

Supreme Court of Queensland

Annual report 2011 – 2012



**SUPREME COURT OF
QUEENSLAND**

CHAMBERS OF THE CHIEF JUSTICE

31 October 2012

Queen Elizabeth II Courts of Law
415 George Street
Brisbane QLD 4000

PO Box 15167
City East QLD 4002

PH 61 7 3247 4279
FX 61 7 3247 4206
www.courts.qld.gov.au

The Honourable Jarrod Bleijie MP
Attorney-General and Minister for Justice
Level 18, State Law Building
50 Ann Street
BRISBANE QLD 4000

Dear Mr 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 2012.

Yours sincerely,

The Hon P de Jersey AC
Chief Justice

Table of contents

Chief Justice’s Overview 2011-2012	3
Performance	3
Disposition of caseload	3
Overall.....	3
Trial Division	3
Criminal	3
Civil.....	3
Court of Appeal Division.....	3
Rules Committee.....	3
Continuing judicial development.....	4
Chief Justice’s calendar	4
The Supreme Court sesquicentenary	5
International aspects.....	5
Judicial appointments.....	6
Judicial retirements	6
Acknowledgement	6
Appendix to the Chief Justice’s Overview 2011-2012	7
“The Sesquicentenary Staff”: gift of the Bar Association of Queensland	7
The ‘Blossom Jars’: gift of the Federal Court judges resident in Brisbane	7
“The Supreme Court Sesquicentenary Book”: gift of the Queensland Law Society.....	7
Profile of the Supreme Court	9
Judges of the Supreme Court	9
Office of the Chief Justice	9
Court of Appeal Division.....	9
Judges of Appeal.....	9
Trial Division	9
Trial Division judges.....	9
Other appointments	10
Mental Health Court	10
Chair, Law Reform Commission	10
Land Appeal Court.....	10
Court of Appeal Division.....	11
Governance	11
Organisational Structure	11
Human resourcing issues	12
Performance	13
Disposal of work	13
Origin of appeals.....	13
Other highlights	14
Self-represented litigants	15
Technology and restructure.....	16
Future directions and challenges.....	17
Appendix 1	19
Trial Division	22
The work of the Trial Division	22
The structure of the Trial Division.....	22

Developments	23
Criminal jurisdiction	23
Summary of activity in the criminal list	25
Criminal jurisdiction—Brisbane	26
Civil jurisdiction	26
Civil jurisdiction—Brisbane	28
Case flow management	28
Commercial List.....	28
Supervised Cases List	29
Trial Division districts	29
Executive Director’s overview	32
Registry services	32
Registry workloads	32
eTrials	33
Court Network volunteers.....	33
Acknowledgements.....	33
Supreme Court of Queensland Library	34
Highlights.....	34
Relocation to the New Courthouse	34
Sir Harry Gibbs Legal Heritage Centre	35
Information Services.....	35
Legal collections	35
Supreme Court History Program	36
Future directions	36
Supreme Court Judges’ Associates 2012.....	37

Chief Justice's Overview 2011-2012

Performance

The following statistics relating to the court's performance over the last year have been developed on the basis of the requirements of the Commonwealth Productivity Commission in relation to its annual 'Report on Government Services'.

Disposition of caseload

Overall

Both divisions of the court performed satisfactorily.

The subsequent reports on the Court of Appeal Division and the Trial Division are those provided to me under the statute by the heads of those respective divisions of the Court.

Trial Division

Criminal

On the criminal side, the Trial Division ended the reporting year with 502 outstanding cases and disposed of 1130 incoming matters (a 105.8% clearance rate). Of the outstanding cases, 18.7% were more than 12 months old and less than 24 months old (from date of presentation of indictment), and 6.4% more than 24 months old. Some cases may take this long due to appeals and rehearings.

Civil

On the civil side, the Trial Division (in Brisbane) began the reporting year with 110 cases awaiting a hearing, by trial, and ended it with 104 outstanding cases, disposing of 270 incoming matters. Overall, the Trial Division disposed of 5118 civil matters, reflecting a 129.2% clearance rate. Of the 3512 active cases at the end of the year, 18.1% were older than 12 months and less than 24 months old (from filing date) and 10.1% were older than 24 months.

Court of Appeal Division

The Court of Appeal Division disposed of 407 criminal appeals this reporting year (337 last year), representing a clearance rate of 104.1%. As of 30 June, 180 criminal appeals awaited disposition (196 last year).

The Court of Appeal also disposed of 266 civil appeals (250 last year), with a clearance rate of 98.52%, leaving 105 outstanding at the end of the year (101 last year).

Rules Committee

The Rules Committee met regularly throughout the year. The committee comprised Justice Muir (Chair), Justice Douglas, Justice Dalton, Judge Robin QC, Judge McGill SC, Magistrate Wessling, Magistrate Morgan, the Executive Director, Supreme, District and Land Courts Service, and me.

On 29 November 2011, the Queensland Parliament enacted the Civil Proceedings Bill, the culmination of more than a decade's work by the Rules Committee in conjunction with the Office of Parliamentary Counsel.

Continuing judicial development

On 15 and 16 August 2011 the judges participated in their 17th consecutive annual seminar. The seminar began with *Recent cases of general interest*, presented by Mr Michael Byrne QC, Mr Liam Kelly SC and Mr Graham Gibson QC. A later session covered procedural matters such as rules in relation to the disclosure of documents, presented by Justice Byrne, Justice Philip McMurdo, Justice Daubney and Justice Applegarth. The other sessions were:

- *The Sentencing Advisory Council* - Professor Geraldine Mackenzie;
- *Cybercrime – the invisible war* - Mr Graham Ingram;
- *Quality of expert evidence* - Professor Gary Edmond;
- *Art in the 21st century* - Mr Tony Ellwood;
- *Neuroplasticity* - Professor Perry Bartlett;
- *State Courts after Kirk and Totani: Assessing the reach of Chapter III* - Professor Suri Ratnapala;
- *Values in the law* - the Honourable Keith Mason AC, QC;
- *Withholding and withdrawing life-sustaining treatment from adults lacking capacity: law and practice* - Professor Lindy Wilmott and Associate Professor Ben White; and
- *Sentencing of Indigenous offenders* - Dr Samantha Jefferies and Dr Christine Bond.

The seminar included a tour of the new metropolitan Supreme and District Courthouse, then under construction.

Chief Justice's calendar

Apart from the time dedicated to administrative and official responsibilities, I sat in the various jurisdictions of the court both in and out of Brisbane:

- Court of Appeal (12 weeks);
- the criminal court (5 weeks);
- civil sittings (6 weeks);
- applications (5 weeks);
- Cairns (1 week); and
- Townsville (1 week).

An important part of my role is meeting with judges and practitioners in court centres around the State. The Supreme Court sits in 11 centres in addition to Brisbane. I endeavour to visit and sit at centres outside Brisbane biennially.

I attended various regional functions:

- a function organized by the Downs and South Western Queensland Law Association in Toowoomba on 20 August 2011;
- the Central Queensland Law Association Annual Conference at Yeppoon, 21-23 October 2011;

- a function organized by the Downs and South Western Queensland Law Association in Toowoomba, during Law Week on 19 May 2012, marking the 75th anniversary of the Association; and
- the North Queensland Law Association Annual Conference in Mackay, 25-26 May 2012.

The Supreme Court sesquicentenary

The sesquicentenary of the establishment of the Supreme Court was marked by a ceremonial sitting in the Banco Court on 5 August 2011. All judges were present on the bench. Her Excellency the Governor and the Honourable the Deputy Premier and Attorney-General were present, together with approximately 400 other attendees including many members of the practising profession.

On 6 August 2011, 250 guests attended a sesquicentenary dinner at the Queensland Art Gallery, including the Governor, the Premier, the Deputy Premier and six other Australian Chief Justices, including the Chief Justice of the High Court of Australia who proposed the toast to the Supreme Court. The Supreme Court Library published a booklet (edited by Justice Martin) commemorating those events.

At the traditional “exchange of Christmas greetings” sitting on 14 December 2011, Mr Traves SC, President of the Bar Council and on behalf of the Bar Association, presented the court with a fine timber and bejewelled silver staff to mark the court’s sesquicentenary. The staff will be carried by the Sheriff, preceding the judges, as they enter the Banco Court on ceremonial occasions. A description of the staff is contained in an appendix to this report.

