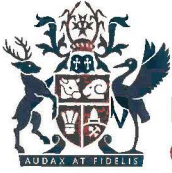


**DISTRICT COURT OF  
QUEENSLAND ANNUAL REPORT  
2021/2022**





**DISTRICT COURT OF  
QUEENSLAND**

CHAMBERS OF CHIEF JUDGE DEVEREAUX SC

28 October 2022

The Honourable Shannon Fentiman MP  
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Dear Attorney

Pursuant to s.130A (1) of the *District Court of Queensland Act 1967*, I enclose my report on the operation of the District Court of Queensland for the year ended 30 June 2022.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'BD', followed by a horizontal line.

**Chief Judge Brian Devereaux SC**



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## Chief Judge's overview

This is the Court's 26<sup>th</sup> annual report and deals with the operation of the court in 2021/2022. Pursuant to s. 70 of the *Planning and Environment Court Act 2016*, this report incorporates the annual report of the Planning and Environment Court (the P&E Court).

The Court's caseload increased significantly during the year under review, most notably in the criminal jurisdiction. This was the expected result of the increased activity in the Magistrates Court - where the serious criminal matters the District Court hears and determines are first processed - after the effects of COVID-19 eased. Broadly speaking, the workload is returning to the unsustainable levels of the 2018-2020 period. In some centres, for example, Rockhampton, Gladstone, Emerald, Southport, Townsville, the 2021/2022 criminal lodgments matched or exceeded those historically high levels; in Cairns, very considerably so. In the 2019 annual report, Chief Judge O'Brien wrote:

*In my previous reports I have called for the appointment of additional Judges to the District Court. .... It is pleasing to note that during the year the Honourable Minister for Justice and Attorney General announced the appointment of an additional Judge to the Court. Grateful though I am for that appointment, the addition of one Judge should not be regarded as adequate to address the growing burdens placed upon the resources of the Court. It remains the case that, notwithstanding the court's workload, the Queensland District Court has fewer judges per head of population than does any other equivalent Australian Court.*

The Court commenced on a path to a judicial wellbeing program in April 2021. Several judges, with the facilitation of the Executive Director, Julie Steel PSM, continue to progress the program. As I set out later in this report, COVID-19 conditions limited the opportunities for the judges to meet as a whole group for professional development and social purposes. Nonetheless, the judges have supported each other in thoroughly discharging their duty in the interests of justice. The Court remains one of the largest and busiest of the higher courts in Australia.

The Court's performance and workload during the 2021/2022 year are reflected in the statistics set out in this report. The statistical information accords with the method of reporting adopted by the Commonwealth Productivity Commission's Annual Report on Government Services. As I will explain below, this method of reporting does not count the full detail of the Court's work. Two significant bodies of the District Court Judges' work, the Childrens Court of Queensland (CCQ) and the P&E Court are examples.

In Brisbane, 2,310 new cases were presented during the year, compared to 2,003 in 2022/2021 and 2,438 in 2019/2020. The Court ended the year with 995 outstanding criminal cases, having disposed of 2,179 matters (2,116 last year; 2,415 in 2019/2020).

In the major regional centres where judges are based – Beenleigh, Cairns, Ipswich, Maroochydore, Rockhampton, Southport and Townsville – a total of 3,921 new cases were presented during the year – up from 3,272 last year - and those major centres ended the year having disposed of 3,512 cases (3,275 last year) with 1,381 outstanding.

The challenges presented by COVID-19 changed as vaccination increased, Health Directions changed and the virus varied. The co-ordinated response, led by the Chief Justice - which ensured open communication among the courts, the legal profession and the relevant agencies - continued throughout the year. Occasionally, a trial had to be aborted because one of the participants became unwell or was unable to attend because of close-contact status. Otherwise, jury trials continued uninterrupted across Queensland.

All parts of the justice system continued to co-operate. In all its jurisdictions, the Court employed available technologies for the remote appearance of legal representatives and litigants. For example, in criminal matters, with the co-operation of Corrective Services Queensland, prisoners appeared by video link in appropriate cases.

The significant increase in applications for judge-alone trials, experienced during the 2020/2021 reporting year, persisted. During the 2021/2022 reporting period, judges heard and determined 15 judge-alone trials.

The lack of an electronic filing system in the District Court, such as exists in other Australian jurisdictions, remains a serious concern. Progress is being made in developing a comprehensive civil case management system for the Magistrates Court and the Queensland Civil and Administrative Tribunal, but a modern paperless system for filing documents and having them available to a judge in court is some way off for the Supreme and District Courts.

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

On 18 October 2021, Ms Deborah Holliday QC and Ms Amanda McDonnell were appointed as Judges of the District Court of Queensland and sworn-in at the QEII Courts of Law, Brisbane. Judge Holliday sits at Southport. Judge McDonnell joins the group of specialist Planning and Environment Court judges sitting in Brisbane. Like all P & E judges, her honour sits in the other jurisdictions of the Court.

On 30 May 2022, Ms Katarina Prskalo was appointed an Acting Judge of the Court until 4 October 2022. Acting Judge Prskalo's appointment coincided with Judge Richards' period of leave from the Court while her honour conducted the Commission of Inquiry to examine Queensland Police Service responses to domestic and family violence.

On 20 June 2022, Ms Jodie Wooldridge QC was appointed a Judge of the Court and sworn-in at the QEII Courts of Law, Brisbane. Judge Wooldridge sits at Southport.

Judge David Reid, who was appointed to the Court on 19 February, 2010, retired on 22 September, 2021.

Judge Richard Jones, who was also appointed to the Court on 19 February, 2010, retired on 15 October, 2021.

Judge Julie Dick SC, who was appointed to the Court on 14 December, 2000, retired on 21 June, 2022.

In these three retirements, the Court lost towering figures. We wish Judges Dick SC, Jones and Reid joy and fulfillment in the next stages of their lives.

I am grateful to the Attorney-General for the speedy appointment of Judges Holliday and McDonnell upon the retirement of Judge Jones and Judge Reid. Any delay in the appointment of replacement judges would cause significant disruption to the work of the Court.

Upon his resignation as Chief Magistrate, Judge Gardiner joined the judges based in Brisbane in place of Judge Dick.

I am particularly grateful for the appointment of Judge Wooldridge, creating a temporary supernumerary judge, pending the retirement of Judge Rinaudo AM in June 2023.

As anticipated in my last report, in March 2022, Chief Justice, the Honourable Catherine Holmes AC, retired. The Honourable Justice Helen Bowskill, then Senior Judge Administrator, was appointed Chief Justice. For reasons including that Chief Justice Bowskill commenced her judicial career on the District Court, the judges of this Court took special delight in the appointment.

In last year's annual report, I commented that although the south-east corner is not the only growth area in the State, it demands attention. There is no District Court between Brisbane and Maroochydore. And the inadequacy of the Beenleigh Courthouse is well documented. These are matters for the executive, but, as Table 1 below shows, the criminal lodgments at Beenleigh are relatively high, as is the number of cases disposed of. The Court is concerned about the inevitable increase in the backlog the present circumstances will cause.

