

PRACTICE DIRECTION NUMBER 9 OF 2023

SUPREME COURT OF QUEENSLAND

CASEFLOW MANAGEMENT – CIVIL JURISDICTION

Purpose and Application

1. This Practice Direction governs the scheme for caseflow management of civil proceedings in the Supreme Court of Queensland.
2. The objective of this Practice Direction is to facilitate the procedurally fair, efficient, timely, and cost effective resolution of civil proceedings. It embraces the philosophy expressed in rule 5 of the *Uniform Civil Procedure Rules 1999 (Qld)* (UCPR) and reflects the obligation of parties to conduct civil litigation in an expeditious way.
3. This Practice Direction applies to civil proceedings:
 - (a) commenced by claim (or ordered to proceed as if commenced by claim) in Brisbane; and
 - (b) to any other civil proceeding, if ordered by the court.
4. This Practice Direction does not apply to proceedings allocated to another managed list, for example, the Supervised Case List, the Commercial List, the Wills and Estates List, or the Supervised Case List Involving Self-Represented Parties.
5. This Practice Direction:
 - (a) operates in conjunction with the UCPR (references to rules are to rules in the UCPR) and the *Civil Proceedings Act 2011 (Qld)* (CPA); and
 - (b) is to be read with [Practice Direction 4 of 2010](#) (as reissued on 8 April 2019) (Consent Orders of the Registrar).
6. For the purposes of this Practice Direction:
 - (a) “consent order” means a consent order meeting the requirements set out in paragraphs 17 to 20 below; and
 - (b) the email address for the:
 - (i) Resolution Registrar is Resolution.Registrar@courts.qld.gov.au; and
 - (ii) Caseflow List Manager is Caseflowmanager@justice.qld.gov.au.
7. This Practice Direction commences operation on 1 May 2023.

8. Any matter already on the Caseflow Management List under the previous Practice Direction 4 of 2020 remains on the Caseflow Management List under this Practice Direction.

Intervention notice

9. Caseflow management under this Practice Direction is premised on the expectation that most proceedings, if progressed in a timely manner, should be ready for trial or otherwise resolved within 180 days of the filing of the defence.
10. Where a request for trial date has not been filed within 180 days of:
 - (a) the filing of the defence; or
 - (b) where there are multiple defendants, the filing of the latest defence,the registry will issue a caseflow intervention notice (**the intervention notice**).
11. The plaintiff must respond to the intervention notice within 28 days of the date of issue by:
 - (a) if the matter has resolved, filing a Notice of Discontinuance under rule 309;
 - (b) if the matter has settled, giving written notice to the Resolution Registrar that the proceeding has settled, under rule 308A;
 - (c) if the matter is ready for trial, filing a Request for Trial Date under rule 467;
 - (d) if the matter is not ready for trial, after consultation with the other parties, submitting a consent order by email to the Resolution Registrar and Caseflow Manager to facilitate the timely resolution of the proceeding; or
 - (e) if consent cannot be achieved, sending an email to the Resolution Registrar and Caseflow Manager submitting the orders the plaintiff proposes and identifying the point(s) of disagreement about the proposed order.
12. If the plaintiff does not carry out one of the steps listed in subparagraphs 11(a), (b) and/or (c) above within the specified timeframe, the proceeding will be allocated to the Caseflow Management List (**the List**).
13. The List is managed by the Resolution Registrar, subject to the supervision of the Caseflow Judge.
14. The Resolution Registrar, or the Caseflow Judge, may refer a proceeding to another managed list if considered appropriate.

Conference notice

15. On allocation to the List, if:
 - (a) the parties have submitted a consent order; and

- (b) the Resolution Registrar is satisfied the order meets the requirements of this Practice Direction and is within the power of the Registrar to make,

the Resolution Registrar will make the order by consent.

- 16. If the parties have not submitted a consent order, or the Registrar is not satisfied of the matters in paragraph 15 above, the registry will issue a caseflow management conference notice or list the matter for caseflow review.

