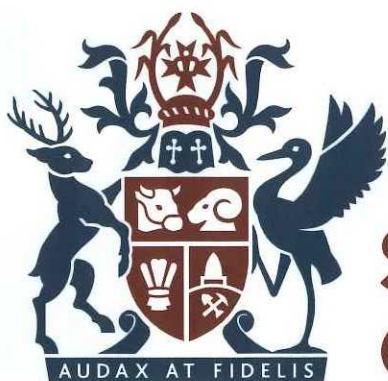




# SUPREME COURT OF QUEENSLAND

ANNUAL REPORT 2021-22



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

Queen Elizabeth II Courts of Law  
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28 October 2022

The Honourable Shannon Fentiman MP  
Attorney-General and Minister for Justice  
Minister for Women and Minister for the Prevention of  
Domestic and Family Violence  
Leader of the House  
1 William Street  
Brisbane Qld 4000

Dear Attorney,

I enclose my report, under s 19(1) of the *Supreme Court of Queensland Act 1991*, on the operation of the Supreme Court for the year ended 30 June 2022.

Yours sincerely

A handwritten signature in black ink, reading 'H Bowskill'.

Helen Bowskill  
**Chief Justice**

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# CHIEF JUSTICE'S OVERVIEW 2021-2022

# CHIEF JUSTICE'S OVERVIEW 2021-2022

## Performance

This overview concerns the performance of the Supreme Court over the 2021-2022 reporting year. This was a year of recovery, consolidation, resilience and enormous change for the Supreme Court. Once again, the combined efforts of the judges, the Court's administrative and Registry staff, members of the profession, law enforcement agencies and other departmental agencies ensured that through collective effort, adaptability, clear communication and a strong work ethic, the work of the Court was able to continue effectively and efficiently, despite the exigencies of COVID-19 and natural disaster.

## Disposition of Caseload<sup>1</sup>

### Trial Division

#### Criminal

Over the reporting year, there were 2,201 lodgements in the criminal jurisdiction, compared with 2,219 for the 2020-2021 year. The trial division ended the year with 770 outstanding cases (compared with 758 in the previous year), having disposed of 2,191, a clearance rate of 99.5%.

Of the outstanding cases, 17.9% were more than 12 months old (from date of presentation of indictment), and 3.4% more than 24 months old. Some of the last group would result from orders for re-trials made on appeal.

#### Civil

In the civil jurisdiction, there were 3,438 lodgements, compared with 2,896 lodgements for the 2020-2021 year.

At the end of the 2021-2022 year, there were 3,110 outstanding matters (compared with 2,904 in the previous year), the Court having disposed of 3,252 matters, a 94.6% clearance rate.

Of the outstanding matters, 31.3% were more than 12 months old, and 10.0% more than 24 months old.

### Court of Appeal Division

The Court of Appeal division disposed of 307 criminal appeals this year (296 last year), representing a clearance rate of 98.4%. As of 30 June, 280 criminal appeals awaited disposition (272 last year).

The Court of Appeal also disposed of 128 civil appeals (155 last year), with a clearance rate of 108.5%, leaving 107 outstanding at the end of the year (113 last year).

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

The first half of this reporting year saw a return to almost business as usual, following the earlier challenges of administering justice during the continuing COVID-19 pandemic.

However, the end of 2021 and the start of 2022 brought with it a significant increase of COVID-19 cases within the community throughout Queensland (following the opening of domestic and then international borders). In anticipation of this, on 6 December 2021 Practice Direction 24 of 2021 was issued, requiring that any practitioner or unrepresented party, or their client or witness, who was not fully vaccinated for COVID-19

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



notify the Court of that so that appropriate arrangements could be made if necessary. All entrants to court buildings were required to wear a face mask (this was repealed on 4 March 2022).

The increase in community transmission of COVID-19 led to a temporary suspension of jury trials, in both the Supreme and District Courts, throughout the State in January and February 2022, and a controlled resumption of jury trials, commencing only with shorter trials, from late February 2022. Sentence and other criminal pre-trial hearings continued to be heard and determined, at times using audio-visual links. Criminal trials by judge alone were also conducted. Civil matters were able to proceed largely unaffected, with some flexibility. The capacity in the civil Applications list was expanded from two judges per week to three judges, whilst criminal jury trials were suspended.

The challenges were compounded in late February and early March 2022, when South East Queensland and the Wide Bay-Burnett Region were hit by a series of devastating floods. Many legal practitioners, court staff and court users were adversely affected.

The resumption of jury trials was undertaken with careful consideration for the safety and confidence of members of the public called upon to perform jury service. Practice Direction 5 of 2022 was issued by the Senior Judge Administrator, under s 51 of the *Supreme Court of Queensland Act 1991* and s 13 of the *Jury Act 1995*, enabling the sheriff or a judge, in deciding whether to excuse a person from jury service, to have regard to the person's COVID-19 vaccination status and its possible implications for jury safety and confidence and the orderly and expeditious conduct of criminal trials. At the time of empanelment, trial judges adopted a practice of enquiring as to jurors' COVID-19 vaccination status, to ensure empanelled jurors felt comfortable and safe and were not distracted from their task by concerns about their health or wellbeing. Reserve jurors were empanelled on every trial. For a period of time there was a return to using two court rooms to conduct jury trials.

Unsurprisingly, given the incidence of it in the community, there were also outbreaks of COVID-19 in the correctional facilities, which led to increased restrictions and isolation for prisoners, and in turn adjournment of some matters.

Once again, the combined efforts of the judges, the Court's administrative and Registry staff, members of the profession and other departmental agencies (including Queensland Corrective Services) ensured that through collective effort and determination, the work of the Court was able to continue, albeit with some interruptions and adaptations, such that the Court has overall managed to avoid a significant backlog.

Regular meetings with members of the profession and members of law enforcement agencies, including Queensland Corrective Services, continued throughout the reporting year. These lines of communication, established at the start of the pandemic, continued to prove to be an efficient and effective means of conveying important information as well as resolving practical problems as they arose.

The number of criminal lodgements in the Trial Division remained stable, and consistent with the 2020-2021 year. That figure is lower than 2019-2020, consistent with the ongoing effects of the pandemic on arrests and committals. The number of cases disposed of overall was slightly lower (a reduction of 2.1%). There was a considerable decrease in the number of defendants finalised by trial state-wide (from 43 to 31), which is directly attributable to the periods over which jury trials were suspended. The fact that, overall, the number of defendants finalised only decreased by 2.1%, and the clearance rate only dropped 1.3%, is a testament to the ongoing hard work of the judges and the legal practitioners, who channelled resources into sentences and other hearings, when jury trials could not be conducted.

Civil filings were considerably higher in the Trial Division (3,438 lodgements, compared with 2,896 in the previous year). The significant increase in civil lodgements was largely explained by the high number of applications for judicial review of the failure by the Parole Board to make decisions on parole applications within the statutory time period. Nevertheless, the clearance rate significantly increased (from 88.6% in the previous year to 94.9%). Again, that is a demonstration of the concerted effort of the Court to channel resources not able to be used for jury trials, into other areas of the Court's work. It is also a reflection of the considerable effort which was put into resolving the problem of the Parole Board judicial review applications. The numbers of matters outstanding for more than 12 months and more than 24 months did not significantly increase.

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

The number of bail applications lodged increased to 745, compared to 647 applications lodged in the 2020-2021 year. That increase represents a return to the level of applications in the 2019-2020 year, which was described as “abnormally high, reflecting prisoners’ health concerns at the beginning of the pandemic”. The similarly high number in this reporting year may reflect the increased community transmission and high level of COVID-19 cases in the community, from January 2022 onwards.

The number of fresh applications under the *Dangerous Prisoners (Sexual Offenders) Act 2003* is 20 for this financial year, remaining the same as the previous year. As has previously been observed, as the numbers of prisoners subject to orders under the Act increase, so do the numbers of periodic reviews and breach hearings which the Court must undertake. They have seen a steady upwards trajectory, from 245 six years ago to more than double that figure this year: 502. Another challenge presented by the increasing number of prisoners subject to orders under the Act is the lack of availability of appropriate, secure accommodation for prisoners who might otherwise be suitable for release on a supervision order, particularly elderly prisoners or prisoners with serious mental health problems. The facilities to accommodate such prisoners have not developed to meet the constantly-increasing demand. This results in the making of continuing detention orders, in cases in which, if suitable accommodation was available, a supervision order could be made. Observations about the undesirability of this have been made by a number of judges of the Court, in decisions under the *Dangerous Prisoners (Sexual Offenders) Act 2003*, including Chief Justice Holmes in *Attorney-General for the State of Queensland v Guy* [2017] QSC 105 at [7]. This is a social and economic dilemma which requires of close attention by the Government.

Given the nature of its work, the Court of Appeal continued to be less vulnerable to the exigencies of the pandemic. The year saw a small decrease in both criminal and civil lodgements from last year. The Court improved its criminal clearance rate (from 90% last year to 98.4% this year). Its civil clearance rate fell slightly, although still is above 100% (from 113.1% last year to 108%). Again, these figures demonstrate the energy, efficiency and hard work which the judges of appeal, Registry staff and legal practitioners all brought to bear in the year under review.

1,057 new lawyers were admitted at ceremonies throughout the 2021-2022 year, all of which were able to be held in person.

## The Parole Board Backlog

In order to address the high volume of applications for judicial review of the failure by the Parole Board to consider applications for parole within the statutory time period, in December 2021 the Court adopted a new protocol to streamline the process, and appointed Justice David Jackson to manage a list of the matters. Justice Jackson’s management of the Parole Board judicial review matters was highly effective, significantly reducing the burden of these matters on the resources of the Court and the Registry. By March 2022, with the benefit of additional resourcing, the Parole Board was able to advise the Court that it had, in effect, caught up on the backlog of outstanding decisions and was now dealing with applications for parole within the statutory time limit. By this time, the number of new applications for judicial review had significantly reduced. It is pleasing that this problem was resolved, ultimately sooner than anticipated.

## The Court’s ICT Systems

A new Judicial IT Committee was established in June 2022. A number of disparate committees which had come into being prior to this were disbanded, in favour of one overarching Committee, comprising the Chief Justice and judicial representatives of the Supreme Court, District Court, Magistrates Courts, Land Court, QCAT, the Executive Directors of each of those courts, the Chief Information Officer of the Department and the Court’s Director, Information and Court Technology. I am the Chair of the Judicial IT Committee, which has, as its primary immediate term focus, the development and expansion of the “QCase” civil management system, including capability for electronic filing, storage and management of documents. This is a significant



priority for the Court, essential to ensuring the Court is providing a high level, contemporary and efficient service for practitioners and court users; as well as facilitating the work of the judges, as we increasingly move into an electronic and virtual world.

