter will not resolve other than by way of a trial. The Court will continue to work with the DPP and the profession to address this issue.

The dedication of the Senior Registrar, Registrar (Listing), Deputy Registrar (Criminal) and the Supreme Court Criminal List Manager is, as ever, much appreciated.

Summary of Activity on Criminal List – by location

Centre	Number of defendants ^{(1) (2) (3)}			Clearance Rate ⁽⁴⁾	Backlog Indicator ⁽⁵⁾	
	Lodged	Finalised	Active		% > 12mths	%> 24mths
Main centres						
Brisbane	1,404	1,469	513	104.6%	16.2%	4.3%
Cairns	112	114	14	101.8%	-	-
Rockhampton	95	104	10	109.5%	10.0%	10.0%
Townsville	148	157	40	106.1%	7.5%	0.0%
Main centre Totals	1,759	1,844	577	104.8%	15.1%	4.0%
Regional centres						
Bundaberg	17	24	9	141.2%	11.1%	11.1%
Longreach	-	-	-	-	-	-
Mackay	53	58	19	109.4%	5.3%	-
Maryborough	17	26	2	152.9%	-	-
Mount Isa	9	13	4	144.4%	-	-
Roma	-	-	-	-	-	-
Toowoomba	48	78	18	162.5%	22.2%	-
Regional centre Totals	144	199	52	138.2%	11.5%	1.9%
State Total	1,903	2,043	629	107.4%	14.8%	3.8%

Notes:

(1) Defendant: As defined by the RoGS rule: A 'defendant' is defined as 'one defendant; with one or more charges; and with all charges having the same date of registration'. Defendants with outstanding bench warrants and defendants with secondary charges such as breaches of court orders are excluded. Also excluded are defendants who have been committed to the Supreme Court and are awaiting presentation of indictment..

(2)) The unit of measurement of workload is the number of defendants per case. Where a case has multiple defendants, each defendant is counted separately. Where the same defendant has two cases lodged on the same day they are counted as two lodgements. Where the same defendant has multiple cases lodged on different days they are counted once for each case.

(3) The above figures are not comparable to years prior to 2018-19 due to the change in counting rule as outlined in (2) applied in and since 2018-19. In years prior to 2018-19 a defendant who had two cases lodged on the same day was counted once whereas it is now counted twice.

(4) Clearance Rate: Finalisations/Lodgements.

(5) Backlog Indicator: the number active defendants with proceedings older than the specified time.

Civil jurisdiction

Lodgements decreased this year by 6.8% (235 cases) from 3,438 in 2021-2022 to 3,203.

Finalisations decreased by 4.5% (145 cases) from 3,252 in 2021-2022 to 3,107.

The clearance rate increased by 2.4% from 94.6% in 2021-2022 to 97.0%.

There was an increase of 4.0% (125 cases) in active pending matters (3,235 as of 30 June 2023 up from 3,110 last year).

The number of pending cases older than 12 months and less than 24 months increased from 664 as of 30 June 2022 to 669, representing 20.7% of the active pending caseload.

Cases more than 24 months old increased by 34 (11.0%) in 2022-2023 and stood at 344 cases on 30 June 2022.

Many claims are dealt with by registrars, which means a change in lodgements does not result in a corresponding change in judicial workloads.

Summary of Activity on Civil List – by location

Centre	RoGS civil files ^{(1) (2)}			Clearance Rate ⁽³⁾	Backlog Indicator ⁽⁴⁾	
	Lodged	Finalised	Active		% > 12mths	%> 24mths
Main centres						
Brisbane	2,706	2,709	2,713	100.1%	32.4%	12.0%
Cairns	114	88	114	77.2%	23.7%	2.6%
Rockhampton	231	192	257	83.1%	27.2%	3.5%
Townsville	82	63	69	76.8%	23.2%	4.3%
Main centre Totals	3,133	3,052	3,153	97.4%	31.5%	10.8%
Regional centres						
Bundaberg	16	6	17	37.5%	17.6%	0.0%
Longreach	-	-	-	-	-	-
Mackay	35	41	44	117.1%	27.3%	6.8%
Maryborough	7	1	9	14.3%	33.3%	0.0%
Mount Isa	3	2	3	66.7%	-	-
Roma	0	1	-	-	-	-
Toowoomba	9	4	9	44.4%	33.3%	11.1%
Regional centre Totals	70	55	82	78.6%	25.6%	4.9%
State Total	3,203	3,107	3,235	97.0%	31.3%	10.6%

Notes:

(1) The RoGS unit of measurement for the civil jurisdiction is a case. Secondary processes such as interlocutory applications are excluded.

(2) The Trial Division also deals with matters which, for reporting purposes, have been grouped as non-RoGS civil, non-RoGS criminal and probate. RoGS files include claims in the majority of originating applications. Non-RoGS civil includes such proceedings as admission as a legal practitioner and appointment as a case appraiser.

(3) Clearance Rate: Finalisations/Lodgements.

