



SUPREME COURT OF QUEENSLAND

ANNUAL REPORT 2023-24



SUPREME COURT OF QUEENSLAND

CHAMBERS OF THE CHIEF JUSTICE

31 October 2024

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The Attorney-General
Leader of the House
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Dear Attorney,

I enclose my report, under s 19(1) of the *Supreme Court of Queensland Act 1991*, on the operation of the Supreme Court for the year ended 30 June 2024.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'H Bowskill'.

Helen Bowskill
Chief Justice

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CHIEF JUSTICE'S OVERVIEW 2023-2024

CHIEF JUSTICE'S OVERVIEW 2023-2024

Performance

This overview concerns the performance of the Supreme Court over the 2023-2024 reporting year. The following statistics have been collated on the basis of the requirements of the Australian Government's Productivity Commission for the production of its annual "Report on Government Services" (RoGS).

Disposition of Caseload

Trial Division

Criminal

Over the reporting year, there were 1,604 lodgements in the criminal jurisdiction, compared with 1,903 for the 2022-2023 year. The Trial Division ended the year with 659 outstanding cases (compared with 629 in the previous year), having disposed of 1,585 cases; a clearance rate of 98.8%.

Of the outstanding cases, 17.5% were more than 12 months old (from date of presentation of indictment), and 4.6% were more than 24 months old. Some of the latter group would result from orders for re-trials made on appeal and some would result from referrals to the Mental Health Court.

Civil

In the civil jurisdiction, there were 3,526 lodgements, compared with 3,203 lodgements for the 2022-2023 year.

At the end of the 2023-2024 year, there were 3,691 outstanding matters (compared with 3,235 in the previous year), the Court having disposed of 3,074 matters; a clearance rate overall of 87.2%.

Of the outstanding matters, 30.2% were more than 12 months old, and 9.9% more than 24 months old.

Court of Appeal Division

The Court of Appeal division disposed of 274 criminal appeals this year (296 last year), representing a clearance rate of 90.4%. As at 30 June, 287 criminal appeals awaited disposition (260 last year).

The Court of Appeal also disposed of 139 civil appeals (167 last year), with a clearance rate of 108.6%, leaving 100 outstanding at the end of the year (113 last year).

Observations on the Court's Caseload

The number of criminal lodgements in the Trial Division has been tracking downwards over the last few years. In 2023-24, lodgements ended the year 16% (299 defendants) fewer than 2022-23 and 27% (597 defendants) fewer than two years ago. However, this has not resulted in any reduction in workload for the Court, which is explained by closer analysis of the data in relation to offence types. The most common offence types lodged by way of indictment for the year were Illicit Drug Offences (77%), followed by Acts Intended to Cause Injury (5%) and Prohibited and Regulated Weapons and Explosives Offences (4%). Whilst the number of Illicit Drug Offences has fallen by 14% (725 charges) since last year, Acts Intended to Cause Injury (which includes offences of murder and manslaughter) have increased by 67% (114 charges). Offences in the latter category are more complex, and require more court and judicial time to manage and finalise. Fraud, Deception and Related Offences have also significantly increased, by 287% (43 charges).

The explanation for the decrease in lodgement of Illicit Drug Offices is not clear at this stage, but could be attributable to a combination of the flow on from reduced police activity in relation to drug offending during the height of the Covid pandemic and/or the delays experienced in the Magistrates Court because of DNA

analysis and other scientific testing.

Civil filings in the Trial Division were 10% (323 cases) higher than in the 2022-2023 year in the Trial Division, consistent with the upward trend in recent years. The Court has kept pace with this increase, with finalisations only marginally (33 cases, or 1%) below the previous 2022-23 year. The overall clearance rate in civil matters decreased slightly (from 97.0% in the previous year to 87.2%). The number of matters outstanding for more than 12 months (about 30%) and more than 24 months (about 10%) has remained stable.

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

The number of bail applications lodged has again increased significantly. This year, 1,026 applications were lodged, compared to 874 applications in the 2022-2023 year, which was itself a notable increase on numbers in previous years. The increase in bail applications is likely to reflect, proportionately, the higher number of prisoners in custody overall (a significant proportion of whom are on remand) which has been steadily increasing. It may also reflect a greater number of bail applications, particularly in relation to charges arising in a domestic or family violence context, being refused at first instance in the Magistrates Courts, with applicants subsequently able to make a fresh application to the Supreme Court. Bail applications represent a significant amount of the work undertaken by the Court in its Applications jurisdiction. There has also been an observable increase in applicants for bail being self-represented. The assistance previously provided to such applicants by Caxton Legal Centre and Sisters Inside, when their bail assistance programs were funded, was valuable and worthwhile, assisting with the efficient disposition of the applications. The absence of this assistance, since the programs were discontinued due to lack of funding, has been noticeable.

The number of fresh applications under the *Dangerous Prisoners (Sexual Offenders) Act 2003* was 8 this reporting year, a slight increase from 6 applications filed in the 2022-2023 year. However, this remains a substantial area of work for the Court, due to ongoing case management reviews and orders, contravention hearings, and annual reviews where continuing detention orders have been made, in addition to the substantive first hearings of applications for orders under the Act.

Whilst probate applications decreased slightly in the reporting year (by less than 2%), in the previous year, 2022-2023, there was an increase of 13%. As a result, this also remains a substantial area of work for the Court, with a significant role played by Registrars.

The efficiency of practice and procedure in the Trial Division was enhanced through the issuing of new, updated and improved Practice Directions. These include Practice Direction 2 of 2024 (establishment of a Building, Engineering and Construction List) and Practice Direction 5 of 2024 (establishment of a new approach to listing and case management of criminal matters in the Supreme Court in Brisbane). In addition, the Court undertook a comprehensive review of all Practice Directions, which resulted in a substantial number of obsolete Practice Directions being repealed, and the re-issue of those which remained relevant. The Court has also adopted Guidelines in relation to the use of Generative Artificial Intelligence – internal guidelines for judicial officers and published guidelines for non-lawyers – which it will be necessary to closely monitor and regularly review, given the fast-pace of development in this area.

A new position, Resolution Registrar (Crime) was created at the start of the reporting year, on the basis of a pilot arrangement initially for three years. Ms Bronwyn Currie was appointed to the position, which has brought much needed assistance to the administrative load previously placed on the Criminal List Judge. Practice Direction 5 of 2024 incorporates new practices and procedures in relation to the listing of criminal matters, designed to ensure greater accountability of parties, improved record keeping, and improved efficiency – particularly avoiding late adjournments of trials which is a significant waste of resources.

In the Court of Appeal, the reporting year saw a small decrease overall in the number of lodgements (2.0%), but this was balanced between an increase in criminal lodgements (of about 10%) and a decrease of 22.9% in civil lodgements. The Court of Appeal criminal clearance rate fell (from 108% last year to 90.4% this year). But its civil clearance rate increased from 100.6% last year to 108.6% this year.

And in relation to Admissions, there were 970 new lawyers admitted to the legal profession as lawyers this year, at ten ceremonial sittings of the Court held in the Banco Court. This is slightly less than in 2022-23, when 1,120 lawyers were admitted. Once again, the apparent gender and cultural diversity of the newly admitted lawyers is a positive matter of note.

Diversity and Inclusion

For many years, the Supreme Court has organised an event called the Opening of the Law Year Church Service. During this year, a subcommittee of Supreme Court judges was formed to review the Opening of the Law Year Church Service. The review included consideration of the history of the Church service and consultation with the judiciary and the legal profession. Following the review, it was decided the Court would continue to organise an adapted form of this service, to be called the Annual Faith Service for the judiciary and the legal profession. Consistent with its history, this is intended to be an inclusive opportunity for faith organisations to pray for and/or show support for judicial officers and lawyers; for judicial officers and lawyers who wish to participate to take the opportunity for reflection and renewal; and for engagement with the community. The first Annual Faith Service was held on 11 March 2024 at the Albert Street Uniting Church.

Substantive work has been undertaken this year to update the Supreme Court's Equal Treatment Benchbook. It was facilitated by the engagement of an academic, Mr Frank Berardi, who conducted a comprehensive review of the Benchbook, identified areas requiring updated or new content, and then prepared that content for review by members of the combined Courts and Tribunal Diversity and Inclusion Committee. It is hoped that the new edition will be available by the end of 2024.

An educational seminar for judicial officers, lawyers and interpreters, on Working with Interpreters in courts, was conducted in April 2024 in Brisbane and in May 2024 in Townsville, as part of the North Queensland Law Association annual conference. The presenters included the Chief Justice, Judge Horneman-Wren SC, Deputy Chief Magistrate Gett and Magistrate Balic, Mr Mohamed Bensghir, Senior Registrar, and Interpreters, Ms Sumeet Kaur and Ms Lynn Geng.

The Supreme and District Courts introduced a Language Badge Program this year. The Program allows bilingual or multilingual staff working within the QEII Courts of Law Complex to utilise their ability to speak a language other than English to assist court users who speak the same language. Participation in the program is voluntary. Staff who volunteer to wear a language badge (which identifies the language(s) they speak) do not perform the role of a professional interpreter, but can assist to put a non-English speaking court user at ease by providing the kinds of information or assistance that Registry staff otherwise do for English speaking court users. Commendably, a significant number of staff volunteered to participate in the Program, which was then also expanded to the Land Court, Magistrates Court and QCAT. Language badges were presented to staff at a ceremony held on 30 May 2024.

Court Technology

Courts & Tribunals Digitisation Program

The Supreme District and Land Court Case Management Project continued steadily throughout the reporting year. Whilst there is not, yet, any substantive implementation of digitisation to be reported, it is hoped that in the next year, 2024-2025, some tangible elements of the Project will be delivered. It is essential that funding continue to be made available for this Project, and that it be considered a priority for the Court and for the legal profession because the inability to lodge and file court documents electronically is a major shortcoming, in contrast with most other jurisdictions around Australia.