I record my thanks to the Judge Administrator, Judge Smith, for his tireless and efficient assistance in the operation of the Court. I acknowledge all the Judges for their application to the service of the community, however busy the lists and challenging the cases. I gain much from regular meetings with the Director-General, David Mackie and Deputy Director-General, Jennifer Lang.

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

In January 2022, Ms Steel was awarded the Public Service Medal. She completely qualifies for that high honour and the Court takes this opportunity to congratulate her. "Julie Steel" is the answer to many questions that arise in the operation of the Court. It is a joy and privilege to work with such a dedicated public servant as Ms Steel. I greatly appreciate her support, and the commitment of all registry staff - in Brisbane, at the regional centres with resident judges, and those who only see the District Court on circuit.

As Ms Steel writes: there is "no doubt that some of the most significant assets of the court are the registry staff." Obviously, no cases could be heard without the effectively-functioning registry that the judges and the community enjoy. Yet the size of the workforce and remuneration registry staff receive are both more modest than most readers might expect, given the size of the operation and the importance of the roles.

The increasing workload of the Court affects all involved, judges and registry staff.

Among my activities is membership of the Supreme Court Library Committee. At the time of writing, but just outside the year under report, the Librarian, David Bratchford, retired. In my respectful opinion, the Supreme Court Library is essential to the orderly and informed conduct of all Queensland Courts. Also, the Library serves the legal profession and the community. On behalf of the Court, I record my gratitude to Mr Bratchford for his complete dedication to the library's work, a brief summary of which forms part of this report.



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

The Chief Judge is responsible for the administration of the court and for ensuring the orderly and expeditious exercise of the jurisdiction and powers of the Court. The Court has wide civil, criminal and appellate jurisdiction. Judges hear and determine all appeals from decisions of magistrates, conduct criminal proceedings commenced on indictment and civil proceedings commenced by claim or originating application.

The District Court is the principal court in Queensland for trials of persons charged with serious criminal offences. Criminal trials are usually heard with a jury. Civil matters are normally heard by a single judge. The court exercises equitable and other jurisdiction within its civil monetary limit. Many of the judges also sit as P&E Court judges and CCQ judges.

The judges have adopted a protocol that, save in exceptional cases, judgments are to be delivered within three months of the conclusion of the hearing.

The work of the District Court judges is organised in terms of the following categories:

- Criminal
- Civil
- Appellate
- The Planning and Environment Court
- Childrens Court of Queensland

## Criminal jurisdiction

The Court hears and determines charges of all indictable offences other than homicides and the most serious drug offences. In the result, the great majority of defendants charged on indictment appear before the District Court.

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

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

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

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

Over the reporting year, there were 7,349 lodgments, compared to 6,290 for the 2020/2021 year - an increase of 16.8%. At year's end the number of outstanding matters was 2,852 with 7,058 (6,670 in 2021) matters having been finalised. This represents a clearance rate of 96 percent.

Of the active cases, 19.2 percent were more than 12 months old (from date of indictment presentation) and 6.1% were more than 24 months old. There may be several reasons why a case remains active for a long time. Some examples are: COVID-19 related interruptions; where an order has been made for a retrial, because, for example, the jury at the first trial could not agree on a verdict; where a bench warrant has issued for an absconding defendant; numerous pre-trial issues. In some matters the parties are awaiting a determination in the Mental Health Court. Also, some cases are delayed while parties await restoration justice process.

In Brisbane, 2,310 new cases were presented during the year, compared to 2,003 in 2020/2021 and 2,438 in 2019/2020. The year ended with 995 outstanding criminal cases, having disposed of 2,179 matters (2,116 last year; 2,415 in 2019/2020). With the significant increase in new cases, the clearance rate in Brisbane decreased to 94.3 per cent, from 105.6 percent last year. Of the outstanding cases, 18.3 percent were more than 12 months old from the date of presentation of indictment and 5.6 percent were more than 24 months old.

In the major regional centres where judges are based – Beenleigh, Cairns, Ipswich, Maroochydore, Rockhampton, Southport and Townsville – a total of 3,921 new cases were presented during the year – up from 3,272 last year - and those major centres ended the year having disposed of 3,512 cases (3,275 last year) with 1,381 outstanding.

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

Legislative changes, such as the introduction of the protected counselling communications provisions of the *Evidence Act 1977* continue to contribute to the increased length and complexity of pre-trial hearings. The legal and factual issues to be addressed in these applications remain challenging. The Court appreciates the regular and valuable assistance

provided by legal representatives of the counselled person, for whom a grant of legal aid is provided if required. Without this funded assistance, the applications would likely take even more court time and produce increased delays.

Many children are required to give evidence in matters involving charges of sexual or violent offences. During 2021/2022 the judges ordered 410 pre-recordings involving 522 witnesses for the District Court or the CCQ. Pursuant to such an order, the child's evidence will usually be pre-recorded from a remote witness room soon, with a support person sitting nearby. The witness sees only the person speaking to them. That is, although the defendant sits in court and can see the witness on a screen, the witness cannot see the defendant. The court will be closed to the public. The pre-recording usually occurs soon after the indictment is presented, and care is taken to ensure that all pre-trial hearings – for example, challenges to parts of the evidence - are completed before the evidence of the child is recorded. The recorded evidence is later played to the jury at the trial. To preserve their integrity and security, all video recordings, no matter where recorded in Queensland, are kept by the Principal Registry in Brisbane.

Similar measures are often ordered for the taking of evidence of persons declared to be a special witness. The term, 'special witness', includes a person against whom a sexual offence has been, or is alleged to have been, committed by another person; and a person against whom domestic violence has been or is alleged to have been committed by another person. In the year under review there were 110 pre-recordings for special witnesses in the Brisbane District Court, the regional centres and the CCQ.

The Queensland Intermediary Scheme Pilot Program, introduced by the insertion of Division 4C in Part 2 of the *Evidence Act* 1977, creates another interlocutory step between presentation of indictment and trial in relevant cases. The function of an intermediary is to communicate or explain to a witness questions put, to the extent necessary to enable the witness to understand the questions, and to communicate or explain to the questioner the answers given by the witness, to the extent necessary to enable the questioner to understand the answers. The court may appoint an intermediary for a witness in a criminal proceeding for a child sexual offence, who is under 16 years or has an impairment of the mind or is of a class prescribed by regulation. I respectfully adopt the Executive Director's outline of the scheme, the process of evaluation of the scheme and the statistics. From a slow start, the number of appointments of intermediaries gradually picked up over the period under review. An intermediary's report into the communication needs of a witness usefully informs reasonable directions about the questioning of the witness and the provision of measures designed to assist the witness give their best evidence. The directions do not impair the ability of defence Counsel to challenge the witness and present the defence case. The intermediaries pilot has been established carefully, and the Court looks forward to the evaluation report. From a reporting point of view, the intermediary scheme adds to the list of pre-trial hearings which occupy judges' time but are not counted in the statistics referred to.