(4) Backlog Indicator: the number active defendants with proceedings older than the specified time.

Civil Jurisdiction Brisbane

Case Flow Management

1 July 2022 to 31 April 2023

From 1 July 2022 to 31 April 2023 the Case Flow Management List was managed by Justice Williams in accordance with Practice Direction No 4 of 2020. Review hearings were held monthly.

Most matters were dealt with on the papers, often right up until the morning of monthly reviews.

This meant that often 60-70 matters were listed for review on the monthly review date, but a much smaller number (generally not more than 15) were dealt with in court.

The process of receiving draft orders, confirming the consent of all parties to the orders, making the orders in chambers and communicating the outcome to the parties and the Registry so that the List could be updated involved many hours of work, especially in the week of the monthly reviews.

1 May 2023 to 30 June 2023

Practice Direction No 9 of 2023 came into effect on 1 May 2023. Under the new Practice Direction, the List is managed by the Resolution Registrar, subject to the supervision of the Case Flow Judge (Justice Williams). If a matter before the Resolution Registrar appears to be proper for the decision of the Court, the Resolution Registrar will refer the matter to the Case Flow Judge or another judge of the Court.

The Resolution Registrar now conducts a smaller number of reviews of matters on Wednesdays. As of 30 June 2023, only one matter has been referred to the Case Flow Judge since the new Practice Direction commenced.

A summary of the activity on the Case Flow List for the 2022-2023 financial year is as follows:

Active matters on the list	156
Intervention notices (CFM1 Notices) issued	385
Matters removed from the list:	148
Circumstances of removal	
NOD filed	92
Removed from the list	2
Final order	6
Request for Trial Date	7
Placed on another list	7
Transferred list	3
Finalised/settled	29
Stayed	2

Orders made

July 2022 – May 2023 (old PD)	Approx. 670
May 2023 – June 2023 (new PD)	131
Circumstances	
By RR, on the papers	100
By RR, following a review	31
By a Judge following RR referral	1

The new Practice Direction has reduced the significant administrative workload of the Case Flow Judge, their associate and the Case Flow List Manager compared to the old Practice Direction. The number of orders now being made by the Resolution Registrar without the need for referral to the Case Flow Judge indicates that most orders made on the List are by consent and procedural, and do not require judicial discretion.

Principal management of the List by the Resolution Registrar subject to the supervision of the Case Flow Judge is consistent with r 5 UCPR. The new Practice Direction also assists in having matters set down on available hearing dates. The Resolution Registrar can list matters for hearing when the matter is ready and make appropriate trial directions.

Dangerous Prisoners (Sexual Offenders) Act Applications

The legislative purpose of the *Dangerous Prisoners (Sexual Offenders) Act 2003* (Qld) is the protection of the public from the commission of serious sexual offences. An application may be made for a serving prisoner to be subject to its regime before the prisoner's release from custody.

Applications for continuing detention or supervision orders, as well as the annual reviews of continuing detention orders and hearings for alleged contraventions of supervision orders are case managed by the List Judge.

Management of relevant applications is achieved through weekly reviews. On occasions, orders are made on the papers.

In 2022-2023, there were 79 hearings and 103 reviews. Another 178 decisions were made on the papers.

Commercial List

The Commercial List provides management and prompt hearing for proceedings of a commercial character.

On 30 January 2023, Practice Direction 1 of 2023 commenced operation. It aims to improve commercial litigation by an enhanced Commercial List. The improvements include a simpler process to go onto the List, and the assignment of seven Commercial List Judges who can hear both short and long commercial trials.

Justice Bradley was the sole Commercial List Judge prior to the commencement of the new Practice Direction. After 30 January 2023, the Commercial List Judges were Justice Applegarth (Principal Judge) and Justices Brown, Bradley, Freeburn, Kelly, Cooper and Hindman.

One improvement is to dispense with the need to file an application to go on the Commercial List. A request to go on the List can be made by completing a simple online form or by emailing the Associate to the Principal Judge. The information contained in the request enables the Court to know if the case is an urgent one that goes on a Fast Track for very early hearing, is a matter that will take a few days to try, or is expected to be a long trial.

The Principal Judge considers the request and allocates the matter to one of the Commercial List Judges, who manages the matter, makes directions and generally hears any contested interlocutory applications as well as the trial. The Commercial List Judges endeavour to provide early hearing dates for interlocutory disputes and trials. Priority is accorded to Commercial List cases in the calendars for those judges.

To supplement the new Practice Direction, the Court developed Notes for the use of practitioners about practical aspects of the list, preferred forms of directions, and expert evidence. Practitioners are encouraged to adapt the draft directions for the conduct of their cases to enable the quick resolution of the dispute. Court documents are filed electronically using the Objective Connect file sharing platform and are uploaded and accessible through the court's electronic file web page at: <http://apps.courts.qld.gov.au/esearching/>. This process makes the case management process more efficient for the Court, facilitates trials being conducted as eTrials, and thereby save parties time and costs.