On 29 November 2011, the Chief Justice of the Federal Court of Australia, on behalf of the judges of that court resident in Brisbane, presented the judges of the Supreme Court with two fine ceramic pieces, acknowledging the Supreme Court’s sesquicentenary. A description of the pieces is contained in the appendix.

On 23 February 2012, the President of the Queensland Law Society presented the Court with a leather-bound parchment book recording the names and brief judicial biographies of all members of the court over its 150 year history, with provision for the insertion of details in relation to further appointments over approximately the next 50 years. The book, to be known as “The Supreme Court Sesquicentenary Book”, will be on permanent public display. The court expresses gratitude to the solicitors of Queensland for marking the court’s 150th anniversary in such a memorable and significant way. A note on the production and nature of the book is contained in the appendix.

International aspects

On 26 July 2011, the Chief Justice of Korea, the Honourable Lee Yong-hoon, and a party of senior judges and officials from the Supreme Court of Korea, visited the court in Brisbane.

On 15 September 2011, the Chief Justice of Canada, the Right Honourable Beverley McLachlin PC, visited the court in Brisbane, and delivered an address in the Banco Court on “The Courts and the Media”.

In early December 2011, at meetings with the Chief Justice of Papua New Guinea, Sir Salamo Injia, Kt and other judges and officers of the supreme and national courts of Papua New Guinea, in Port Moresby, I finalized with Chief Justice Injia the terms of an intended “Memorandum of Understanding” dealing with the provision of assistance by the Supreme Court of Queensland to those Papua New Guinea courts in relation to their exercise of criminal jurisdiction. The finalised Memorandum of Understanding was signed in Brisbane in August 2012.

Judicial appointments

On 28 July 2011 Mr James Dawson Henry SC was appointed a judge of the Supreme Court in the Trial Division, and as Far Northern Judge effective from 12 September 2011.

Justice Margaret Wilson was appointed as an additional judge of appeal from 8 August to 16 December 2011, and from 30 January to 20 April 2012, and Judge Dick of the District Court of Queensland was appointed an acting judge of the Supreme Court in the Trial Division from 8 August to 16 December 2011. Judge O’Brien of the District Court was appointed an acting judge of the Supreme Court, and sat in the Trial Division from 30 January to 20 April 2012. These acting appointments accommodated Justice Holmes’ absence while she headed the Floods Commission of Inquiry.

Mr Robert William Gotterson QC was appointed a judge of the Supreme Court and a judge of appeal from and including 27 April 2012.

Judicial retirements

Justice Cullinane, the Northern Judge, retired 16 July 2011.

Justice Chesterman resigned as a judge of appeal and as a judge of the Supreme Court 23 April 2012.

Justice Jones, the Far Northern Judge, retired 10 September 2011.

Acknowledgement

I thank the judges, officers of the registry, the court’s administrative staff, and the Director-General and his staff, for their contribution to ensuring the effective discharge of the court’s mission for another year.

Appendix to the Chief Justice’s Overview 2011-2012

“The Sesquicentenary Staff”: gift of the Bar Association of Queensland

Mr David Boucher, master craftsman, designed and manufactured the staff, with the following features:

- At its peak is the Crown, a symbol of authority and independence. It is made of pure Queensland silver mined at Cannington (near McKinlay in northwest Queensland) and set with sapphires sourced from the gem fields of Sapphire in Central Queensland.
- Beneath the Crown are the words “Supreme Court of Queensland” and the State Coat of Arms.
- The repousse and chasing on the central ball incorporates the state flower and the aboriginal symbols of man, woman and child, travelling signs and resting camps – a figurative recognition that the court serves all Queenslanders.
- Above the central ball is the badge of the Bar Association of Queensland and below the words “Gift of the Bar Association of Queensland”.
- The base of the staff is engraved with the words “equal justice to all persons” drawn from the judicial oath.
- These various elements are brought together with a 150 year old piece of Queensland maple.

The ‘Blossom Jars’: gift of the Federal Court judges resident in Brisbane

These fine ceramic jars are the personal gift of the Federal Court Judges resident in Brisbane to the judges of the Supreme Court. They were made by Mr Michael Pugh, potter of Middle Earth Pottery, Buderim.

The glaze was developed in the Hsuan-te period of the Ming Dynasty. Each jar is painted with cobalt oxide brushwork, and the design is an abstracted brush turkey. The glaze colours range from red, dark blood red to peach bloom, under an old Chinese recipe called “sang-de-boeuf”.

The maroon colouring may remind the viewer of the State of Queensland, and the blue and golden hues of the Nation of Australia.

“The Supreme Court Sesquicentenary Book”: gift of the Queensland Law Society

This book commemorates the service of all 111 judges appointed to the court in its 150 year history to 2011. Each judge’s name is recorded on a separate parchment page, together with brief biographical details in calligraphy by artist Mr Dave Wood. Spare pages should accommodate further appointments to the court over the next 50 years.

The book was bound by bookbinder Mr Fred Pohlmann using goat skin leather. The State motto – *Audax at Fidelis* (bold but faithful) – is lettered in gold on the front cover, together with a representation of the bull and ram from the State, and the court’s Coat of Arms. The back cover is graced by two elements from the shield of the Queensland Law Society, the Cooktown orchid (also Queensland’s floral emblem) and sunburst representing enlightenment in justice and learning.

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

The Honourable Paul de Jersey AC

Court of Appeal Division

President

The Honourable Margaret Anne McMurdo AC

Judges of Appeal

The Honourable Catherine Ena Holmes

The Honourable John Daniel Murray Muir

The Honourable Hugh Barron Fraser

The Honourable Richard Noel Chesterman, AO RFD *(resigned 23 April 2012)*

The Honourable Margaret Jean White

The Honourable Robert William Gotterson *(appointed 27 April 2012)*

Trial Division

Senior Judge Administrator

The Honourable John Harris Byrne, RFD

Trial Division judges

The Honourable Keiran Anthony Cullinane, AM *(Northern Judge, Townsville)*
(Retired 16 July 2011)

The Honourable Henry George Fryberg

The Honourable Stanley George Jones, AO *(Far Northern Judge, Cairns)* *(Retired 10 September 2011)*

The Honourable Margaret Anne Wilson

The Honourable Roslyn Gay Atkinson

The Honourable Debra Ann Mullins

The Honourable Anthe Ioanna Philippides

The Honourable Philip Donald McMurdo

The Honourable James Sholto Douglas

The Honourable Ann Majella Lyons

The Honourable Alfred Martin Daubney

The Honourable Glenn Charles Martin

The Honourable Duncan Vincent Cook McMeekin *(Central Judge, Rockhampton)*

The Honourable Peter David Talbot Applegarth

The Honourable Peter James Lyons

The Honourable Alan Muir Wilson

The Honourable David Kim Boddice

The Honourable Jean Hazel Dalton
The Honourable David Octavius Joseph North (*Northern Judge, Townsville*),
(*appointed 18 July 2011*)
The Honourable James Dawson Henry (*Far Northern Judge, Cairns*), (*appointed 12
September 2011*)

Other appointments

Mental Health Court

The Honourable Ann Majella Lyons
The Honourable David Kim Boddice

Chair, Law Reform Commission

The Honourable Roslyn Gay Atkinson

Land Appeal Court

The Honourable Peter James Lyons (*Southern District*)
The Honourable David Octavius Joseph North (*Northern District*)
The Honourable James Dawson Henry (*Far Northern District*)

Court of Appeal Division

Governance

Organisational Structure

The Court of Appeal hears appeals:

- in criminal and civil matters from the trial division of the Supreme Court of Queensland;
- in criminal and civil matters from the District Court of Queensland;
- from the Planning and Environment Court;
- from 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, so for almost all cases the Queensland Court of Appeal is Queensland's final appellate court. See appendix 1, table 8.

The President of the Court of Appeal is the Hon Justice Margaret Anne McMurdo AC. There are also five judges of appeal. During this reporting year, they were:

- the Hon Justice Catherine Ena Holmes, who continued as Queensland Floods Commissioner until 16 March 2012, and recommenced sitting in the Court of Appeal on 26 March 2012;
- the Hon Justice John Daniel Murray Muir;
- the Hon Justice Hugh Barron Fraser;
- the Hon Justice Richard Noel Chesterman AO, RFD, who resigned from 22 April 2012;
- the Hon Justice Margaret Jean White;
- the Hon Justice Margaret Anne Wilson, who continued as an additional Judge of Appeal until 23 March 2012 whilst Justice Holmes was Queensland Floods Commissioner; and
- the Hon Justice Robert William Gotterson, who was appointed on 27 April 2012.