**Table 1: The activity of the District Court criminal list 2021/2022**

	Number of Defendants <sup>1</sup>			Clearance Rates <sup>4</sup>	Backlog Indicator <sup>5</sup>	
	Lodged	Finalised	Active		% > 12 mths	% > 24 mths
<b>Brisbane</b>	<b>2,310</b>	<b>2,179</b>	<b>995</b>	<b>94.3%</b>	<b>18.3%</b>	<b>5.6%</b>
<b>Regional centres</b>						
Beenleigh	600	496	285	82.7%	27.4%	9.1%
Cairns	751	708	238	94.3%	17.2%	7.1%
Ipswich	514	433	250	84.2%	19.6%	5.2%
Maroochydore	340	290	154	85.3%	27.3%	7.1%
Rockhampton	346	307	47	88.7%	4.3%	4.3%
Southport	766	778	283	101.6%	18.4%	6.0%
Townsville	604	500	124	82.8%	11.2%	7.2%
<b>Total for Brisbane and regional centres</b>	<b>6,231</b>	<b>5,691</b>	<b>2,376</b>	<b>91.3%</b>	<b>19.3%</b>	<b>6.3%</b>
<b>Circuit centres</b>						
Bowen	11	11	4	100.0%	-	-
Bundaberg	101	96	50	95.0%	28.0%	14.0%
Charleville	9	11	7	122.2	-	-
Charters Towers	-	6	3	-	33.3%	33.3%
Clermont	-	-	-	-	-	-
Cloncurry	-	-	-	-	-	-
Cunnamulla	-	-	-	-	-	-
Dalby	34	63	25	185.3%	36.0%	4.0%
Emerald	41	52	15	126.8%	20.0%	-
Gladstone	125	133	29	106.4%	3.4%	-
Goondiwindi	5	7	2	140.0%	-	-
Gympie	60	82	35	136.7%	25.7%	5.7%
Hervey Bay	53	78	34	147.2%	32.4%	5.9%
Hughenden	-	-	-	-	-	-
Innisfail	24	38	13	158.3%	15.4%	-
Kingaroy	33	52	32	157.6%	18.8%	-
Longreach	-	-	3	-	33.3%	33.3%
Mackay	194	245	38	126.3%	7.9%	2.6%
Maryborough	39	52	16	133.3%	12.5%	-
Mt Isa	95	179	61	188.4%	16.4%	3.3%
Roma	12	17	11	141.7%	-	-
Stanthorpe	-	-	-	-	-	-
Toowoomba	250	200	71	80.0%	19.7%	4.2%
Warwick	32	45	27	140.6%	11.1%	7.4%
<b>Total for circuit centres</b>	<b>1,118</b>	<b>1,367</b>	<b>476</b>	<b>122.3%</b>	<b>18.7%</b>	<b>4.6%</b>
<b>State total</b>	<b>7,349</b>	<b>7,058</b>	<b>2,852</b>	<b>96.0%</b>	<b>19.2%</b>	<b>6.1%</b>

- (1) Defendant: As defined by the ROGS rule: A 'defendant' is defined as 'one defendant; with one or more charges; and with all charges having the same date of registration'. Defendants with outstanding bench warrants and defendants with secondary charges such as breaches of court orders are excluded. Also excluded are Defendants who have been committed to the District Court and are awaiting presentation of indictment.
- (2) The unit of measurement of workload is the number of defendants per case. Where a case has multiple defendants each defendant is counted separately. Where the same defendant has two cases lodged on the same day they are counted as two lodgments. Where the same defendant has multiple cases lodged on different days they are counted once for each case.
- (3) The above figures are not comparable to years prior to 2018-19 due to the change in counting rule as outlined in (2) applied in 2018-19. In previous years a defendant who had two cases lodged on the same day was counted once whereas it is now counted twice.
- (4) Clearance Rate: Finalisations/Lodgments
- (5) Backlog Indicator: the number active defendants with proceedings older than the specified time.

## Civil jurisdiction

The Court received civil 3,573 lodgments, compared to 3,486 in 2020/2021, an increase of 2.5 percent. 3,651 matters were finalised, compared to 4,139 the previous year. This represents a clearance rate of 102.2 percent. There were, at the end of the reporting year, 3,695 active matters, of which 25.7 percent were more than 12 months old and 5.5 percent were more than 24 months old.

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

	RoGS Non Appeal Cases			Clearance Rate *	Backlog Indicator	
	Lodged	Finalised	Active		From filing date	
% > 12 mths				% > 24 mths		
Brisbane	2,672	2,726	2,715	102.0%	25.2%	5.3%
State Total	3,573	3,651	3,695	102.2%	25.7%	5.5%

\*Clearance rate - finalisations/lodgments

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

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

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

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

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

The Court's monetary limit of \$750,000, referred to above, was set in 2010 following a recommendation in the Report of the *Review of the civil and criminal justice system in Queensland 2008*. The report recommended the monetary limits of the District and Magistrates Courts be reviewed "at least every 5 years, and adjusted to reflect the then current value of money and other relevant considerations." That has not occurred. Had it been reviewed and increased in accordance with increases in the Consumer Price Index, the limit would now be approximately \$1,000,000. Further, since 2008 there have been very significant increases in property values. That has also narrowed the range of property disputes that the Court can determine from that contemplated at the time of the Report. A review of the monetary limit to allow for consumer and property inflation since 2008 is unlikely materially to impact on the court's capacity to manage its civil jurisdiction. As much has changed in the last 14 years, I respectfully suggest such an increase be considered.

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

The Court's original jurisdiction in civil can be invoked by proceedings commenced by claim or by originating application. Consistent with past years, most civil matters in the Court's original jurisdiction are resolved other than by trial, most frequently by settlement or by parties not taking steps in the proceeding such that it is deemed resolved.

Most of the civil proceedings in the Court are filed in the Brisbane registry. The 2021/2022 year saw the continuation of the decision to dispense with callovers as the principal method for listing civil proceedings for trial in the Brisbane registry. Rather, matters are listed administratively, in consultation with the parties, forthwith on a request for trial being filed. This process reduces the delay between a proceeding being certified ready for trial and the allocation of trial dates. Continuous listing also makes it possible more easily to list further trials when judges become available on the late settlement or late adjournment of trials already listed for hearing. In one case in November 2021, one judge was successively allocated three different trials for the same week as matters settled or were adjourned.

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

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

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

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

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

## **District Court Commercial List**

A Commercial List was established in October 2010. The purpose of the Commercial List is to promote the prompt resolution of commercial disputes by judges with experience in commercial litigation. During the year the Commercial List judges were, Judge Muir, Judge Kefford, Judge Porter QC and Judge Barlow QC. Their Honours are all based in Brisbane.