Consent order

- 17. Any consent order submitted pursuant to this practice direction must be comprehensive, adapted to the particular case, and specify dates for compliance with each step set out in the order.
- 18. The consent order should address, as appropriate:
 - (a) giving notice, or bringing an interlocutory application, pursuant to rule 389;
 - (b) transfer of the proceeding pursuant to s 25(2) CPA;
 - (c) amendment of pleadings;
 - (d) compliance with Practice Direction 18 of 2018;
 - (e) disclosure;
 - (f) any other interlocutory application in contemplation;
 - (g) mediation;
 - (h) expert evidence in accordance with Chapter 11, Part 5 UCPR, including the appointment of a joint expert or the commissioning of a report from a conclave of experts; and/or
 - (i) filing a request for trial date.
- 19. The consent order must:
 - (a) be in Microsoft Word format.
 - (b) contain a provision to the effect that, in the event of any default in compliance with the order(s), the defaulting party must, within seven days of the default, notify the Caseflow Manager and Resolution Registrar of the noncompliance.
- 20. The parties must provide, with the consent order:
 - (a) if the consent order does not address a matter referred to in paragraph 18 above, an explanation why it does not;
 - (b) if there has been a failure to comply, or a delay in complying with, previous orders, an explanation for that non-compliance or delay;

- (c) a Form 59A Consent signed by each of the relevant parties and, where applicable, an explanation as to why consent of one or more of the parties is not required (for example, because judgment has been entered, or the proceeding has been discontinued, against that party(ies)).

Caseflow conference and review

- 21. The parties, in person or by their legal representatives, must appear at the caseflow conference, and at any caseflow review, and be in a position to make informed submissions in relation to orders designed to progress the proceeding in accordance with the objective of this Practice Direction.
- 22. The caseflow conference will be conducted by the Resolution Registrar.
- 23. Caseflow reviews will be conducted by the Resolution Registrar or the Caseflow Judge.
- 24. Leave to appear by telephone or video conference may be granted where circumstances prevent a party, or their legal representative, from attending in person. A party should apply for leave to appear remotely by email to the Caseflow List Manager and the Resolution Registrar by 12.00pm on the last business day preceding the conference or review.
- 25. If a matter before the Resolution Registrar appears to be proper for the decision of the court, the Resolution Registrar will refer the matter to the Caseflow Judge or another judge of the court.
- 26. If the Resolution Registrar refers a matter to the Caseflow Judge or another judge of the court, that judge may dispose of the matter or refer it back to the Resolution Registrar with any direction that the judge considers appropriate.

Consequences of non-compliance

- 27. Non-compliance with this Practice Direction, or directions made under it, may (on the application of a party or at the Resolution Registrar's own initiative) result in referral of the proceeding to the Caseflow Judge for consideration whether to make an order:
 - (a) under rule 371(2) (effect of failure to comply with rules);
 - (b) under rule 374(5) (failure to comply with order);
 - (c) depriving a non-complying party of the costs of late compliance;
 - (d) that a non-complying party pay the other party's costs thrown away by reason of the non-compliance, which may be fixed and payable immediately; and/or
 - (e) listing the proceeding for trial notwithstanding non-compliance.

Removal from the List

- 28. A proceeding will be removed from the List on the:

- (a) making of an order disposing of the matter (for example, an order for summary judgment);
 - (b) filing of a Request for Trial Date;
 - (c) allocation of the proceeding to another managed list;
 - (d) filing of a Notice of Discontinuance; or
 - (e) setting down of the proceeding for trial by order of the court.
29. On notification by the parties by email to the Caseflow List Manager and the Resolution Registrar that a proceeding has resolved, the proceeding will be referred to the Caseflow Settlement List.
30. A proceeding on the Caseflow Settlement List:
- (a) will remain on that list until the filing of a Notice of Discontinuance or the making of an order (for example, a sanction order) disposing of the matter; and
 - (b) may be subject to review at the discretion of the Resolution Registrar or the Caseflow Judge.

Repeal

31. Practice Direction 4 of 2020 is repealed.



Helen Bowskill
Chief Justice
28 March 2023