

**DISTRICT COURT OF QUEENSLAND**

**ANNUAL REPORT 2022/2023**





**DISTRICT COURT OF  
QUEENSLAND**

CHAMBERS OF CHIEF JUDGE DEVEREAUX SC

27 October 2023

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The Honourable Yvette D'Ath MP  
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Domestic and Family Violence  
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Dear Attorney

Pursuant to s.130A (1) of the *District Court of Queensland Act 1967*, I enclose my report on the operation of the District Court of Queensland for the year ended 30 June 2023.

Yours sincerely

**Brian Devereaux SC**

**Chief Judge**



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## Chief Judge's overview

This, the Court's 27<sup>th</sup> annual report, deals with the operation of the Court in 2022/2023. Pursuant to s. 70 of the *Planning and Environment Court Act 2016*, this report incorporates the annual report of the Planning and Environment Court (the P&E Court).

The Court's performance and workload during the 2022/2023 year are reflected in the statistics set out in this report. The statistical information accords with the method of reporting adopted by the Commonwealth Productivity Commission's Annual Report on Government Services. This method of reporting does not count all of the Court's work. Two significant bodies of the District Court Judges' work, the Childrens Court of Queensland (CCQ) and the P&E Court are examples.

The Court's criminal matters lodged eased somewhat during the year under review, slightly in Brisbane (-3.6 percent), more so in the rest of the State taken as a whole (-9 percent). The result for the whole of Queensland was 7 percent less than 2022/2023 but still 8 percent higher than 2021/2022. This was consistent with the passing of the post COVID wave of outstanding matters awaiting committal to the Court from the Magistrates Court. Yet there was an increase in the number of trials conducted and an increase in the average trial length, from 3.4 days to 3.6 days.

The Court received 3,867 civil lodgments, an increase of 8.2 percent on the previous year. The P&E Court received 330 lodgments, about 13 percent less than the previous year. The CCQ lodgments increased by 13 percent on the previous year. The District Court of Queensland remains one of the largest and busiest of the higher courts in Australia.

A civil case management system was implemented in the Queensland Civil and Administrative Tribunal (QCAT). Significant progress was made in development of a civil case management system for the Magistrates Courts but a paperless system for filing documents and having them available to a judge in court is some way off for the Supreme and District Courts.

The P&E Court is the exception. Since 2013, all active P&E Court files originating in Brisbane, Southport, Maroochydore, Townsville and Cairns have been accessible through the Queensland Courts website eCourts facility.

There were few movements in Court personnel. On 11 April 2023 Judge Catherine Muir was appointed a Justice of the Supreme Court of Queensland. On 26 May 2023 Judge Nicholas Andreatidis KC was appointed a Judge of the District Court of Queensland and sworn-in at the QEII Court of Law, Brisbane. Judge Orazio Rinaudo AM, who was appointed to the Court on 8 July 2014 retired on 2 June 2023. He was Chief Magistrate from 8 July 2014 until 7 July 2019.

While the Court continues to work on the development of a structured judicial well-being program, the lifting of COVID-19 conditions allowed more freedom to meet in person and to attend seminars or conferences. In particular, the judges conducted, together with Judges of the Supreme Court, our annual seminar in August 2022. These opportunities alone enhance the collegiate quality of the Court and the well-being of Judges.

The general health of the court received a boost when, late in the year under review, the Executive announced funding for 3 additional judges to the Court. The judges gratefully acknowledge the significant addition to the complement of the Court. It will have a positive

effect on the Court's capacity to deliver timely access to justice for the Queensland community in all of the Court's districts, and it is hoped that the increase will mitigate the effects on judicial well-being of the unsustainable workloads judges have borne.

Many judges of the Court have responded to the Judicial Officers' Work, Place and Psychological Health National Survey. Two judges of the Court sit on the advisory group of the study, which is being conducted by a national research team from universities across Australia.

In last year's annual report, I commented that although the south-east corner is not the only growth area in the State, it demands attention. As Table 1 below shows, the criminal lodgments at Beenleigh, which houses only one court room fit for a jury trial and one small court room suitable only for applications or sentencing, are close to the lodgments at regional centres where there are two resident judges. The Court is increasingly concerned about the inevitable rising backlog of cases the present circumstances cause. Transferring matters to Brisbane removes them from the community in which the events occurred, increases the stress on the Court at Brisbane, tends to disenfranchise potential jurors who would have been involved in a trial at Beenleigh and adds to the travel costs and inconvenience of interested parties and witnesses.

In July 2022, the Women's Safety and Justice Taskforce released the second *Hear Her Voice* report into the experiences of women and girls across the criminal justice system. The Taskforce made several recommendations with relevance to the management of sexual violence cases in the District Court of Queensland. During the year under review, funding was allocated for the establishment of a Project Team to assist in the design and implementation recommendations 69, 71, and 72. These recommendations call for consideration to be given to:

- *Recommendation 69: a specialist list for sexual violence cases;*
- *Recommendation 71: developing and implementing a plan to improve court case management of sexual violence cases; and*
- *Recommendation 72: designing and implementing a pilot of a voluntary case conferencing model in sexual violence cases.*

I record my thanks to the Judge Administrator, Judge Smith, for his tireless and efficient assistance in the operation of the Court. I acknowledge all the Judges for their application to the service of the community, however busy the lists and challenging the cases.

The Court gains much from my regular meetings with the Director-General and Deputy Director-General: for most of the year, David Mackie and Jennifer Lang; for the later part of the year, Jasmina Joldic PSM and Brigita Cunnington. The Court enjoys a positive and respectful relationship with the Attorney-General and the senior officers of the Department.

The judges appreciate the commitment of the registry staff. The Executive Director and Principal Registrar, Julie Steel PSM, provides details of the registry services and workloads later in this report.

In last year's report, I mentioned the retirement of the Supreme Court Librarian, David Bratchford. I commend the brief summary of the Library's excellent work, prepared by the new Supreme Court Librarian, Marian Morgan-Bindon.

## The work of the District Court - Disposition of Caseload

The Chief Judge, with the assistance of the Judge Administrator, is responsible for the administration of the court and for ensuring the orderly and expeditious exercise of the jurisdiction and powers of the Court.

The Court has wide civil, criminal and appellate jurisdiction, as provided in the *District Court of Queensland Act 1967* and other legislation.

The District Court hears and determines most charges of serious criminal offences - the Supreme court deals with homicide cases, attempted murder and trafficking in Schedule 1 drugs. Criminal trials are usually heard with a jury.

The court exercises equitable and other jurisdiction within its civil monetary limit. Civil matters are normally heard by a single judge.

Many judges also sit as P&E Court judges and CCQ judges.

The Court hears appeals from orders of the Magistrates Court in criminal and civil proceedings, including under the *Domestic and Family Violence Protection Act 2012*, the *Child Protection Act 1999* and a range of “regulatory prosecutions”.

The judges have adopted a protocol that, save in exceptional cases, judgments are to be delivered within three months of the conclusion of the hearing. The Chief Judge monitors the judges’ reserved judgements load. Finding time to write reserved judgments is an individual and whole-of-court challenge.

### **Criminal jurisdiction**

Because of the breadth of its criminal jurisdiction, most defendants charged on indictment appear before the District Court.

The Court deals with offences under Commonwealth and Queensland criminal laws and offences under the *Corporations Law*, the *Commonwealth Migration Act 1958* and federal and state revenue laws.

The Chief Judge and the Judge Administrator, with assistance from other judges, manage the criminal list in Brisbane. In the regions, the lists are managed by the resident judges. Certain judges are allocated responsibility for managing the larger circuit centres – Gympie and Kingaroy, Maryborough and Hervey Bay, Mackay, Toowoomba, Mount Isa and Bundaberg.

The large criminal workload is subjected to careful case management. Although list management is more difficult at circuit centres, judges hold callovers and reviews by telephone before the circuit starts.

Depending upon the lists, each year the judges might sit at up to 32 centres throughout Queensland — that is in Brisbane, the seven regional centres, 24 other centres where jury trials can be held, and other more remote communities, including those in the Gulf, Cape and Torres Strait.