Parties may expect that, in matters that take five days or fewer to try, judgment will be delivered no later than approximately 4 weeks after the last day of the trial.

On 1 July 2022, there were eight cases on the List. On 30 June 2023, there were 76 cases on the List.

During the year ended 30 June 2023, 32 cases on the List were finally resolved. Of these 8 were resolved by judgment or after trial. There were 136 reviews and 155 decisions on the papers during the reporting period.

Supervised Case List

The Supervised Case List (SCL) provides judicial management of civil cases where the hearing is estimated to take more than five days or where supervision is needed because of the complexity of the matter, the number of parties, or for some other reason. In the reporting year, Justice Brown and Justice Freeburn were the SCL Judges.

Cases are placed on the SCL at the request of one or more of the parties. They are also placed on the list at the Court's initiative, where the Court or Resolutions Registrar identifies a need for ongoing judicial management of the case. The list has attracted a diverse range of cases needing management, the majority being commercial or construction disputes.

The SCL Judges seek to work with the parties to tailor directions with a view to parties narrowing the issues in dispute, limiting disclosure and expediting evidence so as to ensure a just and timely resolution of matters in the most cost-effective way possible.

The SCL Judges aim to minimise the level of supervision required. There are however a number of large matters on the SCL requiring management which will result in lengthy trials. For those matters in particular, regular supervision is required and the SCL Judges encourage parties to consider whether there are more innovative directions that can be made in a particular case to ensure it gets to trial as early as possible.

The SCL List has become more streamlined, with a number of matters on the list being transferred to the Commercial List in January 2023. The expanded Commercial List has also reduced the number of new allocations to the SCL List. The expanded Commercial List has allowed the SCL to focus on the management of large, complex cases.

On the best figures available:

- As at 1 July 2022, Justice Brown managed 28 matters on the SCL. Between 1 July 2022 and 30 June 2023, 4 matters were added to her Honour's list. During this period, 13 matters were resolved and/or removed from the list. A further 6 matters proceeded to trial or were set down for trial. As at 30 June 2023, there were 15 matters managed by Justice Brown on the SCL.
- As at 1 July 2022, Justice Freeburn managed 31 matters on the SCL. Between 1 July 2022 and 30 June 2023, 5 matters were added to his Honour's list. During this period, 6 matters resolved (3 by mediation and 1 at trial) and 19 were transferred to the Commercial List. As at 30 June 2023, there were 11 matters managed by Justice Freeburn on the SCL.

The Supervised Case List for Proceedings Involving Self-Represented Parties

The Court also maintains a Supervised Case List for proceedings involving self-represented parties. Up to 12 June 2023, this list was conducted under Practice Direction 10 of 2014. On 12 June 2023, a revised and updated Practice Direction 13 of 2023 was issued. Justice Freeburn has managed the SCL for proceedings involving self-represented parties since June 2022.

The aim of supervision is to manage cases to ensure they are prepared and proceed to trial as efficiently as possible, while encouraging the parties to consider resolving the matter at the earliest possible opportunity.

Any judge of the Court may direct that a case in which a party is or becomes self-represented is to be placed on this SCL. Proceedings may also be placed on the SCL following a party notifying the List Manager that a party is or has become self-represented.

Matters on this SCL are supervised by way of regular reviews, to ensure that they proceed efficiently through the Court. Case management focuses on assisting the parties to identify the issues in dispute. The practices and procedures applicable to cases on the general Supervised Case List are used, with appropriate adaptation.

The reviews are not the occasion for the hearing of interlocutory applications of substance. Those applications

are heard by a judge sitting in the applications jurisdiction at the relevant time.

Matters remain on this SCL until they are resolved, stayed, or until all self-represented parties obtain legal representation.

