

**SUPREME COURT OF QUEENSLAND  
ANNUAL REPORT 2005–2006**



**QUEENSLAND  
COURTS**



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ANNUAL REPORT 2005–2006**



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CHAMBERS OF THE CHIEF JUSTICE  
SUPREME COURT  
BRISBANE

FROM CHIEF JUSTICE PAUL de JERSEY

20 October 2006

The Honourable Linda Lavarch MP  
Attorney General and Minister for Justice and Women  
18th Floor  
State Law Building  
Cnr George and Ann Streets  
BRISBANE QLD 4000

Dear Attorney

I enclose my report, under s 119B(1) of the *Supreme Court of Queensland Act 1991*, on the operation of the Supreme Court for the year ended 30 June 2006.

Yours sincerely

The Hon P de Jersey AC  
**Chief Justice**

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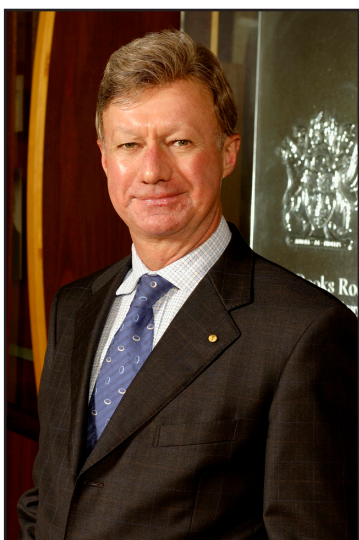
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# The Chief Justice's Overview



*The Honourable Paul de Jersey AC  
Chief Justice*

## Performance

### Disposition of caseload

The Court's performance over the last year (1 July 2005–30 June 2006) may be analysed in the context of the time goals for disposition of the Court's caseload adopted by the Judges in April 2000 and published on the Courts' website. The following table provides that analysis.

**Table 1**

Court of Appeal Division				
	Benchmark	2003–04	2004–05	2005–06
<b>A. Criminal</b>				
< 6 months	90%	87%	84%	85.5%
6–12 months	8%	12%	14%	13%
> 12 months	2%	1%	2%	1.5%
<b>B. Civil</b>				
< 6 months	55%	56%	73%	69.5%
6–12 months	30%	37%	26%	29%
> 12 months	15%	7%	1.5%	1.5%

Trial Division (Brisbane)				
	Benchmark	2003–04	2004–05	2005–06
A. Criminal				
< 6 months	80%	68.1%	74.7%	68.4%
6–12 months	15%	21.6%	17.1%	16.8%
> 12 months	*5%	10.3%	8.3%	14.8%
B. Civil				
< 6 months	50%	21%	18%	18%
6–12 months	13%	19%	15%	25%
12–18 months	7%	10%	14%	10%
> 18 months	*30%	50%	53%	48%

\* *Appeals (and possibly rehearings) will sometimes necessarily lead to some cases taking this long.*

## Trial Division

### Criminal, Brisbane

On the criminal side in Brisbane, the Trial Division began the year with 305 active outstanding cases and ended it with 444, having disposed of 863 incoming matters.

That increase from 305 to 444 is attributable to two factors: first, the circumstance that this year, 999 new cases entered the system, whereas last year there was a substantially lower influx—800; and second, because the exercise of long leave entitlements reduced somewhat available judicial resources. Where such a limitation arises, priority is for obvious reasons nevertheless given to servicing the criminal jurisdiction.

### Civil, Brisbane

On the civil side in Brisbane, the Trial Division began the year with 64 cases awaiting a hearing, as by trial, and ended it with 81, having disposed of 262 incoming matters. It is interesting to compare that position with the performance level in previous years. The numbers of cases outstanding at the end of years 1998–9, 1999–2000, 2000–01, 2001–02, 2002–03, 2003–04, and 2004–05 were respectively 143, 83, 56, 28, 63, 73 and 64.

The decline in the extent of civil trial work is attributable to tort law reform; the emphasis on non-adjudicative resolution in statutory regimes dealing with the recovery of damages or compensation for personal injury caused by the negligence of another; and substantial resort generally to methods of “alternative dispute resolution” (eg mediation)—a world-wide trend in common law jurisdictions. A beneficial consequence of that trend is that the court can give comparatively early treatment to those claims which must be resolved by court adjudication.

The percentage of civil proceedings finally determined within twelve months of commencement (meaning the filing of the claim), though an improvement on the figures for last year (33% rising to 43%), nevertheless still falls well short of the court's 63% benchmark.

Delays in this respect are largely attributable to the failure of the parties or their legal representatives to progress the litigation. Especially since the introduction of the Uniform Civil Procedure Rules, the court has however acknowledged its own role in keeping civil proceedings moving. Limited resources have nevertheless hampered the court's capacity readily to identify, across the board, cases which have "gone to sleep". We expect improvement in this position in due course through impact of the system of case management now operating, pursuant to Practice Direction No 4 of 2002: "Case-flow Management—Civil Jurisdiction". That system is designed to expedite proceedings by direct court intervention where progress is not occurring, or the timelines required under the UCPR are not being observed. The system has now been operating for three and a half years.

The position remained this year, as in previous recent years, that cases ready for trial in the civil jurisdiction, save those expected to take a substantial period, could be allocated trial dates within no more than two or three months of readiness.

In addition to the trial work commitment, the court continued to dispose of a substantial number of matters on the applications side of its civil and criminal jurisdiction. Details appear in the Trial Division report below. By contrast with the civil trials jurisdiction, the summary "applications" jurisdiction, on the civil side, remains a very busy part of the court's jurisdiction, usually exercised by two Judges sitting concurrently, daily, and sometimes three or even four Judges should the demand warrant that. These applications may be brought on without delay, and are determined at least expeditiously, often rapidly.

## **Regional centres**

The lists in regional centres have been satisfactorily maintained. Cairns remained by far the busiest of those centres, especially in the criminal jurisdiction. The Far Northern Judge, with some assistance from other Judges, disposed of 87 criminal matters over the year. That may be contrasted with the following figures for other centres: Toowoomba—56, Townsville (Northern Judge)—54, Rockhampton (Central Judge)—45, Mackay—36, Bundaberg—25, Maryborough—24, Mt Isa—6. My intention is that the Northern and Central Judges sit somewhat more in Brisbane, to assist in the criminal jurisdiction particularly. That can be done without affecting the disposition of work in Townsville and Rockhampton and associated regional centres.

## **Court of Appeal division**

The Court of Appeal division this year disposed of 296 criminal appeals (compared with 356 in 1999–2000, 321 in 2000–01, 338 in 2001–02, 360 in 2002–03, 330 in 2003–04, and 357 in 2004–05). As at the end of the year, 112 criminal appeals awaited disposition (compared with 99 in 2004–05).

The Court of Appeal also disposed of 186 civil appeals (compared with 224 in 2004–05), leaving 89 outstanding as at the end of the year (compared with 74 in 2004–05).

## Overall

Both divisions of the Court again performed satisfactorily in terms of the amount of work completed and the timeliness of its disposition.

Together with the heads of the Divisions of the Court, I regularly review this data. Further, the Judges continually monitor these matters on a collegial basis: they are the item first dealt with at the Judges' formal monthly meeting, together with a report on the Judges' adherence to the three month protocol concerning the delivery of reserved judgments following the conclusion of trial.

## Registry management

A major review of Registry operations was undertaken, and is continuing (“continual process improvement program”), to ensure those operations are up-to-date and carried out with maximum efficiency. It was preceded by the development of a strategic plan and a business plan. One important consequence of this process was the implementation this year of a professionally run, comprehensive induction and training programme for new employees.

## Sentencing database

The courts have this year embarked on the development of a comprehensive sentencing database, utilising software created by the Judicial Commission of New South Wales, and hope to have this facility available to the courts, the prosecution and legal aid soon after the end of this reporting period. A major object is increased consistency and predictability in this important area. This is potentially the most significant development in recent years in the streamlining of our process in the criminal justice system, and with respect to the area of the courts' work—sentencing—which commands most public attention.

## Rules Committee

The Rules Committee, chaired by Justice Williams and including, from the Supreme Court, Mr Justice Muir, Justice Wilson, the Principal Registrar and Administrator and me, from the District Court, Judges Robin QC and McGill SC, and from the Magistrates Court, Magistrates Gribbin and Thacker, met at least fortnightly out of ordinary court hours. Mrs B Jerrard, a departmental officer, is secretary of the Committee.

Substantial progress was this year made in the task committed to the Committee by the *Supreme Court of Queensland Act 1991* (s 118C(2)(a)), to “advise the Minister about the repeal, reform or relocation of the provisions of the *Supreme Court Act 1995*”. That project is continuing.

## Other monitoring mechanisms

The Consultative Committee, comprising the President of the Court of Appeal, the (Acting) Senior Judge Administrator, the Presidents and Chief Executive Officers of the Bar Association of Queensland and the Queensland Law Society, met with me on 9 February 2006.

The Committee met again, together with the Legal Services Commissioner, on 6 June 2006.

## Continuing professional development

The Judges continued to benefit professionally through individually organised participation in legal conferences and jurisprudentially oriented meetings and discussions here and in other jurisdictions.

There were also corporate endeavours.

The Judges held their 11<sup>th</sup> Annual Seminar on 18–19 August 2005. Presenters included D McKellar (Acting Registrar, SPER), P McInnes (Chair, Queensland Community Corrections Board), K Kehoe (Acting Manager, Queensland Corrections Board Secretariat) and G Sinclair (Department of Corrective Services) (“Truth in Sentencing”), the Rt Hon Lord Justice Auld (“Criminal Trial Procedure”), Professor D Ong (“Knowing Assistance in Breach of Trust”), Dr A Cassimitas (“The Rights and Obligations Requirement in Tang”), Ms H Garner (“Crime and Punishment”), Dr G Orr (“The Court of Disputed Returns”), Associate Professor R Mason (“Local Proceedings in a Multistate Corporate Insolvency”) and Professor H Possingham (“Decision-making for Nature Conservation”).

