



SUPREME COURT OF QUEENSLAND

ANNUAL REPORT 2019-20



**SUPREME COURT OF
QUEENSLAND**
CHAMBERS OF THE CHIEF JUSTICE

30 October 2020

The Honourable Yvette D'Ath MP
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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 2020.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. Holmes'.

Catherine Holmes AC
Chief Justice

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CHIEF JUSTICE'S OVERVIEW 2019-2020

CHIEF JUSTICE'S OVERVIEW 2019-2020

Performance

This overview concerns the performance of the Supreme Court over the 2019/2020 reporting year, during the last four months of which the COVID-19 pandemic had profound and disruptive effects. Unusually, I commence my overview by expressing my pride in the Court's performance in that period and my admiration for the ingenuity, adaptability and strong work ethic of the members of the Court, administrative staff and registry officers who ensured that the Court continued to sit throughout the entire period of the pandemic to date.

Disposition of Caseload¹

Trial Division

Criminal

Over the reporting year, there were 2,425 lodgements in the criminal jurisdiction, compared with 2,418 for the 2018/2019 year. The trial division ended the year with 779 outstanding cases (compared with 773 in the previous year), having disposed of 2,404, a clearance rate of 99.1%.

Of the outstanding cases, 12.2% were more than 12 months old (from date of presentation of indictment), and 1.5% more than 24 months old. Some of the last group would result from orders for re-trials made on appeal.

Civil

In the civil jurisdiction, there were 2,825 lodgements, compared with 2,956 lodgements for the 2018/2019 year. At the end of the 2019/2020 year, there were 2,571 outstanding matters (compared with 2,575 in the previous year), the Court having disposed of 2,801 matters, a 99.2% clearance rate.

Of the outstanding matters, 29.1% were more than 12 months old, and 8.4% more than 24 months old.

Court of Appeal Division

The Court of Appeal division disposed of 350 criminal appeals this year (346 last year), representing a clearance rate of 114.8%. As of 30 June, 241 criminal appeals awaited disposition (283 last year).

The Court of Appeal also disposed of 153 civil appeals (151 last year), with a clearance rate of 98.1%, leaving 130 outstanding at the end of the year (128 last year).

Observations on the Court's Caseload and the Impact of COVID-19

The work of the Court progressed uneventfully over the reporting year until the first week of March, when it became apparent that the COVID-19 pandemic would have an impact on the way the courts operated. Planning processes started, but it was thought at that time that it might be possible to continue jury trials, excluding jurors with health conditions which made them vulnerable to the coronavirus. However, as concern built about the prospect of community transmission and the safety of public gatherings, the decision was made on 16 March to postpone jury trials not yet commenced. Those already under way were completed.

Apart from the temporary cessation of jury trials, the work of the Court continued largely uninterrupted,

1. The statistics set out 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).

although with increased use of telephone and video link. A number of judges participated in webinars run by the Bar Association of Queensland and the Queensland Law Society to make it clear to the profession that the Court had not ceased to hear cases and to explain evolving arrangements for the conduct of criminal and civil trials and applications. The Senior Judge Administrator and I also undertook some press interviews in an endeavour to make it clear to the public that the Court's work continued unabated.

The Court of Appeal, because of the nature of its work, experienced relatively little disruption. Given the reduction in the criminal workload by reason of the cessation of jury trials, a larger than usual number of Trial Division judges was allocated to sit on appeals. Seven more Trial Division judge sitting weeks than last year were allocated to the Court of Appeal, contributing to its excellent clearance rate.

Sentences of prisoners held in custody were conducted using video link. Because of concern about the strain on Corrective Services facilities resulting from the need to isolate prisoners vulnerable to the coronavirus and the risk of its introduction into the jail system, the Court refrained for a period from pressing for the sentencing of prisoners on bail who were complying with their bail conditions but were likely to be sentenced to actual custody. That continued until June, when there was a reasonable level of confidence that general sentencing could be safely resumed. A limited number of judge-alone trials proceeded.

By May 2020, as the level of infection in the community receded, planning began for a resumption of jury trials. This was a difficult undertaking; the need to ensure that jurors could remain at distances from each other at which they both felt and were safe meant that it was necessary to adapt the layout of courtrooms for trial purposes and jury deliberations. It was decided that the District Court, where trials tend to be shorter and less complex, should be first to recommence jury trials, but by the end of the 2019/2020 year arrangements were in place for the Supreme Court to recommence jury trials in August 2020. There are these limitations: the distancing requirements mean that for each trial an adjoining courtroom is needed for the jury's deliberations (because existing jury rooms are not large enough) and trials must proceed more slowly with a greater number of administrative staff such as bailiffs involved, because of the need for caution in moving jury members about.

The clearance rate of 99.1% which the Court was able to achieve notwithstanding the pandemic owes a good deal to a focusing of resources on sentencing during the period when jury trials could not be conducted. It meant that the Court remained active in the criminal jurisdiction; but it also means a greater backlog in the number of defendants awaiting trial. Jury trials fell in number from 58 in the 2018/2019 year to 39 in the 2019/2020 year.

Some indication of the Court's progress over the year is given by these statistics. Between the 2018/2019 year and 2019/2020, there was an increase of 50.9% in the number of defendants whose matters had been outstanding for more than 12 months but fewer than 24 months (55 to 83), and a decrease of 63.6% in the number of defendants whose matters had been on foot for more than 24 months (33 to 12). The latter figure indicates that the Court had, pre-pandemic, been able to produce a very satisfactory reduction in the numbers of the older matters, but trials in more current matters have accumulated. This will present a workload challenge for the Court over the coming year, but it is one I am fairly confident that the Court will be able to deal with, particularly if public health considerations allow less distancing for jurors.

Less difficulty has been experienced in the civil jurisdiction, where the Court has continued to conduct both applications and trials. Over the period of the pandemic, telephone has largely been used to conduct review hearings and callovers and there has been a greater use of video link to conduct applications and take evidence. The Court has been able to proceed expeditiously with this work, but it is anticipated that there may be a considerable strain on our resources next year when *Corporations Act* applications resume at an increased level with the ending of the Federal Government's temporary insolvency protections.

Bail applications (like applications for forfeiture, probate and for admission as a legal practitioner and orders under the *Dangerous Prisoners (Sexual Offenders) Act 2003*) are not recorded as part of the RoGS statistics. The number of bail applications lodged rose to 733, an increase of almost a third on the 571 applications lodged in the 2018/2019 year. That increase, with numbers peaking in April 2020, can largely be attributed to applications based on prisoners' health concerns in relation to being held in custody during the pandemic.

The number of fresh applications under the *Dangerous Prisoners (Sexual Offenders) Act 2003* increased to 26 this year, compared with 20 the previous year. As has previously been observed, as the numbers of prisoners subject to orders under the Act increase, so do the numbers of periodic reviews and breach hearings which the Court must undertake. Last year 336 reviews were undertaken, almost doubling the number required four years earlier; this year, the numbers increased again, to 412.

Over 1,000 new practitioners were admitted at ceremonies throughout the 2019/2020 year. Public health concerns arising from the COVID-19 pandemic meant that ceremonies (which usually involve 24 applicants, those moving their admissions and family and friends) could not safely be held in Brisbane. Instead, an amendment to the *Supreme Court (Admission) Rules 2004* was obtained, permitting an alternative process for admission. Applicants were able to make the necessary oaths or affirmations of office or allegiance before legal practitioners and have orders made for their admission on the papers, following which they were able to sign the roll of practitioners by appointment with the registry. It was a time-consuming process, particular for registry staff, but it enabled some 240 applicants to be admitted without delay and to commence their careers as lawyers. The regional judges, with smaller numbers of applicants to deal with, made their own adaptations to the usual regime to allow admissions to continue in their courts.

The Court's resources, both in the form of judicial time and registry support, are always challenged by its large and ever-increasing workload. The COVID-19 pandemic has added to that strain, and can be expected to do so for some time.

The Court's ICT Systems

The need to move to increased use of video link during the pandemic presented the Court, like other users of the technology, with a number of difficulties. The Court had available to it the Cisco Webex platform, but it was used by all entities sharing the existing network, and high demand by the large number of users on the network raised concerns regarding reliability and performance of the service. Through the initiative of Justice Bond, the Court managed this risk by moving to the PEXIP platform, which operates through the cloud, with greater success.

The difficulties encountered during the pandemic have brought into sharp focus the shortcomings of the Court's filing and case management systems. In my last report, I referred to the desirability of an electronic filing system. There can be no doubt that eFiling would have been of great benefit to the profession and the Court during the pandemic. Instead, different systems had to be improvised (such as the use of "drop boxes") to minimise handling of documents. There are, of course, reasons beyond the pandemic why eFiling would produce much greater efficiency, but it has certainly highlighted some disadvantages of the paper filing system.

Work is currently under way towards the adoption of an electronic lodgement system for documents in the Magistrates Court, as part of the replacement of their civil case management system, and it is hoped that in time adaptations may be made to that system to allow eFiling in this Court. Prompt attention to this issue would be very much in the interests of Court efficiency and meeting the needs of practitioners and self-represented litigants for a rapid and convenient means of filing documents. Even should that occur, however, it does not follow that the Court's eTrial capability will be enhanced; work also needs to be done to make electronic files readily usable by judges and parties for the purposes of litigation.

The Court of Appeal's CAMS system of case management is not fit for purpose and is sorely in need of a replacement. On a more positive note, steps have been taken towards replacement of the Queensland Jury Administration System (QJAS), and I am hopeful that by the time of next year's report it will be unnecessary for me once again to identify its doubtful viability as an issue. Another positive development is the fact that all judges now have iPads loaded with legislation and case law available for their use in court.

The lack of separation between the Court's IT systems and the Department of Justice and Attorney-General's network remains an issue.

Chief Justice's Calendar

Over the reporting year, I sat in Brisbane in the Court of Appeal (six weeks and one day), the criminal jurisdiction (six weeks), civil sittings (four weeks and two days), and the applications Court (two weeks). I undertook a week-long circuit to Townsville, hearing a mix of civil and criminal matters. A sitting in Cairns was cancelled because of the COVID-19 restrictions. I spent a further nine days presiding over admissions, with 1,026 new practitioners admitted over the course of the year. The balance of my time was occupied with administrative and official responsibilities.

Prior to the pandemic, I had continued my usual engagement with the profession and the public, attending numerous functions organised by professional associations, law schools, community legal services, volunteer groups and others. I gave some 20 speeches and addresses at conferences and functions in Brisbane and regional centres.