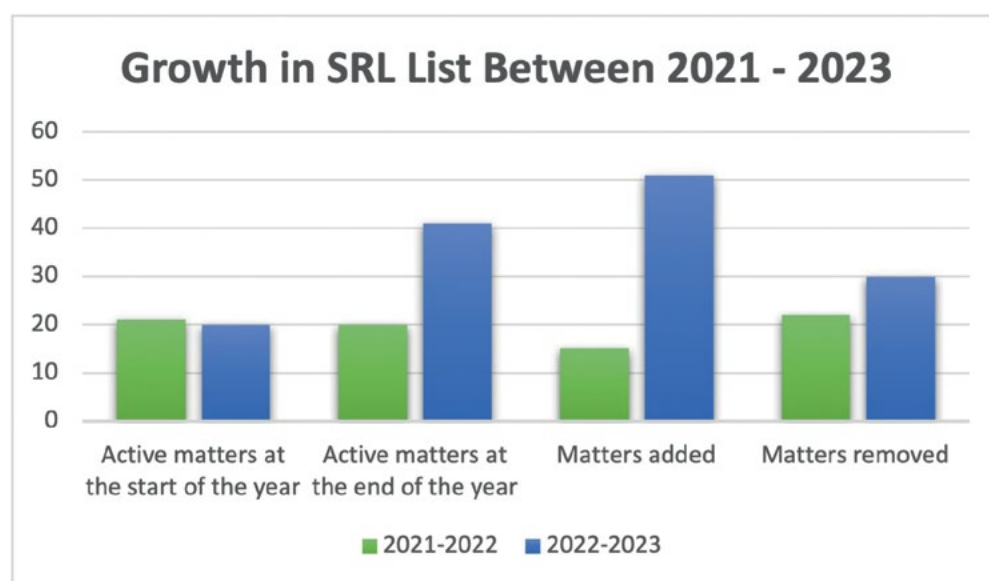
Statistics

As at 1 July 2022, there were 20 matters on the SCL for proceedings involving self-represented parties. 51 matters were added to this SCL from 1 July 2022 until 30 June 2023. Of these, 32 were referred by the Resolutions Registrar. Between 30 June 2022 – 1 July 2023, 30 matters were resolved and removed from the SRL List.

The oldest matter on the List commenced by way of originating application on 26 August 2013. This matter was added to the SCL on 19 April 2023. It will proceed to trial between 7 to 8 September 2023.

There were 41 matters on SCL as at 30 June 2023.

The list has grown dramatically during the last financial year. This is demonstrated by the graph below:



Pro-bono mediation scheme

Before Justice Freeburn took over management of the SCL for proceedings involving self-represented parties in June 2022, Justice Ryan oversaw the creation of a scheme run by the Supreme Court Registry to assist self-represented litigants to access mediation. The Supreme Court Registry, the Queensland Law Society, LawRight, and Caxton Legal Centre worked together to create a scheme whereby the Queensland Law Society supplied volunteer mediators, while LawRight and Caxton Legal Centre facilitated pro bono legal services. To give effect to this scheme, the Court issued Practice Direction Number 17 of 2022.

Since the implementation of the pro bono mediation scheme, six matters were referred to mediation. Out of these matters, two resolved in full, one resolved in part (claim against two of three defendants resolved), one adjourned and two have not yet been heard.

Wills and Estates List

On 14 June 2023, Practice Direction Number 14 of 2023 was issued in respect of the Wills and Estates List replacing the previous Protocol. Further, Justice Williams took over management of the list following Justice Boddice's appointment to the Court of Appeal.

The list is reserved for Wills and Estates proceedings involving a complexity of legal and factual issues

warranting judicial oversight. This specialist list is intended not to disrupt the effectiveness of the Court's practice of most Wills and Estates proceedings being determined in the applications jurisdiction. Consistent with that philosophy, only a fraction of the proceedings involving Wills and Estates filed each year are placed on the List.

As at 1 July 2022, there were 14 proceedings on the Wills and Estate List. During 2022-2023, 24 proceedings were placed on the list. During that year, six proceedings were determined at trial; a further 12 were resolved at mediation and three were removed from ongoing supervision. On 30 June 2022, 17 proceedings remain current. One of those proceedings is stayed. Several are subject to directions for mediation.

Streamlining Criminal Justice Committee

The Streamlining Criminal Justice Committee (SCJC) was an initiative of the Court established in April 2016. Whilst the committee was initially established to consider electronic filing in the criminal jurisdiction, the committee considers all aspects of the criminal justice system.

The committee includes representation from all levels of the State Courts as well as officers from relevant departments, the Director of Public Prosecutions (Qld), the Commonwealth Director of Public Prosecutions, the Queensland Police Service, the Australian Federal Police Service, Legal Aid (Qld), Corrective Services, the Queensland Sentence Advisory Council, the Bar Association of Qld and the Queensland Law Society.

The major focus of the SCJC during 2022-2023 has been in two working groups: forensics and remand. Apart from the continuation of pilot projects initiated to assess whether identified initiatives will reduce delays in the receipt of forensic reports and analyst certificates (with a consequent reduction in the time matters take to progress through the criminal justice system), and improve the provision of programmes for remand prisoners, these groups have focused on:

- (a) the development of initiatives to assist the timely hearing of criminal proceedings whilst dealing with the recommendations of the Commission of Inquiry into Forensic DNA Testing in Queensland conducted by Walter Sofronoff KC; and
- (b) the reduction of the remand population in corrective centres throughout Queensland.

Regions

Southern Region

Judges from Brisbane undertake circuits in Toowoomba and Roma. In the reporting year a judge sat in Toowoomba for six weeks.

Central Region

The Central Judge is based in Rockhampton and is responsible for the work of the Court in Rockhampton, Longreach, Bundaberg, and Maryborough. He shares the work of the Mackay region with the Northern Judge.

As in previous years, there has been no need to allocate any sitting time to Longreach. Seven weeks were allocated to sittings in Rockhampton for civil work, and seventeen weeks for criminal work. Six weeks were allocated to sittings in Mackay, and four weeks between Bundaberg and Maryborough. Two weeks were spent hearing civil applications in Brisbane and the Central Judge also sat in the Court of Appeal in Brisbane for two weeks.