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

Continuing Judicial Education and Development

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

In addition to the many externally organised lectures, seminars or conferences, the Supreme Court's annual judicial education seminar was held on 14 and 15 August 2023, at Noosa. The seminar was once again organised jointly with the judges of the District Court, recognising our shared interest in a number of areas of knowledge and learning. Almost all the judges attend this seminar, which is an important professional development, educational and collegiate event.

A number of judges of the Court (in particular, Justice Mullins AO, Justice Martin AM, Justice Henry and Justice Burns) are regular teachers at programs organised by the National Judicial College of Australia (including the National Judicial Orientation Program, the Judgment Writing Programs, the National Magistrates Orientation Program, and the Jury Management Program). Justice Burns was instrumental in the development and presentation of a new program delivered by the NCJA in August 2023 called "We the Gatekeepers", in relation to the role of judges in ensuring attention is paid to the reliability of forensic evidence. Justice Martin AM was centrally involved in the development and presentation of a symposium on Artificial Intelligence, held in April 2024. Justice Martin AM continued as the Chair of the Program Advisory Board of the NJCA and Justice Burns as a member of the Council of the NJCA, as the nominee of the Chief Justices of the State and Territory Supreme Courts.

A number of judges presented lectures or presentations on a wide range of topics at educational events organised by the Australasian Institute of Judicial Administration (including the Appellate Judges' Conference and a roundtable on Indigenous Representation on Juries), Universities, the Australian Bar Association, the Bar Association of Queensland, the Queensland Law Society, regional law associations, other professional associations and external conference organisers. The judges who sit as members the Mental Health Court (Justice Wilson and Justice Ryan) presented seminars in relation to expert reports, concurrent evidence and advocacy in that Court.

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

Many judges attended conferences, seminars and lectures, locally (including the conferences organised by regional law associations), nationally and internationally. A number of judges attended the annual Supreme and Federal Court Judges' Conference which was held this year in Melbourne in January 2024. A number of judges also attended the Colloquium organised by the Australian Judicial Officers Association, held in Auckland, New Zealand in October 2023.

Many judges participated in the education program facilitated by the Supreme Court Library, by speaking to groups of school students throughout the year. This program has been extended to community groups. Many judges also contribute to the Bar Practice Course each year, either as presenters or as judges in the "mock hearings" which form part of the assessment for the Course. Judges also contribute their time and encouragement to law students through their involvement in university based, state-wide and national mooting programs and competitions.

Rules Committee

The function of the Rules Committee is to provide advice to the Attorney-General about any law giving

jurisdiction to the Supreme, District and/or Magistrates Courts, to consider and approve the making of rules of court and also to approve forms for use under certain legislation. During the reporting year, the members of the Rules Committee were the Chief Justice, Justice Morrison (up to and including 24 June 2024), Justice Bond (Chair), Justice Brown, Judge Barlow KC, Judge Jackson KC, Magistrate Sinclair and Magistrate McKenzie. Following the retirement of Justice Morrison, Justice Cooper became a member of the Rules Committee. In carrying out its functions, the Rules Committee is also assisted by the Executive Director of the Supreme, District and Land Courts Service, Ms Steel PSM, representatives from the Queensland Courts Registry and the Legal Policy and Procedures Unit and Ms Riethmuller from the Office of the Queensland Parliamentary Counsel. The Rules Committee met regularly throughout the year and addressed a wide range of matters. I once again express the Court's gratitude to Justice Bond for his work in coordinating the work of the Rules Committee and to all the members and others who assist for their valuable contribution to its important work.

Benchbook Committee

The Supreme and District Courts Criminal Directions Benchbook is an invaluable resource, for both trial judges and legal practitioners. The work involved in ensuring the Benchbook is up to date, including in response to decisions of the Court of Appeal and legislative changes, is significant. That has been particularly so in the current and recent years, given the number of legislative amendments, of direct relevance to the criminal work of this Court and the District Court, including as part of the government's response to the Women's Safety and Justice Taskforce Report and other government reforms. The Committee is also assisted by Dr Joseph Lelliott from the University of Queensland, who provides regular updates in relation to relevant Court of Appeal decisions. The digitisation project is ongoing.

Up until March 2024, the Benchbook Committee comprised Justice Ryan (Chair), Justice Henry, Judge Rafter SC, Judge Moynihan KC and Judge Byrne KC. From 18 March 2024, Justice Henry took over as Chair of the Committee, and Justice Muir, Judge Cash KC and Judge Wooldridge KC joined the Committee. Justice Ryan and Judges Rafter SC and Moynihan KC stepped down, following a number of years of dedicated service. Judge Rafter SC was the longest-serving member, having served for a remarkable 16 years from 2008 to 2024; Judge Moynihan KC served from 2020 to 2024; and Justice Ryan served as a member, and Chair, from 2019 to 2024. The Court is grateful to all these judges for their willingness to contribute their time and expertise to this important work. I particularly express the Court's thanks to each of the departing members for their valuable service. The Benchbook Committee now also has the assistance of an Administrative Editor, Ms Kristen McDonald.

Judges' Policy on Workplace Conduct

The judges of the Court recommitted to the Policy on Workplace Conduct following the appointment of Justice Copley and Justice Treston. A review of the policy was commenced in May-June 2024, but was not completed prior to the end of the reporting year.

Chief Justice's Calendar

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

I travelled to Cairns on circuit for a week in July 2023, hearing civil matters, and again in February 2024 for another week, presiding over sentences and other criminal matters. I sat for a week in Rockhampton in late April 2024, presiding over a criminal trial and sentences. I travelled to Townsville in May 2024 and presided over civil applications and sentences.

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

able to attend the Opening of the Law Year Ceremony in Cairns, a special event which brings together the traditional owners of the Cairns area with members of the legal community; and the Annual Church Service in Rockhampton also in July 2023.

There were 10 admissions ceremonies held in the Banco Court in Brisbane. I presided over 6 of the admissions ceremonies and the balance of ceremonies were presided over by Justice Mullins AO, President of the Court of Appeal, Justice Morrison and Justice Dalton, sitting with various Judges of Appeal and of the Trial Division.

In the course of engagement with the judiciary, legal profession and the public, I attended conferences, functions and other events organised by the National Judicial College of Australia, courts and tribunals, professional associations, universities, community legal services, other community organisations, volunteer groups and others, giving many speeches and presentations in Brisbane, in regional centres and online. Amongst a number of other presentations, I delivered the Pride in Law Annual Address and the WA Lee Equity Lecture in November 2023. I also attended a number of educational or professional development programs as a participant, including the NJCA's Symposium on Artificial Intelligence, "We, the Gatekeepers" program in relation to forensic evidence and "Effective Judicial Presentations".

I attended the 60th Meeting of the Council of Chief Justices of Australia and New Zealand in Adelaide on 31 October 2023 and, on 7 June 2024, I attended the 61st Meeting of the Council of Chief Justices of Australia and New Zealand held in Canberra.

I continued my role as the Chair of the national Judicial Council on Diversity and Inclusion (JCDI), attending its meetings in Carlton, Victoria on 20 October 2023 and in Canberra on 14 June 2024. The JCDI celebrated its 10th anniversary in June 2024.

I took the role of Acting Governor for a period aggregating 21 days and Deputy Governor for a period of 1 and a half days over the reporting year.

International Aspects

Justice Morrison sat on the Tongan Court of Appeal (remotely, from Australia) hearing a number of matters in July 2023 and one matter in December 2023.

Justice Dalton sat on the Tongan Court of Appeal for two weeks commencing on 25 September 2023.

From 26 to 28 July 2023, Justice Morrison and I attended and presented at the Pasefika Lawyers Collective Professional Development Conference in Samoa. I met with the Honourable Satiu Simativa Perese, Chief Justice of Samoa, who hosted the inaugural conference, together with other members of the judiciary and legal profession from countries including Samoa, Fiji, Tonga, Papua New Guinea, New Zealand and Australia.

On 22 August 2023, I met with Mr Gomakubo Junji, Consul General of Japan, accompanied by Ms Masuda Chieko, Deputy Consul General.

On 17 October 2023 I met with the Honourable Mohammed Khan, Acting Chief Justice of the Supreme Court of Nauru, to discuss services which could be provided by the Supreme Court Library to the judiciary in Nauru.

I prepared the Sir Buri Kidu Lecture, named in Honour of the first national Chief Justice of Papua New Guinea. The Lecture was delivered in Port Moresby on my behalf in April 2024 by Justice Berna Collier, of the Federal Court of Australia, due to a last minute inability to travel there.

Judicial Retirements

On 24 June 2024, Justice Philip Morrison retired as a Judge of Appeal, following 11 years on the Court. His Honour was appointed directly to the Court of Appeal, on 8 August 2013, following 36 years in practice as a barrister. Justice Morrison brought to the Court a broad range of knowledge and expertise in commercial and civil litigation. Through his service as a judge of the Court of Appeal, almost two-thirds of the work of which is criminal (conviction and sentence appeals), Justice Morrison has also contributed substantially to

Judicial Appointments

Justice Lincoln Crowley was appointed as a member of the Defence Force Discipline Appeal Tribunal on 30 October 2023.

The Honourable Hugh Fraser KC was appointed an Acting Judge of the Trial Division from 5 February 2024 to 4 May 2024. Justice Fraser sat as a Judge of Appeal for that period, at the direction of the Chief Justice under s 39(2) of the *Supreme Court of Queensland Act 1991*.

The Honourable Ann Lyons was appointed an Acting Judge of the Trial Division from 25 March 2024 to 14 June 2024. Justice Lyons was also appointed a member of the Mental Health Court during this time, and presided over matters in that Court as well as criminal proceedings.