In this regard, it is reassuring and encouraging that Government has announced it will provide \$40 million to Queensland Courts and Tribunals to fund significant enhancements to IT capabilities and the introduction of new digital initiatives. This investment in digital transformation will significantly enhance IT capabilities and introduce new digital initiatives within Courts and Tribunals, which will modernise and improve service delivery across the justice system.

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

- Civil – expanding the “QCase” solution to the Supreme Court and the Court of Appeal (which will replace the outdated QCivil case management system and the Court of Appeal Management System (CAMS);
- eTrials – allowing the digitally and technologically facilitated conduct of matters in courtrooms; and
- Crime – analysis of the processes and technology supporting criminal justice across Queensland Courts and key stakeholders.

Requests have also been made to the Director-General of the Department for funding to be made available for the development of a dedicated website for the Supreme Court and, in turn, the District Court and the Magistrates Courts. At present, there is one “Queensland Courts” website, hosted by the Department. It is an unwieldy and impenetrable website, where information is difficult to find and which is not easily navigated, updated or maintained. A website is an essential tool of communication for the Court, including about matters of practice and procedure and court decisions, for judicial officers, administrators, legal practitioners and court users, including self-represented litigants.

I am pleased to report that the Juror Management System has been successfully rolled out across Queensland. Further details about this are set out in the Executive Director’s Overview. It provides a vastly improved service for prospective and empanelled jurors and has also proved beneficial for the Registry staff with responsibility for managing the system.

The online Probate platform has also been a resounding success; demonstrating and confirming that practitioners want online service delivery.

The new Recording and Transcription arrangements were substantially developed during the course of the reporting year. The rollout has not yet commenced, but is expected to shortly. The proposed new arrangements will see the recording and management of the service to the Department, with transcription continuing to be less outsourced.

## Court Network

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

As foreshadowed in last year’s Annual Report, the Government funding for this valuable and beneficial service was, unfortunately, not renewed. The Court records its very grateful thanks for the work of the volunteers and paid staff of Court Network, over the 14 years that their services were provided to the Court, and to court users.

# Continuing Judicial Education and Development

During the reporting year, although some educational opportunities were affected by COVID-19 restrictions, in addition to the heavy work load 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.

Examples include:

- One judge taught at the National Judicial College of Australia's (**NJCA**) program on 'Effective Judicial Presentations'.
- One judge taught at the NJCA's 'Delivering Oral Decisions' program.
- Three judges taught at the NJCA's 'National Judicial Orientation Program', and two recently appointed judges attended as participants.
- Two judges attended the NJCA's 'Judicial Officers with Leadership Responsibilities' program as participants.
- A number of judges attended a presentation given by Judge Eugene Hyman, from the Superior Court of California, on '*A trauma-responsive court approach for domestic and family violence victims*'.
- A number of judges presented papers and lectures as part of continuing legal education programs organised by the Queensland Law Society, Bar Association of Queensland and the regional Law Associations.
- Two judges participated in continuing education programs for legal practitioners in the South Pacific (Papua New Guinea, the Solomon Islands and Tonga).

Unfortunately, COVID-19 restrictions lead to the cancellation, for the second year, of the Supreme Court judges' annual professional development seminar, which was to have been held in August 2021.

## Judges' Policy on Workplace Conduct

On 12 May 2022 the judges of the Supreme Court adopted a Judges' Policy on Workplace Conduct. The Policy commences by stating that "[t]he Chief Justice and judges of the Supreme Court of Queensland are committed to ensuring that the Court is a safe and respectful workplace for all persons who are officers, employees, contractors and service providers of the Court, including but not limited to staff comprising associates, executive assistants, executive secretaries, research assistants and the Research Officer. To that end, the judges individually and collectively are committed to adherence to this Policy". The Policy is modelled upon the High Court of Australia's Justices' Policy on Workplace Conduct, published in March 2022.

## Chief Justice's Calendar

The Honourable Catherine Holmes AC, Chief Justice of Queensland, for the period of the reporting year from 1 July 2021 to 18 March 2022, sat in Brisbane in the Court of Appeal (four weeks), the criminal jurisdiction (six weeks) and civil sittings (three weeks).

Chief Justice Holmes undertook a week-long circuit to Rockhampton in July 2021, presiding over a criminal trial, an admissions ceremony and hearing sentences. Her Honour returned to Rockhampton again in March 2022 for two days, for an admission ceremony and sentencing hearings.

Chief Justice Holmes sat for a week-long circuit in Townsville in late August 2021, presiding over civil applications, sentences, bail hearings and applications, breach hearings, criminal reviews and indictment presentations. Her Honour returned to Townsville for two days in February 2022 and heard sentences.

Chief Justice Holmes spent two days on circuit in Cairns in March 2022 and presided over an admission

ceremony and heard sentences.

Chief Justice Holmes spent a further eight days presiding over admissions ceremonies in Brisbane.

Chief Justice Holmes otherwise continued, subject to the pandemic, to attend her usual engagements with the profession and the public, attending functions organised by professional associations, law schools, community legal services, volunteer groups and others. Chief Justice Holmes gave 28 speeches and addresses at conferences and functions in Brisbane and regional centres.

The Chief Justice attended the 56th Meeting of the Council of Chief Justices of Australia and New Zealand remotely, on 18 October 2021. Her Honour also undertook the role of Deputy Governor for periods aggregating three days over the reporting year. The balance of the Chief Justice's time was occupied with administrative and official responsibilities until her Honour retired on 18 March 2022.

I was appointed Chief Justice of Queensland on and from 19 March 2022.

From 19 March 2022 to and including 30 June 2022, I sat in Brisbane in the Court of Appeal (two weeks), the criminal jurisdiction (two weeks), in civil trials (two weeks) and in the applications list (one week). I undertook a week-long circuit to Cairns in June 2022, presiding over an admissions ceremony and hearing sentences.

I presided over one admissions ceremony in Brisbane on 7 June 2022. Justice Philip Morrison presided over the admissions ceremony in Brisbane on 11 April 2022.

Over the past three months I have continued engagements with the profession and the public, attending functions organised by professional associations, law schools, community legal services, volunteer groups and others, giving 14 speeches and addresses at conferences and functions in Brisbane and regional centres.

I attended the 57th Meeting of the Council of Chief Justices of Australia and New Zealand in person in Hobart on 11 April 2022.

I acted as Deputy Governor for periods aggregating four days over the reporting year.

On 27 May 2022 I participated in an interview with Frances Whiting, for QWeekend Magazine, together with Premier Anastacia Palaszczuk, Her Excellency the Honourable Dr Jeannette Young AC PSM and Police Commissioner Katarina Carroll, which highlighted the significance of the four leadership roles in Queensland – Premier, Governor, Police Commissioner and Chief Justice – all presently being held by women.

## International Aspects

In the period from 1 July 2021 to 18 March 2022, Chief Justice Holmes, met with the following official visitors: His Excellency, Mr Manpreet Vohra, High Commissioner for India; His Excellency, Mr António Pedro da Vinha Rodrigues da Silver, Ambassador of Portugal and the Consul-General of Japan, Mr Masuo ONO.

In the period from 19 March 2021 to 30 June 2022, I met with The Honourable Chief Justice Sir Gibbs Salika GCL KBE, Chief Justice of Papua New Guinea.

## Judicial Retirements

The year 2021-2022 was a year of significant change for the Supreme Court of Queensland, particularly in relation to the leadership of the Court.

On 22 August 2021, Justice Ann Lyons, Senior Judge Administrator, retired. Her Honour was appointed as a judge of the Supreme Court of Queensland on 10 July 2006. On 24 August 2017, her Honour was appointed Senior Judge Administrator of the Supreme Court. On the occasion of her retirement, Justice Ann Lyons was recognised as having played a vital role on the Court, and having managed the administration of the Trial Division with ease, creativity and warmth. The pivotal role played by Justice Ann Lyons in steering the Court through the challenges of the COVID-19 pandemic was also acknowledged.

On 31 December 2021, Justice Martin Daubney AM retired. His Honour was appointed as a judge of the

Supreme Court of Queensland on 13 July 2007. In 2018 Justice Daubney was appointed a Member of the Order of Australia for significant service to the law, and to the judiciary, to education and to the community. His Honour was appointed President of the Queensland Civil and Administrative Tribunal on 16 October 2017. On the occasion of his Honour's retirement, Justice Daubney's long and distinguished judicial career was acknowledged, as well as his strong leadership as President of QCAT, and his involvement in a broad range of other community endeavours.

On 18 March 2022, the Honourable Catherine Holmes AC retired as Chief Justice of Queensland, following 22 years of exemplary service as a judge, the last six and a half as Chief Justice. The extraordinary longevity of her Honour's service on and contribution to the Court was acknowledged at a ceremonial sitting of the Court held on that date. Her Honour was appointed a judge of the Supreme Court of Queensland on 16 March 2000; and then as a Judge of Appeal on 26 May 2006. On 11 September 2015 her Honour was appointed Chief Justice of Queensland, the first woman to be appointed to that position in Queensland. Chief Justice Holmes was a fine leader of the Court, taking on the role at a challenging time in its history, only then to be confronted by the COVID-19 pandemic. The Court and the legal profession owe a debt of gratitude to the leadership of Chief Justice Holmes throughout the pandemic, which ensured the wheels of justice kept turning despite the many exigencies.

On 20 May 2022, Justice Walter Sofronoff retired as the President of the Court of Appeal. His Honour was appointed a judge of the Supreme Court of Queensland, and President of the Court of Appeal, on 3 April 2017. During his time as President, Justice Sofronoff made an enormous contribution to the administration of justice and the development of the law in Queensland. Justice Sofronoff was an energetic and innovative leader of the Court of Appeal, who introduced a number of measures that have increased the efficiency of the Court as well as the judicial exchanges between Queensland and Western Australia, which have resulted in a beneficial exchange of ideas and work practices.

## Judicial Appointments

Justice Helen Bowskill was appointed Senior Judge Administrator on 24 August 2021 and appointed Chief Justice of Queensland on 19 March 2022.

Justice Declan Kelly was appointed a judge of the Supreme Court of Queensland on 6 September 2021.

Justice Kerri Mellifont was appointed a judge of the Supreme Court of Queensland on 4 October 2021, and President of the Queensland Civil and Administrative Tribunal from 22 November 2021.

Justice Glenn Martin AM was appointed Senior Judge Administrator on 24 March 2022.

Justice Sean Cooper was appointed a judge of the Supreme Court of Queensland on 11 April 2022.

Justice Melanie Hindman was appointed a judge of the Supreme Court of Queensland on 30 May 2022.

Justice Debra Mullins AO was appointed President of the Court of Appeal on 21 May 2022.