I attended the 53rd meeting of the Council of Chief Justices of Australia and New Zealand, in Wellington, New Zealand. (The 54th Meeting of the Council of Chief Justices was due to be held in Darwin in April 2020 but was cancelled due to the COVID-19 pandemic). An additional commitment was to undertake the role of Acting Governor for periods aggregating 21 days and on one occasion, the duties of Deputy Governor.

International Aspects

Between 1 July and 16 July 2019, I travelled to the United Kingdom to attend The Cambridge Lectures, held by the Canadian Institute for Advanced Legal Studies at Queens' College Cambridge, and the British Legal Conference at the University of St Andrews, Scotland. While in the United Kingdom, I met the Right Hon. Lord Burnett, Chief Justice of England and Wales, and Dame Victoria Sharp, President of the Queen's Bench Division of the High Court.

On 7 September 2019, I travelled to Port Moresby to attend the Commonwealth Magistrates & Justices' Association (CMJA) Conference and the associated meeting of Commonwealth Chief Justices.

On 30 October 2019, I met Sir Albert Palmer CBE, Chief Justice of the Solomon Islands, and Justice Edwin Goldsbrough, President of the Court of Appeal, to discuss assistance this Court may be able to provide to the High Court of the Solomon Islands, and the possible entering of a Memorandum of Understanding between our Courts.

Judicial Appointments

Justice Debra Mullins AO was appointed as a Judge of Appeal on 28 January 2020.

Justice Peter Callaghan was appointed a judge of the Supreme Court of Queensland on 10 February 2020.

Justice Frances Williams was appointed a judge of the Supreme Court of Queensland on 17 February 2020.

Judicial Retirements

On 10 September 2019 Justice Timothy Carmody resigned as a judge of the Supreme Court.

On 28 December 2019 Justice Robert Gotterson AO retired as a judge of the Supreme Court.

On 9 February 2020 Justice James Douglas retired as a judge of the Supreme Court.

Recognition

Over the course of the year, I was appointed a Companion of the Order of Australia, and Justice Peter Applegarth was recognised for his significant service to the law, the judiciary and social justice by being appointed a Member in the General Division of the Order of Australia.

Acknowledgements

I thank the judges, officers of the registry, the Court's administrative staff, and the Director-General and his staff for their work over the year, but particularly for their dedication and resolve ensuring the Court's continuing functioning through the pandemic.

I do not ordinarily single out individuals for commendations in this report, but in an extraordinary year, there are three people whose extraordinary efforts require recognition. The first is the Senior Judge Administrator, Justice Ann Lyons, who was integral to the Court's planning for the continued conduct of proceedings in the COVID-19 contest and, in particular, saw to the logistics of jury trial resumption. The second is Justice Martin Burns, the judge responsible for managing the Criminal List in Brisbane, who liaised extensively and very effectively with the profession, Corrective Services, Legal Aid and the respective Director of Public Prosecutions' Offices to ensure the continued operation of the criminal jurisdiction. The third is Ms Julie Steel, the Executive Director of the Supreme, District and Land Courts Service, who saw, with calm efficiency, to the enormous array of practical arrangements needed to keep the Court running safely.

During the period of the pandemic, I, the Chief Judge and the Chief Magistrate, with other senior judges and magistrates, have held regular meetings with leaders and/or representatives of the Bar Association of Queensland, the Queensland Law Society, Legal Aid Queensland, 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 to ensure the greatest possible cooperation of those agencies to achieve our respective aims while having regard to community health issues.

I would like to thank the leaders of those entities, and, especially, their particular representatives who took part in those meetings. All of them worked tirelessly to ensure that communications were maintained between our organisations, with information relayed to their members, and they helped to reach solutions to the many difficult problems confronting us all. Finally, I thank the Chief Health Officer for providing her advice to assist the Court in its planning.



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 Catherine Ena Holmes AC

Court of Appeal Division

President

The Honourable Justice Walter Sofronoff

Judges of Appeal

The Honourable Justice Hugh Barron Fraser

The Honourable Justice Robert William Gotterson AO (retired 28 December 2019)

The Honourable Justice Philip Michael Hugh Morrison

The Honourable Justice Anthe Ioanna Philippides

The Honourable Justice Philip Donald McMurdo

The Honourable Justice Debra Ann Mullins AO

Trial Division

Senior Judge Administrator

The Honourable Justice Ann Majella Lyons

Trial Division Judges

The Honourable Justice James Sholto Douglas (retired 9 February 2020)

The Honourable Justice Alfred Martin Daubney AM

The Honourable Justice Glenn Charles Martin AM

The Honourable Justice Peter David Talbot Applegarth AM

The Honourable Justice David Kim Boddice

The Honourable Justice Jean Hazel Dalton

The Honourable Justice David Octavius Joseph North (Northern Judge)

The Honourable Justice James Dawson Henry (Far Northern Judge)

The Honourable Justice David John Sandford Jackson

The Honourable Justice Peter James Flanagan

The Honourable Justice Timothy Francis Carmody (resigned 10 September 2019)

The Honourable Justice Martin Burns

The Honourable Justice John Kennedy Bond

The Honourable Justice Susan Elizabeth Brown

The Honourable Justice Helen Patricia Bowskill

The Honourable Justice Peter John Davis

The Honourable Justice Graeme Francis Crow (Central Judge)

The Honourable Justice Soraya Mary Ryan

The Honourable Justice Elizabeth Sybil Wilson

The Honourable Justice Thomas Joseph Bradley

The Honourable Justice Peter James Callaghan (appointed 10 February 2020)

The Honourable Justice Frances Millicent Williams (appointed 17 February 2020)

Other Appointments

Mental Health Court

The Honourable Justice Peter James Flanagan (appointed 14 February 2020)

The Honourable Justice Elizabeth Sybil Wilson (appointed 14 February 2020)

Land Appeal Court

The Honourable Justice David Kim Boddice (Southern District)

The Honourable Justice David Octavius Joseph North (Northern District)

The Honourable Justice James Dawson Henry (Far Northern District)

The Honourable Justice Graeme Francis Crow (Central District)

Industrial Court

The Honourable Justice Glenn Charles Martin AM



COURT OF APPEAL DIVISION

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Governance

Organisational Structure

The Court of Appeal hears appeals:²

- in civil and criminal matters from the Trial Division of the Supreme Court of Queensland;
- in civil and criminal matters from the District Court of Queensland;
- from the Planning and Environment Court;
- from 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 proceed only by way of special leave. For most cases, the Court of Appeal is Queensland's final appellate court.

The President of the Court of Appeal is the Hon Justice Walter Sofronoff. The Court of Appeal also consists of five Judges of Appeal. During 2019/2020, they were:

- the Hon Justice Hugh Barron Fraser;
- the Hon Justice Robert William Gotterson AO, who retired on 28 December 2019;
- the Hon Justice Philip Michael Hugh Morrison;
- the Hon Justice Anthe Ioanna Philippides;
- the Hon Justice Philip Donald McMurdo; and
- the Hon Justice Debra Ann Mullins AO, who was sworn in as a Judge of Appeal on 28 January 2020.

The Court sat as a bench of three judges for 32 weeks during the year, which was two more than last year. The President and the Judges of Appeal together sat 169 individual judge weeks this year,³ compared to 172 weeks last year. The Court continued to allocate one week out of every month, and two weeks before Court vacations, as judgment writing weeks, and therefore non-sitting weeks.

The Chief Justice sat in the Court of Appeal, apart from admissions ceremonies, for six weeks and one day this year.

Trial Division judges sat in the Court of Appeal for 70 individual judge weeks this year. In addition, the President of the Western Australia Court of Appeal, Justice Michael Buss, sat as an acting Judge of Appeal for two weeks.

A total of 456 matters were heard and 467 judgments were delivered.⁴ See appendix 1, Tables 1 and 2.

The Court could not manage its caseload in an efficient and timely manner without the assistance of the Chief Justice and Trial Division judges who bring diverse experience to the consideration and determination of appeals. The President will ensure that Trial Division judges continue to have an opportunity to sit in the Court on a regular basis.

The Court continued to monitor certain kinds of matters which required special management to ensure the determination of urgent appeals in a timely fashion. The following categories of matters were again heard expeditiously this year:

2. Including applications and references.

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

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

- 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.

Matters of a complex nature or at risk of undue delay in hearing the appeal were again case managed by the President and the Registry staff. In this way the Court ensured timely disposition of such matters. The service provided by the Senior Deputy Registrar, the Registrar and Deputy Registrars, Appeals Registry staff, Associates and Executive Secretaries, all of whom continue to diligently serve the public, the profession and the judges, was greatly appreciated.

The President and the Judges of Appeal also valued the commitment and support of the Executive Director of the Supreme, District and Lands Courts Service, Ms Julie Steel, and her staff.

The Court thanks Glen Morgan and Leanne Irving and the QEII Building security team who continued to offer their assistance.

COVID-19 Pandemic

During the months of March to June, in response to COVID-19, the Court of Appeal Registry quickly planned and modified their usual business operations in order to safeguard health and safety of practitioners, prisoners, the judiciary and Court staff. Courtrooms were set up to allow safe distancing between people attending court, proceedings were administratively listed for hearing and delivered judgments were distributed to parties via electronic means. Call-overs were cancelled in mid-March due to COVID-19 restrictions.

Self-represented appellants in custody appeared via video link suites in the correctional facilities and this practice will continue for the foreseeable future.

Practitioners who appeared from interstate or who had health or other concerns were able to appear at hearings via Cisco Webex Teams. Parties were encouraged to contact the Court of Appeal Registry or Court of Appeal Associates to arrange video-links for hearings well in advance of the listing date.

The 10 page written outline of submissions limit, in accordance with *Practice Direction 3 of 2013*, was waived if the parties sought leave on the basis that they would be disadvantaged by this limit if they did not have oral submissions to accompany the written outline.

Judicial IT (Courts Service Centre) and Justice IT supported all Court of Appeal secretarial staff to work from home from the end of March. More than half of the secretarial staff had returned to work at the office by the end of June 2020. The Judges of Appeal thank the IT teams for their efforts in providing IT support so the secretaries could provide continuous administrative support to each of the judges.

Human Resourcing Issues

The Court of Appeal Registry consists of nine positions. The following seven positions were consistent throughout the last financial year: Senior Registrar (Khamelia Adams), Deputy Senior Registrar (Vanessa Travaini), Registrar (Mark Slaven), Deputy Registrar, Crime (Shana Buchan), Deputy Registrar, Civil (Graham Naumann), Court Service Officer (Chelsea Clarkson) and Distributions Officer, Crime (Rosemary Kunst). The remaining two positions encountered staff movements through the financial year, however, were never left vacant for any extended period.