Justice Michael Copley was appointed a Judge of the Trial Division of the Supreme Court of Queensland on 8 May 2024.

Justice Rebecca Treston was appointed a Judge of the Trial Division of the Supreme Court of Queensland on 8 May 2024.

Justice Susan Brown was appointed as a Judge of Appeal on 25 June 2024.

Justice Brown's appointment as a Judge of Appeal filled the vacancy left following Justice Morrison's retirement. Justice Copley's appointment to the Trial Division, in turn, filled the vacancy left by Justice Brown. The appointment of an additional Trial Division judge at the same time, Justice Treston, was made in anticipation of the retirement of Justice Peter Applegarth later in 2024.

I express the Court's gratitude to the Attorney-General for the consultative and efficient approach taken to these judicial appointments, including the acting appointments, which ensured the work of the Court could continue unaffected, notwithstanding leave entitlements and other circumstances in which judges were unavailable.

Recognition

The Honourable Susan Kiefel AC KC retired as Chief Justice of the High Court of Australia on 5 November 2023. The current and retired judges of the Supreme Court and the Federal Court of Australia, and the Honourable Patrick Keane AC KC, retired Justice of High Court of Australia, came together to host a combined dinner on 29 September 2023 to mark this significant occasion and to pay tribute to her Honour for her extraordinary contribution to the legal profession and to the judiciary.

Justice Stephen Gageler AC was appointed as the Chief Justice of the High Court of Australia on 6 November 2023.

The Honourable Ann Lyons AM was appointed a Member of the Order of Australia in the 2024 King's Birthday Honours for her "significant service to the judiciary, to the law and to the community".

Acknowledgements

I thank all the judges for their ongoing dedication and commitment to the work of the Court and the administration of justice and for their unerring support in our collective endeavours in this regard. I thank all the judges' associates and executive assistants and secretaries, officers and staff of the Registry, the Court's security staff, and all other Court staff who quietly go about keeping the courts across the State running in an orderly manner. I also thank Ms Jasmina Joldić PSM, Director-General, and the Deputy Director-General, Ms Brigita Cunningham, and their staff for their cooperation and support over the year. I particularly thank Ms Julie Steel PSM, Executive Director of the Supreme, District and Land Courts Service, and Principal Registrar, for her wise counsel, invaluable support and assistance, and for her impeccable leadership of the

administrative arm of the Court.

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

Lastly, I express the Court's grateful thanks to the Supreme Court Librarian, Ms Marian Morgan-Bindon, and all the staff of the Supreme Court Library, for their dedicated and professional assistance and support; and to the Chair of the Supreme Court Library Committee, Justice Peter Flanagan, and all the members of that Committee, and its Sub-Committees, for their generosity of time, effort and expertise. Detailed information about the operations and initiatives of the Supreme Court Library can be found in its Annual Report.



PROFILE OF THE SUPREME COURT

PROFILE OF THE SUPREME COURT

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

Judges of the Supreme Court

(listed in order of seniority)

Office of the Chief Justice

Chief Justice

The Honourable Helen Bowskill

Court of Appeal Division

President

The Honourable Justice Debra Mullins AO

Judges of Appeal

The Honourable Justice Philip Morrison (retired 24 June 2024)

The Honourable Justice John Bond

The Honourable Justice Peter Flanagan

The Honourable Justice Jean Dalton

The Honourable Justice David Boddice

The Honourable Justice Susan Brown (appointed 25 June 2024)

Trial Division

Senior Judge Administrator

The Honourable Justice Glenn Martin AM

Trial Division Judges

The Honourable Justice Peter Applegarth AM

The Honourable Justice David North (Northern Judge)

The Honourable Justice James Henry (Far Northern Judge)

The Honourable Justice Martin Burns

The Honourable Justice Susan Brown (up to and including 24 June 2024)

The Honourable Justice Peter Davis

The Honourable Justice Graeme Crow (Central Judge)

The Honourable Justice Soraya Ryan

The Honourable Justice Elizabeth Wilson

The Honourable Justice Thomas Bradley

The Honourable Justice Peter Callaghan
The Honourable Justice Frances Williams
The Honourable Justice Paul Freeburn
The Honourable Justice Declan Kelly
The Honourable Justice Kerri Mellifont
The Honourable Justice Sean Cooper
The Honourable Justice Melanie Hindman
The Honourable Justice Lincoln Crowley
The Honourable Justice Thomas Sullivan
The Honourable Justice Catherine Muir
The Honourable Justice Michael Copley (appointed 8 May 2024)
The Honourable Justice Rebecca Treston (appointed 8 May 2024)

Other Appointments

Mental Health Court

The Honourable Justice Elizabeth Wilson
The Honourable Justice Soraya Ryan

Land Appeal Court

The Honourable Justice Sean Cooper (Southern District) (appointed 25 June 2024)
The Honourable Justice David North (Northern District)
The Honourable Justice James Henry (Far Northern District)
The Honourable Justice Graeme Crow (Central District)

Industrial Court

The Honourable Justice Peter Davis

Queensland Civil and Administrative Tribunal

The Honourable Justice Kerri Mellifont (President)



COURT OF APPEAL DIVISION

COURT OF APPEAL DIVISION

Governance

Organisational Structure

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

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

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

The Court of Appeal is comprised of the President and five Judges of Appeal. The President of the Court of Appeal is the Honourable Justice Debra Mullins AO. During 2023-2024, the Judges of Appeal otherwise were:

- the Honourable Justice Philip Morrison, who retired on 24 June 2024;
- the Honourable Justice John Bond;
- the Honourable Justice Jean Dalton;
- the Honourable Justice Peter Flanagan;
- the Honourable Justice David Boddice; and
- the Honourable Justice Susan Brown, who commenced as a Judge of Appeal on 25 June 2024.

When a Judge of Appeal was unable to sit due to illness, retired Judge of Appeal the Honourable Hugh Fraser KC was appointed an Acting Judge of the Supreme Court of Queensland for the period from 29 January to 3 May 2024 and directed by the Chief Justice to sit as an additional Judge of Appeal. The President and the other Judges of Appeal were grateful that the Attorney-General responded quickly to the request for an additional judge which allowed all listed hearings to proceed.

The Court sat as a bench of three judges for 33 weeks this year which was the same number of weeks for the previous year.

The President and the Judges of Appeal together sat 140 individual judge weeks this year,² compared to 150 weeks for the previous year. All Judges of Appeal used long leave entitlements during this year. Three weeks before the Court's summer break, two weeks before the Court's winter break, and every fourth week during the Court year were allocated as a judgment writing weeks.

The Chief Justice sat in the Court of Appeal, apart from admissions and welcome ceremonies, for seven weeks this year. In the 2023-2024 reporting period, Trial Division judges sat in the Court of Appeal for 66 individual judge weeks.

The Chief Justice and Trial Division judges continue to bring vast experience to the consideration and determination of appeals. The President and Judges of Appeal are grateful for their continued support which assists the Court of Appeal in disposing of its caseload.

¹ Including applications and references.

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

A total of 346 matters were heard this year, a decrease over the previous reporting period's 425 matters. 379 judgments were delivered which was also a decrease over the previous period's 471 judgments (see appendix 1, tables 1, 2 and 3).³

The President and Court of Appeal Registry staff case managed matters of a complex nature or matters at risk of undue delay in being heard. Regular criminal call overs and the following up by the Deputy Registrar (Civil) of civil matters where parties did not accept the offer of hearing dates ensured the timely progress of such matters. The President also instituted quarterly call overs of matters pending for more than 24 months which, after the first call over held in June 2024, led to a reduction in criminal matters pending for more than 24 months from 25 to 16.

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

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

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

The judges also express their appreciation for the commitment and support of the Executive Director, Court Services Queensland, Ms Julie Steel PSM, and her staff.

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

Court of Appeal Registry

The Court of Appeal Registry consists of nine positions. During the 2023-2024 reporting period, several positions encountered staff movements which was due to varying reasons, but primarily due to the focus of cross skilling staff in alternative roles to ensure continuity of service to the Court. Although the Court of Appeal registry encountered several staff movements, it should be noted that four staff maintained continuity in their roles within the Court of Appeal Registry.

It is an objective of the Registry to continually build staff capability and maintain consistency of staffing to ensure matters are handled in an efficient manner.

Performance

Disposal of Work

A total of 431 matters were commenced in the Court of Appeal (303 criminal matters and 128 civil matters). This was a slight decrease from 440 matters commenced last year (274 criminal matters and 166 civil matters). Active matters increased slightly from 373 last year to 387 this year. The Court finalised 413 matters,

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

a decrease from 463 matters finalised in the previous year (see appendix 1, table 3).

The Court's clearance rate for criminal matters decreased from 108% in the previous year to 90.4% for this reporting year. In civil matters, the clearance rate, however, increased from 100.6% last year to 108.6% this year. Overall, 63.9% of Court of Appeal matters were finalised within 12 months of lodgement (see appendix 1, table 4). Some civil matters which were not finalised within 12 months of lodgement experienced delays occasioned at the request of one or both parties. Some delay in criminal matters was occasioned by self-represented appellants seeking adjournments to be referred to the pro bono scheme or to find legal representation.

The median time for the delivery of reserved judgments in criminal matters was 42 days, which is the same as in 2022-2023, which itself was a significant improvement over previous years of between 86 and 91.5 days. For civil matters, the median time of the delivery of judgments was 80 days, a slight decrease from 83.5 days in 2022-2023. The overall median time between hearing and delivery of reserved judgments was 55.5 days, an increase of 12% over the previous year (see appendix 1, table 5).

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

Applications for criminal extensions of time applications and merit assessment

The process for facilitating the timely disposal on the papers of an application for extension of time in a criminal appeal by an unrepresented litigant has continued during the reporting year with good results.

