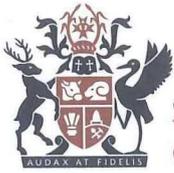


Supreme Court of Queensland

Annual Report 2014 – 15



**SUPREME COURT OF
QUEENSLAND**

CHAMBERS OF THE CHIEF JUSTICE

28 October 2015

Queen Elizabeth II Courts of Law
415 George Street
Brisbane QLD 4000
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The Honourable Yvette D'Ath MP
Attorney-General and Minister for Justice
Level 18, State Law Building
50 Ann Street
BRISBANE QLD 4000

Dear 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 2015.

Yours sincerely

A handwritten signature in blue ink that reads 'C. Holmes'.

Catherine Holmes
Chief Justice

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Chief Justice's Overview 2014-2015

Performance

The statistics contained in this overview pertain to the performance of the Supreme Court over the past year and have been collated on the basis of the requirements of the Commonwealth Productivity Commission in relation to its annual "Report on Government Services".

Disposition of Caseload

Trial Division

Criminal

On the criminal side, there were 1,268 lodgements, as compared with 963 last year. The trial division ended the year with 548 outstanding cases, having disposed of 1,136 matters (an 89.6 per cent clearance rate) compared with 865 last year.

Of the outstanding cases, 13.9 per cent were more than 12 months old (from date of presentation of indictment) and 5.3 per cent more than 24 months old. Delay of the latter proportions is generally the result of successful appeals which necessitate re-trials.

Civil

On the civil side, there were 3,101 lodgements. The trial division ended the year with 2,574 outstanding matters, having disposed of 3,153 matters (a 101.7 per cent clearance rate).

Of the outstanding matters, 24.2 per cent were more than 12 months old and 7.2 per cent more than 24 months old.

Court of Appeal Division

The Court of Appeal division disposed of 323 criminal appeals this year (372 last year), representing a clearance rate of 94.4 per cent. As of 30 June, 226 criminal appeals awaited disposition (205 last year).

The Court of Appeal also disposed of 213 civil appeals (275 last year), with a clearance rate of 75.5 per cent, leaving 164 outstanding at the end of the year (103 last year).

Overall

It can be seen that there was a marked increase in the number of criminal matters filed in the trial division, but it was countered by a substantial increase in the number of dispositions. There has been some reduction in the rate of disposition of appeals, the reasons for which are explored in the relevant section of this report. Both divisions of the Court performed satisfactorily.

Rules Committee

The Rules Committee met regularly throughout the year, out of court hours. On the retirement of Justice Muir, Justice Douglas took the position of chair. The other members of the Committee are the Chief Justice, Justice Holmes (who replaced Justice Muir as the Court

of Appeal nominee), Justice Dalton, Judge McGill SC, Judge Dorney QC, Magistrate Springer, Magistrate Ryan and the Executive Director, Supreme District and Land Courts Service.

Continuing Judicial Development

On 24 April 2015, the Judges of the Supreme and District Courts for the first time joined in an all-day seminar on a matter of mutual interest, Question Trails for Juries. Justice Rhys Harrison of the New Zealand Court of Appeal and Judge Tom Ingram of the New Zealand District Court delivered papers.

The Australasian Institute of Judicial Administration Oration was delivered in the Banco Court on 22 September 2014 by the Right Honourable the Lord Dyson, Master of the Rolls and Head of Civil Justice, England and Wales on the subject: “The Jackson Reforms and Civil Justice”.

Chief Justice’s Calendar

Apart from the time allotted to the fulfilment of administrative and official responsibilities, Chief Justice Carmody sat in the various jurisdictions of the Court both in and out of Brisbane: Court of Appeal (five weeks), criminal sittings (five weeks), civil sittings (four weeks), applications (four weeks), Townsville (one week), Mackay (one week) and Roma (one week).

The Chief Justice attended various functions in regional centres throughout the State in the course of the year. He also acted as Governor or Deputy Governor on nine occasions, for periods aggregating 58 days.

Admissions

Ninety admissions ceremonies over which the Chief Justice or the President of the Court of Appeal presided were held over the course of year; and 1017 new practitioners were admitted.

International Aspects

As part of the ongoing commitment to the Memorandum of Understanding entered into in August 2012 by the Supreme and National Courts of Papua New Guinea and the Supreme Court of Queensland, Chief Justice Carmody continued to foster the strong bonds and relationship between the two courts.

In February 2015, Chief Justice Carmody facilitated a Criminal Law Advocacy Workshop in Papua New Guinea and, in March 2015, he attended the inaugural bench and bar function of the Supreme and National Courts of Papua New Guinea, National Judiciary and Law Society of Papua New Guinea. In June 2015, the Chief Justice arranged for a delegation from the Supreme and National Courts, and other stakeholders, to meet with Queensland Supreme Court counterparts to assist with the establishment of an Integrated Electronic Case Management System and Electronic Court Library Service in the Papua New Guinea courts. During this visit, the Chief Justice hosted a function attended by judges of Federal and Queensland courts, legal practitioners and stakeholders in honour of Chief Justice Sir Salamo Injia, who travelled with the delegation.

Judicial Appointments

The Hon Timothy James Carmody was appointed Chief Justice as and from 8 July 2014.

Justice Anthe Philippides was appointed a Judge of Appeal with effect from 27 December 2014.

Justice Martin Burns was appointed a Judge of the Supreme Court, to sit in the Trial Division, with effect from 27 December 2014.

Justice John Bond was appointed as a Judge of the Supreme Court, to sit in the Trial Division, with effect from 30 March 2015.

Judicial Retirements

The Hon Paul de Jersey resigned as Chief Justice and as a Judge of the Court on 8 July 2014, in anticipation of his commencing duty as Governor of Queensland from 29 July 2014.

Justice John Muir retired as a Judge of the Appeal Court as and from 27 December 2014.

Justice Alan Wilson retired as a Judge of the Court as and from 27 March 2015.

Recognition

On Australia Day 2015, Justice Atkinson was appointed an Officer of the Order of Australia in the General Division (AO) for distinguished service to the judiciary and to law reform in Queensland, through contributions to the legal profession and to promoting awareness of issues of injustice and inequality in Australia and internationally.

Acknowledgement

The Judges, officers of the Registry, the Court's administrative staff, and the Director-General and his staff are thanked for their contribution to ensuring the effective discharge of the Court's mission for another year.

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 (resigned 8 July 2014)

The Honourable Timothy Francis Carmody (appointed 8 July 2014)

Court of Appeal Division

President

The Honourable Margaret Anne McMurdo AC

Judges of Appeal

The Honourable Justice Catherine Ena Holmes

The Honourable Justice John Daniel Murray Muir (retired 27 December 2014)

The Honourable Justice Hugh Barron Fraser

The Honourable Justice Robert William Gotterson AO

The Honourable Justice Philip Michael Hugh Morrison

The Honourable Justice Anthe Ioanna Philippides (appointed 18 December 2014)

Trial Division

Senior Judge Administrator

The Honourable John Harris Byrne AO RFD

Trial Division Judges

The Honourable Justice Roslyn Gay Atkinson AO

The Honourable Justice Debra Ann Mullins

The Honourable Justice Philip Donald McMurdo

The Honourable Justice James Sholto Douglas

The Honourable Justice Ann Majella Lyons

The Honourable Justice Alfred Martin Daubney

The Honourable Justice Glenn Charles Martin AM

The Honourable Justice Duncan Vincent Cook McMeekin (Central Judge)

The Honourable Justice Peter David Talbot Applegarth

The Honourable Justice Peter James Lyons

The Honourable Justice Alan Muir Wilson (retired 27 March 2015)

