

SUPREME COURT OF QUEENSLAND

ANNUAL REPORT 2020-21



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

28 October 2021

Queen Elizabeth II Courts of Law
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The Honourable Shannon Fentiman
Attorney-General and Minister for Justice
Leader of the House
1 William Street
BRISBANE QLD 4000

Dear Attorney

I enclose my report, under s 19(1) of the *Supreme Court of Queensland Act 1991*, on the operation of the Supreme Court for the year ended 30 June 2021.

Yours sincerely

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

Catherine Holmes AC
Chief Justice

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CHIEF JUSTICE'S OVERVIEW 2020-2021

CHIEF JUSTICE'S OVERVIEW 2020-2021

Performance

The 2020/2021 year was a year like no other for the Supreme Court, at least for the previous century; it was a year during which it had to adapt to the challenges of administering justice during a continuing pandemic. That the Court managed to do so effectively and without halting is a testament to the dedication of the judges and the administrative and registry staff. While restrictions necessitated by the COVID-19 pandemic at times imposed limitations on the work that could be done, the Court's rates of disposition of cases remained remarkably good.

Disposition of Caseload¹

Trial Division

Criminal

Over the reporting year, there were 2,219 lodgements in the criminal jurisdiction, compared with 2,425 for the 2019/2020 year. The trial division ended the year with 758 outstanding cases (compared with 779 in the previous year), having disposed of 2,238, a clearance rate of 100.9%.

Of the outstanding cases, 10.6% were more than 12 months old (from date of presentation of indictment), and 2.2% more than 24 months old. Some of the last group would result from orders for re-trials made on appeal.

Civil

In the civil jurisdiction, there were 2,896 lodgements, compared with 2,825 lodgements for the 2019/2020 year. At the end of the 2020/2021 year, there were 2,904 outstanding matters (compared with 2,571 in the previous year), the Court having disposed of 2,565 matters, a 88.6% clearance rate.

Of the outstanding matters, 29.5% were more than 12 months old, and 8.5% more than 24 months old.

Court of Appeal Division

The Court of Appeal division disposed of 296 criminal appeals this year (350 last year), representing a clearance rate of 90.0%. As of 30 June, 272 criminal appeals awaited disposition (241 last year).

The Court of Appeal also disposed of 155 civil appeals (153 last year), with a clearance rate of 113.1%, leaving 113 outstanding at the end of the year (130 last year).

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

The pattern of the year generally for the Court's civil and criminal work was one of adjusting to differing levels of restriction, reverting to the use of video link and telephone conferencing when necessary, wearing masks, and adjusting court arrangements so as to meet the required social distancing levels. The Court, the professional bodies and the law enforcement agencies became adept at swift changes in practice and communication of them, so that over the course of the year adapting to different conditions became less burdensome.

COVID-19's greatest impact on the Court's ability to deal with its work was felt in the southeast of the State.

1. The statistics set out have been collated on the basis of the requirements of the Australian Government's Productivity Commission for the production of its annual "Report on Government Services" (RoGS).

There were very few cases of infection in the Central, Northern and Far Northern regions, so that operations there remained relatively unaffected by the virus.

In early August 2020, the work done in planning for jury trial resumption in the Supreme Court in Brisbane came to fruition. Trials took place using two courtrooms to allow jury distancing during empanelment and deliberations. Members of the public summoned for jury service were extremely co-operative, notwithstanding that processes were slower because of the need to move jury panel members about in smaller numbers. The main limitation from the Court's perspective was that the need to use two courtrooms placed a limit on the number of trials that could be conducted in the Supreme and District Courts at any one time.

Over the course of the year, conditions fluctuated in the State's southeast. Jury trials had to be suspended from time to time during lockdowns. Another difficulty was encountered when jails went into lockdown and lawyers were unable to take instructions from their clients. Occasionally, there were interruptions to trials as individual jurors required COVID testing. Nonetheless, on the whole, the process worked very well.

Regular meetings with members of the profession and members of law enforcement agencies, including Queensland Corrective Services, continued. That liaison was enhanced when Queensland Corrective Services appointed a Judicial Engagement Officer in November 2020 to enable speedy communication of information about current prison conditions and restrictions.

There were fewer criminal lodgements in the trial division for the 2021 year, which is likely to be directly related to the effects of the pandemic on arrests and committals. The number of cases disposed of was lower, with an increase in the number of older cases, attributable to the periods over which jury trials could not be held. Civil filings were marginally higher in the trial division and the clearance rate dipped, but the numbers of matters outstanding for more than 12 months and more than 24 months did not significantly increase.

Bail applications (like applications for forfeiture, probate, admission as a legal practitioner and orders under the *Dangerous Prisoners (Sexual Offenders) Act 2003*) are not recorded as part of the RoGS statistics. The number of bail applications lodged decreased to 647, a fall of almost a third on the 733 applications lodged in the 2019/2020 year. That decrease is not surprising; the 2019/2020 figure was abnormally high, reflecting prisoners' health concerns at the beginning of the pandemic.

The number of fresh applications under the *Dangerous Prisoners (Sexual Offenders) Act 2003* decreased to 20 this year, compared with 26 the previous year. As has previously been observed, as the numbers of prisoners subject to orders under the Act increase, so do the numbers of periodic reviews and breach hearings which the Court must undertake. They have seen a steady upwards trajectory, from 245 five years ago to more than double that figure this year: 552.

Given the nature of its work, the Court of Appeal was less vulnerable to the effect of health restrictions. The year saw a rise in criminal lodgements and a fall in civil lodgements from last year, neither dramatic; and the Court improved its civil clearance rate while its criminal clearance rate fell.

Over 1,200 new practitioners were admitted at ceremonies throughout the 2020/2021 year. All were able to be admitted in person, although the numbers of guests able to attend the ceremonies and the conditions under which they attended varied with the level of health restriction in place.

As the effects of the pandemic dissipate, there is no reason to suppose that the Court's criminal workload will not revert to its high pre-pandemic levels. Of some concern is the fact that, although the 2020/2021 State Budget increased police numbers by 2025, no consideration seems to have been given to the flow-through effect on the courts' criminal workloads of the inevitable increase in the number of charges brought, or the resulting strain likely to be placed on resources, both in terms of registry capacity and judge time.

The Court's ICT Systems

Some of the difficulties the Court experienced in finding suitable video-conferencing and telephone-conferencing technology at the outset of the pandemic were resolved with the move to the PEXIP platform and the use of Chorus Call. Neither was without problems and frustrations, but the situation was much improved.

I have in previous reports spoken about the need for the Court to move to electronic filing and case management systems, which has become more acute during the pandemic. Work continues towards the adoption of an electronic lodgement and civil case management system in the Magistrates Court and the hope remains that the system will ultimately be expanded to civil matters in the Supreme Court. While waiting for that day to come, the Court has taken two initiatives of a one-off kind, the first to enable electronic lodgement of applications for probate and letters of administration and the second to permit online applications for Court listings in the criminal jurisdiction. Both are described in detail in the section of this report which deals with the work of the trial division.

Although the Court has some capacity to conduct e-Trials, it is limited and relatively unsophisticated. The demand for electronic trials is rising and investment is needed to ensure not only that the Court acquires an effective electronic filing and case management system but that electronic files can be readily used for the purposes of litigation.

Although I am not yet able to report that the sorely-needed replacement for the Queensland Jury Administration System (QJAS) is in place, progress is being made on that front, and it is hoped that the new system will be in operation in the next reporting year. Unfortunately, however, the Court of Appeal Management System (CAMS) limps on, well past the date at which it should have been retired, and urgently requires replacement.

The Effects of the Parole Board Backlog

This year has seen a steady rise in the number of applications for parole awaiting consideration by the Parole Board Queensland and a corresponding expansion of the time elapsing between application by a prisoner and consideration by the Board. This is of considerable concern to the Court for two reasons.

The first is that anticipation of delay in the obtaining of parole makes the sentencing process more complicated and makes it more difficult to achieve a just result while securing community protection. A fixed parole release date (which does not entail a need for consideration by the Board) can only be given where the sentence is three years or less. (In some prescribed circumstances it cannot be given whatever the sentence length.) The result is that although, for example, a prisoner may already have served close to half of his sentence on remand and shown excellent signs of rehabilitation, if his offence is one that properly warrants a sentence of more than three years, he can only receive a parole eligibility date. That means that even though justice might dictate his immediate release to serve the balance of his sentence under parole supervision, he must wait at least eight months after making his application before the Board will even consider it. (The likelihood is that by the time it comes to consideration, some of the information provided, for example, as to accommodation options, will be obsolete, resulting in further delay.)

An alternative sentencing option is to suspend the sentence after the time already served, but that carries the disadvantage that the community supervision which is usually needed, particularly in the case of drug offences, will not be available. Another consideration is this: supervised parole is a rehabilitative measure and an incentive to good behaviour, both in and out of prison; but uncertainty as to when an application for parole will receive attention, and awareness that it will not be within the 120 days prescribed by statute, or anything like it, are unlikely to promote a positive attitude.

The second consequence of the backlog for the Court is that, as they are entitled to do, prisoners seek judicial review of the Board's failure to consider their applications for parole within the statutory time frame. The practical result is that where for the first seven months of the reporting year to January 2021, the number of applications arising from Parole Board decisions never exceeded single figures, there was a sudden rise in February of this year; and for the last four months of the reporting year the numbers have been in excess of 50 applications per month, with a peak in April of 83 applications. This absorbs registry and Court time and resources in dealing with applications where the outcome is usually inevitable.

Given that the difficulties the Parole Board is encountering in dealing with matters are unlikely to be resolved in the short term, it can be expected that these problems will continue well into the future. A proposed extension of the decision time to 180 days is unlikely to alleviate the rising judicial review application numbers

to any significant extent and does nothing to address the underlying problem. There is a strong argument for an amendment to the *Penalties and Sentences Act 1991* to enable courts to set parole release dates (i.e. fixed dates) rather than parole eligibility dates (requiring consideration by the Board) where the sentence being imposed is five years or less.

Court Network

Court Network is a service comprised largely of volunteers, working in the courthouses occupied by the Supreme Court in Brisbane, Townsville and Cairns. The Network operates a Victim Support Unit; but it also provides other valuable services. In all three courthouses, volunteers take a concierge role, assisting entrants with directions and basic information. Other volunteers support people attending court, including witnesses, unrepresented parties and defendants' families. They provide information about how the courts operate and, in general terms, what to expect; they give referrals where is appropriate to do so; and they provide a sentencing pack with practical information to assist families of defendants sentenced to imprisonment. Similar services are provided to the District and Magistrates Courts and the Queensland Civil and Administrative Tribunal.

All of those services are of great value to this Court. The concierge role relieves registry staff of the need to direct and advise members of the public. The more general support role reduces the enquiries which would be made of the registry and also provides an important service in reducing the level of anxiety and stress amongst those attending court.