Justice Jean Dalton was appointed as a Judge of Appeal on 21 May 2022.

Justice Lincoln Crowley was appointed a judge of the Supreme Court of Queensland on 13 June 2022.

## Recognition

The Executive Director of the Supreme, District and Land Courts Service, Ms Julie Steel, was awarded a Public Service Medal in the Australia Day 2022 Honours List. Ms Steel was recognised for "outstanding public service through court innovations for Queensland". Ms Steel's name was also added to the national 2022 COVID-19 Honour Roll. The judges of the Court congratulate Ms Steel on this very well-deserved award and remain steadfastly grateful for her excellent leadership, organisation, innovation and energy in ensuring the Court is supported to manage its workload efficiently, Registry staff are ably led and accessibility for court users is ensured.



## Personalia

The Honourable Sir Francis Gerard Brennan AC KBE QC, a former Chief Justice of the High Court of Australia, died on 1 June 2022. Sir Gerard served as inaugural President of the Administrative Appeals Tribunal, President of the Administrative Review Council, as a member of the Australian Law Reform Commission and President of both the Bar Association of Queensland and Australian Bar Association.

The Honourable John Westlake Barrett Helman, a former Justice of the Supreme Court of Queensland, died on 14 May 2022. Mr Helman served as a judge of the District Court of Queensland, including as Chief Judge from 1993-94, before his elevation to the Supreme Court bench. Mr Helman served as Honorary Treasurer of the Australian Bar Association and as a member of the Supreme Court Library Committee.

Angelo Vasta QC, a former Justice of the Supreme Court of Queensland, died on 29 September 2022. Mr Vasta was called to the Queensland Bar in 1968 and was appointed Queen's Counsel in 1980. After serving as Chief Crown Prosecutor from 1981, in 1984 Mr Vasta QC was appointed a judge of the Supreme Court of Queensland. On 24 October 1988, Justice Vasta stood aside as a judge, and was ultimately removed from office by an act of Parliament on 8 June 1989.

## Acknowledgements

I thank all the judges, officers of the Registry, the Court's administrative staff, and the Director-General and his staff for their work over the year. All of them have, through dedication and unstinting effort, ensured the continued work of the Court through another challenging year.

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 and the Parole Board for their co-operation over the course of the year.



# 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 Catherine Holmes AC (retired 18 March 2022)

The Honourable Helen Bowskill (appointed 19 March 2022)

### Court of Appeal Division

#### President

The Honourable Justice Walter Sofronoff (retired 20 May 2022)

The Honourable Justice Debra Mullins AO (appointed 21 May 2022)

#### Judges of Appeal

The Honourable Justice Hugh Fraser

The Honourable Justice Philip Morrison

The Honourable Justice Philip McMurdo

The Honourable Justice John Bond

The Honourable Justice Jean Dalton (appointed 21 May 2022)

### Trial Division

#### Senior Judge Administrator

The Honourable Justice Ann Lyons (retired 23 August 2021)

The Honourable Justice Helen Bowskill (appointed 24 August 2021)

The Honourable Justice Glenn Martin AM (appointed 24 March 2022)

#### Trial Division Judges

The Honourable Justice Alfred Daubney AM (retired 31 December 2021)

The Honourable Justice Peter Applegarth AM

The Honourable Justice David Boddice

The Honourable Justice David North (Northern Judge)

The Honourable Justice James Henry (Far Northern Judge)

The Honourable Justice David Jackson

The Honourable Justice Peter Flanagan

The Honourable Justice Martin Burns  
The Honourable Justice Susan Brown  
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 (appointed 6 September 2021)  
The Honourable Justice Kerri Mellifont (appointed 4 October 2021)  
The Honourable Justice Sean Cooper (appointed 11 April 2022)  
The Honourable Justice Melanie Hindman (appointed 30 May 2022)  
The Honourable Justice Lincoln Crowley (appointed 13 June 2022)

## **Other Appointments**

### **Mental Health Court**

The Honourable Justice Peter Flanagan (retired 24 June 2022)  
The Honourable Justice Elizabeth Wilson (appointed 25 June 2022)  
The Honourable Justice Soraya Ryan (appointed 25 June 2022)

### **Land Appeal Court**

The Honourable Justice David Boddice (Southern District)  
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





# COURT OF APPEAL DIVISION

# COURT OF APPEAL DIVISION

## Governance

### Organisational Structure

The work of the Court of Appeal is varied, both in the nature and in complexity and has and will always 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 appeals<sup>2</sup> 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 and from other tribunals, principally the Queensland Civil and Administrative Tribunal (QCAT).

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

The Court of Appeal is comprised of the President and five Judges of Appeal. The President of the Court of Appeal is the Hon Justice Debra Mullins AO, who was a Judge of Appeal until commencing as President on 21 May 2022 following the retirement of the Hon Justice Walter Sofronoff on 20 May 2022. During 2021-2022, the Judges of Appeal otherwise were:

- the Hon Justice Hugh Fraser;
- the Hon Justice Philip Morrison;
- the Hon Justice Philip McMurdo;
- the Hon Justice John Bond; and
- the Hon Justice Jean Dalton, who commenced as a Judge of Appeal on 21 May 2022.

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

The President and the Judges of Appeal together sat 154 individual judge weeks this year,<sup>3</sup> compared to 155 weeks last year. Three weeks before the Court's summer break, two weeks before the Court's winter break, and one week of every other month during the Court year were allocated as judgment writing weeks and therefore were non-sitting weeks.

The Chief Justice sat in the Court of Appeal, apart from admissions and welcome ceremonies, for six weeks this year. In the 2021-2022 reporting period, Trial Division judges sat in the Court of Appeal for 64 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 express their gratitude for their continued support which assists the Court of Appeal to manage its caseload in an efficient and timely manner.

A total of 362 matters were heard and 374 judgments were delivered.<sup>4</sup> See appendix 1, Tables 1, 2 and 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 callovers 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.

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<sup>2</sup> Including applications and references.

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

<sup>4</sup> These figures are non-RoGS (Report on Government Services).



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 children;
- appeals against interlocutory decisions so that the determination of the principal action is not unnecessarily delayed pending appeal;
- pressing commercial disputes which have been dealt with expeditiously in the Trial Division's commercial list; and
- other matters where urgency is demonstrated.

The Senior Deputy Registrar, the Registrar and Deputy Registrars, Court of Appeal Registry staff, Judges' Associates and Executive Secretaries provide a high standard of support and continued to diligently serve the public, the profession and the judges.

The President and the Judges of Appeal appreciated the commitment and support of the Executive Director of the Supreme, District and Lands Courts Service, Ms Julie Steel, and her staff.

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

## COVID-19 Pandemic

With the further lifting of COVID-19 restrictions in the latter half of the reporting year, the Court of Appeal Registry have continued to return to pre-COVID-19 business operations where appropriate, inclusive of case flow management and the timely distribution of material.

## Court of Appeal Registry

In the 2021-22 reporting period, there were minimal changes to the Court of Appeal Registry staff. The positions of Senior Registrar, Deputy Senior Registrar, Registrar, Deputy Registrar (Crime), Deputy Registrar (Civil) Court Service Officer; Administrative Officer (Crime); and Administrative Officer (Civil) encountered no change throughout the year. Six of the nine staff were consistently with the Registry throughout the year. Staff continuity has reflected positively in the level of service provided to the judges and court users and has assisted in the timely disposition of the Court's work.

The training priority for staff has been cross skilling in alternate roles to ensure continuity of service to the Court.

## Auscript/Court Recording and Transcription Services

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

# Performance

## Disposal of Work

A total of 430 matters were commenced in the Court of Appeal (312 criminal matters and 118 civil matters). This was a very slight decrease from 466 matters commenced last year (329 criminal matters and 137 civil matters). Active matters increased very slightly from 385 last year to 387 this year. The Court finalised 435 matters, a decrease from 451 matters finalised in the previous year. See appendix 1, table 3.

The Court's clearance rate for criminal matters increased from 90% in the previous year to 98.4% for this reporting year. The Court's clearance rate in civil matters, however, decreased slightly from 113.1% last year to 108.5% this year. Overall, 73.8% 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 find legal representation or to be referred to the pro bono scheme.

The median time for the delivery of reserved judgments in criminal matters was 88 days and for civil matters, 95 days. The overall median time between hearing and delivery of reserved judgments was 91 days, a decrease of 8% over the previous year. See appendix 1, table 5.

During the reporting period, one matter was heard on the papers as an alternative to in person or video link hearings.

## Applications for criminal extensions of time applications and merit assessment

The change instituted by President Sofronoff in September 2020 after consultation with the Office of the Director of Public Prosecutions (DPP), Commonwealth DPP (CDPP), Legal Aid Queensland and Registry staff to facilitate 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 the purpose of applying 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 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 is able to apply for legal aid for the appeal, as the extension has been obtained.

During the reporting year 38 applications for extension of time were filed in criminal appeal matters of which 30 were granted on the papers after there was no objection to those orders by the DPP. Three of the remaining eight applications were then abandoned. 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 99 to 89 and also decreased in criminal matters from 89 to 85. Filings from the District Court in civil matters decreased from 59 to 51 and in criminal matters from 308 to 281. Planning and Environment Court filings increased from three to eight, while appeals commenced from QCAT decreased this reporting year from 30 to 10. There were no matters filed this reporting year from the: Land Appeal Court; Magistrates Court (both civil and criminal); Industrial Court (criminal); and Commissioner of Stamp Duties (criminal). There were two court filings from the Industrial Court (civil) this reporting year but only one in the last reporting year. See appendix 1, table 6.



There were 100 general civil appeals (including personal injury) filed this reporting year compared to 129 last year. There was a decrease in civil applications from 60 last year to 54 this year.

There was a decrease in filings of sentence applications from 165 to 151 and filings of conviction only appeals from 87 to 85. A total of 44 combined conviction and sentence appeals were filed this year, a slight increase from 39 the previous year. Extension applications (sentence) decreased from 25 last year to 18 this year and extensions (conviction) decreased from 16 last year to nine this year. Extensions for both conviction and sentence decreased slightly from eight last year to six this year. Filings of sentence appeals brought by the Queensland Attorney-General and the Commonwealth Director of Public Prosecutions increased from two last year to five in this reporting period. See appendix 1, table 7.

There were 33 civil and 14 criminal special leave applications to the High Court of Australia in this reporting period. None of the special leave applications was granted. See appendix 1, table 8.

The High Court of Australia delivered two judgments on appeals from the Queensland Court of Appeal during the period 1 July 2021 to 30 June 2022. One appeal was allowed,<sup>5</sup> with the other dismissed.<sup>6</sup> See appendix 1, table 9.