Justice Keane, Judge of Appeal, participated in the National Judiciary Orientation Programme conducted under the auspices of the Australian Institute of Judicial Administration and the National Judicial College at Sydney over the period 24–28 October 2005.

In conjunction with the QUT Faculty of Law and the Department of Justice and Attorney-General, the Supreme Court on 17 November 2005 convened a conference on the subject: “Courts for the 21<sup>st</sup> Century: Access for the Disadvantaged”. Justices Moynihan and Mullins coordinated the project for the Court. The conference was the third in an annual series.

Judges of the Court attended the Supreme and Federal Court Judges’ Annual Conference in Brisbane, over the period 21–25 January 2006, where there were presentations on a range of subjects, including recent cultural changes in Australian society, legal philosophical and social issues in genetics and biotechnology, aspects of trial by jury, the concepts of duty of care and breach in negligence, copyright on the internet, justice issues in relation to the Solomon Islands and Vanuatu, and media issues. The conference received reports on the business of the Judicial Conference of Australia, the Australian Institute of Judicial Administration and the Council of Chief Justices of Australia and New Zealand.

## Counselling service

The Employee Assistance Programme is a confidential and voluntary counselling and advisory service for staff of the Department of Justice and Attorney-General. Employees may seek professional assistance and guidance for the resolution or management of work or personal problems which may affect performance, productivity, job satisfaction and well-being. The service is delivered by highly qualified and experienced psychologists, on a strictly confidential basis.

The service was this year made available to members of the Supreme and District Courts and their families, as the “Judiciary Counselling Service”. This was not done because of any particular known problem, but because it was seen as important that such a facility be in place should a problem arise.

## Chief Justice’s calendar

Apart from the time allotted to the fulfilment of administrative and official responsibilities, I sat in the various jurisdictions of the court both in and out of Brisbane: Court of Appeal (11 weeks), the criminal court (6 weeks), civil sittings (6 weeks), applications (5 weeks), Mackay (1 week), Legal Practice Tribunal (1 week). I continue to regard it as important that I sit substantially, in both Divisions of the Court, and in all its centres—which I endeavour to visit (for those outside Brisbane) at least once every two years.

An important aspect 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.

From 19–20 August 2005 I attended, with my wife, the North Queensland Law Association Annual Conference in Cairns, and from 26–28 August 2005, the Central Queensland District Law Association Annual Conference at Yeppoon. Those regional conferences are these days well-attended, and offer comprehensive and instructive programmes for practitioners. The compulsory continuing professional development requirement has enhanced their vibrancy.

I attended functions hosted by the Central Queensland District Law Association in Rockhampton (in conjunction with my attendance at the Opening of the Law Year Service on 8 July at St Joseph’s Cathedral), and (with my wife) by the Downs and South West District Law Association at Stanthorpe, by the legal profession in Mackay, the Downs and South West District Law Association at Toowoomba, and the Gold Coast District Law Association.

Other official responsibilities attach to the role of Chief Justice. The most constitutionally significant is acting as Deputy Governor in the absence of the Governor.

I acted in the role of Deputy Governor on 11 occasions, for periods aggregating 35 days.

There is another official responsibility of which the public may not be aware. It is the custom of diplomatic representatives, making a first visit to the State of Queensland, to call on the Chief Justice. In the course of the year, I received 21 such visits by Ambassadors and High Commissioners. I have found these interchanges useful in fostering mutually beneficial relations between judicial regimes.

# The Courthouses

## Brisbane

In the State budget delivered on 6 June 2006, the Government allocated \$6.3m for the planning and design of a new Brisbane Supreme and District Courts complex. I respectfully commend the government upon this initiative. The construction of a new courthouse at Brisbane, long overdue, will prove greatly beneficial for the people of South East Queensland in particular. A committee of Judges from both courts (Justices Wilson and PD McMurdo and Judges Wilson and Griffin) has carried out substantial consultative work in the year under review. I am personally committed to regular direct involvement in this project.

An important objective will be to ensure the presentation of the new courthouse reflects a goal of accessible 21<sup>st</sup> century justice. One critical goal will be to maximise the play of natural light within the building, including courtrooms. The absence of that feature in the present building is a major blight. The prospect of the new building also provides an exciting opportunity to introduce technology not practicable because of the heavy concrete framing of the present courthouses.

The streamlining possible through technology should not be underestimated. To illustrate, one may have regard to the courts' facility for the electronic searching of file indexes. For this reporting period, more than 500,000 searches were conducted in that way, with 147,789 of them occurring outside normal business hours. That showed an increase of 8.7 % over the previous year. On average, more than 1,300 online searches were conducted daily. The strong popularity of that service is testament to its manifest convenience.

A natural development should in due course be a capacity to search online the content of files, and eventually, electronic filing and so-called "paperless" hearings in appropriate cases. To enhance the delivery of legal services, we must recognise and explore these possibilities.

A progressive development occurred in May 2006, with the commencement of the courts' "Wi-Fi" (wireless fidelity) service. Wireless internet access became available to practitioners in all courtrooms within the courthouse at Brisbane, together with the library and restaurant, and in regional courthouses. This allows lawyers appearing in courtrooms to stay in real-time contact with colleagues elsewhere, without disrupting proceedings, and to facilitated access to the internet.

## Cairns

In Cairns on 20 August, Emeritus Professor Geoffrey Bolton AO delivered an oration, in the course of the North Queensland Law Association Annual Conference, on the subject: "A tale of two benches: reflections on the Supreme Courts of Queensland and Western Australia". He then launched the Supreme Court History Program in North Queensland.

## Other public outreach

The courthouses were used for a range of community and professional activities, apart from court sittings. I instance a selection in relation to Brisbane.

1. This year saw the centenary of the enactment of the *Legal Practitioners Act* 1905. That legislation first accorded women the right to be admitted as legal practitioners in Queensland. On 9 November 2005 in Brisbane, the Judges conducted a ceremonial sittings to mark that anniversary. Her Excellency the Governor and the Hon the Attorney-General were present, together with substantial representation of the profession and the public.

That evening in the Banco Court, I launched a publication, “A Woman’s Place: 100 years of Queensland Women Lawyers”, edited by Ms Susan Purdon and Mr Aladin Rahemtula, published by the Supreme Court Library Committee, a work of more than 800 pages chronicling the contribution of women practitioners to the development of the Queensland legal system. The Governor also attended that function.

2. The Hon John von Doussa QC, President, Human Rights and Equal Opportunity Commission, delivered an address in the Banco Court on 15 March 2006 in recognition of the publication of the court’s “Equal Treatment Benchbook”.
3. On Tuesday 6 June 2006, in celebration of Queensland Day, the court again hosted tours for members of the public, an annual initiative since the year 2001. On this occasion 345 persons participated in the tours.
4. On 4 November 2005 in the Banco Court, Mr David F Jackson QC delivered an oration concerning the contribution of the Rt Hon Sir Harry Gibbs GCMG, AC, KBE, QC to the law in the State and the nation.
5. On 6, 8 and 9 March 2006, lectures comprising the inaugural annual McPherson Lecture Series (hosted by the T C Beirne School of Law) were delivered in the Banco Court by the Rt Hon Lord Millett, formerly a Lord of Appeal in Ordinary.
6. The annual W A Lee Equity Lecture, sponsored by the Queensland Community Foundation and others, was delivered in the Banco Court on 27 October 2005 by Professor Malcolm Cope.

## Website (<http://www.courts.qld.gov.au>)

The site includes up-to-date information on the time taken to dispose of cases within the court, gauged against the Judges’ self-imposed goals, and (since 18 September 2000) details of expenditure on Judges’ jurisprudential and other court or officially relevant travel.

The site registered 1,111,211 “hits” this year.



## International aspects

The Supreme Court at Brisbane received a number of international visitors:

- on 8 December 2005, a delegation of Judges from Guangdong, in the course of their participation in an educative program designed and run by the Law School of the Queensland University of Technology;
- on 6, 8 and 9 March 2006, the Rt Hon Lord Millett, formerly a Lord of Appeal in Ordinary, now a member of the Hong Kong Final Court of Appeal; and
- on 4 May 2006 the Chief Justice of Canada, the Right Hon Beverley McLachlin.

## Assistance to other jurisdictions

During April 2006, three Judges of the court, Justices Cullinane, Fryberg and Jones, together with Justice Spender of the Federal Court, participated in seminars in China on enforcement of court orders, civil procedure, receiving and assessing evidence and judicial ethics with Judges of Guangdong Province, Shanghai and Anhui Province. The seminars were held at the National Judicial College branches in Guangzhou and Shanghai and at the Anhui High Peoples Court in Hefei. The visiting delegation was warmly welcomed in all centres. The seminars produced an exchange of ideas for solving problems encountered in both China and Queensland, as well as a new understanding on the part of the Queensland Judges of the enormous problems facing the Chinese judiciary. Personal contacts were made, upon which it is hoped to build in the future.

During the year Mr Justice McPherson and Justice Williams remained available to sit in Honiara as members of the Court of Appeal of the Solomon Islands. They have been members of that court for a number of years and continue to make their services available to sit when required. Justice Williams sat in Honiara over the period 15 to 26 May 2006.

## Judicial appointment

On 26 May 2006 Justice C E Holmes was sworn in as a Judge of Appeal, in anticipation of the retirement on 23 September 2006 of Mr Justice McPherson.