Because the services are provided by volunteers, Court Network's funding requirements are confined to administration and training of volunteers and, in the scheme of Government expenditure, are not large. On the other hand, its functions could only be replicated on any commercial basis at enormous expense. However, notwithstanding Court Network's considerable contribution to Court efficiency and support of members of the public encountering the Court system, adequate financial support has not been forthcoming for it to continue its operations as described. Instead, it seems that due to a shortage of means, the concierge role will be abandoned, other than for a limited morning service available in the Brisbane courthouse only, and the support role in courts will have to be discontinued entirely. What appears to be a failure to take advantage of a valuable, efficiently provided resource is inexplicable and unfortunate.

Chief Justice's Calendar

Over the reporting year, I sat in Brisbane in the Court of Appeal (eight weeks and one day), the criminal jurisdiction (six weeks), civil sittings (four weeks), and the applications court (one week). I undertook a week-long circuit to Townsville, hearing a mix of civil and criminal matters and presiding over a criminal trial. I also sat for a week in Cairns, hearing a civil trial and a number of civil applications, as well as sentencing. A sitting in Rockhampton was cancelled because of the COVID-19 restrictions. I spent a further eleven days presiding over admissions, with 1,202 new practitioners admitted over the course of the reporting year, 176 more than last financial year. The balance of my time was occupied with administrative and official responsibilities.

Subject to the vicissitudes of the pandemic, I continued my usual engagement with the profession and the public, attending functions organised by professional associations, law schools, community legal services, volunteer groups and others. I gave 26 speeches and addresses at conferences and functions in Brisbane and regional centres.

I attended the 54th and 55th meetings of the Council of Chief Justices of Australia and New Zealand remotely, on respectively 19 October 2020 and 21 June 2021. Each was scheduled to be held in a different capital city, but personal attendance was made impossible by the pandemic. A further commitment was to undertake the role of Deputy Governor for periods aggregating 9 days over the course of the year.

International Aspects

I met with the following official visitors during the first half of 2021; His Excellency Mr Shingo Yamagami,

Ambassador of Japan in Australia; His Excellency Mr Jeong-sik Kang, Ambassador of the Republic of Korea; His Excellency Dr Thomas Fitschen, Ambassador of Germany; Her Excellency Mrs Ma. Hellen Barber de la Vega Ambassador of the Philippines and His Excellency Mr Tomáš Ferko Ambassador of the Slovak Republic.

Judicial Appointments

Justice John Bond was appointed as a Judge of Appeal on 27 April 2021.

Justice Paul Freeburn was appointed a judge of the Supreme Court of Queensland on 20 May 2021.

Judge Rafter (of the District Court) was appointed as an acting judge of the Supreme Court from 1 February 2021 to 31 May 2021 in light of the need for Justice Applegarth to devote most of his time to his role as Chairperson of the Queensland Law Reform Commission, which had an urgent reference on assisted dying legislation.

Judicial Retirements

On 23 April 2021, Justice Anthe Philippides resigned as a judge of the Supreme Court.

Recognition

The Honourable William Lee QC, who served the Court with great distinction both as a master and as a judge, died on 16 April 2021. Mr Lee was appointed the first Master of the Supreme Court in 1980 and Senior Master in 1986. He became a judge of the Court on 20 February 1989, retiring on 30 April 1999.

The Honourable John Jerrard QC, another distinguished former member of this Court, died on 31 May 2021. His Honour, after a long and illustrious career at the private Bar, was appointed as a judge of the Family Court of Australia in 1998 and was appointed as a Judge of Appeal in this Court on 31 May 2002. Mr Jerrard retired, for reasons of ill health, on 5 December 2008.

Acknowledgements

As always, I thank the judges, officers of the registry, the Court's administrative staff, and the Director-General and his staff for their work over the year. All of them have, through dedication and unstinting effort, ensured the continued work of the Court through a trying and challenging year. The efforts of the Executive Director, Ms Julie Steel, in dealing with the unrelenting problems posed by the pandemic deserve particular acknowledgment.

I also express my gratitude to the leaders and other representatives of the Bar Association of Queensland, the Queensland Law Society, Legal Aid Queensland, Youth Advocacy, the State and Commonwealth Directors of Public Prosecutions' Offices, the Department of Justice and Attorney-General, Queensland Corrective Services, the Queensland Police Service, the Department of Youth Justice and the Parole Board for their co-operation over the course of the year. I particularly thank the Bar Association and Law Society for their assistance in ensuring that information was rapidly conveyed to their members when circumstances changed.



PROFILE OF THE SUPREME COURT

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

Judges of the Supreme Court

(listed in order of seniority)

Office of the Chief Justice

Chief Justice

The Honourable Catherine Ena Holmes AC

Court of Appeal Division

President

The Honourable Justice Walter Sofronoff

Judges of Appeal

The Honourable Justice Hugh Barron Fraser

The Honourable Justice Philip Michael Hugh Morrison

The Honourable Justice Anthe Ioanna Philippides (resigned 23 April 2021)

The Honourable Justice Philip Donald McMurdo

The Honourable Justice Debra Ann Mullins AO

The Honourable Justice John Kennedy Bond (appointed 27 April 2021)

Trial Division

Senior Judge Administrator

The Honourable Justice Ann Majella Lyons

Trial Division Judges

The Honourable Justice Alfred Martin Daubney AM

The Honourable Justice Glenn Charles Martin AM

The Honourable Justice Peter David Talbot Applegarth AM

The Honourable Justice David Kim Boddice

The Honourable Justice Jean Hazel Dalton

The Honourable Justice David Octavius Joseph North (Northern Judge)

The Honourable Justice James Dawson Henry (Far Northern Judge)

The Honourable Justice David John Sandford Jackson

The Honourable Justice Peter James Flanagan
The Honourable Justice Martin Burns
The Honourable Justice Susan Elizabeth Brown
The Honourable Justice Helen Patricia Bowskill
The Honourable Justice Peter John Davis
The Honourable Justice Graeme Francis Crow (Central Judge)
The Honourable Justice Soraya Mary Ryan
The Honourable Justice Elizabeth Sybil Wilson
The Honourable Justice Thomas Joseph Bradley
The Honourable Justice Peter James Callaghan
The Honourable Justice Frances Millicent Williams
The Honourable Justice John Freeburn (appointed 20 May 2021)

Other Appointments

Mental Health Court

The Honourable Justice Peter James Flanagan
The Honourable Justice Elizabeth Sybil Wilson

Land Appeal Court

The Honourable Justice David Kim Boddice (Southern District)
The Honourable Justice David Octavius Joseph North (Northern District)
The Honourable Justice James Dawson Henry (Far Northern District)
The Honourable Justice Graeme Francis Crow (Central District)

Industrial Court

The Honourable Justice Glenn Charles Martin AM (resigned 10 July 2020)
The Honourable Justice Peter John Davis (appointed 11 July 2020)



COURT OF APPEAL DIVISION

COURT OF APPEAL DIVISION

Governance

Organisational Structure

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

The Court of Appeal hears appeals² in civil and criminal matters from the trial division of the Supreme Court of Queensland and in civil and criminal matters from the District Court of Queensland. The Court also hears appeals from the Planning and Environment Court, the Land Appeal Court and from other tribunals, principally the Queensland Civil and Administrative Tribunal (QCAT).

An appeal from the Court of Appeal to the High Court of Australia can proceed only by way of special leave. For most cases, the Court of Appeal is Queensland's final appellate court.

The President of the Court of Appeal is the Honourable Justice Walter Sofronoff. The Court of Appeal also consists of five Judges of Appeal. During 2020/2021, they were:

- the Honourable Justice Hugh Barron Fraser;
- the Honourable Justice Philip Hugh Morrison;
- the Honourable Justice Anthe Ioanna Philippides, who resigned on 23 April 2021;
- the Honourable Justice Philip Donald McMurdo;
- the Honourable Justice Debra Ann Mullins AO; and
- the Honourable Justice John Kennedy Bond, who was appointed as a Judge of Appeal on 27 April 2021.

The Court sat as a bench of three judges for 30 weeks during the year, which was two fewer than last year.

The President and the Judges of Appeal together sat 155 individual judge weeks this year³, compared to 169 weeks last year. The reduction was due to the unavailability of one Judge of Appeal for an extended period. One week of every month and two weeks before Court vacations were allocated as judgment writing weeks and therefore were non-sitting weeks.

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

The Chief Justice and trial division judges continued to bring vast experience to the consideration and determination of appeals. The President and Judges of Appeal express their gratitude for their continued support which assists the Court of Appeal to manage its caseload in an efficient and timely manner. In the 2020/2021 reporting period, trial division judges sat in the Court of Appeal for 61 individual judge weeks. In addition, Justice Mazza, from the Western Australian Court of Appeal, sat as an acting Judge of Appeal for two weeks.

A total of 412 matters were heard and 436 judgments were delivered.⁴ See Appendix 1, Tables 1, 2 and 3.

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

2. Including applications and references.

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

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

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

The President and registry staff case managed matters of a complex nature or matters at risk of undue delay in being heard. Regular civil and criminal callovers ensured the timely progress of such matters. The Senior Deputy Registrar, the Registrar and Deputy Registrars, appeals registry staff, associates and executive secretaries provided a high standard of support and continue to diligently serve the public, the profession and the judges.

The President and the Judges of Appeal appreciated the initiatives implemented throughout the COVID-19 pandemic, and the commitment and support of the Executive Director of the Supreme, District and Land Courts Service, Ms Julie Steel, and her staff.

The Court thanks Mr Glen Morgan, Court Security Manager, and Mr Andrew Nichols, Acting Court Security Manager, together with the QEII Building security team who continued to offer their assistance.

COVID-19 Pandemic

In response to COVID-19, the Court of Appeal registry continued to modify usual business operations to safeguard health and safety to court users by ensuring adequate spacing between people within courtrooms, self-represented prisoners appeared via video link and proceedings were administratively listed for hearing. Delivered judgments were distributed to parties via electronic means.

Upon the lifting of COVID-19 restrictions in April 2021, the registry seamlessly returned to pre-COVID-19 business operations, inclusive of the planning, case management and distribution of material prior to the successful Northern Sittings held in Townsville in June 2021. In-person callovers were re-introduced in February 2021.

All Court of Appeal secretarial staff who had been working from home since the end of March 2020 had returned to full time work in the office by December 2020.

Human Resourcing Issues

In the 2020/2021 reporting period, staffing levels in the Court of Appeal registry remained at nine positions. The positions of Senior Registrar (Ms Khamelia Adams), Deputy Senior Registrar (Ms Vanessa Travaini), Registrar (Mr Mark Slaven), Deputy Registrar (civil) (Mr Graham Naumann), Court Service Officer (Ms Alexandra Casey) and Administrative Officer (crime) (Mr Kevin Diflo) encountered no change throughout the year. The remaining three positions were subject to staff movements throughout the financial year; however, no position was left vacant for any extended period.

The focus of the registry is to continually build staff capability, maintain continuity of staffing to ensure that matters are handled in an efficient manner and to provide a level of service to the judges and court users which reflects positively on the Court. It is desirable to maintain staffing levels to accomplish the Court's work in a timely manner.

