

SUPREME COURT OF QUEENSLAND
PRACTICE DIRECTION NUMBER 13 OF 2023

**SUPERVISED CASE LIST FOR PROCEEDINGS INVOLVING SELF-
REPRESENTED PARTIES: CIVIL JURISDICTION**

1. When does this Practice Direction apply?

- 1.1 This Practice Direction applies to cases in the Supreme Court which, by direction of any judge of this Court, are placed on the Supervised Case List for proceedings involving self-represented litigants (**SRL Supervised Case List**). It applies only to proceedings commenced in, or transferred to, the Brisbane Registry.
- 1.2 The Chief Justice in consultation with the Senior Judge Administrator will from time to time allocate a judge to manage the SRL Supervised Case List (the **Supervising Judge**).
- 1.3 A judge may direct that a case in which a party is or becomes self-represented is to be entered on the SRL Supervised Case List. However, such a direction will not ordinarily be made until at least one party has filed a defence, or otherwise taken a step in the proceeding to oppose the granting of relief sought by another party.
- 1.4 A party becomes self-represented if the party files a [Form 92](#) notice that the party is acting in person or if the solicitor on the record for the party is granted leave to withdraw under [rule 991](#) of the *Uniform Civil Procedure Rules 1999* (**UCPR**).
- 1.5 A direction under paragraph 1.3 may be made without an application by a party and without any appearance. A party may apply to a judge at any time to have the case removed from the SRL Supervised Case List.
- 1.6 If a direction is made under paragraph 1.3 for a case which is already on another list, such as the Commercial List, the Wills and Estates List or the Supervised Case List (**SCL**), the case is, subject to any order of a judge, to be conducted under this Practice Direction, and not under any practice direction for that other list.

2. Notice requirement

- 2.1 If a party to a case is or becomes self-represented, that party is immediately to notify in writing, by email, the List Manager for the SRL Supervised Case List (**List Manager**) of that fact, with a copy to all other parties.¹
- 2.2 If a party to a case is aware that another party is or has become self-represented, and has not received a copy of a notice under paragraph 2.1, that party is to notify the List Manager in writing, by email, that another party to the case is self-represented.
- 2.3 On receipt of a notice under paragraph 2.1 or 2.2, the List Manager is to refer the case to the Supervising Judge, to determine whether the case should be entered on the List.

¹ Note: the contact details for the List Manager, the associate to the Supervising Judge and the Civil List Manager are in paragraph 10 of this Practice Direction.

3. Purpose of the SRL Supervised Case List

- 3.1 The SRL Supervised Case List is designed to ensure that matters in the Supreme Court in which a party is self-represented are dealt with efficiently by:
- (a) ensuring that a case is prepared for trial as effectively and efficiently as possible;
 - (b) ensuring that the costs of litigation are reduced;
 - (c) recognising the need to balance consistency and flexibility in dealing with cases on the SRL Supervised Case List;
 - (d) using the benefits of more intensive supervision to ensure that cases involving a self-represented party can be dealt with efficiently;
 - (e) ensuring that the parties explore options to resolve their dispute without the need for trial;
 - (f) ensuring that a trial is fully prepared when a trial date is set;
 - (g) minimising the risk and costs of a trial being adjourned;
 - (h) ensuring that at trial the parties focus on the real issues genuinely in dispute; and
 - (i) ensuring that, consistently with the provisions of the UCPR and the need for the Court to remain impartial, self-represented parties have a fair opportunity to present their case.

4. What happens when a case is put on the Supervised Case List for self-represented litigants?

- 4.1 Within fourteen days of the case being placed on the SRL Supervised Case List, the List Manager will notify the parties and send them the kit for Self-Represented Parties on the SRL Supervised Case List.
- 4.2 The kit for Self-Represented Parties on the SRL Supervised Case List will contain:
- (a) a copy of this Practice Direction;
 - (b) a copy of [Practice Direction 17 of 2022](#) – Scheme for pro bono mediation in proceedings involving self-represented litigants;
 - (c) a list of Community Legal Centres which can provide assistance, with relevant details about particular Centres, including any information sheet available to the List Manager;
 - (d) a copy of the Questionnaire for proceedings allocated to the SRL Supervised Case List (the form of which is attached to this Practice Direction);
 - (e) the web address for the Court’s home page, drawing attention to the section headed “Representing yourself in court” and indicating how parties might get access to the UCPR.