## Personal

In the Australia Day Honours List, 2006, Justice Williams, Judge of Appeal, was appointed an Officer of the Order of Australia for service to the judiciary and to the law, particularly in the areas of law reform and legal education, and to the community through contributions to the Scouting movement and sport.

## Conclusion

I thank the Judges, officers of the Registry and the court's administrative staff, and the Director-General and her staff, for their contribution to ensuring another year's effective discharge of the court's mission.

# Profile of the Supreme Court

## Composition of the Court

The Supreme Court comprises the Office of the Chief Justice and two Divisions, the Court of Appeal and the Trial Division.

## Judges of the Supreme Court

### Office of Chief Justice

**Chief Justice** The Honourable Paul de Jersey, AC

### Court of Appeal Division

**President** The Honourable Margaret Anne McMurdo

### Judges of Appeal

The Honourable Bruce Harvey McPherson, CBE  
The Honourable Glen Norman Williams, AO  
The Honourable John Alexander Jerrard  
The Honourable Patrick Anthony Keane  
The Honourable Catherine Ena Holmes  
(*appointed 26 May 2006*)

### Trial Division

**Senior Judge Administrator** The Honourable Martin Patrick Moynihan, AO  
The Honourable Kenneth George William Mackenzie  
The Honourable John Harris Byrne, RFD  
The Honourable Margaret Jean White  
The Honourable Keiran Anthony Cullinane  
(*Northern Judge, Townsville*)  
The Honourable Henry George Fryberg

The Honourable John Westlake Barrett Helman  
The Honourable John Daniel Murray Muir  
The Honourable Stanley Graham Jones, AO  
*(Far Northern Judge, Cairns)*  
The Honourable Richard Noel Chesterman, RFD  
The Honourable Margaret Anne Wilson  
The Honourable Roslyn Gay Atkinson  
The Honourable Peter Richard Dutney  
*(Central Judge, Rockhampton)*  
The Honourable Debra Ann Mullins  
The Honourable Catherine Ena Holmes  
*(to 25 May 2006)*  
The Honourable Anthe Ioanna Philippides  
The Honourable Philip Donald McMurdo  
The Honourable James Sholto Douglas

## **Other appointments**

### **Mental Health Court**

The Honourable Catherine Ena Holmes  
*(to 25 May 2006)*  
The Honourable Anthe Ioanna Philippides  
*(from 26 May 2006)*

**Chair, Law Reform Commission** The Honourable Roslyn Gay Atkinson

### **Land Appeal Court**

The Honourable Justice Anthe Ioanna Philippides  
*(to 25 May 2006)*  
The Honourable Margaret Jean White  
*(from 26 May 2006)*  
The Honourable Peter Richard Dutney  
*(Central District)*  
The Honourable Keiran Anthony Cullinane  
*(Northern District)*  
The Honourable Stanley Graham Jones, AO  
*(Far Northern District)*



*Judges of the Supreme Court*



# Court of Appeal Division

## Workload

This year, 640 matters were commenced in the Court of Appeal (378 criminal matters and 262 civil matters) compared with 718 matters commenced in the previous year.

Four hundred and eighty-two (482) matters (296 criminal matters and 186 civil matters) were heard and a further 135 matters were withdrawn, disposing of a total of 617 matters.

Although the number of matters withdrawn this year has fallen noticeably, the court has generally kept pace with new filings in its hearing and disposition of work. This has only been possible because of the Attorney-General's timely appointment of Holmes JA on 26 May 2006 to replace McPherson JA who has been on long leave since 1 May 2006 and who retires on 23 September 2006.

**Table 2: Annual caseload, criminal matters (not including cases withdrawn)**

Number of cases	2003-04	2004-05	2005-06
At start of year	146	120	104
Filed during year	401	434	378
Cases heard	330	357	296
Cases unheard at end of year	*120	*104	112

\* Adjustment made due to finalisation of data

**Table 3: Annual caseload, civil matters (not including cases withdrawn)**

Number of cases	2003-04	2004-05	2005-06
At start of year	105	72	74
Filed during year	251	284	262
Cases heard	230	224	186
Cases unheard at end of year	72	*74	89

\* Adjustment made due to finalisation of data

**Table 4: Annual caseload, summary**

<b>Number of cases</b>	<b>2003–04</b>	<b>2004–05</b>	<b>2005–06</b>
At start of year	251	192	178
Filed during the year	652	718	640
Cases heard	560	581	482
Judgments delivered	575	587	475
Cases unheard at end of year	*192	*178	201
Judgments outstanding at end of year	*26	21	28
Matters withdrawn	157	156	135

\* Adjustment made due to finalisation of data

Eighty-five and a half per cent (85.5%) of criminal matters were disposed of in less than six months and a further 13% in more than six months but less than 12 months, so that 98.5% of all criminal matters were disposed of within 12 months of filing. These figures are a slight improvement on last year's results and exceed the benchmark adopted by the court for the disposal of cases within 12 months of filing. (See Table 5)

In the civil jurisdiction, 69.5% of matters were disposed of in less than six months and a further 29% in more than six months but less than 12 months, so that 98.5% of civil matters were disposed of within 12 months of filing. These figures are comparable to last year's results and exceed each benchmark adopted by the court. (See Table 5)

**Table 5: Benchmarks**

<b>Court of Appeal Division</b>				
	<b>Benchmark</b>	<b>2003–04</b>	<b>2004–05</b>	<b>2005–06</b>
<b>A. Criminal</b>				
< 6 months	90%	87%	84%	85.5%
6–12 months	8%	12%	14%	13%
> 12 months	2%	1%	2%	1.5%
<b>B. Civil</b>				
< 6 months	55%	56%	72.5%	69.5%
6–12 months	30%	37%	26%	29%
> 12 months	15%	7%	1.5%	1.5%



**Table 6: Age of disposed cases**

Time for disposition (filing date to judgment)	Percentage disposed of					
	Criminal			Civil		
	2003-04	2004-05	2005-06	2003-04	2004-05	2005-06
< 3 months	42.0%	47.0%	45%	26.0%	37.5%	38%
3-6 months	45.0%	37.0%	40.5%	30.0%	35.0%	31.5%
6-12 months	12.0%	14.0%	13%	37.0%	26.0%	29%
> 12 months	1.0%	2.0%	1.5%	7.0%	1.5%	1.5%

**Table 7: Judgments, criminal matters**

Judgments	2003-04	2004-05	2005-06
Outstanding at start of year	9	13	5
Reserved	149	191	171
Ex tempore judgments delivered	182	167	125
Reserved judgments delivered	143	199	164
Outstanding at end of year	*13	*5	12

\* Adjustment made due to finalisation of data

**Table 8: Judgments, civil matters**

Judgments	2003-04	2004-05	2005-06
Outstanding at start of year	33	13	16
Reserved	168	181	147
Ex tempore judgments delivered	62	43	39
Reserved judgments delivered	188	178	147
Outstanding at end of year	*13	*16	16

\* Adjustment made due to finalisation of data

The number of undelivered judgments at the end of the year in both criminal and civil matters is comparable to the previous two years.

The median time for the delivery of reserved judgments has fallen significantly since last year in both civil and criminal matters.

These pleasing results demonstrate the court's continuing commitment to the prompt delivery of reserved judgments and would not have been possible but for the timely appointment of Holmes JA pending the retirement of McPherson JA.

**Table 9: Time between hearing and delivery of reserved judgments**

Type of case	Median number of days		
	2003-04	2004-05	2005-06
Criminal cases	19	24	18
Civil cases	30	27	18
All cases	23	24	18

Table 10 shows the court in which matters filed were commenced.

The filings from the Trial Division in both civil and criminal matters are broadly comparable to last year. There has been a fall in filings from the District Court in criminal and general civil matters but a slight increase in filings in Planning and Environment Court matters. There is no presently discernible explanation for the decrease in filings from the District Court but one may emerge in that court's Annual Report.

**Table 10: Court in which matters were commenced**

Court	Number of matters filed		
	2003-04	2004-05	2005-06
Trial Division – civil	*147	*155	*152
Trial Division – criminal	*76	*90	*91
District Court – civil	77	103	84
District Court – criminal	323	344	287
Planning and Environment Court	15	12	17
Other – civil (cases stated, tribunals, etc.)	12	14	9
Other – criminal	2	0	0

\* These statistics cover all Supreme Court centres

The types of appeals filed during the year are shown in Table 11.

The number of sentence applications and appeals brought by the Attorney-General or the Commonwealth Director of Public Prosecutions has decreased this year and returned to the 2003-04 level.

The number of conviction appeals has again fallen since 2003-04. Applications for extension of time have remained broadly comparable to the previous two reporting years.

**Table 11: Types of appeals filed**

Appeal type	2003–04	2004–05	2005–06
<b>Civil</b>			
General including personal injury	151	152	133
Applications	55	72	75
Leave applications	28	50	36
Planning and Environment	15	10	17
Other	2	0	1
<b>Criminal</b>			
Sentence applications	184	197	184
Conviction appeals	64	58	50
Conviction and sentence appeals	63	58	56
Extensions (sentence applications)	24	18	24
Extensions (conviction appeals)	8	20	13
Extensions (conviction and sentence)	13	18	13
Sentence appeals (A-G/Cth DPP)	20	26	20
Other	*25	*39	*18

\* Includes criminal s 118, District Court of Queensland Act 1967 (Qld) extensions and applications for leave, both of which originate in the Magistrates Court.