Auscript/Court Recording and Transcription Services

The Court of Appeal associates order transcripts of recordings from Auscript after matters are heard. The Court of Appeal registry also requests transcripts of recordings of lower courts for inclusion in the appeal record books. In the second half of the reporting period there was improvement in the timely delivery of transcripts.

Performance

Disposal of Work

A total of 466 matters were commenced in the Court of Appeal (329 criminal matters and 137 civil matters). This was a very slight increase from 461 matters commenced last year (305 criminal matters and 156 civil matters). There were 385 active matters, an increase from 371 last year. The Court finalised 451 matters, a decrease from 503 matters finalised in the previous year. See Appendix 1, Table 3.

The Court's clearance rate for criminal matters decreased from 114.8% in the previous year to 90% for this reporting year. The Court's clearance rate in civil matters, however, increased from 98.1% last year to 113.1% this year. Overall, 74.9% of Court of Appeal matters were finalised within 12 months of lodgement. See Appendix 1, Table 4. Civil matters which were not finalised within 12 months of lodgement experienced delays occasioned at the request of one or both parties. Some delay in criminal matters was caused by self-represented appellants seeking adjournments to find legal representation or referral to the pro bono scheme.

The median time for the delivery of reserved judgments in criminal matters was 92 days and for civil matters, 115 days. The overall median time between hearing and delivery of reserved judgments was 99 days, the same as last year. See Appendix 1, Table 5.

During the reporting period two matters were heard on the papers as an alternative to in person or video link hearings.

Applications for criminal extensions of time applications and merit assessment

In September 2020, the President met with representatives from the Office of the Director of Public Prosecutions (DPP), Commonwealth DPP (CDPP), Legal Aid (Qld) and registry staff to discuss process changes to criminal appeals for unrepresented litigants who require an initial extension of time application prior to the matter proceeding. These types of applications would usually be determined by a three-member bench without access to an appeal record book. The proposed change will allow the Court to deal with matters for unrepresented litigants more expeditiously, particularly if litigants are granted legal aid earlier in the appeal.

Under the model, the extension of time application and the notice of appeal are sent to both the DPP and CDPP. The applications are assessed, and reasons provided if the extension application is opposed. Prior to the initial hearing, a full appeal record book (rather than a bundle of documents) is provided for all unrepresented litigants so the Court can assess the extension of time application, with consideration also given to the merit of the appeal. Legal Aid can liaise with the DPP to establish whether consent to the extension application will be granted, which enables Legal Aid to conduct their merit assessment earlier in the appeal.

The registry will monitor the impacts on staff resources and supply budget (i.e. photocopying and binding materials) resulting from the earlier production of the appeal record book, particularly when workflows return to normal post COVID-19.

Civil applications for extensions of time or leave to appeal

In January 2021, a trial in relation to civil applications for extensions of time or leave to proceed was introduced. These civil applications are now triaged shortly after lodgement to identify applications that could be dealt with by a single Judge of Appeal in line with r 767 of the *Uniform Civil Procedure Rules 1999* (Qld). The Court determined nine applications during the period February to June 2021, with one applicant filing a notice of appeal against that decision.

Origin of Appeals

Filings from the trial division in civil matters decreased this year from 115 to 99 and increased in criminal matters from 79 to 89. Filings from District Court civil matters remained stable at 59 while District Court criminal matters increased from 300 to 308. Planning and Environment Court filings decreased from eight to three. Appeals commenced from QCAT increased this reporting year from 19 to 30. There were no matters filed this year from the Land Appeal Court, Magistrates Court (criminal and civil), Industrial Court (criminal) and the Commissioner of Stamp Duties (criminal). There were 10 Court filings from the Industrial Court (civil) last year but only one this reporting year. See Appendix 1, Table 6.

There were 129 general civil appeals (including personal injury) filed this reporting year compared to 130 last year. There was a decrease in civil applications from 71 last year to 60 this year. There was an increase in filings of sentence applications from 141 to 165 and filings of conviction only appeals from 70 to 87. A total of 39 combined conviction and sentence appeals were filed this year, a slight increase from 35 the previous year. Extension applications (sentence) increased from 15 last year to 25 this year and extensions (conviction) decreased slightly from 19 last year to 16 this year. Extensions for both conviction and sentence increased from six last year to eight this year. Filings of sentence appeals brought by the Queensland Attorney-General and the Director of Public Prosecutions decreased from four last year to two in this reporting period. See Appendix 1, Table 7.

Of 27 applications for special leave to the High Court of Australia in civil matters, two were granted and 25 refused. In criminal matters, 14 applications for special leave were sought, with two granted and 12 refused. See Appendix 1, Table 8. The High Court delivered five judgments from the Queensland Court of Appeal during the period 1 July 2020 to 30 June 2021. Four appeals were allowed,⁵ with one dismissed.⁶ See Appendix 1, Table 9. One matter granted special leave at the time of preparation of these statistics has been adjourned, with the matter to be continued at a later date.⁷ Special leave has been granted in one matter which is awaiting a hearing date.⁸

Reasons of the Court

This year there were 337 outcomes for the Court of Appeal,⁹ 49 fewer than last year. In 39 of these outcomes, reasons were delivered as a judgment of the Court, an increase of 16 from last year. There were 249 outcomes delivered with three separate judgments concurring with the orders made, 69 fewer than last year. Fourteen outcomes were delivered with two joint concurring reasons and one separate reasons, six more than last year.¹⁰

5. *Queensland v Masson* (2020) 94 ALJR 785; *GBF v The Queen* (2020) 94 ALJR 1037; *Peniamina v The Queen* (2020) 95 ALJR 85; *Oakey Coal Action Alliance Inc v New Acland Coal Pty Ltd* (2021) 95 ALJR 128.

6. *Matthew Ward Price as Executor of the Estate of Alan Leslie Price (Deceased) & Ors v Christine Claire Spoor as Trustee & Ors* [2021] HCA 20.

7. *Sunland Group Limited & Anor v Gold Coast City Council* [2021] HCATrans 61.

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

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

10. These figures are non-RoGS.

Out of the total 337 outcomes, 12 involved dissents (a decrease of seven from last year). There were 23 outcomes where reasons were delivered by a single judge, five more than last year. See Appendix 1, Table 10.¹¹

Townsville Sittings

The Northern Sittings was held in Townsville from 8 to 10 June 2021. The Court, comprising of Fraser, McMurdo and Mullins JJA, and North and Henry JJ, heard six appeals against convictions and three sentence applications. One of the conviction appeals was a s 118 appeal from the District Court. No civil matters were listed for hearing.

Twelve barristers participated in the sittings. Of that number, six barristers were based in Townsville, three in Cairns, one in Rockhampton and the other two were based in Brisbane. Two female barristers (representing 15.38%) participated in the hearings.

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

Women Barristers in the Court of Appeal

The representation of female counsel appearing in the Court of Appeal reflected a decrease from 26.6% female counsel appearing in 2019/2020 compared to 21.2% in 2020/2021. Where female counsel represent 25.5% of members at the Bar, the Court remains hopeful of an increasing trend towards greater representation of women at the Bar in future years.

There was a decrease in female counsel appearing in criminal matters, 28.4% compared to 36.7% last year, and a slight increase in civil matters, 13.6% compared to 12.5% last year.

Self-Represented Litigants

Self-represented matters were listed for mentions or reviews to ensure that timelines for the lodgement of materials were followed and that matters were heard without delay. With COVID-19 restrictions continuing to be unstable into the first half of 2021, self-represented litigants in custody appeared both in-person and via video link as restrictions permitted.

There were 83 self-represented litigants in cases where judgment was delivered in the Court of Appeal this year. In 44 criminal matters in which judgment was delivered this reporting year at least one party was self-represented (28%), compared to 26 last year (18.6%). There were 39 civil matters where at least one party was self-represented and in which judgment was delivered this reporting year (21%), compared to 58 last year (23.5%). See Appendix 1, Table 11.¹²

This reporting year had a 24.6% increase in matters involving self-represented litigants being finalised either before or after the hearing. A total of 167 matters (includes matters that were abandoned, withdrawn, discontinued, struck out or stayed) were finalised, compared to 148 last year. See Appendix 1, Table 12.¹³

Self-Represented Success Rates

Of the 337 outcomes in Court of Appeal matters (both criminal and civil) in 2020/2021, 24.6% involved a self-represented litigant.

A total of 5.1% of self-represented criminal litigants (compared to 12.1% last year) and 13.6% of self-represented

11. These figures are non-RoGS.

12. These figures are non-RoGS.

13. These figures are non-RoGS.

civil litigants (compared to 30.8% last year) were successful in their appeals.¹⁴

LawRight

LawRight's Court and Tribunal Services (C&TS) provided valuable assistance and ongoing advocacy to self-represented litigants who had appeals before the Court, or who were considering commencing proceedings in the Court of Appeal. There was an increase from 137 applications in 2019/2020 to 194 applications for assistance in this financial year. Of the 194 applications, three concerned potential appeals and two concerned current appeals. Of the potential appeals, all three applicants were advised not to commence appeals as they did not have promising prospects and no appeals were commenced. The two applicants who had current appeals were advised that they had either no or limited prospects of success. One discontinued the appeal and the other was unsuccessful.

As well as providing substantive advice to applicants with potential or current appeals, some general enquiries are also received from clients wanting to commence appeals to the Court of Appeal. C&TS provide brief information about the appeal process and those matters often do not proceed any further. C&TS assists not only self-represented litigants but also the appeals registry and court staff, the judges and, indirectly, the broader community. The Court extends their thanks to LawRight and its directors, Ms Linda Macpherson and Ms Sue Garlick, the Managing Lawyer of the C&TS, Mr Ben Tuckett, and the solicitors of the State Courts office, Ms Melinda Willis and Mr Toby MacGregor.

Pro Bono Assistance

The Court of Appeal registry coordinates the pro bono scheme, which is now in its 21st year. As in past years, counsel were invited to appear in serious criminal matters on a pro bono basis. For the period 1 July 2020 to 30 June 2021, pro bono counsel appeared on behalf of 15 appellants. During the reporting period, the number of judgments published where pro bono counsel appeared for the appellants was 13.¹⁵ In two of these judgments, or just over 15%, the applicant/appellant was successful. This does not mean that entire appeals were allowed - in the two judgments where pro bono counsel appeared and were successful, retrials were ordered. The assistance and involvement of pro bono counsel enables matters to progress through the Court in a timely and professional manner. See Appendix 1, Table 13.¹⁶

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

Renee Berry

Holly Blattman

Nathan Boyd

Mark Dixon

Nathan Edridge

Kate Gover

Andrew Hoare

Michal Horvath

Joshua Jones

14. These figures are non-RoGS.

15. This figure is non-RoGS.

16. These figures are non-RoGS.

Sean Lamb
Michael Larsen
Simon Lewis
Adam Mason
Joshua Morris
Dominic Nguyen
Andrew O'Brien
Phillip O'Higgins
Thomas Pincus
Patrick Wilson

Law Firms

Clarity Law
Fisher Dore Lawyers
Gilshenan & Luton Legal Practice
Jeff Horsey Solicitors
Kilroy Callaghan
Kingsley Lawson Lawyers
Potts Lawyers
Robertson O'Gorman

Technology and Infrastructure

Video Links

Of the 97 criminal matters that were arranged to be heard by video link, 54 matters were abandoned or adjourned, and 43 matters proceeded to a hearing. Video links were arranged for 19 civil matters that proceeded to hearing.