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

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

During the reporting year 44 applications for extension of time were filed in criminal appeal matters of which 21 were granted on the papers after there was no objection to those orders by the DPP. Of the remaining 23 applications to which the DPP objected, three were then abandoned. One of the granted applications was also abandoned. The process for dealing with the other extension applications is as a contested hearing.

The granting of an extension of time application on the papers with the consent of the respondent will usually facilitate an earlier hearing of the appeal.

Origin of Appeals

Filings from the Trial Division in civil matters decreased this year from 160 to 92, however, there was an increase in criminal matters from 69 to 88. Filings from the District Court in civil matters decreased slightly from 53 to 47 and increased significantly in criminal matters from 253 to 291. Planning and Environment Court filings increased from seven to 10. There were 20 appeals commenced from QCAT this reporting year. There were six civil matters and no criminal matters filed from the Industrial Court. There were no matters filed this reporting year from the Land Appeal Court (see appendix 1, table 6).

Types of Appeals or Applications Filed

There were 126 general civil appeals (including personal injury) filed this reporting year compared to 134 last year. There was a marked decrease in civil applications from 122 last year to 46 this year (see appendix 1, table 7).

In the criminal jurisdiction, there was an increase in filings of sentence applications from 122 to 145 and filings of conviction only appeals from 77 to 87. A total of 29 combined conviction and sentence appeals were filed this year, a decrease from 41 the previous year. Extension applications (sentence) decreased from 19 last year

to 11 this year and extensions (conviction) decreased from 15 last year to 12 this year. Extensions for both conviction and sentence significantly increased from 11 last year to 17 this year. There was a slight increase from one last year to two in this reporting period of the sentence appeals brought by the Queensland Attorney-General or the CDDP (see appendix 1, table 7).

Appeals to the High Court of Australia

Of 23 applications for special leave to the High Court of Australia in civil matters, three were granted. In criminal matters, of 15 applications for special leave, two were granted. Overall, there were 38 special leave applications to the High Court of Australia from the Queensland jurisdiction, with five applications granted (see appendix 1, table 8).

The High Court of Australia delivered seven judgments from the Queensland Court of Appeal during the period of 1 July 2023 to 30 June 2024. One appeal was allowed,⁴ with six appeals being dismissed (see appendix 1, table 9).⁵

As at 30 June 2024, the High Court of Australia has heard two matters from the Queensland jurisdiction, with each of these reserved at the time of this Report.⁶ In addition, the High Court of Australia has granted leave to appeal in two matters, with the hearing date yet to be set in either matter.⁷

Reasons of the Court

This year, of 293 total outcomes for the Court of Appeal, 259 QCA numbers were allocated for Court of Appeal decisions, this is 40 less than last year.⁸ In 57 of these outcomes, reasons were delivered as a judgment of the Court, a decrease from 70 last year. There were 193 outcomes delivered with three separate judgments concurring with the orders made, a decrease of 33 over last year. Seven outcomes were delivered with two joint concurring reasons and one separate reasons, two more than last year.⁹

Out of the total 293 outcomes, 18 involved dissents, a decrease from 26 last year. There were 18 outcomes where reasons were delivered by a single judge, three less than last year (see appendix 1, table 10).¹⁰

Northern Sitting

In 2023-2024, there were no Northern Sittings held as sittings had been arranged for just outside of the reporting period in May 2023 and July 2024.

4 *CCIG Investments Pty Ltd v Schokman* (2023) 97 ALJR 551; [2023] HCA 21 - Held: Appeal allowed with costs - Appealed from [2022] QCA 38.

5 *Crime and Corruption Commission v Carne* (2023) 97 ALJR 737; [2023] HCA 28 - Held: Appeal dismissed with costs - Appealed from (2022) 11 QR 334; [2022] QCA 141; *Lang v The Queen* (2023) 97 ALJR 758; [2023] HCA 29 - Held: Appeal dismissed - Appealed from: [2022] QCA 29; *HCF v The Queen* (2023) 97 ALJR 978; [2023] HCA 35 - Held: Appeal dismissed - Appealed from: [2021] QCA 189; *Huxley v The Queen* (2023) 98 ALJR 62; [2023] HCA 40 - Held: Appeal dismissed - Appealed from: [2021] QCA 78; *Redland City Council v Kozik* (2024) 98 ALJR 544; [2024] HCA 7 - Held: Appeal dismissed with costs; special leave to cross-appeal granted; cross-appeal dismissed with costs - Appealed from (2022) 11 QR 524; [2022] QCA 158; and *Dayney v The King* [2024] HCA 22 - Held: Appeal dismissed - Appealed from (2023) 13 QR 650; [2023] QCA 62.

6 *Mallonland Pty Ltd ACN 051 136 291 & Anor v Advanta Seeds Pty Ltd ACN 010 933 061* [2024] HCATrans 12 - Date heard: 6 March 2024 - Appealed from (2023) 13 QR 492; [2023] QCA 24; and *Willmot v The State of Queensland* [2024] HCATrans 31 - Date heard: 7 May 2024 - Appealed from [2023] QCA 102.

7 *MDP v The King* [2023] HCA 215 - Date determined: 7 December 2023 - Special leave granted - Appealed from [2023] QCA 134; and *Fuller & Anor v Lawrence* [2024] HCA 91 - Date determined: 11 April 2024 - Special leave granted - Appealed from [2023] QCA 257.

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

9 These figures are non-RoGS.

10 These figures are non-RoGS.

Advocacy in the Court of Appeal

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

Self-Represented Litigants

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

There was 89 self-represented litigants in cases where judgment was delivered in the Court of Appeal this year compared to 71 last year. In 40 civil matters in which judgment was delivered this reporting year, at least one party was self-represented, compared to 38 last year. There were 49 criminal matters where at least one party was self-represented and in which judgment was delivered this reporting year, compared to 33 last year (see appendix 1, table 11).¹¹

This reporting year had an 11% decrease in matters involving self-represented litigants being finalised either before or after the hearing. A total of 162 matters (includes matters that were abandoned, withdrawn, discontinued, struck out or stayed) were finalised, compared to 182 last year (see appendix 1, table 12).¹²

Of the 293 outcomes in Court of Appeal matters (both criminal and civil) in 2023-2024, 30.4% involved a self-represented litigant compared to 20.4% last year.

A total of five or 10.2% of self-represented criminal litigants (compared to 3% last year) and four or 10% of self-represented civil litigants (compared to 10.5% last year) were successful in their appeals.¹³

LawRight

LawRight's Court and Tribunal Services (CTS) provided valuable assistance and ongoing advocacy to self-represented litigants who had appeals before the Court, or who were considering commencing proceedings in the Court of Appeal. CTS received 159 applications for assistance this reporting year, of which four concerned potential appeals and four concerned existing appeals. Of the potential appeals, after receiving advice from CTS, three applicants did not commence appeals, and one applicant commenced an appeal and was successful. Of the existing appeals, all four applicants were advised to discontinue their appeals due to poor prospects.

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

Pro Bono Assistance

The Court of Appeal pro bono scheme is now in its 24th year. The Court requests the Registry to refer serious criminal matters where the appellant is not legally represented to the coordinator of the pro bono scheme who invites barristers and law firms who have volunteered to be on the pro bono register to consider accepting

¹¹ These figures are non-RoGS.

¹² These figures are non-RoGS.

¹³ These figures are non-RoGS.

the referral. For the reporting period, pro bono counsel appeared for applicants or appellants in 17 judgments that were published by the Court of Appeal.¹⁴ For the 2023-2024 reporting period, no applicants or appellants were successful where pro bono counsel appeared. Importantly, however, the involvement of pro bono counsel enabled matters to progress through the Court in a timely and professional manner (see appendix 1, table 13).¹⁵

The President and the Judges of Appeal appreciate the generosity of the public-spirited barristers and law firms listed in appendix 2 who have indicated their willingness to appear pro bono. Particular thanks are extended to Joshua Jones who coordinates the pro bono register and to the following barristers and law firms who acted pro bono in criminal applications and appeals in the Court of Appeal in 2023-2024.

Barristers

Abdalla, Nora	Jones, Joshua R
Carter, Scott	Lamb, Sean
Caruana, Daniel	Lewis, Simon
Coker, Edward (Eddie)	Marxson, James
Cooper, Emily	Nguyen, Dominic V
De Marco, Carmen	O'Brien, Andrew
Drew, Kerala	O'Brien, Emily
Edridge, Nathan	O'Connor, Clare
Farnden KC, Sarah	O'Connor, Peter
Ferguson, Lucy	Parvez, Shereen
Freeman, April	Perry, Gabriel
Goldie, Jessica	Pincus, Tom
Hew, Rachel	Rawlings, Mitchell
Hillard, Kylie	Taylor, Benjamin
Hoare KC, Andrew	Thorsen, Emma
Horvath, Michal	Wilson, Pat

Law Firms

Bell Criminal Lawyers
Brighton Langley Law
Craven Lawyers
Fisher Dore Lawyers
Gilshenan & Luton Legal Practice
Jasper Fogarty Lawyers
Mackenzie Mitchell
McGinness & Associates Lawyers
Wallace O'Hagan Lawyers

Technology and Infrastructure

Video Links

80 matters were heard by telephone or video link technology.

The quality of video links has been high. The main system used was Pexip with Webex being phased in as the preferred platform from around 3 June 2024. The upgrades to the Banco courtroom video technology have allowed a greater number of appeals requiring video link capabilities to be listed on days with dual corams. The previous video conferencing infrastructure in the Banco courtroom was unreliable and would be avoided if possible. However, there is now no discernible difference between holding a video link in the Appeal courtroom and the Banco courtroom.

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.

¹⁴ This figure is non-RoGS.

¹⁵ These figures are non-RoGS.

QTranscripts (Court Recording and Transcription Services)

During the reporting year, QTranscripts were responsible for the recording and production of transcripts of Court of Appeal proceedings.