## Self-representing litigants

The number of self-representing litigants shown in Table 12 has fallen significantly in both criminal and civil matters. There is no immediately discernible reason for this. Self-representing litigants are now involved in 33.45% of criminal matters compared to 34% last year and 22.58% of civil matters compared to 31% last year, still a significantly higher percentage than in matters before the Trial Division.

Matters involving self-representing litigants tend to take longer to hear and determine because often the standard of preparation and presentation is poor and the litigants may be unable to clearly articulate the real points of the case. The outlines of argument of self-representing litigants may be filed late and are sometimes not served on the respondent, with resulting case management, court mentions, adjournments, wasted court time and unnecessary costs.

Legally represented litigants in criminal matters who are in custody do not generally appear in person before the Court of Appeal. Safety issues for Judges, their associates and members of the public can arise when self-representing litigants present their own cases; on occasion it has been necessary to have additional security in the courtroom.

Self-representing litigants continue to place a heavy burden on registry staff. They require more staff time, attention and support despite the availability of clear and detailed information sheets.

Registry correspondence on the files of self-representing litigants is approximately three times the norm.

As noted in the last five annual reports, the Australian Institute of Judicial Administration's (AIJA) report *Litigants in Person Management Plans: Issues for Courts and Tribunals* raises the need for court staff to be given qualified immunity in respect of assistance to litigants in person with information and services and from rules governing unauthorised practice of law.<sup>1</sup> Whilst the Strategic Policy section of the Department of Justice and Attorney-General has reviewed its indemnity policy, this does not address the issue of qualified statutory immunity for registry staff providing assistance for self-representing litigants. The AIJA report also raises the need for properly staffed information desks and permanent advice centres.<sup>2</sup> These issues presently remain unaddressed, despite the best efforts of the Principal Registrar and Administrator, Mr Ken Toogood, prior to his recent retirement.

During 1999–2000, the Judges of the Court of Appeal, with the assistance of the Bar Association and the Law Society, established a pro bono scheme to represent appellants convicted of murder or manslaughter who had been refused legal aid. In 2002–03, the scheme was extended to juveniles and those under an apparent legal disability. The court has not been required to call on the scheme as much as anticipated because Legal Aid Queensland (LAQ) continues to adopt a generous approach to the granting of legal aid in these matters. The Judges of Appeal commend that approach which enhances the quality of the criminal justice system in Queensland. The Court of Appeal thanks LAQ and the public spirited barristers, listed in the table below, who have agreed to take part in the pro bono scheme. The court is also grateful to other legal practitioners who often appear for no fee so that indigent litigants in the Court of Appeal can have access to justice.

**Table 12: Matters heard where one or both parties unrepresented**

<b>Number of cases</b>	<b>2003–04</b>	<b>2004–05</b>	<b>2005–06</b>
Civil	73	69	42
Criminal	119	122	99
<b>TOTAL</b>	<b>192</b>	<b>191</b>	<b>141</b>

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1 At 19; Goldschmidt et al, *Meeting the Challenge of Pro Se Litigation* (1998) American Judicature Society, State Justice Institute, Recommendation (II), 34–35.

2 At 19; Lord Woolf, *Access to Justice; Interim Report to the Lord Chancellor on the Civil Justice System in England and Wales* (“The Woolf Report”) (1995) Ch 17, 134.

## Court of Appeal Pro Bono List (as at 30 June 2006)

David Boddice SC	Tony Glynn SC	Terry Martin SC
Martin Burns	John Griffin QC	Kelly Macgroarty
Peter Callaghan SC	Mark Johnson	Alan MacSporran SC
Ralph Devlin SC	Stephen Keim SC	Peter Nolan
Stuart Durward SC (Townsville)	Tony Kimmins	Tony Rafter SC
Bradley Farr	Gary Long	Peter Richards
Terry Gardiner	Frank Martin (Toowoomba)	Tim Ryan

The scheme was called on only once in this reporting period when Stuart Durward SC, instructed pro bono by Mr Patrick O'Brien, an officer from LAQ experienced in appellate work, appeared for an appellant in the Townsville Sittings. In addition, other lawyers not on the list appeared pro bono in a number of appellate matters.

With the co-operation of Court of Appeal registry, academics from the Queensland University of Technology Law Faculty and staff from the Queensland Public Interest Law Clearing House (QPILCH) are presently preparing to survey willing former self-represented litigants in the Court of Appeal so as to assess their needs with a view to developing a scheme offering best practice pro bono legal services to such litigants.

## Organisation of work

The exercise of accrued leave entitlements by Judges of Appeal again reduced the number of available Judges of Appeal for significant periods during the year. Similar patterns of leave must be expected and planned for in future years. These factors have meant that the President and the Judges of Appeal collectively sat 160 weeks this year, compared to 165 weeks last year and 152 weeks in 2003–04.<sup>3</sup>

The Court of Appeal has continued to rely on regular assistance from the Chief Justice, who sat for 11 weeks this year, and the Trial Division Judges, who provided 66 individual Judge weeks this year compared to 79 Judge weeks last year and 58 Judge weeks in 2003–04.<sup>4</sup>

The Court of Appeal sat for 43 weeks during the year.

Those interested in further details of the organisation of work in the Court of Appeal should consult the appropriate section of the 2002–03 Supreme Court Annual Report.

The President and the Deputy Registrar (Appeals) work together to ensure the court is able to hear and determine urgent matters in a timely fashion. Applications for leave to appeal and appeals against conviction concerning short custodial sentences are frequently expedited as are appeals by

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3 In 2003–04, in addition to the usual leave requirements, one Judge of Appeal was unable to sit for 17 weeks because of serious illness.

4 Unlike in past years these figures for Trial Division Judge weeks do not include the weeks the Chief Justice has sat in the Court of Appeal.

the Attorney-General against sentences where respondents have been released into the community. All criminal matters involving children are given priority. The court attempts to hear interlocutory matters as soon as possible so that the determination of the action itself is not unnecessarily delayed. The Trial Division commercial list deals expeditiously with pressing commercial disputes. When those matters proceed to appeal, the Court of Appeal also attempts to deal with these matters expeditiously, especially where urgency is demonstrated.<sup>5</sup>

## Judicial appointments

Justice Catherine Ena Holmes, formerly a Judge of the Trial Division, was appointed a Judge of Appeal on 26 May 2006.

## The need for an additional Judge of Appeal

Although the filings in the Court of Appeal have fallen slightly since last year there is no reason to think that trend will continue in 2006–07. The exercise of leave entitlements by the Judges of Appeal and the uncertainty of judicial support from the Trial Division because of that Division's own burdensome workload demonstrate the need for an additional Judge of Appeal.

Whilst the assistance of the Trial Division Judges is invaluable and should remain, the special contribution of a separate Court of Appeal is consistency and specialisation; this can be best fostered by an additional permanent member of the Court of Appeal.

This year there is a further factor supporting an immediate additional appointment. Williams JA will reach statutory retirement age in January 2008 and is unlikely to sit after October next year. In addition, he has indicated an intention to take during 2007 most, if not all, of his accumulated long leave entitlements (almost eight weeks), in addition to his standard leave.

If this court is to maintain the high levels of efficiency demonstrated in this Report and assessed by national performance standards,<sup>6</sup> an additional Court of Appeal Judge should be immediately appointed and another Court of Appeal Judge appointed after the retirement of Williams JA.

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5 See for example *Pauls Trading Pty Ltd & Anor v Norco Co-Operative Ltd* [2006] QCA 128, Appeal No 1314 of 2006, 21 April 2006; *Parmalat Australia Ltd & Ors v Norco Co-Operative Ltd* [2006] QCA 129, Appeal No 2070 of 2006, 21 April 2006. These appeals were from orders of a Judge of the Trial Division made in February and March 2006 and, dependent on the outcome of the appeals, concerned the exercise of commercial rights by 22 April 2006. The appeals, which were complex, were heard on 6 April 2006. The court delivered its orders on 20 April 2006 and its reasons on 21 April 2006.

6 The Productivity Commission's Report on Governments Services 2006, Court Administration, at 6.34, showed that in 2004–05 this court had a clearance rate of appeal matters which compared favourably with other Australian jurisdictions.

## Registry

The President and the Judges of Appeal value the high level of service provided to the court by the Senior Deputy Registrar (Appeals), Mr Neville Greig, and the appeals registry staff with whom they work closely in the administration of the court. This outstanding service has been maintained despite the undesirably high turnover of staff during the year (expected to continue next year) which diverts limited resources into the constant training of new staff. This has a detrimental effect on the support able to be given by staff to Judges and to the public.

It is concerning that the unsatisfactory counter facilities for people with physical disabilities, to which reference is made in the two preceding Annual Reports, remain unaddressed.

Another cause for concern is the limited availability and quality of storage space for Court of Appeal files.

## Judgments and catchwords

The Court of Appeal has adopted the Australian Institute of Judicial Administration recommendations as to the electronic reporting of judgments.

Court of Appeal judgments delivered after November 1998 have been available free of charge since that time on the Internet through AustLII.

Court of Appeal judgments from 1992 onwards are now available on the Internet through the Queensland Judgments site <http://www.courts.qld.gov.au/qjudgment/ca.htm>.

The Director, State Reporting Bureau, Mr Ian McEwan, and his staff assist in the timely publication on the Internet of ex tempore judgments.

In the absence of a court media officer, the Court of Appeal Research Officer<sup>7</sup> provides judgments to the media upon request and, under the supervision of the Judges, prepares and distributes to the media and other interested parties summaries of important Court of Appeal judgments.

The Research Officer, in consultation with the Supreme Court Library staff, ensures that the Queensland Judgments site is updated as to Court of Appeal judgments (highlighting the delivery of important Court of Appeal judgments), changes to the Criminal Practice Rules and the UCPR, practice directions and information sheets.