## Reasons of the Court

This year there were 309 outcomes for the Court of Appeal,<sup>7</sup> 28 fewer than last year. In 24 of these outcomes, reasons were delivered as a judgment of the Court, a decrease of 15 from last year. There were 253 outcomes delivered with three separate judgments concurring with the orders made, an increase of four over last year. Seven outcomes were delivered with two joint concurring reasons and one separate reasons, seven less than last year.<sup>8</sup>

Out of the total 309 outcomes, nine involved dissents (a decrease of three from last year). There were 16 outcomes where reasons were delivered by a single judge, seven less than last year. See appendix 1, table 10.<sup>9</sup>

## Northern Sitting

In 2021-2022, no northern sitting was held during the reporting period as one of the northern judges was on long leave late in the first half of 2022 when the sitting is normally held, and the decision was taken to hold the northern sitting in July 2022.

## Women Barristers in the Court of Appeal

The representation of female counsel appearing in the Court of Appeal reflected a slight decrease from 21.2% female counsel appearing in 2020-2021 compared to 20.7% in 2021-22.

There was a decrease in female counsel appearing in criminal matters, 24.7% compared to 28.4% last year, and, as in past years, a continued slight increase in civil matters, 14.9% compared to 13.6% last year.

Female counsel currently represent 25.5% of members at the Bar, with 21 new female barristers being issued their first practising certificate in the reporting period. The Court remains hopeful of an increasing trend towards greater representation of women at the Bar appearing in the Court of Appeal in future years.

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5 *Orreal v The Queen* (2021) 96 ALJR 78 – On appeal from *R v Orreal* [2020] QCA 95.

6 *Sunland Group Limited v Gold Coast City Council* (2021) 95 ALJR 922 – On appeal from *Gold Coast City Council v Sunland Group Limited & Anor* [2020] QCA 89.

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

8 These figures are non-RoGS.

9 These figures are non-RoGS.

# Self-Represented Litigants

Self-represented matters were listed for reviews to ensure that timelines for the lodgement of materials were followed and that matters were heard without delay.

There were 50 self-represented litigants in cases where judgment was delivered in the Court of Appeal this year compared to 83 last year. In 13 civil matters in which judgment was delivered this reporting year at least one party was self-represented, compared to 44 last year. There were 37 criminal matters where at least one party was self-represented and in which judgment was delivered this reporting year, compared to 39 last year. See appendix 1, table 11.<sup>10</sup>

This reporting year had a 33.5% decrease in matters involving self-represented litigants being finalised either before or after the hearing. A total of 111 matters (includes matters that were abandoned, withdrawn, discontinued, struck out or stayed) were finalised, compared to 167 last year. See appendix 1, table 12.<sup>11</sup>

Of the 309 outcomes in Court of Appeal matters (both criminal and civil) in 2020-2021, 16.1% involved a self-represented litigant.

A total of 10.9% of self-represented criminal litigants (compared to 5.1% last year) and 23.1% of self-represented civil litigants (compared to 13.6% last year) were successful in their appeals.<sup>12</sup>

## 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. There was an increase from 194 applications in 2020-2021 to 205 applications for assistance in this financial year. Of the 205 applications, five concerned potential appeals and three concerned current appeals. Of the potential appeals, all five applicants were advised not to commence appeals as they did not have promising prospects. Only one applicant commenced an appeal against that advice, but was ultimately unsuccessful. Of the three applicants who had current appeals, CTS was able to obtain pro bono representation for one applicant, one was able to settle their matter and one was successful in the appeal.

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 directors, Ms Linda Macpherson and Ms Sue Garlick, the Managing Lawyer of the CTS, Mr Ben Tuckett, and the solicitors of the State Courts office, Ms Melinda Willis and Mr Toby MacGregor.

## Pro Bono Assistance

The Court of Appeal Registry coordinates the pro bono scheme, which is now in its 22nd year. As in past years, counsel were invited to appear in serious criminal matters on a pro bono basis. For the period 1 July 2021 to 30 June 2022, pro bono counsel appeared on behalf of 14 appellants. For the reporting period, pro bono counsel appeared for applicants/appellants in seven judgments that were published by the Court of Appeal.<sup>13</sup> In one of these judgments,<sup>14</sup> or just over 14%, the applicant/appellant was successful where pro bono counsel appeared – this did not mean that the entire appeal was allowed, in that the sentence application was granted with the

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<sup>10</sup> These figures are non-RoGS.

<sup>11</sup> These figures are non-RoGS.

<sup>12</sup> These figures are non-RoGS.

<sup>13</sup> This figure is non-RoGS.

<sup>14</sup> *R v EQ* [2021] QCA 257.

sentence on only two of six counts being reduced. Importantly, the involvement of pro bono counsel enabled matters to progress through the Court in a timely and professional manner. See appendix 1, table 13.<sup>15</sup>

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

James Benjamin

Renee Berry

Nathan Boyd

Mark Dixon

Kate Gover

Susan Hedge

Kylie Hillard

Andrew Hoare

Joshua Jones

Sean Lamb

Michael Larsen

Simon Lewis

Adam Mason

Dominic Nguyen

Philip O'Higgins

Thomas Pincus

Patrick Wilson

Lachlan Ygoa-McKeown

Law Firms

Ashworth Lawyers

Jasper Fogerty Lawyers

## Technology and Infrastructure

### Video Links

Of the 95 criminal matters that were arranged to be heard by video link, 40 matters were abandoned or adjourned, and 55 matters proceeded to a hearing. Video links were arranged for 19 civil matters that proceeded to hearing.

The quality of video links utilised by the Court has improved significantly in the reporting period. The Court adopted the use of Pexip for the appearance of external parties who were unable to appear in person. Pexip does not require any specialist hardware or equipment. External parties may appear from their computer or smart phone/tablet device via the internet. Pexip also allowed judicial officers to hear matters remotely when they were unable to sit in person. The standard of video links with Correctional Centres remained of a high standard due to dedicated video link facilities.

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<sup>15</sup> These figures are non-RoGS.

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.

## Court of Appeal Management System (CAMS)

As reported in last year's Annual Report, in mid-September 2020, the Court of Appeal Registry identified that the CAMS listings calendar did not extend past December 2020. The Information and Court Technology Branch (ICTB) were engaged to investigate the issue and identified the two calendars for registrations (of matters) and listings had an expiry date of 31 December 2020, which had been set in response to the Y2K issues in 1999. Initially, it was considered not viable to rectify CAMS due to 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 almost every year since then in the Court of Appeal Annual Report.

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

## Judgment Delivery

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

- AustLII; and
- the Supreme Court Library website which included:
  - o links to judgments of the Full Court and the Criminal Court of Appeal, the predecessors of the Court of Appeal.

The Court's research officer, Mr Bruce Godfrey, continued coordinating the publication of the Court's judgments including distributing hard copies and electronic links to the judgments to all 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

Following the success of previous judicial exchanges between the Courts of Appeal of Queensland and Western Australia, Justice Hugh Fraser sat in the Western Australian Court of Appeal for two weeks in April 2022. A reciprocal exchange for Justice Andrew Beech to sit on the Queensland Court of Appeal is planned for August 2022.

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



# Appendix 1

**Table 1: Judgments, Criminal Matters**

| Judgments                             | 2019-20 | 2020-21 | 2021-22 |
|---------------------------------------|---------|---------|---------|
| Outstanding at start of year          | 44      | 42      | 39      |
| Reserved                              | 202     | 164     | 143     |
| <i>Ex tempore</i> judgments delivered | 101     | 89      | 97      |
| Reserved judgments delivered          | 200     | 162     | 150     |
| Outstanding at end of year            | 42      | 39      | 30      |

**Table 2: Judgments, Civil Matters**

| Judgments                             | 2019-20 | 2020-21 | 2021-22 |
|---------------------------------------|---------|---------|---------|
| Outstanding at start of year          | 36      | 36      | 28      |
| Reserved                              | 126     | 110     | 78      |
| <i>Ex tempore</i> judgments delivered | 38      | 65      | 44      |
| Reserved judgments delivered          | 128     | 120     | 83      |
| Outstanding at end of year            | 36      | 29      | 32      |

**Table 3: Annual Caseload – Number of Cases**

|              | 2019-20             | 2020-21            | 2021-22                 | Change from Previous Year                                        |
|--------------|---------------------|--------------------|-------------------------|------------------------------------------------------------------|
| Lodged       | 461                 | 466                | 430                     | -7.7%                                                            |
| Heard        | 456                 | 412                | 362                     | -12.1%                                                           |
| Finalised*   | 503                 | 451                | 435                     | -3.5%                                                            |
|              | Lodged<br>2021-2022 | Heard<br>2021-2022 | Finalised*<br>2021-2022 | Active (including<br>reserved<br>judgments not yet<br>delivered) |
| Criminal     | 312                 | 240                | 307                     | 280                                                              |
| Civil        | 118                 | 122                | 128                     | 107                                                              |
| <b>TOTAL</b> | <b>430</b>          | <b>362</b>         | <b>435</b>              | <b>387</b>                                                       |

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

**Table 4: Performance Indicators**

|                  | Clearance<br>Rate % | % finalised<br>within<br>12mths | % finalised<br>> 12mths<br>old | % finalised<br>> 24mths<br>old | % Active<br>> 12mths<br>old | % Active<br>> 24mths<br>old |
|------------------|---------------------|---------------------------------|--------------------------------|--------------------------------|-----------------------------|-----------------------------|
| Criminal         | 98.4                | 72.6                            | 27.4                           | 3.9                            | 23.9                        | 5.7                         |
| Civil            | 108.5               | 76.6                            | 23.4                           | 5.5                            | 35.5                        | 21.5                        |
| <b>ALL CASES</b> | <b>101.2</b>        | <b>73.8</b>                     | <b>26.2</b>                    | <b>4.4</b>                     | <b>27.1</b>                 | <b>10.1</b>                 |

\* 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 |           |           |
|------------------|-----------------------|-----------|-----------|
|                  | 2019-20               | 2020-21   | 2021-22   |
| Criminal cases   | 86                    | 92        | 88        |
| Civil cases      | 125                   | 115       | 95        |
| <b>ALL CASES</b> | <b>99</b>             | <b>99</b> | <b>91</b> |

**Table 6: Court in which Matters were Commenced**

| Court                                | Number of matters filed |         |         |
|--------------------------------------|-------------------------|---------|---------|
|                                      | 2019-20                 | 2020-21 | 2021-22 |
| Trial division – civil*              | 115                     | 99      | 89      |
| Trial division – criminal*           | 79                      | 89      | 85      |
| District court – civil               | 59                      | 59      | 51      |
| District court – criminal            | 300                     | 308     | 281     |
| Planning and Environment Court       | 8                       | 3       | 8       |
| Land Appeal Court                    | 3                       | -       | -       |
| QCAT                                 | 19                      | 30      | 10      |
| Other Court                          | 1                       | 1       | -       |
| Magistrates Court – civil            | 1                       | -       | -       |
| Magistrates Court – criminal         | -                       | -       | -       |
| Industrial Court – civil             | 10                      | 1       | 2       |
| Industrial Court – criminal          | 1                       | -       | -       |
| Commissioner Stamp Duties – criminal | 1                       | -       | -       |
| Other – criminal                     | -                       | -       | -       |

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

**Notes:**

\* These statistics include Circuit Court matters.