Over the reporting year, there were 6,811 lodgments, compared to 7,349 for the 2021/2022 year. At year’s end there were 3,084 outstanding matters with 6,584 (7,058 in 2022) matters having been finalised. This represents a clearance rate of 96.7 percent.



Of the active cases, 20.4 percent were more than 12 months old (from date of indictment presentation) and 5.3% were more than 24 months old. This represented a small increase in the percentage of cases more than 12 months old but a reduction in the percentage older than 24 months. A case might remain active for a long time for several reasons. It might be a re-trial after a successful appeal. In some cases a defendant has been arrested after having absconded. Others, because of the complexity of the indictment or because of legislative provisions, require numerous pre-trial hearings. In some matters the parties are awaiting a determination in the Mental Health Court. Also, some cases are delayed while parties await a restorative justice process.

In Brisbane, 2,227 new cases were presented during the year, compared to 2,310 in 2022. The year ended with 1,113 outstanding criminal cases, having disposed of 2,097 matters. With the significant increase in new cases, the clearance rate in Brisbane was 94.2 percent, little changed from 94.3 percent last year. The percentage of cases outstanding after 12 and 24 months reduced slightly – from 18.3 to 17.7 percent for cases more than 12 months old and 5.6 from 5.5 percent for cases more than 24 months old.

In the major regional centres where judges are based – Beenleigh, Cairns, Ipswich, Maroochydore, Rockhampton, Southport and Townsville – a total of 3,518 new cases were presented during the year, compared to 3,921 last year - and those major centres ended the year having disposed of 3,222 cases (3,512 last year) with 1,483 outstanding.

The statistics just referred to do not account for court time taken up with pre-trial applications and the pre-recording of evidence. These proceedings do not inform the data collated by the Commonwealth Productivity Commission's Annual Report on Government Services (RoGS). A pre-trial hearing might be short and uncomplicated – e.g. an unopposed application for a witness to give evidence by video link. Or it might be difficult and time-consuming, both in court and in judgment-writing – e.g. an application to sever an indictment charging numerous counts of offences alleged to have been committed against several complainants, or an application for the permanent stay of a prosecution on the ground that it is an abuse of process. I will discuss some other pre-trial matters which might contribute to apparent delay in the progress of criminal proceedings.

As mentioned in last year's report, the legal and factual issues to be addressed in applications brought under the protected counselling communications provisions of the *Evidence Act 1977* remain challenging. The Court appreciates the assistance provided by legal representatives of the counselled person, for whom a grant of legal aid is provided if required. Without this funded assistance, the applications would likely take even more court time and produce increased delays.

Many children are required to give evidence in matters involving charges of sexual or violent offences. During 2022/2023 the judges ordered 360 pre-recordings involving 618 witnesses for the District Court or the CCQ. The child's evidence will usually be pre-recorded from a remote witness room soon, with a support person sitting nearby. The witness sees only the person speaking to them. That is, although the defendant sits in court and can see the witness on a screen, the witness cannot see the defendant. The court will be closed to the public. The pre-recording usually occurs soon after the indictment is presented, and care is taken to ensure that all pre-trial hearings – for example, challenges to parts of the evidence - are completed before the evidence of the child is recorded. The recorded evidence is later played to the jury at the trial. To preserve their integrity and security, all video recordings, no matter where recorded in Queensland, are kept by the Principal Registrar in Brisbane.

Similar measures are often ordered for the taking of evidence of persons declared to be a special witness. The term, 'special witness', includes a person against whom a sexual offence is alleged to have been committed and a person against whom domestic violence has been or is alleged to have been committed. In the year under review there were 118 pre-recordings for special witnesses in the Brisbane District Court, the regional centres and the CCQ.

The Queensland Intermediary Scheme Pilot Program, introduced by the insertion of Division 4C in Part 2 of the *Evidence Act 1977*, has been extended pending the completion of a comprehensive evaluation. The scheme, while the pilot is still confined to Brisbane and Cairns, gained momentum during the year under review. A concise but detailed summary of the progress of the scheme is set out in the Executive Director's report at page 34.

Although the scheme creates another interlocutory step between presentation of indictment and trial in relevant cases, it tends to improve the efficiency of the examination and cross-examination of the witness and the experience of the witness. The function of an intermediary is to communicate or explain to a witness questions put, to the extent necessary to enable the witness to understand the questions, and to communicate or explain to the questioner the answers given by the witness, to the extent necessary to enable the questioner to understand the answers. The court may appoint an intermediary for a witness in a criminal proceeding for a child sexual offence, who is under 16 years or has an impairment of the mind. An intermediary's report into the communication needs of a witness usefully informs directions the judge may give about the questioning of the witness and the provision of measures designed to assist the witness give their best evidence. The directions do not impair the ability of defence Counsel to challenge the witness and present the defence case. The intermediaries pilot has been established carefully, and the Court looks forward to the evaluation report.

On 13 December 2022, the Final Report of the Commission of Inquiry into Forensic DNA Testing in Queensland, was handed down. The inquiry identified failings in the methods, systems and processes used as part of DNA analysis in Queensland. An increased volume of DNA testing, due to the need to retest some historical DNA, has delayed the progress of some criminal cases.

**Table 1: The activity of the District Court criminal list 2022/2023**

	Number of Defendants <sup>1</sup>			Clearance Rates <sup>4</sup>	Backlog Indicator <sup>5</sup>	
	Lodged	Finalised	Active		% > 12 mths	% > 24 mths
<b>Brisbane</b>	<b>2,227</b>	<b>2,097</b>	<b>1,113</b>	<b>94.2%</b>	<b>17.7%</b>	<b>5.5%</b>
<b>Regional centres</b>						
Beenleigh	515	478	281	92.8%	29.2%	7.8%
Cairns	616	604	234	98.1%	21.8%	6.8%
Ipswich	546	494	306	90.5%	24.2%	2.6%
Maroochydore	448	377	180	84.2%	15.0%	6.1%
Rockhampton	276	258	68	93.5%	5.9%	1.5%
Southport	583	597	278	102.4%	22.3%	3.2%
Townsville	534	414	136	77.5%	14.7%	6.6%
<b>Total for Brisbane and regional centres</b>	<b>5,745</b>	<b>5,319</b>	<b>2,596</b>	<b>92.6%</b>	<b>19.9%</b>	<b>5.3%</b>
<b>Circuit centres</b>						
Bowen	11	17	3	154.4%	-	-
Bundaberg	86	97	48	112.8%	35.4%	10.4%
Charleville	8	16	6	200.0%	16.7%	0.0%
Charters Towers	-	1	-	-	-	-
Clermont	-	-	-	-	-	-
Cloncurry	-	-	-	-	-	-
Cunnamulla	-	-	-	-	-	-
Dalby	26	52	30	200.0%	10.0%	3.3%
Emerald	32	41	6	128.1%	16.7%	0.0%
Gladstone	125	129	21	103.2%	19.0%	4.8%
Goondiwindi	8	10	8	125.0%	-	-
Gympie	48	83	33	172.9%	33.3%	3.0%
Hervey Bay	80	95	15	118.8%	13.3%	0.0%
Hughenden	-	-	-	-	-	-
Innisfail	14	33	14	235.7%	26.7%	13.3%
Kingaroy	43	48	45	111.6%	37.8%	2.2%
Longreach	7	10	1	142.9%	100.0%	0.0%
Mackay	198	195	56	98.5%	7.1%	3.6%
Maryborough	55	69	10	125.5%	20.0%	10.0%
Mt Isa	56	146	67	260.7%	22.4%	7.5%
Roma	7	13	5	185.7%	20.0%	0.0%
Stanthorpe	-	-	-	-	-	-
Toowoomba	238	168	92	70.6%	21.7%	8.7%
Warwick	24	42	28	175.0%	35.7%	0.0%
<b>Total for circuit centres</b>	<b>1,066</b>	<b>1,265</b>	<b>488</b>	<b>118.7%</b>	<b>18.7%</b>	<b>4.6%</b>
<b>State total</b>	<b>6,811</b>	<b>6,584</b>	<b>3,084</b>	<b>96.7%</b>	<b>20.4%</b>	<b>5.3%</b>

- (1) A "defendant" is counted based on the national Report on Government Services counting methodology, i.e. each defendant is counted once per case. If the same person is named on more than one case within the reported period, they will be counted once for each case on which they are named. 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 District Court and are awaiting presentation of indictment.
- (2) A "case" consists of one or more charges lodged together by a prosecuting authority.
- (3) 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 lodgments. Where the same defendant has multiple cases lodged on different days they are counted once for each case.
- (4) The above figures are not comparable to years prior to 2018-19 due to the change in counting rule as outlined in (2) applied in 2018-19. In previous years a defendant who had two cases lodged on the same day was counted once whereas it is now counted twice.
- (5) Clearance Rate: Finalisations/Lodgments
- (6) Backlog Indicator: the number active defendants with proceedings older than the specified time.