Justice Williams' associate, under the Judge's supervision, continues to prepare helpful brief outlines of judgments delivered in the Court of Appeal which are published on the Queensland Courts site <http://www.courts.qld.gov.au>. Copies are widely distributed to interested Queensland Judges, Magistrates, and others, including the Queensland Law Society and the Bar Association. These outlines are also published in *Proctor*, the journal of the Queensland Law Society Inc.

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<sup>7</sup> The position of Research Officer has been filled this year by Ms Katie Peters (July 2005–March 2006) and Ms Angela Masson (March 2006–current).

# Information technology

## Court of Appeal Case Management System (CAMS)

CAMS is an essential tool to ensure the efficient performance of the Court of Appeal. Sufficient funding for its maintenance and refinement is essential. Two minor problems have been resolved during this reporting period. Over the next year, further issues are to be addressed.

CAMS is currently accessible from the computers of all Court of Appeal and Trial Division Judges and associates.

## Electronic filing and appeal books

The redeveloped CAMS has the capacity for expansion to permit electronic filing. The court remains cognisant of the recommendations of the Working Party of the Council of Australian and New Zealand Chief Justices' Electronic Appeals Project. The President and the Senior Deputy Registrar (Appeals) continue to monitor the position here and in other jurisdictions.

It is impossible to make significant progress on this issue without a carefully planned and adequately funded whole of courts approach. The court and registry staff have planned for the introduction of electronic lodgement and consequential processing of record book indexes, but no funding has been provided. The result is that Queensland continues to lag behind other jurisdictions in this field.

## Audio and video link

During the year, the increased use of audio and video links in the Court of Appeal has continued to provide improved affordable access to justice for litigants outside Brisbane. Twenty-three (23) applications and appeals (one sentence application, seven appeals against conviction, five appeals against conviction and sentence, eight extension of time applications, one s 118 leave application and one civil appeal) were heard this year by video link. Six matters (one application for an extension of time, two s 118 leave applications, two civil appeals and one civil application for extension of time) were heard by audio link. This is a noticeable increase from the 19 matters heard by video link and four matters heard by audio link last year.

Even more extended use of this equipment should be made in the future as parties become increasingly familiar with its significant advantages:

- Audio and video conferencing is often very cost effective and convenient for parties.
- It saves the Department of Corrective Services the cost of escorting unrepresented litigants in custody from distant parts of the State and provides greater security.
- Litigants in custody also benefit from its use by avoiding disruption to their rehabilitative programs.



It must be noted, however, that technological problems frequently result in lost court time and sometimes adjourned hearings. Funds must be provided to ensure this equipment is maintained and improved.

## **The Judges' Library**

The President and the Judges of Appeal acknowledge the provision of resources for updating the Judges' Library in the Court of Appeal precinct. It is important that funds continue to be made available for this small but well-used library which is an essential aid to the Judges.

## **Court of Appeal Sittings, Townsville**

The Court of Appeal's fourth Sittings in Townsville was held from 29 May to 2 June 2006.

During those five days, the court heard three civil matters (two civil appeals and one application for an extension of time to appeal) and six criminal matters (two appeals against conviction and sentence, two appeals against conviction only and two applications for leave to appeal against sentence). Another appeal against conviction was abandoned at the court hearing.

Five Judges took part in the Sittings: The President, Jerrard JA and Keane JA, the Northern Judge, Cullinane J, and the Far Northern Judge, Jones J.

Barristers and solicitors from Cairns, Townsville, Mackay and Brisbane appeared during the Sittings. One self-represented litigant and a lay person given a limited right of appearance on behalf of an unrepresented civil litigant also appeared before the court.

The court gave *ex tempore* judgments in two matters and reserved its judgments in the remaining matters.

The Judges attended an informal evening function to meet with Judges from other Townsville courts. They also attended an evening function hosted by the North Queensland Bar Association. Later in the week the Judges attended an evening function for the official naming of James Cook University Law School's Cullinane Moot Court where they met with legal academics, practitioners and law students.

The Sittings were again enthusiastically received by the legal practitioners and citizens of North Queensland. They provided another opportunity for the North Queensland legal profession to appear before or observe the Court of Appeal and for law students to observe a Sittings of the court. Importantly, the Sittings gave the people of North Queensland an opportunity to observe the Court of Appeal's work within their own community.

The Court of Appeal hopes to sit in North Queensland in 2007, probably in Cairns. This will, as always, be dependent on the provision of sufficient funding to the court to conduct the Sittings and enough work to justify the cost of the initiative.

## Appeals from the Court of Appeal to the High Court

The registry of the High Court of Australia has provided the following statistics as to applications for special leave to appeal and appeals for this reporting year from the Court of Appeal Division of the Supreme Court of Queensland to the High Court of Australia.<sup>8</sup>

There were 482 matters heard by the Court of Appeal this reporting year. In the same period there were 21 appeals decided in the High Court of Australia, 13 of which were allowed (six of those being in related matters<sup>9</sup>). Of course the appeals decided by the High Court in the reporting period will not necessarily be the same matters in which special leave to appeal was granted or even the same appeals heard by the High Court during the reporting year. These statistics reaffirm that the Court of Appeal is effectively the final appellate court for Queensland.

**Table 13: Applications and appeals from the Court of Appeal to the High Court**

Applications for special leave						
	Criminal			Civil		
	2003-04	2004-05	2005-06	2003-04	2004-05	2005-06
Granted	1	6	5	10	16	0
Refused	22	30	17	21	20	18
Appeals						
	Criminal			Civil		
	2003-04	2004-05	2005-06	2003-04	2004-05	2005-06
Allowed	1	1	4	3	11	9
Dismissed	1	1	5	2	2	3

## Conclusion

The Court of Appeal has maintained or improved its performance levels. This would not have been possible but for the timely appointment of Holmes JA to replace McPherson JA who retires shortly.

The court's significant workload, the anticipated exercise of leave entitlements by Williams JA pending his retirement in January 2008 and the potential decrease in the number of Judge weeks provided by the Trial Division justify the immediate appointment of an additional Judge of Appeal, as well as the appointment of a Judge of Appeal following the retirement of Williams JA in January 2008, if the court is to maintain its present high level of efficiency and provide to the people of Queensland a specialized and consistent final appellate court.

<sup>8</sup> Matters heard in the High Court of Australia in one reporting year were often heard by the Court of Appeal in an earlier reporting year.

<sup>9</sup> *Equiscorp Pty Ltd v Glengallan Investments Pty Ltd [No 2] & Ors* [2005] HCA 5, B93-B98 of 2003, 10 February 2005.

The court cannot perform effectively without the assistance of a properly resourced registry. The Court of Appeal and its registry will continue to require adequate resources and funding to maintain and refine CAMS, to efficiently hear matters by video and audio link and to pilot the electronic filing of appeals, the preparation of electronic appeal record books and the hearing of electronic appeals. Funding must also be maintained for the Judges' Library.

Careful planning is required as to the best management of self-representing litigants, both in the registry and in court. The Judges will study any future proposals from QPILCH on this issue with interest.

The President and the Judges of Appeal thank the many people collectively responsible for the Court of Appeal's continued efficient performance.



# Trial Division

## The work of the Trial Division

The work of the Trial Division is the conduct and trial of matters commenced by indictment (criminal), or claim or originating application (civil). It also includes interlocutory applications, that is applications in pending matters, whether commenced by claim, originating application or indictment.

Civil matters are normally heard by a Judge sitting alone and only rarely with a jury. Criminal trials are conducted by a Judge with a jury.

The Senior Judge Administrator is responsible for the administration of the Trial Division.

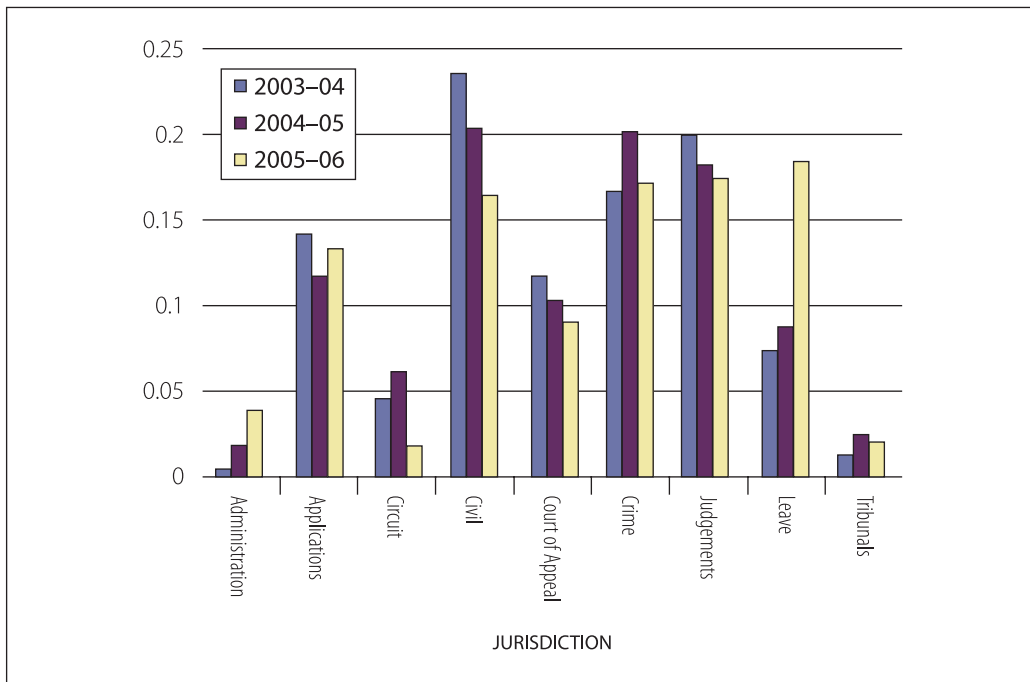
Trial Division Judges regularly sit in the Court of Appeal Division, and constitute the Land Appeal Court and the Mental Health Court and from time to time constitute the Legal Practice Tribunal. Judges perform other functions as members of bodies such as the Law Reform Commission, the Rules Committee, and the Information Technology Steering Committee, which plans IT support of the Supreme Court.