The trend of increasing criminal lodgements in Rockhampton has continued. For the period 1 July 2022 – 30 June 2023 there were 95 indictments lodged. These lodgements principally relate to offences against the Drugs Misuse Act. Similarly, the number of civil lodgements has increased by nearly 27% over the course of the year. While official clearance rates in Rockhampton for civil matters are below 100% (i.e., the rate at which the number of matters finalised matches the number of lodgements), this does not reflect on the availability of the court to litigants. As has been the practice for many years, parties are offered trial dates as soon as they indicate their readiness.

The work of the Court in Mackay, Maryborough, and Bundaberg has remained steady with regular sittings required.

Application days were held in Rockhampton on approximately a five-weekly basis. On these days, ceremonies were conducted, if needed, for those seeking admission to the profession and who have a connection to Central Queensland. There were 13 practitioners admitted in 2022-2023. Most continue to practise in the region.

Northern Region

The Northern Judge is responsible for the work of the Court within the Northern District. In the year covered by this report he sat for 19 weeks in crime and eight weeks in civil in Townsville. He also sat for two weeks in the Court of Appeal.

The Northern Judge presided at three circuits in Mackay (six weeks). Mackay remains a busy circuit for the Court, the responsibility for which falls to both the Central Judge, Justice Crow, and the Northern Judge. The clearance rate in Mackay both in crime and civil is pleasing.

The Northern Judge took long leave for four weeks in the year in question. During the periods of leave members of the Court from Brisbane circuited to Townsville thus enabling the timely throughput of matters to be maintained.

The criminal filings in the Supreme Court in Townsville dominated the statistics for the year with 148 lodgements. The clearance rate in the year in question was 106.1%.

His Honour sits in Applications in the morning of any Wednesday and Thursday of sitting weeks. Long civil application days are built into the calendar with a view to ensuring applications are disposed of promptly.

Justice North continues to be involved with the profession in North Queensland including through CPD seminars co-ordinated by the Townsville District Law Association and the North Queensland Bar Association. In addition, Justice North attended and participated in sessions of the annual North Queensland Law Association Conference which was held in May.

During the year 50 new practitioners were admitted, 40 women and 10 men. Many took up positions in Townsville and North Queensland having completed their degrees at the Townsville campus of the James Cook University.

Far Northern Region

The Far Northern Judge, Justice Henry, sat at Cairns for 12 weeks in the civil jurisdiction and 15 weeks in the criminal jurisdiction. His Honour also sat in the Court of Appeal during its one-week circuit to Cairns in July.

Justice Henry circuited to:

- Brisbane, sitting for three weeks in the Court of Appeal and one week in the Trial Division;
- Townsville, sitting in the Court of Appeal during its one-week circuit to Townsville in May;
- Mount Isa, for two brief circuits in November and March.

His Honour had four judgment writing weeks and three weeks leave.

In Cairns, applications mornings are typically conducted every Wednesday and Friday, and applications days conducted fortnightly, with a view to ensuring applications are disposed of promptly.

In the 2022-2023 year, the number of matters lodged in the criminal jurisdiction decreased to 112 compared to 156 in the previous year, a decrease of 28.2%. In the civil jurisdiction, lodgements increased by 20.0% to 114 compared to 95 the previous year.

During the year 31 new practitioners were admitted: 21 women and 10 men. Many took up positions in the far north having completed law degrees at the Cairns campus of James Cook University.

In conjunction with the Bar Association of Queensland and Queensland Law Society, the Court coordinated the Cairns Judiciary 2022-2023 CPD Series – a series of professional development sessions delivered by

Cairns resident Supreme and District Court judges and local practitioners. Justice Henry chaired the session, *"Ethics is more than honesty"*, a discussion of how honest lawyers can slide unwittingly into ethical error and how to avoid doing so.

His Honour was a teacher at the NJCA's two National Judicial Orientation Programmes held at Adelaide and Brisbane, and the NJCA's two Writing Better Judgments Programmes, both held at Hobart. Justice Henry was a panellist session member for the North Queensland Law Association annual conference in Cairns, addressed James Cook University's annual Inter Alia Law Ball on the Transition from Law Student to Legal Practitioner and presented a paper on Expert Medical Evidence to the Europe Asia Conference.

His Honour chaired the Cairns Opening of the Law Year organising committee which convened the annual opening of the law year ceremony in the forecourt of Cairns Courthouse. The ceremony is inclusive of the traditional owners of the land upon which the Courthouse sits, blending their contributions with the traditional component of annual reflection by judicial officers and lawyers in contemplation of the year ahead. The Gimuy Walubara Yidinji presented Justice Henry with a mace, to be used as the ceremonial mace of the Cairns Courthouse.



LAND APPEAL COURT

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.

The Land Appeal Court may sit at Brisbane, Rockhampton, Townsville and Cairns. The Chief Justice nominates a Supreme Court Judge to act as a Member of the Land Appeal Court for the Southern Region. Justice Boddice was the Southern Region Judge up to 10 April 2023. The Chief Justice appointed Justice Brown as a Member of the Land Appeal Court for the Southern Region, commencing 11 April 2023.