The Court of Appeal sat as a bench of three judges for 42 weeks during the financial year as it did last year. The President and the judges of appeal together sat 209 individual judge weeks this reporting year, compared to 204 weeks last reporting year, even though four judge weeks were lost pending Justice Gotterson's appointment after Justice Chesterman's resignation.

The Chief Justice sat in the Court of Appeal for 12 weeks this year compared to 11 weeks last reporting year. Trial Division judges also sat in the Court of Appeal for 58 individual judge weeks this year compared to 46 weeks last reporting year and 56 weeks in 2009-2010. This was still well below the 2008-2009 level of 66 weeks. It remains desirable for the Chief Justice and the Trial Division judges to sit regularly in the Court of Appeal. The court benefits from their experience, especially in trial work, and could not dispose of its workload as efficiently without their assistance.

The President and the Senior Deputy Registrar (Appeals), Mr Neil Hansen, continue to work together with the judges of appeal to ensure the determination of urgent appeals in a timely fashion. Many civil and criminal matters were given expedited hearings this reporting year. The following categories of matters are heard expeditiously:

- 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.

Mr Hansen has continued to identify at an early stage which matters are complex or where delay is a problem. These are case managed by the President or a judge of appeal to ensure timely disposition. The President and the judges of appeal value the high level of service provided by Mr Hansen and the appeals registry staff, all of whom continue to give diligent service and, despite limited resources, strive to deliver best practice to the public, the profession and the judges. The President and the judges of appeal also value the commitment and support given to the registry staff by:

- the Executive Director of the Supreme, District and Land Courts Service, Ms Julie Steel;
- the Executive Director, Reform and Support Services, Ms Stephanie Attard;
- the Director, Reporting, Finance and Community Engagement, Ms Joanne Bugden;
- the Deputy Principal Registrar, Supreme, District and Land Courts Service, Ms Diane Antonsen; and
- the Manager, State Reporting Bureau, Mr Kevin Meiklejohn.

In hearings where security was an issue, assigned protective service officers assisted the court. The court thanks the Building Service Co-ordinator, Mr Brian Hayman, the Acting Building Service Co-ordinator, Mr Andrew Tempelman, and the protective service officers for their assistance.

Human resourcing issues

The shortcomings in the performance of the State Reporting Bureau (SRB) noted in the 2009-2010 Supreme Court annual report have largely been overcome this reporting year and the SRB has interacted well with the Court of Appeal. There are now no major delays in the receipt of SRB transcripts for the preparation of appeal record books. The time taken by SRB to provide transcript for appeal record books has increased, however, over the last three months of this reporting year.

SRB and appeals registry staff liaise efficiently to identify urgent matters requiring speedy production of transcript and the transcript is produced expeditiously. Occasional delays in commencing Court of Appeal hearings because of faulty recording equipment have continued. It is hoped that the SRB can maintain this

improved performance which is critical to the timely disposition of appellate work and to the reliable and effective administration of justice in Queensland.

The appeals registry lost 1.5 staff members because of budgetary cuts during the last reporting year. These staff were reinstated early in this reporting year, returning staff levels to their previous complement. Mr Cliff Olsen, the court's administrative assistant, retired on 12 August 2011 after 19 years of dedicated service. His position and another part time position are presently filled by temporary staff. The appeals registry will be unable to operate optimally if these temporary positions are lost during the next reporting year.

Applications for appellants in criminal matters seeking legal aid are ordinarily processed by Legal Aid Queensland (LAQ) within three weeks in the case of sentence appeals and four weeks in the case of conviction appeals. LAQ has not always met these time frames during this reporting year. Some applications for legal aid in conviction appeals have taken many months to be determined. The court appreciates that this is likely to be the result of LAQ's resourcing issues. These delays directly impact on the timeframes for the hearing of appeals to the detriment of appellants, witnesses, victims and all involved in the criminal justice system.

Performance

Disposal of work

This reporting year 661 matters commenced in the Court of Appeal (391 criminal matters and 270 civil matters). This was a marked increase on the 616 matters commenced last reporting year (377 criminal matters and 239 civil matters). There are 285 active matters, including undelivered reserved judgments, compared to 297 last reporting year. The court has finalised 673 matters this reporting year compared to 587 last year. See appendix 1, table 1.

The court's clearance rate of criminal matters this reporting year has risen from 89.39 per cent last year to 104.09 per cent. The court's clearance rate in civil matters was 98.52 per cent compared to 104.6 per cent last reporting year and 98.4 per cent in 2009-2010. Overall, 97.03 per cent of Court of Appeal matters were finalised within 12 months of lodgment. The court has offered the parties in those matters not finalised within 12 months of lodgment hearing dates during the year and the delay has been at the request of one or both parties.

The median time for the delivery of reserved judgments in criminal matters was 25 days and in civil matters it was 44 days. Overall, the median time between hearing and delivery of reserved judgments was 32 days. This slight decrease compared to the previous two reporting years (see appendix 1 table 5) can be attributed to the court's heavier workload this year.

Origin of appeals

The filings from the Trial Division in civil matters have increased this reporting year from 165 to 174. They have decreased in criminal matters from 96 to 85. The filings from the District Court in civil matters have fallen for the fourth consecutive year from 49 to 48. District Court filings have risen in criminal matters from 281 to 304.

Planning and Environment Court filings have also risen this reporting year from 12 to 18. See appendix 1, table 6.

Overall, the number of filings of general civil appeals and applications has decreased slightly this reporting year from 144 to 135. The number of sentence applications filed also has decreased slightly from 157 to 150 whereas the number of conviction only appeals filed has risen marginally this reporting year to 94 and is higher than in the last three reporting years. The number of combined conviction and sentence appeals has also risen. The number of sentence appeals brought by the Queensland Attorney-General and the Commonwealth Director of Public Prosecutions has decreased this reporting year to 10 from 17, less than in the preceding three years. See appendix 1, table 7.

These tables demonstrate a significant increase in overall filings from 616 to 661. Criminal filings have risen from 377 to 391 whereas civil filings from both the Trial Division and the District Court have fallen noticeably.

This reporting year the Court of Appeal disposed of 673 matters. In the same period, there were 34 applications for special leave to appeal from the Court of Appeal to the High Court of Australia of which 3 were granted. The High Court heard 8 appeals from the Court of Appeal of which 5 were allowed. See appendix 1, table 8

Other highlights

Highlights for the Court of Appeal this reporting year include:

- the celebration of the Court's first 20 years with a lecture titled *The Distinctiveness and Independence of Intermediate Courts of Appeal* in the Banco Court, presented by The Hon Keith Mason AC, QC. It was attended by not only the Chief Justice and present and former judges of the Court of Appeal and Trial Division, but also Chief Justice Keane of the Federal Court (formerly of the Court of Appeal); the Hon Justice Maxwell, President, Court of Appeal, Victoria; the Hon Justice McLure, President, Court of Appeal, Western Australia; the Attorney-General, Minister for Government and Special Minister of State, the Hon Paul Lucas MP; then Attorney-General, the Hon Dean Wells MP; Shadow Attorney-General, Mr Jarrod Bleijie MP; other judges and members of the practising and academic profession; and present and former Court of Appeal deputy registrars (appeals), associates and staff.
- The Supreme Court Library's exhibition showcasing the Court of Appeal's 20 year history was displayed in the precinct outside the Banco Court.
- The Court of Appeal's annual northern sittings were held in Townsville from 28 May to 1 June 2012. Five judges took part: the President, Justice Muir and Justice White from Brisbane; the Northern Judge, Justice North from Townsville; and the Far Northern Judge, Justice Henry from Cairns.
 - The court heard 13 matters over the five days: four applications for leave to appeal under s 118 *District Court of Queensland Act 1967* (Qld); three appeals against conviction; four applications for leave to appeal against sentence; and two general civil appeals.
 - Barristers and solicitors from Townsville, Cairns, Rockhampton and Brisbane participated in the sittings. In terms of appearances by counsel, 72 per cent were barristers based in provincial Queensland (14 per cent from Cairns, 43 per cent from Townsville and 14 per cent

from Rockhampton) and 28 per cent were barristers based in Brisbane. No female counsel appeared.