The Honourable Justice David Kim Boddice

The Honourable Justice Jean Hazel Dalton

The Honourable Justice David Octavius Joseph North (Northern Judge)

The Honourable Justice James Dawson Henry (Far Northern Judge)

The Honourable Justice David John Sandford Jackson

The Honourable Justice David Graham Thomas (President, Queensland Civil and Administrative Tribunal)

The Honourable Justice Peter James Flanagan
The Honourable Justice Martin Burns (appointed 18 December 2014)
The Honourable Justice John Kennedy Bond (appointed 19 March 2015)

Other Appointments

Mental Health Court

The Honourable Justice David Kim Boddice
The Honourable Justice Jean Hazel Dalton

Land Appeal Court

The Honourable Justice Peter James Lyons (Southern District)
The Honourable Justice Duncan Vincent Cook McMeekin (Central District)
The Honourable Justice David Octavius Joseph North (Northern District)
The Honourable Justice James Dawson Henry (Far Northern District)

Industrial Court

The Honourable Justice Glenn Charles Martin AM

Court of Appeal Division

Governance

Organisational Structure

The Court of Appeal hears appeals:¹

- 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 that for almost all cases the Queensland Court of Appeal is Queensland's final appellate court.

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

- the Hon Justice Catherine Ena Holmes;
- the Hon Justice John Daniel Murray Muir, who retired on 26 December 2014;
- the Hon Justice Hugh Barron Fraser;
- the Hon Justice Robert William Gotterson AO;
- the Hon Justice Philip Hugh Morrison; and
- the Hon Justice Anthe Ioanna Philippides, appointed on 18 December 2014.

The Court of Appeal sat as a bench of three judges for 42 weeks during the year, one less than last year. The President and the Judges of Appeal together sat 202 individual judge weeks this year,² compared to 205 weeks last year.

The Chief Justice sat in the Court of Appeal, apart from admissions ceremonies, for five weeks this year.

Trial Division Judges sat in the Court of Appeal for 73 individual judge weeks this year compared to 77 weeks last year.

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 sentencing, and could not dispose of its workload as efficiently without this assistance.

¹ Including applications and references.

² This expression refers to every week an individual judge sits in the Court of Appeal.

Mr Peter O’Sullivan acted as senior deputy registrar (appeals)³ until 7 October 2014 when he returned to his position in the adjudications team. Ms Tracy Dutton has acted as senior deputy registrar (appeals) since 7 October 2014.

The following categories of matters were again heard with particular expedition this year when identified by registry staff:

- 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.

The registrars and deputy registrars in the appeals team generally continued to identify at an early stage matters which were complex or where delay was a particular concern, although inexperience resulting from constant staff changes meant this did not always happen as it should. Those matters which were identified were case managed by the President or a Judge of Appeal to ensure timely disposition.

The President and the Judges of Appeal valued the high level of service provided by Mr O’Sullivan, Ms Dutton and appeals registry staff, all of whom, despite the considerable challenges presented this year by constant staff changes, continued to diligently serve, to the best of their ability and experience, the public, the profession and the Judges.

The President and the Judges of Appeal also valued the commitment and support given to the Court by the Executive Director of the Supreme, District and Land Courts Service, Ms Julie Steel and her staff, although it is now essential that priority be given to ensuring appeals registry staff are capable and experienced so that the Court of Appeal can return to its previous high performance levels of past years.

In hearings where security was an issue, assigned protective service officers assisted the Court. The President and the Judges of Appeal thank the building services coordinator, Mr Brian Hayman, who was transferred elsewhere in State Government Security on 24 April 2015 and Ms Yvonne Fenner, who replaced Mr Hayman on 1 June 2015; Mr Billy Campbell, who commenced on 3 March 2015, in the new position of courts security manager; and the protective service officers for their assistance.

Human Resourcing Issues

As noted, there have been considerable challenges for appeals registry staff this reporting year. Once again the principal challenge has been the constant movement of appeals registry staff as part of the whole of registry staff rotation policy. Since October 2014, 95 per cent of

³ For administrative purposes within the Department, this role is known as acting team leader (appeals).

the appeals registry staff have been replaced. It has been very difficult and stressful for the few core and often inexperienced staff to continuously train new members, in matters with which the trainers are themselves unfamiliar, only to have the newly trained staff rotated again after a short period. Constant staff changes have resulted in a minor backlog in the preparation of appeal record books which, in turn, has had a detrimental impact on the efficient listing and disposition of matters.

The review of the appeals and adjudications teams referred to in last year's report is ongoing. One outcome of the review has been that the management of admissions of legal practitioners was relocated to the adjudications team.

Auscript

It is pleasing to note that the quality and turnaround times for delivery of transcripts has continued to improve. As was the case last year, there have been no major delays in the receipt of transcripts for the preparation of appeal record books. When there is delay, Auscript notifies the appeals registry staff and the matter is monitored. It is still the case that some matters are transcribed incorrectly. Inappropriate paragraphing also remains common: see for example *R v GAT*⁴ where this issue was relevant to a ground of appeal. When the accuracy of a portion of transcript is critical to a ground of appeal, it may be necessary for the judges to check the transcript against the original recording. On occasions, transcripts of appeal hearings are delivered outside Auscript's agreed timeframes. Sometimes this delay is caused by Auscript and sometimes by the department's Transcript Coordination Team. These delays can detrimentally affect the timely delivery of judgments and the listing of appeals.

Performance

Disposal of Work

This year 624 matters were commenced in the Court of Appeal (342 criminal matters and 282 civil matters), down slightly from the 631 matters commenced last year (367 criminal matters and 264 civil matters). This slight fall in criminal matters is more than attributable to the fall in Attorney-General sentence appeals, 13 fewer than last year. There are 390 active matters, a significant increase from 308 last year. The Court finalised 536 matters, a decrease from the 647 matters finalised last year (see appendix 1, table 1).

The Court's clearance rate of criminal matters decreased slightly from 101.40 per cent last year to 94.44 per cent. The Court's clearance rate in civil matters also decreased to 75.53 per cent from 104.20 per cent last year. Overall, 90.51 per cent of Court of Appeal matters were finalised within 12 months of lodgement (see appendix 1, table 2). In most matters not finalised within 12 months of lodgement, the Court offered parties hearing dates during the year and the delay was occasioned at the request of one or both parties. Some delay in criminal matters was caused by the Legal Aid Queensland (LAQ) external review process pertaining to applications to LAQ where aid has been refused.

The median time for the delivery of reserved judgments in criminal matters was 49 days. In civil matters it was 74 days. Overall, the median time between hearing and delivery of reserved judgments was 59 days, a significant increase from the 38 days last reporting year (see appendix 1, table 5).

⁴ *R v GAT* [2014] QCA 237 at [61] and [70].

The modest regression in performance this year is attributable to the inexperience of registry staff in efficient listing and management practices through constant staff changes and the slight reduction of allocated judge weeks to the Court of Appeal from both Judges of Appeal and Trial Division Judges.

Origin of Appeals

Filings from the Trial Division decreased this year; in civil matters from 151 to 144 and in criminal matters from 85 to 77. Filings from the District Court increased noticeably this year in civil matters from 67 to 92 but decreased in criminal matters from 282 to 265. Planning and Environment Court filings decreased from nine to four. Applications and appeals, principally from QCAT, increased noticeably this reporting year from 37 to 42 (see appendix 1, table 6).

Filings of general civil appeals increased this year from 125 to 137. Filings of civil applications also increased this year from 110 to 124. Filings of sentence applications decreased marginally from 161 to 156 whereas filings of conviction only appeals again fell this year, from 71 to 64. Filings of combined conviction and sentence appeals increased slightly from 39 to 43. Filings of sentence appeals brought by the Queensland Attorney-General and the Commonwealth Director of Public Prosecutions fell dramatically this year to three, compared to 16 in 2013-2014 and seven in 2012-2013 (see appendix 1, table 7).

