

ROBERTS
v
MAGISTRATE GETT & ANOR
[2026] HCADisp 113
B13/2026

- 1 The applicant seeks special leave to appeal from the judgment of the Full Court of the Federal Court of Australia (Bromwich, Abraham and Vandongen JJ), which upheld the second respondent's notice of contention and dismissed an appeal from a decision of the Federal Court of Australia (Downes J), which in turn dismissed an application for judicial review of a decision of the Magistrates Court of Queensland (Deputy Chief Magistrate Gett) which ordered the carrying out of a forensic procedure on the applicant pursuant to s 23WS of the *Crimes Act 1914* (Cth).
- 2 It is not in the interests of the administration of justice at this stage in the proceeding for this Court to hear a challenge limited to one discrete aspect of the eight mandatory considerations in s 23WT(3) that impact the balancing exercise in s 23WT(2). Where the forensic procedure order can form the basis for an appeal on the ground of a wrong decision on a question of law or a miscarriage of justice, any issue about the scope of s 23WT(3)(f) may be appropriately considered in light of all of the facts and any decisions made during the trial.
- 3 Special leave to appeal is refused with costs.

Gageler CJ
Gordon J
Edelman J
Steward J
Gleeson J
Jagot J
Beech-Jones J

7 May 2026