The standard of video links to correctional centres remained consistently high due to availability of dedicated video link facilities in both courts and correctional Centres. The standard of video links for the conduct of civil matters varied significantly. This was due to the use of programs such as Webex Teams to allow counsel to appear from locations remote from the Court, which included counsel appearing from home or interstate due to border closures. The standard of these did, however, improve towards the end of the second half of 2020 as congestion on the internet eased with the resumption of more people working in the office.

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

In May, the Records Management Team reverted to pre-COVID-19 arrangements, with personal delivery to and collection of mail from judicial chambers. The assistance provided by the Court of Appeal executive secretaries in the management of judicial mail during the pandemic was greatly valued and appreciated by the Records Management Team.

Court of Appeal Management System (CAMS)

In mid-September, the Court of Appeal registry identified that the Court of Appeal Management System (CAMS) listings calendar did not extend past December 2020. The Information and Court Technology Branch (ICTB) were engaged to investigate the issue and it was identified the two calendars for registrations (of matters) and listings had an expiry date of 31 December 2020.

The initial assessment indicated it was probable CAMS would not function past December 2020. Due to the age of CAMS, and its status as a legacy system, it was initially considered not viable to attempt to rectify the calendars. In late October, ICTB identified a potential solution to extend the life of both calendars. The result was that the expiry date has been extended for a further 10 years (to the end of 2030).

The question of an upgrade for CAMS was raised in the Court's Annual Report for the 1995/1996 year and has been mentioned almost every year since then in the Court of Appeal section of the Report. However, replacement of the system to one which integrates with other Court management systems and which improves reliability, expands data statistics and reporting, has been overlooked. Proper CAMS maintenance and upgrade are critical to the efficient performance of the Court of Appeal and should remain a priority.

Judgment Delivery

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

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

The Court's research officer, Mr Bruce Godfrey, continued coordinating the publication of Court of Appeal judgments. Mr Godfrey prepared judgments which were published on the Supreme Court Library website and distributed to interested Queensland judicial officers and selected Queensland Government agencies.

As in previous years, Mr Godfrey arranged distribution of hard copies and electronic links to the judgments to all major Brisbane media outlets. With the continuing uncertainty created by COVID-19, printed hard copies of judgments have been kept to a minimum.

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

Judicial Exchanges

Following the success of both judicial exchanges between the Courts of Appeal Queensland and Western Australia in 2019, further exchanges between the two States had been planned for September 2020 but were cancelled due to the COVID-19 pandemic. A simultaneous exchange occurred between Justice Morrison of the Queensland Court of Appeal and Justice Mazza of the Western Australia Court of Appeal for two weeks in May 2021. Justice Morrison was sworn in as an Acting Judge of Appeal of the Supreme Court of Western Australia by the WA Governor at Government House and Justice Mazza was sworn in as an Acting Judge of Appeal in the Queensland Supreme Court by the Chief Justice.

The judicial exchanges are an important way for the courts in different States to share information and experiences to improve the delivery of justice to the community. It also contributes to a common approach to uniform Australian laws and the continuing professional development of the judiciary in Australia.

In April 2021, the President and Justices of Appeal met with Justice Livesey QC, who was appointed to the newly established Court of Appeal in South Australia which came into operation on 1 January 2021. Justice

Livesey has since been appointed President of the Court of Appeal of South Australia. President Sofronoff and President Livesey have agreed to engage in a judicial exchange. The first such exchange will proceed in the second half of 2021 subject to COVID-19 restrictions permitting.

Future Directions and Challenges

Criminal Sentence Appeals

The work of the Court of Appeal is varied, both in the nature of the work and in its complexity. The approach ought to be that the Court spends its resources mainly on cases warranting its specialist qualities rather than the routine work which will not involve the court declaring any matters of significant legal principle.

It is proposed to test a system designed to take the majority of sentence appeals out of the general appeal lists and deal with them in a special sittings, thus freeing up resources of the Court of Appeal for other work. The proposal has the support of the DPP, CDPP and Legal Aid (Qld).

The process will have sentence applications listed on a running list. A panel of four judges will spend the week preceding the hearing week in preparation. The aim is to determine whether this method will expedite the determination of sentence appeals so that more judicial time can be given to cases of greater complexity and length.

The desired outcome of the specialist sitting is to determine:

1. whether separate treatment of criminal cases is desirable;
2. whether separate treatment of criminal cases is practically advantageous;
3. whether straightforward sentence appeals ought to be dealt with in the general list or separately; and
4. whether, if the system is successful with sentence appeals, it could be tested on other types of work of the court.

Appendix 1

Table 1: Judgments, Criminal Matters

Judgments	2018-2019	2019-2020	2020-2021
Outstanding at start of year	74	44	42
Reserved	178	202	164
<i>Ex tempore</i> judgments delivered	92	101	89
Reserved judgments delivered	211	200	162
Outstanding at end of year	44	42	39

Table 2: Judgments, Civil Matters

Judgments	2018-2019	2019-2020	2020-2021
Outstanding at start of year	54	36	36
Reserved	108	126	110
<i>Ex tempore</i> judgments delivered	46	38	65
Reserved judgments delivered	127	128	120
Outstanding at end of year	37	36	29

Table 3: Annual Caseload – Number of Cases

	2018-2019	2019-2020	2020-2021	Change from Previous Year
Lodged	532	461	466	1.1%
Heard*	413	456	412	-9.6%
Finalised**	497	503	451	-10.3%
	Lodged 2020-2021	Heard 2020-2021	Finalised* 2020-2021	Active (including reserved judgments not yet delivered)
Criminal	329	246	296	272
Civil	137	166	155	113
TOTAL	466	412	451	385

* Figures are not available from CAMS.

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

Table 4: Performance Indicators

	Clearance Rate %	% finalised within 12mths	% finalised > 12mths old	% finalised > 24mths old	% Active > 12mths old	% Active > 24mths old
Criminal	90.0%	70.6%	29.4%	3.4%	18.0%	2.2%
Civil	113.1%	83.2%	16.8%	3.2%	32.7%	15.0%
ALL CASES	96.8%	74.9%	25.1%	3.3%	22.3%	6.0%

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

Table 5: Time between Hearing and Delivery of Reserved Judgments

Type of cases	Median number of days		
	2018-2019	2019-2020	2020-2021
Criminal cases	102	86	92
Civil cases	139	125	115
ALL CASES	106	99	99

Table 6: Court in which Matters were Commenced

Court	Number of matters filed		
	2018-2019	2019-2020	2020-2021
Trial division – civil	133*	115*	99*
Trial division – criminal	106*	79*	89*
District Court – civil	69	59	59
District Court – criminal	311	300	308
Planning and Environment Court	8	8	3
Land Appeal Court	3	3	-
QCAT	26	19	30

Other Court	1	1	1
Magistrates Court – civil	-	1	-
Magistrates Court – criminal	1	-	-
Industrial Court – civil	-	10	1
Industrial Court – criminal	-	1	-
Commissioner Stamp Duties – criminal	-	1	-
Other – criminal	1	-	-

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

Notes:

* These statistics include Circuit Court matters.

Table 7: Types of Appeals Filed

Appeal type	2018-2019	2019-2020	2020-2021
Civil			
General including personal injury	144	130	129
Applications	82	71	60
Leave applications	6	1	1
Planning and environment	6	6	0
Other	2	8	3
Criminal			
Sentence applications	180	141	165
Conviction appeals	85	70	87
Conviction and sentence appeals	48	35	39
Extensions (sentence applications)	18	15	25
Extensions (conviction appeals)	11	19	16
Extensions (conviction and sentence)	8	6	8
Sentence appeals (A-G/Cth DPP)	7	4	2
Other	62	91	55

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

Applications 2020-2021	Criminal	Civil
Granted	2	2
Refused	12	25

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

Appeals 2020-2021	Criminal	Civil
Granted	2	2
Refused	0	1

Table 10: Reasons of the Court*

Judgment of the Court or all concurring without separate reasons	Three separate concurring reasons	Two joint concurring reasons and one separate reason	Two joint concurring reasons, one dissent	Separate concurring reasons, one dissent	Single Judge	Total outcomes for the Court of Appeal
39	249	14	8	4	23	337

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

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

Number of cases**	2018-2019	2019-2020	2020-2021
Civil	59	58	39
Criminal	25	26	44
TOTAL	84	84	83

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

** non-RoGs figures.

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

Number of cases	2018-2019	2019-2020	2020-2021
Civil	79	88	86
Criminal	55	60	81
TOTAL	134	148	167

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

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

Success Rates	2020-2021
Appeal/Application allowed	2
Appeal/Application dismissed	11

* non-RoGS figures.

Appendix 2

Court of Appeal Pro Bono List for 2020/2021

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

Law Firms

Burchill & Horsey Lawyers

Clarity Law

Fisher Dore Lawyers

Gilshenan & Luton Legal Practice

Guest Lawyers

Jeff Horsey Solicitors

Kilroy Callaghan

Kingsley Lawson Lawyers

Potts Lawyers

Robertson O'Gorman



TRIAL DIVISION

TRIAL DIVISION

The Work of the Trial Division

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

The Senior Judge Administrator is responsible to the Chief Justice for the administration of the trial division.

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

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

In its civil jurisdiction, the Court deals with a wide range of cases, including contests about commercial matters, building and engineering contracts, civil wrongs, wills and estates, property contracts, insurance and judicial review of administrative decisions. The Court has four class actions currently on foot which require ongoing management, one of which is in the Rockhampton registry.

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

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

The composition of the trial division was affected by the appointment of Justice Bond to the Court of Appeal on 27 April 2021 and the appointment of Justice Freeburn to the trial division on 20 May 2021.

The Structure of the Trial Division

The Court is divided into Far Northern, Northern, Central and Southern Regions, reflecting the decentralised nature of the State and its large area.

Most of the trial division judges are based in Brisbane in the Southern Region. That region includes Toowoomba and Roma. More than 80% of the workload arises in and around, and is dealt with in, Brisbane.

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

The Northern Judge resides in Townsville and circuits to Mackay, while the Far Northern Judge resides in Cairns and circuits to Mount Isa.

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

Information about the organisation and practices of the trial division, including its calendars, law lists, fact sheets, Practice Directions, and reasons for judgment, are published on the Queensland Courts website: www.courts.qld.gov.au.

Developments

The work of the trial division in the reporting year continued to be affected, to varying degrees, by the restrictions imposed as a result of public health directions issued to address the COVID-19 pandemic. However, the Court did not close at any point. The trial division judges, under the leadership of the Chief Justice, remained united in their desire for the work of the Court to continue and for matters to be heard expeditiously and appropriately in a safe environment.