## Civil jurisdiction

The Court received civil 3,867 lodgments, compared to 3,573 in 2021/2022, an increase of 8.2 percent. 3,565 matters were finalised, compared to 3,651 the previous year. This represents a clearance rate of 92.2 percent. There were, at the end of the reporting year, 4,036 active matters, of which 23.9 percent were more than 12 months old and 5.3 percent were more than 24 months old.

**Table 2: Clearance rate in civil cases**

	RoGS Non Appeal Cases			Clearance Rate *	Backlog Indicator	
	Lodged	Finalised	Active		From filing date	
% > 12 mths				% > 24 mths		
Brisbane	3,031	2,681	3,120	88.5%	22.2%	5.2%
State Total	3,867	3,565	4,036	92.2%	23.9%	5.3%

\*Clearance rate - finalisations/lodgments

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

The Report on Government Services (RoGS) unit of measurement for the civil jurisdiction is a case. Secondary processes, such as interlocutory applications, are excluded. RoGS files include all claims and originating applications.

The impact of civil proceedings on the court's resources depends primarily on whether matters come before a judge. Most resolve without any judicial intervention.

The District Court's civil jurisdiction is mostly conferred by section 68 of the *District Court of Queensland Act 1967*. Section 69 confers on the Court, for the purposes of exercising that jurisdiction, all the powers of the Supreme Court. The Court has an extensive general jurisdiction enabling it to deal with, among other matters (subject to the monetary limit of \$750,000):

- all personal claims, including equitable claims, to recover money sums
- any claim (without monetary limit) referred to the court by the Supreme Court for assessment
- by the consent of the parties, any claim which could be brought in the Supreme Court (apart from claims under the *Corporations Act* that must, under that Act, be heard in the Supreme Court regardless of the amount involved)
- actions for possession under any mortgage or other security
- actions to grant relief from mistake and for rectification
- actions seeking declarations and consequential orders arising from partnership disputes
- family provision applications pursuant to the *Succession Act 1981*
- construction of wills, deeds and other documents.

The Court's monetary limit of \$750,000, referred to above, was set in 2010 following a recommendation in the Report of the *Review of the civil and criminal justice system in Queensland 2008*. The report recommended the monetary limits of the District and Magistrates Courts be reviewed "at least every 5 years, and adjusted to reflect the then current value of money and other relevant considerations." That has not occurred. Had it been reviewed and increased in accordance with increases in the Consumer Price Index, the limit would now likely be greater than \$1,000,000. Of course, since 2008 there have been

very significant increases in property values. That has also narrowed the range of property disputes that the Court can determine from that contemplated at the time of the Report. A review of the monetary limit to allow for consumer and property inflation since 2008 is unlikely materially to impact on the court's capacity to manage its civil jurisdiction. It is time, I respectfully suggest, to consider again the Court's jurisdictional limit.

### **Trials of claims and originating applications**

A person may commence a civil proceeding in the Court by filing a claim or originating application. Most civil matters in the Court's original jurisdiction are resolved other than by trial, frequently by settlement or by parties not taking steps in the proceeding such that it is deemed resolved.

Most of the civil proceedings in the Court are filed in the Brisbane registry. The 2022/2023 year saw the continuation of the decision to dispense with callovers as the principal method for listing civil proceedings for trial in the Brisbane registry. Matters are listed administratively, in consultation with the parties, forthwith on a request-for-trial being filed. This process reduces the delay between a proceeding being ready for trial and the allocation of trial dates. Continuous listing also makes it possible more easily to list further trials when judges become available on the late settlement or late adjournment of trials already listed for hearing.

The Brisbane registry has introduced a pre-trial mention for any trial listed for hearing, which occurs about two weeks before trial. The purpose is to try to ensure that the trial will be fully ready for efficient hearing and determination on the day the trial is listed to commence. This step appears to have reduced the number of last-minute adjournments, with the associated waste of time and resources such adjournments cause.

These steps have increased the rate at which civil proceedings which are ready for trial are listed and resolved. The Brisbane registry rarely has any proceeding ready for trial which is waiting to be allocated a trial date, and most trial dates allocated are usually within 3 months of the matter being certified ready for trial.

The Court does not case manage all civil cases. That would be inefficient. However, identified cases are managed when it becomes clear to the Court, either of its own motion or because of an application by the parties, that management is required. Civil cases on the Commercial List are managed.

Regional courts handle their civil load in a manner which is efficient in the view of the judges based in those regions. Occasionally, a matter which requires urgent attention may be transferred to the Brisbane registry if the interests of justice favour that course.

A significant number of civil proceedings involve self-represented parties. Generally, these require a great deal more judicial time in preparation and conduct of a trial. The pre-trial mentions referred to above provide an opportunity for the Court to try to ensure an unrepresented party is as ready as can be.

### **District Court Commercial List**

A Commercial List was established in October 2010. The purpose of the Commercial List is to promote the prompt resolution of commercial disputes by judges with experience in commercial litigation. During the year the Commercial List judges were, Judge Muir, Judge

Kefford, Judge Porter KC, Judge Barlow KC and Judge Jackson KC. Their Honours are all based in Brisbane except for Judge Jackson who is based in Southport.

Matters are placed on the list by application of the parties or, occasionally, by a judge. The Commercial List has seen steady growth in utilisation over the last few years. During the year, 58 matters were placed on the Commercial List and 47 were finalised by 30 June 2023.

In December 2020, the Court issued a Practice Direction which provided a procedure for parties to place matters commenced in Townsville and Toowoomba on the Commercial List. The Practice Direction provided for interlocutory management by video link but for trials to be conducted in the regional Court. During 2022/2023 four regional matters from Townsville were placed on the Commercial List and remain to be finalised.

The management of matters by the Commercial List judges, including hearing of interlocutory applications, is mostly conducted outside their Honours' normal sitting calendars and frequently continues while their Honours are on circuit by use of video link technology.

### **Interlocutory applications**

An interlocutory application is one made, after a proceeding has been filed, to resolve an issue which arises prior to trial. They can usually be disposed of in less than two hours and nearly always within half a day. Almost all judges sit in the Applications list during a calendar year. Judges may hear applications while on circuit at any of the circuit centres.

## The Court's appellate jurisdiction

The Court's appellate jurisdiction comprises its criminal appeal jurisdiction and civil appeal jurisdiction. The Court's criminal appeal jurisdiction comprises appeals under the *Justices Act 1886*. The civil appeals comprise mostly appeals from civil judgments of the Magistrates Court and appeals from magistrates' decisions under the *Child Protection Act 1999* and the *Domestic and Family Violence Protection Act 2012*, in which the District Court is the final court of appeal.

In 2022/2023, 76 civil appeals and 291 criminal appeals were lodged in the Court. There were 64 civil and 318 criminal appeals finalised, representing clearance rates 84.2 percent and 109.3 percent respectively. All judges hear and determine the whole range of appeals that come to the Court.