The Court of Appeal Associates order transcripts of recordings from QTranscripts after matters are heard and the reasons are reserved or an *ex tempore* decision is given. The Registry also requests transcripts of recordings from lower courts for inclusion in the appeal record books.

Court of Appeal Management System (CAMS)

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

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

In June 2021, it was announced that, as part of the Courts and Tribunals Digitisation Program (CTDP) established within Courts Services, funding had been allocated over five years (2022-2023 to 2027-2028) to several projects including expanding the QCase solution to the higher courts, the Court of Appeal and others.

As part of the CTDP civil case management and portal for the Supreme Court, District Court, Land Court and other courts, initial consultations and reviews into the replacement of CAMS and the requirements of a case management system for the Court of Appeal have commenced with the Court of Appeal Registry and the President's chambers and are ongoing.

Judgment Delivery

All Court of Appeal judgments delivered during 2023-2024 were available free to the public on the internet through:

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

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

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

Judicial Exchanges

There was only one judicial exchange in this reporting year, with two further exchanges arranged for October (WA) and November (SA) of 2024.

In a simultaneous exchange between Western Australia and Queensland, from 11 to 22 September 2023, Justice Michael Buss, President of the WA Court of Appeal, sat in Queensland and Justice Debra Mullins AO, President of the Qld Court of Appeal, sat in WA.

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 States involved in the exchanges.

Having an experienced interstate judge sit on the Queensland Court of Appeal has fostered discussions about the different approaches to the management of appeals prior to the hearing for the purpose of improving the efficiency of the hearing of the appeals that assists in the preparation of the judgments. Discussions with interstate colleagues have reinforced some of the existing practices in managing appeals in Queensland and resulted in suggestions for refinements of existing practices. The same benefits can flow when the Queensland judge sits as a member of the interstate court.

The judicial exchanges also facilitate the continuing professional development of the judiciary of the courts involved in the exchanges.

Appendix 1

Table 1: Judgments, Criminal Matters

Judgments	2021-2022	2022-2023	2023-2024
Outstanding at start of year	39	30	23
Reserved	143	141	161
<i>Ex tempore</i> judgments delivered	97	91	75
Reserved judgments delivered	150	162	159
Outstanding at end of year	30	25	28

Table 2: Judgments, Civil Matters

Judgments	2021-2022	2022-2023	2023-2024
Outstanding at start of year	28	32	26
Reserved	78	110	90
<i>Ex tempore</i> judgments delivered	44	90	34
Reserved judgments delivered	83	128	111
Outstanding at end of year	32	26	15

Table 3: Annual Caseload – Number of Cases

	2021-2022	2022-2023	2023-2024	Change from Previous Year
Lodged	130	440	431	-2.0%
Heard	356	425	346	-39.7%
Finalised*	435	463	413	-16.8%

	Lodged 2023-2024	Heard 2023-2024	Finalised* 2023-2024	Active (including reserved judgments not yet delivered)
Criminal	303	229	274	287
Civil	128	117	139	100
TOTAL	431	346	413	387

* 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	90.4	58.0	42.0	9.9	27.5	5.6
Civil	108.6	75.5	24.5	6.5	19.0	4.0
ALL CASES	95.8	63.9	36.1	8.5	26.0	5.9

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

Table 5: Time between Hearing and Delivery of Reserved Judgments

Type of cases	Median number of days		
	2021-2022	2022-2023	2023-2024
Criminal cases	88	42	42
Civil cases	95	84	80
ALL CASES	91	50	55.5

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

Court	Number of matters filed		
	2021-2022	2022-2023	2023-2024
Trial division – civil*	89	160	92
Trial division – criminal*	85	69	88
District court – civil	5	53	47
District court – criminal	281	253	291
Planning and Environment Court	8	7	10
Land Appeal Court	-	-	-
QCAT	10	24	20
Other Court	-	-	-
Industrial Court – civil	2	6	6
Industrial Court – criminal	-	7	-
Other – criminal	-	-	-

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

Note: These statistics include Circuit Court matters.

Table 7: Types of Appeals Filed

Appeal type	2021-2022	2022-2023	2023-2024
Civil			
General (including personal injury)	100	134	126
Applications	54	122	46
Leave applications	3	7	0
Planning and environment	0	1	2
Other	3	0	1
Criminal			
Sentence applications	151	122	145
Conviction appeals	85	77	87
Conviction and sentence appeals	44	41	29
Extensions (sentence applications)	18	19	11
Extensions (conviction appeals)	9	15	12
Extensions (conviction and sentence)	6	11	17
Sentence appeals (A-G/Cth DPP)	5	1	2
Other	48	36	78

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

Applications 2023-2024	Criminal	Civil
Granted	2	3
Refused	13	20

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

Appeals 2023-2024	Criminal	Civil
Allowed	0	1
Dismissed	4	2

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
57	193	7	6	12	18	293

* 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**	2021-2022	2022-2023	2023-2024
Criminal	37	33	49
Civil	13	38	40
TOTAL	50	71	89

* 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	2021-2022	2022-2023	2023-2024
Criminal	39	104	108
Civil	72	78	54
TOTAL	111	182	162

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

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

Success Rates	2021-2022	2022-2023	2023-2024
Appeal/Application allowed	1	5	0
Appeal/Application dismissed	6	11	17

* non-RoGS figures.

Appendix 2

Court of Appeal Pro Bono List for 2023-2024

Below are the barristers registered on the Pro Bono Scheme list:

Bain, Samuel	Haddrick, Ryan	O'Brien, Andrew
Berry, Renee	Hamlyn-Harris, Simon	O'Brien, Emily
Bolovan, Claude	Harburg, Sophie	O'Brien, Bridget
Carter, Scott	Hew, Rachel	O'Connor, Clare
Caruana, Daniel	Hillard, Kylie	O'Connor, Peter
Clarke, Morgan	Hynes, Matthew	O'Higgins KC, Philip
Coker, Edward	Jones KC, David	Parvez, Shereen
Cooper, Emily	Jones, Joshua	Perry, Gabriel
Coyne, Benedict	Kirk, Renae	Pincus, Tom
Davie, Allana	Lake, Robert	Robb KC, Sally
De Marco, Carmen	Lamb, Sean	Taylor, Rachael
Devereaux, Grace	Larsen, Michael	Thorsen, Emma
Dighton, Benjamin	Lewis, Simon	Wallace, James
Dollar, Liam	Logan, Rachelle	Walpole, Samuel
Edridge, Nathan	Mason, Adam	Wang, Jason
Edwards, Holli	Micaian, Roman	Whitmore, Daniel
Farnden, Sarah	Morris, Joshua	Wilson, Patrick
Feely, Genevieve	Moxon, Jules	
Freeman, April	Munsie, Isaac	
Goldie, Jessica	Nguyen, Dominic V	

Below are the solicitor firms registered on the Pro Bono Scheme list:

Bell Criminal Lawyers	Guest Lawyers
Bouchier Khan	Jasper Fogerty Lawyers
Brighton Langley Law	Potts Lawyers
Fisher Dore Lawyers	Robertson O'Gorman
Gilshenan & Luton	



TRIAL DIVISION

TRIAL DIVISION

The Work of the Trial Division

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

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

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

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

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

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

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

The Structure of the Trial Division

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

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

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

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

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

More than eighty percent of the workload arises in and around, and is dealt with in, Brisbane.

Information about the organisation and practices of the Trial Division, including its calendars, law lists, fact sheets, Practice Directions, and reasons for judgment, are published on the Queensland Courts website:

www.courts.qld.gov.au.

Developments

The Criminal Resolution Registrar (CRR) was appointed on 31 July 2023. The role is having a significant effect on reducing the number of matters and time spent in criminal reviews, for both the judiciary and the profession in Brisbane. In most instances parties can secure preferred dates for pre-trial hearings and sentences hearings administratively, limiting court appearances to the presentation of the indictment and hearings of substance.

The scheduled case conferences are advancing trial preparation at an earlier time, with parties expected to have considered draft trial plans before a matter is listed for trial. Where further preparation is required, the CRR discusses agreed timelines with the parties, to ensure the matter remains on track for any trial listing request. This has led to pleas of guilty in some instances and an earlier discontinuation in another, before matters are set down for trial.

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

Justice Michael Copley – appointed 8 May 2024.

Justice Rebecca Treston – appointed 8 May 2024.

Justice Susan Brown – appointed to the Court of Appeal 25 June 2024.

Criminal jurisdiction

The number of defendants finalised by trial state-wide was 37, the same as 2022-2023.

The average length of a trial decreased from 5.9 days to 5.2 days.

The number of criminal lodgements state-wide decreased from 1,903 to 1,604.

Finalisation by guilty plea dropped by 23.4% from 1,639 last reporting year to 1,255 this reporting year.

Overall, the number of defendants finalised decreased by 22.4% from 2,043 to 1,585. The clearance rate decreased by 8.6% to 98.8% compared to 107.4% in 2022-2023. The number of defendants pending increased from 629 to 659.

Brisbane's clearance rate decreased from 104.6% to 98.5%, with an increase in active pending defendants of 1.0% from 513 to 518.

The number of outstanding defendants awaiting trial after 12 months has increased by 23.7% state-wide, from 93 defendants (14.8%) to 115 defendants (17.5%). In Brisbane, the increase was less being 4.2%, from 83 defendants (16.2%) to 99 defendants (16.7%).

The administration of the Criminal List faces recurring challenges. These include the late discontinuance of proceedings by the Crown, pleas of guilty entered on or close to the day of trial and adjournments by reason of witness unavailability. There is no single source of the difficulties.

For some time, in an effort to reduce the problems created by these failures, the Court has conducted regular reviews of every case. The process has been time consuming for judges and the profession, but the problems have persisted. Hearings – called, variously, callover, mention, or review – have always had their limitations.