The strategies which were initially put in place throughout the State, in response to the declaration on 18 March 2020 of the biosecurity emergency in relation to the COVID-19 pandemic, continued to evolve and adapt throughout the reporting year, as the circumstances changed. The speed and agility with which the registry staff, the judges and the profession were able to respond, as the Chief Health Officer's various public health directions were issued, including when community lockdowns were announced, ensured the relatively seamless continuation of criminal trials (jury trials or judge-alone trials) and sentences, civil trials and civil applications, using remote appearances (via audio and audio-visual links) where necessary and appropriate. The experience of all concerned has seen efficient and effective practices developed which are able to be implemented at short notice and without significant interruption to the work of the Court.

The efforts of the regional judges in ensuring the continuation of work in each of their regions, and the circuits they manage, should be recognised, as should the significant work of the Brisbane judges who manage the circuits to Toowoomba. Their efforts ensure that all circuits are conducted in a timely and efficient way. Judges from Brisbane continue to assist in Townsville and Cairns when the workload requires it.

Once again, the calm, capable and strategic decision-making of the Court's Executive Director, in combination with the dedication and problem-solving skills of the registry staff, was vital in ensuring the work of the Court continued.

There were three notable developments in the reporting year, which emerged in part in response to the need to adapt the previous practices of the Court.

Video-conferencing

The PEXIP video conference platform was implemented during the initial lockdown in 2020 to facilitate remote appearance by parties. PEXIP enables the courtroom to be the host of the conference to ensure proceedings are recorded by the in-court recording technology, while allowing parties to appear remotely. The Information and Court Technology team is currently undertaking a review of the video-conferencing needs of Queensland Courts and court users to develop recommendations to further improve this capability; for example, by establishing virtual courtrooms, allowing all parties, including transcribers, to join a court event entirely online, using Microsoft Teams or similar technology. The team is in the process of proving this concept, to provide the Court with additional options in the event of a strict lockdown, similar to those experienced in other states.

Objective Connect - Probate

Since June 2020, several lawyers have participated in a pilot of lodging applications for grants of probate and letters of administration electronically with the Brisbane registry. This has been made possible by the use of Objective Connect (OC), a secure file-sharing platform that enables applicants to lodge electronic documents with the registry. OC was developed for courts as a direct response to COVID-19. In conjunction with QCIVIL, it allows documents in the Court's civil jurisdiction to be received and filed without the parties having to attend the registry. The pilot has allowed the registry to adjust processes to receive and manage electronic court documents without having to produce hard copies. The only physical document required to be provided to the registry is the original will.

The pilot was a great success and the five firms that participated had very positive feedback. Following an evaluation of the pilot, on 22 February 2021 the platform was rolled out to all lawyers to lodge matters with the Brisbane registry. Practitioners enthusiastically embraced the new process with 149 firms from across

Queensland and Australia signing up for this service. Following a further period of review, the platform may be rolled out to Rockhampton, Townsville and Cairns.

Online Application for a Court Listing

Monday 22 February 2021 also saw the launch of the Online Application For a Court Listing (OAFCL) for the Supreme and District Courts in Brisbane. Applicable to listings in the criminal jurisdiction for legally represented adults, the OAFCL builds on what has been learned from the existing Magistrates Court Service platform. The uptake has been significant: as at 30 June 2021, there had been 847 applications to the Supreme Court lodged via the portal. Subject to a review period, the proposal is to make the platform available at the regional Supreme and District Court registries. The OAFCL provides an enhanced service to practitioners who work in the criminal jurisdiction and streamlines the processes for the list managers.

These developments are significant. Their success and contribution to the efficiency of the Court's work underscore once again the importance of and need for electronic filing and case management systems to be made available, as the profession and the Court have been requesting for at least a decade.

Other needs

There are two further requirements which have been identified as a consequence of the Court's experience during the first part of the COVID-19 pandemic. The first is the need for laptop computers to be made available for use by the judges' secretarial staff, in the event of further lockdowns which require staff to work from home. To date, when this has been required, the staff have had to transport their desktop computers home, which is inconvenient and impractical. The second is the need for an improved ability to update the Queensland Courts' webpage when announcements need to be made to the profession and other court users at short notice. At present, there is a delay of a number of days. While flexible means of communicating with the profession have been developed, this delay disadvantages self-represented litigants who may rely on the Courts' webpage for updated information.

Criminal jurisdiction

The number of defendants whose cases were finalised by trial state-wide decreased from 46 to 43.

The average length of a trial decreased from 6.3 days to 5.4 days.

The number of criminal lodgements state-wide decreased from 2,425 to 2,219.

Finalisation of cases by guilty plea has dropped by 7.8% from 1,982 last financial year to 1,827 this financial year.

Overall, the number of defendants whose cases were finalised decreased by 6.9% from 2,404 to 2,238. The clearance rate increased by 1.7% to 100.9% compared to 99.1% in 2019/20. The number of defendants whose cases were pending decreased from 779 to 758.

Brisbane's clearance rate increased from 98.1% to 99.1%, with a reduction in active pending defendants of 6.1% from 610 to 573.

The number of defendants still awaiting trial after 12 months has decreased by 15.8% state-wide, from 12.2% (95 defendants) to 10.6% (80 defendants). In Brisbane, the decrease was less, at 11.9%: from 13.8% (84 defendants) to 12.9% (74 defendants).

During the last reporting year (2019/2020), jury trials were suspended from 19 March 2020 because of the COVID-19 pandemic but, by the first week of August 2020, they resumed. That occurred after extensive consultation with stakeholders (including the District Court, both branches of the profession, the Health Department, the Department of Justice and Attorney-General, the Director of Public Prosecutions (Qld), Legal Aid (Qld) and Corrective Services) resulted in a workable courtroom model that allowed a sufficient degree of physical distancing during trials as well as during jury deliberations. In the main, this model utilised adjoining courtrooms and required the careful development of a written protocol for all trial

participants. Otherwise, the use of video links and audio links for court appearances, the expansion of the same facilities for use by legal practitioners to communicate with their clients in custody and an increased emphasis on administrative listings allowed a full caseload of sentences, pre-trial hearings and reviews to be conducted with the least amount of disruption.

Through the initiatives introduced in 2019 to reduce the number of pre-trial and pre-sentence court reviews required for the management of each case, significantly more cases were able to be listed administratively (i.e. through the Criminal List manager in consultation where necessary with the Criminal List judge). This greatly reduced the length of time required for Criminal List reviews and obviated the need for practitioners to appear in court merely to obtain a listing. The online portal (OAFCL, discussed above) was introduced to achieve the same objectives. This was quickly embraced by the profession and has been an outstanding success.

Through these measures, the ongoing dedication of the Registry Criminal List Manager, Ms Freeman, and the judges who undertook a significantly increased sentencing and pre-trial hearing workload after the suspension of jury trials, the criminal list performed well beyond early expectations.

Summary of Activity on Criminal List – By Location

Centre	Number of defendants ^{(1) (2) (3)}			Clearance Rate ⁽⁴⁾	Backlog Indicator ⁽⁵⁾	
	Lodged	Finalised	Active		% > 12mths	%> 24mths
Main centres						
Brisbane	1,573	1,559	573	99.1%	12.9%	2.4%
Cairns	155	149	31	96.1%	-	-
Rockhampton	102	86	34	84.3%	11.8%	2.9%
Townsville	193	184	54	95.3%	1.9%	1.9%
Main centre Totals	2,023	1,978	692	97.8%	11.4%	2.3%
Regional centres						
Bundaberg	12	21	9	175.0%	-	-
Longreach	-	-	-	-	-	-
Mackay	48	64	18	133.3%	5.6%	5.6%
Maryborough	16	32	6	200.0%	-	-
Mount Isa	4	5	6	125.0%	-	-
Roma	-	-	-	-	-	-
Toowoomba	116	138	27	119.0%	-	-
Regional centre Totals	196	260	66	132.7%	5.6%	1.5%
State Total	2,219	2,238	758	100.9%	10.6%	2.2%

Notes:

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

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

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

(4) Clearance Rate: Finalisations/Lodgements.

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

Mental Health Court

The Mental Health Court sat on 49 days. The Court determined a total of 191 matters, consisting of 144 references, 45 appeals and 2 applications.

At each sitting, video-links with regional health facilities and correctional centres are used in hearing matters. This practice continues to provide a cost effective and highly efficient means of hearing matters; contributes to the safety of those involved in the hearing; and reduces stress for patients and defendants. Patients and defendants have the right to legal representation, with legal representatives appearing in the Court.

After the onset of the COVID-19 pandemic and the public health directions issued, the Mental Health Court's standard practices of conducting hearings in the courtroom were altered and a practice direction alerting all parties to these changes was issued.

Overall, there have been minimal delays affecting the Court's proceedings and two adjourned matters were re listed and finalised within two months. The Mental Health Court is now operating at full capacity.

Civil jurisdiction

Lodgements increased this year by 2.5% (71 cases) from 2,825 in 2019/2020 to 2,896.

Finalisations decreased by 8.4% (236 cases) from 2,801 in 2019/2021 to 2,565.

The clearance rate decreased by 10.7% from 99.2 % in 2019/2020 to 88.6%.

There was an increase of 13.0% (333 cases) in active pending matters (2,904 as at 30 June 2021 up from 2,571 last year).

The number of pending cases older than 12 months and less than 24 months increased from 530 as at 30 June 2020 to 611, representing 21.0% of the active pending caseload.

Cases more than 24 months old increased by 30 in 2020/2021 and stood at 247 cases at 30 June 2021.

Many claims are dealt with by registrars, which means a change in lodgements does not result in a corresponding change in judicial workloads. The complexity of a large proportion of civil matters continues unabated and many civil trials are extensively case managed before trial.

Summary of Activity on Civil List - By Location

Centre	RoGS civil files ^{(1) (2)}			Clearance Rate ⁽³⁾	Backlog Indicator ⁽⁴⁾	
	Lodged	Finalised	Active		% > 12mths	%> 24mths
Main centres						
Brisbane	2,533	2,214	2,549	87.4%	30.1%	8.9%
Cairns	72	69	67	95.8%	28.4%	7.5%
Rockhampton	176	167	188	94.9%	27.1%	5.3%
Townsville	64	48	51	75.0%	19.6%	5.9%
Main centre Totals	2,845	2,498	2,855	87.8%	29.6%	8.6%
Regional centres						
Bundaberg	2	2	3	100.0%	33.3%	-
Longreach	-	-	-	-	-	-
Mackay	43	58	37	134.9%	16.2%	-
Maryborough	3	-	3	-	33.3%	-

Mount Isa	-	-	-	-	-	-
Roma	-	-	-	-	-	-
Southport	1	-	1	-	-	-
Toowoomba	2	7	5	350.0%	80.0%	20.0%
Regional centre Totals	51	67	49	131.4%	24.5%	2.0%
State Total	2,896	2,565	2,904	88.6%	29.5%	8.5%

Notes:

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

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

(3) Clearance Rate: Finalisations/Lodgements.