Matters are placed on the list by application of the parties or, occasionally, by a judge. Most applications are successful. The Commercial List has seen steady growth in utilisation over the last few years. During the 2021/2022 year, 63 matters were placed on the Commercial List and 32 were finalised by 30 June 2022

In December 2020, the Court issued a Practice Direction which provided a procedure for parties to place matters commenced in Townsville and Toowoomba on the Commercial List. The Practice Direction provided for interlocutory management by video link but for trials to be conducted in the regional Court. During 2021/2022 four regional matters from Townsville were placed on the Commercial List and remain to be finalised.

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

## **Interlocutory Applications**

An application may be made to the court during a proceeding to resolve an issue which arises prior to trial. Such applications are called interlocutory applications. They can usually be disposed of in less than two hours and nearly always within half a day.

Again, most interlocutory applications are brought in the Brisbane registry. Historically, in Brisbane, two judges were allocated to hear interlocutory applications each week. After review of the interlocutory applications case load during 2020 (and some adjustments to the scope of matters listed in applications jurisdiction) the court reduced the number of judges sitting in applications each week from two to one. This released over 40 weeks of sitting time for reallocation to other areas of the court's work, in Brisbane and elsewhere. Despite that reduction in available judge time, there is no delay in the hearing of interlocutory applications in the Brisbane registry.

## The Court's Appellate Jurisdiction

The Court's appeal jurisdiction comprises its criminal appeal jurisdiction and civil appeal jurisdiction. The Court's criminal appeal jurisdiction comprises appeals under the *Justices Act*. The civil appeals comprise mostly appeals from civil judgments of the Magistrates Court and appeals from magistrates' decisions under the *Domestic and Family Violence Protection Act* and the *Child Protection Act*.

In 2021/2022, 88 civil appeals and 299 criminal appeals were lodged in the Court. There were 110 civil and 317 criminal appeals finalised, representing clearance rates 125 percent and 106 percent respectively.

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

	RoGS Appeal			Clearance Rate *	Backlog Indicator From filing date		
	Lodged	Finalised	Active		% > 12 mths	% > 24 mths	
Civil							
Brisbane	52	74	28	142.3%	21.4%	3.6%	
State Total	88	110	52	125.0%	17.3%	1.9%	
Criminal							
Brisbane	135	149	73	110.4%	11.0%	1.4%	
State Total	299	317	164	106.0%	12.8%	0.6%	

\*Clearance rate - finalisations/lodgments

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

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

In Brisbane, the Court has continued with the management of appeals by Judge Moynihan QC which is facilitating the prompt resolution of appeals. Where the appeal challenges a sentence that includes a very short period of imprisonment, the appellant may apply for an urgent hearing of the appeal. For the civil list appeals, the Court has adopted the practice of listing appeals as reserve matters against the prospect of trials settling or adjourning. This increases the speed at which appeals get to hearing. It is rare for reserve appeals not to be heard on the allocated date. It is rare for an appeal which is ready for hearing not to be allocated a hearing date within two months from the date of listing.



## The Planning and Environment Court

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

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

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

Judges travel throughout Queensland to hear and determine planning matters, so that matters may be heard at a place close to the site or development, and the community which it affects.

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

The judges actively supervise the lists and their flexible case management achieves the just and expeditious resolution of the real issues in proceedings at a minimum of expense. The P&E Court's management of expert evidence is recognised as one of the best in the common law world.

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

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

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

Planning and Environment Court 2021/2022						
				Clearance	Backlog Indicator	
				Rate *	From filing date	
	Lodged	Finalised	Active		% > 12 mths	% > 24 mths
Brisbane	314	301	278	95.9%	33.1%	13.7%
State Total	379	396	335	104.5%	34.6%	14.6%

\*Clearance rate - finalisations/lodgments

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

As the table shows, during the year under review 379 new matters were lodged in the P&E Court, compared to 405 the year before. At year's end there were 335 outstanding matters with 396 having been completed. This represents a clearance rate of 104.5 percent. Of the

outstanding matters, 34.6 percent were more than 12 months old from the date of filing and 14.6 percent more than 24 months old.

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

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

The senior P&E Court judge, Judge Rackemann, assisted the Chief Judge in the administration of the P&E Court and in ensuring the orderly and expeditious exercise of the jurisdiction and powers of the P&E Court.

I reported last year that the P&E Court, with the co-operation of Judge Porter QC, who manage the Brisbane civil list, introduced the P&E applications list in Brisbane. Now, shorter applications, which had been heard in the morning before judges sitting in the P&E Court resumed their longer matters, are dealt with separately in a dedicated list. The change has allowed more time for parties' submissions and judicial consideration of shorter applications, while allowing judges more time to prepare and consider longer cases. This continues to be an efficient use of judicial resources and the development has been well-received by the legal profession.

Later in this report is a list of contributions made by judges to the professional development of the legal profession and the understanding of the law and legal processes. The P&E Court judges have engaged regularly with the Queensland Environmental Law Association's educational activities. As well as regularly presenting papers or sitting on panels that are part of QELA's seminar program, special mention should be made of the judges' support of and, in effect, partnership in, the expert witness and advocacy workshops that assist young practitioners across the legal and technical areas of expertise.

## **Childrens Court of Queensland**

The Childrens Court of Queensland is a specialist jurisdiction established under the *Childrens Court Act 1992*. The President of the Childrens Court of Queensland is Judge Richards. From 10 June 2022 Judge Rafter SC acted as President of the CCQ while Judge Richards was on leave conducting the Commission of Inquiry to examine Queensland Police Service responses to domestic and family violence.

There are presently 37 judges of the Court holding commissions under the Act available to sit as CCQ judges.

Judges sitting in the CCQ determine charges of serious criminal offences brought against children. They also provide speedy access for the hearing of bail applications and sentence reviews, especially for young people being held on remand. They also determine appeals pursuant to section 117 of the *Child Safety Act 1999* and applications under the *Surrogacy Act 2010*.

A separate annual report of the Childrens Court of Queensland is prepared under the *Childrens Court Act 1992* and further details of the Court can be found in that report.

## Regional Centres, Circuits and Remote Communities

The court sits in Brisbane and the seven regional centres where 13 of the judges are based:

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

The lists in the seven regional centres have been well maintained by the regional judges based in those centres. Where necessary they have received judicial support from judges from other centres, particularly from Brisbane judges.

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

Judges based in Brisbane visit the regional centres according to need, including when the regional judges are in Brisbane or on leave. Regional judges engage appropriately in community and legal professional activities. Some examples are included in the list of judges' contributions to professional development later in this report. The judges also consult local stakeholders in procedural matters with the aim of continuously improving the Court's processes.

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

Regional Centre	Sitting Weeks
Beenleigh	56
Cairns	86
Ipswich	68
Maroochydore	69
Rockhampton	36
Southport	126
Townsville	76

### Cairns

#### Judge Morzone QC

#### Judge Fantin

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

## **Rockhampton**

### **Judge Clarke**

The resident judge in Rockhampton, Judge Clarke, is also a CCQ judge. His Honour managed the court's Rockhampton lists. Rockhampton is also served by the Supreme Court's Central Judge. Judge Clarke undertook circuits to Gladstone, Longreach and Emerald, three centres experiencing historically high criminal lodgments. Some assistance was provided by judges on circuit from other centres.