**Table 3: Clearance rate in criminal and civil appeals**

	RoGS Appeal			Clearance Rate *	Backlog Indicator	
	Lodged	Finalised	Active		From filing date	
						% > 12 mths
Civil						
Brisbane	31	34	27	109.7%	18.5%	3.7%
State Total	76	64	66	84.2%	19.7%	3.0%
Criminal						
Brisbane	148	168	57	113.5%	5.3%	0.0%
State Total	291	318	133	109.3%	9.8%	0.8%

\*Clearance rate - finalisations/lodgments

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

Appeals against sentence only are heard in the criminal list of the Court. In Brisbane, appeals against conviction and all civil appeals are heard in the civil list of the Court.

In Brisbane, the continued management of appeals by Judge Moynihan KC, with the co-operation of Judge Porter KC, who manages the civil list, facilitates the prompt resolution of appeals. Where the appeal challenges a sentence that includes a very short period of imprisonment, the appellant may apply for an urgent hearing of the appeal. For the civil list appeals, the Court has adopted the practice of listing appeals as reserve matters against the prospect of civil trials settling or adjourning. It is rare for an appeal which is ready for hearing not to be allocated a hearing date within two months from the date of listing.

## **The Planning and Environment Court**

The Planning and Environment Court is constituted by a District Court judge appointed to it (a P&E Court judge). There is a concentration of P&E Court judges in Brisbane but, with the exceptions of Beenleigh and Rockhampton, a P&E Court judge is based in each regional centre. The Court may sit anywhere.

The P&E Court was first constituted in 1966 as the Local Government Court, then renamed in 1991 pursuant to the *Local Government (Planning and Environment) Act 1990*, then continued pursuant to the *Integrated Planning Act 1997* and now, pursuant to the *Planning and Environment Court Act 2016*. The Court's rules and Practice Directions are made under the Act.

The P&E Court exercises jurisdiction over a wide variety of planning and/or environmental disputes. These may be complex and have significant environmental, social and economic consequences. The Court has unlimited monetary jurisdiction. It may make declarations; interim and final enforcement orders; conduct full merits reviews of decisions of local governments and government entities; hear claims for compensation and punish for contempt.

Judges travel throughout Queensland to hear and determine planning cases at a place close to the site or development, and the community which it affects.

Practice and procedure in the P&E Court is characterised by active list supervision, individual case management and the comprehensive deployment of Alternative Dispute Resolution (ADR) mechanisms.

Many cases are finalised without proceeding to a full hearing. The Court's ADR service is free of cost to the parties and is provided throughout the State. The ADR Registrar conducts mediations; convenes and chairs 'without prejudice' meetings, meetings of experts and case management conferences, not only in Brisbane, but in centres across the State. The P&E Court's ADR service has been recognised internationally as providing visionary ADR access to justice.

The P&E Court has maintained the high international recognition which it has received for its achievements - the efficiency of its structure as an adjunct of the District Court, and as a world leader in individual case management; its alternative dispute resolution process; its efficient management of expert evidence; its regional service and the commitment of its judges to ongoing review and reform.



**Table 4: Clearance rate in planning and environment cases**

Planning and Environment Court 2022/2023						
				Clearance	Backlog Indicator	
				Rate *	From filing date	
	Lodged	Finalised	Active		% > 12 mths	% > 24 mths
Brisbane	272	294	257	108.1%	38.5%	21.0%
State Total	330	343	319	103.9%	39.5%	22.3%

\*Clearance rate - finalisations/lodgments

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

As the table shows, during the year under review 330 new matters were lodged in the P&E Court. This was 12.9 percent less than the previous year. At year's end there were 319 outstanding matters with 343 having been completed. This represents a clearance rate of 103.9 percent. Of the outstanding matters, 39.5 percent were more than 12 months old from the date of filing and 22.3 percent more than 24 months old.

The P&E Court is the only Queensland court whose files are open to inspection for any litigant, lawyer or member of the public through eFiles, an online service which makes court documents available to everyone. Whether originating in Brisbane or a regional centre, all active files are accessible through the Queensland Courts website [eCourts](https://www.courts.qld.gov.au/ecourts) facility:

<http://www.courts.qld.gov.au/information-for-lawyers/search-civil-files-ecourts>.

The P&E applications list in Brisbane, referred to in previous reports, is a continuing success. Shorter applications are dealt with separately in a dedicated list, allowing more time for parties' submissions and judicial consideration, while allowing judges more time to prepare and consider longer cases. This continues to be an efficient use of judicial resources, well-received by the legal profession.

As usual, the relationship between the P&E Court and Queensland Environmental Law Association (QELA) remains strong. QELA celebrated its 35<sup>th</sup> anniversary, in October 2022. The Court has been involved since its inception. The organisation's first event, in 1987, was held at the Court, one judge presiding over a mock hearing, another judge and the founding barrister presenting papers. Later in this report is a list of contributions made by judges to the professional development of the legal profession and the understanding of the law and legal processes. The P&E Court judges continue to engage regularly with QELA's educational activities.

During the year under review, Judge Michael Rackemann informed the other judges and the profession that he would retire in early 2024. It is not yet the time to write at any length about Judge Rackemann's contribution to the P&E Court and to the District Court over nearly 20 years of service. But by the time of publication His Honour will be on leave pending retirement and it is impossible not to acknowledge, even if in the briefest terms, His Honour's remarkable contribution to the recent history of the Court, its local and international standing, the relationship between the Court and the many professions who appear in it as advocates or expert witnesses and the jurisprudence in P&E matters.

## **Childrens Court of Queensland**

The Childrens Court of Queensland (CCQ) is a specialist jurisdiction established under the *Childrens Court Act 1992*. Judge Richards is the President.

Many judges of the Court are appointed to sit as CCQ judges.

Judges sitting in the CCQ determine:

- charges of serious criminal offences brought against children, with a jury but regularly as judge alone;
- bail applications and sentence reviews, providing speedy access for child defendants being held on remand;
- appeals pursuant to section 117 of the *Child Safety Act 1999*; and
- applications for parentage orders under the *Surrogacy Act 2010*.

A separate annual report of the Childrens Court of Queensland is prepared under the *Childrens Court Act 1992* and further details of the Court can be found in that report. For the purposes of this report, it is sufficient to note that criminal lodgments in the CCQ increased by 13 percent on the previous year. The Childrens Court of Queensland remains a busy part of the work of judges of the District Court.

## Regional Centres, Circuits and Remote Communities

Table 1 shows the seven regional centres where 13 of the judges are based:

- Cairns
- Rockhampton
- Townsville
- Maroochydore
- Southport
- Ipswich
- Beenleigh

The judges based in the regional centres control the lists in those centres and assist the Chief Judge in the preparation of the calendar, including nearby circuit centres.

As Table 1 also shows, judges also travel on circuit to other centres throughout the State and regional judges sit in Brisbane periodically during the year. At most circuit centres and at some regional centres the judges rely on such registry support as is available from staff of the Magistrates Court.

Judges based in Brisbane visit the regional centres according to need, including when the regional judges are in Brisbane or on leave.

Regional judges engage appropriately in community and legal professional activities. Some examples are included in the list of judges' contributions to professional development later in this report. The judges also consult local stakeholders in procedural matters with the aim of continuously improving the Court's processes.

**Table 5: Judge sitting weeks at regional centres, including resident Judges and visiting Judges**

Regional Centre	Sitting Weeks
Beenleigh	58
Cairns	88
Ipswich	74
Maroochydore	73
Rockhampton	40
Southport	111
Townsville	80

## **Cairns**

### **Judge Morzone KC**

### **Judge Fantin**

Judge Morzone KC and Judge Fantin were the resident judges in Cairns managing the Court's lists there. This centre is also served by the Supreme Court's Far Northern Judge. The region includes Innisfail and Cape York. Both judges hold appointments to the CCQ and in the P&E Court. The judges undertook circuits to Thursday Island, Innisfail, Mt Isa, and Cape York.

## **Rockhampton**

### **Judge Clarke**

The resident judge in Rockhampton, Judge Clarke, is also a CCQ judge. His Honour managed the Court's Rockhampton lists. Rockhampton is also served by the Supreme Court's Central Judge. Judge Clarke undertook circuits to Longreach, Gladstone and Emerald. Gladstone and Emerald remain particularly busy. Other judges also sat at these centres.