Justice Crow is the Land Appeal Court Judge for the Central Region. Justice North is the Land Appeal Court Judge for the Northern Region. Justice Henry is the Judge of the Land Appeal Court for the Far Northern Region.

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, but 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.

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.

There were **two** appeals lodged in the Land Appeal Court in 2022-2023, compared with **six** appeals filed in 2021-22. The two appeals filed and their current status are listed as follows:

Nature of Appeal	Region	File number and name	Final/Awaiting Outcome/Notes
Acquisition of Land (Land Re-sumption)	North	LAC001-23 – Aurizon Property Pty Ltd v The Chief Executive, Department of Transport and Main Roads	In Progress – Listed for a 3 day hearing in Townsville on 10/10/2023 before Justice North, Member Isdale and Judge Coker (appointment TBC)
Land Valuation	Far North	LAC002-23 – Jensen & Anor v Value-General	In Progress – Listed for a 2 day hearing in Cairns on 17/8/2023 before Justice Henry, Member Isdale and Member McNamara

No decisions were handed down in the Land Appeal Court in this financial year.

No appeals of Land Appeal Court cases were filed in the Court of Appeal in this financial year.

No applications for special leave were filed in the High Court during this financial year.



EXECUTIVE DIRECTOR'S OVERVIEW

EXECUTIVE DIRECTOR'S OVERVIEW

Office of the Executive Director and Principal Registrar

Supreme District and Land Courts Service

The Office of the Executive Director and Principal Registrar, Supreme District and Land Courts Service is responsible for the management and coordination of Registry administration, as well as the provision of judicial support services for the Supreme Court of Queensland.

Ms Julie Steel is the Executive Director and Principal Registrar, and is supported by executive, administrative and Registry staff throughout Queensland.

Additionally, Ms Steel is an ex-officio member of the Incorporated Council of Law Reporting, and of the Legal Practitioners Admissions Board. She is also a member of the Public Records Review Committee at Queensland State Archives and regularly attends meetings of the Rules Committee.

Registry Services

Court registries are 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 such as Verdict and Judgment Records are created and distributed to give effect to orders of the court;
- organising resources to enable matters to progress through the system and hearings to proceed; and
- performing all necessary administrative work associated with the criminal and civil jurisdictions of the court.

There are permanent Supreme Court registries at Brisbane, Cairns, Rockhampton and Townsville. Regional centres at Bundaberg, Longreach, Mackay, Maryborough, Mount Isa, Roma and Toowoomba are visited on circuit as required. Magistrates Courts' Registry staff perform the Registry role in all of those centres.

Registrars within the permanent registries have the responsibility of determining certain applications without the necessity for judicial involvement, including probates, letters of administration, winding up orders, default judgments and warrants to enforce the court's civil orders.

Registry Workloads

There were 1,903 criminal lodgements across Queensland, during 2022-2023, a decrease compared to 2021-22 when 2,201 lodgements were received.

Jury trials before the Supreme Court increased from 32 during 2021-22 to 48 in 2022-2023. The average length of those trials increased from 5.0 days to 5.9 days.

Report on Government Services (RoGS) civil lodgements decreased by 6.8% from 3,348 during 2021-2022 to 3,203 in 2022-2023.

Probate applications across Queensland increased by 13%. There were 13,225 applications during 2021-22 compared to 14,950 in 2022-2023.

Technology updates

Jury Management System Rollout

The completion of the state-wide rollout of the Juror Management System (JMS) occurred in November 2022, replacing the old Queensland Juror Administration System (QJAS). The Townsville Supreme Court Registry was the last Supreme Court Registry to transition to JMS, following Brisbane, Rockhampton, and Cairns. Registries supporting Supreme Court circuit sittings are also utilising JMS.

JMS represents a significant modernisation of jury management. Features include the ability for prospective jurors to complete their questionnaires online, receive electronic notification they are required to attend, and to be paid by electronic fund transfer. Benefits to court staff include streamlined data processing, enhanced transparency and significantly improved user interface.

- As of 30 June 2023, approximately 348,200 questionnaires were issued from JMS to prospective jurors across Queensland. JMS has improved the juror experience with 55% of Brisbane prospective jurors and 37% of regional prospective jurors choosing to interact online rather than by returning paper questionnaires through the mail.
- 32,328 prospective jurors were issued a summons, with 86% issued electronically by email. Previously, all jurors were sent paper summons via post.
- 90% of jurors were paid by EFT. Previously, all jurors were paid via cheque.

JMS continues to be refined as juror engagement with the online portal increases.

Criminal Resolution Registrar

Late in the financial year a proposal to create a position of Criminal Resolution Registrar for the Supreme Court matters was approved. It will be piloted and evaluated.