**Table 7: Types of Appeals Filed**

| Appeal type                        | 2019-20 | 2020-21 | 2021-22 |
|------------------------------------|---------|---------|---------|
| <b>Civil</b>                       |         |         |         |
| General including personal injury  | 130     | 129     | 100     |
| Applications                       | 71      | 60      | 54      |
| Leave applications                 | 1       | 1       | 3       |
| Planning and environment           | 6       | 0       | 0       |
| Other                              | 8       | 3       | 3       |
| <b>Criminal</b>                    |         |         |         |
| Sentence applications              | 141     | 165     | 151     |
| Conviction appeals                 | 70      | 87      | 85      |
| Conviction and sentence appeals    | 35      | 39      | 44      |
| Extensions (sentence applications) | 15      | 25      | 18      |
| Extensions (conviction appeals)    | 19      | 16      | 9       |

|                                      |    |    |    |
|--------------------------------------|----|----|----|
| Extensions (conviction and sentence) | 6  | 8  | 6  |
| Sentence appeals (A-G/Cth DPP)       | 4  | 2  | 5  |
| Other                                | 91 | 55 | 48 |

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

| Applications<br>2021-2022 | Criminal | Civil |
|---------------------------|----------|-------|
| Granted                   | 0        | 0     |
| Refused                   | 14       | 33    |

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

| Appeals<br>2021-2022 | Criminal | Civil |
|----------------------|----------|-------|
| Granted              | 1        | 0     |
| Refused              | 0        | 1     |

**Table 10: Reasons of the Court\***

| Judgment of the Court or all concurring without separate reasons | Three separate concurring reasons | Two joint concurring reasons and one separate reason | Two joint concurring reasons, one dissent | Separate concurring reasons, one dissent | Single Judge | Total outcomes for the Court of Appeal |
|------------------------------------------------------------------|-----------------------------------|------------------------------------------------------|-------------------------------------------|------------------------------------------|--------------|----------------------------------------|
| 24                                                               | 253                               | 7                                                    | 4                                         | 5                                        | 16           | 309                                    |

\* 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** | 2019-20   | 2020-21   | 2021-22   |
|-------------------|-----------|-----------|-----------|
| Civil             | 58        | 39        | 37        |
| Criminal          | 26        | 44        | 13        |
| <b>TOTAL</b>      | <b>84</b> | <b>83</b> | <b>50</b> |

\* 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 | 2019-20    | 2020-21    | 2021-22    |
|-----------------|------------|------------|------------|
| Civil           | 88         | 86         | 39         |
| Criminal        | 60         | 81         | 72         |
| <b>TOTAL</b>    | <b>148</b> | <b>167</b> | <b>111</b> |

\* 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 |
|------------------------------|-----------|
| Appeal/Application allowed   | 1         |
| Appeal/Application dismissed | 6         |

\* non-RoGS figures.

## Appendix 2

### Court of Appeal Pro Bono List for 2021-2022

**Below is a list of barristers that have taken a pro bono brief via the Court of Appeal Pro Bono Scheme in the last 12 months:**

|                |                 |                   |
|----------------|-----------------|-------------------|
| James Benjamin | Ryan Haddrick   | Isabelle MacNicol |
| Holly Blattman | Andrew Hoare    | Andrew O'Brien    |
| Nathan Boyd    | Michael Horvath | Tom Pincus        |
| Daniel Caruana | David Jones     | San-joe Tan       |
| Emily Cooper   | Joshua Jones    | Patrick Wilson    |
| Sarah Farnden  | Sean Lamb       |                   |
| Jessica Goldie | Simon Lewis     |                   |

**Below is a list of barristers that have taken a pro bono brief via the Court of Appeal Pro Bono Scheme in the last 12 months:**

|                    |                     |                  |
|--------------------|---------------------|------------------|
| Renee Berry        | Simon Hamlyn-Harris | Dominic Nguyen   |
| Claude Bolovan     | Sophie Harburg      | Clare O'Connor   |
| Scott Carter       | Matthew Hynes       | Peter O'Connor   |
| Morgan Clarke      | Matt Jackson        | Ruth O'Gorman    |
| Edward Coker       | Kevin Kelso         | Philip O'Higgins |
| Ambyr Cousen       | Polina Kinchina     | Ben Power        |
| Carmen De Marco    | Louise Kruger       | Sally Robb       |
| Benjamin Dighton   | Robert Lake         | Angus Scott      |
| Chau Donnan        | Rachelle Logan      | Joshua Sproule   |
| Matthew Doyle      | Adam Mason          | Ben Taylor       |
| Jason Dudley       | Katherine McGree    | Rachael Taylor   |
| Nathan Edridge     | Alexander McKinnon  | Carl Tessmann    |
| Angus Edwards      | Jane Menzies        | Samuel Walpole   |
| Margaret Forrest   | Joshua Morris       | Penny White      |
| Iris Gajic-Pavlica | Isaac Munsie        |                  |



**Below is a list of barristers that have taken a pro bono brief via the Court of Appeal Pro Bono Scheme in the last 12 months:**

|                                  |                                         |
|----------------------------------|-----------------------------------------|
| Brighton Langley Law             | Jeff Horsey Solicitors                  |
| Fisher Dore                      | McConnell & Saldumbide Criminal Lawyers |
| Gilshenan & Luton Legal Practice |                                         |

**Below is a list of the solicitor firms that are on the list but who have not taken a pro bono brief via the Court of Appeal Pro Bono Scheme in the last 12 months:**

Guest Lawyers  
Potts Lawyers  
Robertson O’Gorman



# TRIAL DIVISION

# TRIAL DIVISION

## The Work of the Trial Division

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

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

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

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

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

Trial Division judges also sit on the Court of Appeal and the Land Appeal Court. Two judges serve on the Mental Health Court and a number of judges devote extra time to manage the Criminal List, the Dangerous Prisoner Sexual Offenders List, the Commercial List, the Case Flow List, the Wills and Estates List and the Supervised Case List 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 and the Queensland Industrial Relations Commission and another is President of the Queensland Civil and Administrative Tribunal.

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

## The 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 80% 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](http://www.courts.qld.gov.au).



# Developments

The expertise of the members of the Trial Division (supported by Registry staff) was called on again when the Omicron variant of COVID-19 emerged in early 2022. The protocols which had been developed under the guidance of Lyons SJA and Bowskill SJA were quickly implemented with the result that the work of the Trial Division continued relatively undisturbed.

A consequence of the concern felt by members of the Court and of the public more generally about the transmissibility of COVID-19 led to an increased use of reserve jurors. Prospective jurors were also asked about the level of concern they held and that was considered when juries were empanelled. *Practice Direction 5 of 2022* created an additional criterion for excusal from jury service or for the discharge of a juror after having regard to a person's vaccination status.

A continuing difficulty with the use of video conferencing for trials, applications, DPSOA hearings and sentences is that the stability of the video resource is often determined by the weakest part of the links between the parties. It was not uncommon for practitioners and parties to attempt to take part in a video-based hearing by using a mobile phone. And that often resulted in poor connections and an inability to successfully deal with the hearing being conducted. The Information and Court Technology team continues to work on means by which greater stability can be achieved.

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

Justice Ann Lyons – retired 22 August 2021.

Justice Helen Bowskill – appointed Senior Judge Administrator 24 August 2021.

Justice Declan Kelly – appointed 6 September 2021.

Justice Kerri Mellifont – appointed 4 October 2021.

Justice Martin Daubney AM – retired 31 December 2021.

Chief Justice Catherine Holmes AC – retired 18 March 2022.

Justice Helen Bowskill – appointed Chief Justice of Queensland 19 March 2022.

Justice Glenn Martin AM – appointed Senior Judge Administrator 24 March 2022.

Justice Sean Cooper – appointed 11 April 2022.

Justice Jean Dalton – appointed to the Court of Appeal 21 May 2022.

Justice Melanie Hindman – appointed 30 May 2022.

Justice Lincoln Crowley – appointed 13 June 2022.

## Criminal jurisdiction

The number of defendants finalised by trial state-wide decreased from 43 to 31.

The average length of a trial decreased from 5.4 days to 5.0 days.

The number of criminal lodgements state-wide decreased from 2,219 to 2,201.

Finalisation by guilty plea dropped by 1.1% from 1,827 last financial year to 1,807 this financial year.

Overall, the number of defendants finalised decreased by 2.1% from 2,238 to 2,191. The clearance rate decreased by 1.3% to 99.5% compared to 100.9% in 2020-21. The number of defendants pending increased from 758 to 770.

Brisbane's clearance rate decreased from 99.1% to 94.3%, with an increase in active pending defendants of 5.6% from 573 to 605.

The number of outstanding defendants awaiting trial after 12 months has increased by 72.5% state-wide, from

80 defendants (10.6%) to 138 defendants (17.9%). In Brisbane, the increase was less being 50.0%, from 74 defendants (12.9%) to 111 defendants (18.3%).

After the disruption caused by the COVID-19 pandemic, a return to the traditional courtroom model was consolidated over the last reporting year. There are, however, some legacies. There is increased awareness of the potential for court appearances to be conducted by video or audio link. These facilities continue to be used by the profession for communications with clients.

The expanded and regular consultation with stakeholders (including the District Court, both branches of the profession, the Health Department, the Department of Justice and Attorney-General, the Director of Public Prosecutions (Qld), Legal Aid (Qld), the Magistrates Court and the Commonwealth Director of Public Prosecutions), which was enhanced to meet the general needs of all involved, has continued to address specific concerns arising in the criminal jurisdiction. Those include, for example, the availability of prisoners at times when the COVID-19 virus is affecting particular correctional institutions.

The dedication of the Senior Registrar, Registrar (Listing), Deputy Registrar (Criminal) and the Supreme Court Criminal List Manager has made possible a restoration of services in a way for which they should be recognised.

Extensive use continues to be made of the facility to list matters administratively. This reduces the number of court appearances needed for that purpose and is a source of savings in time and cost for the profession and the public.

The list continues to demand significant deployment of judicial resources. The number of active cases has increased by 2% compared to 2020-2021. Nevertheless, the clearance rate is 100% (similar to the last three years) and the proportion of those that are more than two years old is very low – currently 3% (26 cases) which is also similar to the rate in previous years.