## **Townsville**

### **Judge Lynham**

### **Judge Coker**

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

## **Maroochydore**

### **Judge Long SC**

### **Judge Cash**

Judge Long SC and Judge Cash hold commissions in the P&E Court and the CCQ.

Most of the work of the court at Maroochydore is undertaken by the resident judges, with assistance from other judges who visit on circuit. In addition to the usual work within the jurisdiction of the District Court, each of the resident judges sits as a Childrens Court judge and also deals with proceedings in the P&E Court.

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

## **Southport**

### **Judge Jackson QC**

### **Judge Dann (until 24 January 2022)**

### **Judge Holliday QC (from 18 October 2021)**

### **Judge Wooldridge QC (from 20 June 2022)**

All judges located at Southport hold commissions as CCQ judges. Judges Jackson and Holliday are P&E Court judges. Judge Holliday QC replaced Judge Kent QC following his Honour's transfer to Brisbane. In January 2022, Judge Dann was appointed Deputy President of the Queensland Civil and Administrative Tribunal. This had the practical effect of transferring her Honour to Brisbane. Judge Wooldridge's appointment restored the bench at Southport to its full complement of three judges.

The Southport judges from time to time perform circuit work at centres elsewhere in the State. Southport also receives judicial support from Brisbane as required.

## **Ipswich**

### **Judge Horneman-Wren SC**

### **Judge Lynch QC**

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

## **Beenleigh**

### **Judge Chowdhury**

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

Given the caseload at Beenleigh, considerable assistance was provided by judges on circuit from other centres. For various reasons, between 5 and 10 percent of the criminal cases commenced at Beenleigh are transferred to Brisbane. The Beenleigh Courthouse allows for only one jury trial to be conducted at a time. As I have mentioned earlier in this report, the limitations of the facilities are likely to lead to an increase in the backlog of cases.

## **Circuit centres**

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

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

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

Through its circuit work, the Court is accessible to those in remote, rural and regional Queensland so that matters can be heard and decided in a timely fashion no matter in what part of the State. The efficient allocation of judicial resources through circuit allocations improves the overall functioning of the Court and, by reference to the efficiency and quality of its output, produces more consistent decision-making.

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

# Profile of the District Court

## Judges of the District Court

During the year under report the judges were:

Chief Judge	His Honour Judge Brian Devereaux SC
Judge Administrator	His Honour Judge Paul Edward Smith
Judges	Her Honour Judge Deborah Richards
	Her Honour Judge Julie Maree Dick SC (until 21 June 2022)
	His Honour Judge Michael Edward Rackemann
	His Honour Judge Ian Francis Macrae Dearden
	His Honour Judge Anthony John Rafter SC
	Her Honour Judge Leanne Joy Clare SC
	His Honour Judge William Garth Everson
	Her Honour Judge Katherine Mary McGinness
	His Honour Judge Richard Stephen Jones (until 15 October 2021)
	His Honour Judge David Andrew Reid (until 22 September 2021)
	His Honour Judge Gary Patrick Long SC
	His Honour Judge Bradley Wayne Farr SC
	His Honour Judge Alexander Adrian Horneman-Wren SC
	His Honour Judge Orazio Rinaudo AM
	His Honour Judge Dean Patrick Morzone QC
	His Honour Judge Michael John Burnett AM
	Her Honour Judge Suzanne Catherine Sheridan
	His Honour Judge Anthony William Moynihan QC
	His Honour Judge David Robert Kent QC
	His Honour Judge Milon Craig Chowdhury
	Her Honour Judge Catherine Mary Muir
	Her Honour Judge Nicole Jane Kefford
	His Honour Judge Dennis Raymond Lynch QC
	His Honour Judge Gregory Paul Lynham
	His Honour Judge Bernard Thomas Porter QC
	Her Honour Judge Jennifer Marie Rosengren
	Her Honour Judge Tracy Fantin
	His Honour Judge Michael Williamson QC
	His Honour Judge John McGilchrist Coker
	His Honour Judge Nathan Jarro
	His Honour Judge Glen Cash QC
	His Honour Judge John Joseph Allen QC
	Her Honour Judge Vicki Ann Loury QC
	His Honour Judge Ken Barlow QC
	His Honour Judge Michael Byrne QC

His Honour Judge Rowan Jackson QC  
His Honour Judge Jeffrey Clarke  
Her Honour Judge Geraldine Dann  
Her Honour Judge Deborah Holliday QC  
Her Honour Judge Amanda McDonnell  
Her Honour Judge Jodie Wooldridge QC  
Her Honour Acting Judge Katarina Prskalo

## Regional Judges

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

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

## Planning and Environment Court

The Planning and Environment Court judges during 2021/2022 are listed below:

Judge Richards	Judge Muir
Judge Rackemann	Judge Kefford
Judge Rafter SC	Judge Fantin
Judge Everson	Judge Williamson QC
Judge Jones	Judge Coker
Judge Long SC	Judge Cash QC
Judge Horneman-Wren SC	Judge Clarke
Judge Morzone QC	Judge Dann
Judge Kent QC	Judge Holliday QC
	Judge McDonnell



## Childrens Court of Queensland

The Childrens Court judges during 2021/2022 are listed below:

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

## **Operational matters**

### **Chief Judge's calendar**

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

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

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

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

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

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

Sometimes with other judges, I met representatives of Protect All Children Today Inc; received briefings from officers of the Department of Justice and Attorney General on legislative change; Michael Shanahan AM on the Criminal Procedure Review; the Hon. Margaret McMurdo AC on matters concerning the Women's Safety and Justice Taskforce.

The COVID-19 meetings, chaired by the Chief Justice, continued throughout the year, the frequency varying as dictated by the changing status of the pandemic. These meetings – alternately with justice system agencies and representatives of the legal profession – remained valuable opportunities for the exchange of views and information and the timely adjustment of procedures.

I attended meetings of the Supreme Court Library Committee and two subcommittees – the Financial and Risk Management sub-committee and the QSIIS redevelopment project board committee overseeing the redevelopment of the Queensland Sentencing Information Service.

External events included the Community Legal Centres Qld Impact Report 2021 launch; the Asian Australian Lawyers Association Judicial Diversity Panel; various lectures presented by a University, the Selden Society or the Bar Association. With (then) Deputy Chief magistrate Brassington and Deputy Chief Magistrate Gett, at the generous invitation of Beny Bol OAM, I attended a community meeting at the African Youth Centre at Redbank Plains. This was a greatly informative and enjoyable occasion. Mr Bol's invitation followed a meeting between him and the Chief Justice, Chief Magistrate and me at the Chief Justice's chambers.

Among the speeches and papers delivered I mention the second lecture in the 2022 Modern Advocate Lecture series to the Queensland Law Society; address to the Legal Aid Queensland Regional Principal Lawyers Conference; participating in the QIS Intermediaries Training and the Bar Association Intermediaries workshop.

