

COURT OF APPEAL

**McMURDO JA
BOND JA
APPLEGARTH J**

**Appeal No 8560 of 2022
SC No 5067 of 2020**

DONALD JAMES INNES

Appellant

v

**THE ELECTORAL COMMISSION
OF QUEENSLAND**

First Respondent

MARK BRYAN JAMIESON

Second Respondent

BRISBANE

FRIDAY, 25 NOVEMBER 2022

JUDGMENT

McMURDO JA: The appellant applies for the adjournment of these appeals on the basis that he is not well enough to ably present his case due to his ongoing recovery from injuries suffered in a motorcycle accident last month, and his prescribed medication for the management of pain as a result of those injuries. His application is supported by medical evidence. There is, in particular, evidence from his treating doctor in the form of two documents: one a medical certificate, another a letter from the same doctor, each dated the 6th of November and which are found at pages 33 and 38 of the affidavit of Mr J P Connolly which was filed and read this morning by counsel for the second respondent. That constitutes

the most recent medical evidence, save for what Mr Innes has written in correspondence since that date, and save for what he has said this morning as to his present condition.

It must be said that the evidence is somewhat incomplete. That is, the medical evidence. And it is susceptible to more than one interpretation. However, there is no evident basis for this court not to accept what the appellant says about his present difficulties in formulating and presenting his ultimate arguments.

There are the usual but substantial consequences for the respondents in this case, which follow a postponement of the hearing and determination of an appeal. And they are consequences which must be given considerable weight. Nevertheless, it is my view that the appeal must be adjourned, and I would order that the appeal in each case be adjourned to a date to be fixed by the Registrar, and that the costs of the adjournment be each party's costs in the appeal.

BOND JA: I agree with the reasons of Justice McMurdo and the orders that he proposes.

APPLEGARTH J: I also agree.