- Of the 11 criminal matters before the court, three litigants were privately represented, two were represented by Legal Aid Queensland, one was represented by pro bono Townsville counsel without an instructing solicitor, and five were self-represented.
- In the two civil matters, counsel and solicitors were from Cairns, Townsville and Rockhampton and one litigant was self-represented.
- During the sittings, the judges attended a function hosted by the Townsville District Law Association and a dinner held by the North Queensland Bar Association. Members of the legal profession, law students from James Cook University, Legal Studies high school students and members of the general public attended sittings of the Court of Appeal during the week.
- This year's northern sittings was particularly significant as it was the first in which Justice White, Justice North and Justice Henry participated and it was also Justice White's last such sittings before her retirement.

The public, the legal profession and the judges are aware of the under-representation of women at the bar in Queensland and of women counsel in Court of Appeal hearings. This reporting year, women counsel appeared in 10.3 per cent of all court appearances in the Court of Appeal, although they comprised 20.3 per cent membership of the bar with practising certificates. Women counsel appeared in 12.45 per cent of criminal matters and in 7.87 per cent of civil matters. Unfortunately, this percentage remains noticeably less than the percentage of women at the bar in Queensland. It is comparable to the last two reporting years, and an improvement from 6.2 per cent in 2007-2008.

Self-represented litigants

The number of self-represented litigants in the Court of Appeal continues to increase. At least one party was unrepresented in 46 civil matters in which judgment was delivered this reporting year (compared to 32 last reporting year and 37 in 2009-2010). In criminal matters where judgment was delivered this reporting year at least one party was unrepresented in 81 matters (compared to 64 last year and 67 in 2009-2010). This means that in 20 per cent of civil matters and 27 per cent of criminal matters in which judgment was delivered this reporting year, one party was self-represented. The number of matters commenced by unrepresented litigants but which did not result in a hearing was significantly higher. Self-represented litigants generally place additional burdens on registry and court staff and the judges.

The Queensland Public Interest Law Clearing House (QPILCH) and its Self Representation Service (Court of Appeal) again provided assistance this year. It received 13 applications for assistance from potential or current litigants in civil appellate matters. Of these, 10 concerned potential appeals, and three related to appeals which had already commenced.

Of the three applicants with appeals commenced, one discontinued the appeal after an application for a stay was unsuccessful and they became bankrupt. The service gave advice to the remaining two clients which was not accepted.

Of the potential appeals, three were in cases that, for policy reasons, the service was unable to assist. Of the remaining seven, the service assessed one as having merit and arranged for legal representation, resulting in a successful outcome for the client. The remaining six were advised that their matters were unlikely to be successful. Four accepted this advice and did not commence an appeal. A fifth discontinued their appeal before it was heard. The sixth commenced the appeal which has not yet been finalised.

The Court of Appeal criminal law pro bono scheme, first established in 1999-2000, continued to operate this year. With the assistance of the Bar Association of Queensland and the Queensland Law Society, unrepresented appellants convicted of murder or manslaughter, juveniles, and those under an apparent legal disability receive legal representation for their appeals. This year six appellants were assisted by the scheme. The President and the judges of appeal thank the public-spirited barristers listed in appendix 2, particularly the barristers called on during this reporting year. Other legal practitioners regularly appear pro bono for parties in the Court of Appeal in both civil and criminal matters. The court also thanks them for their assistance.

Significantly, a total of 24.7 per cent of self-represented criminal appellants, compared to 25 per cent last year and 17.4 per cent of self-represented civil litigants, compared to 9.3 per cent last year were successful in their appeals. Overall, 22 per cent of self-represented litigants were successful. These figures continue to suggest a need for increased legal aid funding at appellate levels in criminal matters.

Technology and restructure

This reporting year the court heard 46 matters where one party appeared by video link and 6 matters where one party appeared by telephone link. The quality of these links has again been variable, sometimes causing costly adjournments and lost court time. The court thanks the Chief Bailiff, Mr Craig Hogan, and the bailiffs for their assistance with the use of video and audio equipment.

The Senior Deputy Registrar (Appeals) and his staff have continued to provide record books in searchable electronic form to judges and parties. Courts wi-fi, a free broadband internet service using wireless technology, has again been available during the hearing of appeals in the Banco Court and in the Court of Appeal. Unfortunately, lawyers were unable to access the wi-fi at times due to heavy demand..

The President and the judges of appeal, whether in court, in chambers, or remotely, have access to computers for legal research, electronic record books and electronic transcripts of appeal hearings.

The following appeals were prepared and conducted electronically:

- *Hart v Commonwealth Director of Public Prosecutions;*
- *R v Huston, R v Fox, R v Henke;*
- *R v Huston; ex parte Commonwealth Director of Public Prosecutions; R v Fox; parte Commonwealth Director of Public Prosecutions; R v Henke; ex parte Commonwealth Director of Public Prosecutions.*

All Court of Appeal judgments delivered during this year were again available free of charge on the internet through AustLII and on the Queensland Courts website. The court's research officer, Mr Bruce Godfrey, coordinates the publication of these judgments, ensuring compliance with profuse and sometimes complex legislative prohibitions. Mr Godfrey arranges hard copies and electronic links to the judgments for all major Brisbane media outlets. He prepares judgment outlines which are published on the Supreme Court Library website and distributed to interested Queensland judicial officers, the Queensland Law Society, and the Bar Association of Queensland. They are also published in Proctor, the Queensland Law Society journal.

Mr Godfrey, in consultation with the President and the judges of appeal, maintains the Court of Appeal web page which provides public access to Court of Appeal judgments, relevant legislation, rules, practice directions and other matters, with links to related web pages. It includes a link to a database maintained by the Supreme Court Library on its web page, containing selected High Court and intermediate appellate court judgments relating to the Criminal Codes of Queensland, Western Australia, Tasmania and the Northern Territory. It also includes a link to a database of civil appellate decisions of general interest to Australian intermediate appellate courts maintained on the New South Wales Court of Appeal web page but to which all intermediate appellate courts contribute.

During the year, the President and judges of appeal have again been assisted in carrying out their duties by the resourcing of the judges' library in the Court of Appeal precinct although many text books not available on-line are outdated.

Future directions and challenges

During the next reporting year, the President and the judges of appeal, with the assistance of the senior deputy registrar (appeals) and the appeal registry staff, plan to:

- ensure a seamless transition from 304 George Street to 415 George Street in July and August 2012;
- maintain the Court of Appeal's timely disposition of matters. The court can meet this core goal only with a continued high level of assistance from the Trial Division. The Court must also continue to be provided with sufficient resources to ensure the appeals registry is maintained with adequate staff numbers and with reasonable continuity amongst its skilled staff;
- maintain and refine the Court of Appeal Case Management System (CAMS);
- develop electronic files, including outlines of argument with hyperlinks to relevant cases and transcripts;
- develop and refine best practice procedures in electronic appeal record books and in conducting electronic appeals;
- utilise functional video and audio links within the court and correctional and other facilities;
- develop and maintain a properly resourced and current judges' library;
- develop and refine best practice in the management of self-represented litigants, both in the registry and in the Court of Appeal;
- work together with registry and other court staff to ensure that the new Court of Appeal courtroom and precinct function optimally for the benefit of the public, the profession, court users and the judges of appeal;

- host the Australian Institute of Judicial Administration's biennial appellate judges conference in September 2012; and
- provide sittings during 2013 in central, north or far north Queensland.

These goals cannot be achieved in a vacuum. The agencies on which the Court of Appeal depends for its efficient performance must also be properly resourced, namely:

- Court administration;
- The State Reporting Bureau (SRB);
- The Director of Public Prosecutions;
- Legal Aid Queensland;
- QPILCH and the Self-Representation Service (Court of Appeal); and
- The Supreme Court Library.

Appendix 1

For criminal matters 95.82 per cent were finalised within 12 months. For civil matters, 98.87 per cent were finalised within 12 months. Overall, 97.03 per cent of Court of Appeal matters were finalised within 12 months.