- 4.3 Within twenty-one days of receiving the kit, each party must complete and provide to the List Manager, by email, the Questionnaire for proceedings allocated to the SRL Supervised Case List. The Questionnaires will be placed on the court file.
- 4.4 Once the Questionnaires are returned, the List Manager will advise the Supervising Judge, set a date for the first review hearing (at least two weeks after the Questionnaires are returned) and notify the parties.
- 4.5 Once a matter has been allocated to the Supervising Judge, all communications about the supervision of the matter are to be made in writing to the judge's associate, by email.
- 4.6 In any communications with the Supervising Judge's associate, the List Manager, or any other Court officer, parties are not to seek legal advice, including advice about the UCPR. Parties must always copy all other parties into any email communications sent to the Court.

5. **What happens at a review hearing?**

- 5.1 The Supervising Judge will conduct the review hearings.
- 5.2 At the review hearing the parties should be in a position to:
 - (a) give the Supervising Judge an update on the current state of the matter;
 - (b) for review hearings after the initial review hearing, tell the Supervising Judge what has happened since the last review.
- 5.3 At a review hearing the Court will make orders to assist the parties to finalise the case consistently with the philosophy underlying the UCPR set out in [rule 5](#), which provides:
 - (1) *The purpose of these rules is to facilitate the just and expeditious resolution of the real issues in civil proceedings at a minimum of expense.*
 - (2) *Accordingly, these rules are to be applied by the courts with the objective of avoiding undue delay, expense and technicality and facilitating the purpose of these rules.*
 - (3) *In a proceeding in a court, a party impliedly undertakes to the court and to the other parties to proceed in an expeditious way.*
 - (4) *The court may impose appropriate sanctions if a party does not comply with these rules or an order of the court.*
- 5.4 The Court will endeavour to ensure that a self-represented party has a fair opportunity to present the party's case. In making orders under this Practice Direction the Court may have regard to the following factors:
 - (a) that the provisions of this Practice Direction are not intended to limit the Court's powers under the UCPR and are intended to allow the Court flexibility to manage cases to which this Practice Direction applies;
 - (b) that a self-represented party may require longer to undertake a task than a lawyer;

- (c) review hearings for self-represented parties may not need to be conducted with the same degree of formality or frequency as review hearings for two represented parties;
- (d) that the parties should be encouraged to explore options for mediation or other forms of dispute resolution, and should do so as early as is practical.²

5.5 At a review hearing, the Court may make such orders as are considered appropriate and will consider:

- (a) whether all the parties required to decide the case are parties to the case (see [rule 62 of the UCPR](#));
- (b) whether the pleadings filed need to be further particularised (see [Chapter 6, part 3 of the UCPR](#)) or amended (see [Chapter 10, part 3 of the UCPR](#));
- (c) whether any of the parties intends to apply to strike out a pleading (see [rule 171 of the UCPR](#)) or to apply for summary judgment (see [Chapter 9, part 2 of the UCPR](#));
- (d) whether any special arrangements need to be made for disclosure in the case (see [Chapter 7 of the UCPR](#));
- (e) alternative dispute resolution (ADR) (see [Chapter 9, Part 4 of the UCPR](#) and [Practice Direction 17 of 2022](#));
- (f) whether any issues can be determined prior to the trial of the substantive case;
- (g) if expert evidence is required, whether an expert should be jointly appointed to give evidence on any issue in the case; and whether, where more than one expert is to give evidence in relation to an area of expertise, a joint experts report, or any other special arrangement is needed (see [Practice Direction 2 of 2005](#), [Chapter 11, Part 5 of the UCPR](#));
- (h) trial arrangements (including trial plans, ways of giving evidence, and proof of documents);
- (i) whether it is in the interests of justice to make any other orders for the matter; and
- (j) the date for any further review.