During the reporting period there were 27 applications for special leave to appeal from the Court of Appeal to the High Court of Australia, only one of which was granted (see appendix 1, table 10).⁵ The High Court delivered one judgment from the Court of Appeal this reporting year, dismissing the appeal (see appendix 1, table 11).⁶

Cairns Sittings

The Court of Appeal's northern sittings for 2015 was held in Cairns from Monday 25 May to Friday 29 May.

Five judges participated: the President and Justices Holmes and Morrison from Brisbane; Justice North from Townsville; and Justice Henry from Cairns. It was Justice Morrison's first northern sittings as a Judge of Appeal. The Court heard:

- four appeals against conviction;
- four sentence applications; and
- two general civil appeals.

A total of 10 barristers participated in the sittings (one, or 10 per cent, from Brisbane; three, or 30 per cent, from Cairns; five, or 50 per cent, from Townsville; and one, or 10 per cent, from Rockhampton). Of the 19 appearances by barristers, only three (15 per cent) were female. Eight parties were represented by LAQ and one was self-represented.

All participating judges attended the North Queensland Bar Association dinner on Tuesday 26 May and the Far North Queensland Law Association welcome function on Wednesday

⁵ *Smith v The Queen* [2015] HCA Trans 143.

⁶ *Henderson v Queensland* (2014) 89 ALJR 162; [2014] HCA 52.

27 May. On Thursday 28 May, judges participated in a presentation at James Cook University.

Women Barristers in the Court of Appeal

The public, the legal profession, the President and the Judges of Appeal remain aware of the under-representation in Court of Appeal appearances of women at the Bar in Queensland.⁷

- This year, women counsel appeared in 15 per cent of all Court of Appeal appearances, although they comprised 21.71 per cent membership of the Bar with practising certificates.⁸ This is a pleasing increase from 11.85 per cent last year.
- Women counsel appeared in 19.8 per cent of criminal matters, compared to 16.2 per cent last year, and in 9.4 per cent of civil matters, compared to 7.2 per cent last year.

Self-Represented Litigants

Self-represented litigants generally place additional burdens on appeals registry and court staff as well as the judges. This year the number of self-represented litigants has decreased significantly.

The number of self-represented litigants in cases where judgment was delivered in the Court of Appeal this reporting year has decreased from 122 (26 per cent) last year to 82 (22 per cent) this year. In 32 civil matters, at least one party was self-represented (20.1 per cent) in which judgment was delivered this reporting year (compared to 45 last year and 31 in 2012-2013). At least one party was self-represented in 50 criminal matters (23.4 per cent) in which judgment was delivered in this reporting year (compared to 77 last year and 75 in 2012-2013) (see appendix 1, table 8).

Many matters involving self-represented litigants are finalised before the hearing. This reporting year, 143 matters involving self-represented litigants (26 per cent) were finalised. This includes cases where judgment was delivered. Of this figure, 68 civil appeals (31.92 per cent) and 75 criminal appeals (23.22 per cent) were finalised involving self-represented litigants (see appendix 1, table 9).

QPILCH

The Queensland Public Interest Law Clearing House (QPILCH) and its Self-Representation Service (SRS) again provided valuable assistance to self-represented litigants.

- SRS received 21 applications for assistance from potential and current litigants in civil appellate matters. Of these, 12 concerned potential appeals and nine concerned current appeals.

⁷ See, for example, Kirby J 'The Future of Appellate Advocacy' (2006) 27 *Aust Bar Review* 141 at 155-159; Hunter, Prof R 'Discrimination Against Women Barristers: Evidence from a Study of Court Appearances and Briefing Practices' (March 2005) 12 *International Journal of the Legal Profession* 3.

⁸ This includes both Class A and Class B practising certificates as at 17 August 2015. Class A practising certificates are those barristers in private practice. Class B practising certificates are all those employed barristers who have taken out practising certificates and include Crown Law, the Director of Public Prosecutions (Qld), the Director of Public Prosecutions (Cth), LAQ, Police Prosecutors, the Aboriginal and Torres Strait Islander Legal Service and academics.

- Of the current appeals, eight were appellants and one was a respondent. Two of those nine matters were assessed as having arguable merit. One (the respondent) was successful in having the appeal dismissed and the outcome of the other is not yet known. The remaining seven litigants were advised their matters had poor prospects of success and that they should discontinue. Of those seven, two continued their appeals but were ultimately unsuccessful and one accepted SRS advice and withdrew her appeal. The outcome of the other four matters is not known.
- Of the 12 potential appeals, all 12 applicants were advised that their matters had poor prospects of success and that they should not commence an appeal. Of those, seven accepted that advice and did not commence an appeal; four commenced an appeal which resulted in an unfavourable decision; and one withdrew her appeal shortly after commencing it.

The President and the Judges of Appeal thank QPILCH, its Director, Tony Woodyatt, SRS's solicitor, Iain McCowie, and SRS's paralegals Jessica Freeburn and Mitchell Dunk. Their invaluable service is viewed by other Australian jurisdictions as a model to be emulated. SRS assists not only self-represented litigants but also appeals registry and court staff, the Judges and, indirectly, the broader community.

Self-Represented Success Rates

Once more, self-represented litigants had some success in the Court of Appeal. A total of 24 per cent of self-represented criminal litigants (compared to 17 per cent last year) and nine per cent of self-represented civil litigants, (the same percentage as last year) were successful in their appeals. These figures continue to suggest a need for increased legal aid funding and pro bono assistance at appellate level.

Technology and Infrastructure

This year the Court heard 29 matters where at least one party appeared by video link, a significant decrease from 44 last year. The reason for this decrease is unknown. The quality of these links remained variable. Problems continued again this year through substandard facilities at the other end of links, including in regional courts and correctional centres.

The acting senior deputy registrar (appeals) and her staff continued to provide record books in searchable electronic form to judges and parties.

Courts wi-fi, a free broadband internet service using wireless technology, was again available during the hearing of appeals in the Banco Court and in the Court of Appeal.

The President and the Judges of Appeal, whether in court, in chambers, or remotely, used computers for legal research, electronic record books and electronic transcripts of appeal hearings.

This year two appeals were prepared and conducted electronically; one more than last year: see *R v Cowan*; *R v Cowan*; *Ex-parte Attorney-General (Qld)*;⁹ and *Commissioner of the Australian Federal Police v Steven Irvine Hart & Ors.*¹⁰

⁹ [2015] QCA 87.

¹⁰ At the time of this report the matter remained reserved.

All Court of Appeal judgments delivered during this year were again available free of charge on the internet through:

- AustLII; and
- the Supreme Court Library website which includes:
 - a link to a database maintained by the Supreme Court Library containing selected High Court and intermediate appellate court judgments relating to the Criminal Codes of Queensland, Western Australia, Tasmania and the Northern Territory; and
 - 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.

The Court's research officer, Mr Bruce Godfrey, again coordinated the publication of these judgments, ensuring compliance with profuse and sometimes complex legislative naming prohibitions.

- Mr Godfrey arranged hard copies and electronic links to the judgments for all major Brisbane media outlets.
- He prepared judgment outlines which were:
 - published on the Supreme Court Library website;
 - distributed to interested Queensland judicial officers, the Queensland Law Society (QLS) and the Bar Association of Queensland (BAQ); and
 - published in *Proctor*, the Queensland Law Society journal.

During the year, the President and Judges of Appeal were again assisted by the well-resourced judges' library.