The focus of the role is to manage criminal cases in the Supreme Court so that they progress more efficiently, while continuing to ensure that justice is served. The Registrar will work closely with the judges of the Supreme Court at Brisbane, the Registry and the parties to criminal matters encouraging early attention. The Registrar will facilitate case conferencing between the prosecution and defence to discuss the case and resolve matters more quickly or otherwise narrow the disputed issues for trial.

Bailiff Development Framework

There was a significant focus on professional bailiff development in the 2022-2023 year. The establishment of a dedicated bailiff training deputy registrar position significantly improved the capacity of the Court Operations and Support Team to provide on-the-ground training and assessment of bailiffs in registries across the State. Based in Brisbane, the deputy registrar has visited the Cairns, Townsville and Rockhampton registries throughout the year, as well as circuiting registries in Mackay, Mount Isa and Toowoomba.

In addition to face-to-face training and support, remotely delivered sessions have been held on specific bailiff responsibilities including affected child witness recording, courtroom security training and use of courtroom technology. Capability assessments, training plans and supporting collateral have been developed to standardise approaches to bailiff training and ensure a high level of professionalism throughout the state.

Acknowledgements

I am proud of the Registry staff and their ongoing enthusiasm, commitment and professionalism in discharging their duties. Their efficient management of increasing workloads, innovation while doing so and embrace of change are without doubt some of the most significant assets of the Court.

Too many people to name individually have made timely and significant contributions which have been essential in allowing us to do our part in enabling the work of the Court to continue.

The forbearance, support and assistance of judges and legal practitioners, particularly in the face of the difficulties which sometimes arise in providing Registry services, is also greatly appreciated. Their willingness to engage with the Registry to continue improvement of our service delivery is equally appreciated.



SUPREME COURT OF QUEENSLAND LIBRARY

SUPREME COURT OF QUEENSLAND LIBRARY

Supreme Court Library Queensland is Queensland's principal legal information provider. Established in 1862, we are an independent statutory authority administered under the *Supreme Court Library Act 1968* (Qld) and the Supreme Court Library Rules.

The library is governed by the Supreme Court Library Committee (the Committee), which is supported by several subcommittees comprising volunteers from our stakeholder bodies including representatives from the Supreme Court of Queensland. We are very appreciative of the advice and commitment of the chairs of the Committee and its subcommittees. Justice Philip McMurdo was the chair of the Committee until his retirement in April 2023, and Justice Peter Flanagan was then appointed as chair. We also thank all committee and subcommittee members for their assistance freely and generously given.

Our core business is to serve the administration of justice in Queensland by providing legal information services to the Queensland judiciary, legal profession, and broader community.

Our team of experienced legal research librarians provide research, training and support to members of the Queensland judiciary to assist them with obtaining the information they need to provide justice outcomes for Queensland. We consistently receive positive feedback from members of the judiciary and their associates about the value of this service.

We are the official publisher of the unreported decisions of Queensland courts and tribunals via CaseLaw. CaseLaw is our most accessed and used service. We are proud to not only achieve but exceed our target to publish judgments within two days of receipt, with most decisions published within one hour of receiving them.

In 2022–2023 we published over 2200 new judgments to CaseLaw, including the decisions and pre-trial rulings for the Supreme Court of Queensland Court of Appeal and Trial Division.

We also published over 1200 publicly available sentencing remarks transcripts from the Supreme and District Courts of Queensland, and almost 2500 sentencing remarks transcripts to the Queensland Sentencing Information Service (QIS).

We supply Queensland unreported judgments to six other publishers to facilitate open access to caselaw and provide users with a choice on how they access this information—AustLII, the Incorporated Council of Law Reporting for the State of Queensland (ICLRQ), Jade, and commercial legal publishers LexisNexis, Thomson Reuters and CCH.

Since we assumed responsibility of administering QIS a decade ago, we have been working to redevelop and upgrade the system that underpins this vital service to provide a better, more intuitive user experience. In February 2023, we reached a key digital transformation milestone with the launch of the new QIS platform. The redeveloped QIS application is a modern, user-friendly, and easily searchable repository of a greater number of Queensland sentencing events. It contains more data, easier and more diverse search and filter options, as well as a timelier approach to updating content. With all subscriptions converted to single user sign on, by the end of June 2023 there were more than 2500 QIS subscribers.

Our thanks go to the Supreme Court Library Committee, QIS project board and key users reference group, the Queensland Government Statisticians Office, the Department of Justice and Attorney-General, and library staff for their contribution to the project. We would especially like to thank ICLRQ for funding the QIS redevelopment.

We preserve and share Queensland's legal heritage by maintaining an extensive legal heritage collection, curating exhibitions and displays, delivering a popular lecture series, and educating students and community members about Queensland's legal system.

In December 2022 we opened a new exhibition in the Sir Harry Gibbs Legal Heritage Centre. *Criminal law—*

then, now, tomorrow examines how the evolution of our values, attitudes and technology have influenced amendments to the *Criminal Code 1899* (Qld), ranging from the outlawing of fortune-telling to the amendment of consent laws.