5.6 Review hearings will generally be limited to the determination of directions, or procedural orders to progress the case, or involving only limited disputes.

5.7 Applications for interlocutory relief and other substantial interlocutory disputes will generally not be dealt with at a review hearing. The Supervising Judge may make directions about such an application. Those directions may include referring the application to the Applications List, or on another suitable day allocated by the Court.

² In this regard, see [Practice Direction 17 of 2022](#) – Scheme for pro bono mediation in proceedings involving self-represented litigants.

- 5.8 A party who is legally represented should be represented at a review hearing by a lawyer who is in a position to inform the Court about the current state of the proceedings and make submissions about directions. A self-represented party should attend the review in person. However, in cases where personal attendance is difficult, a party may, with the prior approval of the Supervising Judge, attend a review hearing by telephone. Ordinarily, approval will not be granted where it is expected that there will be substantial argument about any matter to be dealt with at the review hearing.

6. Resolution

- 6.1 At an early stage, the parties should identify and attempt to resolve any dispute relating to the inclusion of parties, the adequacy of the pleading of another party, particulars, and disclosure.
- 6.2 Parties are expected to attempt to reach agreement about whether and when they should engage in ADR; the form of ADR; and arrangements for undertaking ADR. They should inform the Supervising Judge of any agreement reached; or explain why no agreement has been reached. In the course of ADR, the parties, if they are unable to resolve the action, should attempt to resolve individual issues.

7. Directions and supervision

- 7.1 Parties are expected to confer at least one week before any review hearing, to attempt to agree about orders to be sought at the upcoming review.
- 7.2 Where parties reach agreement about the orders to be made, they are to provide, by email, a copy of the proposed orders to the associate to the Supervising Judge, together with an email from each party confirming that party's agreement (or consent) to the orders. If the Supervising Judge is prepared to do so, such orders may be made without a formal hearing.
- 7.3 If the parties are unable to agree about orders, each party is to provide to the associate, by email, 24 hours before the review, a copy of that party's draft of the orders sought.
- 7.4 The Supervising Judge may, in the exercise of the judge's discretion, prepare and make orders that the judge considers appropriate.
- 7.5 Orders will usually refer:
- (a) to the steps to be taken (for example, file an Amended Defence, or serve a List of Documents), describing in clear and practical terms what the parties have to do; and
 - (b) to the specific date by which that step will be done.

8. Listing for trial

- 8.1 Once a matter is on the SRL Supervised Case List, it will not be allocated a trial date or dates unless a [request for trial date](#) has been filed, or the Supervising Judge orders otherwise.
- 8.2 Before a request for trial date is filed, or the Supervising Judge lists the matter for trial, each party is to inform the Supervising Judge at a review that:

- (a) the party has given recent consideration to whether any additional parties should be joined to the action;
 - (b) the party has given recent consideration to the question whether the party's pleadings properly reflect the case to be presented at the trial;
 - (c) the party has given recent consideration to the question whether the party maintains any challenge to the pleadings or particulars of any other party;
 - (d) the party has recently reviewed the pleadings to identify the issues in respect of which the party proposes to adduce evidence, and has considered whether the party is in a position to do so;
 - (e) the results of these considerations;
 - (f) the party has considered whether the party will make an offer to settle under the rules;
 - (g) the parties have or have not attempted to resolve the case through ADR; and
 - (h) the party has complied with all orders made in the case.
9. Once a request for trial date has been filed, or the Supervising Judge has made an order listing the matter for trial, the proceeding will be referred to the Resolution Registrar, who will arrange for the parties to attend a pre-trial case conference for the purpose of agreeing directions to ensure the matter proceeds to trial in an efficient and cost-effective manner.