## **Townsville**

### **Judge Lynham**

### **Judge Coker**

Judge Lynham and Judge Coker are the resident judges. Townsville is also served by the Supreme Court's Northern Judge. Judge Coker holds a commission in the P&E Court. Both judges are appointed to the CCQ. They also undertake circuits in the region, principally to Bowen, Charters Towers and Mackay. Some assistance was provided by judges on circuit from other centres.

## **Maroochydore**

### **Judge Long SC**

### **Judge Cash**

Most of the work of the court at Maroochydore is undertaken by the resident judges, with assistance from other judges who visit on circuit. In addition to the usual work within the jurisdiction of the District Court, Judge Long and Judge Cash sit in the CCQ and the P&E Court.

The Maroochydore-based judges undertake much of the circuit work at Gympie, Kingaroy as well as assisting with Hervey Bay. The Kingaroy district includes the largely indigenous community of Cherbourg. Both judges undertake some circuit work elsewhere in the state.

## **Southport**

**Judge Jackson KC**

**Judge Holliday KC**

**Judge Wooldridge KC**

All judges located at Southport hold commissions as CCQ judges. Judges Jackson and Holliday are P&E Court judges.

The Southport judges from time to time perform circuit work at centres elsewhere in the State. In particular, each sits regularly at Beenleigh, as do many judges from Brisbane.

## **Ipswich**

**Judge Horneman-Wren SC**

**Judge Lynch KC**

Judge Horneman-Wren SC and Judge Lynch KC dealt with the Ipswich caseload. Both hold commissions in the CCQ and Judge Horneman-Wren is also a P&E Court Judge. The judges undertook circuits to other centres as required, primarily at Toowoomba, Dalby and Warwick.

## **Beenleigh**

**Judge Chowdhury**

Judge Chowdhury is the resident judge in Beenleigh. His Honour also conducted circuits in other centres. Judge Chowdhury is also a CCQ judge.

Given the caseload at Beenleigh, considerable assistance was provided by judges on circuit from other centres. For various reasons, between 5 and 10 percent of the criminal cases commenced at Beenleigh are transferred to Brisbane. During the year under review this became increasingly necessary. The court facilities at Beenleigh are inadequate. One result is an increase in the backlog of cases.

## **Circuit centres**

District Court jury trials may be held in 24 circuit centres (not counting those with a resident judge). At other communities throughout the State, the Judges travel to conduct sentencing hearings and some civil matters.

Judges sit in the Court's appellate, criminal and civil jurisdictions, as well as in the P&E Court and the CCQ while on circuit.

The centres (excluding those with a resident judge) where judges may sit on circuit during the year are: Aurukun; Bamaga; Bowen; Bundaberg; Charleville; Charters Towers; Cloncurry; Cooktown; Cunnamulla; Dalby; Doomadgee; Emerald; Gladstone; Goondiwindi; Gympie; Hervey Bay; Innisfail; Kingaroy; Kowanyama; Lockhart River; Longreach; Mackay; Maryborough; Mornington Island; Mount Isa; Murgon; Normanton; Palm Island; Pormpuraaw; Roma ; Stanthorpe; Toowoomba; Thursday Island; Warwick; Weipa/ Napranum; Woorabinda; Yarrabah.

Through its circuit work, the Court is accessible to those in remote, rural and regional Queensland so that matters can be heard and decided in a timely fashion no matter in what part of the State.

The judges visited where necessary the remote Aboriginal and Islander communities on circuit. In the year under review, judges sat in Thursday Island in the Torres Strait and Aurukun in Cape York.

## Profile of the District Court

### Judges of the District Court

During the year under report the judges were:

Chief Judge	His Honour Judge Brian Devereaux SC
Judge Administrator	His Honour Judge Paul Smith
Judges	Her Honour Judge Deborah Richards
	His Honour Judge Michael Rackemann
	His Honour Judge Ian Dearden
	His Honour Judge Anthony Rafter SC
	Her Honour Judge Leanne Clare SC
	His Honour Judge William Everson
	Her Honour Judge Katherine McGinness
	His Honour Judge Gary Long SC
	His Honour Judge Bradley Farr SC
	His Honour Judge Alexander Horneman-Wren SC
	His Honour Judge Orazio Rinaudo AM (until 2 June 2023)
	His Honour Judge Dean Morzone KC
	His Honour Judge Michael Burnett AM
	Her Honour Judge Suzanne Sheridan
	His Honour Judge Anthony Moynihan KC
	His Honour Judge David Kent KC
	His Honour Judge Milon Chowdhury
	Her Honour Judge Catherine Muir (until 11 April 2023)
	Her Honour Judge Nicole Jane Kefford
	His Honour Judge Dennis Lynch KC
	His Honour Judge Gregory Lynham
	His Honour Judge Bernard Porter KC
	Her Honour Judge Jennifer Rosengren
	Her Honour Judge Tracy Fantin
	His Honour Judge Michael Williamson KC
	His Honour Judge John Coker
	His Honour Judge Nathan Jarro
	His Honour Judge Glen Cash KC
	His Honour Judge John Allen KC
	Her Honour Judge Vicki Loury KC

His Honour Judge Ken Barlow KC  
His Honour Judge Michael Byrne KC  
His Honour Judge Rowan Jackson KC  
His Honour Judge Jeffrey Clarke  
Her Honour Judge Geraldine Dann  
Her Honour Judge Deborah Holliday KC  
Her Honour Judge Amanda McDonnell  
Her Honour Judge Jodie Wooldridge KC  
Her Honour Acting Judge Katarina Prskalo (until 4 October 2022)  
His Honour Judge Nicholas Andreatidis KC (from 26 May 2023)

## **Regional Judges**

During the year under report the following judges were allocated to the regional centres:

<b>Maroochydore</b>	Judge Long SC Judge Cash KC
<b>Southport</b>	Judge Jackson KC Judge Holliday KC Judge Wooldridge KC
<b>Townsville</b>	Judge Lynham Judge Coker
<b>Rockhampton</b>	Judge Clarke
<b>Ipswich</b>	Judge Horneman-Wren SC Judge Lynch KC
<b>Cairns</b>	Judge Morzone KC Judge Fantin
<b>Beenleigh</b>	Judge Chowdhury



## **Planning and Environment Court**

Judges holding appointment to the P&E Court during 2022/2023 are listed below:

Chief Judge Devereaux SC

Judge Richards

Judge Rackemann

Judge Rafter SC

Judge Everson

Judge Jones

Judge Long SC

Judge Horneman-Wren SC

Judge Morzone KC

Judge Kent KC

Judge Muir

Judge Kefford

Judge Fantin

Judge Williamson KC

Judge Coker

Judge Cash KC

Judge Clarke

Judge Dann

Judge Holliday KC

Judge McDonnell

## Childrens Court of Queensland

Childrens Court judges during 2022/2023 are listed below:

Chief Judge Devereaux SC	Judge Kefford
Judge Smith	Judge Lynch KC
Judge Richards - President	Judge Lynham
Judge Dearden	Judge Porter KC
Judge Rafter SC	Judge Rosengren
Judge Clare SC	Judge Fantin
Judge Everson	Judge Williamson KC
Judge McGinness	Judge Coker
Judge Reid	Judge Jarro
Judge Long SC	Judge Cash KC
Judge Farr SC	Judge Allen KC
Judge Horneman-Wren SC	Judge Loury KC
Judge Morzone KC	Judge Byrne KC
Judge Burnett AM	Judge Jackson KC
Judge Moynihan KC	Judge Clarke
Judge Kent KC	Judge Dann
Judge Chowdhury	Judge Holliday KC
Judge Muir	Judge Wooldridge KC

## Operational matters

### Chief Judge's calendar

In the year under review, I sat in the various jurisdictions of the Court, both in and out of Brisbane: including sittings in the regional centres of Maroochydore, Beenleigh, Cairns and Rockhampton.

During the year I met with the leaders and representatives of organisations involved in the justice system, such as the Queensland Bar Association, the Queensland Law Society, the Director of Public Prosecutions, Legal Aid Queensland, the Women Lawyers Association of Queensland and Protect All Children Today Inc.