## Organisation of work

The work of the Trial Division is organised in terms of the following categories.

- Applications
- Circuit
- Civil
- Crime
- Court of Appeal
- Tribunals
- Judgments

**Table 14: Trial Division Judge work category allocation Brisbane**



## 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, its dispersed population and large geographical area.

The Southern District is centred in Brisbane where 16 of the 19 Trial Division Judges, the Principal Registrar and Administrator and the Sheriff are based. It includes the Toowoomba, Maryborough and Roma circuits.

The Northern Judge sits in Townsville, where there is a Registrar and support staff. The Northern District includes the Mt Isa and Mackay circuits.

The Far Northern Judge sits in Cairns, where there is a Registrar and support staff.

The Central Judge sits in Rockhampton, where there is a Registrar and support staff. The Central District includes the Bundaberg and Longreach circuits.

More than two-thirds of the Trial Division workload arises in and around, and is dealt with in, Brisbane.

Where necessary, Brisbane-based Judges support the work of the Judges in other Districts. Judges resident outside Brisbane sit in Brisbane in the Court of Appeal on a regular basis and in the Trial Division to a lesser extent.

The Office of the Principal Registrar and Administrator, the District Registrars, the Sheriff, the State Reporting Bureau and the Supreme Court Library, together with the Justice Administration Section of the Department of Justice and Attorney-General, provide essential support for the work of the Trial Division.

Up-to-date detailed information about the organisation of the Trial Division, its working, calendar, electronic setdown, Practice Directions, forms, etc, is published on the Courts' website.

## Criminal jurisdiction – Brisbane

Justice Mullins has continued supervising the management of the Criminal List in Brisbane.

In the current year at least three trials were delisted as a result of late referrals to the Mental Health Court. Late guilty pleas also remain a hallmark of the criminal list.

The increasing trend in the total number of indictments presented annually in the Supreme Court at Brisbane has continued. Despite a considerable increase in the number of matters disposed of by the Court during the current year, there has been an increase in the number of matters which remain undisposed of by the Court at the end of the year. This is a matter to which attention has been given by reviewing and adjusting listing practices.

Figures relating to the disposition of cases in the criminal jurisdiction may seem inconsistent when compared with more detailed data. However when a bench warrant is issued the case is treated as inactive, and it is only once the warrant has been executed that the case is restored to the active category as a case for disposition.

**Table 15: Annual caseload – criminal jurisdiction, Brisbane**

Number of cases*	2003-04	2004-05	2005-06
At start of year	181	265	305
Commenced during year	727	800	999
Disposed of during year	639	750	863
Undisposed of at end of year**	265	305	444

\* In this and other tables the term 'case' means person on an indictment.

**Table 16: Age of cases disposed of – criminal jurisdiction, Brisbane (time is measured from initial presentation date in Supreme Court)**

Time from presentation of indictment to disposal	Cases disposed of 2005–06			
	Trial	Sentence	Other**	Total
< 3 months	20.0%	44.7%	31.3%	41.1%
3–6 months	13.3%	27.5%	29.0%	27.3%
6–9 months	26.7%	9.1%	17.1%	11.3%
9–12 months	10.0%	3.5%	11.9%	5.5%
> 12 months*	30.0%	15.2%	10.8%	14.8%
<b>TOTAL</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

\* The disposition of cases in this category may be delayed because an offender has absconded, because of outstanding appeals to the Court of Appeal or High Court, the trial of co-offenders, or the addition of further charges.

\*\* "Other" includes nolle prosequi, no true bill and remitted cases.

**Table 17: Criminal jurisdiction applications, Brisbane, in the applications jurisdiction**

Type of application	Number of applications		
	2003–04	2004–05	2005–06
Proceeds of crime	65	192	39
Compensation to victims of crime	19	19	22
Pre-trial bail	309	304	274
Forfeiture of Property	132	72	204
<b>TOTAL</b>	<b>525</b>	<b>587</b>	<b>539</b>

**Note:** Many criminal jurisdiction applications are dealt with by the Judge responsible for the criminal list, a Judge responsible for managing the case or the trial Judge. These occasions are not counted here.

## Civil jurisdiction – Brisbane

The *Uniform Civil Procedure Rules 1999* (UCPR) provide the framework for the conduct of civil litigation in all Queensland courts. The making of rules, monitoring their operation and effecting any changes are the responsibility of the Rules Committee.

The operation of the Rules in the Trial Division is supported by a number of important Practice Directions:

PD No 3 of 2002 – Commercial List

PD No 4 of 2002 – Case-flow Management – Civil Jurisdiction

PD No 4 of 2000 – Setting Trial Dates – Civil Jurisdiction – Brisbane

PD No 6 of 2000 – Supervised Case List

PD No 2 of 2005 – Expert Evidence: Supreme Court



Document management

**Table 18: Initiating documents in contested matters, Brisbane**

Types of document	2003-04	2004-05	2005-06
Claims	1,685	1,934	2,151
Originating applications	2,616	3,082	3,408
<b>TOTAL</b>	<b>4,301</b>	<b>5,016</b>	<b>5,559</b>

**Table 19: Annual caseload\* – civil jurisdiction, Brisbane**

Request for trial dates filed	2003-04	2004-05	2005-06
At start of year	63	73	64
Application for trial date	275	277	279
Disposed of during year	265	286	262
At end of year	73	64	81

\* Matters dealt with in the Applications jurisdiction are not included.

**Table 20: Percentage of cases disposed of within 12 months of application for trial date – civil jurisdiction, Brisbane**

2003-04	2004-05	2005-06
98.05%	98.25%	98.41%

**Table 21: Cases awaiting hearing – civil jurisdiction, Brisbane**

Number of cases and days sought	At end 2003-04	At end 2004-05	At end 2005-06
Number of cases	73	64	81
Number of those cases seeking more than five days	16	11	21
Total days sought	290	209	269
Average days sought per case	3.97	3.27	3.32

**Table 22: Cases allocated trial dates – civil jurisdiction, Brisbane**

<b>Direct set down, electronic set down</b>	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>
Cases allocated hearing dates electronically	16%	26%	30%
<b>At callover</b>	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>
Cases taking up available dates at first callover after application for trial date*	69%	45%	47%
Cases where no appearances for plaintiff at callover	4%	8%	21%**
Cases where no appearances for defendant at callovers	6%	8%	40%**
Cases adjourned to next callover	23%	30%	8%**

\* Cases are only placed on the callover list when they are certified as ready for trial

\*\* Figures calculated on average of 2 callovers conducted in April & June 2006

**Table 23: Method of disposal of cases\* – civil jurisdiction, Brisbane**

<b>Method of disposal</b>	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>
Judgment	91	120	99
Settled	125	144	129
Vacated	22	6	2
Discontinued	5	4	3
Other	22	12	29
<b>TOTAL</b>	<b>265</b>	<b>286</b>	<b>262</b>

\* Includes matters placed on the civil list or given a trial date without a request for trial date being filed.

**Table 24: Disposition of cases after trial date allocated – Civil jurisdiction, Brisbane**

<b>After hearing dates allocated</b>	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>
Cases set down and settled before trial	47%	36%	49%
Cases set down then date vacated because parties not in a position to proceed	15%	8%	12%
Cases adjourned because no Judge available	1%	1%	0%
Cases taking available dates at first callover which proceed to trial and determinations	34%	41%	38%

## Case-flow management

Case-flow management of proceedings in the civil jurisdiction of the Court in Brisbane is regulated by Practice Direction No 4 of 2002.

The UCPR prescribe time frames for parties and practitioners to progress proceedings to a timely and cost effective resolution.

Delays in meeting time frames were again evident as illustrated by the number of warning notices generated during the year. This has the effect of requiring the use of registry resources that could be more effectively utilised for other purposes.

During the year Justice Atkinson has conducted reviews of matters considered to be remaining in the system longer than necessary. The result of this process has been a more stringent approach to case management.

There were 314 cases deemed resolved. This consists of 114 claims where no default judgment was filed and 200 claims where no request for trial date was filed. These notices result from failure to comply with the Practice Direction (refer Table 26). Applications for re-instatement were received in relation to five of these—all of which were granted.

Practitioners and parties should not always assume an extension of time will be granted. As a result instances of deemed resolution of matters are likely to increase.

**Table 25: Claims filed subject to case-flow management**

Case-flow management/cases	2003-04	2004-05	2005-06
Claims filed	1,685	1,934	2,151
Affidavits of service filed*†	207	397	783
Notice of intention to Defend filed*†	616	1,169	1,112

\* Notice is given.

† If more than one filed, file is only counted once.

**Table 26: Notices generated**

Notices Generated	Sent	Not Sent	Total
CFM 1 – Warning Notice – No Default Judgment filed after	54	315	369
CFM 2 – Warning Notice – No Request for Trial fixed – day	349	144	493
CFM 3 – Deemed Resolved Notice – No Default Judgment filed	2	112	114
CFM 3 – Deemed Resolved Notice – No Request for Trial Date filed	3	197	200
<b>TOTAL</b>	<b>408</b>	<b>768</b>	<b>1,176</b>

## Mediation and case appraisal

Justice Byrne continued as the Judge responsible for monitoring responses to notification of intention to refer to mediation or case appraisal (alternative dispute resolution).