It is an objective of the Registry to continually build staff capability and maintain continuity of staffing to ensure matters are handled in an efficient manner. The level of service provided by staff to the judges and court users has continued to reflect positively on the Court and has assisted in the accomplishment of the Court's work in a timely manner, irrespective of COVID-19 and courtroom technology upgrade disruptions.

Auscript

There was considerable delay in receiving transcripts in the first half of 2020. Transcripts of appeal hearings were frequently delivered outside Auscript's agreed timeframes.

Performance

Disposal of Work

A total of 461 matters were commenced in the Court of Appeal (305 criminal matters and 156 civil matters). This was a decrease from the 532 matters commenced last year (363 criminal matters and 169 civil matters). There were 371 active matters, a decrease from 411 last year. The Court finalised 503 matters, an increase from 497 matters finalised last year. See appendix 1, table 3.

The Court's clearance rate of 114.8% for criminal matters increased this reporting year, compared to 95.3% last year. The Court's clearance rate in civil matters, however, increased from 89.3% last year to 98.1% this year. Overall, 76.1% of Court of Appeal matters were finalised within 12 months of lodgement. See appendix 1, table 4. 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 caused by self-represented appellants seeking adjournments to find legal representation or referral to the pro bono scheme.

The median time for the delivery of reserved judgments in criminal and civil matters was 86 and 125 days, respectively. Overall, the median time between hearing and delivery of reserved judgments was 99 days, which is a 7.1% decrease from last year. See appendix 1, table 5.

Three matters were heard on the papers as an alternative to in-person or video link hearings.

Origin of Appeals

Filings from the Trial Division decreased this year both in civil matters from 133 to 115 and criminal matters from 106 to 79. Consistent with the past two years, filings from District Court civil matters have continued to decrease from 69 to 59. District Court criminal matters decreased from 311 to 300. Planning and Environment Court filings remained at eight this year, the same as the previous two reporting years. Appeals commenced from QCAT decreased this reporting year from 26 to 19. There were 10 court filings from the Industrial Court (civil), one from the Industrial Court (criminal), and one each from the Magistrates Court (civil) and Commissioner of Stamp Duties (criminal). See appendix 1, table 6.

There has been a decrease in the number of general civil appeals filed from 144 last year to 130 this year, and similarly the number of civil applications filed decreased from 82 to 71. Filings of sentence applications decreased from 180 to 141 and filings of conviction only appeals also decreased from 85 to 70. A total of 35 combined conviction and sentence appeals were filed this year, a decrease from 48 the previous year. A total of 40 extension applications were filed compared to 37 last year. Filings of sentence appeals brought by the Queensland Attorney-General and the Commonwealth Director of Public Prosecutions decreased from seven last year to four in this reporting period. See appendix 1, table 7.

There were 18 applications for special leave to the High Court of Australia in civil matters; three were granted, with 15 refused. In criminal matters, 15 applications for special leave were sought, with five granted, and 10 refused. See appendix 1, table 8. The High Court of Australia delivered seven judgments from the Queensland

Court of Appeal during this reporting year. Five appeals were allowed,⁵ with two dismissed.⁶ See appendix 1, table 9. One matter granted special leave has been heard, with the judgment being reserved at the time of the preparation of these statistics.⁷ One matter was granted special leave on limited grounds on 5 June 2020.⁸ Finally, special leave has been granted in three other matters awaiting hearing dates.⁹

Reasons of the Court

This year there were 386 outcomes for the Court of Appeal, 20 fewer than last year. The reasons in 23 of these outcomes were delivered as a judgment of the Court, an increase of five from last year. There were 318 outcomes delivered with three separate judgments concurring with the orders made, five fewer than last year. Eight outcomes were delivered with two joint concurring reasons and one separate reasons, 11 fewer than last year.¹⁰

Out of the total 386 outcomes, 19 involved dissents (a decrease of two from last year). There were 18 outcomes where reasons were delivered by a single judge, seven fewer than last year. See appendix 1, table 10.¹¹

Townsville Sittings

Regrettably, the Court of Appeal's northern sitting for 2020 was cancelled due to the restrictions imposed by COVID-19. The Court considers it desirable to maintain an annual regional circuit. Should the number of appeals filed regionally increase, the Court will consider the possibility of holding regional sittings more frequently.

Women Barristers in the Court of Appeal

Female counsel appeared in 26.6% of all Court of Appeal matters this year, an increase from 22.9% last year. Where 24% of members at the Bar are women, hope remains that the increase in female counsel appearing is indicative of a continuing trend towards greater representation of women at the Bar.

Female counsel appeared in 36.7% of criminal matters, compared to 31.3% last year, and in 12.5% of civil matters, compared to 12.4% last year.

Self-Represented Litigants

The President worked closely with the Registry during the year to case manage many of the self-represented matters. This procedure ensured that timelines for the lodgement of materials were followed and that matters proceeded to a substantive hearing without delay. Where necessary, matters involving self-represented litigants were listed for mentions or reviews which enabled hearings to proceed in a timely manner. From the start of the COVID 19 restrictions, self-represented litigants in custody appeared via video link.

5. *Lee v Lee* (2019) 93 ALJR 993; *Fennell v The Queen* (2019) 93 ALJR 1219; *Australian Securities and Investments Commission v King & Anor* (2020) 94 ALJR 293; *Strbak v The Queen* (2020) 94 ALJR 374; *Coughlan v The Queen* (2020) 94 ALJR 455.

6. *Brisbane City Council v Amos* (2019) 93 ALJR 977; *De Silva v The Queen* (2019) 94 ALJR 100.

7. *State of Queensland v The Estate of the Late Jennifer Leanne Masson* [2020] HCATrans 80 (heard on 11 June 2020).

8. *Oakey Coal Action Alliance Inc v New Acland Coal Pty Ltd & Ors* [2020] HCATrans 73.

9. *Mackellar Mining Equipment Pty Ltd and Dramatic Investments Pty Ltd t/as Partnership 818 & Anor v Thornton & Ors* [2019] HCATrans 188; *GBF v The Queen* [2020] HCATrans 47; *Peniamina v The Queen* [2020] HCATrans 75.

10. These figures are non-RoGS.

11. These figures are non-RoGS.

There were 84 self-represented litigants in cases where judgment was delivered in the Court of Appeal this year. At least one party was self-represented in 26 civil matters in which judgment was delivered this reporting year (18.6%), compared to 25 last year (16.8%). There were 58 criminal matters where at least one party was self-represented and in which judgment was delivered this reporting year (23.5%), compared to 59 last year (22.9%). See appendix 1, table 11.¹²

Many matters involving self-represented litigants are finalised before the hearing. This reporting year 148 matters involving self-represented litigants were finalised either before or after the hearing, (60 civil appeals and 88 criminal appeals). See appendix 1, table 12.¹³

Self-Represented Success Rates

A total of 12.1% of self-represented criminal litigants (compared to 3.4% last year) and 30.8% of self-represented civil litigants (compared to 28% last year) were successful in their appeals.

By way of comparison, this year the success rate in all¹⁴ criminal appeals was 58%, and in civil appeals was 26%.

In brief, just over 21% of all matters in the Court of Appeal, both criminal and civil, involve a self-represented litigant. Self-represented litigants are unsuccessful in 87.9% of criminal matters and unsuccessful in 69.2% of civil matters.¹⁵

LawRight

LawRight's Self-Representation Service (SRS) provided valuable assistance to self-represented litigants who had appeals before the Court, or who were considering commencing proceedings in the Court of Appeal. Of the 137 applications for assistance this year, seven were in respect of appeals. Of these, three concerned potential appeals, and the remaining four concerned current appeals.

SRS assists not only self-represented litigants but also appeals registry and court staff, the judges and, indirectly, the broader community. The Court extends their thanks to LawRight and, in particular, its directors, Linda MacPherson and Sue Garlick, and the SRS solicitors, Ben Tuckett and Melinda Willis.

Pro Bono Assistance

The Court of Appeal pro bono scheme entered its 20th year and continues to operate. This year 17 appellants were assisted.

For the period July 2019 to June 2020 pro bono counsel appeared for applicants/appellants in 19 judgments that were published by the Court of Appeal.¹⁶ In nine of these judgments, or over 47%, the applicant/appellant was successful where pro bono counsel appeared – this does not mean that entire appeals were allowed, however, includes judgment where sentences were reduced or retrials ordered. Importantly, the involvement of pro bono counsel enabled matters to progress through the Court in a timely and professional manner. See appendix 1, table 13.¹⁷

12. These figures are non-RoGS.

13. These figures are non-RoGS.

14. Matters that were determined this financial year involving represented and self-represented parties.

15. These figures are non-RoGS.

16. This figure is non-RoGS.

17. These figures are non-RoGS.

The President wishes to express his gratitude to the generous and public-spirited barristers listed in appendix 2. Particular thanks are extended to the following barristers and law firms who acted pro bono in applications and appeals in the Court of Appeal in the last year:

James Benjamin

Renee Berry

Michael Bonasia

Nathan Boyd

Daniel Caruana

Nathan Edridge

Sophie Harburg

Andrew Hoare

Michael Horvath

Christopher Hughes

Robert Lake

Sean Lamb

Simon Lewis

Alexander McKinnon

Andrew O'Brien

Ruth O'Gorman

Benedict Power

San-Joe Tan

Rachael Taylor

Patrick Wilson

Law Firms

Clarity Law

Fisher Dore Lawyers

Jeff Horsey Solicitors

Kingsley Lawson Lawyers

Technology and Infrastructure

This year the Court heard 31 matters where at least one party appeared by video link, compared to 21 last year. With the additional use of video conferencing programs such as Cisco Webex Teams being used since the start of the pandemic, the quality of video links varied considerably. This was mainly due to the congestion on the internet due to the large number of people working from home and the facilities available to counsel and practitioners from their chambers.

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.

The Court of Appeal courtroom was part of the pilot for the Recording & Transcription Project to upgrade and install new equipment in all courtrooms. The pilot locations were carefully selected based on a number of criteria including ease of support during pilot phase, jurisdiction, full range of existing audio interfaces, variety of network speeds and range of recording solutions required (fixed audio, audio+video, portable). The Court of Appeal courtroom was inaccessible for a period of 22 days due to technology equipment upgrades. During these periods the Court of Appeal had the use of other courtrooms within the building.

