

26 March 2026

Our ref: BC:CrLC

Judge Janelle Brassington
Chief Magistrate
Brisbane Magistrates Court
GPO Box 1649
Brisbane QLD 4000

By email: [REDACTED]

Dear Chief Magistrate

Telephone appearances and online adjournments

I write on behalf of Queensland Law Society's (QLS) Criminal Law Committee to bring your Honour's attention to two issues regarding inconsistencies experienced by our members in relation to telephone appearances and applications for online adjournments.

Telephone appearances

Our members report varying approaches across Magistrates Courts regarding whether practitioners may appear via telephone. While many Magistrates permit remote appearances where circumstances warrant it, members have experienced a persistent practice of refusing requests to appear by telephone despite, in their view, appropriate justification. Less frequent instances have been reported in Courts closer to Brisbane (such as Caboolture, Southport and Maroochydore) but the impact on members is perhaps most significant where the issue has arisen as a consistent practice in regional Courts such as St George, Beaudesert, Dalby and Innisfail. While we acknowledge in-person appearances remain the preferred mode, there are occasions, often unforeseen and outside the control of the legal representative, where travel and other constraints necessitate a telephone appearance or a conversion to one.

The consequences of this variability extend beyond inconvenience. Members have highlighted that the refusal of telephone appearances in circumstances where they would ordinarily be appropriate has a direct impact on the financial viability of preferred legal aid suppliers taking on work in rural and remote areas, and necessary costs for privately represented clients. Many matters are remunerated at levels that do not reflect the significant travel time required when in-person attendance is required. Where a practitioner must travel, sometimes for hours, for a brief mention that could reasonably have been conducted by telephone, the cost of doing so is often unrecoverable. This creates a disincentive for practitioners to accept work in regional areas.

Online adjournments

The Society also wishes to raise a preliminary concern about the increasingly inconsistent approach being taken to applications for online adjournments across Queensland's Magistrates Courts. Members of the Society's Criminal Law Committee who practice in regional Courts are observing significant variability in whether online adjournment requests are accepted. This inconsistency is creating uncertainty for practitioners, inefficiencies in the management of matters and avoidable delays in progressing matters.

Member practitioners have observed that some Magistrate Courts readily accept online adjournment applications. However, others require in-person appearances even where the attendance is procedural or uncontested. Further complications arise in jurisdictions where online adjournment applications are made in advance of the court date but are simply placed on the file for the Magistrate to determine on the day, without advance notice to the practitioner as to whether the adjournment will be granted. These divergent practices are particularly pronounced in regional circuits, where practitioners often service multiple courts across large geographic areas and rely on consistent approaches to manage their staffing arrangements and caseloads effectively.

A more uniform approach would enhance certainty for practitioners, reduce unnecessary delays and support the effective administration of justice.

Thank you for considering these issues. If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via policy@qls.com.au or by phone on [REDACTED]

Yours faithfully

[REDACTED]
Peter Jolly
President