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

Civil Jurisdiction Brisbane

Case Flow Management

During the year under review, the Case Flow Management List continued to be managed by Justice Bowskill. From 1 July 2021, the List is to be managed by Justice Williams.

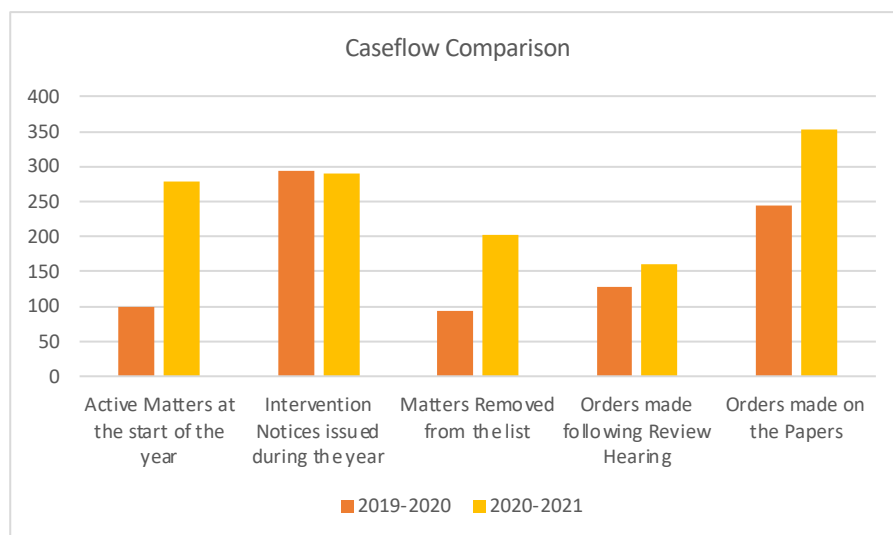
The option of conducting case flow reviews remotely (with parties and/or their legal representatives appearing by telephone) was introduced in early 2020 to adapt and respond to the COVID-19 restrictions. The court continued throughout the year under review to offer the option of appearances by telephone or in person for case flow review hearings.

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

A summary of the activity of the Case Flow Management List in the year 1 July 2020 to 30 June 2021 is as follows:

- as at 30 June 2021 there were approximately 279 active matters on the case flow management list;
- during the year a total of 290 case flow intervention notices were issued;
- 202 matters were removed from the Case Flow Management List, in the following circumstances:
 - o discontinued – 138;
 - o transferred to another court (primarily, the District Court) – 10;
 - o set down for trial – 21;
 - o request for trial date filed – 10;
 - o placed on another list – 19;
 - o removed for other reasons (for example, settled) – 24;
- 161 orders were made following a review hearing; and
- 354 orders were made on the papers.

This can be contrasted with the previous year, 2019/2020, as follows:



At the beginning of the 2019 year, there was a dedicated effort on the part of the registry staff to address a backlog of matters meeting the criteria for placement on the Case Flow Management List by issuing intervention notices. The level of intervention notices issued remained constant throughout the 2020/2021 year. This dedicated effort has seen the overall number of matters on the Case Flow List increase. However, the ongoing active management of matters on the List has continued to see results in terms of prompting activity in matters that have not been progressing in a timely way, including by removing from the court matters which have resolved or are not to be pursued.

Dangerous Prisoners (Sexual Offenders) Act Applications

The *Dangerous Prisoners (Sexual Offenders) Act 2003* has, as its major purpose, the protection of the public from the commission of serious sexual offences.

Applications under the Act for continuing detention or supervision orders, annual reviews of continuing detention orders or hearings with respect to the contravention of supervision orders are case managed. Justice Davis had responsibility for the management of the list from 21 January 2019 until 14 June 2021. Justice Callaghan assumed responsibility of the list thereafter.

Hearings are allocated to one of the judges sitting in the applications jurisdiction with up to two hearings listed on a Monday and one listed on a Tuesday. Occasionally, it has been necessary to list two hearings on a Tuesday or, in exceptional circumstances, to place a matter on the civil list.

Management of the cases is achieved through weekly reviews held on each Friday at 9:15 am. At those reviews necessary directions are made and sometimes further reviews are required.

Since 2014/2015 there has been a steady rise in the number of court events. In 2019/2020, there were 412 court events pursuant to the Act. In 2020/2021, there were 552 court events, a one-third increase. A good deal of the Court's work is generated by applications for orders against prisoners who have allegedly breached the terms of supervision orders. In the vast majority of such cases however, the result of the application is the release of the prisoner back on supervision as the contraventions, when proved, are found not to indicate an increase in risk of sexual reoffending.

Commercial List

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

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

A party wishing to have a case placed on the list files an application and a Commercial List Statement. A

case listed by one of the judges is managed by that judge, who makes directions and generally hears any contested interlocutory applications as well as the trial. Trial dates are allocated by the judge.

The Commercial List judges endeavour to provide early hearing dates for interlocutory disputes and trials. Priority is accorded to Commercial List cases in the calendars for those judges.

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

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

At 30 June 2021, there were 31 cases on the List. During the prior year, 24 cases were added to the list. In total, 34 cases on the List were finally resolved, of which four were resolved by judgment or after trial. There were 174 other hearings, being 56 interlocutory hearings (including listing applications and other interlocutory applications) and 118 reviews.

During the year ending 30 June 2021, the COVID-19 pandemic had little impact on the review, hearing and determination of matters on the List.

Supervised Case List and Self-Represented Litigant Supervised Case List

The Supervised Case List (SCL) provides judicial management of civil cases where the hearing is estimated to take more than five days or where supervision is needed because of the complexity of the matter, the number of parties, or for some other reasons. A Self-Represented Litigant Supervised Case List judge also supervises cases in accordance with *Practice Direction 10 of 2014* where one or more of the parties is a self-represented litigant. The aim of supervision is to narrow the issues in dispute and to effect a just and timely resolution of them as efficiently as possible – saving time and reducing costs for the parties and the court.

After many years as a SCL judge, Justice Applegarth ceased in the role upon his Honour's appointment as Chairperson of the Queensland Law Reform Commission. His Honour contributed significantly to the efficient running of the SCL and was instrumental in introducing changes in its operation to reduce costs and ensure the efficient management of matters to trial. Justice Bradley and Justice Brown were the SCL judges until May 2021 when Justice Bradley assumed responsibility for matters on the Commercial List. Justice Boddice has agreed to take over as a SCL judge. The Self-Represented Litigant Supervised Case List, formerly managed by Justice Boddice, has been taken over by Justice Ryan.

In responding to the various restrictions in response to the COVID-19 pandemic, the judges managing the two Lists have maintained a flexible approach to the supervision of matters, in an attempt to minimise interruption to their efficient conduct. Technology has been used to ensure reviews can continue to occur where needed during community lockdowns, and orders are made on the papers where the judge considers this appropriate.

Supervised Case List

Cases are placed on the SCL at the request of one or more of the parties. They are also placed on the list at the Court's initiative, such as where a judge conducting an interlocutory hearing sees the need for ongoing judicial management of the case. The list has attracted a diverse range of cases needing management, the majority being commercial or construction disputes. Despite COVID-19, the SCL has seen the consistent addition of new cases being managed on the list.

The judges conducting reviews typically seek to ensure that all issues in the case are identified by the pleadings; to ensure that substantial efforts are made to resolve the case, or, so far as possible, narrow the issues to be decided; and to improve the efficiency and utility of expert evidence at trial. Trial plans are an important part of this process. The SCL Judges also try to ensure that parties adopt an efficient and proportionate approach to the management of documents at all stages of litigation.

The SCL judges seek to manage matters to a point where mediation can take place effectively, to maximise the chance of resolution of a matter without the need for trial, as well as providing for directions to achieve

trial at the earliest opportunity.

A SCL Manager administers the SCL. However, parties communicate directly with the associates to the SCL judges, and the associates, under the supervision of their judges, have a significant workload in attending to those communications, settling orders, reviewing compliance with orders and arranging reviews.

The Resolution Registrar, Ms Julie Ruffin, continues to provide valuable assistance in directing matters to the judges that may need case management and assisting in the timely resolution of matters requiring supervision. The Resolution Registrar can conduct case conferences to narrow and better identify issues, informally and expeditiously resolve disputes over documents and trial preparation, and improve the efficiency of civil litigation. After a review, the SCL judges can seek the support of the Resolution Registrar to progress the management of a case, or the Resolution Registrar can refer a matter for supervision by an SCL judge.

The Self-Represented Litigant Supervised Case List

Any proceeding involving a self-represented party is added to the list. A proceeding is removed from the list if all parties to the proceeding obtain legal representation.

A proceeding may be added to the list by the direction of a judge or by Registry staff, either as a result of identification of the proceeding's having a self-represented party or as a result of a represented party in the proceeding notifying the List Manager that another party is self-represented.

Case management focuses on assisting the parties to identify the issues in dispute. The practices and procedures applicable to cases on the general SCL are used, with appropriate adaptation.

At the commencement of 1 July 2020, there were seven current proceedings listed on the Self-Represented Litigant Supervised Case List. Throughout 2020/2021, 18 proceedings were added to the list. Proceedings which resolved, or were subject to final determination, or in which all parties became legally represented, were removed from the list. As at 30 June 2021, the list comprised 21 current proceedings.

Wills and Estates List

In September 2019, the Court established a Wills and Estates List, managed by Justice Boddice, for a trial period of 12 months. The trial was undertaken in recognition of the fact that some Wills and Estates proceedings involve complex legal and factual issues justifying judicial management to ensure their just, expeditious and cost-effective resolution.

Following completion of that trial period, the Court decided to continue with a separate Wills and Estates list permanently. Justice Boddice continues to manage the List.

The List is reserved for wills and estates proceedings involving a complexity of legal and factual issues justifying judicial management. This specialist list is intended not to disrupt the effectiveness of the Court's practice of most wills and estates proceedings being determined in Applications.

As at 1 July 2020, there were seven proceedings on the Wills and Estates List. During 2020/2021, 16 proceedings were placed on the List.

At 30 June 2021, 16 proceedings remain current. Two of those proceedings had been allocated trial dates.

Streamlining Criminal Justice Committee

The Streamlining Criminal Justice Committee (SCJC), an initiative of the Court established in April 2016, continued to meet during 2020 and 2021, although the regularity of those meetings was adversely affected by COVID-19 restrictions on occasions.

The Committee continues to include representation from all levels of the State's Courts, as well as officers from relevant departments, the Director of Public Prosecutions (Qld), the Commonwealth Director of Public Prosecutions, the Queensland Police Service, the Australian Federal Police Service, Legal Aid (Qld), Corrective Services, the Bar Association of Queensland and the Queensland Law Society.

During 2020/2021, the SCJC reviewed ongoing projects, such as the Early Resolution Pilot Project and the Verdict Judgment Record Project. The first project was successful, delivering demonstrated reductions in the time periods between committal, presentation of indictment and finalisation. Significant funding is required for a continuation of that regime. The second project is ongoing.