10. Removal from List

- 10.1 A case may be removed from the SRL Supervised Case List by order of a judge at any time.
- 10.2 Otherwise, a case may be removed from the List by the List Manager where:
- (a) the whole of the proceeding (including any counterclaim and any appeal) has been determined; or
 - (b) the proceedings have been discontinued by the plaintiff filing a notice of discontinuance under [rule 309](#) or giving written notice that the proceeding has been settled under [rule 308A](#).

11. Contact Details

SRL Supervised Case List Manager: supcasemanager@justice.qld.gov.au.

Associate to the Supervising Judge: associate.FreeburnJ@courts.qld.gov.au.

Civil List Manager: civillistmanager@justice.qld.gov.au.

Resolution Registrar: resolution.registrar@courts.qld.gov.au.

12. Repeal

12.1 This Practice Direction repeals and replaces Practice Direction 10 of 2014.



Helen Bowskill
Chief Justice
12 June 2023

Questionnaire

for proceedings allocated to the SRL Supervised Case List

Matter name: _____

Court file no: _____

Name of the party who is completing this questionnaire: _____

1. What stage are the proceedings at?

2. What category best describes this case? (*highlight*)

Building and Construction	Contract – Real Property	Contract – Personal Property
Contract – Commercial	Corporations	Debt
Defamation	Employment	Misleading & Deceptive Conduct
Motor Vehicle Personal Injury	Workplace Personal Injury	Personal Injury (Other)
Professional Negligence	Recovery of Possession of Land	Wills and Estates
Sale of Land	Sale of Goods	
Other (<i>please specify</i>):		

3. What is your best estimate of the amount of money at issue in the case?

4. Identify **two key issues** to be determined in this case (*highlight*). For example:

- Basis of calculation of damages
- Credibility of witness(es)
- Difference in expert opinion
- Construction (meaning) of contract
- Causation of loss
- Quantum of damages
- Other (*please specify*)

5. Have the parties attempted to resolve the dispute by mediation or negotiation? YES / NO

If there was a mediation, on what date did it take place?

If there has been no mediation, when should the parties engage in a mediation? Is there any reason not to engage in a mediation at a suitable stage?

6. Have the parties considered making settlement offers?

7. What interlocutory steps (if any) have been taken, or are proposed? (*highlight yes or no*)

- Request for particulars (see [Chapter 6, Part 3 of the UCPR](#)) YES / NO
- Strike-out application (see [rule 16](#) or [rule 171](#) of the UCPR) YES / NO
- Application for summary judgment (see rules [292](#) and [293](#) of the UCPR) YES / NO
- Third party proceeding (see [Chapter 6, Part 6 of the UCPR](#)) YES / NO
- Joining another party (see [Chapter 3 of the UCPR](#)) YES / NO
- Amendments to a pleading (see [Chapter 10, Part 3 of the UCPR](#)) YES / NO
- Application for further disclosure (see [Chapter 7, part 2 of the UCPR](#)) YES / NO

- Appointment of an Expert (see [Chapter 11, part 5 of the UCPR](#)) YES / NO
- Notice to admit facts or documents? (see [rule 189 of the UCPR](#)) YES / NO

Any other interlocutory steps? (*please specify*)

8. What steps do the parties need to undertake to be ready for trial?

Note that under [rule 467 of the UCPR](#) “ready for trial” essentially means that disclosure has been completed, all orders requiring particulars have been complied with, all necessary steps in the proceeding are complete and all the necessary witnesses will be available. Is there any remaining step that you consider needs to be undertaken for the case to be ready for trial?

9. What is your best estimate of the timeframes you expect the steps outlined in paragraph 8 to take?

10. Does either party propose to rely on expert (that is, opinion) evidence? If so, what type of expert will be relied on?

11. Do the parties propose to exchange written outlines of argument prior to trial, and to identify relevant authorities and statutory provisions?