All Court of Appeal judgments delivered during this year were again available free to the public on the internet through:

- AustLII; and
- the Supreme Court Library 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, continued coordinating the publication of Court of Appeal judgments. The President and Judges of Appeal are grateful for the work Mr Godfrey does in ensuring compliance with the many legislative naming prohibitions.

- Mr Godfrey arranged hard copies and electronic links to the judgments for all major Brisbane media outlets. With the onset of COVID-19, fewer hard copies of judgments were required.
- He prepared judgments which were published on the Supreme Court Library website and distributed to interested Queensland judicial officers and selected Queensland Government agencies.

Judicial Exchanges

July 2019, in what was an Australian first, the Supreme Court of Western Australia and the Supreme Court of Queensland commenced a judicial exchange initiative. The President of the Queensland Court of Appeal was sworn in as an Acting Judge of Appeal of the Supreme Court of Western Australia by the WA Governor at Government House. Justice Sofronoff spent three weeks hearing cases in both the civil and criminal jurisdiction. The President of the Western Australia Court of Appeal, Justice Buss, was sworn in as an Acting Judge of Appeal in the Supreme Court of Queensland during October 2019 for a period of two weeks. The judicial exchange was an important way for the Courts in different States to share information and experiences so as to better improve the delivery of justice to the community. It will also contribute to a common approach to uniform Australian laws and the continuing professional development of the judiciary in Australia. Following the success of both judicial exchanges further exchanges had been planned for May 2020 but were cancelled due to the COVID-19 pandemic.

The President was invited by the President of the Court of Appeal New Zealand to sit on a Hague Convention abduction appeal on 6 March 2020. The President was invited to participate in the argument but did not participate in the deliberations of the panel. The President met with other members of the Court of Appeal New Zealand and gleaned insight into the processes of that jurisdiction. Justice Sofronoff extended an invitation to the President of the Court of Appeal New Zealand to sit in some appeals in Queensland in the future.

Future Directions and Challenges

This Court of Appeal Management System (CAMS) is an outdated software program that does not capture all the statistical data required for RoGS reporting. Its statistical reports often require time consuming manual checks. It is unable to communicate with other court systems. The replacement of CAMS with a system compatible with all court devices and software that integrates with other management systems used by the Supreme Court and improves the reliability of reporting by expanding and capturing data entry methods is well overdue.

Appendix 1

Table 1: Judgments, Criminal Matters

Judgments	2017-2018	2018-2019	2019-2020
Outstanding at start of year	52	74	44
Reserved	223	178	202
<i>Ex tempore judgments delivered</i>	92	92	101
Reserved judgments delivered	200	211	200
Outstanding at end of year	75	44	42

Table 2: Judgments, Civil Matters

Judgments	2017-2018	2018-2019	2019-2020
Outstanding at start of year	36	54	36
Reserved	136	108	126
<i>Ex tempore judgments delivered</i>	96	46	38
Reserved judgments delivered	122	127	128
Outstanding at end of year	55	37	36

Table 3: Annual Caseload – Number of Cases

	2017-2018	2018-2019	2019-2020	Change from Previous Year
Lodged	486	532	461	-13.3%
Heard*	n/a	n/a	n/a	n/a%
Finalised**	489	497	503	1.2%
	Lodged 2019-2020	Heard 2019-2020	Finalised* 2019-2020	Active (including reserved judgments not yet delivered)
Criminal	305	n/a	350	241
Civil	156	n/a	153	130
TOTAL	461	n/a	503	371

* Figures are not available from CAMS.

** 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	114.8%	74.0%	26.0%	4.3%	14.8%	1.8%
Civil	98.1%	81.0%	19.0%	0.0%	20.3%	3.9%
ALL CASES	109.1%	76.1%	23.9%	3.0%	16.5%	2.4%

* RoGS figures report 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		
	2017-2018	2018-2019	2019-2020
Criminal cases	103	102	86
Civil cases	119	139	125
ALL CASES	106	106	99

Table 6: Court in which Matters were Commenced

Court	Number of matters filed		
	2017-2018	2018-2019	2019-2020
Trial division - civil	110*	133*	115*
Trial division - criminal	101*	106*	79*
District Court - civil	79	69	59
District Court - criminal	308	311	300
Planning and Environment Court	8	8	8
Land Appeal Court	2	3	3
QCAT	26	26	19
Other Court	-	1	1
Magistrates Court - civil	-	-	1
Magistrates Court - criminal	1	1	-
Industrial Court - civil	-	-	10
Industrial Court - criminal	-	-	1
Commissioner Stamp Duties - criminal	-	-	1
Other - criminal	3	1	-

* Source: Court of Appeal Management System (CAMS).

Notes:

* These statistics include Circuit Court matters.

Table 7: Types of Appeals Filed

Appeal type	2017-2018	2018-2019	2019-2020
Civil			
General including personal injury	109	144	130
Applications	98	82	71
Leave applications	12	6	1
Planning and environment	5	6	6
Other	1	2	8
Appeal type	2017-2018	2018-2019	2019-2020
Criminal			
Sentence applications	155	180	141
Conviction appeals	91	85	70
Conviction and sentence appeals	40	48	35
Extensions (sentence applications)	18	18	15
Extensions (conviction appeals)	21	11	19
Extensions (conviction and sentence)	13	8	6
Sentence appeals (A-G/Cth DPP)	9	7	4
Other	66	62	91

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

Applications 2019-2020	Criminal	Civil
Granted	5	3
Refused	10	15

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

Appeals 2019-2020	Criminal	Civil
Granted	3	2
Refused	1	1

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
23	318	8	15	4	18	386

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

Number of cases**	2017-2018	2018-2019	2019-2020
Civil	35	25	26
Criminal	53	59	58
TOTAL	88	84	84

* The above table represents final outcomes from the Court of Appeal, i.e. judgments delivered. In some matters there is 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	2017-2018	2018-2019	2019-2020
Civil	86	55	60
Criminal	83	79	88
TOTAL	169	134	148

* non-RoGS figures (including matters abandoned, withdrawn, discontinued, struck out or stayed).

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

Number of cases	2019-2020
Appeal/Application allowed	9
Appeal/Application dismissed	10

* non-RoGS figures.

Appendix 2

Court of Appeal Pro Bono List for 2019/2020

Simone Bain	Kylie Hillard	Peter Mylne
James Benjamin	Andrew Hoare	Peter Nolan
Renee Berry	Saul Holt QC	Dominic Nguyen
Andrew Boe	Michael Horvath	Andrew O'Brien
Michael Bonasia	Christopher Hughes QC	Gerard O'Driscoll
Nathan Boyd	Jeffrey Hunter QC	Ruth O'Gorman
Daniel Caruana	Mark Johnson	Phil O'Higgins
Anthony W Collins (Townsville)	Joshua Jones	Tom Polley (Rockhampton)
Michael Copley QC	Viviana Keegan	Benedict Power
Janice Crawford	Stephen Keim SC	Colin Reid
Patrick Cullinane (Mackay)	Tony Kimmins	Peter Richards
Robbie Davies	Robert Lake	Sally Robb
Ralph Devlin QC	Sean Lamb	Tim Ryan
Benjamin Dighton	Simon Lewis	Julie Sharp
Chau Donnan	Eoin Mac Giolla Ri	San-Joe Tan
Nathan Edridge	Gregory Maguire	Rachael Taylor
Angus Edwards	Frank Martin (Toowoomba)	Joshua Trevino (Cairns)
Anthony Glynn QC	Mark McCarthy	Bret Walker SC
Mark Green	Alexander McKinnon	Neville Weston
Justin Greggery QC	Dr Kerri Mellifont QC	Penny White
Simon Hamlyn-Harris	Jane Menzies	Patrick Wilson
Sophie Harburg	Bruce Mumford	



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 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 and judicial review of administrative decisions. The Court has seven class actions currently on foot which require ongoing management.

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 Case List. That additional management has assisted in the expeditious determination of many of those matters. A judge is President of the Queensland Civil and Administrative Tribunal.

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 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 generally 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, Maryborough and Roma.

The Central Judge resides in Rockhampton, where he presides at civil and criminal sittings. He also conducts sittings in Bundaberg, Longreach, 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 work of the Trial Division in the reporting year was of course significantly affected by the COVID-19 pandemic and restrictions imposed following the first meeting of the National Cabinet, formed in response to the emergency, on 15 March 2020. Despite the 15-week period from 16 March to 30 June 2020 being a challenging period for the judges of the Trial Division, the work of the Court continued and the Court did not close at any point. The Trial Division judges under the leadership of the Chief Justice were united in their desire for the work of the Court to continue and for matters to be heard expeditiously and appropriately in a safe environment.

In light of announcements made after the National Cabinet meeting, strategies were immediately put in place throughout the State to facilitate the continuation of existing jury trials, civil trials and sentences, to implement strategies to accommodate more judge-alone trials and to allow for the hearing of an increased number of civil applications.

During this period the Court was also able to adapt existing courtrooms to accommodate the resumption of jury trials, enabling it to become one of the first Courts in Australia to resume jury trials with appropriate COVID-19 arrangements in place. This was achieved through consultation with Queensland Health, the profession and the utilisation of the judges' and registry staff's problem-solving skills.

In the period up to 16 March 2020, the finalisations in both the Civil and Criminal jurisdictions in the Trial Division were essentially in accordance with finalisations in the same period in the previous year. After the declaration of the COVID-19 emergency the finalisations for the entire reporting period did not decrease to any significant degree due to the determination of the judges of the Trial Division who continued to hear matters in all lists during the 15-week period. This was achieved by reducing the number of in person appearances and adapting quickly to a new environment whereby suitable matters were heard by Chorus Call or video link. Various systems such as Microsoft Teams, Webex, Chorus Call and PEXIP were either used or trialled with varying levels of success. No system was perfect and the patience of litigants, the profession, judges and registry staff was sorely tested at times.

Despite those challenges the Supreme Court continued to operate during the entire period. Judges of the Trial Division sat across multiple lists. Litigants requiring hearings were accommodated. Specifically, the judges sitting in the Applications List managed an increased workload particularly applications for bail, injunctions and complex probate matters. At least three judges sat in Applications each day in the 15-week period and six judges sat on one occasion when an extraordinary number of applications for bail were heard. In the reporting period an additional 162 (733) bail applications were heard compared to the number in the previous year (571). Civil trials continued, and both the Mental Health Court and judges sitting in the *Dangerous Prisoners (Sexual Offenders) Act 2003* (DPSOA) List continued to hear their allocated cases. Sentences, judge-alone trials and s 590AA applications were also heard. Trial Division judges also sat extra weeks in the Court of Appeal, given it was able to continue with its normal workload.