Our other exhibition (installed in the library in March 2022) continued throughout the year, *So well and diligently set forth—Rare books from the Supreme Court Library Queensland collection* showcased some of the oldest and rarest texts from our legal heritage collection.

We curated several displays during 2022–2023, including:

- legal heritage displays of selected books to tie in with our exhibitions;
- special exhibits for the legal practitioner admission ceremonies throughout the year highlighting the individual achievements of Queensland’s talented legal professionals, such as such as Veronica McCarthy and the Honourable Chief Justice Susan Kiefel AC, as told through the Roll of Solicitors.

We support the Queensland community learning about Queensland’s legal heritage by organising a program of Selden Society lectures throughout the year. With the generous support of the Chief Justice, the lectures are hosted in the Banco Court in the Queen Elizabeth II Courts of Law in Brisbane. We also livestream them so they are accessible to the wider legal history community in Queensland and publish recordings of the lectures on our YouTube channel and Selden Society podcast series.

Our diverse range of community engagement programs are designed to give everyone in the community—not just those in the legal profession—the opportunity to connect with the library, engage with the Queensland legal system, and discover our legal heritage.

Our free education program includes onsite and virtual activities that provide visitors with the opportunity to explore and understand our legal system. This year we saw our education program return to pre-COVID levels with participation increasing by almost 50% from 2021–22 with over 6050 visitors.

The library is grateful for the support, enthusiasm and participation offered by judges of the Supreme Court for the very popular component of our education program, the Judge talk. This is where students hear first-hand from a judicial officer about their work and role in the justice system. This year almost 2000 legal studies students gained a unique and insightful perspective into Queensland’s legal system through the eyes of a judge or magistrate who held question and answer sessions, mock trials and presentations. Students were particularly interested in issues involving sentencing and the jury system.

We are especially grateful that we could extend the reach of this program to students and educators in regional Queensland by providing them with opportunities to engage with the Queensland court system and legal professionals in a similar way to those located in South East Queensland.

Looking ahead to 2023–24, there will be a renewed focus on our regional courthouse libraries and satellite collections. With consultation, agreement and continued support of the courts a new library model will be developed.

We will continue to support the adoption by the judiciary of the ‘go anywhere’ electronic versions of popular legal commentaries and textbooks designed to be downloaded to tablets and other mobile devices, as well as providing training and support in identifying, locating and making more seamless, effective and efficient use of the range of print, electronic and online resources available in our extensive collections.



SUPREME COURT JUDGES' ASSOCIATES

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	Judge	Associate
Chief Justice	The Honourable Helen Bowskill	Lucy Cornwell
Court of Appeal		
President	The Honourable Justice Debra Mullins AO	Vivian Zhang
	The Honourable Justice Fraser (up to and including 16 July 2022)	Maaike York
	The Honourable Justice Philip Morrison	Deacon Johnston
	The Honourable Justice Philip McMurdo (up to and including 8 April 2023)	Eleanor Hilston
	The Honourable Justice John Bond	Kai Allison
	The Honourable Justice Jean Dalton	Sofia Daily
	The Honourable Justice Peter Flanagan (appointed 16 July 2022)	Caden Atzeni
	The Honourable Justice David Boddice (appointed 10 April 2023)	Seamus Burkett
	Trial Division	
	The Honourable Justice Glenn Martin AM	Timothy Randall
Senior Judge Administrator	The Honourable Justice Peter Applegarth AM	Coco Peralta
	The Honourable Justice David Boddice (up to and including 9 April 2023)	Seamus Burkett
	The Honourable Justice David Jackson (up to and including 27 February 2023)	Elliott Hoffman
	The Honourable Justice Peter Flanagan (up to and including 15 July 2022)	Caden Atzeni
	The Honourable Justice Martin Burns	Francene Ridley
	The Honourable Justice Susan Brown	Emily Rainbird
	The Honourable Justice Peter Davis	Peta-Jayne George
	The Honourable Justice Soraya Ryan	Safiyah Odzic
	The Honourable Justice Elizabeth Wilson	Austen Whitewood
	The Honourable Justice Thomas Bradley	Oscar Kawamata
	The Honourable Justice Peter Callaghan	Brandon Shiel-Butera
	The Honourable Justice Frances Williams	Madison Waldby
	The Honourable Justice Paul Freeburn	Jahna Cafe
	The Honourable Justice Declan Kelly	Lucy Macdonald
	The Honourable Justice Kerri Mellifont	Ruben Roszkowski
	The Honourable Justice Sean Cooper	Laura Devine
	The Honourable Justice Melanie Hindman	Brooke Denholm

The Honourable Justice Lincoln Crowley
The Honourable Justice Thomas Sullivan
The Honourable Justice Catherine Muir

Morgan Lynch
Jamie-Lee Davison
Isaac Beales

Regional

Northern Judge
Far Northern Judge
Central Judge

The Honourable Justice David North
The Honourable Justice James Henry
The Honourable Justice Graeme Crow

Jackson O'Hanlon
Genevieve Roth
Lauren Vasey