The judges of the Court met monthly, with many attending remotely from the regional or circuit centres.

I met regularly with the Chief Justice, the Attorney-General, the Director-General of the Department of Justice and Attorney-General and senior officers of the department, the Executive Director of the Supreme District and Land Courts Service and her deputies, the Sheriff, listings managers and Courts Information Technology staff.

Within the courts, I attended meetings of the Focus Group, various Courts IT Committees, the Courts Safety and Risk Committee.

The Focus Group, chaired by the Senior Judge Administrator and comprising the Chief Justice, the President of the Court of Appeal, the Chief Judge, the Chief Magistrate and the Director-General, met with the Executive Director and other senior officers throughout the year. Its purpose is to keep the courts informed about actual and proposed departmental initiatives for the state courts, to provide an opportunity for the courts to participate in the allocation of resources, and to ensure the regular monitoring of the courts' registry and administrative operations.

With a group of judges, I received briefings from officers of the Department of Justice and Attorney General on legislative change.

Each month, the Chief Justice chairs a meeting of the Courts, the Department of Justice and Attorney General and, alternately, senior officers of justice system agencies (for example, Police, Corrective Services, Youth Justice, Parole) and representatives of the legal profession (for example, DPP, CDPP, QLS, LAQ, Youth Advocacy Centre). The meetings, chaired by the Chief Justice, which originally were for the purpose of addressing the systemic challenges presented by COVID-19, continued throughout the year. This short bi-monthly discussion is a valuable opportunity for the exchange of views and information and the timely adjustment of procedures.

I continue to attend meetings of the Supreme Court Library Committee and two subcommittees – the Financial and Risk Management sub-committee and the project board overseeing the redevelopment of the Queensland Sentencing Information Service. The Supreme Court Library provides valuable service not just to the judges of the Supreme, District and Magistrates Courts, but to the legal profession and many members of the public. I recommend the Library's Annual Report, available at <https://www.sclqld.org.au/annual-report-2022-23>. A short summary is attached to this report.

The Chief Judges of the District and County Courts of Australia and New Zealand met twice during the year. The first in-person meeting since I assumed this position in August 2020 took place in Brisbane on 1 July 2022. The Council also met at Adelaide in May 2023, the day before the biennial conference of District and County Court Judges commenced. The meetings provide unrivalled opportunity for inter-jurisdictional learning.

Of the community meetings or events attended, highlights included:

- In February 2023, attending, with the Chief Justice and Chief Magistrate, the Community Leaders Gathering at Multicultural Affairs, Woolloongabba.
- In April 2023, visiting, with the Chief Justice and Chief Magistrate, the Islamic Council of Queensland Incorporated, at the Islamic College of Brisbane, Karawatha;
- In May 2023, attending and, briefly, addressing the Africa Day Festival, held at the Spanish Club Soccer Field, Acacia Ridge; and
- In June 2023, attending the Philippine Independence Day commemoration reception.

Each occasion, and the many others that Judges of the Court attend throughout Queensland, reminds us of the diversity of Queensland communities the Court serves and their concerns.

### **Practice Directions**

During the year, 14 District Court Practice Directions were issued. They are listed in Appendix 1.

### **Committees**

Some of the judges serve on committees with responsibility for developing and implementing policies and procedures for the continual improvement of the functioning of the courts. These include the Supreme and District Courts Benchbook Committee, the Rules Committee, the Judicial IT Committees, and the District Court judges' committees.

### **Rules Committee**

The Rules Committee, chaired by Justice Bond of the Supreme Court, included the Chief Justice, other judges of the Supreme Court and, from the District Court, Judge Rackemann, Judge Porter KC, Judge Barlow KC and Judge Jackson KC. The committee met monthly out of ordinary court hours.

### **Benchbook**

The Supreme and District Courts Benchbook provides model directions for the judges conducting criminal trials, specifically designed to apply the *Criminal Code*, which in significant respects differs from the common law applied in some other states. It is a work of collegiate endeavour. During the year under report, Judge Rafter SC, Judge Moynihan KC and Judge Byrne KC contributed on behalf of the District Court. The committee works over extended periods updating and adding to this essential and important work.

### **District Court Committees**

The Judges' committees assist and advise the Chief Judge in respect of the conduct of litigation by the Court and in responding to numerous law reform issues proposed by the Commonwealth or the State.

The membership of the judges' committees as at 30 June 2023 is set out on the next page.

## **External Committees**

Beyond the Court, judges sit as members of the Australian Institute of Judicial Administration (AIJA) Indigenous Justice Committee and the Australian Judicial Officers Association Governing Council and the National Judicial Council for Cultural Diversity. The latter important committee is concerned with the many aspects of cultural diversity which confronts judges in the modern Australian court.

## **Continuing judicial professional development**

The Court calendar is structured so that 2.5 days per annum are set aside for judicial professional development together. As noted earlier, in August 2021, due to COVID-19 restrictions, the conference had to be cancelled. The conference, jointly organised with the Supreme Court, was a great success in August 2022. On the District Court's part, credit must go to Judge Suzanne Sheridan and the Chief Judge's Executive Assistant, Jan Daniels.

Apart from this conference, judges regularly attend seminars and conferences, largely while on vacation or long leave. For example, the Court was represented by a significant contingent of judges at the biennial conference of District and County Court Judges held at Adelaide in May 2023.

## Judges' committees

The membership of the judges' committees as at 30 June 2023, with the Chief Judge an ex officio member of each committee, was as follows:

### Procedure and Rules

**Convenor:** Judge Porter KC  
**Members:** Judge Barlow KC

### Cultural Awareness

**Convenor:** Judge Fantin  
**Members:** Judge Jarro  
Judge Clarke  
Judge Barlow KC  
Judge Wooldridge KC

### Criminal Law

**Convenor:** Judge Dearden  
**Members:** Judge Rafter SC  
Judge Farr SC  
Judge Kent KC  
Judge Lorry KC

### Judicial Conditions

**Convenor:** Judge Rackemann  
**Members:** Judge Farr SC  
Judge Williamson KC

### Judicial Well-being and Education

**Convenor:** Judge Richards  
**Members:** Judge Sheridan  
Judge Williamson KC  
Judge Cash KC  
Judge Wooldridge KC

### IT Working Group

**Convenor:** Judge Morzone KC  
**Members:** Judge Porter KC  
Judge Cash KC  
Judge Wooldridge KC

## **Judges' contributions to the legal professional community**

Many judges, whether resident in Brisbane or a regional centre, contribute to local and national seminars, conferences, moots or academic institutions. The following is a sample of the contributions made during the year under review –

*Medical And Legal Regulatory Update* Europe/Asia Legal Conference, July 2022

Coaching and training provided to JCU law students in criminal advocacy course, Cairns, August 2022

Presentations to Gold Coast Bar Association conference, 2023

*Planning and Environment Court of Queensland Update* Australasian Conference of Planning and Environment Courts and Tribunals, Sydney, August 2022

*Particulars* Paper delivered to Office of the Judge Advocate General Canberra August 2022

Commercial Litigation Workshop delivered through the PNG Legal Training Institute, Port Moresby, September 2022

*Domestic Violence sentencing and procedural fairness* Magistrates Conference September 2022

*Bail Laws* AIJA Indigenous Justice Conference, October 2022, Sydney

*Indigenous Related Legal Issues* QCAT Seminar, October 2022

*Advocacy in applications*, CQLA conference, October 2022

Training judges of Pacific nations in the conduct of trials of fraud and corruption charges, for the Pacific Judicial Integrity Program: Port Moresby, November 2022; Online, June 2023

*Domestic Violence in the State Courts – appeals and coercive control*. Paper delivered to the Family Law Practitioners Retreat, November 2022

*Psychological evidence* Legal Wise November 2022

*“How to Infuriate a Judge”* Bundaberg District Law Association Conference, November 2022 – Judges of the P&E Court participated in the QELS advocacy Skills Workshop on 23 November 2022, an interactive workshop for solicitors of up to 5 years post admission experience about appearances at reviews and mentions in the P&E Court