The efforts of the Regional judges in ensuring the work in each of their regions continued also need to be recognised, as does the significant work of the judges who manage the circuits to Toowoomba, Maryborough and Bundaberg. Their efforts ensure that all circuits are conducted in a timely and efficient way. Judges from Brisbane continue to assist in Townsville when the workload requires it.

The complexity of civil matters continues unabated and many civil trials are extensively case managed before trial. The increasing number of days devoted to DPSOA matters is also of concern given there was a record number of 412 Court events in the reporting year compared to 336 in the previous year.

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

Justice Debra Mullins – appointed to the Court of Appeal 28 January 2020;

Justice James Douglas – retired 9 February 2020;

Justice Peter Callaghan – appointed 10 February 2020; and

Justice Frances Williams – appointed 17 February 2020.

Criminal jurisdiction

The number of defendants finalised by trial state-wide increased from 45 to 46.

The average length of a trial increased from 5.5 days to 6.3 days.

The number of criminal lodgements state-wide increased from 2,418 to 2,425.

Finalisation by guilty plea is almost the same as the previous financial year being 1,982 whereas the previous year it was 1,984.

Overall, the number of defendants finalised decreased by 1.1% from 2,430 to 2,404. With the slight increase in lodgements and decrease in finalisation the clearance rate dropped by 1.4% to 99.1% compared to 100.5% in 2018/2019. The number of defendants pending increased from 773 to 779.

Brisbane's clearance rate decreased from 100.2% to 98.1%, with a reduction in active pending defendants of 3.9% from 635 to 610.

The number of outstanding defendants awaiting trial after 12 months has increased by 8.0% state-wide, from 11.4% (88 defendants) to 12.2% (95 defendants). In Brisbane, the increase was greater being 18.3%, from 11.2% (71 defendants) to 13.8% (84 defendants).

The most significant event in the life of the Criminal List during the reporting year was the suspension of jury trials on 19 March 2020 because of the COVID-19 pandemic. At around the same time, the prisons were placed in lockdown and this necessitated a substantial change in the way in which sentences, pre-trial hearings and reviews were conducted. The Court worked closely with the District and Magistrates Courts, both branches of the profession and the various stakeholder agencies (including the Department of Justice and Attorney-General, the Director of Public Prosecutions (Qld), Legal Aid (Qld), Corrective Services and Queensland Police) to ensure that all criminal cases (save for jury trials) could proceed with the least amount of disruption. Various measures were implemented including the use of video links and audio links for Court appearances, the expansion of the same facilities for use by legal practitioners to communicate with their clients in custody and an increased emphasis on administrative listings.

Through these measures, the ongoing dedication of the Registry Criminal List Manager, Ms Freeman, and the judges who undertook a significantly increased sentencing and pre-trial hearing workload after the suspension of jury trials, the Criminal List held its own. Although the number of lodgements was almost the same as the previous reporting year (from 1,984 to 1,982), the number of defendants finalised decreased by only 1.1% (from 2,430 to 2,404). Overall the clearance rate was 99.1% and, in Brisbane, 98.1%. This compared more than favourably with the previous reporting year (100.5% and 100.2% respectively). Indeed, the only noticeable change was an increase in the number of defendants awaiting jury trials (from 88 to 95) but that was unsurprising given the suspension of trials.

Otherwise, the initiatives introduced in March 2019 to reduce the number of pre-trial and pre-sentence court reviews required for the management of each case enabled significantly more matters to be listed administratively (i.e. through the Criminal List manager in consultation where necessary with the Criminal List judge). This has significantly reduced the length of time required for Criminal List reviews and obviated the need for practitioners to appear in Court simply to obtain a listing.

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	1,767	1,733	610	98.1%	13.8%	1.8%
Cairns	173	146	43	84.4%	4.7%	-
Rockhampton	141	112	29	79.4%	-	-
Townsville	160	163	39	101.9%	12.8%	2.6%
Main centre Totals	2,241	2,154	721	96.1%	12.6%	1.7%
Regional centres						
Bundaberg	18	28	10	155.6%	-	-
Longreach	-	-	-	-	-	-
Mackay	77	97	14	126.0%	7.1%	-
Maryborough	10	10	18	100.0%	16.7%	-
Mount Isa	1	3	-	300.0%	-	-
Roma	-	-	-	-	-	-
Toowoomba	78	112	16	143.6%	-	-
Regional centre Totals	184	250	58	135.9%	6.9%	-
State Total	2,425	2,404	779	99.1%	12.2%	1.5%

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 2018/2019 due to the change in counting rule as outlined in (2) applied in and since 2018/2019. In years prior to 2018/2019 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.

Mental Health Court

Two judges of the Trial Division sit as judges of the Mental Health Court, determining issues of criminal responsibility and fitness for trial. During the 2019/2020 year, the Court sat on 54 days, deciding 242 matters, consisting of 207 references, 23 appeals and 12 applications. From 30 March 2020 as a result of the COVID-19 pandemic and the public health directions issued, the Court's standard practices of conducting hearings in the courtroom were altered. Hearings were held by via video link and telephone link. Overall, there were minimal delays affecting the Court's proceedings, and five adjourned matters were re-listed and finalised within two months. The Mental Health Court has returned to operating at full capacity.

Civil jurisdiction

Lodgements decreased this year by 4.4% (131 cases) from 2,956 in 2018/2019 to 2,825.

Finalisations decreased by 3.2% (94 cases) from 2,895 in 2018/2019 to 2,801.

The clearance rate increased by 1.2% from 97.9% in 2018/2019 to 99.2%.

There was a decrease of 0.2% (four cases) in active pending matters (2,571 as at 30 June 2020 from 2,575 last year).

The number of pending cases older than 12 months and less than 24 months increased from 457 as at 30 June 2019 to 530, representing 20.6% of the active pending caseload.

Cases more than 24 months old decreased by 17 in 2019/2020 and stood at 217 cases at 30 June 2020.

Many claims are dealt with by registrars, which is one reason why a decrease in lodgements does not result in a corresponding reduction 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	2,456	2,453	2,234	99.9%	29.8%	9.2%
Cairns	78	72	66	92.3%	27.3%	4.5%
Rockhampton	175	154	169	88.0%	22.5%	3.0%
Townsville	47	53	35	112.8%	22.9%	2.9%
Main centre Totals	2,756	2,732	2,504	99.1%	29.1%	8.6%
Regional centres						
Bundaberg	2	3	3	150.0%	33.3%	-
Longreach	-	-	-	-	-	-
Mackay	57	59	53	103.5%	24.5%	3.8%
Maryborough	1	-	1	-	-	-
Mount Isa	1	1	-	100.0%	-	-
Roma	-	-	-	-	-	-
Toowoomba	8	6	10	75.0%	40.0%	-
Regional centre Totals	69	69	67	100.0%	26.9%	3.0%
State Total	2,825	2,801	2,571	99.2%	29.1%	8.4%

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 of active defendants with proceedings older than the specified time.

Civil Jurisdiction Brisbane

Case Flow Management

During the year under review, the Case Flow Management List continued to be managed by Justice Bowskill.

In February 2020 a new practice direction was issued dealing with case flow management: *Practice Direction No 4 of 2020*. The new practice direction sought to clarify the requirements, including by incorporating what had previously been a separate “plain English guide”. It also removed the concept of a matter becoming “deemed resolved”, which has not proven to be practically effective in encouraging the efficient progress of matters.

The need to adapt and respond to the COVID-19 restrictions in the first half of 2020 resulted in case flow review hearings being conducted entirely remotely, with all parties or their legal representatives appearing by telephone (using Chorus Call). Given the nature of case flow reviews, which usually involve relatively simple procedural matters, many of which are not contested, this was not problematic. In the interests of cost and time savings, it is proposed to continue to offer the option of appearances by telephone or in person for case flow review hearings.

Apart from the review hearings, much of the work of the Case Flow Management List continues to be done “on the papers”, without any need for an appearance. This work is (administratively) labour and time intensive. The efficiency and effectiveness of this process, and the overall management of the Case Flow List, requires considerable time and effort on the part of the managing judge, the Case Flow List manager and the managing judge’s associate.

A summary of the activity of the Case Flow Management List in the year 1 July 2019 to 30 June 2020 is as follows:

- as at 30 June 2020 there were approximately 100 active matters on the Case Flow Management List [it is not known how many matters were on the Case Flow List as at 1 July 2019];
- during the year a total of 294 case flow intervention notices were issued;
- 94 matters were removed from the Case Flow Management List, in the following circumstances:
 - o discontinued – 56;
 - o transferred to another court (primarily, the District Court) – 10;
 - o set down for trial – 4;
 - o placed on another list – 5;
 - o removed for other reasons (for example, settled) – 19;
- 128 orders were made following a review hearing; and
- 245 orders were made on the papers.

These figures support the conclusion that case flow management is of assistance in prompting activity in matters that have not been progressing in a timely way, including by removing from the Court matters which have resolved or are not to be pursued. The current aim is to have matters actively on the Case Flow List for no more than 12 months, by which time they are either resolved or set down for trial. Continuing proactive effort is required to achieve this result.

Dangerous Prisoners (Sexual Offenders) Act Applications

Initial applications made under the *Dangerous Prisoners (Sexual Offenders) Act 2003* seek orders that a relevant prisoner be continued to be detained for treatment and control or alternatively, that they be released under supervision. In the event that either order is made, the file then remains current during the period that the respondent is the subject of orders under the Act. Various applications are then dealt with while the prisoner transitions through to unsupervised release into the community. These applications

include reviews of continuing detention orders, applications consequent upon breaches of supervision orders and applications to extend supervision orders.

All such applications and hearings are reviewed and case managed in advance of their listed hearing dates at weekly reviews held on Friday at 9:15 am. Justice Davis is responsible for the management of the list.

Management of the list involves the making of a wide variety of directions necessary to ensure that the matters are ready to proceed on the date they are listed. Often issues arise concerning the appropriate evidence needed to be gathered, the timing of the filing of expert reports and written submissions and other things. The supervising judge manages matters that arise at review hearings outside the normal scheduled reviews.