The major focus of the SCJC during 2020/2021 has been two working groups, Forensics and Remand. Those groups have identified initiatives which may reduce delays in the receipt of forensic reports and analysts' certificates (the success of such initiatives will be dependent upon available resources and funding) and lead to early assessment of resourcing needs for remand prisoners (subject to limitations on available resources, which have been exacerbated by COVID-19 restrictions).

These working groups, together with a further working group targeting youth justice, will, hopefully, with the easing of restrictions over time, identify practices and procedures which will improve the timely processing of criminal matters, with a consequent reduction on the demand for further resources in the future.

Regions

Southern Region

Previously the Southern Region took in circuits in Toowoomba, Roma, Maryborough and Bundaberg, which were managed by a judge based in Brisbane. As discussed below, the Central Judge has assumed management of the Maryborough and Bundaberg circuits. In the reporting year, the Toowoomba (Roma) circuits were managed by Justice Callaghan, with Justice Burns taking over in June 2021. Circuits were conducted in Toowoomba over six and a half weeks.

Central Region

The Central Judge, Justice Crow, is based in Rockhampton and is responsible for the work of the Court in Rockhampton, Gladstone and Longreach. He shares the work of the Mackay region with the Northern Judge. Last year, due to travel restrictions stemming from the COVID-19 pandemic the Central Judge undertook circuit work in the Bundaberg and Maryborough Supreme Courts. This year, in the interests of continuity, the Central Judge has taken over management of those regions and will continue to undertake the work of the Court in those regions.

Despite the COVID-19 pandemic still having an effect both globally and within Australia, the Central Region was only slightly impacted. In consequence, the work of the Court within the Central Region was able to proceed relatively unaffected by the pandemic, with jury trials being held when required.

As in previous years, there has been no need to allocate any sitting time to Longreach. Seven weeks were allocated to sittings in Rockhampton for civil work, and 17 weeks for criminal work, six weeks to sittings in Mackay, and four weeks were shared between Bundaberg and Maryborough. The Central Judge spent two weeks hearing civil applications in Brisbane and also sat in the Court of Appeal in Brisbane for two weeks.

The trend of increasing criminal lodgements in Rockhampton has not continued. For the period 1 July 2020 – 30 June 2021 there were 102 indictments lodged. These lodgements principally relate to offences against the *Drugs Misuse Act*. However, the number of civil lodgements has increased by 0.6% over the course of the year. While clearance rates in Rockhampton are below 100%, this does not reflect on the availability of the Court to litigants. As has been the practice for many years, parties are offered trial dates as soon as they indicate their readiness.

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

Applications days were held in Rockhampton on approximately a five-weekly basis. On these days, ceremonies were conducted, if needed, for those with a connection to Central Queensland seeking admission to the profession. There were 23 practitioners admitted in 2020/2021. Most continue to practise in the region.

Northern Region

The Northern Judge, Justice North, is responsible for the work of the Court within the Northern District. In the year covered by this report he sat for 16 weeks in crime and five weeks in civil in Townsville. He also sat for three weeks in the Court of Appeal (one of those in Townsville).

The Northern Judge presided at three circuits in Mackay (six weeks). Mackay remains a busy circuit for the Court, the responsibility for which falls to both the Central Judge and the Northern Judge. The clearance rate in Mackay, at around 133% in both crime and civil, is pleasing.

The Northern Judge took long leave for 12 weeks in the year in question. During the periods of leave members of the Court from Brisbane circuted to Townsville and sat for six weeks, thus enabling the timely throughput of matters to be maintained.

The criminal filings in the Supreme Court in Townsville dominated the statistics for the year with 193 lodgements. Ultimately the clearance rate in the year in question of 95.3% is very pleasing.

The practice in Townsville of sitting in applications in the mornings of Tuesdays and Thursdays of sitting weeks has been maintained. Long civil application days are built into the calendar with a view to ensuring applications are disposed of promptly.

Justice North continues involvement with the profession in North Queensland including CPD seminars co-ordinated by the Townsville District Law Association and the North Queensland Bar Association.

During the year, 50 new practitioners were admitted, 30 women and 20 men. Many took up positions in Townsville and North Queensland having completed their degrees at the Townsville campus of the James Cook University.

Far Northern Region

The Far Northern Judge, Justice Henry, sat at Cairns for 10 weeks in the civil jurisdiction and 15 weeks in the criminal jurisdiction. He circuted to Brisbane for five weeks in the Court of Appeal and to Townsville for one week for the Court of Appeal Northern circuit. He circuted to Mount Isa for three weeks. He had two judgment writing weeks and nine weeks long leave. His Honour was also a teacher at the NJCA's National Judicial Orientation Programme held in Brisbane.

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

In the 2020/2021 year, the number of matters lodged in the criminal jurisdiction decreased to 155 compared to 173 in the previous year, a decrease of 10.4%. In the civil jurisdiction, lodgements decreased by 7.7% to 72, compared to 78 the previous year.

During the year 27 new practitioners were admitted: 19 women and eight men. Many took up positions in the far north, having completed law degrees at the Cairns campus of James Cook University.

In conjunction with the Bar Association of Queensland and Queensland Law Society, the Court co-ordinated the Cairns Judiciary 2020/21 CPD Series – a series of professional development sessions delivered by Cairns resident Supreme and District Court judges and local practitioners. Justice Henry delivered the session, *“Effective advocacy by telephone and video-link”*. Occasions for the Court's traditionally extensive extra-curial support of local legal profession were markedly reduced in consequence of COVID-19 public health concerns.

Southport Sittings

The position in relation to the sittings in Southport remains the same as previously reported. A one-week sittings is scheduled for November 2021. A longer sitting is not justified, having regard to the level of response from the profession.



LAND APPEAL COURT

LAND APPEAL COURT

The Land Appeal Court hears appeals from the Land Court and is constituted by a judge of the Supreme Court and two members of the Land Court, other than the member whose decision is under appeal. The Land Appeal Court has limited original jurisdiction under the *Biological Control Act 1987* and the *Foreign Ownership of Land Register Act 1988*.

The Land Appeal Court may sit at Brisbane, Rockhampton, Townsville and Cairns. Justice Boddice was the Southern Region judge for the 2020/2021 financial year. Justices Crow, North and Henry are the Land Appeal Court judges respectively for the Central, Northern and Far Northern Regions.

A party to a proceeding in the Land Appeal Court may appeal a decision of that Court to the Court of Appeal on the ground of error or mistake in law or jurisdiction. A further appeal may lie to the High Court of Australia, but only with special leave.

Appeals to the Land Appeal Court are by way of rehearing, usually on the record of the Court below. The Land Appeal Court has power to admit new evidence, but only if the Court is satisfied that such evidence is necessary to avoid grave injustice and that adequate reason can be shown why the evidence was not previously given. By convention, the Supreme Court judge presides, but all Members of the Land Appeal Court sit as equals and the decision of the majority is the decision of the Land Appeal Court.

There were seven appeals lodged in the Land Appeal Court in 2020/21, compared with ten appeals in 2019/2020. The seven appeals and their current status are listed as follows:

Nature of Appeals	District Lodged	File number and name	Final/Awaiting Outcome/Notes
Land Valuation	Southern Region	LAC006-20 – Eumundi Group Hotels Pty Ltd v Valuer-General.	Hearing on 15/6/2021. Decision reserved.
Land Valuation	Southern Region	LAC007-20, LAC008-20 – The Trust Company Ltd v Valuer-General.	Hearing yet to occur.
Mining	Far Northern Region	LAC001-21 – Chelsea on the Park Pty Ltd v Kelly	Notice of Discontinuance filed 16/4/2021.
Land Valuation	Southern Region	LAC002-21, LAC003-21, LAC004-21 – The Trust Company Ltd v Valuer-General.	Appeals are in abeyance until decision handed down in LAC007-20 and LAC008-20

Three judgments were delivered on LAC matters this financial year. Two of them were final judgments. One was a costs judgment.

There were no appeals to the Court of Appeal or applications for special leave to the High Court filed in this reporting year.



EXECUTIVE DIRECTOR'S OVERVIEW

EXECUTIVE DIRECTOR'S OVERVIEW

Office of the Executive Director Supreme District and Land Courts Service

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

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

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

Registry Services

Court registries are responsible for:

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

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

The one week circuit of the Supreme Court to Southport during October 2020 is also noted and registry staff of that centre are to be commended for their efforts in ensuring its efficient conduct.

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

Registry Workloads

There were 2,219 criminal lodgements across Queensland, during 2020/2021, a decrease of 8.5% compared to 2019/2020 when 2,425 lodgements were received.

Jury trials before the Supreme Court increased from 39 during 2019/2020 to 46 in 2020/2021. The average length of those trials decreased from 6.3 days to 5.4 days.

Report on Government Services (RoGS) civil lodgements increased by 2.5% from 2,825 during 2019/2020 to 2,896 in 2020/2021.

For the first time in many years, probate applications across Queensland decreased. There were 11,509

applications during 2020/2021 compared to 11,998 in 2019/2020.

Technology updates

The registry is looking forward to a new jury management system that is being developed and on track to begin during 2021/2022. The new system is broken into two distinct components – a ‘QJuror’ portal for prospective and empanelled jurors, and a ‘Jury Management System’ (JMS) that will be used by registry staff to manage interactions with jurors.

The QJuror portal will provide a vastly improved service for prospective and empanelled jurors. Some of the features and benefits of QJuror include:

- an online portal to answer the juror questionnaire, apply for excusal, and update details such as address;
- the ability to receive communications by SMS and email;
- receiving electronic reminders to complete forms and, if summoned, about their attendance;
- attendance records, and travel claims all processed via the portal; and
- being paid electronically by providing bank account details.

The benefits for registry staff using JMS include:

- enabling the electronic processing of online questionnaire responses;
- automating the jury sittings schedules and the confirmation of the sittings to registries for all jurisdictions and court locations;
- providing electronic integration with third parties, including Queensland Police Service, Electoral Commission of Queensland, and external printing services; and
- producing archiving reminders allowing staff to know when to archive physical and electronic data.

The online pilot for probate applications referred to in last year’s report has progressed to a secure file-sharing platform that acts as a virtual registry counter. The platform enables practitioners to lodge electronic applications for grant of probate and letters of administration, as well as supporting material without the need to physically attend the Brisbane registry. Other than the will, no original documents are required to be provided to the registry.

The platform facilitates all subsequent interactions between the registry and practitioners, and once accepted for filing, the application and sealed grant are available on the Queensland Courts website. The electronic grant is the original; no hard copy grant is issued.

As at 30 June 2021, over 8% of applications for grant of probate and letters of administration were made via the platform. The platform has confirmed practitioners want online service delivery and as a result, the availability of the platform will be extended to other areas of the Supreme and District Courts civil jurisdiction during 2021/2022.