Table 1: Annual caseload

Number of Cases				Active (including reserved judgments not yet delivered)
	Lodged	Heard	Finalised*	
Criminal	391	299	407	180
Civil	270	217	266	105
Total	661	516	673	285

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

Table 2: Performance Indicators

	Clearance Rate	% finalised within 12mths	% finalised >12mths old	% finalised >24mths old	% Active >12mths old	% Active >24mths old
Criminal	104.09%	95.82%	4.18%	0.00%	3.89%	0.00%
Civil	98.52%	98.87%	1.13%	0.00%	0.00%	0.00%
Total	101.82%	97.03%	2.97%	0.00%	2.46%	0.00%

Table 3: Judgments, criminal matters

Judgments	2009-10	2010-11	2011-12
Outstanding at start of year	20	22	32
Reserved	220	205	229
<i>Ex tempore</i> judgments delivered	52	60	70
Reserved judgments delivered	218	195	235
Outstanding at end of year	22	32	26

Table 4: Judgments, civil matters

Judgments	2009-10	2010-11	2011-12
Outstanding at start of year	8	24	31
Reserved	157	170	158
<i>Ex tempore</i> judgments delivered	63	48	59
Reserved judgments delivered	141	163	173
Outstanding at end of year	24	31	16

Table 5: Time between hearing and delivery of reserved judgments

Type of cases	Median number of days		
	2009-10	2010-11	2011-12
Criminal cases	18	22	25
Civil cases	28	29	44
All cases	21	25	32

Table 6: Court in which matters were commenced

Court	Number of matters filed		
	2009-10	2010-11	2011-12
Trial Division – civil	195*	165*	174*
Trial Division – criminal	97*	96*	85*
District Court – civil	57	49	48
District Court – criminal	247	281	304
Planning and Environment Court	13	12	18
Other - civil (cases stated, QCAT, tribunals etc)	1	13	30
Magistrates Court - criminal	5	0	1
Other - criminal	0	0	1

* These statistics include Circuit Court matters.

Table 7: Types of appeals filed

Appeal type	2009-10	2010-11	2011-12
Civil			
general including personal injury applications	152	144	135
leave applications	84	68	104
planning and environment	15	11	11
Other	13	12	14
	2	4	6
Criminal			
Sentence applications	156	157	150
conviction appeals	64	93	94
conviction and sentence appeals	46	35	47
extensions (sentence applications)	9	23	23
extensions (conviction appeals)	16	17	15
extensions (conviction and sentence)	13	13	21
sentence appeals (A-G/Cwth DPP)	14	17	10
Other	31	22	31

Table 8: Applications and appeals from the Court of Appeal to the High Court *

Applications for special leave				
	Criminal		Civil	
	2011-2012		2011-2012	
Granted	3		0	
Refused	15		16	

Appeals				
	Criminal		Civil	
	2011-2012		2011-2012	
Granted	5		0	
Refused	3		0	

*Applications and appeals heard in one reporting period may concern matters heard by the Court of Appeal in an earlier reporting year.

Court of Appeal Pro Bono List 2011- 2012

Martin Burns	John Griffin QC	Alan Macsporrان
Michael J Byrne QC	Simon Hamlyn-Harris	Frank Martin (Toowoomba)
Peter Callaghan SC	Carl Heaton SC	Kerri Mellifont SC
Craig Chowdhury	Andrew Hoare	Peter Mylne
Anthony Collins (Tville)	Jeffrey Hunter SC	Peter Nolan
Michael Copely SC	Mark Johnson	Gerard O'Driscoll (R'ton)
Patrick Cullinane (Mackay)	Stephen Keim SC	Colin Reid
Peter Davis SC	David Kent	Peter Richards
Ralph Devlin SC	Tony Kimmins	Soraya Ryan
Michael Drew (Tville)	Dennis Lynch	Tim Ryan
Tracey Fantin (Cairns)	Gregory Lynham (Tville)	Paul Smith
Terry Gardiner	Eoin Mac Giolla Ri	Joshua Trevino (Cairns)
Tony Glynn SC	Donald Mackenzie	Bret Walker SC (Sydney)
Mark Green		Neville Weston
		Elizabeth Wilson SC

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 and mainly concern murder, manslaughter and serious drug charges.

Civil cases are usually determined by a judge and deal with a wide range of cases including:

- contests about commercial matters;
- building and engineering contracts;
- wills and estates;
- conveyancing; and
- insurance.

Trial Division judges also sit on the Court of Appeal and the Land Appeal Court. Two judges serve on the Mental Health Court. Some judges act as members of bodies such as the Queensland Law Reform Commission. Many are involved with groups that are responsible for implementing procedures to improve the administration of justice, including the Rules Committee and the Better Resolution Group convened by the Senior Judge Administrator. Justice Alan Wilson is President of the Queensland Civil and Administrative Tribunal.

The structure of the Trial Division

The court is divided into far northern, northern, central and southern districts, reflecting the decentralised nature of the State and its large area.

Sixteen of the 19 Trial Division judges are based in Brisbane in the southern district. The southern district includes Toowoomba, Maryborough and Roma. More than two-thirds of the workload arises in and around, and is dealt with in, Brisbane.

The Central Judge resides in Rockhampton, where he presides at civil and criminal sittings. He also conducts sittings in Bundaberg, Longreach and Mackay.

The Northern Judge resides in Townsville. His district encompasses Mt Isa and Mackay.

The Far Northern Judge resides in Cairns.

In Townsville, Rockhampton and Cairns, a registrar and support staff assist the judges.

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.

Developments

There were a number of movements across the Trial Division over the past reporting year. Trial DivisionA judge of appeal to headed a commission of inquiry and two long-serving judges retired.

With Justice Margaret Wilson acting as an additional judge of appeal, two District Court judges, Judge Dick and Judge O'Brien, acted as Supreme Court judges in the Trial Division, for about seven months in aggregate.

In July, the Northern Judge, Justice Cullinane retired and Justice North succeeded him. Two months later, Justice Henry became the Far Northern Judge, following the retirement of Justice Jones.

The efficient disposition of workload was promoted by new practice directions affecting civil cases and by a pilot project directed towards reducing the length of criminal trials.

Practice Direction No. 10 of 2011, which applies to all civil cases, prescribes a new procedure for the use of technology to achieve more effective management of documents. It also states the procedure that regulates e-Trials.

Practice Direction No. 6 of 2012 describes the steps to be taken in the more complicated applications under the *Dangerous Prisoners (Sexual Offenders) Act 2003*. More is said about this on page 31 under criminal jurisdiction - Brisbane.

Practice Direction No. 11 of 2012 modernizes procedure in the Supervised Cases List. It also establishes clear guidelines for management of documents and for conferences of expert witnesses.

Criminal jurisdiction

Finalisations by trial decreased 3.6 per cent from 83 defendants in 2010-11 to 80 defendants in 2011-12. This decrease contrasts with a substantial increase in finalisations by trial over the previous two years when the numbers increased by 45.6 per cent (26 defendants).

Although there have been fewer trials this reporting year, the average length of trials has increased by 12.6 per cent (0.8 days per trial).

Criminal lodgments decreased by 30.2 per cent, from 1529 in 2010-11 to 1068 in 2011-12: a decrease of 461. This can be partially attributed to changes in legislation allowing other courts to dispose of cases previously committed to the Supreme Court.

There was a 24.9 per cent decrease in criminal finalisations decreased 24.9 per cent this reporting year, down from 1504 during 2010-11 to 1130 (a decrease of 374).

The across-the-State clearance rate was 105.8 per cent (up from 98.4 per cent during 2010-11).

As at 30 June 2012, there were 502 active pending matters, representing a decrease of 8.6 per cent from last year when there were 549 active pending matters on 30 June 2011.

The percentage of active pending matters older than 12 months and less than 24 months increased by 7.2 per cent, from 11.5 per cent to 18.7 per cent.

As at 30 June 2012, the percentage of active pending cases older than 24 months increased from 5.1 per cent in 2010-11 to 6.4 per cent.

Reasons for delay in finalising cases include:

- referral to the Mental Health Court;
- deferral because of other court proceedings;
- retrials; and
- an inability to obtain an early trial or sentence date.

Summary of activity in the criminal list

	Number of defendants [*]			Clearance rate	Backlog ^{**} indicator % > 12 months	Backlog ^{**} indicator % > 24 months
	Lodged	Finalised	Active		Presentation date	Presentation date
Main centres						
Brisbane	756	769	397	101.7%	24.9%	7.1%
Cairns***	100	123	13	123.0%	15.4%	7.7%
Rockhampton	46	50	9	108.7%	11.1%	0.0%
Townsville	101	88	30	87.1%	26.7%	6.7%
Total for main centres	1003	1030	449	102.7%	24.5%	6.9%
Regional centres						
Bundaberg	18	23	6	127.8%	0.0%	0.0%
Longreach	0	0	0	0.0%	0.0%	0.0%
Mackay	18	17	9	94.4%	11.1%	0.0%
Maryborough	9	21	17	233.3%	35.3%	5.9%
Mount Isa	8	14	6	175.0%	66.7%	0.0%
Roma	0	0	0	0.0%	0.0%	0.0%
Toowoomba	12	25	15	208.3%	33.3%	0.0%
Total for regional centres	65	100	53	153.8%	30.2%	1.9%
State total	1068	1130	502	105.8%	25.1%	6.4%

Notes:

* As defined by the RoGS rule, a 'defendant' is one defendant with one or more charges; and with all charges having the same date of registration. Defendants with outstanding bench warrants or with secondary charges (such as breaches of orders) are excluded. Also excluded are defendants awaiting indictment presentation.