Future Directions and Challenges

During the next reporting year, the President and the Judges of Appeal, with the assistance of the acting senior deputy registrar (appeals) and staff, plan to:

- improve the Court of Appeal's timely disposition of matters. The Court can meet this core goal only with a high level of assistance from the Chief Justice and the Judges of the Trial Division. The Court must also continue to be provided with sufficient resources to ensure:
 - the appeals registry has sufficient numbers of properly trained and experienced staff and that staff turnover is kept to manageable levels;
 - the ageing Court of Appeal Case Management System (CAMS) is maintained and refined. CAMS remains in need of enhancement and is at risk of collapse. It has not had technical support for many years. Its statistical reports often require time consuming manual checks and the use of inefficient 'satellite' systems to support its listing functions. It is unable to communicate with other court systems such as QCivil or QWIC. CAMS is not supported by documented manuals and desktop procedures. There is a risk to the Court's efficient operation in the event of collapse. As reported last year, the replacement or redevelopment of CAMS should be expedited with priority;

- best practice in the development of electronic filing and document management, including outlines of argument with hyperlinks to relevant cases and transcript;
- best practice in developing electronic appeal record books and in conducting electronic appeals;
- functional video and audio links between the Court of Appeal and regional courts, correctional and other facilities; and
- a properly resourced and current judges' library;
- continue to develop and refine best practice in the management of self-represented litigants, both in the registry and in the Court of Appeal;
- continue to work with appeals registry and court staff to ensure that Court of Appeal courtrooms function optimally for the benefit of the public, the profession, other court users and the Judges of Appeal, particularly in eliminating auditory problems; and
- provide a sittings during 2016 in north Queensland.

These goals cannot be achieved without the proper resourcing of those agencies on which the Court of Appeal depends for its efficient performance, namely:

- court administration and, particularly, the appeals registry;
- the Director of Public Prosecutions (Queensland);
- Legal Aid Queensland;
 - QPILCH and its SRS (Court of Appeal); and
 - the Supreme Court Library.

It is also critical that Auscript provides an accurate and timely court reporting service.

Appendix 1

Table 1: Annual caseload: number of cases

	Lodged	Heard	Finalised*	Active (including reserved judgments not yet delivered)
Criminal	342	223	323	226
Civil	282	177	213	164
TOTAL	624	400	536	390

* 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	94.44%	88.02%	10.78%	1.20%	3.98%	0.44%
Civil	75.53%	94.04%	5.96%	0.00%	14.63%	3.05%
TOTAL	85.90%	90.51%	8.79%	0.70%	8.46%	1.54%

Table 3: Judgments, criminal matters

Judgments	2012-2013	2013-2014	2014-2015
Outstanding at start of year	26	27	32
Reserved	194	215	177
<i>Ex tempore</i> judgments delivered	56	64	49
Reserved judgments delivered	193	215	175
Outstanding at end of year	27	32	37

Table 4: Judgments, civil matters

Judgments	2012-2013	2013-2014	2014-2015
Outstanding at start of year	16	25	27
Reserved	166	155	138
<i>Ex tempore</i> judgments delivered	78	86	51
Reserved judgments delivered	157	153	122
Outstanding at end of year	25	27	41

Table 5: Time between hearing and delivery of reserved judgments

Type of cases	Median number of days		
	2012-2013	2013-2014	2014-2015
Criminal cases	30	35	49
Civil cases	53	46	74
All cases	39	38	59

Table 6: Court in which matters were commenced

Court	Number of matters filed		
	2012-2013	2013-2014	2014-2015
Trial division - civil	154*	151*	144*
Trial division - criminal	93*	85*	77*
District court - civil	72	67	92
District court - criminal	281**	282	265
Planning and Environment Court	5	9	4
Other - civil (cases stated, QCAT, tribunals etc)	53	37	42
Magistrates Court - criminal	1	0	0
Other - criminal	0	0	0

* These statistics include Circuit Court matters.

** In the 2012-13 report this was recorded as 282. The change is due to continual validation of the case management database and correction as required.

Table 7: Types of appeals filed

Appeal type	2012-2013	2013-2014	2014-2015
Civil			
General including personal injury	139	125	137
Applications	128*	110	124
Leave applications	10	15	9
Planning and environment	6	9	7
Other	11	5	5
Criminal			
Sentence applications	160**	161	156
Conviction appeals	79	71	64
Conviction and sentence appeals	56	39	43
Extensions (sentence applications)	18	35	14
Extensions (conviction appeals)	13	11	12
Extensions (conviction and sentence)	10	7	8
Sentence appeals(A-G/Cth DPP)	7	16	3
Other	32	27	42

* In the 2012-13 report this was recorded as 118. The change is due to continual validation of the case management database and correction as required.

** In the 2012-13 report this was recorded as 161. The change is due to continual validation of the case management database and correction as required.

Table 8: Matters determined where one or both parties self-represented*

Number of cases	2012-2013	2013-2014	2014-2015
Civil	31	45	32
Criminal	75	77	50
TOTAL	106	122	82

* The above table represents final outcomes from the Court of Appeal, ie judgments delivered. In some matters there is more than one outcome. For example, when there are multiple parties in criminal matters, each party has a separate outcome, despite only one QCA number being allocated for the overall decision

Table 9: Matters finalised where one or both parties self-represented*

Number of cases	2012-2013	2013-2014	2014-2015
Civil	116	109	68
Criminal	98	102	75
TOTAL	214	211	143

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

Table 10: Applications for special leave to appeal to the High Court of Australia

	Criminal		Civil
	2014-2015		2014-2015
Granted	1	Granted	0
Refused	9	Refused	17

Table 11: Appeals from the Court of Appeal to the High Court of Australia

	Criminal		Civil
	2014-2015		2014-2015
Allowed	0	Allowed	0
Dismissed	0	Dismissed	1

Appendix 2

Court of Appeal Pro Bono List for 2014-2015

Michael J Byrne QC	Carl Heaton QC	Kerri Mellifont QC
Peter Callaghan SC	Andrew Hoare	Peter Mylne
Craig Chowdhury	Jeffrey Hunter QC	Peter Nolan
Anthony W Collins (Tville)	Mark Johnson	Gerard O'Driscoll
Michael Copley QC	Stephen Keim SC	Colin Reid
Graeme Crow QC (Rton)	David Kent QC	Peter Richards
Patrick Cullinane (Mackay)	Tony Kimmins	Soraya Ryan QC
Peter Davis QC	Simon Lewis	Tim Ryan
Ralph Devlin QC	Dennis Lynch	Joshua Trevino (Cairns)
Tracy Fantin (Cairns)	Gregory Lynham (Tville)	Bret Walker QC
Tony Glynn QC	Eoin Mac Giolla Ri	Neville Weston
Mark Green	Donald MacKenzie	Elizabeth Wilson QC
John Griffin QC	Alan MacSporran QC	Mark McCarthy
Simon Hamlyn-Harris	Frank Martin (Toowoomba)	

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. Civil cases are almost always determined by judge alone.

Criminal trials mainly concern murder, manslaughter and more serious drug offences.

In its civil jurisdiction, the Court deals 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 have a responsibility for implementing procedures to improve the administration of justice, including the Rules Committee. A judge 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 regions, reflecting the decentralised nature of the State and its large area.

Most of the Trial Division Judges are based in Brisbane in the southern region. That region includes Toowoomba, Maryborough and Roma.

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 region encompasses Mount Isa and Mackay.

The Far Northern Judge resides in Cairns.

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

More than 80 per cent of the workload arises in and around, and is dealt with, in Brisbane.