Hearings have been allocated to one of the judges sitting in the Applications jurisdiction. Up to two hearings are listed on a Monday and one listed on a Tuesday. Where necessary, a second hearing can be listed on a Tuesday on the Applications List. There has recently been a surge of activity on this list. There has been an increase of over 25% in the filing of new applications compared with last year. There has been an increase of about 20% hearings of various types. This has necessitated the supervising judge's resorting to listing matters occasionally in the Civil List.

Commercial List

The Commercial List provides management and prompt hearing for proceedings of a commercial character. The current Commercial List judges are Justice Dalton and Justice Bond.

A case is placed on the list if a Commercial List judge considers that it is appropriate, having regard to the issues in dispute and the need for an early determination.

A party wishing to have a case placed on the list files an application and a Commercial List Statement. A case listed by one of the judges is managed by that judge, who makes directions and generally hears any contested interlocutory applications as well as the trial. Trial dates are allocated by the judge.

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.

Practitioners are encouraged to propose directions for the conduct of their cases which will result in a quick resolution of the dispute. Alternative dispute resolution in this list is facilitated by the Court, but on the footing that it should not significantly delay the progress of the case towards a final hearing.

The court documents for a case entered on the Commercial List are filed electronically and are uploaded and accessible through the Court's electronic file web page at <http://apps.courts.qld.gov.au/esearching/>

As at 30 June 2020, there were 57 cases on the list. During the prior year, 34 cases were added to the list. In total 37 cases on the list were finally resolved, of which five were finally resolved by judgment or after trial. There were 191 other hearings, being 88 interlocutory hearings (including listing applications and other interlocutory applications) and 103 reviews.

During the second half of the year ending 30 June 2020 some trial listings were delayed by the COVID 19 pandemic. Listing applications, reviews and interlocutory applications were unaffected. There are trials set down for hearing before the Commercial List judges until mid-February 2021.

As at 30 June 2020, there were 39 cases on the list. During the prior year, 34 cases were added to the list. In total 37 cases on the list were finally resolved, of which 5 were finally resolved by judgment or after trial. There were 191 other hearings, being 88 interlocutory hearings (including listing applications and other interlocutory applications) and 103 reviews.

Supervised Case List and SRL Supervised Case List

Supervised Case Lists provide 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. The list also supervises cases in accordance with *Practice Direction 10 of 2014* where one or more of the parties is a self-represented litigant.

Justice Mullins AO managed the Supervised Case List for self-represented parties until her appointment to the Court of Appeal in January 2020. Justice Boddice then took over that list. Justice Applegarth AM and Justice Brown are the other Supervised Case List judges. The aim of supervision is to narrow the issues in dispute and to effect a just and timely resolution of them as efficiently as possible – saving time and reducing costs for the parties and the Court.

General Supervised Case List

Cases are placed on the Supervised Case List at the request of one or more of the parties. They are also placed on this list at the Court's initiative, such as where a judge conducting an interlocutory hearing sees the need for ongoing judicial management of the case. Cases are also regularly referred to this list after a case flow review. Many cases on this list fall within the general "commercial law" category. Cases on the list cover a wide range of civil matters, including complex building and engineering claims, public liability and other insurance litigation, personal injury claims and defamation claims.

The judges conducting reviews typically seek to ensure that all issues in the case are identified by the pleadings; to ensure that substantial efforts are made to resolve the case, or, so far as possible, narrow the issues to be decided; to improve the efficiency and utility of expert evidence at trial; and to see that matters on this list are only given trial dates when there is a high likelihood that the trial will be able to start on the allocated date, and be completed within the estimated time. Trial plans are an important part of this process. The Supervised Case List judges also seek to ensure that parties adopt an efficient and proportionate approach to the management of documents at all stages of litigation.

A Supervised Case List manager, who manages and assists with other lists, administers the Supervised Case Lists. However, parties communicate directly with the associates to the Supervised Case List judges, and the associates, under the supervision of their judges, have a significant workload in attending to those communications, settling orders, reviewing compliance with orders and arranging reviews. Given their many other judicial duties, the judges who conduct the Supervised Case Lists have limited time to closely case manage cases on the list.

The Resolution Registrar continues to assist the judges to improve case management and the timely resolution of matters requiring supervision. The Resolution Registrar can conduct case conferences to narrow and better identify issues, expeditiously and informally resolve disputes over documents and trial preparation, and improve the efficiency of civil litigation. After a review the Supervised Case List judges can seek the support of the Resolution Registrar to progress the management of a case, or the Resolution Registrar can refer a matter for supervision by a Supervised Case List judge.

The separate conduct of a Self-Represented Litigant List has removed a significant workload from the other two Supervised Case List judges. The total number of cases being supervised on all supervised lists remains steady.

The Self-Represented Litigant Supervised Case List

Matters are added to the list when identified by registry staff as involving a self-represented party, by the direction of a judge sitting in the applications jurisdiction who has heard a matter involving a self-represented litigant and identifies the matter as one which would benefit from management, or as a result of the represented party notifying the List Manager that another party is self-represented. A matter will be removed from the list when the self-represented party obtains legal representation.

The List Manager provides each self-represented party with the kit for self-represented parties that is described in paragraph 4 of *Practice Direction 10 of 2014*. Management of cases involving self-represented parties can assist in streamlining the timing and the ambit of interlocutory applications and focussing the parties on the issues that will determine the outcome of the litigation. The practices that apply generally to cases on the Supervised Case List are also used for the SRL Supervised Case List.

Case Management and the Supervised Case List

A practice direction aims to improve the just and expeditious resolution of the real issues in dispute at a minimum of expense.¹⁸ The Court continues to review registry practices to encourage compliance with that practice direction. Justice Applegarth AM and the Resolution Registrar, Ms Julie Ruffin, also have initiated processes to better identify at an early stage of proceedings cases that may require greater than usual judicial case management. If necessary, cases are placed on a list or allocated to a single judge to case manage to resolution.

Judicial management of cases on the Supervised Case List and other civil cases continues to benefit from the work of the Resolution Registrar, who can conduct informal case conferences and arrive at consent directions. This saves costs and reduces the need for case reviews by a judge.

Wills and Estates List

In September 2019, the Court established a Wills and Estates List, managed by Justice Boddice, for a trial period of 12 months, to determine whether a permanent list was appropriate for an area of the Court's civil work which has been experiencing significant growth in recent years.

The intention of the specialist list was not to disrupt the present practice of most Wills and Estates proceedings being determined in Applications. The trial was undertaken in recognition of the fact that some Wills and Estates proceedings involve complex legal and factual issues, justifying judicial management to ensure their just, expeditious and cost effective resolution.

Between October 2019 and 30 June 2020, 16 proceedings were placed on the Wills and Estates List. As at 30 June 2020, three had been resolved by consent orders. One proceeding had been the subject of a trial, judgment in respect of which has been delivered subsequent to 30 June 2020. Of the remaining 12 proceedings, four have trial listings in the second half of 2020.

The timely resolution of some proceedings, together with the prompt listing of the trials of others, supports the continuation of a Wills and Estates List.

Streamlining Criminal Justice Committee

The Streamlining Criminal Justice Committee (SCJC), a Court initiative established in April 2016, continued to meet during 2019 and 2020.

Membership of the Committee continues to include representatives from all levels of the State's courts, including judges, magistrates and registry staff, officers from the Department of Justice and Attorney-General and other State Government departments, the Director of Public Prosecutions (Queensland), the Commonwealth Director of Prosecutions, the Queensland Police Service, the Australian Federal Police, Legal Aid Queensland, Corrective Services, the Bar Association of Queensland and the Queensland Law Society.

A limited number of the legislative recommendations previously made by the SCJC were the subject of implementation in 2019/2020. Others remain under consideration, including major legislative change to the *Justices Act 1886*. A major issue for the implementation of other recommendations made by the SCJC is the need for significant funds.

During 2019/2020, the SCJC reviewed ongoing projects, such as the Men's Bail Support Program, the Early Resolution Pilot Project and the Verdict and Judgment Record Project. The Men's Bail Support Program was not as successful as had been hoped, as a consequence of poor uptake. The Early Resolution Pilot Project demonstrated an improvement in the time period between committal and presentation of indictment, and in post-committal points of contact between the Director of Public Prosecutions and defence legal representatives. There were also improvements in resolving matters summarily.

18. PD 18 of 2018 is available at: <https://www.courts.qld.gov.au/courts/supreme-court/practice-directions?root=85534>

During 2019/2020, the SCJC continued to identify possible improvements in streamlining criminal justice. Apart from ongoing work in relation to the Verdict and Judgment Record Project and a collaborative system for consistency in the keeping of relevant statistics by individual stakeholders, the SCJC identified three further working groups: forensics, remand and Youth Justice. The significant restrictions in the first half of 2020, as a consequence of COVID-19, prevented any meaningful progress in those areas. They will be the particular focus of the SCJC in 2020/2021.

Regions

Southern Region

Justice Peter Applegarth AM assumed management of the Southern Region circuits in June 2015.

Circuits were conducted in Queensland Southern Region areas – in Toowoomba over six weeks (which also took in Roma), Maryborough over three weeks, and Bundaberg for one week.

Central Region

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

As with all Queensland Courts, the COVID-19 pandemic has had an impact on the Central Region, preventing, among other things, jury trials being held from March 2020. As a result of COVID-19 travel restrictions affecting other judges, the Central Judge travelled to Bundaberg in April 2020 to conduct the work of the Court for the Bundaberg and Maryborough regions.

As in previous years, there has been no need to allocate any sitting time to Longreach. Ten weeks were allocated to sittings in Rockhampton for civil work, and sixteen weeks for criminal work. Seven weeks were allocated to sittings in Mackay. 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 2019/2020 period there were 141 indictments lodged. These lodgements principally relate to offences against the *Drugs Misuse Act*. Similarly with civil lodgements: the number of lodgements has increased by nearly 18% over the course of the year. While official clearance rates in Rockhampton are below 90% (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 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 21 practitioners admitted in 2019/2020. Most continue to practise in the region.

In late 2018, significant renovation works of the Virgil Power Building began. The building work has been undertaken primarily at night time so as to minimise the effect on the Court sitting hours. The building work was completed in late 2019.

Northern Region

The Northern Judge, Justice North, is responsible for the work of the Court within the Northern District of the Court. In the year covered by this report he sat in Townsville for 21 weeks in crime and six weeks in civil. He also sat in Brisbane (two weeks) and presided at three circuits sittings in Mackay. 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 rates in Mackay, both in crime and civil, are pleasing.