** Backlog indicator: the number of active pending defendants with proceedings older than the specified time. Time is measured from date of lodgment (usually the date of indictment presentation) to the end of the reporting period.

*** Matters disposed of on Thursday Island are included in Cairns figures.

Criminal jurisdiction—Brisbane

As a result of Practice Direction 6 of 2012, cases arising under the *Dangerous Prisoners (Sexual Offenders) Act 2003* are heard in the Applications list. This measure has been beneficial on listings: in particular, by making more time available for sentences.

As trials continue to grow longer, there is a correspondingly reduced capacity to set matters down. At about the half way mark of each six month period, any case exceeding five days cannot be listed until the calendar for the next six months is available. Trials that are otherwise ready for hearing can be delayed for up to a year. Time for hearing trials is still at a premium.

Proceedings for murder, attempted murder and manslaughter are more likely to be concluded by a jury verdict than by a guilty plea. From 2005-06 to 2010-11, trials in those categories increased by 110 per cent, and the number of trial days devoted to them increased by 140 per cent (not including pre-trial hearing days). Steps are being taken to address the growing length of trials.

A pilot scheme designed to anticipate and resolve problems that commonly arise in long trials began in the second half of the reporting period. It shows signs of reducing the length of trials.

Practitioners continue to make sensible use of the ability to obtain hearing dates for sentences administratively.

Civil jurisdiction

Results in the civil jurisdiction have been affected by changes to monetary limits in the *Civil and Criminal Jurisdiction Reform and Modernisation (Amendment) Act 2010*. Quite a few claims lodged in the District Court since November 2010 were previously beyond that Court's jurisdiction and had to be started in the Supreme Court. That legislation has also reduced the number of active pending matters and contributed to raised clearance rates.

Many claims are dealt with by registrars, which is one reason why a decrease in lodgments does not result in a corresponding reduction in judicial workloads. Lodgments decreased this reporting year by 1224 (23.6 per cent), from 5185 in 2010-11 to 3961 in 2011-12. Finalisations decreased this reporting year, by 1603 (23.9 per cent) from 6721 during 2010-11 to 5118 in 2011-12. The clearance rate accordingly decreased from 129.6 per cent in 2010-11 to 129.2 per cent in 2011-12

Active pending matters decreased 25.2 per cent to 3512 at 30 June 2012, down from 4694 at 30 June 2011. The number of cases older than 12 months and less than 24 months decreased from 1225 during 2010-11 to 634 in 2011-12 (a decrease of 48.3 per cent). The number of lodgments more than 24 months old increased by 15 cases in 2011-12, and stood at 353 cases (representing a 4.4 per cent increase from the previous reporting year).

Summary of activity in the civil list

By Location

2011-12	RoGS civil files			Clearance rate	Backlog indicator from filing date	
	Lodged	Finalised*	Active		% > 12 mths	% > 24 mths
Brisbane	3505	4374	3002	124.79%	26.48%	10.13%
Cairns	115	208	111	180.87%	41.44%	11.71%
Mackay	58	81	74	139.66%	32.43%	4.05%
Rockhampton	94	160	103	170.21%	29.13%	13.59%
Townsville	173	248	197	143.35%	40.61%	8.12%
Bundaberg	8	14	13	175.00%	30.77%	7.69%
Longreach	0	0	0	0.00%	0.00%	0.00%
Toowoomba	3	23	8	766.67%	75.00%	25.00%
Mount Isa	1	3	1	300.00%	0.00%	0.00%
Maryborough	3	7	3	233.33%	66.67%	0.00%
Roma	1	0	0	0.00%	0.00%	0.00%
State total	3961	5118	3512	129.21%	28.10%	10.05%

Notes:

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

** 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.

Civil jurisdiction—Brisbane

Case flow management

Case flow management is when the court intervenes in proceedings which are progressing slowly to help parties resolve them quicker. It was implemented to give practical effect to rule 5 of the *Uniform Civil Procedure Rules 1999* (UCPR) and the rules imposing times for taking steps in litigation. Regulated by Practice Direction No. 4 of 2002, it aims to ensure that proceedings progress to a timely and cost-effective resolution. Case flow management involves an integrated approach by the registry and Justice Atkinson.

At the heart of the system is the concept that ordinarily a matter should be ready for trial within 180 days of the notice of intention to defend being filed. If no request for a trial date has been filed by that time, the parties must propose an acceptable case management plan or the matter will be referred to the judge, who will give directions for the timely disposition of the proceedings. The judge ensures that any case management plan proposed is comprehensive, and includes a date by which the request for trial date must be filed or the matter will be deemed resolved, and makes sure cases are prepared for trial, excises those not going to trial and deems resolved those cases which should be finalised or in which the parties have not complied with directions.

In the last reporting year, the court has consulted extensively to streamline its processes to reduce costs and encourage efficiency. This resulted in an amended practice direction and a plain English guide for the assistance of practitioners and the public. Some recurring areas of difficulty are in timely commissioning and receipt of expert evidence, in compliance with Practice Direction 2 of 2005 and Chapter 11 of Part 5 of the UCPR, and problems experienced by self-represented litigants. The QPILCH Self-Representation Service is a valuable and independent service that helps litigants without legal representation.

Commercial List

The Commercial List provides for the prompt determination of proceedings involving issues of a commercial character, where the estimated length of the trial is 10 days or fewer. The Commercial List judges are Justice Philip McMurdo and Justice Applegarth.

A case is placed on the list if a Commercial List judge considers that it is appropriate for inclusion, having regard to the nature of the case, and the estimates of time required for hearing. A party seeking to have a proceeding placed on the list files an application and supporting material (usually by email). The judges alternate on a monthly basis in hearing the listing applications. Usually, the judge who places the case on the list retains management of it. That judge also usually determines interlocutory contests, reviews the progress of the case, and conducts the trial. The Commercial List judges endeavour to provide early hearing dates. Commercial cases are prioritised in their calendars.

As of 30 June 2012, there were 73 cases on the list compared with 82 on 1 July 2011. During the year, 47 cases were added to, and 56 cases were removed from, the list, of which 32 were disposed of by adjudication or final order.

As reported last reporting year, the prompt, economical disposition of cases is hampered by the proliferation of documentation and the burdens that this places upon the parties and the court, in the pre-trial phase and at trial.

Supervised Cases List

The Supervised Cases List provides for the judicial management of civil cases where the hearing is estimated to take more than five days or where supervision is warranted because of considerations such as the complexity of the issues or the number of parties. This list was managed by Justice Peter Lyons and Justice Boddice in 2011-12.

While most cases are placed on the list at the request of the parties, cases are also placed on the list through the court's initiative, where a judge conducting an interlocutory hearing sees the need for ongoing judicial supervision. Cases are also referred after Case flow review. Most cases fall within the general commercial law category. The range of cases extends, however, to a variety of civil matters, including complex building and engineering claims, public liability and other insurance litigation, personal injury claims, and disputes about deceased estates. Cases on the list are managed to achieve a just and timely resolution with the minimum of commitment of resources by the court and litigants – saving time and reducing costs.

A new practice direction (11 of 2012) was issued on 18 May 2012 to regulate the Supervised Cases List. A feature of the new practice direction is the inclusion of document management guidelines designed to deal with problems of disclosure, particularly where there are many electronic documents. It was the product of consideration and consultation conducted by a section of the Better Resolution Group, under the leadership of Justice Applegarth.

As at 30 June 2011, there were 147 cases on the list. During 2011-12, 36 cases were added to the list and 44 cases were removed from the list: 14 were determined by adjudication, 8 were settled, and 22 discontinued. 386 reviews were conducted (not all requiring appearances). Judges conducting reviews try to ensure that all issues are identified by the pleadings and that efforts are made to resolve cases and issues. They also aim to maximise the utility of expert evidence as well as to fix trial dates only when there is a high likelihood that the trial will be able to start at the allocated date and be completed within the estimated time.

Trial Division districts

Southern district

Brisbane-based judges conduct the southern district circuits. These circuits are managed by Justice Philippides.