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

The composition of the Trial Division was affected by these changes:

- Justice Anthe Philippides – appointed to the Court of Appeal 18 December 2014;
- Justice Martin Burns – appointed 18 December 2014;
- Justice John Bond – appointed 19 March 2015; and
- Justice Alan Wilson – retired 27 March 2015.

Other significant developments are mentioned later on.

Criminal Jurisdiction

This year saw a 32.8 per cent decrease in finalisations by trial: from 64 defendants last year to 43. The average length of a trial in 2014-15 decreased to 5.3 days. Criminal lodgements increased by 31.7 per cent, from 963 in 2013-14 to 1,268. There was a 31.3 per cent increase in finalisations, up from 865 in 2013-14 to 1,136. The state clearance rate was 89.6 per cent (down from 89.8 per cent in 2013-14).

As at 30 June 2015, there were 548 active pending matters (an increase of 24.8 per cent). The proportion of active pending matters older than 12 months and less than 24 months increased by 20.5 per cent: the number of matters increased from 39 to 47. The number of active pending cases older than 24 months increased by one case and decreased as a proportion of active matters, going from 6.4 per cent in 2013-14 to 5.3 per cent.

Summary of activity on criminal list - by location

Centre	Number of defendants ⁽¹⁾			Clearance Rate ⁽²⁾	Backlog Indicator ⁽³⁾	
	Lodged	Finalised	Active		% > 12 mths	% > 24 mths
Main centres						
Brisbane	948	814	446	85.9%	15.2%	5.2%
Cairns	82	75	23	91.5%	13.0%	13.0%
Rockhampton	89	78	18	87.6%	5.6%	5.6%
Townsville	91	90	33	98.9%	6.1%	0.0%
Main centre Totals	1,210	1,057	520	87.4%	14.2%	5.2%
Regional centres						
Bundaberg	3	8	3	266.7%	33.3%	33.3%
Longreach	-	-	-	-	-	-
Mackay	28	27	8	96.4%	12.5%	12.5%
Maryborough	-	-	2	-	-	-
Mount Isa	2	4	-	200.0%	0.0%	0.0%
Roma	4	5	1	125.0%	0.0%	0.0%
Toowoomba	21	35	14	166.7%	0.0%	0.0%
Regional centre Totals	58	79	28	136.2%	7.1%	7.1%
State Total	1,268	1,136	548	89.6%	13.9%	5.3%

Notes:

(1) Defendant: As defined by the RoGS rule: A 'defendant' is defined as 'one defendant; with one or more charges; and with all charges having the same date of registration'. Defendants with outstanding bench warrants and defendants with secondary charges such as breaches of court orders are excluded. Also excluded are defendants who have been committed to the District Court and are awaiting presentation of indictment.

(2) Clearance Rate: Finalisations/Lodgements.

(3) Backlog Indicator: the number active defendants with proceedings older than the specified time.

Criminal Jurisdiction — Brisbane

Finalisations of criminal cases increased over the year, but the number of matters that proceeded to trial decreased, in large part because of the unavailability of police witnesses during the G20 period and in the preceding months. Moreover, the average length of those cases that were tried shortened in comparison to the previous year. A major factor in contracting the length of trials has been judicial case management of the more complex trials.

There was an increase in the number of matters listed for pre-trial hearings during the year. Early determination of evidentiary issues often resulted in pleas of guilty.

The number of sentences increased.

The percentage of pending cases older than 12 months decreased.

Although there has been an increase in finalisations, a greater disposition is still possible. Two trials which had been given a lengthy allocation did not proceed because of last minute issues concerning representation and one lengthy trial resulted in a plea of guilty during the first week. Consequently, the time allocated for criminal trials was not used in the best way. The earliest possible indication of such developments is pivotal to more efficient management.

It is of continuing concern that some sentences are not heard on listed dates through delays in obtaining psychological reports and drug testing results.

The increasing complexity of sentencing submissions has reduced the number of sentences which typically can be listed for hearing.

Civil Jurisdiction

Lodgements decreased this year by 114 (3.5 per cent), from 3,215 in 2013-14 to 3,101.

Finalisations decreased this year by 446, from 3,599 during 2013-14 to 3,153 (a decrease of 12.4 per cent).

The clearance rate accordingly decreased from 111.9 per cent in 2013-14 to 101.7 per cent.

There was a decrease of 63 (2.4 per cent) in active pending matters (2,574 at 30 June 2015, down from 2,637 last year).

The number of cases older than 12 months and less than 24 months decreased from 546 as at 30 June 2014 to 438 (a decrease in the percentage of active pending matters of 19.8 per cent).

Cases more than 24 months old decreased by 24 in 2014-15 and stood at 185 cases at 30 June 2015.

Many claims are dealt with by registrars, which is one reason why a decrease in lodgements does not result in a corresponding reduction in judicial workloads.

Summary of activity on civil list - by location

Centre	RoGS civil files			Clearance Rate ⁽³⁾	Backlog Indicator ⁽⁴⁾	
	Lodged	Finalised	Active		% > 12 mths	% > 24 mths
Main centres						
Brisbane	2,783	2,833	2,285	101.8%	23.5%	7.2%
Cairns	73	85	50	116.4%	40.0%	8.0%
Rockhampton	92	62	96	67.4%	27.1%	4.2%
Townsville	90	119	88	132.2%	30.7%	10.2%
Main centre Totals	3,038	3,099	2,519	102.0%	24.2%	7.2%
Regional centres						
Bundaberg	5	6	5	120.0%	20.0%	0.0%
Longreach	-	-	-	-	-	-
Mackay	45	40	41	88.69%	29.3%	7.3%
Maryborough	4	2	2	50.0%	0.0%	0.0%
Mount Isa	-	-	-	-	-	-
Roma	1	-	1	0.0%	0.0%	0.0%
Toowoomba	8	6	6	75.0%	16.7%	16.7%
Regional centre Totals	63	54	55	85.7%	25.5%	7.3%
State Total	3,101	3,153	2,574	101.7%	24.2%	7.2%

Notes:

- (1) The RoGS unit of measurement for the civil jurisdiction is a case. Secondary processes such as interlocutory applications are excluded.
- (2) 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.
- (3) Clearance Rate: Finalisations/Lodgements.
- (4) Backlog Indicator: the number active defendants with proceedings older than the specified time.

Civil Jurisdiction—Brisbane

Case Flow Management

Practice Direction No 17 of 2012, and its accompanying plain English guide, govern case flow management in the civil jurisdiction in Brisbane effectively.

There has been a reduction in the number of matters that are dealt with under case flow management during the past year. There were 640 orders made as a result of case flow reviews as opposed to 778 the previous year. This is a result of Practice Direction 10 of 2014 promulgated in February 2014, which ensured that self-represented litigants were referred to the supervised case list for cases involving self-represented parties so that those cases were adequately supervised before being set down for trial.

There has been a pleasing increase in the capacity of parties and their legal representatives to consent to orders that comply with the practice direction. As a result, 64 per cent or 338 of the orders were made on the papers prior to their court hearing date, while 188 orders were made in court.

DPSOA

The volume of matters arising under the *Dangerous Prisoners (Sexual Offenders) Act 2003* has resulted in the appointment of two judges, Justice Mullins and Justice Burns, to manage those matters and conduct the reviews that precede substantive hearings.

Commercial List

The commercial list provides for the prompt hearing and determination of proceedings involving issues of a commercial character. The commercial list judges are Justice Philip McMurdo and Justice Jackson.

A case is placed on the list if a commercial list judge considers that it is appropriate for inclusion, having regard to its nature and its issues and whether there are circumstances of urgency.