Court Network Volunteers

Court Network’s volunteers continue to provide a range of support services to court users across jurisdictions in Brisbane, Cairns and Townsville, and Domestic and Family Violence reception desks in Beenleigh, Brisbane, Ipswich and Southport.

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

During 2020/2021 Court Network volunteers assisted 3,824 court users through the Brisbane Supreme and District Information Kiosk, 1,552 support services were provided to court users at the Brisbane Supreme and District Court, 249 in Cairns and a further 257 in Townsville Supreme and District Courts.

The Victim Support Unit (VSU) provides co-ordinated cross-jurisdictional support for adult victims in the criminal justice system. This includes pre and post court support and support to clients during their matter. VSU services are trauma informed and include assisting clients with financial applications, the preparation of Victim Impact Statements, support during the provision of evidence, information, referral and the identification of other needs through ongoing assessments and case management.

During the year, more than 1,017 VSU clients were assisted with approximately 3,367 hours of service provided.

Court Network has made changes in its service delivery due to environmental changes, community risks and as a result of funding reductions. The volunteer population is one that has been impacted by the fragility of the community. Unfortunately, this has led to many of the workforce making difficult decisions around their roles and the Network has seen a reduction in numbers. It is endeavouring to rebuild by recruiting an increasingly diverse group of Networkers to serve the needs of court users.

Court Network continues to encourage and provide learning opportunities for its volunteers and to look for new ways to serve the court users and courts in which it operates.

Acknowledgements

While the impacts of COVID-19 became more manageable during 2020/2021, restrictions continued to occur from time to time. On those occasions, the ongoing commitment and professionalism of registry staff was essential in ensuring workloads were managed efficiently, and that disruptions to courts and other services were kept to a minimum. I have no doubt that some of the most significant assets of the court are the registry staff.

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



SUPREME COURT OF QUEENSLAND LIBRARY

SUPREME COURT OF QUEENSLAND LIBRARY

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

The library maintains print collections in several provincial courthouses in addition to the main library collection in Brisbane at the QEII Courts of Law. It also continues to service the judges' library collection on level 15 of the QEII Courts of Law building by maintaining print subscription services and processing new acquisitions. In 2020/2021 the library's combined print collection comprised over 175,000 items, with the library purchasing 194 new monographs during the year and maintaining over 200 print subscriptions.

For members of the judiciary, their state-wide access to a comprehensive collection of over 1,000 online resources available via the library's Judicial Virtual Library (JVL) is their most current and reliable source of legal information. In 2020/2021 the library catalogue enabled access to more than 65,000 online full text titles, including 566 key digital texts via our eBook collections.

As the publishing arm of the Queensland courts, the library has maintained its commitment to timely publication of the official version of full text unreported judgments from Queensland courts and tribunals. Most decisions are published online within an hour of being handed down, making the SCLQ website the primary and most current and authoritative access point for Queensland case law.

In 2020/2021 the library published over 2,300 new decisions from Queensland courts and tribunals. Of the new decisions published, 364 of them were from the Supreme Court trial division, 4 from the Mental Health Court, 368 from the Industrial Relations Commission, and 306 from the Court of Appeal. In addition, 19 Supreme Court pre-trial rulings were published in various places. By the end of June 2021 the total number of full text Queensland decisions available from the library website was over 75,000.

The library is also responsible for provision and maintenance of the Queensland Sentencing Information Service (QSIG), which is relied upon by the prosecution, defence and judiciary to promote consistency and fairness in sentencing criminal offenders, and is available to all judges. Use of the QSIG service continues to be high, with over 674,000 page views in 2020/2021. During the year more than 5,400 new sentencing remarks transcripts were added to the database, increasing the number of available transcripts in QSIG to over 93,000. By year's end there were 884 subscriptions to QSIG by sole practitioners, law firms and small public sector agencies or business units. (This is in addition to the 'corporate' subscriptions of major criminal justice sector agencies such as the Office of the Director of Public Prosecutions, Legal Aid (Qld) and Queensland Police Service, which provide QSIG access to many individuals employed by them).

The library's websites are the primary means of accessing its information resources and services for most of its customers. In 2020/2021 almost 7 million page views were recorded for the SCLQ public websites and JVL. Almost 70% of total page views (over 4.8 million) were recorded for CaseLaw alone (including the official unreported judgments collection). The library catalogue recorded over 4.4 million collection uses, and VLL had over 1,060 active subscribers. Specialist legal research tools developed by the library, including the Uniform Civil Procedure Rules Bulletin, comprise part of the wide range of legal content available to the judiciary via the library's websites.

The library provides a range of current awareness services to judges, including the *Judicial Daily Update* service, a daily news and current awareness newsletter tailored specifically for the Queensland judiciary. It also publishes and distributes *Queensland Legal Updater* (QLU), a weekly email bulletin designed to update legal

professionals on changes to legislation and developments in case law relevant to legal practice in Queensland. Together, the judicial current awareness services and QLU recorded over 144,000 views during the year (up 14% on 2019/2020).

As the official member library of the Bar Association of Queensland and the Queensland Law Society, the library services the information needs of legal practitioners across the State. The library's unique and popular Virtual Legal Library (VLL) service for the legal profession was accessible to 1,064 eligible Queensland legal practitioners at the end of June 2021. Throughout the year the library's skilled and experienced research librarians continued to assist the judiciary and legal profession with navigating the legal research tools within the library's print and online collections. The team responded to over 7,500 information enquiries (6% higher than the previous year), and almost 19,000 documents were supplied in response to these queries. During 2020/2021 the library also provided the judiciary with legal research training on request.

The library's legal heritage and education programs, undertaken in collaboration with the courts, are designed to foster broad appreciation of Queensland's legal heritage and to promote an understanding of the Queensland justice system and its role in society. Highlights during 2020/2021 included:

- Over 3,700 visitors participated in the popular schools education program, with over 1,100 students participating in judges' or magistrates' information sessions and over 2,500 students witnessing the law in action by observing court proceedings. This was a 17% decrease on 2019/2020 due to the program operating at a reduced capacity after it recommenced in August 2020, to cater for appropriate physical distancing in response to the coronavirus pandemic. However, online research training sessions conducted remotely by library staff continued to increase in popularity with over 1,200 participants, up 30% on 2019/2020.
- *The Graphic justice: pictures worth 1000 words* exhibition, which was installed in the Sir Harry Gibbs Legal Heritage Centre in May 2020, was opened to the public in July 2020. The exhibition content was refreshed in May 2021 by including two further examples of employing visual content to make the law more accessible.
- The library's major exhibition *The many hats of Sir Samuel Griffith* was installed in the main library space in November 2020. The exhibition includes original items on loan from the Queensland State Archives, the High Court of Australia and the Queensland Museum. In May 2021 a special evening event was hosted by the library with opening remarks by the Honourable Justice Thomas Bradley of the Supreme Court of Queensland and an engaging talk on Sir Samuel Griffith by the Honourable Justice Andrew Greenwood of the Federal Court of Australia. Since November 2020 the library has run a series of public programs in conjunction with this exhibition including exhibitions tours, curator talks and a professional development webinar series for legal studies educators.
- The 2020 Selden Society lecture program continued to be suspended during the second half of 2020 due to the pandemic restrictions on large gatherings. In August 2020 the library jointly hosted a webinar with the Australian Academy of Law on Sir Samuel Griffith (*Celebrating Samuel Griffith*) featuring the Chief Justice as one of the esteemed panel members. In March 2021 the Selden Society lecture program returned to the Banco Court with a lecture by Supreme Court judge the Honourable Justice David Jackson on *The audacity of Griffith as a law reformer*. This lecture was also livestreamed to a remote audience. The annual Supreme Court of Queensland Oration for 2020 was also suspended in response to the pandemic.
- There were a number of legal heritage displays within the main library public space over the course of the year: *Out of the centre—Ipswich, Toowoomba and Warwick* (June to September 2020), *Out of the centre—Rockhampton* (September to December 2020), *Out of the centre—Cairns* (January to May 2021) and *Constructing the Courts—Queensland legal architecture* (installed 2021). A version of the *Out of the centre—Cairns* display was installed as an ongoing exhibition in the library premises in Cairns.
- The *Queensland Legal Yearbook 2019* reviewed the year's legal events and statistics, and contained speeches by members of the judiciary in 2019.

Looking ahead to 2021/2022, there will be a continued focus by the library on providing a high level of support to Queensland's busy judges, with a 'digital first' emphasis. We will continue to support adoption by judges of the 'go anywhere' electronic versions of popular legal commentaries and textbooks designed to be downloaded to tablets and other mobile devices, as well as providing training and support in identifying, locating and making more effective and efficient use of the range of print, electronic and online resources available to the judiciary via JVL. We look forward to increased use of the VLL service by eligible Queensland legal practitioners, and to redeveloped SCLQ CaseLaw services and websites and the redevelopment of QGIS. Together these initiatives will contribute to improved legal information services for the Queensland judiciary, legal profession and public.



SUPREME COURT JUDGES' ASSOCIATES 2021

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	Judge	Associate
Chief Justice	The Honourable Justice Catherine Holmes AC	Georgina Tweedy
	Court of Appeal	
President	The Honourable Justice Walter Sofronoff	Tanya Sinha
	The Honourable Justice Fraser	Suvradip Maitra
	The Honourable Justice Morrison	Laura Devine
	The Honourable Justice Philippides (resigned on 23 April 2021)	Daniel Trigger (to 19th February)
		Joel Johnson (from 22 February 2021 to 23 April 2021)
	The Honourable Philip McMurdo	Lillian Burgess
	The Honourable Mullins AO	William Hall-Campbell
	The Honourable Justice Bond (appointed 27th April)	Giulia Marrama
	Trial Division	
Senior Judge Administrator	The Honourable Justice Lyons	Matilda McLennan Bird
	The Honourable Justice Daubney AM	Madeleine Behne
	The Honourable Justice Martin AM	Wyatt Cook-Revell
	The Honourable Justice Applegarth AM	Susanna Connolly
	The Honourable Justice Boddice	Rachael Gough
	The Honourable Justice Dalton	Harriet Lomas
	The Honourable Justice Jackson	Hannah Braiding-Watson
	The Honourable Justice Flanagan	Max Crane
	The Honourable Justice Burns	Laura Dawson
	The Honourable Justice Bond (up to and including 26th April)	Giulia Marrama
	The Honourable Justice Brown	Georgia Starky
	The Honourable Justice Bowskill	Bede Thompson
	The Honourable Justice Davis	Jelena Dmitrovic
	The Honourable Justice Ryan	Caitlin Strange
	The Honourable Justice Wilson	Priam Rangiah
	The Honourable Justice Bradley	Zachary Frazer
	The Honourable Justice Callaghan	Annabelle Simpson
	The Honourable Justice Williams	Aisling O'Kane
	The Honourable Justice Freeburn	Camille Etchegaray

Regional

Northern Judge
Far Northern Judge
Central Judge

The Honourable Justice North
The Honourable Justice Henry
The Honourable Justice Crow

Madison Preston
Hannah McNeale
Liam Kennedy