All such cases are reviewed on a regular basis and the court requires that reasons for the delay must be substantiated. This process reveals, commonly, that the progress of cases is being slowed because the profession is encountering difficulties in accessing and obtaining reports from mental health professionals. There appears to be a scarce pool of practitioners who are available for forensic work, and a high demand for their services.

## Summary of Activity on Criminal List – By Location

| Centre                 | Number of defendants <sup>(1) (2) (3)</sup> |           |        | Clearance Rate <sup>(4)</sup> | Backlog Indicator <sup>(5)</sup> |            |
|------------------------|---------------------------------------------|-----------|--------|-------------------------------|----------------------------------|------------|
|                        | Lodged                                      | Finalised | Active |                               | % > 12mths                       | % > 24mths |
| Main centres           |                                             |           |        |                               |                                  |            |
| Brisbane               | 1,548                                       | 1,459     | 605    | 94.3%                         | 18.3%                            | 3.8%       |
| Cairns                 | 156                                         | 166       | 14     | 106.4%                        | -                                | -          |
| Rockhampton            | 130                                         | 134       | 24     | 103.1%                        | 20.8%                            | 8.3%       |
| Townsville             | 190                                         | 198       | 53     | 104.2%                        | 17.0%                            | -          |
| Main centre Totals     | 2,024                                       | 1,957     | 696    | 96.7%                         | 18.0%                            | 3.6%       |
| Regional centres       |                                             |           |        |                               |                                  |            |
| Bundaberg              | 18                                          | 25        | 9      | 138.9%                        | 44.4%                            | -          |
| Longreach              | -                                           | -         | -      | -                             | -                                | -          |
| Mackay                 | 57                                          | 65        | 21     | 114.0%                        | 9.5%                             | 4.8%       |
| Maryborough            | 17                                          | 24        | 7      | 141.2%                        | 14.3%                            | -          |
| Mount Isa              | 5                                           | 11        | 5      | 220.0%                        | 40.0%                            | -          |
| Roma                   | -                                           | -         | -      | -                             | -                                | -          |
| Toowoomba              | 80                                          | 109       | 32     | 136.3%                        | 12.5%                            | -          |
| Regional centre Totals | 177                                         | 234       | 74     | 132.2%                        | 17.6%                            | 1.4%       |
| State Total            | 2,201                                       | 2,191     | 770    | 99.5%                         | 17.9%                            | 3.4%       |



#### Notes:

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

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

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

(4) Clearance Rate: Finalisations/Lodgements.

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

## Mental Health Court

The two Trial Division judges each spend six weeks a year sitting in the Mental Health Court. That Court deals with issues of criminal responsibility and fitness for trial in relation to criminal matters, and appeals from decisions of the Mental Health Review Tribunal. The Mental Health Court has a considerable workload, which means the judges allocated to that Court have a significant caseload for the duration of their appointment, which is typically for a term of three to six years.

## Civil jurisdiction

Lodgements increased this year by 18.7% (542 cases) from 2,896 in 2020-2021 to 3,438.

Finalisations increased by 26.8% (688 cases) from 2,565 in 2020-2021 to 3,252.

The clearance rate increased by 6.0% from 88.6% in 2020-2021 to 94.6%.

There was an increase of 7.1% (206 cases) in active pending matters (3,110 as of 30 June 2022 up from 2,904 last year).

The number of pending cases older than 12 months and less than 24 months increased from 611 as of 30 June 2021 to 664, representing 21.4% of the active pending caseload.

Cases more than 24 months old increased by 63 (25.5%) in 2021-2022 and stood at 310 cases on 30 June 2022.

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

| Centre             | RoGS civil files <sup>(1) (2)</sup> |           |        | Clearance Rate <sup>(3)</sup> | Backlog Indicator <sup>(4)</sup> |           |
|--------------------|-------------------------------------|-----------|--------|-------------------------------|----------------------------------|-----------|
|                    | Lodged                              | Finalised | Active |                               | % > 12mths                       | %> 24mths |
| Main centres       |                                     |           |        |                               |                                  |           |
| Brisbane           | 2,996                               | 2,889     | 2,678  | 96.4%                         | 32.7%                            | 10.8%     |
| Cairns             | 95                                  | 77        | 83     | 81.1%                         | 20.5%                            | 3.6%      |
| Rockhampton        | 194                                 | 168       | 220    | 86.6%                         | 24.1%                            | 5.0%      |
| Townsville         | 72                                  | 64        | 59     | 88.9%                         | 28.8%                            | 5.1%      |
| Main centre Totals | 3,357                               | 3,198     | 3,040  | 95.3%                         | 31.7%                            | 10.1%     |

| Regional centres              |              |              |              |              |              |              |
|-------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Bundaberg                     | 8            | 3            | 7            | 37.5%        | 14.3%        | 14.3%        |
| Longreach                     | -            | -            | -            | -            | -            | -            |
| Mackay                        | 58           | 43           | 49           | 74.1%        | 12.2%        | 2.0%         |
| Maryborough                   | 6            | 3            | 4            | 50.0%        | 25.0%        | -            |
| Mount Isa                     | 1            | -            | 2            | -            | 50.0%        | -            |
| Roma                          | 1            | -            | 1            | -            | -            | -            |
| Toowoomba                     | 7            | 5            | 7            | 71.4%        | 14.3%        | 14.3%        |
| <b>Regional centre Totals</b> | <b>81</b>    | <b>54</b>    | <b>70</b>    | <b>66.7%</b> | <b>14.3%</b> | <b>4.3%</b>  |
| <b>State Total</b>            | <b>3,438</b> | <b>3,252</b> | <b>3,110</b> | <b>94.6%</b> | <b>31.3%</b> | <b>10.0%</b> |

**Notes:**

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

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

(3) Clearance Rate: Finalisations/Lodgements.

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

## Civil Jurisdiction Brisbane

### Case Flow Management

From 1 July 2021, the case flow management list was managed by Justice Williams.

The option of conducting case flow reviews remotely (with parties and/or their legal representatives appearing by telephone) continued throughout the year under review to offer the option of appearances by telephone or in person for case flow review hearings, particularly given COVID-19 and the 2022 flood in large parts of Queensland.

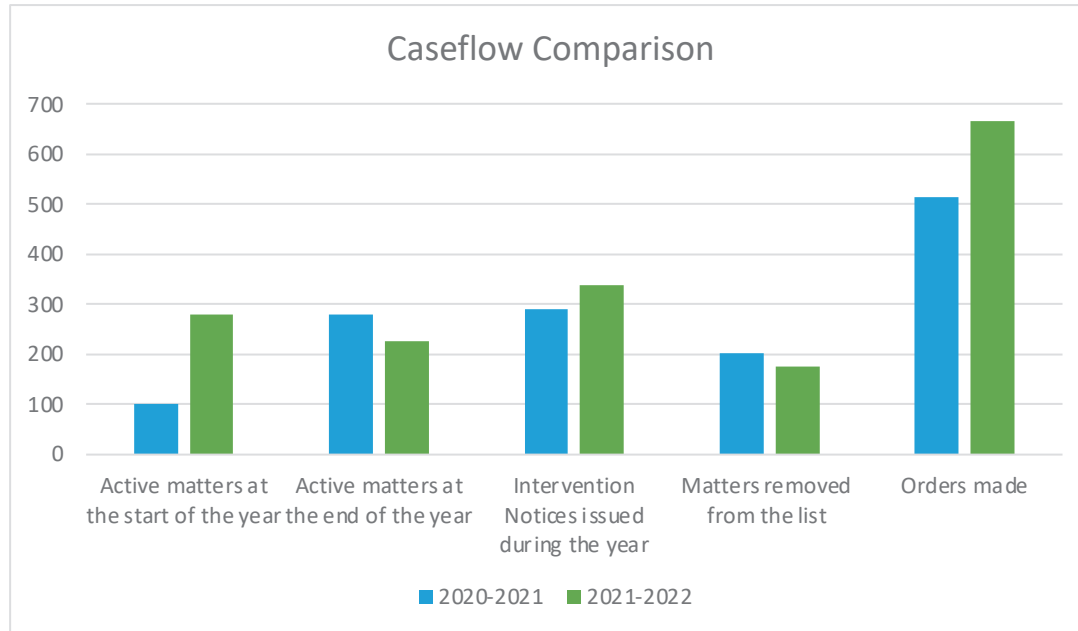
Review hearings are held monthly. Apart from the review hearings, much of the work of the case flow management list continues to be done “on the papers”, without any need for an appearance. This administrative work is labour and time intensive. The efficiency and effectiveness of this process, and the overall management of the case flow management list, requires considerable time and effort on the part of the managing judge, the case flow list manager and the managing judge’s associate. The case flow list manager, who had assisted over many years, retired in February 2022. A new case flow list manager was appointed in March 2022 following a period of temporary assistance by Registry staff. In late June 2022, a replacement case flow list manager was appointed.

A summary of the activity of the case flow management list in the year 1 July 2021 to 30 June 2022 is as follows:

- as of 30 June 2022, there were approximately 225 active matters on the case flow management list (compared to approximately 279 active matters as of 30 June 2021);
- during the year a total of 339 case flow intervention notices (**CFM1 Notices**) were issued (compared to approximately 290 case flow intervention notices issued 1 July 2020 to 30 June 2021);
- 176 matters were removed from the case flow management list, in the following circumstances:
  - o discontinued - 131;
  - o transferred to another court (primarily, the District Court) - 5;
  - o request for trial date filed - 12;

- o placed on another list (primarily, the Supervised Case List for Self-Represented Litigants) - 7;
  - o removed for other reasons (for example, settled) - 17;
  - o adjourned to the Registry - 4.
- in total, 665 orders were made.

This can be contrasted with the previous year, 2020-2021, follows:



In 2022, there was a renewed effort to address a backlog of matters meeting the criteria for placement on the case flow management list, by issuing intervention notices. This effort has seen the overall number of matters on the case flow list increase. Despite this, QCivil shows approximately 450 active cases due for CFM1 Notices that have not yet been issued.<sup>16</sup>

However, the ongoing proactive management of matters on the list has continued to see results in terms of prompting activity in matters that have not been progressing in a timely way, including by removing from the court matters which have resolved or are not to be pursued.

### ***Dangerous Prisoners (Sexual Offenders) Act Applications***

The major purpose of the *Dangerous Prisoners (Sexual Offenders) Act* 2003 is the protection of the public 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.