Until recently the commercial list ordinarily was reserved for cases having an estimated length of trial of 10 days or fewer. In early 2015, the Court was asked by the BAQ and the QLS to consider whether the list should include cases of more than 10 days. The Court decided that the 10 day limit should be removed in order to include all litigation which is suitable for management and determination according to the practices of this list. The 10 day limit was removed by Practice Direction 17 of 2015. The expected length of the trial will still be a relevant factor in deciding whether a case will be placed on the list.

A party wishing to have a case placed on the list files an application and supporting material, usually by email, which includes a statement of relevant considerations. Usually, the judges alternate on a monthly basis to hear these listing applications. The judge who places a case on the list retains the management of it, including the hearing of any contested interlocutory applications, and conducts the trial. Dates for trial will be allocated by that judge at a point when it is clear that the remaining interlocutory steps should be completed by those dates.

The commercial list judges endeavour to provide early hearing dates for substantial interlocutory disputes and trials. Priority is accorded to commercial cases in the calendars for these judges.

Practitioners are encouraged to propose directions for the conduct of their cases which recognise the particular importance of expedition in the resolution of commercial disputes. Alternative dispute resolution in this list will be facilitated by the Court but not with the effect of significantly delaying the progress of the case towards a final hearing.

As at 30 June 2015, there were 63 cases on the list, 79 cases being added during the year and 73 being removed from the list, of which 19 were disposed of by an adjudication or final order. There were 198 interlocutory hearings.

Supervised Case List and SRL Supervised Case List

The supervised case list provides for the judicial management of civil cases where the hearing is estimated to take more than five days or where supervision is needed because of the complexity of the matter, the number of parties or some other reason.

The list is managed by Justices Applegarth, Boddice and Flanagan.

Cases are supervised in accordance with Practice Direction 10 of 2014 where one or more of the parties is a self-represented litigant.

The object of supervision is to effect a just and timely resolution of disputes with the minimum commitment of resources by the Court and litigants – saving time and reducing costs.

While most cases are placed on the supervised case list at the request of the parties, cases are also placed on this list at the Court's initiative, such as where a judge conducting an interlocutory hearing sees the need for ongoing judicial management. Cases are also referred to this list after case flow review.

Cases on the list cover a wide range of civil matters, including complex building and engineering claims, public liability and other insurance litigation, personal injury claims, deceased estate disputes, de facto property claims and defamation claims.

Cases in which a party is or becomes self-represented are also placed on the supervised case list at the initiative of the Court. However, that does not ordinarily occur until at least one party has filed a defence or otherwise taken a step in the proceeding to oppose the granting of relief sought by another party. Self-represented parties are encouraged to take those steps they need to take before their matter is set down for trial.

The supervision of cases involving self-represented parties can be time-consuming for judges, both in the conduct of reviews and in attending to email and other communications from self-represented parties. Many matters involving one or more self-represented parties may require more judicial supervision than more complex commercial litigation in which the parties are represented. Many cases involving self-represented litigants concern disputes with banks and other lenders in which pleadings are complicated and self-represented litigants have difficulty in complying with court rules about pleadings.

The Court and self-represented parties gain important support from QPILCH's SRS. Its contribution achieves efficiencies and saves court time and public resources. The supervised case list judges have worked with QPILCH to develop new ways to educate self-represented litigants through instructional videos and other means.

Once a case on the supervised case list is ready for trial and has a trial plan, it is usually placed on the list of cases awaiting trial dates, and it will be allocated trial dates when they become available. Cases on the supervised case list compete with other cases for the allocation of available dates. Some cases will be allocated specifically to a judge to try, and that judge, rather than a supervised case list judge, will conduct a final pre-trial review.

The year opened with 101 active cases on the supervised case list – an increase of 27 on the previous year. In the course of the year, 111 cases were added to the list while 95 cases were finalised or removed. Of those cases removed from the list, 27 were determined by adjudication, 19 were finalised by way of settlement, notices of discontinuance were filed in 25 matters, one case was transferred to another jurisdiction, four cases were removed pursuant to orders of the Court and 19 cases were deemed to be finalised. There was a slight increase in cases removed from the list from the previous year, in part attributable to cases which were deemed to be finalised due to a lack of activity on the files. The number of active cases on the list as at 30 June 2015 was 117, including 45 cases on the self-represented parties list.

Over the year, 442 list reviews were conducted. The judges conducting the reviews typically seek to ensure that all issues in the case are identified by the pleadings; to ensure that substantial efforts are made to resolve the case, or, so far as possible, issues within the case; to maximise the efficiency and utility of expert evidence at trial; and to see that matters are only given trial dates when there is a high likelihood that the trial will be able to start on the allocated date and be completed within the estimated time.

Regions

Southern Region

Justice Peter Lyons assumed management of the Southern region circuits in June.

Central Region

The Central Judge, Justice McMeekin, is responsible for the work of the Court in Rockhampton, Bundaberg and Longreach and shares the work of the Mackay region with the Northern and Far Northern judges.

Despite the absence of the Central Judge on long service leave, the litigants in the Central District have been well served. This has been due principally to the efforts in Rockhampton of Justice Boddice and Justice North, the Northern Judge, and, in Bundaberg, Justice Atkinson.

There has been no need to allocate sitting time to Longreach.

Ten weeks were allocated to sittings in Rockhampton for civil work and 11 for criminal work. Four weeks were allocated to sittings in Mackay and six to Bundaberg. The Central Judge sat in the Court of Appeal in Brisbane for three weeks.

The trend of increasing criminal lodgements in Rockhampton has continued. There was an approximately 57 per cent increase in criminal lodgements last year (2013-14) compared to the previous year. This year, there has been a further increase of a little over 70 per cent (from 52 to 89). This increase, which is more than twice the State average, is due to an increase in drug offences. While more matters were added to the list than were disposed of (a clearance rate of 87 per cent), that reflects on the preparedness of the parties for trial – trial dates are almost invariably made available at the call over at which the parties first indicate that they are ready.

There was a small increase in civil cases lodged in Rockhampton (92 cf. 79) and a decrease in those requiring adjudication (20 to 10). The low clearance rate (67 per cent) reflects a reluctance of the litigants or their lawyers to set matters down for hearing. The Court can allocate dates for trial as soon as the parties certify readiness.

Additional time was allocated to Bundaberg not because of any increase in the numbers of matters, they have remained steady, but because of the anticipated length of the expected trials. Two criminal trials were held, both involving homicides. Six pleas of guilty were entered in Bundaberg, all to drug offences. Civil trial work has all but disappeared from Bundaberg. Only one matter proceeded to judgment.

In Mackay, the workload has remained more or less the same, with 28 criminal lodgements and 45 civil cases placed on the list and virtually the same number disposed of – with one criminal trial needed and 12 civil cases disposed of by judgment.

Application days were held in Rockhampton on an approximately six weekly basis. On these days, ceremonies are conducted, if needed, for those seeking admission to the profession and who have a connection to Central Queensland. There were nine such practitioners in the year. Many of those continue to practise in the region.

The Central Judge, as usual, attended the annual Central Queensland Law Association conference held on the Yeppoon coast.

Northern Region

The Northern Judge, Justice North, is responsible for the work in Townsville and shares the work in Mackay with the Central Judge and the work in Mount Isa with the Far Northern Judge.

In Townsville, the Northern Judge conducted criminal sittings and civil sittings as well as sitting in circuit in Mackay and Mount Isa. He sat in Rockhampton for one week in criminal jurisdiction when the Central Judge was on long service leave and in the Court of Appeal in its sittings in North Queensland in May and in Brisbane for three weeks. In addition, the Northern Judge sat in the applications jurisdiction on Tuesday and Thursday mornings during sittings weeks in Townsville.