The singular event affecting the disposition of work of the Court the year under review is the suspension of

jury trials from 18 March 2020, forced by the COVID-19 pandemic. It was not until late May and early June that planning could begin for the recommencement of jury trials in Townsville. With the cooperation and assistance of the resident District Court judges, the registry and the profession, arrangements were able to be put in place for the resumption of jury trials in both the Supreme and District Courts in Townsville, beginning in July 2020.

In the 2019/2020 year, the number of matters lodged in the criminal jurisdiction decreased slightly to 160 compared to 161 in the previous year, a decrease of 0.6%. In the civil jurisdiction, lodgements decreased by 17.5%, to 47 compared to 57 the previous year. In Townsville, applications mornings are principally conducted every Tuesday and Thursday and long civil application days built into the calendar with a view to ensuring applications are disposed of promptly.

Justice North enjoyed some weeks of long leave in 2019 and he attended the NJCA's conference for mid-career judges, "Reflections on the Judicial Function". His Honour continued the Court's involvement with the profession in its professional development during the year, attending a number of professional CPD seminars coordinated by the Townsville District Law Association and the North Queensland Bar Association. Unfortunately, in May 2020 the COVID-19 pandemic forced the cancellation of the North Queensland Law Association's annual conference that was to be held in Mackay.

During the year 40 new practitioners were admitted, 28 women and 12 men. Many took up positions in Townsville and North Queensland, having completed their degrees at the Townsville campus of James Cook University.

Far Northern Region

The Far Northern Judge, Justice Henry, sat at Cairns for 13 weeks in the civil jurisdiction and 14 weeks in the criminal jurisdiction. He circuited to Brisbane for four weeks in the Court of Appeal, and two weeks in the Trial Division. He circuited to Mount Isa for a day. He had five judgment writing weeks and two weeks long leave. His Honour also attended the NJCA's conference, "Reflections on the Judicial Function".

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 2019/2020 year, the number of matters lodged in the criminal jurisdiction increased to 173 compared to 148 in the previous year, an increase of 16.9%. In the civil jurisdiction, lodgements decreased by 24.3% to 78 compared to 103 the previous year.

During the year 40 new practitioners were admitted: 30 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 2019/2020 CPD Series – a series of professional development sessions delivered by Cairns resident Supreme and District Court judges and local practitioners. Justice Henry delivered the session, "*Human Rights Act 2019 (Qld) – What work will it bring us?*" Occasions for the Court's traditionally extensive extra-curial support of the local legal profession were markedly reduced in consequence of the COVID-19 public health concerns.

Those same concerns resulted in no jury trials being heard from March to June. His Honour engaged with the local District Court judges, court staff and local legal profession to draft a protocol for returning to jury trials in the pre-vaccine COVID-19 era after June 2020.

Southport Sittings

A circuit sittings was listed to be held at Southport for two weeks commencing 2 September 2019.

Despite notice of the Court's intention to hold that circuit being sent to practitioners in March 2019, there was insufficient work to occupy the two week sittings. A similar scenario occurred for the circuit sittings held in 2018.

At the commencement of the sittings, a seven day criminal trial and six sentences were listed for hearing. A foreshadowed civil trial had been delisted, due to the proceeding's not being ready for trial.

During the circuit sittings, the criminal trial did not proceed as the Crown accepted pleas in satisfaction of the indictment. That defendant was sentenced during the sittings. Five other sentences were heard. No civil applications or trials proceeded. In the result, the Court sat for only three of the 10 days allocated in that sittings.

Notice of a circuit sittings at Southport in the second half of 2020 was given to the profession in March 2020. Because the response to that notice was limited, the Court determined that the sittings in the second half of the year would proceed for one week only. A mix of civil applications and sentences is presently listed for hearing.



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 has limited original jurisdiction under the *Biological Control Act 1987* and the *Foreign Ownership of Land Register Act 1988*.

The Land Appeal Court sits at Brisbane (Southern Region), Rockhampton (Central Region), Townsville (Northern Region) and Cairns (Far Northern Region). 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 nominated judge for the Southern Region on and from 1 January 2020. Justice Mullins was the nominated judge from 1 January 2019 to 31 December 2019.

The Central Judge, Justice Crow, the Northern Judge, Justice North, and the Far Northern Judge, Justice Henry, are the Land Appeal Court members for their respective regions.

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.

Appeals to the Land Appeal Court are by way of rehearing, usually on the record 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.

There were ten appeals filed in the Land Appeal Court in 2019/2020, compared with nine appeals filed in 2018/2019. Five of those appeals were lodged in the Southern Region and five were lodged in the Central Region.

The ten appeals and their current status are listed as follows:

Nature of Appeals	District Lodged	File number and name	Final/Awaiting Outcome/Notes
Mining Compensation	Central	LAC004-19 - Lonergan & Anor v Friese.	This appeal related to a General Application for an extension of time to file the appeal. It was dealt with on the papers and leave was granted on 30/9/2019.
Land Valuation	Central	LAC005-19 & LAC006-19 - Lake Maroona Pty Ltd v Valuer-General (2 appeals).	Listed for hearing but settled by consent before the hearing on 13/9/2019.
Mining Compensation	Central	LAC007-19 - Lonergan & Anor v Friese.	Final Judgment delivered on 19/5/2020. Appeal dismissed.
Land Valuation	Southern	LAC008-19 - Drivas Lakes Pty Ltd v Valuer-General.	Notice of Discontinuance filed on 15/5/2020.

Mining Compensation	Central	LAC001-20 – 2PL Superannuation Pty Ltd v Skilton.	Appeal filed late. Matter of Jurisdiction will be determined on the papers. Parties currently filing material in support. Decision to be made in near future.
Land Valuation	Southern	LAC002-20, LAC003-20, LAC004-20, LAC005-20 – YFG Shopping Centres Pty Ltd & Ors v Valuer-General. (4 appeals)	Parties currently filing materials in accordance with standard directions. Appeals are listed for hearing on 8/10/2020 in Brisbane.

The Land Appeal Court delivered a total of nine judgments this financial year. Six were final judgments. Two were costs judgments. One was on the papers.

There were three appeals filed in the Court of Appeal in this financial year. All three appeals were allowed.

There were two Judicial Review applications made in the Supreme Court. One was granted and the other application was dismissed.

There was one application for special leave filed in the High Court during the reporting period. The application was granted and the High Court hearing will most likely take place in the 2020/2021 financial year.



EXECUTIVE DIRECTOR'S OVERVIEW

EXECUTIVE DIRECTOR'S OVERVIEW

Office of the Executive Director 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 the chair of the Public Records Review Committee at Queensland State Archives, a member of the Supreme Court Library Committee, 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. Local Magistrates Court registry staff perform the registry role in those centres.

The two week circuit of the Supreme Court to Southport during September 2019 is noted and registry staff of that centre are to be commended for their efforts in ensuring its efficient conduct.

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.

Impact of COVID-19 Pandemic

The COVID-19 pandemic required a range of strategies to enable registry services to continue.

The absence of electronic files and associated processes exacerbated the challenges presented by COVID-19. While efforts were made to enable staff generally to work from home when so directed by the government, most front line staff were unable to do so.

Staff at all levels were instrumental in developing and implementing innovative strategies to minimise the risk to staff and others from COVID-19 without ceasing the business of the Court. Strategies ranged from diverting phone lines to staff working from home and implementing a drop box process for the lodgement of documents in Brisbane to conducting conferences by the Resolution Registrar and holding sittings of

the Corporations Courts fully electronically.

In March 2020, the first Principal Registrar's approval to accept certain documents for electronic filing pursuant to rule 967(3) of the *Uniform Civil Procedure Rules 1999* was issued. In May 2020, a directive was issued to all staff that most documents should be accepted for filing with electronic as well as manual signatures. It is anticipated that these changes will endure post-pandemic and will be important steps in achieving electronic files in the near future.

During the period where Queensland was at Stage 3 of COVID-19 restrictions, both jury trials and admissions sittings were initially suspended. However, with the guidance of the Chief Justice, the Honourable Catherine Holmes, the engagement of the Legal Practitioners' Admissions Board and willing participation of registry staff, a compliant and safe alternative process was implemented involving determination of applications on the papers by the Court of Appeal and multiple sessions of physically signing the roll in the following fortnight. This enabled a total of 240 legal practitioners to be admitted following sittings on 20 April and 1 June 2020. A further amended, COVID-safe admissions process was developed when restrictions eased, for implementation at the sittings on 27 July 2020.

Thanks to another enormous collaborative effort, we were also well placed to resume jury trials across Queensland in advance of most of Australia's other jurisdictions. This involved resolving a plethora of practical and conceptual issues and engagement from a multiplicity of areas including the Department of Justice and Attorney-General's Facilities Services, staff from the Court's own Information and Courts' Technology team, Department of Corrective Services and Public Health Officers. Once again, the process was guided by a variety of senior judges but particularly by Justice Ann Lyons and Justice Martin Burns. Staff at all levels across the State raised some of the more important issues and came up with the best solutions. Our ability to resume jury trials - which has been tested and proven at the time of writing this report - is one of our most impressive achievements in these difficult times.

Following a preliminary pilot using fictitious documents, a process enabling actual probate applications to be filed via an online portal commenced on 8 June 2020. While feedback was being evaluated at the time of writing this report, it is hoped the online portal can be rolled out more widely during 2020/2021.

Registry Workloads

Despite the impact of the COVID-19 pandemic, there were 2,425 criminal lodgements across Queensland during 2019/2020, an increase of seven lodgements (0.3%) compared to 2018/2019.

The suspension of jury trials as a result of COVID-19 meant those trials before the Supreme Court decreased from 58 during 2018/2019 to 39 in 2019/2020. The average length of those trials increased from 5.5 days to 6.3 days.

Report on Government Services (RoGS) civil lodgements increased by 1.2%, from 2,956 during 2018/2019 to 2,992 in 2019/2020.

Across Queensland, estate administration matters increased by 7.3% (11,185 to 11,998).

Court Network Volunteers

Court Network's volunteers again provided a range of support services to court users via outreach and support services in Brisbane, Cairns and Townsville, the Victim Support Unit (VSU) in Brisbane, Gympie, Ipswich and Sunshine Coast, and the Domestic Violence reception desks in Beenleigh, Brisbane, Ipswich and Southport.

The volunteers provide court users with non-legal information, practical and emotional support, and advocacy and referrals to enable them to access justice and navigate the court system. They also play a role in ensuring their contribution with clients adds to the function of the courts and assists court staff where possible.

During 2019/2020, volunteers assisted 10,802 court users through the Brisbane Information Kiosk, 2,610

court users through the Brisbane Supreme and District Court Networker service, 146 in Cairns and a further 190 in Townsville Supreme and District Courts.