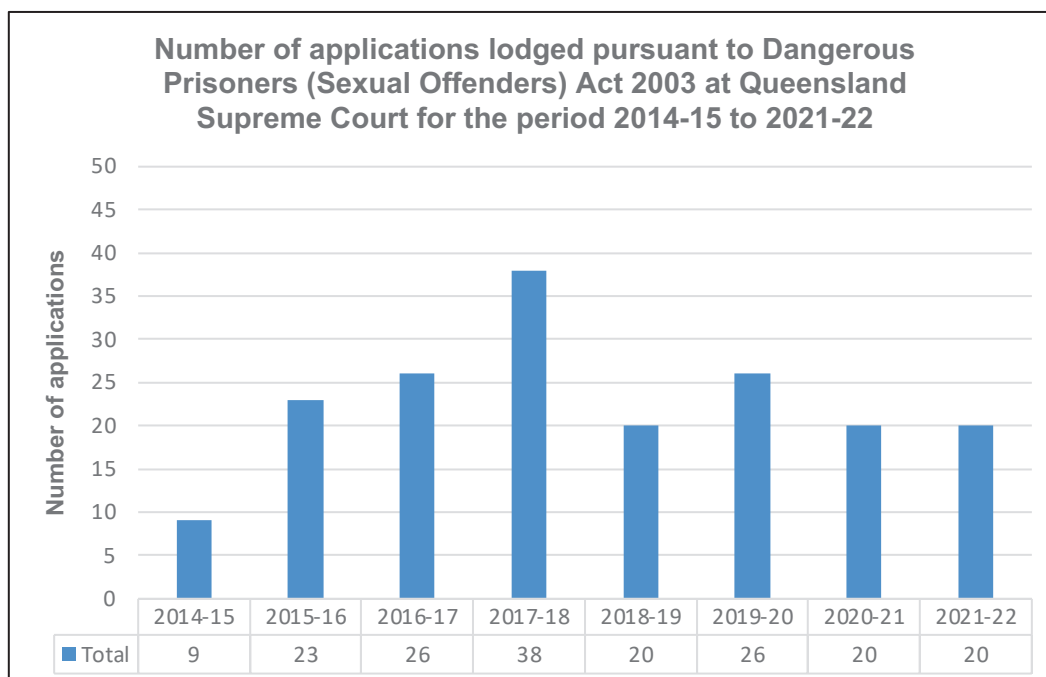
Applications for continuing detention or supervision orders are case managed as are the annual reviews of continuing detention orders or hearings for alleged contraventions of supervision orders.

Management of relevant applications is achieved through weekly reviews. At those reviews, necessary directions are made and, on occasions, orders made on the papers.

Since the enactment of this legislation, the number of prisoners subject to its regime has progressively increased with a consequent increase in the number of applications, reviews and hearings.

In 2021-2022, there were over 500 court events.

<sup>16</sup> This is not a precise reflection of the numbers yet to be addressed, as the Caseflow Notification is triggered when 180 days pass from the date of filing the Notice of Intention to Defend and can only be actioned/disregarded manually. A number of these matters may have since had a Request for Trial date filed or are finalised



## Commercial List

The Commercial List provides management and prompt hearing for proceedings of a commercial character. The Commercial List judges during the reporting period were Justice Dalton and Justice Bradley.

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

A party wishing to have a case placed on the list files an application and a Commercial List Statement. A case listed by one of the judges is managed by that judge, who makes directions and generally hears any contested interlocutory applications as well as the trial. Trial dates are allocated by the judge.

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

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

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

On 30 June 2022, there were 22 cases on the List. During the prior year, 21 cases were added to the list. During the year ended 30 June 2022, 19 cases on the List were finally resolved. Of these six were resolved by judgment or after trial. There were 91 other hearings, being 26 interlocutory hearings (including listing applications and other interlocutory applications) and 65 reviews.

During the year ended 30 June 2022, the COVID-19 pandemic had little impact on the review, hearing and determination of matters on the List.

## Supervised Case List and Self-Represented Litigant Supervised Case List

The Supervised Case List (SCL) provides judicial management of civil cases where the hearing is estimated to take more than five days or where supervision is needed because of the complexity of the matter, the number of parties, or for some other reason. A Self-Represented Litigant Supervised Case List judge also supervises cases in accordance with *Practice Direction 10 of 2014* where one or more of the parties is a self-represented litigant. The aim of supervision is to 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 and Justice Boddice were the SCL judges until May 2022 when Justice Boddice assumed other responsibilities. Justice Freeburn replaced him. The Self-Represented Litigant Supervised Case List was managed by Justice Ryan until 31 July but has now also been taken over by Justice Freeburn.

In continuing to respond to the various restrictions in response to the COVID-19 pandemic as well as the Brisbane floods in February 2022, the judges managing the two lists have maintained a flexible approach to the supervision of matters, so as to minimise interruption to their efficient conduct. Technology has been used to ensure reviews can continue by video-link or telephone despite challenges faced by the broader community. Orders are made on the papers where the judge considers this appropriate whenever possible, again with a view to minimising costs and encouraging efficiency.

### ***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 Resolution Registrar identifies a need for ongoing judicial management of the case. The list has attracted a diverse range of cases needing management, the majority being commercial or construction disputes. Despite COVID-19, the SCL has seen the consistent addition of new cases being managed on the list.

The judges managing the SCL seek to work with the parties to tailor directions with a view to parties narrowing the issues in dispute, limiting disclosure and expediting evidence in the most efficient way so as to affect a just and timely resolution as efficiently and in the most cost-effective way possible to save time and reduce costs for the parties and the Court's administration. 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.

There is a SCL Manager to assist in the administration of the SCL. However, a large role in the administration of the list is also played by the associates to the SCL judges.

The Resolution Registrar, Ms Julie Ruffin, continues to provide valuable assistance in directing matters to the judges that may need case management and providing assistance by conducting case conferences where directed by the SCL judges to progress a matter by assisting to narrow and better identify issues, informally and expeditiously resolve disputes over issues such as disclosure of documents and trial preparation.

The management of cases on the SCL has had positive outcomes. On commencement of the 2022 financial year, there were, on the best available figures, 38 active proceedings allocated to the SCL. Between 1 July 2021 and 30 June 2022, 26 matters were added to the list. During this period, 20 of the supervised cases resolved and three of the cases proceeded to trial. With respect to the claims added to the list during this period, the highest percentage of these were commercial contract claims. The next most common categories concerned building and construction and misleading and deceptive conduct. There were otherwise diverse claims relating to corporations, judicial review, professional negligence and employment. The SCL judges will continue to consider any changes in the management of the SCL to facilitate the just and expeditious resolution of the real issues in civil proceedings at a minimum of expense as envisaged by Rule 5 of the *Uniform Civil Procedure Rules 1999 (Qld)*.

### ***The Self-Represented Litigant Supervised Case List***

Matters are added to this list if one party is, when proceedings commence, or becomes, during the course of proceedings, self-represented.

Matters on the 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 list until they are resolved or until all self-represented parties obtain legal representation.

At the beginning of July 2021, there were 21 matters on the self-represented litigants list.

Fifteen matters were added to the list from July 2021 until the end of June 2022.

Over the course of 2021-2022, 22 matters were resolved and removed from the list.

Two matters which remain on the list were commenced in 2015.

One matter on the list was referred to QCAT, for the purpose of appointing an administrator for a self-represented plaintiff in her claim for damages for personal injuries.

At the time of handover to Freeburn J, 15 matters were on the list.

## **Wills and Estates List**

The Court established a Wills and Estates List in September 2019, for a trial period of 12 months. Following completion of that trial period, the Court determined to continue with a separate Wills and Estates List permanently.

The list is reserved for Wills and Estates proceedings involving a complexity of legal and factual issues warranting judicial oversight. This specialist list is intended not to disrupt the effectiveness of the Court's practice of most Wills and Estates proceedings being determined in applications. Consistent with that philosophy, only a fraction of the proceedings involving Wills and Estates filed each year are placed on the List.

As of 1 July 2021, there were 16 proceedings on the Wills and Estate List. During 2021-2022, 29 proceedings were placed on the list. On 30 June 2022, 14 proceedings remain current.

## **Streamlining Criminal Justice Committee**

The Streamlining Criminal Justice Committee (SCJC) was an initiative of the Court established in April 2016. Whilst the committee was initially established to consider electronic filing in the criminal jurisdiction, the committee has thereafter considered all aspects of the criminal justice system.

The committee includes representation from all levels of the State Courts as well as officers from relevant departments, the Director of Public Prosecutions (QLD), the Commonwealth Director of Public Prosecutions, the QLD Police Service, the Australian Federal Police Service, Legal Aid (QLD), Corrective Services, the QLD Sentence Advisory Council, the Bar Association of QLD and the QLD Law Society.

During 2021-2022, the committee's work continued to be adversely affected by Covid-19 restrictions and the limitations those restrictions placed on the criminal justice system.

The major focus of the SCJC during 2021-2022 has been two working groups, forensics and remand. Those groups have initiated pilot projects to assess whether identified initiatives will reduce delays in the receipt of forensic reports and analyst certificates (with a consequent reduction in the time matters take to progress through the criminal justice system) and improve the provision of programmes for remand prisoners.

## **Regions**

### **Southern Region**

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

### **Central Region**

The Central judge, Justice Crow, is based in Rockhampton and undertakes the work of the Court in Rockhampton, Bundaberg, Maryborough and Longreach. He shares the work of the Mackay region with the Northern judge.

As in previous years, there has been no need to allocate any sitting time to Longreach. Nine weeks were allocated to sittings in Rockhampton for civil work, and twelve weeks for criminal work. Five weeks were allocated to sittings in Mackay. Seven weeks were allocated between Bundaberg and Maryborough. The Central judge also sat in the Court of Appeal in Brisbane for three weeks and for two weeks in Brisbane for civil work.

The trend of increasing criminal lodgements in Rockhampton has continued. For the period 1 July 2021 to 30 June 2022 there were 130 indictments lodged. These lodgements principally relate to offences against the *Drugs Misuse Act* 1986. Similarly with civil lodgements – the number of lodgements has increased by 27.5% over the course of the year. The civil lodgements in Rockhampton alone now exceed the Northern region and Far Northern region. While official clearance rates in Rockhampton are below 90% (i.e., 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. The work of the Court in Maryborough has increased but with the assistance of Jackson J and Davis J the Maryborough list is in sound order.

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 25 practitioners admitted in 2021-2022. Most continue to practise in the region.

## **Northern Region**

The Northern judge, Justice North, is responsible for the work of the Court within the Northern District. In the year covered by this report he sat for 17 weeks in crime and seven weeks in civil in Townsville. He also sat for three weeks in the Court of Appeal.

The Northern judge took long leave for six weeks in the year in question. During those periods of leave members of the Court from Brisbane circuted to Townsville thus enabling the timely disposal of matters to be maintained.