This year saw an increase in the number of criminal lodgements in Townsville compared to the previous year (7.1 per cent). The satisfactory clearance rate (98.9 per cent) is attributable to the willingness of the profession to take advantage of available sitting days. The increase in criminal matters is because of the number of drug offences. There was a 28 per cent decrease in civil cases lodged in Townsville (90 compared to 126 in the previous year) although in other fields, namely probate, there was an increase.

The Central Judge has reported upon the Mackay sittings.

In Mount Isa, the bulk of the work is in the criminal jurisdiction. The clearance rate in Mount Isa of 200 per cent is a reflection of a combination of a reduction in the number of indictments being presented and the Court's capacity to offer trial dates. This year, all the matters requiring trial were determined with the result that, as at 30 June, there were no pending matters.

The Northern Judge continued his involvement with the profession and its professional development. In May, he attended professional seminars and the North Queensland Law Association's conference held on Hamilton Island at which he assisted with the presentation of a number of sessions.

Admission ceremonies were conducted in Townsville throughout the year. In all, 47 new lawyers were admitted (35 of whom were women). Most of the admittees planned to further their careers in northern or regional Queensland.

Far Northern Region

The Far Northern Judge, Justice Henry, sat at Cairns for 16 weeks in the civil jurisdiction and 14 weeks in the criminal jurisdiction. He sat at Cairns with the Court of Appeal in its one week annual northern circuit. He circuited to Brisbane for three weeks in the Court of Appeal, Mackay for four weeks and his two week circuit to Mount Isa finalised available work within the first week.

In Cairns, applications days are conducted fortnightly and applications mornings are conducted every Wednesday and Friday, ensuring that matters are disposed of promptly.

The number of matters lodged in the criminal jurisdiction increased to 82 compared to 67 in the previous year. In the civil jurisdiction, the number of lodgements decreased to 73

compared to 96 in the previous year. The clearance rates were 91.5 per cent in the criminal jurisdiction and 116.4 per cent in the civil jurisdiction. As with the previous reporting year, these healthy clearance rates had the consequence that there were no significant backlogs and parties were allocated hearing dates as soon as they were ready to proceed.

In conjunction with the BAQ and QLS, the Court coordinated the Cairns Judiciary CPD Series, a series of professional development sessions delivered by Cairns resident Supreme Court and District Court judges. The Court also coordinated a work experience program under which meritorious local secondary school legal students of Aboriginal and Torres Strait Islander background were provided with work experience as judges' associates.

During the year, 28 new practitioners were admitted. Most took up positions in the far north having completed law degrees at the Cairns Campus of James Cook University. The Court's links with legal education were maintained by support of the James Cook University law student mooting competition and the subject, "*Advocacy and Criminal Sentencing*".

Land Appeal Court

The Land Appeal Court hears appeals from the Land Court and is constituted by a Judge of the Supreme Court and two members of the Land Court, other than the member whose decision is under appeal. It also hears appeals from the Land Tribunal established under the *Aboriginal Land Act 1991*. The Land Appeal Court has limited original jurisdiction under the *Biological Control Act 1987* and the *Foreign Ownership of Land Register Act 1988*.

The Land Appeal Court sits at Brisbane, Rockhampton, Townsville and Cairns, the headquarters of the four Supreme Court regions in Queensland. From time to time, the Chief Justice nominates a Supreme Court judge to act as a member of the Land Appeal Court for the Southern Region. Justice Peter Lyons was the judge nominated for the 2014-2015 financial year. Justice McMeekin was the Member of the Land Appeal Court for the Central Region. Justice North was the Member of the Land Appeal Court for the Northern Region. Justice Henry was the Member of the Land Appeal Court for the Far Northern Region.

A party to a proceeding in the Land Appeal Court may appeal from a decision of that Court to the Court of Appeal on the ground of error or mistake in law or jurisdiction. A further appeal lies to the High Court of Australia, but only with special leave. There are very few appeals against the decisions of the Land Appeal Court.

Appeals to the Land Appeal Court are by way of rehearing, usually on the record of the Court below. The Land Appeal Court has power to admit new evidence, but only if the Court is satisfied that such evidence is necessary to avoid grave injustice and that adequate reason can be shown why the evidence was not previously given. By convention, the Supreme Court Judge presides, but all Members of the Land Appeal Court sit as equals and the decision of the majority is the decision of the Land Appeal Court.

There were three appeals lodged in the Land Appeal Court in 2014-15, compared to nine appeals filed in 2013-14. During the reporting period, two of the appeals related to land in the Southern Land Appeal Court Region and there was one appeal in the Far Northern Land Appeal Court Region.

Nature of Appeals	2013-14	2014-15
Compensation (<i>Acquisition of Land Act 1967</i>)	5	2
<i>Land Valuation Act 2010</i>	1	-
<i>Mineral Resources Act 1989</i>	1	1
<i>Water Act 2000</i>	2	-

There was one application for leave to appeal filed in the Court of Appeal during the reporting period.

Court of Appeal Filing Date	2013-14	2014-15
Applications for leave to appeal to Court of Appeal	2	1

One application for special leave to appeal (an acquisition of land case) has been filed in the High Court of Australia in the reporting period. The matter is *Moreton Bay Regional Council v Mekpine Pty Ltd* and the application for special leave to appeal was granted after the end of the 2014-2015 financial year.

Executive Director's Overview

The Office of the Executive Director, Supreme District and Land Courts Service is responsible for the management and coordination of registry administration, as well as the provision of judicial support services for the Supreme Court throughout Queensland.

Ms Julie Steel is the current Executive Director and is supported by executive, administrative and registry staff throughout Queensland.

Ms Steel is the Vice President of Court Network, having been a Board member for four years prior. She is an ex-officio member of the Incorporated Council of Law Reporting; and the Legal Practitioners Admissions Board; and is also a Board member of Protect All Children Today. She is also a member of the Public Records Review Committee of Queensland State Archives and of the Supreme Court Library Committee, and regularly 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 at 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 have the responsibility of determining certain applications without the necessity for judicial involvement. These applications include probate, letters of administration, winding up orders and default judgments.

The online *eSearch* facility was again used significantly during 2014-15, with over 2,000,000 online searches conducted.

Registry Workloads

Following the trend of recent years, civil lodgements decreased across the State during 2014-15, down by 3.5 per cent when compared to 2013-14. In the Brisbane registry, there was a decrease of 2.2 per cent.

In the criminal jurisdiction, lodgements increased by 31.7 per cent across the State during the year. There was an increase of 32.2 per cent in criminal lodgements in Brisbane.

There were 65 criminal trials in Queensland during 2014-15, compared to 87 for the previous year, with the average trial lasting 5.3 weekdays, a slight decrease from last year's figure of 5.7 weekdays.

Succession law applications continued to rise during 2014-15 when a total of 9,724 applications were received, an increase of three per cent from the previous year.

Service Improvements

The Court's commitment to improving registry services has meant that the initiatives referred to in last year's Annual Report have continued to grow. Through the Court's website: www.courts.qld.gov.au, court users can:

- make search and copy requests for criminal and civil files of the Supreme Court anywhere in the State online and receive the documents without ever needing to come into a courthouse;
- nominate a mover for applications for admission as a lawyer online;
- apply for and have issued a subpoena in the criminal jurisdiction of the Supreme Court completely online;
- complete a statement of financial position electronically; and
- book a room at the Queen Elizabeth II Courts of Law in Brisbane.

All of the online forms are interactive, providing tips to enable accurate completion while using progressive disclosure so that the user is guided to only complete those parts of the form that are required depending on the information provided earlier in the form.