*The Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Bill 2022: what can we expect?* Speech delivered to Judicial CPD session FNQ legal practitioners, Cairns, February 2023

*“Questioning the Mistaken Payment Constructive Trust”* (2023) 97 ALJ 58  
*Trials post s 132B of the Evidence Act* Paper delivered with D Jones KC at Criminal Law Professional Development Seminar, February 2022

*Evidence in substituted service and similar applications* Paper delivered to the Queensland Law Society annual symposium, March 2023 and later published in *Proctor*

Mt Isa CPD – Advocacy Skills – presented for the North West Lawyers Association, 5 April 2023

Bar Practice Course Advocacy Intensive Weekend, April 2023

USQ Final Moot, May 2023, Toowoomba

USQLS Final Moot, May 2023, Brisbane

Address to the QELA Annual Conference. May 2023

*Foetal Alcohol Spectrum Disorder in youth justice*, speech delivered to Far North Medical and Legal Society Cairns June 2023

Judging the Rockhampton senior school students’ mooted competition, organised by the Central Queensland University, June 2023

Address to the Queensland Law Society Gold Coast Legal Conference, June 2023

*The Sentencing Process* Europe/Asia Conference, June 2023

*Requests for redirections* Paper to DPP and LAQ counsel June 2023

Regular “Judge Talks” – to school groups visiting the Court, organised in Brisbane by the Supreme Court Library and in regional centres by the resident judges

Apart from individual events, judges have engaged in community and educational activities of a recurrent or continuing nature. Some examples are:

Australian Judicial Officers Association Equality of Outcomes Subcommittee

UQ Senate

JCU Senate

QUT Law School Advisory Group

Chair of the UniSQ Law School Advisory Board

Defence Force Discipline Act s.154 Reviewing Officer

Adjunct Professor of Law UniSQ

Fellow of Kings College, UQ



## **Access to the Court**

### **LawRight**

LawRight provides the Self Representation Civil Law Service in the QEII Courthouse. The service assists litigants in person prepare for a civil action in the District or the Supreme Court. Completely independent of the courts and government, the service is designed to assist litigants without legal representation take the practical steps necessary to have their case fully heard and determined.

### **Self-Represented Litigants Service**

The Self-Represented Litigants Service also began in December 2007. It is to be found on the ground floor of QEII Courthouse and is operated by staff from the court's civil registry who also provide advice of a non-legal nature. The service is designed to assist and support those litigants appearing in person in civil matters and provides both private meeting rooms in which to prepare for court as well as computer and printing access.

## **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 District Court of Queensland.

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

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

### **Registry Services**

Court registries are responsible for:

- receiving and sealing documents for filing and service
- providing procedural information about court processes and the progress of particular matters
- maintaining court records and ensuring that documents such as Verdict and Judgment Records are created and distributed to give effect to orders of the court
- organising resources to enable matters to progress through the system and hearings to proceed, and
- performing all necessary administrative work associated with the criminal and civil jurisdictions of the court.

There are permanent District Court registries at Brisbane, Cairns, Rockhampton and Townsville. Registrars at those centres have the responsibility of determining certain applications without the necessity for judicial involvement such as default judgments and warrants to enforce the court's civil orders.

Further registries with resident judges are located at Beenleigh, Ipswich, Maroochydore and Southport, and many other regional centres throughout Queensland are visited on circuit. Local Magistrates Courts registry staff perform the registry duties in those locations.

### **Registry workloads**

Across the state, there were 6,811 criminal lodgments during 2022/2023, a decrease of 7.3% compared to 2021/2022, when 7,349 were received.

Jury trials before the District Court increased from 563 during 2021/2022 to 628 in 2022/2023. The average length of those trials increased from 3.4 days to 3.6 days.

Report on Government Services (RoGS) civil lodgments increased by 8.2%, from 3,573 in 2021/2022 to 3,867 during 2022/2023.

## **Juror Management System Rollout**

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

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

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

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

## **Queensland Intermediary Scheme (QIS) Pilot Program**

The Queensland Intermediary Scheme (QIS) pilot program continued during the 2022/2023 financial year. The pilot program aims to overcome communication barriers and create a more accessible justice system by facilitating the communication of evidence that may not otherwise be heard. 176 referrals were received to engage an intermediary for eligible prosecution witnesses in child sexual offence matters.

Referrals received relate to:

- 65 matters before the court (45 in Brisbane and 20 in Cairns) and 50 referrals at the police investigative stage (38 across Brisbane region and 12 across the Cairns region).
- 153 witnesses ranging from under 5 years of age to adults over 17 years of age.
- 3 referrals were outside of the Pilot locations (Brisbane and Cairns).

Referrals received identified:

- 241 communication needs as part of seeking to engage an intermediary. Reasons provided for these referrals included:
  - the age of the prosecution witness (under 16 years) as the largest group of identified communication need
  - physical impairments affecting speech
  - mental impairment
  - intellectual impairment
  - ADHD
  - autism spectrum disorder
  - foetal alcohol syndrome disorder
  - language or speech disorders.

Approximately 832 recommendations were made by an intermediary (492 in Brisbane and 340 in Cairns) to the courts relating to prosecution witnesses assessed, and how courts may most effectively communicate with that witness. These related to:

- the manner of questioning (267 Brisbane and 180 Cairns)
- the duration of questioning (31 Brisbane and 26 Cairns)
- questions that may not be put to a witness (56 Brisbane and 25 Cairns)
- the use of models, plans, other visual aids, or communications aids (104 Brisbane and 75 Cairns)
- the use and/or adaptation of an audio-visual link or communication facility (15 Brisbane and 16 Cairns)
- other recommendation which the intermediary considered appropriate for the fair and efficient conduct of the proceeding (19 Brisbane and 18 Cairns)

Only 24 recommendations in Brisbane (none in Cairns across this financial year) were declined by the judge and not adopted for the remainder of the relevant proceedings in Court.

Whilst the pilot has now concluded, the QIS will continue to deliver services across the QIS pilot sites for the 2023/2024 financial year to allow consideration of the final evaluation report due on 3 October 2023.

### **Protect All Children Today (PACT)**

PACT educates, empowers and supports victims, helping them understand the legal system and being by their side as they give their best evidence. As a not-for-profit agency with more than 35 years' experience, PACT is committed to impartially supporting victims and witnesses who have to give evidence in court. Services are available state-wide through a range of media from in person support to remote support via phone or video conferencing. Each year PACT supports more than 2,000 clients by offering:

- **Education and Information.** With age-appropriate educational resources for both children and adults, PACT demystifies the complex court process in easy-to-understand ways, reducing the fear of giving evidence by helping victims and their families understand the key stages and what to expect when giving evidence.
- **Emotional Support.** PACT supports children and adults as they prepare to give evidence and are by their side when they view their initial police statement - and later when they give evidence - to help them stay calm, attentive and focussed. PACT sits next to the child or adult when they give evidence from the pre-recording room, reducing their anxiety and stopping them feeling isolated or alone.
- **Empowering Victims.** PACT helps victims find their courage, strength and resilience, giving them the confidence to find their voice and supporting their right to be heard without fear in court. The total number of people now supported by PACT has reached over 32,000.

PACT has been through substantial change in the past 12 months with a structural transition seeing the organisation move from an incorporated body to a company limited by guarantee. The organisation has also appointed a new Chief Executive Officer and seen a number Board members retire as part of a cyclical refresh of PACT's governing body. PACT relies heavily on the generosity of local volunteers to support Queensland victims of crime and recognises the important role played by partners, supporters and the community. With a growing cohort of volunteers, new staff and innovative programmes and a refreshed approach to educating, empowering and supporting witnesses and victims of crime, the PACT team is working on how to better inform, support or collaborate to improve our services and the outcomes we achieve in support of our clients, volunteers and the broader community.

## **Bailiff Development Framework**

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

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

## **Acknowledgements**

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

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

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

## Your law library

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

The library is governed by the Supreme Court Library Committee (the Committee), which is supported by several subcommittees comprising volunteers from our stakeholder bodies including representatives from the District Court of Queensland. We are very appreciative of the advice and commitment of the chairs of the Committee and its subcommittees. We also thank all committee and subcommittee members for their assistance freely and generously given.