The criminal filings in the Supreme Court in Townsville dominated the statistics for the year with 190 lodgements. Making due allowance for COVID related disruptions the clearance rate in the year in question of 104.2% is very pleasing.

The Northern judge presided at three circuits in Mackay (six weeks). Mackay remains a busy circuit for the Court, the responsibility for which falls to both the Central judge, Justice Crow, and the Northern judge. The clearance rates in Mackay both in crime and civil are similarly positive.

His Honour 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 involvement 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 at the annual North Queensland Law Association Conference which was held in May.

During the year 36 new practitioners were admitted, 27 women and nine men. Many took up positions in Townsville and North Queensland having completed their degrees at the Townsville campus of the James Cook University.

## **Far Northern Region**

The Far Northern judge, Justice Henry, sat at Cairns for 11 weeks in the civil jurisdiction and eight weeks in the criminal jurisdiction. He circuted to Brisbane for two weeks in the Court of Appeal and to Mount Isa for two weeks. He had four judgment writing weeks and 14 weeks long 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 2021-22 year, the number of matters lodged in the criminal jurisdiction increased to 156 compared to 155 in the previous year, an increase of 0.6%. In the civil jurisdiction, lodgements increased by 31.9% to 95 compared to 72 the previous year.

During the year 28 new practitioners were admitted: 19 women and nine 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 2021-2022 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, *“Navigating the pre-trial phase of personal injury litigation”*.

His Honour was a teacher at the NJCA’s National Judicial Orientation Programme held on the Gold Coast, presented a seminar to Magistrates and delivered a keynote address to the Queensland Law Society’s Annual Symposium.

His Honour chaired the Cairns Opening of the Law Year organising committee which convened a new form of annual opening of the law year ceremony in the forecourt of Cairns Courthouse. The ceremony was inclusive of the traditional owners of the land upon which the Courthouse sits, blending their contributions with the traditional component of annual reflection by judicial officers and lawyers in contemplation of the year ahead. To mark the ceremony’s inception a *Backhousia citriodora* (lemon myrtle), which has special significance to indigenous people, was planted in the forecourt where it now flourishes.

## **Southport Sittings**

The court sat in Southport for one week. A longer sittings was not justified, having regard to the level of response from the profession.





# LAND APPEAL COURT

# LAND APPEAL COURT

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

The Land Appeal Court may sit at Brisbane, Rockhampton, Townsville and Cairns. From time to time, the Chief Justice nominates a Supreme Court judge to act as a Member of the Land Appeal Court for the Southern Region. The Honourable Justice Boddice was the Southern Region judge for the 2021-2022 financial year. The Honourable 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.

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.

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

There were six appeals lodged in the Land Appeal Court in 2021-2022, compared with seven appeals filed in 2020-2021. The six appeals and their current status are listed as follows:

| Nature of Appeal    | Region                                      | File number and name                                                  | Final/Awaiting Outcome/Notes                                                          |
|---------------------|---------------------------------------------|-----------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| Mining Compensation | Central - Rockhampton (Heard in Brisbane)   | LAC005-21 and LAC006-21 Micheltore v Hail Creek Holding Pty Ltd & Ors | Heard on 5/11/2021. Judgment delivered 17/12/2021 - Appeals dismissed                 |
| Land Valuation      | South-East - Gold Coast (Heard in Brisbane) | LAC007-21 - Burke & Menora Developments Pty Ltd v Valuer-General      | Heard on 8/10/2021. Judgment delivered 25/11/2021 - Appeal dismissed                  |
| Acquisition of Land | North - Mackay (Heard in Townsville)        | LAC001-22 - DTMR v Desbois; LAC002-22 - Desbois v DTMR                | Heard on 21/4/2022. Judgment delivered 23/5/2022 - Matter remitted back to Land Court |
| Acquisition of Land | South-East - Brisbane                       | LAC003-22 - Kelsall v Brisbane City Council                           | Listed for hearing on 27/9/2022                                                       |

There was a total of three judgments delivered on LAC matters this financial year. All three were final decisions.

There were zero appeals filed in the Court of Appeal in this financial year.

There was one Judicial Review application made in the Supreme Court (BS14908/21 - Sunland Cattle (Costs)). Listed for hearing on 7/10/2022.

There were zero applications for special leave filed in the High Court during this financial 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 Executive Director and Principal Registrar, Supreme District and Land Courts Service is responsible for the management and coordination of Registry administration, as well as the provision of judicial support services for the Supreme Court of Queensland.

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

Additionally, Ms Steel is an ex-officio member of the Incorporated Council of Law Reporting, and of the Legal Practitioners Admissions Board. She is also 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 Supreme Court registries at Brisbane, Cairns, Rockhampton and Townsville. Regional centres at Bundaberg, Longreach, Mackay, Maryborough, Mount Isa, Roma and Toowoomba are visited on circuit as required. Magistrates Courts' Registry staff perform the Registry role in all of those centres.

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

## Registry Workloads

There were 2,201 criminal lodgements across Queensland, during 2021-2022, a very slight decrease compared to 2020-2021 when 2,219 lodgements were received.

Jury trials before the Supreme Court decreased from 46 during 2020-2021 to 32 in 2021-2022. The average length of those trials decreased from 5.4 days to 5.0 days.

Report on Government Services (RoGS) civil lodgements increased by 18.7% from 2,896 during 2020-2021 to 3,438 in 2021-2022.

Probate applications across Queensland increased by 14.9%. There were 11,509 applications during 2020-2021 compared to 13,225 in 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 Supreme 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.

## Online Probate

The online platform, made available in February of the previous financial year, allows probate applications to be lodged through a secure file-sharing platform that acts as a virtual Registry counter. The platform enables practitioners to lodge electronic applications for grant of probate and letters of administration, as well as supporting material without the need to physically attend the Brisbane Registry. Other than the will, no original documents are required to be provided to the Registry.

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

During 2021-2022, 1,078 applications for grant of probate and letters of administration were made via the platform. The platform has confirmed practitioners want online service delivery.

## 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 Supreme 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 Supreme 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 2021-2022 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 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 Supreme Court proceedings for 14 years in Brisbane, Townsville and Cairns. Regrettably, funding for Court Network to provide those services for Supreme Court proceedings ceased as of 30 June 2022. The work of their volunteers and paid staff was greatly appreciated and will be greatly missed.

## Acknowledgements

While the impacts of COVID-19 became more manageable during 2021-2022, 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 OF QUEENSLAND LIBRARY



# SUPREME COURT OF QUEENSLAND LIBRARY

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 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 2021-2022 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 2020-2021 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 2021-2022 the library published over 2300 new decisions from Queensland courts and tribunals. Of the new decisions published, 320 of them were from the Supreme Court Trial Division, 5 from the Mental Health Court, 463 from the Industrial Relations Commission, and 268 from the Court of Appeal. In addition, 17 Supreme 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 QSIG service continues to be high, with over 588,000 page views in 2021-2022. During the 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 QSIG access to many individuals employed by them.)

The library's websites are the primary means of accessing its information resources and services for most of its customers. In 2021-2022 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 *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 2020-2021).

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 2021-2022 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 2021-2022 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 2020-2021 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 2020-2021.
- 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 for the—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 these lectures were delivered in partnership with the Australia Academy of Law.
- Several legal heritage displays were accessible to visitors 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 2022/2023, 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 QSIS. Together these initiatives will contribute to improved legal information services for the Queensland judiciary, legal profession and public.





# SUPREME COURT JUDGES' ASSOCIATES

# SUPREME COURT JUDGES' ASSOCIATES

|                            | <b>Judge</b>                                                                 | <b>Associate</b>                       |
|----------------------------|------------------------------------------------------------------------------|----------------------------------------|
| Chief Justice              | The Honourable Justice Catherine Holmes AC (retired on 18 March 2022)        | Laura Dawson (to 18 March)             |
|                            | The Honourable Justice Helen Bowskill (appointed on 19 March 2022)           | Lauren Dhu                             |
|                            | <b>Court of Appeal</b>                                                       |                                        |
| President                  | The Honourable Justice Walter Sofronoff (retired on 20 May 2022)             | Alice Muir (to 20 May)                 |
|                            | The Honourable Justice Debra Mullins AO (appointed on 21 May 2022)           | Millie Vernick                         |
|                            | The Honourable Justice Hugh Fraser                                           | Maaika York (to 1 June)                |
|                            | The Honourable Justice Philip Morrison                                       | Amaryllis Kholer                       |
|                            | The Honourable Philip McMurdo                                                | Eleanor Hilston                        |
|                            | The Honourable Justice Debra Mullins AO (up to and including 20 May 2022)    | Millie Vernick                         |
|                            | The Honourable Justice Bond                                                  | Jye Beardow                            |
|                            | The Honourable Justice Jean Dalton (appointed 21 May 2022)                   | Gabrielle Ong                          |
|                            | <b>Trial Division</b>                                                        |                                        |
| Senior Judge Administrator | The Honourable Justice Helen Bowskill (from 24 August 2021 to 18 March 2022) | Matilda McLennan Bird (to 21 Jan 2021) |
|                            | The Honourable Justice Glenn Martin AM (appointed 24 March 2022)             | Laura Sharkey                          |
|                            | The Honourable Justice Peter Applegarth AM                                   | Michael Boyce                          |
|                            | The Honourable Justice David Boddice                                         | Riley Quinn                            |
|                            | The Honourable Justice Jean Dalton (up to and including 20 May 2022)         | Gabrielle Ong                          |
|                            | The Honourable Justice David Jackson                                         | Elliott Hoffmann                       |
|                            | The Honourable Justice Peter Flanagan                                        | Catherine Bugler                       |
|                            | The Honourable Justice Martin Burns                                          | Genevieve Feely                        |
|                            | The Honourable Justice Susan Brown                                           | Trent Candy                            |
|                            | The Honourable Justice Helen Bowskill (up to and including 23 August 2021)   | Bede Thompson                          |
|                            | The Honourable Justice Peter Davis                                           | Jade-Ann Reeves                        |
|                            | The Honourable Justice Soraya Ryan                                           | Adriana Fernando                       |
|                            | The Honourable Justice Elizabeth Wilson                                      | Sophia Pruim                           |
|                            | The Honourable Justice Thomas Bradley                                        | Lauren Kelly                           |
|                            | The Honourable Justice Peter Callaghan                                       | Rachna Nagesh                          |



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

Naomi McCarthy  
Camille Etchegaray  
Jack Donnelly  
Bridget Mullins  
Laura Devine  
Alice Muir  
Morgan Lynch

**Regional**

Northern Judge  
Far Northern Judge  
Central Judge

The Honourable Justice David North  
The Honourable Justice James Henry  
The Honourable Justice Graeme Crow

Emma Haythorpe  
Riley Harland  
Madison Boardman