One of those was the inadequacy of information provided and retained. There was in a busy list – conducted in the waiting presence of many practitioners – limited opportunity to receive and assess all the detail that might have been relevant to listing possibilities.

Systems, both formal (in Practice Directions) and informal, had developed in an attempt to address these deficiencies. These were in need of updating and overhaul. For example, although much use was being made of electronic communication, the relevant “portal” was not mentioned in any relevant Practice Direction.

After an extensive process of consultation, a new system has been created. It has been made possible by some significant movement in the Registry, and the appointment of Ms Bronwyn Currie as the inaugural

Criminal Resolution Registrar. The nature of her role and the new procedural requirements are explained in Practice Direction 5 of 2024, issued by the Chief Justice on 14 February 2024.

The Criminal Resolution Registrar is the cornerstone of the new system, in which information is shared, and retained electronically. Many matters can be listed without the need for an appearance in court. It is hoped that with the benefit of more time and more information, resources might be allocated more efficiently, both by the Court and within the profession. In particular, there is no longer a need for solicitors to engage an agent or send a staff member to Court in order to achieve outcomes that can now be secured administratively.

The opportunity now presents for the DPPs (State and Commonwealth) and the profession to consult and cooperate with the Criminal Resolution Registrar in an effort to resolve matters at an early stage. The Criminal List Judge continues to oversee operations and there will always be some cases that need to come back to Court for review between indictment presentation and hearing. These are, however, fewer in number, such that the Court hopes to achieve more satisfactory results in less time.

The initial response to the reforms has been positive and most of the profession is now complying with the Practice Direction. The systems will, however, be reviewed over the course of the next year and feedback from participants will be welcomed.

The Court appreciates, as ever, the assistance provided over the last year by all in the Registry and acknowledges their dedication to and enthusiasm for the new arrangements. Gratitude is extended in particular to Ms Currie for her efforts, and as ever to the Senior Registrar, Registrar (Listing), Deputy Registrar (Criminal) and the Supreme Court Criminal List Manager.

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	1,159	1,142	518	98.5%	19.1%	5.0%
Cairns	110	93	32	84.5%	-	-
Rockhampton	91	75	17	82.4%	0.0%	0.0%
Townsville	131	120	56	91.6%	7.1%	0.0%
Main centre Totals	1,491	1,430	623	95.9%	16.7%	4.3%
Regional centres						
Bundaberg	10	23	4	230.0%	50.0%	-
Longreach	1	1	3	1	-	-
Mackay	39	49	8	125.6%	12.5%	-
Maryborough	18	18	2	100.0%	-	-
Mount Isa	8	18	2	225.0%	50.0%	-
Roma	-	-	-	-	-	-
Toowoomba	37	46	17	124.3%	41.2%	-
Regional centre Totals	113	155	36	137.2%	30.6%	8.3%
State Total	1,604	1,585	659	98.8%	17.5%	4.6%

Notes:

(1) A "defendant" is counted based on the national Report on Government Services counting methodology, i.e. each defendant is counted once per case. If the same person is named on more than one case within the reported period, they will be counted once for each case on which they are named. Defendants with outstanding bench warrants and defendants with secondary charges such as breaches of court orders are excluded. Also excluded are Defendants who have been committed to the Supreme Court and are awaiting presentation of indictment.

(2) A "case" consists of one or more charges lodged together by a prosecuting authority.

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

(4) Clearance Rate: Finalisations/Lodgements.

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

Civil jurisdiction

Lodgements increased this year by 10.1% (323 cases) from 3,203 in 2022-2023 to 3,526.

Finalisations decreased by 1.1% (33 cases) from 3,107 in 2022-2023 to 3,074.

The clearance rate decreased by 9.8% from 97.0% in 2022-2023 to 87.2%.

There was an increase of 14.1% (456 cases) in active pending matters (3,691 as of 30 June 2024 up from 3,235 last year).

The number of pending cases older than 12 months and less than 24 months increased from 669 as of 30 June 2023 to 749 as of June 2024, representing 20.3% of the active pending caseload.

Cases more than 24 months old increased by 20 (5.8%) in 2023-24 and stood at 364 cases on 30 June 2024.

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

Summary of Activity on Civil List – by location

RoGS civil files ^{(1) (2)}				Clearance Rate ⁽³⁾	Backlog Indicator ⁽⁴⁾	
Centre	Lodged	Finalised	Active		% > 12mths	%> 24mths
Main centres						
Brisbane	3,038	2,629	3,129	86.5%	29.9%	10.1%
Cairns	86	109	89	126.7%	39.3%	13.5%
Rockhampton	277	199	331	71.8%	30.2%	8.2%
Townsville	53	68	55	128.3%	32.7%	5.5%
Main centre Totals	3,454	3,005	3,604	87.0%	30.2%	9.9%
Regional centres						
Bundaberg	10	9	16	90.0%	43.8%	6.3%
Mackay	36	42	41	116.7%	22.0%	9.8%
Maryborough	2	10	1	500.0%	100.0%	100.0%
Mount Isa	-	1	2	-	-	-
Roma	2	-	2	-	-	-
Toowoomba	22	7	25	31.8%	-	-
Regional centre Totals	72	69	87	95.8%	28.7%	8.0%
State Total	3,526	3,074	3,691	87.2%	30.2%	9.9%

Notes:

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

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

(3) Clearance Rate: Finalisations/Lodgements.

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

Civil Jurisdiction Brisbane

Caseflow Management List

The Caseflow Management List has continued to function well, affording parties the opportunity to confer and devise directions for the timely and cost effective progression of proceedings to resolution by informal negotiation, mediation or trial. The process resulted in the finalisation of more than 150 proceedings over the course of the year. In the vast majority of cases, parties were able to reach agreement on a timetable for outstanding steps to progress a matter, including with the benefit of a case conference or review conducted by the Resolution Registrar (Civil), with orders then made by consent by the Resolution Registrar. In the case of an intractable dispute, or where a proposed direction required the exercise of judicial discretion, the issue was dealt with quickly and efficiently on referral to the Caseflow Judge, avoiding the cost and delay which might otherwise arise from a hearing in the Applications list. Over the course of the reporting year, 489 orders were made and 110 case conferences and reviews were conducted.

This revised approach to management of the Caseflow List, conferring greater responsibility for case management in the first instance on the Resolution Registrar, commenced with Practice Direction 9 of 2023 issued in March 2023. With the benefit of a full reporting year, it can be observed that the involvement of the Resolution Registrar in this process has been extremely effective and beneficial, in terms of efficient management of the List, the substantial reduction of the administrative load previously placed on the Caseflow Judge, and costs savings to parties.

Practice Direction 9 of 2023 was amended in June 2024, to expand the powers of the Resolution Registrar to hear and decide an application for directions at a case conference or review. Prior to the amendment, the Resolution Registrar could only make orders where the parties consent. That limitation proved inconvenient in the context of some procedural issues arising in the course of case management. This amendment is expected to further enhance the efficiency of management of matters on the Caseflow List. Parties remain free to request that a matter be referred to the Caseflow Judge, if necessary.

Dangerous Prisoners (Sexual Offenders) Act Applications

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

During the reporting year, Justice Crowley managed the Dangerous Prisoners Sexual Offenders List. Applications for continuing detention or supervision orders, as well as the annual reviews of continuing detention orders and hearings for alleged contraventions of supervision orders are case managed by the List Judge.

Management of relevant applications is achieved through weekly reviews. Sometimes, orders for the progress of a matter can be made on the papers, obviating the need for a review hearing. Matters requiring substantive hearing are generally listed for hearing on Mondays by one of the two judges listed in the Applications jurisdiction in a given week, but form part of the Civil list for that week. At times it has been necessary also to list such matters on Tuesdays. Shorter matters (including contravention hearings or mentions of matters where an offender who has been released subject to a supervision order is arrested for a breach, or suspected breach, of the order) are listed as part of the Applications list.

In 2023-2024, there were eight new applications lodged (compared to six in the previous year). That is a reduction from previous years. However, the ongoing workload for the Court in relation to matters under the *Dangerous Prisoners (Sexual Offenders) Act* continues to be substantial. In the reporting year, there were 117 reviews, 171 orders made on the papers and 87 substantive hearings.

Commercial List

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

This reporting year marks the first full reporting year since the commencement of Practice Direction 1 of 2023 on 30 January 2023.

The Commercial List Judges for the majority of the reporting period were Justice Applegarth (Principal Judge) and Justices Brown, Bradley, Freeburn, Kelly, Cooper and Hindman. With the elevation of Justice Brown to the Court of Appeal and the impending retirement of Justice Applegarth, the Commercial List Judges at 30 June 2024 were Justice Bradley (Principal Judge) and Justices Freeburn, Kelly, Cooper and Hindman.

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

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

Court documents are filed electronically using the Objective Connect file sharing platform and are uploaded and accessible through the court's electronic file web page at: <http://apps.courts.qld.gov.au/esearching/>. This process makes the case management process more efficient for the Court, facilitates trials being conducted as eTrials, and thereby saves parties time and costs.

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

On 1 July 2023, there were 76 cases on the List. On 30 June 2024, there were 83 cases on the List. During the year ended 30 June 2024, approximately 44 cases on the List were finally resolved. Of these, 19 were resolved by judgment or after trial. There were 267 reviews and 308 decisions on the papers during the reporting period.

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 reason.

A Self-Represented Litigant Supervised Case Judge also supervises proceedings 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 manage cases to ensure they are prepared and proceed to trial as efficiently as possible, while encouraging the parties to consider resolving the matter at the earliest possible opportunity.

Justice Brown (up until her Honour's appointment as a Judge of Appeal) and Justice Freeburn are the SCL Judges. Justice Freeburn also manages the Self-Represented Litigant Supervised Case List.