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

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

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

In 2022/2023 we published over 2,200 new judgments to CaseLaw, including the decisions and pre-trial rulings for the Supreme Court of Queensland Court of Appeal and Trial Division.

We also published over 1,200 publicly available sentencing remarks transcripts from the Supreme and District Courts of Queensland, and almost 2500 sentencing remarks transcripts to the Queensland Sentencing Information Service (QIS).

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

Since we assumed responsibility of administering QIS a decade ago, we have been working to redevelop and upgrade the system that underpins this vital service to provide a better, more intuitive user experience. In February 2023, we reached a key digital transformation milestone with the launch of the new QIS platform. The redeveloped QIS application is a modern, user-friendly, and easily searchable repository of a greater number of Queensland sentencing events. It contains more data, easier and more diverse search and filter options, as well as a timelier approach to updating content. With all subscriptions converted to single user sign on, by the end of June 2023 there were more than 2,500 QIS subscribers.

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

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

In December 2022 we opened a new exhibition in the Sir Harry Gibbs Legal Heritage Centre. *Criminal law—then, now, tomorrow* examines how the evolution of our values, attitudes and technology have influenced amendments to the *Criminal Code 1899* (Qld), ranging from the outlawing of fortune-telling to the amendment of consent laws.

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

We curated several displays during 2022–23, including:

- legal heritage displays of selected books to tie in with our exhibitions
- special exhibits for the legal practitioner admission ceremonies throughout the year.

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

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

Our free education program includes onsite and virtual activities that provide visitors with the opportunity to explore and understand our legal system. This year we saw our education program return to pre-covid levels with participation increasing by almost 50 percent from 2021/2022 with over 6,050 visitors.

The library is grateful for the support, enthusiasm and participation offered by judges of the District Court for the very popular component of our education program, the Judge talk. This is where students hear first-hand from a judicial officer about their work and role in the justice system. This year almost 2,000 legal studies students gained a unique and insightful perspective into Queensland's legal system through the eyes of a judge or magistrate who held question and answer sessions, mock trials and presentations. Students were particularly interested in issues involving sentencing and the jury system.

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

Secondary school students in Toowoomba, Mackay, Bundaberg and Maryborough heard from six different judges of the District Court of Queensland while another 420 students joined one of our online legal research presentations.

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

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



## Appendices

### Appendix 1: Practice Directions

The following Practice Directions were issued by the Chief Judge during the year and are available on the Queensland Courts website, [www.courts.qld.gov.au](http://www.courts.qld.gov.au).

**Table 6: District Court practice directions**

Number	Description	Date issued
No. 6 of 2022	Designation of Court Holidays - Registry	8 July 2022
No. 7 of 2022	Digitally recorded proceedings: Means of identifying proceedings, those appearing and witnesses.	18 August 2022
No. 8 of 2022	Notice of Change of Name – Mason & Green Solicitors Pty Ltd to FNQ Solicitors Pty Ltd	9 September 2022
No. 9 of 2022	Notice of Change of Name – Creevey Russell Lawyers to Creevey Horrell Lawyers	9 September 2022
No. 10 of 2022	Notice of Change of Name and Address – Anthony Delaney Lawyers to Delaneys Lawyers.	21 September 2022
No. 11 of 2022	Notice of Change of Name – Ready Hocking Law Pty Ltd to RHR Legal Pty Ltd,	2 November 2022
No. 12 of 2022	Notice of Change of Name – Ashlar Legal to Jones Associates.	4 November 2022
No. 13 of 2022	Commercial List	15 November 2022
No. 1 of 2023	Notice of Change of Name – Ellem Warren Lawyers to Ellem Warren Napa Lawyers	20 February 2023
No 10 of 2014 Amended	Electronic Devices in Courtrooms	3 March 2023
No 2 of 2023	Pronunciation of Names and Preferred Forms of Address	5 April 2023
No. 3 of 2023	Repeal of Practice Direction No 4 of 2010	5 April 2023
No. 4 of 2023	Designation of Court Holidays 2023	1 June 2023
No. 5 of 2023	Sentencing Proceedings - Outline of Submissions	19 June 2023

## Appendix 2: District Court associates as at 30 June 2023

### Associates' appointments

Associates are appointed by the Chief Judge pursuant to s36(2) of the *District Court of Queensland Act 1967*.

<b>Kate Bartkowski</b>	Associate to His Honour Chief Judge BG Devereaux SC
<b>Paris Reeves</b>	Associate to His Honour Judge PE Smith
<b>Phylicia Lim</b>	Associate to Her Honour Judge D Richards
<b>Tian Behenna</b>	Associate to His Honour Judge ME Rackemann
<b>Louise Patterson</b>	Associate to His Honour Judge IFM Dearden
<b>Kasper Humphrey</b>	Associate to His Honour Judge AJ Rafter SC
<b>Sophie Hill</b>	Associate to Her Honour Judge LJ Clare SC
<b>Brigitte McLeod</b>	Associate to His Honour Judge WG Everson
<b>Jessica Nimmo</b>	Associate to Her Honour Judge KM McGinness
<b>Emma Davis</b>	Associate to His Honour Judge GP Long SC (Maroochydore)
<b>Bianca Rapisarda</b>	Associate to His Honour Judge BW Farr SC
<b>Petenei Adcock</b>	Associate to His Honour Judge AA Horneman-Wren SC (Ipswich)
<b>Oliver Fitzpatrick</b>	Associate to His Honour Judge DP Morzone KC (Cairns)
<b>John Andrews</b>	Associate to His Honour Judge MJ Burnett AM
<b>Lachlan Jones</b>	Associate to Her Honour Judge SC Sheridan
<b>Daniel Creevey</b>	Associate to His Honour Judge A Moynihan KC
<b>Callum McCarthy</b>	Associate to His Honour Judge DR Kent KC
<b>Thomas Dwyer</b>	Associate to His Honour Judge MC Chowdhury (Beenleigh)
<b>Isaac Beales</b>	Associate to Her Honour Judge CM Muir
<b>Taylor Whitewood</b>	Associate to Her Honour Judge NJ Kefford
<b>Chelsea Bodimeade</b>	Associate to His Honour Judge DR Lynch KC (Ipswich)
<b>Nathan Godfrey</b>	Associate to His Honour Judge GP Lynham (Townsville)
<b>Liam Inglis</b>	Associate to His Honour Judge BT Porter KC
<b>Madeleine Vlasich</b>	Associate to Her Honour Judge JM Rosengren
<b>Sarah Svehla</b>	Associate to Her Honour Judge T Fantin (Cairns)
<b>Nicholas Walker</b>	Associate to His Honour Judge M Williamson KC
<b>Margeaux Dillon</b>	Associate to His Honour Judge J McG Coker (Townsville)
<b>Olivia Yarrow</b>	Associate to His Honour Judge N Jarro
<b>Michelle O'Grady</b>	Associate to His Honour Judge G Cash KC (Maroochydore)
<b>Mitree Vongphakdi</b>	Associate to His Honour Judge J Allen KC (QCAT)
<b>Simone Snell</b>	Associate to Her Honour Judge V Loury KC
<b>Samuel Skinner</b>	Associate to His Honour Judge K Barlow KC
<b>Alexandra Feeney</b>	Associate to His Honour Judge M Byrne KC
<b>Claire Wilson</b>	Associate to His Honour Judge R Jackson KC (Southport)
<b>Oscar Millroy</b>	Associate to His Honour Judge J Clarke (Rockhampton)
<b>Nicholas Miranda</b>	Associate to Her Honour Judge G Dann (QCAT)
<b>Taylor Holliday</b>	Associate to Her Honour Judge D Holliday KC (Southport)
<b>India Paul</b>	Associate to Her Honour Judge A McDonnell
<b>Nicola Baker</b>	Associate to Her Honour Judge J Wooldridge KC (Southport)
<b>Declan Carr</b>	Associate to His Honour Judge N Andreatidis KC