COVID-19 restrictions continued to prevent in-person meetings with the Council of Chief Judges from all equivalent jurisdictions within Australia and New Zealand. However, the meetings by video or audio link still allowed for valuable opportunities for the exchange of information between heads of jurisdictions. It would not be until 1 July 2022 that the group met in person.

## Practice Directions

During the year, 12 District Court Practice Directions were issued. They are listed in Appendix 1.

## Committees

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

### Rules Committee

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

### Benchbook

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

### District Court Committees

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

The membership of the judges' committees as at 30 June 2022 is set out on the next page.

### External Committees

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

## Continuing judicial professional development

The Court calendar is structured so that 2.5 days per annum are set aside for judicial professional development together. Unfortunately, in August 2021, due to COVID-19 restrictions, the conference had to be cancelled.

The opportunities for judges to attend professional conferences during the Court vacation were very limited. Judges Holliday QC and McDonnell were able to attend the National Judicial Orientation program in April 2022. In May and June 2022, the judges attended seminars on Vicarious Trauma Awareness and Creating Respectful Workplaces.

## Judges' committees

The membership of the judges' committees as at 30 June 2022, with the Chief Judge an ex officio member of each committee, was as follows:

### Procedure and Rules

**Convenor:** Judge Porter QC  
**Members:** Judge Sheridan  
Judge Loury QC  
Judge Barlow QC

### Court Excellence

**Convenor:** Judge Farr SC  
**Members:** Judge Wooldridge QC

### Criminal Law

**Convenor:** Judge Dearden  
**Members:** Judge Rafter SC  
Judge Farr SC  
Judge Kent QC  
Judge Loury QC

### Cultural Awareness

**Convenor:** Judge Muir  
**Members:** Judge Fantin  
Judge Jarro  
Judge Clarke  
Judge Barlow QC  
Judge Wooldridge QC

### Judicial Well-being and Education

**Convenor:** Judge Richards  
**Members:** Judge Sheridan  
Judge Williamson QC  
Judge Wooldridge QC

### Judicial Conditions

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

### IT Working Group

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

## Judges' contributions to the legal professional community

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

Speaking at and chairing moots at the QELA Expert Witness Workshops, September 2021

'The jurisdiction of the District Court in trust and succession'—paper delivered at the STEP Queensland Lunchtime Seminar, Brisbane, September 2021

Paper: "Evidence in Pre-Trial Applications", delivered to the Bundaberg District Law Association Conference. October 2021

The Queensland Association of Fire Investigators Inc Mock Trial held in the Banco Court on 4 November 2021.

Presentation to the South Australian judiciary on an overview of COVID responses in Queensland, November 2021.

Five of the Brisbane based P&E Court judges participated in the QELA advocacy workshop held in Courts 26 and 27. It was targeted at junior and/or less experienced practitioners appearing in reviews/directions hearing and at pre-callover reviews. 17 November 2021

Presentation at National Symposium on Legal Interpreting. January 2022

Paper delivered to the Australian College of Strata Lawyers 17<sup>th</sup> Annual Strata Law Advocacy Before Consumer Tribunals and Courts February 2022

Speaking to new PACT trainee volunteers about the expectations of the volunteers within the court setting. March 2022

Hosting the practice moot for the UQ team in preparation for the 2022 Willem C. Vis International Commercial Arbitration Moot competition.

'Questioning the mistaken payment constructive trust'—paper delivered at the STEP South Australia 2022 Annual Trust Symposium, March 2022

Presentation at the QELA breakfast seminar for International Women's Day. April 2022

Address to the QELA Annual Conference. May 2022

'Evidence on information and belief'—Paper delivered to the Queensland Magistrates State Conference, May 2022

Paper, "Therapeutic Jurisprudence & Mainstream Courts", presented to QCAT members as part of their training program. June 2022

Paper, "Judicial Life in the Land Downunder", presented to judges of Norwegian courts. June 2022 Oslo

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

Coaching and presiding over The Bar Practice Course Weekend Intensives

Continuing Professional Development presentations to the Cairns and Far North Queensland legal profession

Chair of the USQ Law School Advisory Committee; Adjunct Professor of Law at USQ and an Academic Fellow at Kings College.

Lecturing and coaching in the James Cook University Law advocacy course

Opening of the Law year ceremony with traditional owners in Cairns

Participation in Australian Research Council projects on legal issues

Presentations at North Queensland Law Association conference

## **Access to the Court**

### **Court Network**

I refer to and adopt the comments of the Executive Director below concerning the Court Network, a volunteer service which operated in the District Court in Brisbane from December 2007, giving support and non-legal information and referral services to court-users attending at the court, whether as litigants or witnesses or their families and supporters.

The volunteers supported court-users in the courtroom and familiarised them with the courthouse. They also provided court-users with a safe place in the courthouse and referred them to community services or charities which could provide assistance.

It is unfortunate that Court Network's funding ceased as of 30 June 2022.

### **LawRight**

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

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

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

## **Office of the Executive Director, Supreme District and Land Courts Service**

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

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

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

### ***Registry Services***

Court registries are responsible for:

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

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

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

### ***Registry workloads***

Across the state, there were 7,349 criminal lodgments during 2021-22, an increase of 16.8% compared to 2020-21, when 6,290 were received.

Jury trials before the District Court decreased from 594 during 2020-21 to 567 in 2021-22. The average length of those trials increased from 3.2 days to 3.4 days.

Report on Government Services (RoGS) civil lodgments increased by 2.5%, from 3,486 in 2020-21 to 3,573 during 2021-22.

### ***Technology updates***

#### **New Jury System**

This year the old jury system (QJAS) was replaced with the more modern Juror Management System (JMS) for court staff and the QJuror portal for prospective and empanelled jurors. The rollout commenced in February 2022 in the Brisbane registry and is expected to be completed in early November when all locations holding jury sittings in the District Court will have



completed end-to-end jury processing - from issuing questionnaires to payment of jurors. As of 30 June 2022, approximately 89,200 questionnaires have been issued from JMS to prospective jurors across Queensland. The JMS has significantly improved juror experience with 66% of prospective jurors choosing to interact online rather than by returning paper questionnaires through the mail.

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

- an online portal to answer the juror questionnaire, apply for excusal, and update details such as address;
- the ability to receive communications by SMS and email;
- receiving electronic reminders to complete forms and, if summoned, about their attendance;
- attendance records, and travel claims all processed via the portal; and
- being paid electronically by providing bank account details. As of 30 June 2022, 91% of jurors were paid by EFT where, historically, they would have been paid by cheque.

The benefits for registry staff using JMS include:

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

### **Courts ICT Roadmap**

The Queensland State Government announced it would provide \$40 million dollars to Queensland Courts and Tribunals funding significant enhancements to information and technology (IT) capabilities and the introduction of new digital initiatives. This investment in digital transformation will significantly enhance IT capabilities and introduce new digital initiatives to the District Court.