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, where the Court or the Resolution Registrar identifies a need for ongoing judicial management of the case. Historically, the list has attracted a diverse range of cases needing management, the majority being commercial or construction disputes. However, the expansion of the Commercial List and introduction of the Building, Engineering and Construction List (BEC List) has considerably changed the dynamic of the SCL in the past year.

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

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

The expansion of the Commercial List in early 2023 and introduction of the BEC List on 4 March 2024 has changed the composition and function of the SCL; a number of SCL matters have been transferred to the Commercial and BEC Lists and there has been a reduction in the number of new allocations to the SCL. The SCL will continue to focus on the management of large, complex cases which do not otherwise fit within the Commercial List or BEC List.

As at 1 July 2023, Justice Brown managed 18 matters on the SCL. Between 1 July 2023 and 30 June 2024, six matters were added to the list. During this period, 13 matters were resolved and/or removed from the SCL. A further eight matters proceeded to trial or were set down for trial. As at 30 June 2024, there were three matters managed by Justice Brown on the SCL which were re-allocated upon her appointment to the Court of Appeal.

As at 1 July 2023, Justice Freeburn managed 11 matters on the SCL. Between 1 July 2023 and 30 June 2024, six matters were added to the list. During this period, two matters were resolved and removed from the SCL. As at 30 June 2024, there were 15 matters managed by Justice Freeburn on the SCL.

Self-Represented Litigant Supervised Case List

Supreme Court judges may direct that a case in which a party is or becomes self-represented be entered on the Supervised Case List for cases involving self-represented litigants (SRL List).

Matters can also be added to the SRL List by a party notifying the Supervised Case List Manager that a party is or has become self-represented. The Supervised Case List Manager will then pass this notification onto the Resolution Registrar who will make a referral to the Justice Freeburn as the SRL List Judge.

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

The reviews are not the occasion for the hearing of interlocutory applications of substance. Those applications are heard by a judge sitting in the Applications jurisdiction at the relevant time.

Matters remain on the SRL List until they are resolved, stayed, or until all self-represented parties obtain legal representation.

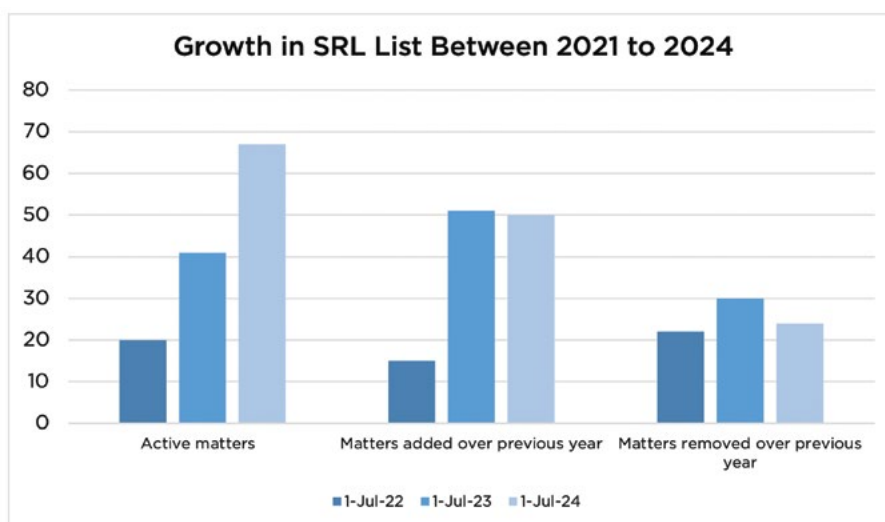
As at 1 July 2023, there were 41 matters on the SRL List.

50 matters were added to the SRL List from 1 July 2023 until 30 June 2024. Of these, 41 were referred by the Resolutions Registrar.

Between 1 July 2023 and 30 June 2024, 24 matters were resolved and/or removed from the SRL List.

There were 67 matters on SRL List as at 30 June 2024.

The list has grown steadily over the last two reporting years. This is demonstrated by the graph below:



Pro-bono mediation scheme

Before Justice Freeburn took over the SRL List in June 2022, Justice Ryan created a four-partite scheme run by the Supreme Court Registry to assist self-represented litigants to access mediation. Her Honour challenged the Supreme Court Registry, QLS, LawRight, and Caxton Legal Centre to work together to create a scheme whereby the QLS supplied volunteer mediators, while LawRight and Caxton Legal Centre facilitated pro bono legal services. To give effect to this scheme, the Supreme Court of Queensland published Practice Direction 17 of 2022.

Since the implementation of the pro bono mediation scheme, eight matters were referred to mediation. Out of these matters, two resolved in full (one in mediation and one after mediation), three were unable to proceed, and three have not yet been heard.

Wills and Estates List

On 14 June 2024, Practice Direction 14 of 2023 was reissued with amendments dealing with family provision applications. Practice Direction 8 of 2001 (which previously dealt with family provision applications) was repealed in 2024 as it was out of date. The new provisions provide for the initial stages of most family provision applications to be dealt with by consent order or standard directions. If these applications do not settle at mediation, or are of a nature requiring more focused case management, then they may be added to the Wills and Estates list.

Justice Williams continues to manage the Wills and Estates List. The number of matters on the list has increased substantially. In 2023-2024, 41 new matters were added to the list, and there were a total of 53 matters on the list at the end of the reporting year. This is largely as a result of referrals from the Resolution Registrar who is identifying appropriate matters for case management at an early stage. Consistent with the approach set out in the Practice Direction, most Wills and Estates matters continue to be determined in the Applications list without the need for case management. Matters which have been placed on the List are case managed until listed for trial, resolved at mediation or removed from the List for other reasons.

Building, Engineering and Construction List

On 22 January 2024, Practice Direction 2 of 2024 was issued, establishing the Building, Engineering and Construction List (BEC List), to facilitate the efficient conduct of large and complex litigation in relation to building, engineering and construction issues. The Practice Direction commenced operation on 4 March 2024.

Justice Williams and Justice Sullivan are the BEC List Judges. At the end of the reporting year there were 14 matters on the List, and it is growing steadily, with requests to be placed on the List made by the parties, or referrals from the Resolution Registrar or other judges of the Court.

Streamlining Criminal Justice Committee

The Streamlining Criminal Justice Committee (SCJC), an initiative of the Court established in April 2016, continued to meet regularly during 2023-2024.

The committee includes representation from the Supreme, District and Magistrates 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), Queensland Corrective Services, the Queensland Sentence Advisory Council, the Bar Association of Queensland, the Queensland Law Society and the Parole Board of Queensland.

The major focus during 2023-2024 remained on two working groups, forensics and remand.

As to forensics, the capacity of Forensic Services Queensland (FSQ) to address both the ongoing demands of the criminal justice system and the recommendations of the Commission of Inquiry into Forensic DNA Testing in Queensland, remained a particular focus. Initiatives to be introduced in all three State courts include early identification of whether DNA testing is necessary, and, if so, what samples are relevant. It is hoped these

initiatives will allow FSQ to concentrate on those cases genuinely in dispute, freeing its limited capacity from being used unnecessarily.

As to remand, the significant increase in the remand population throughout Queensland presents particular challenges. Initiatives include the provision of early sentence hearings for remanded prisoners wishing to plead guilty and the provision of targeted programs for particular offence types, such as domestic violence.

Regions

Southern Region

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

Central Region

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

Sitting time was allocated 11 weeks to sittings in Rockhampton for civil work, and 17 weeks for criminal work. Five weeks were allocated to sittings in Mackay and four weeks to Bundaberg. The Central Judge also sat in the Court of Appeal in Brisbane for two weeks.

For the period 1 July 2023 to 30 June 2024 there were 91 indictments lodged in Rockhampton whilst there were 95 lodged in 2022-2023. These lodgements principally relate to offences against the *Drugs Misuse Act*. Civil lodgements have increased by nearly 20% over the course of the year. While official clearance rates in Rockhampton are below 100% (that is, the rate at which the number of matters finalised matches the number of lodgements), this does not reflect on the availability of the Court to litigants. As has been the practice for many years, parties are offered trial dates as soon as they indicate their readiness.

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

Application days were held in Rockhampton on approximately a five-weekly basis. On these days, ceremonies were conducted, if needed, for those seeking admission to the profession and who have a connection to Central Queensland. There were 12 practitioners admitted in 2023-2024. 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 reporting year, Justice North sat for 17 weeks in crime and 10 weeks in civil in Townsville. His Honour also sat for two weeks in the Court of Appeal.

Justice North presided at three circuits in Mackay (six weeks). Mackay remains a busy circuit for the Court, the responsibility for which falls to both the Central Judge (Justice Crow), and the Northern Judge. In the reporting year, there were 39 lodgements, 49 matters finalised and there remain eight active matters. The clearance rate was just over 125%.

Justice North took long leave for three weeks in the year in question. During the periods of leave, members of the Court from Brisbane circuited to Townsville, enabling the work of the Court to be continued.

Criminal filings in the Supreme Court in Townsville were 131 lodgements, down from 148 in the previous reporting year. The clearance rate was 91.6%.

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

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

During the year 32 new practitioners were admitted. Many took up positions in Townsville and North Queensland having completed their degrees at the Townsville campus of the James Cook University.

Far Northern Region

The Far Northern Judge, Justice Henry, sat at Cairns for 12 weeks in the civil jurisdiction and 14 weeks in the criminal jurisdiction.

His Honour circuted to Brisbane in August and April, sitting for a total of three weeks in the Court of Appeal. Justice Henry also circuted for a total of three weeks to Mount Isa in July, November and February.

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

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

In the 2023-2024 year, the number of matters lodged in the criminal jurisdiction decreased to 110 compared to 112 in the previous year, a 1.8% decrease, In the civil jurisdiction, lodgements decreased by 24.6% to 86 compared to 114 the previous year.