The VSU provides coordinated cross-jurisdictional support for adult victims in the criminal justice system. During the year, more than 918 VSU clients were assisted with approximately 3,335 hours of service provided.

Court Network also assists with the rostering and facilitation of a Justice of the Peace service in the Brisbane Supreme and District Courts. During 2019/2020, that service provided 325 volunteer hours and assisted 465 clients with 1,405 documents.

COVID-19 led to several disruptions to Court Network's service provision throughout 2020. All volunteer services were suspended in March 2020 and staff commenced working from home. A positive outcome was the ability to explore alternative service delivery options. Court Network subsequently commenced a telephone service manned by volunteers from their homes that services Victoria and Queensland. This state-wide service in Queensland is growing each week and can support court users from any location, at any point in time during their engagement with the court system. To ensure its ongoing support for Queensland Courts, Court Network is continuing to focus on the development of this service to complement face to face services and enable service delivery to continue regardless of any future implications and fragility within the community.

Acknowledgements

I am extremely proud of the way registry staff responded and continue to respond to the challenges of COVID-19. Their ongoing enthusiasm, commitment and professionalism in discharging their duties, managing workloads and innovating to do so are, without doubt, some of the most significant assets of the Court.

The degree of support and assistance that we have also received from officers of the Department of Justice and Attorney-General this year has also been particularly notable and appreciated. Too many people to name individually have made timely and significant contributions which have been essential in allowing us to continue with doing our part in enabling the work of the Court to continue.

The forbearance, support and assistance of legal practitioners and judges, 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 and improve services is equally appreciated.



SUPREME COURT OF QUEENSLAND LIBRARY

SUPREME COURT OF QUEENSLAND LIBRARY

The Supreme Court Library Queensland (SCLQ) was established under statute to serve the administration of justice in Queensland through provision of legal information services to the Queensland judiciary, legal profession and public. As the primary legal information provider for the State's judiciary and legal profession, the library provides a comprehensive suite of services including reference, research and document delivery, training and support, and publication of the official unreported decisions of Queensland Courts and tribunals, together with a variety of current awareness services reporting the latest developments in Queensland law. All of these services are freely available to Queensland's judges and their associates across the State.

The library maintains print collections in several provincial courthouses in addition to the main library collection in Brisbane at the QEII Courts of Law. It also continues to service the judges' library collection on level 15 of the QEII building by maintaining print subscription services and processing new acquisitions. In 2019/2020 the library's combined print collection comprised over 160,000 items, with the library purchasing 243 new monographs during the year, and maintaining almost 300 print subscriptions.

For members of the judiciary their state-wide desktop access to an expanding collection of over 1,000 online resources available via the library's Judicial Virtual Library (JVL) is their most comprehensive, current and reliable source of legal information. In 2019/2020 the library catalogue enabled access to more than 65,000 online full text titles, with 705 new records added to the catalogue during the year. During 2015/2016 the library negotiated expanded access rights for many library customers to a selection of the most popular online publications as part of its Virtual Legal Library (VLL) offering to the legal profession. This ground breaking and highly valued service was accessible to 744 eligible Queensland legal practitioners by the end of June 2020, while another 253 practitioners not normally eligible for access were provided with temporary emergency pandemic access from 7 May 2020.

As the publishing arm of the Queensland Courts, the library has maintained its commitment to timely publication of the official version of full text unreported judgments from Queensland Courts and Tribunals. Most decisions are published online within an hour of being handed down, making the SCLQ website the primary and most current and authoritative access point for Queensland case law. In 2019/2020 the library published over 3,000 new decisions from Queensland Courts and Tribunals, as well as expanding the publicly available case law with the addition of historical decisions of the Queensland Industrial Relations Commission and judgments of the Industrial Court of Queensland for the period 2000 to 2009. Of the new decisions published, 120 of them were from the Supreme Court Trial Division, one from the Mental Health Court, 41 from the Industrial Relations Commission, and 71 from the Court of Appeal. In addition six Supreme Court pre-trial rulings were published in various places. By the end of June 2020 the total number of full text Queensland decisions available from the library website was over 64,000. The number of public sentencing remarks the library made available on its website increased substantially during the year, as a result of the adoption by the Courts of the recommendations of the library's Sentencing Remarks Subcommittee, chaired by the Hon Justice Helen Bowskill.

The library is also responsible for provision and maintenance of the Queensland Sentencing Information Service (QGIS), and use of the service continues to be high, with over 725,500 page views in 2019/2020. During that year, more than 6,800 new sentencing remarks transcripts were added to the database, increasing the number of available transcripts in QGIS to over 88,000. By year's end there were 804 subscriptions to QGIS by sole practitioners, law firms and small public sector agencies or business units (in addition to the 'corporate' subscriptions of major criminal justice sector agencies such as the Office of the Director of Public Prosecutions, Legal Aid Queensland and Queensland Police Service, which provide access to many individuals employed by them). QGIS is relied upon by the prosecution, defence and judiciary to promote consistency and fairness in sentencing criminal offenders and is available to all judges.

The library's websites are the primary means of accessing its information resources and services for the majority of its customers. In 2019/2020 more than 6.6 million page views were recorded from the SCLQ public website, JVL, VLL and library catalogue combined. Specialist legal research tools developed by the library, including the Uniform Civil Procedure Rules Bulletin, comprise part of the wide range of legal content available to the judiciary via the library's websites. In all, CaseLaw services (including the official unreported judgments collection) recorded more than 4.5 million page views over the year.

The library provides a range of current awareness services to judges, including the *Judicial Daily Update* service, a daily news and current awareness newsletter tailored specifically for the Queensland judiciary. It also publishes and distributes the *Queensland Legal Updater* (QLU), a weekly email bulletin designed to update legal professionals on changes to legislation and developments in case law relevant to legal practice in Queensland. Together, the judicial current awareness services and QLU recorded over 126,000 views during the year.

Throughout the year the library's skilled and experienced research librarians continued to assist the judiciary and legal profession with navigating the legal research tools within the library's print and online collections. The team responded to over 7,100 information enquiries (10% higher than the previous year), and almost 22,000 documents were supplied in response to these queries (up 13% on 2018/2019). During 2019/2020, the library provided the judiciary with legal research training on request. As the official member library of the Bar Association of Queensland and the Queensland Law Society, the library services the information needs of legal practitioners across the State.

The library's legal heritage and education programs are designed to foster broad appreciation of Queensland's legal heritage and to promote an understanding of the Queensland justice system and its role in society. Highlights during 2019/2020 included:

- Over 4,500 visitors participated in the popular schools education program, with over 1,400 participants in judges' or magistrates' information sessions and over 2,600 students witnessing the law in action by observing Court proceedings. This was a 37% decrease on 2018/2019 due to schools cancelling excursions in early 2020 and the library suspending its on premises education program from 26 March 2020 in response to the COVID-19 pandemic. However, during the suspension of the education program 202 students participated in online research training sessions conducted remotely by library staff.
- A new exhibition, *Graphic justice: pictures worth 1000 words*, was installed in the Sir Harry Gibbs Legal Heritage Centre in May 2020 but was unable to be opened to the public at that time due to the social distancing restrictions associated with the pandemic. An online version of that exhibition was launched in May 2020 with the physical exhibition opening to the public in July 2020.
- The exhibition within the main library public space *Next Witness*, paintings by Julie Fragar, continued until September 2019, with an artist panel discussion chaired by the Hon Justice Thomas Bradley in August 2019.
- Two Selden Society lectures were held in the second half of 2019. The 2020 lecture program was suspended from April 2020 due to the pandemic restrictions on large gatherings.
- There were a number of legal heritage displays within the main library public space over the course of the year—*Moving north: Townsville triumphant* (September to November 2019), *Celebrate! Queensland legal ceremonies* (December 2019 to March 2020) and *Out of the centre* (installed June 2020). The display *Moving north: Townsville triumphant* was also installed as an ongoing exhibition in the library premises in Townsville.
- The *Queensland Legal Yearbook 2018* reviewed the year's legal events and statistics, and contained speeches by members of the judiciary in 2018.

Looking ahead to 2020/2021, there will be a continued focus by the library on providing a high level of support to Queensland's busy judges. We will continue to support adoption by judges 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 effective and efficient use of the range of print, electronic and online resources available to the judiciary via the JVL. The former was facilitated by provision of new iPad tablet devices to all judges during the latter part of 2019. We look forward to increased use of the VLL service by eligible Queensland legal practitioners, and to redeveloped SCLQ CaseLaw services and websites. Together these initiatives will contribute to improved legal information services for the Queensland judiciary, legal profession and public.



SUPREME COURT JUDGES' ASSOCIATES 2020

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	Judge	Associate
Chief Justice	The Honourable Justice Catherine Holmes AC	Georgina Tweedy
	Court of Appeal	
President	The Honourable Justice Walter Sofronoff	Sunny van den Berg
	The Honourable Justice Fraser	Mia Williams
	The Honourable Justice Morrison	Taimane Mailata
	The Honourable Justice Philippides	Daniel Trigger
	The Honourable Justice Philip McMurdo	Jessica Downing-Ide
	The Honourable Justice Mullins AO	Amye Fairbairn
	Trial Division	
Senior Judge Administrator	The Honourable Justice Lyons	Sophie Dilda
	The Honourable Justice Daubney AM	Julius Moller
	The Honourable Justice Martin AM	Jane Hall
	The Honourable Justice Applegarth AM	Claire Viney
	The Honourable Justice Boddice	Dakota-Lily Morris
	The Honourable Justice Dalton	Brigid Horneman-Wren
	The Honourable Justice Jackson	Jasmin Percy
	The Honourable Justice Flanagan	Antonia Bellas
	The Honourable Justice Burns	Patrick Cross
	The Honourable Justice Bond	Michael Chen
	The Honourable Justice Brown	Nicholas Berrey
	The Honourable Justice Bowskill	Hannah Duncan
	The Honourable Justice Davis	Angelene Counter
	The Honourable Justice Ryan	Zoë Brereton
	The Honourable Justice Wilson	Ella Tait
	The Honourable Justice Bradley	Ben Previtera
	The Honourable Justice Callaghan	Hamish Swanson
	The Honourable Justice Williams	Christopher Clur
	Regional	
Northern Judge	The Honourable Justice North	Madeleine Hodge
Far Northern Judge	The Honourable Justice Henry	Thomas Feeney
Central Judge	The Honourable Justice Crow	Liam Kennedy