Central district

The Central Judge, Justice McMeekin, is responsible for the work of the Court in Rockhampton, Mackay, Bundaberg and Longreach.

The Central Judge conducted civil sittings in Rockhampton for ten weeks, criminal sittings for thirteen weeks, and sittings involving both crime and civil work in Mackay for six weeks and Bundaberg for four weeks. The reduction in sittings in Mackay, from eight weeks to six, came about through a redistribution of some of the circuit load to the Northern Judge.

Applications days were held on an approximately six weekly basis. Self-represented litigants took up a larger, and disproportionate, amount of sitting time in applications. As is customary, the Central Judge sat in the Court of Appeal in Brisbane for three weeks.

The numbers of those sentenced decreased in Rockhampton. Thirty-four offenders were sentenced this year following pleas of guilty, compared with 55 and 36 in the preceding two years. There were five criminal trials, as in the previous year. Mackay and Bundaberg had fewer sentences this year on pleas of guilty: 5 and 10 respectively. Mackay had no criminal trials; Bundaberg only one.

On the civil side, the Central Judge delivered 31 reserved judgments in the Trial Division - a near 25 per cent increase on the previous year. Despite that increase, civil litigation has been disposed of in a timely way.

Eleven practitioners with a Central Queensland connection were admitted to the profession in Rockhampton— five females and six males. The admission ceremony, attended by friends and family of the practitioners, is appreciated by practitioners and the local community.

Northern district

On 16 July 2011, after 19 years distinguished service, Justice Cullinane retired as the Northern Judge. Justice North succeeded him on 18 July 2011.

Justice North conducted sittings for 21 weeks in Townsville, where he is based. He conducted three circuits to Mackay (each for two weeks) and two to Mount Isa (both two weeks). Justice North sat in the Court of Appeal in Brisbane for three weeks in August and for one week in May 2012, when the Court of Appeal sat in Townsville. Seven weeks were allocated to judgment writing. He attended the National Judicial Orientation Program for one week in November.

With the co-operation of the profession, arrangements for the applications jurisdiction were changed so that the Northern Judge sat in applications every week he sat in Townsville. Matters are listed for Tuesday and Thursday mornings and up to one and a half hours allocated. This change has assisted the timely disposition of matters. Civil cases are dealt with expeditiously. Most have trial dates within a few months of the filing of a request.

The clearance rate for civil matters increased by 50.2 per cent, from 93.2 per cent last year to 143.4 per cent. There was a decrease of 122 in the number of cases lodged (from 295 to 173), and a decrease of 27 cases finalised (from 275 to 248). In Townsville, there has been a 4.1 per cent increase in criminal lodgments from 2010-11. However, there was a decrease by 15 in the finalisations, and an increase in active pending defendants by 7 as at 30 June 2012.

The average length of a criminal trial in Townsville decreased from 4.4 days last year to 3.8 days. In Mount Isa, a murder trial occupied an entire 11 day circuit. Nevertheless, there was an increase in the total number of matters finalised. In Mackay, while the number of civil cases requiring judicial determination decreased from the previous year, the complexity of matters often necessitated more than one interlocutory hearing.

Thirty-one new practitioners were admitted in Townsville, almost all of whom had completed their academic training at James Cook University. The majority took up positions in Townsville and in the North Queensland region.

Far northern district

The inaugural Far Northern Judge, Justice Jones, retired after 14 years distinguished service. Justice Henry, formerly of the Cairns Bar, was appointed as the new Far Northern Judge from 2 September 2011.

The year saw a decrease in the number of criminal lodgments: 100, compared to 147 in the previous year. There was an increase in clearance rate from 102.7 per cent to 123 per cent. Civil lodgments decreased to 115, compared to 203 the previous year. There was an increase in civil clearance rate to 180.87 per cent, compared to 136.5 per cent in the previous year. The decrease in lodgments and increased clearance rate has reduced backlogs in both criminal and civil jurisdictions. Parties are usually allocated a hearing date soon after their matters are ready to be heard.

The Far Northern Judge sat in Cairns for 15 weeks in civil jurisdiction, and 17 weeks in the criminal jurisdiction. He circuited to Brisbane for two weeks and to Townsville for two weeks, one of which was the Court of Appeal's northern circuit. He had seven judgment writing weeks. He attended the National Judicial Orientation Program for one week.

After consultation with the profession, the court increased sitting time for applications. Applications days are conducted fortnightly. Applications mornings are held every Wednesday and Friday.

The Cairns courtroom is not fitted with video link facilities, and temporary facilities are not always available. Requests for legal representatives and witnesses (particularly experts) to appear by video link are frequent. There is significant demand for a proper facility.

During the year, 14 new practitioners were admitted. Most took positions in the far north region, having completed their law degrees at the Cairns campus of James Cook University.

Executive Director's overview

The role of the Office of the Executive Director of the Supreme, District and Land Courts Service includes the coordination and oversight of registry administration and the provision of judicial support services for the Supreme Court throughout the state. After acting in the role since October 2010, Ms Julie Steel was formally appointed as Executive Director in August 2011. She is supported by executive, administrative and registry staff throughout Queensland.

As Principal Registrar, Ms Steel is an ex-officio member of the Incorporated Council of Law Reporting and a member of the Records Management Committee. She is also an elected member of the Court Network which provides support to people at courts throughout Queensland and attends meetings of the Rules Committee.

Registry services

Court registries are responsible for:

- receiving and sealing documents for filing and service;
- providing information about the general court process and the progress of particular matters;
- maintaining court records and ensuring that documents 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.

Permanent Supreme Court registries are located in Brisbane, Rockhampton, Townsville and Cairns. A further 11 centres are visited on circuit and the local Magistrates Court registry generally performs the registry role in those centres. Registrars within the permanent registries are responsible for determining certain applications without the necessity for judicial involvement. These applications include probate, letters of administration, winding up orders and default judgments.

During the reporting year, civil files were transitioned to a new civil database, known as QCIVIL. This change was predominantly to reduce the administrative workload for registry staff. Use of the online eSearch facility was again significant during 2011-12, with more than 928,000 online searches conducted during that period.

Registry workloads

Following the trend for the previous reporting period, civil lodgments again decreased during 2011-12. Significantly for the registry, however, was an almost corresponding increase in the number of District Court civil lodgments.

The number of criminal lodgments also declined during the year. Whilst there was no corresponding increase in District Court lodgments, closer analysis around the length of criminal trials commenced during 2011-12. That has revealed that the average number of weekdays per trial in the Supreme Court increased to 7.1 from 6.3 during 2010-11.

The decreases in the civil and criminal jurisdictions were expected as a result of the *Civil and Criminal Jurisdiction Reform and Modernisation (Amendment) Act 2010*. Succession law applications again rose during 2011-12, when there was an increase of 2.3% from 8,036 applications in the previous year to 8,220.

eTrials

The Supreme Court has been the principal forum for the development of the eTrials system and its integration into the day to day business of the court. As a further indicator of this support, Practice Direction 10 of 2011 (Use of technology for the efficient management of documents in litigation) was issued in November 2011. This Practice Direction is the culmination of consultation with the Queensland Law Society and Queensland Bar Association and extensive work by practitioners experienced in civil litigation and electronic disclosure.

In the Law Courts Complex, the conduct of eTrials was limited to three courtrooms, plus the Court of Appeal. At the Queen Elizabeth II Courts of Law, there are 14 eTrial capable courtrooms. As the Supreme and District Courts moved towards relocation to the new complex, the eTrials Registry and Courts Service Centre worked together to ensure the eTrials model could be successfully implemented on a larger scale. The conduct of eTrials will generate even greater efficiencies in the new complex, as all cabling and technology will be permanently in place, with little if any preparation required prior to an eTrial.

Court Network volunteers

The volunteers of the Court Network are to be commended for the invaluable and significant service they provide to the courts. They are well trained, passionate and facilitate access to justice through practical information and guidance as well as personal assistance to those involved in court proceedings. During 2011-12, the volunteers assisted more than 50,000 court users throughout Queensland. Over 11,000 of those were in the Brisbane Supreme and District Courts.

Acknowledgements

The ongoing enthusiasm, commitment and professionalism of registry staff in discharging their duties are some of the most significant assets of the court. Workloads are managed as efficiently as possible and the many challenges and changes that arise are embraced.

The continuing support and assistance of legal practitioners and judges, particularly in the face of the difficulties which sometimes arise in providing registry services, is greatly appreciated. Their willingness to engage with the registry to improve services is equally appreciated.