Currently there are approximately 266 court-approved mediators and approximately 148 court-approved case appraisers.

The names of court-approved mediators and case appraisers, their particulars and charge rates can be accessed on the Courts' website (<http://www.courts.qld.gov.au>).

**Table 27: Approval of case appraisers, mediators and venue providers**

Type	2003-04	2004-05	2005-06
Case appraisers	1	0	3
Mediators	15	13	8

**Table 28: Consent Orders to ADR by the parties**

Consent order to ADR (by parties)	2003-04	2004-05	2005-06
After notice	6	0	0
Without notice	196	135	126
<b>TOTAL</b>	<b>202</b>	<b>135</b>	<b>126</b>

**Table 29: Notice of intention to refer to appraisal or mediation**

Notices and outcome	2003-04	2004-05	2005-06
Notice	3	1	1
Objections	4	0	1
Matters reviewed after objection	0	0	0

**Table 30: Case appraisal orders**

Appraisal orders	2003-04	2004-05	2005-06
Orders referring to case appraisal:			
Consent	3	1	0
Not consent	0	0	2
<b>TOTAL</b>	<b>3</b>	<b>1</b>	<b>2</b>

**Table 31: Case appraisal outcomes**

<b>Outcome</b>	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>
Case appraisal certificates	6	1	1
Case appraisal election to proceed to trial	2	1	0
Outcome of election to proceed to trial:			
worse	0	0	0
better	0	0	0
Settled after election but before judgment	0	0	0
Remitted to District Court	0	0	0

**Table 32: Mediation orders**

<b>Type of order</b>	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>
Orders referring to mediation			
consent	199	134	126
not consent	72	85	86
<b>TOTAL</b>	<b>271</b>	<b>219</b>	<b>212</b>

**Table 33: Mediation outcomes**

<b>Outcome</b>	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>
Certified as settled	255	251	239
Certified as not settled	161	156	133

### Obtaining a hearing date

Hearing dates are dealt with by the UCPR and Practice Direction No 4 of 2000.

Hearing dates are obtained by direct listing through the Listings Directorate, Supervised or Commercial List Judges, electronically or at call overs. Parties may seek a hearing date for long matters on line through the eListing facility on the Courts' website.

### Commercial List

The Commercial List was established by Practice Direction No 3 of 2002. Mr Justice Muir and Mr Justice Chesterman are the Commercial List Judges. The primary objective of the list is to ensure the expeditious determination of commercial matters requiring prompt resolution. That objective is being fulfilled.

Administrative assistance and support is provided to the Commercial List Judges by the Commercial List Manager in the Supreme Court Registry in Brisbane.

The registry accepts facsimile and email copies of documents for filing in commercial list matters. Where appropriate, applications are dealt with on the papers without the need for formal attendance.

As at 30 June 2006 there were 64 matters on the list. Forty-six (46) were disposed of by trial or settlement during the year. In most of the matters tried, judgment was delivered well within 30 days of the conclusion of submissions.

**Table 34: Commercial list**

	2003–04	2004–05	2005–06
Matters disposed of or resolved*	38	31	46
Matters on commercial list as at 30 June 2006	42	46	64

\* This figure includes matters placed on the Commercial List and disposed of by trial or settlement by the parties.

### Supervised Case List

Cases are placed on this list where their hearing is estimated to take more than five days or where supervision is otherwise warranted because of considerations such as complexity of issues and multiplicity of parties. The list is constituted and managed under Practice Direction No 6 of 2000. Justice P D McMurdo is in charge of the list.

Most cases are on this list because at least one of the parties has requested it. Some are on the list through the Court's initiative, such as where a judge conducting an interlocutory hearing sees the need for ongoing management of the case. Although the list comprises mainly commercial litigation, it contains complex civil claims of several kinds, including personal injury, professional liability and defamation claims.

The Supervised Case List Manager is responsible to Justice McMurdo for the management of the list. Through the List Manager, the progress of cases is monitored by regular email reports to the Manager from practitioners. Cases are regularly reviewed by short hearings before Justice McMurdo or another judge to whom the further management and ultimate trial of a particular case has been allocated.

The Court seeks to avoid the cost to the parties of unnecessary reviews by encouraging them to agree upon the nature and timing of the interlocutory steps. In this way, much of the business of the list, including the making of directions orders, is effected by email without the need for a court appearance.

Where a matter is reviewed by a court appearance, it is often possible to then resolve an interlocutory dispute without the need for the matter to go to a judge sitting in the applications jurisdiction. The Court endeavours to schedule case reviews at times which are convenient to the practitioners and parties involved, by listing them on the regular review dates published in the Court Calendar or at some other time which the parties have requested.

**Table 35: Supervised Case List activity**

Number of cases	2003–04	2004–05	2005–06
At start of year	127	129	118
Listed during year	48	46	30
Reviews	358	293	141
Disposed of during year	52	56	44
Tried to judgment	5	3	0
Disposed of without trial	47	54	44
Cases on Supervised Case List as at 30 June	129	118	104

## Applications jurisdiction – Brisbane

A wide range of civil issues in both originating applications and applications in pending proceedings is dealt with in this jurisdiction and it continues to be one of the busiest in the Court.

The Court generally limits a hearing time to approximately two hours. Applications requiring longer may be placed on the civil list.

**Table 36: Applications jurisdiction workload**

Applications	2003–04	2004–05	2005–06
Number of applications heard	3,344	3,380*	3,806

\* Adjustment made due to finalisation of data

### Applications online

Some court applications may be set down for hearing electronically. They are:

- interlocutory applications (Form 9) UCPR
- applications under the *Corporation Law Rules* (Form 3) UCPR (Corporations)
- bail applications (Form 2) *Criminal Practice Rules*.

Electronic applications are made using the Supreme Court civil or bail application request forms available on the Courts' website at <http://www.courts.qld.gov.au/practice/online/default.htm>.

Available dates and times are accessible on the Courts' website. Applicants can select a date on the request form before forwarding it by fax or email to the Applications List Manager. Dates are not allocated until the Applications List Manager confirms the allocation by faxing a sealed copy of the application to the applicant.

Electronic allocation means there need be no personal attendance at the registry, with consequent cost savings.

The Court expects parties to make greater use of this facility in the coming year than made in the year currently under review.

**Table 37: Applications on line**

<b>Applications on line</b>	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>
Number of applications	23	8	60*

\* Figure has been extrapolated from data from January–June 2006

### Judicial review

Certain administrative decisions may be the subject of review under the *Judicial Review Act 1991*. The number of these applications has increased, as the table below illustrates.

**Table 38: Judicial Review Act**

<b>Type of matter and result</b>	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>
Applications*	84	86	102
Orders made	88	66	33
Referred to civil list	2	3	7

\* Matters not referred to the civil list are disposed of by a Judge sitting in Applications jurisdiction.

### Hearings on the papers

A party may file an application to have an order made by a judge without the need for an oral hearing, that is, the matter can be decided by the judge on the papers. When a decision is made by the Court, the Registrar forwards to each party a copy of the order and the reasons for the decision. The table below shows the current use of this process.

**Table 39: Decision on papers without an oral hearing**

<b>Outcome</b>	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>
Applications filed	36	33	20
Orders made on the papers	22	27	16
Oral hearing required	2	2	3

### Registrar's Court jurisdiction

The Principal Registrar and Administrator (and a Deputy Registrar where delegated) has the power to hear and determine certain categories of applications under the *Corporations Act 2001* (Cth). Registrars continue to deal with these applications on a regular basis.



**Table 40: Corporations law applications heard by a Registrar and results – Brisbane**

Result of application	2003-04	2004-05	2005-06
Order made in determination of application	453	374	615
Adjourned	500	452	201
Dismissed	271	207	102
Referred to Judge	49	40	29
<b>TOTAL</b>	<b>1,273</b>	<b>1,073</b>	<b>947</b>

The majority of matters dealt with above involved the winding up of companies (generally on the ground of insolvency).

#### Judgment by default

The rules of court permit a party to end proceedings early. One of the methods is an application for default judgment.

**Table 41: Judgment by default**

	2003-04	2004-05	2005-06
Applications	344	367	598
Judgments entered	242	276	460

#### Consent orders

While applications for consent orders have increased, so too has the rate of refusal for non-compliance with the requisite practice direction: for example, where the party did not file an affidavit to support the exercise of the Registrar's discretion; a notice of address for service was not filed by the respondent; or the consent was not signed by all parties. Some applications were refused on the basis that it was more appropriate that they be dealt with by a judge.

**Table 42: Consents under r 666 dealt with by a Registrar**

	2003-04	2004-05	2005-06
Number of applications considered	764	813	1021
Orders made	613	479	493
Refused	151	334	528

#### Admissions

The *Legal Profession Act 2004* provides for the regulation of legal practice in Queensland in the context of a national approach.

Eight (8) admission ceremonies were held in Brisbane this year and 586 legal practitioners admitted pursuant to the *Legal Profession Act 2004*.

The Principal Registrar and Administrator continues to exercise authority under the *Mutual Recognition (Queensland) Act 1992* and the *Trans-Tasman Mutual Recognition (Queensland) Act 2003*.

**Table 43: Admissions**

<b>Admission as legal practitioners</b>	<b>2004–05</b>	<b>2005–06</b>
Under the <i>Supreme Court (Legal Practitioner Admission) Rules</i>	611	586
Under the <i>Mutual Recognition Act</i>	23	39
Under the <i>Trans-Tasman Mutual Recognition Act</i>	15	17

#### Non-contentious estate matters

New legislation was introduced (as from 1 April 2006) for court authorised wills for minors and persons without testamentary capacity and a removal of the substantial compliance law as it stood. The new laws would be relevant in cases such as minors who may be contemplating marriage and wills that could not comply with the old law of substantial compliance where there was only one witness or matters of a like nature.