During the year 36 new practitioners were admitted at Cairns: 29 women and 7 men. Many took up positions in the far north having completed law degrees at the Cairns campus of James Cook University.

In conjunction with the Bar Association of Queensland and Queensland Law Society, the Court coordinated the Cairns Judiciary 2023-2024 CPD Series – a series of professional development sessions delivered by Cairns' resident Supreme and District Court judges and local practitioners. Justice Henry chaired the session presented by Legal Services Commissioner Megan Mahon, "*Lessons Learned: an evening with the Legal Services Commissioner*", a discussion of how lawyers can conduct themselves so as to avoid legal professional problems.

His Honour was a teacher at the National Judicial College of Australia's National Judicial Orientation Programmes held in November in Sydney and in March in Brisbane. His Honour also taught in the NJCA's Writing Better Judgments 1 program held in Sydney in October, Sydney in March and Perth in June, as well as in its Writing Better Judgments 2 program held in Sydney in June.

His Honour again taught the undergraduate subject *Advocacy* for James Cook University, where he was this year appointed an Adjunct Professor to its College of Law.

His Honour presented the paper "*Advice to Junior Lawyers on Advocacy in summary trials*" to the North-West Law Association in Mount Isa, and presented the paper "*Proving and Advocating Quantum in Personal Injuries Trials*" to the North Queensland Law Association Annual Conference in Townsville.

His Honour chaired the Cairns Opening of the Law Year Organising Committee which convenes the annual Opening of the Law Year ceremony in the forecourt of Cairns Courthouse. The ceremony is inclusive of traditional owners, blending their contributions with the traditional component of annual reflection by judicial officers and lawyers in contemplation of the law year ahead.



LAND APPEAL COURT

LAND APPEAL COURT

The Land Appeal Court hears appeals from the Land Court and is constituted by a judge of the Supreme Court and two Members of the Land Court, other than the Member whose decision is under appeal.

The Land Appeal Court may sit at Brisbane, Rockhampton, Townsville and Cairns. The Chief Justice nominates a Supreme Court judge to act as a Member of the Land Appeal Court for the Southern Region. Justice Susan Brown was the Southern Region judge up to 24 June 2024. The Chief Justice appointed Justice Sean Cooper as a Member of the Land Appeal Court for the Southern Region, commencing 25 June 2024.

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

Appeals to the Land Appeal Court are by way of rehearing, usually on the record of the Court below. By convention, the Supreme Court judge presides, but all Members of the Land Appeal Court sit as equals and the decision of the majority is the decision of the Land Appeal Court.

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

There were five appeals lodged in the Land Appeal Court in 2023-2024, compared with two appeals filed in 2022-2023. The five appeals filed and their current status are listed as follows:

Nature of Appeal	Region	File number and name	Final/Awaiting Outcome/Notes
Mining (LAC003-23) – Interlocutory decision	Central Region (Rockhampton)	LAC003-23 and LAC001-24 (two appeals heard together)	Hearing took place in Rockhampton once Acting Member Clarke was appointed. Hearing date – 13/6/2024. Decision is reserved and waiting judgment delivery.
Costs (LAC001-24)		Namrog Investments Pty Ltd v Pembroke Olive Downs Pty Ltd	
Land Valuation (LAC004-23)	Far Northern Region (Cairns/ Atherton)	LAC004-23 and LAC005-23 (two appeals heard together)	Hearing took place in Cairns on 29/8/2024. Decision is reserved and waiting judgment delivery.
Costs (LAC005-23)		Jensen & Anor v Valuer-General	
Internal review decision regarding Progressive Rehabilitation and Closure Plan	Central Region (Emerald)	LAC002-24 Chief Executive, Department of Environment, Science and Innovation v BHP Coal Pty Ltd & Ors	Appeal filed late in the reporting year. Directions orders yet to be made. Hearing will most likely occur late in 2024 in Rockhampton.

Two decisions were handed down in the Land Appeal Court in this reporting year. The nature of those matters is as follows:

Nature of Decision	Region	File number and name	Notes
Acquisition of Land (Land Resumption)	Northern Region	LAC001-23 – Aurizon Property Pty Ltd v The Chief Executive, Department of Transport and Main Roads.	Heard: 10 and 11 October 2023 Delivered: 13 December 2023
Costs	Northern Region	LAC001-23 – Aurizon Property Pty Ltd v The Chief Executive, Department of Transport and Main Roads.	Heard: On the papers Delivered: 19 February 2024

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

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



EXECUTIVE DIRECTOR'S OVERVIEW

EXECUTIVE DIRECTOR'S OVERVIEW

Office of the Executive Director and Principal Registrar

Supreme District and Land Courts Service

The Office of the Principal Registrar and Assistant Director-General, 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 PSM is the Principal Registrar and Assistant Director-General, and is supported by executive, administrative and registry staff throughout Queensland.

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

Registry Services

Court registries are responsible for:

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

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

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

Registry Workloads

There were 1,604 criminal lodgements across Queensland during 2023-2024, a decrease of 15.7% compared to 2022-2023 when 1,903 lodgements were received.

Jury trials before the Supreme Court decreased from 48 during 2022-2023 to 45 in 2023-2024. The average length of those trials decreased from 5.9 days to 5.2 days.

Report on Government Services (RoGS) civil lodgements increased by 10.1% from 3,203 during 2022-2023 to 3,526 in 2023-2024.

Probate applications across Queensland decreased by 1.4%. There were 14,950 applications during 2022-2023 compared to 14,748 in 2023-2024.

Technology updates

Jury Management and Circuit Support Team

In mid-2024, the Jury Management and Circuit Support (JMCS) team commenced in response to Recommendation 12 of the Court Services Queensland Workforce Review. The team will pilot a specialised approach to supporting registry staff deliver more complex services to the District Court.

The JMCS team has three Registrar positions and is led by a Senior Registrar. Recruitment work is underway, with Ms Tracy Dutton appointed as the Senior Registrar and recruitment of the three Registrars commencing in the second half of 2024.

The JMCS team will ensure effective, consistent, and high-quality jury and circuit support services are delivered by registries across Queensland. The team will undertake some of the more complex aspects of jury management, provide training and support to registry staff, and identify and deliver strategic improvements in how to best deliver these key services.

Many of the day-to-day jury management tasks will remain the responsibility of local registry staff. However, the new team will undertake some critical processing tasks, such as criminal history checks, and will focus on coordinating service delivery, training, and supporting staff across the State.

The JMCS team will form part of the broader Specialist Court Services unit which over time will also include other specialist courts' services such as support for affected child witness (ACW) recording, bailiff training and management as well as registry based wills and estates activities.

Criminal Resolution Registrar

In July 2023 the inaugural Criminal Resolution Registrar (CRR) for the Supreme court was appointed for a three-year pilot position designed to progress criminal matters more efficiently while ensuring justice is served.

Supreme Court Practice Direction 5 of 2024 commenced operation on 28 February 2024, introducing administrative case management and case conferencing facilitated by the CRR for all criminal matter in the Brisbane Supreme Court.

The CRR considered 1,990 administrative adjournment application forms, 477 sentence request forms, 50 pre-trial hearings request forms and 73 trial requests between 28 February and 30 June 2024. The CRR also conducted 11 case conferences during this period.

The CRR pilot will continue in 2024-2025 with preliminary evaluation commencing after six months of operation and further evaluation after two years of operation.

Acknowledgements

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

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

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



SUPREME COURT JUDGES' ASSOCIATES

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	Judge	Associate
Chief Justice	The Honourable Helen Bowskill	Bronte Donohoe
Court of Appeal		
President	The Honourable Justice Debra Mullins AO	Harriet Bailey
	The Honourable Justice Philip Morrison (up to and including 24 June 2024)	Jakhobi Moren
	The Honourable Justice John Bond	Samuel Colwell
	The Honourable Justice Jean Dalton	Thomas Parnell
	The Honourable Justice Peter Flanagan	Jonathan Copp
	The Honourable Justice David Boddice	Rose Gunn Burr
	The Honourable Justice Susan Brown (appointed 25 June 2024)	Elliot Perkins
Trial Division		
Senior Judge Administrator	The Honourable Justice Glenn Martin AM	Thomas Wilkinson
	The Honourable Justice Peter Applegarth AM	Nicholas Powys
	The Honourable Justice Martin Burns	Samuel Loewenthal
	The Honourable Justice Susan Brown (up to and including 24 June 2024)	Elliot Perkins
	The Honourable Justice Peter Davis	Rory Campbell
	The Honourable Justice Soraya Ryan	Harriet Holowell
	The Honourable Justice Elizabeth Wilson	Paige Mackie
	The Honourable Justice Thomas Bradley	Cameron Downey
	The Honourable Justice Peter Callaghan	Rory Brown
	The Honourable Justice Frances Williams	Sylvia Stuen-Parker
	The Honourable Justice Paul Freeburn	Abhay Reissenberger
	The Honourable Justice Declan Kelly	Olivia Woods
	The Honourable Justice Kerri Mellifont	Kelly Pattenden
	The Honourable Justice Sean Cooper	Adam Lukacs
	The Honourable Justice Melanie Hindman	Zundus Ahmed
	The Honourable Justice Lincoln Crowley	Rebecca Smith
	The Honourable Justice Thomas Sullivan	Lucinda Job
	The Honourable Justice Catherine Muir	Jessica Wood
	The Honourable Justice Michael Copley	Jakhobi Moren (from 8 May 2024)
	The Honourable Justice Rebecca Treston	Nicholas Powys (from 8 May 2024)
Regional		
Northern Judge	The Honourable Justice David North	Mathew Gatehouse
Far Northern Judge	The Honourable Justice James Henry	Madison Thieme
Central Judge	The Honourable Justice Graeme Crow	Darcy Walmsley