Prospective jurors across Queensland became able to complete the juror questionnaire online during the year. The online process enables prospective jurors to complete an interactive form online that is submitted and received by the registry electronically. In addition, information and education material was developed to enable students and the community to find out more about jury service. This material – which includes a DVD about selection for juror service – is available on the Court's website. It was developed following extensive research about the community's perception of jury service and the actual experience of jurors to provide useful and accurate information about jury service.

Court Network Volunteers

As always, I thank the Court Network volunteers for the invaluable contribution they make to the courts each year. They receive extensive initial training, regular continuing education and ongoing supervision. As well as providing court users with a safe place in the courthouse, the Networkers offer in-court support, explain court process and procedure, and provide emotional support to any court user whether applicant, respondent/defendant, victim, witness, family or friend. Through its volunteers, statewide freecall number and website, Court Network can refer to, and receive referrals from, community agencies and government departments which can provide continuity of care to court users as they navigate their way through the justice system.

Court Network provides two core services within the Brisbane Supreme and District Courts. The first is the information and Justice of the Peace service based at the Information Kiosk

on the ground floor. This program saw 8,801 court users assisted during 2014-15. The service commenced in 2007 and, since then, 55,529 courts users have been assisted.

The second program is the 'Networker' program where volunteers provide support, non-legal information and referral services to court users by way of outreach and through incoming referrals from various services, departments and individuals. During the year, 3,683 court users were assisted in Brisbane, 604 in Townsville and a further 335 in Cairns. This program has assisted 35,064 court users in Queensland since commencing.

The Victim Support Unit referred to in last year's report has continued to develop. In Brisbane, there were 52 referrals for assistance provided in the District Court and eight in the Supreme Court during 2014-15. There were a further 56 referrals at the Ipswich District Court. Since this service commenced in September 2013, much needed support has been provided to 153 witnesses, victims and family or friends.

Acknowledgements

The ongoing enthusiasm, commitment and professionalism of registry staff in discharging their duties are without doubt, some of the most significant assets of the Court. Workloads are managed efficiently 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 Library Queensland (SCLQ) was established under statute more than a century and a half ago to serve the administration of justice in Queensland through provision of legal information services to the Queensland judiciary, legal profession and public. As the primary legal information provider for the state's judiciary and legal profession, the library provides a comprehensive suite of services including reference, research and document delivery, training and support, and publication of the decisions of Queensland courts and tribunals, together with a variety of current awareness services offering access to the latest developments in Queensland law. All of these services are freely available to Queensland's Supreme Court judges and their associates across the State.

The library maintains print collections in eight provincial courthouses in addition to the main library collection in Brisbane at the QEII Courts of Law. In 2014-15 our library's combined print collection totalled 160,000 items, with the library purchasing 233 new monographs and maintaining subscriptions to 615 print journals, legislation services and law reports series. For members of the judiciary, their statewide desktop access to an expanding collection of online resources available via the library's *Judicial Virtual Library* (JVL) is their most comprehensive, current and reliable source of legal information. In 2014-15, the library catalogue listed over 400 online resources, which enabled access to over 65,000 online full text titles. The library also continues to serve the Brisbane Court of Appeal library and chambers collections by undertaking regular maintenance of print subscription services and processing new acquisitions.

The library provides a range of current awareness services to judges and their associates, including the *Current Awareness Bulletin* service, a daily news and current awareness newsletter tailored for the Queensland judiciary, as well as the *Queensland Legal Updater*, a weekly email bulletin designed to update legal professionals on changes to legislation and developments in case law relevant to legal practice in Queensland.

During 2014-15, the library continued to lead negotiations for subscription renewals on behalf of the Courts, making substantial progress in negotiating new multi-year subscription agreements with the major legal publishers. When concluded, these agreements will enable our library to deliver a wider range of more relevant material (mostly in online and downloadable electronic form) to judges at no additional real cost to the Court.

As the publishing arm of the Queensland courts, the library has maintained its commitment to prioritising the publication of full text judgments from Queensland courts and tribunals. Most decisions are published online within an hour of being handed down, making the SCLQ website the primary and most current and authoritative access point for Queensland case law. In 2014-15, the library published 2,299 new decisions from Queensland courts and tribunals, including 188 judgments from the Court of Appeal and 315 from the Trial Division of the Supreme Court. This increased the total number of full text Queensland decisions available from the library website to 30,876.

During 2014-15, the library's Information Services team continued to assist the judiciary and legal profession with navigating legal research tools within the library's print and online collections. The team responded to a total of 9,493 information enquiries, comprising 3,835 reference, 173 research and 5,485 document delivery requests. A total of 11,750 documents were supplied in response to these queries.

Our library's websites now comprise the primary means of accessing our library's information resources and services for the majority of its customers. In 2013-14, more than 5.9 million page views were recorded from the SCLQ website, JVL and library catalogue combined. Research tools, including the Criminal Codes Appellate Decisions Database, Queensland Legal Indices and the Uniform Civil Procedure Rules Bulletin, are available via the CaseLaw Plus tab. CaseLaw services recorded more than 2.6 million page views over the year.

From 1 July 2013, all responsibility for provision and maintenance of the Queensland Sentencing Information Service (QGIS) was transferred to the library from the Department of Justice and Attorney-General (DJAG). In its second year at SCLQ, usage of the service grew by 36 per cent, with the number of times it was accessed increasing from 366,248 in 2013-14 to 497,894 in 2014-15. QGIS is relied upon by prosecutors, defence and the judiciary to promote consistency and fairness in sentencing criminal offenders and is available to all judges and their associates.

During 2015-16, there will be a continued focus by the library on providing a high level of support to Queensland's busy judges. This will include provision of access to a wider range of 'go anywhere' electronic versions of popular legal loose-leaf publications designed to be downloaded to tablets and other mobile devices, as well as training and support in identifying, locating and making more effective and efficient use of the range of print, electronic and online resources available to the judiciary. Substantial improvements to the way in which our library provides access to the decisions of Queensland's courts and tribunals are also planned for 2015-16.

Supreme Court Judges' Associates 2015

	Judge	Associate
Chief Justice	The Honourable Justice Carmody	Chris Stackpoole
Court of Appeal		
President	The Honourable Justice Margaret McMurdo AC	Anne Crittall
	The Honourable Justice Holmes	Alice Husband
	The Honourable Justice Fraser	Courtney Coyne
	The Honourable Justice Gotterson AO	Benjamin Buckley
	The Honourable Justice Morrison	Alicia McPherson
	The Honourable Anthe Philippides	Ivan Mukarev
Trial Division		
Senior Judge Administrator	The Honourable Justice Byrne AO, RFD	Sarah Fouhy
	The Honourable Justice Atkinson	Ailsa McKeon
	The Honourable Justice Mullins	Louisa Ole
	The Honourable Justice Philip McMurdo	Eleanor Angel
	The Honourable Justice Douglas	Jarrold Jolly
	The Honourable Justice Ann Lyons	Ravi Gosal
	The Honourable Justice Daubney	Jake Williams
	The Honourable Justice Martin AM	Holly Woodcroft
	The Honourable Justice Applegarth	Rebekah Oldfield
	The Honourable Justice Peter Lyons	Sam Kay
	The Honourable Justice Boddice	Emily Chalk
	The Honourable Justice Dalton	Samantha Nean
	The Honourable Justice Jackson	Jay Tseng
	The Honourable Justice Thomas	Jessica Whitby
	The Honourable Justice Flanagan	Mark Eade
	The Honourable Justice Burns	Briellen Juracic
	The Honourable Justice Bond	Tristan Pagliano
Regional		
Central Judge	The Honourable Justice McMeekin	Laura-Rose Lynch
Northern Judge	The Honourable Justice North	Nicholas Douglas
Far Northern Judge	The Honourable Justice Henry	Rachel Boivin