Supreme Court of Queensland Library

The Supreme Court of Queensland Library (SCQL) has been serving the judiciary and legal profession since 1862. The SCQL is governed by a Committee comprising members of the judiciary as well as nominees of the Queensland Law Society, Bar Association of Queensland and the Attorney-General and Minister for Justice. Each of the library's key client groups is represented, ensuring that information services and collections are continually adapted in response to evolving user needs.

In 2011-12, the Committee was chaired by the Honourable Justice Hugh Fraser.

Highlights

2011-12 marked a period of transition and reinvention for SCQL; as it celebrated its sesquicentenary as Queensland's principal law library, it also prepared to relocate to the new Queen Elizabeth II Courts of Law.

Significant achievements include:

- consolidating and streamlining the library's collection in anticipation of relocation to the new building in August 2012;
- finalising the design and construction of the Sir Harry Gibbs Legal Heritage Centre and its inaugural exhibition;
- completing a major IT network review and restructure, providing enhanced data security and access for the library;
- registering over 5.3 million page hits on the SCQL website and intranets, and an additional 1.1 million hits on Queensland judgments and judicial papers via the AustLII platform;
- releasing the annual *Supreme Court History Program Yearbook* and *An Almost Forgotten World: Jim Thomas's Memoirs*.

In 2012, Dr Michael White QC retired from his role as convenor of the Supreme Court History Program. The SCQL acknowledges his generous contribution in this position, and welcomes Mr John McKenna SC as the new convenor.

Relocation to the New Courthouse

The reporting year signalled the end of an era for the Supreme Court Library – the last of 31 years residing in the courthouse at 304 George Street, Brisbane. The year was dominated by exhaustive preparations and planning for the relocation of the library's 28 staff-member office and 155,389 volume collection.

Relocating the Library to the new courthouse, both virtually and physically posed quite a logistical feat; a significant rationalisation of the collection was conducted, 23,247 pages of administrative records and biographical material were digitised, and 3 million pages of redundant administrative documents were disposed of. Helen Jeffcoat, Sean Pybus, and the entire staff worked tirelessly to achieve a smooth transition to the new Library and ensure that the relocation remained well within staffing budgets.

Thanks to the generous support of the Bar Association of Queensland, the library was able to record the daily workings of the old courthouse in a collection of photographs. It is anticipated that this collection will become a much-consulted historic record.

Sir Harry Gibbs Legal Heritage Centre

The Supreme Court Library boasts an impressive Queensland legal heritage collection, administered in association with the Supreme Court History Program.

In August 2012, the collection will form the foundation of the new Sir Harry Gibbs Legal Heritage Centre – a \$1.35M purpose-built museum space on the ground floor of the new courthouse. The Centre will provide an exciting new platform to showcase SCQL’s legal heritage collection, with the inaugural exhibition tracing 150 years of the state’s legal history.

The Centre represents the culmination of the work of the Supreme Court History Program over the past ten years. SCQL is grateful to the Incorporated Council of Law Reporting for the State of Queensland for providing a generous grant to bring this project to fruition.

Information Services

As the primary legal information service provider for the Queensland judiciary, legal profession and broader community, SCQL is committed to continuously improving user access to its information services. In the digital era, this means providing a holistic service with innovative and convenient means of delivering information to users.

In 2011-12, the Library addressed these needs by cultivating its alert and update services. The Judicial Current Awareness Service, which distributes news and current affairs material to the Queensland judiciary through customisable email alerts, grew in response to user demand; it published a total of 7,217 articles and speeches, representing a 15.5% increase on last year. Furthermore, subscription to the Queensland Legal Updater, a free weekly email bulletin outlining Queensland’s judicial and legislative developments, increased by 145%.

The Library has offered 24/7 public access to its catalogue and web-based database since 2007; however, relocation to the new building in 2012 provided the opportunity to review its IT network, enhancing access to its most demanded services. In collaboration with the Courts, the Library was able to optimise remote access to the Judicial Virtual Library intranet (JVL) for iPads and other mobile devices; over the past year, usage of JVL has increased by 45%.

Overall, use of the Library’s online platforms has increased by 17% this year, with more than 5.3 million hits registered through SCQL’s public website, online catalogue and JVL.

Legal collections

The library continued to enrich its collection in 2011-12 with the purchase of thousands of new legal titles and online resources, the publication of new judgments on the SCQL website, and a number of significant donations.

The library's consolidated purchasing arrangement with the Department of Justice and Attorney-General has continued to generate savings and facilitate client access to a wider range of online content from the legal publishers. As these three-year contracts expire in 2012, SCQL will again lead negotiations for subscription renewals on behalf of the courts, securing further concessions and savings on online content for the benefits of its users.

Supreme Court History Program

Beyond traditional information services, the library also supports new initiatives, research and publications – particularly those that enrich Queensland's legal tradition. In 2011, SCQL released the seventh annual Supreme Court History Program Yearbook which pays tribute to the legal profession in regional Queensland. The library also published *An Almost Forgotten World: Jim Thomas's Memoirs*, a vivid account of the life of retired Supreme Court judge the Hon James Burrows Thomas AM QC.

In late 2012, SCQL will publish *Supreme Court of Queensland: A Concise History*, a commemorative volume of the Supreme Court's sesquicentenary, to be printed by University of Queensland Press. The library initiated the project in mid-2008 and has since committed substantial resources to its development.

In 2008, SCQL began plans for the Supreme Court of Queensland Seminar, an event to complement the opening of the new courthouse in August 2012. The seminar will feature several distinguished international speakers and a number of delegates, to coincide with the courthouse's opening celebrations.

Future directions

In the coming year and beyond, SCQL will concentrate on redefining its services so that it continues to meet the expectations of its users. With technology growing more sophisticated and the demise of print seemingly imminent, the library must reposition itself as an information centre and develop new ways to seamlessly curate and connect diverse information sources.

Moving forward, this will entail a restructure of the library's governance and business models so that it may harness its existing infrastructure and expertise in innovative ways. Specifically, the library will focus on consolidating its information sources, streamlining its services and freeing resources to invest in specialised staffing. Such investment will enable the library to expand upon the 'expert' information services that its users are coming to expect.

The future at the Queen Elizabeth II Courts of Law promises to be just as vibrant as the past for the Supreme Court Library. The library is looking forward to 2012-13 with a new residence and an empowered commitment towards serving the information needs of the Queensland legal community.

Supreme Court Judges' Associates 2012

	Judge	Associate
Chief Justice	The Honourable Paul de Jersey AC	Mr Daniel Ryan
Court of Appeal		
President	The Honourable Justice Margaret McMurdo AC	Mr Michael Noakhtar
	The Honourable Justice Holmes	Ms Jess MacDonald
	The Honourable Justice Muir	Ms Renée Gregor
	The Honourable Justice Fraser	Mr Isuru Devendra
	The Honourable Justice Chesterman (retired April 2012)	Ms Kylie Burton
	The Honourable Justice White	Mr James Siemon
	The Honourable Justice Gotterson (appointed April 2012)	Ms Kylie Burton
Trial Division		
Senior Judge Administrator	The Honourable Justice Byrne	Ms Abby Zeith
	The Honourable Justice Fryberg	Ms Florence Chen
	The Honourable Justice Margaret Wilson J	Mr Alistair Tonks
	The Honourable Justice Atkinson	Mr Andrew Trotter
	The Honourable Justice Mullins	Ms Amy Tuite
	The Honourable Justice Philippides	Ms Susan Forder
	The Honourable Justice Philip McMurdo	Ms Julia Lloyd
	The Honourable Justice Douglas	Ms Dominique Mayo
	The Honourable Justice Ann Lyons	Mr Andrew Staples
	The Honourable Justice Daubney	Ms Michaela Manning
	The Honourable Justice Martin	Ms Danielle Tay

The Honourable Justice Applegarth	Mr Christopher Ash
The Honourable Justice Peter Lyons	Ms Emily Habershon
The Honourable Justice Alan Wilson	Ms Suzie Crossland
The Honourable Justice Boddice	Mr Joseph O'Shea
The Honourable Justice Dalton	Ms Navina Vijaysegaran

Regional

Central Judge	The Honourable Justice McMeekin	Ms Rebecca Armstrong
Northern Judge	The Honourable Justice North	Ms Kellie Scott
Far Northern Judge	The Honourable Justice Henry	Ms Amy Halpin