Funding has been allocated to the following projects, which form part of the newly established Courts and Tribunals Digitisation Program:

1. **Civil** – expanding the “QCase” solution to the District Court. This will result in the replacement of the QCivil case management system;
2. **eTrials** – allowing the digitally and technologically facilitated conduct of matters in courtrooms; and
3. **Crime** – analysis of the processes and technology supporting criminal justice across Queensland Courts and key stakeholders

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

The QIS Pilot was enabled when the *Criminal Code (Child Sexual Offence Reforms) and Other Legislation Amendment Act 2020* was passed during September 2020. The insertion of a new Division 4C into Part 2 of the *Evidence Act 1977* provides a framework in which the scheme operates. The QIS Pilot commenced in Brisbane and Cairns regions on 5 July 2021. For the 2021-22 reporting year, the QIS pilot team received 95 referrals for intermediary services, relating to 34 court matters and a small number of police matters.

Intermediaries impartially support parties to communicate effectively as part of the criminal justice system. While a key focus is to assist prosecution witnesses in child sexual offences to give their best evidence to the court, intermediaries can also be engaged during a police investigation to support questioning and the police interview. Any interactions between an intermediary and witness are electronically recorded and disclosable. At a directions hearing, the intermediary will explain to the court their assessment of the witness’s communication needs and their recommendations about how to communicate with the witness effectively.

The intermediary will attend at the pre-recording of evidence hearing in accordance with the directions of the court.

A team located in the QEII building includes a program manager, intake matching officer, administration officer and two in-house intermediaries and commenced in June 2021 to manage the QIS Pilot and its evaluation. In addition to the two in-house intermediaries, there are currently 15 fully trained intermediaries approved on the intermediary panel.

A consortium of researchers, led by the Australian Catholic University are undertaking a process and outcome evaluation of the QIS pilot. The evaluation will determine the difference intermediaries make to the criminal justice system as part of reforms recommended through the Criminal Justice Report 2017, and Royal Commission into Institutional Responses to Child Sexual Abuse. An interim evaluation report is due in October 2022, followed by the final report, due after the conclusion of the two-year pilot, in October 2023.

Further information about the QIS is available on the Queensland Court's website at: <https://www.courts.qld.gov.au/services/queensland-intermediary-scheme>

### ***Court Network volunteers***

Court Network provided valuable support services to participants in District Court proceedings for 14 years in Brisbane, Ipswich, Townsville and Cairns. Regrettably, funding for Court Network to provide those services for District Court proceedings ceased as of 30 June 2022. The work of their volunteers and paid staff was greatly appreciated and will be greatly missed.

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

PACT educates, empowers and supports victims, helping them understand the legal system and being by their side as they give their best evidence.

As a not-for-profit agency with more than 35 years' experience, PACT is committed to impartially supporting victims and witnesses who have to give evidence in court. Services are available state-wide through a range of media from in person support to remote support via phone or video conferencing.

Each year PACT supports more than 2,000 clients by offering:

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

### ***Acknowledgements***

While the impacts of COVID-19 became more manageable during 2021-22, they continued to occur from time to time. On those occasions, the ongoing commitment and professionalism of registry staff was essential in ensuring workloads were managed efficiently, and that disruptions to courts and other services were kept to a minimum. I have no doubt that some of the most significant assets of the court are the registry staff.

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

# Supreme Court Library Queensland

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

The library maintains print collections in several provincial courthouses in addition to the main library collection in Brisbane at the QEII Courts of Law. It also continues to service the judges' library collection on level 15 of the QEII Courts of Law building by maintaining print subscription services and processing new acquisitions. In 2021–22 the library's combined print collection comprised over 167,000 items, with the library purchasing 100 new monographs during the year and maintaining over 140 print subscriptions.

For members of the judiciary, their statewide access to a comprehensive collection of over 1300 online resources available via the library's Judicial Virtual Library (JVL) is their most current and reliable source of legal information. In 2021–22 the library catalogue enabled access to more than 58,000 online full text titles, including 775 key digital texts via our eBook collections.

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

In 2021–22 the library published over 2300 new decisions from Queensland courts and tribunals. Of the new decisions published, 321 of them were from the District Court and 65 were from the Planning and Environment Court. In addition, 88 District Court pre-trial rulings were published. By the end of June 2022 the total number of full text Queensland decisions available from the library website was over 77,000.

The library is also responsible for provision and maintenance of the Queensland Sentencing Information Service (QSIG), which is relied upon by the prosecution, defence and judiciary to promote consistency and fairness in sentencing criminal offenders, and is available to all judges. Use of the service continues to be high, with over 588,000 page views in 2021–22. During the year 7494 new sentencing remarks transcripts were added to the database, increasing the number of available transcripts in QSIG to over 99,000. By year's end there were 837 subscriptions to QSIG by sole practitioners, law firms and small public sector agencies or business units. (This is in addition to the 'corporate' subscriptions of major criminal justice sector agencies such as the Office of the Director of Public Prosecutions, Legal Aid Queensland and Queensland Police Service, which provide access to many individuals employed by them.)

The library's websites are the primary means of accessing its information resources and services for most of its customers. In 2021–22 over 6.25 million page views were recorded for the SCLQ public websites and JVL. Over 75% of total page views (almost 4.8 million) were recorded for CaseLaw alone (including the official unreported judgments collection). The library catalogue recorded over 3.6 million collection uses, and VLL had over 1300 active subscribers. Specialist legal research tools developed by the library, including the Uniform Civil Procedure Rules Bulletin, comprise part of the wide range of legal content available to the judiciary via the library's websites.

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

legislation and developments in case law relevant to legal practice in Queensland. Together, the judicial current awareness services and QLU recorded over 195,000 views during the year (up 36% on 2020–21).

As the official member library of the Bar Association of Queensland and the Queensland Law Society, the library services the information needs of legal practitioners across the state. The library's unique and popular Virtual Legal Library (VLL) service for the legal profession was accessible to 1336 eligible Queensland legal practitioners at the end of June 2022. Throughout the year the library's skilled and experienced research librarians continued to assist the judiciary and legal profession with navigating the legal research tools within the library's print and online collections. The team responded to almost 7500 information enquiries and supplied over 18,400 documents in response to these queries. During 2021–22 the library also provided the judiciary with legal research training on request.

The library's legal heritage and education programs, undertaken in collaboration with the courts, are designed to foster broad appreciation of Queensland's legal heritage and to promote an understanding of the Queensland justice system and its role in society. Highlights during 2021–22 included:

- Over 4100 visitors participated in the popular schools education program, with over 1000 students participating in judges' or magistrates' information sessions and over 2700 students witnessing the law in action by observing court proceedings. This was a 9% increase on 2021–22 due to the resumption of school excursions originally suspended due to the coronavirus pandemic. Online research training sessions conducted remotely by library staff directly into classrooms continued to increase in popularity, up 27% on 2020–21.
- The library's major exhibition *The many hats of Sir Samuel Griffith* continued in the main library space until October 2021. It was replaced in March 2022 by a new major exhibition *So well and diligently set forthe—Rare books from the Supreme Court Library Queensland collection*. This exhibition displays some of the library's oldest and rarest texts in the library's heritage collection including a book dating from 1546.
- The 2021 Selden Society lecture program recommenced with two lectures in the second half of 2021 (July and November) and two lectures in the first half of 2022 (March and April). Two of the lectures were delivered in partnership with the Australia Academy of Law.
- Several legal heritage displays were accessible within the main library and the Queen Elizabeth II Courts of Law building public spaces over the course of the year: *Constructing the courts* (May to August 2021), *Pioneering practitioners* (August to November 2021), and *Frontier firms* (November 2021 to June 2022)
- The *Queensland Legal Yearbook 2020* reviewed the year's legal events and statistics, and contained speeches by members of the judiciary in 2020.

Looking ahead to 2022–23, there will be a continued focus by the library on providing a high level of support to Queensland's busy judges, with a 'digital first' emphasis. We will continue to support adoption by judges of the 'go anywhere' electronic versions of popular legal commentaries and textbooks designed to be downloaded to tablets and other mobile devices, as well as providing training and support in identifying, locating and making more effective and efficient use of the range of print, electronic and online resources available to the judiciary via JVL. We look forward to increased use of the VLL service by eligible Queensland legal practitioners, and to redeveloped SCLQ CaseLaw services and websites and the redevelopment of QGIS. Together these initiatives will contribute to improved legal information services for the Queensland judiciary, legal profession and public.

# Appendices

## Appendix 1: Practice Directions

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

**Table 6: District Court practice directions**

Number	Description	Date issued
No. 6 of 2021	Notice of Change of Name – CRH Law to Hopgood Ganim Lawyers	12 July 2021
No. 7 of 2021	Qld Intermediary Scheme (QIS) Pilot Program	12 July 2021
No. 8 of 2021	Notice of Change of Name – BF Legal to Beck Legal Group	12 August 2021
No. 9 of 2021	Designation of Court Holidays – 20 December 2021 to 31 December 2021	12 August 2021
No. 10 of 2021	Repeal – Practice Direction 13 of 2013 – Identification by Registry of Filed Material subject to Legislative Publication Restriction and non-party access to that material	26 August 2021
No. 11 of 2021	Notice of Change of Name – Perpetual Legal Services Pty Ltd to Perpetual Trustee Company Limited	23 November 2021
No. 12 of 2021	COVID-19	7 December 2021
No. 1 of 2022	Notice of Change of Name – Tucker & Cowen Solicitors to Cowen Schwarz Marschke Lawyers	11 February 2022
No. 2 of 2022	Notice of Change of Name and Address – Leonardus Smits Lawyers to Murray Law Pty Ltd	11 February 2022
No. 3 of 2022	Repeal of Practice Direction No 12 of 2021 – COVID-19	4 March 2022
No. 4 of 2022	Notice of Change of Name – The Personal Injury Lawyers to TPIL Lawyers	22 June 2022
No. 5 of 2022 (with Supreme Court)	Additional criterion for excusal from Jury Service or discharge from Jury	11 February 2022

## Appendix 2: District Court associates as at 30 June 2022

### Associates' appointments

Associates are appointed by the Chief Judge pursuant to s36(2) of the *District Court of Queensland Act 1967*. Associates are appointed as deputy sheriffs by the Chief Executive of the Department of Justice and Attorney-General (s213 of the *Supreme Court Act 1995*).

<b>Eloise Williams</b>	Associate to His Honour Chief Judge BG Devereaux SC
<b>Sarah Dunning</b>	Associate to His Honour Judge PE Smith
<b>Elizabeth Winning</b>	Associate to Her Honour Judge D Richards
<b>Matthew Clarke</b>	Associate to His Honour Judge ME Rackemann
<b>Tahnee Snelleksz</b>	Associate to His Honour Judge IFM Dearden
<b>Poppy Donovan</b>	Associate to His Honour Judge AJ Rafter SC
<b>Grace Carlson</b>	Associate to Her Honour Judge LJ Clare SC
<b>Kate Anderson</b>	Associate to His Honour Judge WG Everson
<b>Ellen Brown</b>	Associate to Her Honour Judge KM McGinness
<b>Lewis Edwards</b>	Associate to His Honour Judge GP Long SC (Maroochydore)
<b>Luis Morzone</b>	Associate to His Honour Judge BW Farr SC
<b>Shannon Raymond Taylor</b>	Associate to His Honour Judge AA Horneman-Wren SC (Ipswich)
<b>Emily Rudz</b>	Associate to His Honour Judge O Rinaudo AM
<b>Michael Arnold</b>	Associate to His Honour Judge DP Morzone QC (Cairns)
<b>Laura Nicholls</b>	Associate to His Honour Judge MJ Burnett AM
<b>Christian Lane</b>	Associate to Her Honour Judge SC Sheridan
<b>Matthew McGann</b>	Associate to His Honour Judge A Moynihan QC
<b>Kate Thomson</b>	Associate to His Honour Judge DR Kent QC
<b>Emma Cockburn</b>	Associate to His Honour Judge MC Chowdhury (Beenleigh)
<b>Daniele Antonaglia</b>	Associate to Her Honour Judge CM Muir
<b>Annie Ryan</b>	Associate to Her Honour Judge NJ Kefford
<b>Bailie Hughes McLeod</b>	Associate to His Honour Judge DR Lynch QC (Ipswich)
<b>Bernadette Van Mierlo</b>	Associate to His Honour Judge GP Lynham (Townsville)
<b>Lynette Sillitoe</b>	Associate to His Honour Judge BT Porter QC
<b>James Mullins</b>	Associate to Her Honour Judge JM Rosengren
<b>Grace Anderson</b>	Associate to Her Honour Judge T Fantin (Cairns)
<b>Tessa Webster</b>	Associate to His Honour Judge M Williamson QC
<b>Kimberley Rogers-Ford</b>	Associate to His Honour Judge J McG Coker (Townsville)
<b>Matt Connop</b>	Associate to His Honour Judge N Jarro
<b>Bonnie Lawler</b>	Associate to His Honour Judge G Cash QC (Maroochydore)
<b>Joe Killen</b>	Associate to His Honour Judge J Allen QC (QCAT)
<b>Zane Playle</b>	Associate to Her Honour Judge V Loury QC
<b>Laura Nicholls</b>	Associate to His Honour Judge K Barlow QC
<b>Danae Leek</b>	Associate to His Honour Judge M Byrne QC
<b>Madeline Torrisi</b>	Associate to His Honour Judge R Jackson QC (Southport)
<b>Olivia Duncan</b>	Associate to His Honour Judge J Clarke (Rockhampton)
<b>Amelia Watson-Black</b>	Associate to Her Honour Judge G Dann (QCAT)
<b>Millie Jones</b>	Associate to Her Honour Judge D Holliday QC (Southport)
<b>Astrid Easton</b>	Associate to Her Honour Judge A McDonnell
<b>Nicola Baker</b>	Associate to Her Honour Judge J Wooldridge QC (Southport)
<b>Elizabeth Winning</b>	Associate to Her Honour Acting Judge K Prskalo