**Table 44: Probate workload**

<b>New processes lodged</b>	<b>2003–04</b>	<b>2004–05</b>	<b>2005–06</b>
Letters of administration (with or without the will)	439	446	459
Probate	3,562	3,899	3,886
Reseal	124	172	146
Elections	178	144	150
Order to administer	527	484	401
<b>TOTAL</b>	<b>4,830</b>	<b>5,145</b>	<b>5,042</b>

#### Assessment of costs

The Court may fix costs itself (rule 685 UCPR). Generally, however, a party's costs will be assessed at a hearing before a registrar. Before giving a date for assessment, the registrar will conduct a directions hearing to be satisfied the procedural requirements of the UCPR have been complied with.

The following table shows the workload in respect of directions hearings for the reporting period remained stable compared to previous years.

**Table 45: Assessment directions hearings**

<b>Result</b>	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>
Settled	72	71	77
Adjourned	128	88	67
Default allowance	68	74	60
Assessment date given	247	208	216
<b>TOTAL</b>	<b>515</b>	<b>441</b>	<b>420</b>

The following table provides the results of the cases that had been listed for assessment.

**Table 46: Results of cases set for assessment**

<b>Result</b>	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>
Adjourned	35	43	42
Settled	115	114	111
Assessed	86	114	76
<b>TOTAL</b>	<b>236</b>	<b>271</b>	<b>229</b>

The figure for outstanding costs statements as at 30 June 2005 was 65. As at 30 June 2006, there were 88 costs statements outstanding.

**Table 47: Applications for re-consideration (r 741)**

	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>
Reserved as at 1 July	8	1	1
Number of applications for re-consideration filed	7	6	3
Disposed of < 3 months	6	3	1
Disposed of > 3 months	6	3	1
Otherwise disposed of*	2	1	0
Outstanding as at 30 June	1	1	2

\* *eg settled or withdrawn*

## **Trial Division, Districts**

### **Southern District Circuits**

The Brisbane based Judges serviced the Southern District circuits.

Justice Philippides managed Southern District Circuits during the 2005-06 year.

The circuits are managed in accordance with the Circuit Protocol adopted by the Judges in 2004. This protocol provides guidelines on both civil and criminal callover procedures and defines the role of each person involved and the channels of communication for dealing with listing.

**Table 48: Toowoomba criminal**

<b>Number of cases</b>	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>
At start of year	7	3	5
Commenced during year	26	64	57
Disposed of during year	30	63	56
At end of year	3	5	5

**Table 49: Toowoomba civil**

<b>Number of cases</b>	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>
At start of year	1	0	0
Entered for trial during year	1	1	0
Disposed of during year	2	1	0
At end of year	0	0	0

**Table 50: Roma criminal**

<b>Number of cases</b>	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>
At start of year	1	1	0
Commenced during year	0	2	1
Disposed of during year	0	3	0
At end of year	1	0	1

**Table 51: Roma civil**

<b>Number of cases</b>	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>
At start of year	0	0	0
Entered for trial during year	0	0	0
Disposed of during year	0	0	0
At end of year	0	0	0

**Table 52: Maryborough criminal**

<b>Number of cases</b>	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>
At start of year	2	1	2
Commenced during year	6	15	28
Disposed of during year	7	14	25
At end of year	1	2	5

**Table 53: Maryborough civil**

Number of cases	2003–04	2004–05	2005–06
At start of year	1	0	0
Entered for trial during year	4	3	1
Disposed of during year	5	3	1
At end of year	0	0	0

## Central District

The position of Central Judge is presently held by Justice Dutney who resides in Rockhampton in accordance with s 287(3) of the *Supreme Court Act 1995*.

The Central Judge is responsible for the work of the court in Rockhampton and the circuit courts in Mackay, Bundaberg and Longreach. The sittings at Mackay are shared with the Northern Judge.

In the period under review, the Central Judge presided over six criminal trials—one more than in the previous year. One trial was for drug related charges. Three accused were charged with murder. The remaining trials were for other offences of violence.

The Central Judge sentenced 67 persons who pleaded guilty. All but five of these persons pleaded guilty to drug offences. Seven (7) persons were dealt with for breaches of previous orders. Of the overall total of 79 persons dealt with by the Central Judge over the relevant period 15 were women—approximately the same proportion as last year. The number of persons who came before the court in the Central District in the year was 21 fewer than in the previous year.

In the 2005–06 year, the Central Judge gave judgment in seven civil trials—the same number as last year. These did not include judicial review hearings or applications given hearing dates on the civil list. There has been a noticeable decline in the number of civil matters proceeding to trial in Mackay and the present allocation of 12 circuit weeks a year is under review.

In total the Central Judge sat for 21 weeks in Rockhampton, eight weeks in Mackay, three weeks in Bundaberg, three weeks in Cairns and four weeks in Brisbane. The Central Judge also sat for three weeks in the Court of Appeal in Brisbane. Two weeks were allocated for judgment writing. No sittings were required in Longreach.

Apart from the Central Judge, the Chief Justice sat for one week in Mackay, the Northern Judge sat for four weeks in Mackay and the Far Northern Judge sat for one week in Rockhampton. In Rockhampton and Mackay both criminal and civil cases are able to be heard within a few weeks of the parties being ready to proceed. In Bundaberg, where the court only sits twice a year, all cases ready for trial were disposed of in the first sittings after the parties indicated that the matter was ready to proceed. There are no delays brought about by the inability of the parties to obtain hearing dates. All civil judgments have been delivered within three months of the conclusion of the trial in accordance with the Court's protocol.

Details of the number of matters processed in Rockhampton and the circuit courts under the supervision of the Central Judge are set out in the tables below.

**Table 54: Rockhampton criminal**

<b>Number of cases</b>	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>
At start of year	9	13	10
Commenced during year	50	51	48
Disposed of during year	46	55	46
At end of year	13	10	10

**Table 55: Rockhampton civil**

<b>Number of cases</b>	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>
At start of year	4	4	1
Entered for trial during year	12	4	15
Disposed of during year	12	7*	14
At end of year	4	1*	2

\* Adjustment made due to finalisation of data

**Table 56: Mackay criminal**

<b>Number of cases</b>	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>
At start of year	3	9	3
Commenced during year	37	41	38
Disposed of during year	31	49	37
At end of year	9	3*	4

\* Adjustment made due to finalisation of data

**Table 57: Mackay civil**

<b>Number of cases</b>	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>
At start of year	3	3	2
Entered for trial during year	12	17	18
Disposed of during year	12	18	18
At end of year	3	2	2

**Table 58: Bundaberg criminal**

<b>Number of cases</b>	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>
At start of year	7	20	7
Commenced during year	30	42	25
Disposed of during year	17	57	29
At end of year	20	7*	2

\* Adjustment made due to finalisation of data

**Table 59: Bundaberg civil**

Number of cases	2003-04	2004-05	2005-06
At start of year	0	0	0
Entered for trial during year	0	0	1
Disposed of during year	0	0	1
At end of year	0	0	0

**Table 60: Longreach criminal**

Number of cases	2003-04	2004-05	2005-06
At start of year	1	3	0
Commenced during year	2	0	0
Disposed of during year	0	3*	0
At end of year	3	0	0

\* Adjustment made due to finalisation of data

**Table 61: Longreach civil**

Number of cases	2003-04	2004-05	2005-06
At start of year	0	0	0
Entered for trial during year	0	0	0
Disposed of during year	0	0	0
At end of year	0	0	0

## Northern District

The Northern Judge, Justice Cullinane, sat principally in Townsville with circuits in Mackay and Mt Isa. He sat in the Court of Appeal during its sittings in Brisbane in September 2005 and in Townsville in May 2006.

The number of criminal cases awaiting hearing at the start of the year in Townsville has decreased, whilst the number disposed of during the year has increased. A similar trend can be observed in relation to civil matters. The civil list remains up to date with almost all cases offered a hearing date at each sittings.

Some 14 practitioners were admitted by the Court during the year. All but one were graduates of James Cook University.

**Table 62: Townsville criminal**

Number of cases	2003-04	2004-05	2005-06
At start of year	5	8	6
Commenced during year	34	53	62
Disposed of during year	31	52	55
At end of year	8	6	14

**Table 63: Townsville civil**

Number of cases	2003-04	2004-05	2005-06
At start of year	8	12	10
Entered for trial during year	25	20	32
Disposed of during year	21	22	32
At end of year	12	10	10

**Table 64: Mt Isa criminal**

Number of cases	2003-04	2004-05	2005-06
At start of year	1	8	4
Commenced during year	13	5	4
Disposed of during year	6	5	6
At end of year	8	4*	2

\* Adjustment made due to finalisation of data

**Table 65: Mt Isa civil**

Number of cases	2003-04	2004-05	2005-06
At start of year	0	2	1
Entered for trial during year	2	1	1
Disposed of during year	0	2*	2
At end of year	2	1*	0

\* Adjustment made due to finalisation of data

## Far Northern District

The sitting times for the Far Northern Judge have resulted in 34 weeks being spent in Cairns, two weeks in Brisbane in the Court of Appeal, with eight weeks allocated to judgment writing and three weeks to long leave. A week-long sitting was held in Vienna, Austria to hear a claim originating in Cairns but involving parties and witnesses now living in Europe.

The Far Northern Judge, Justice Jones, received assistance throughout the year with sittings held by Justices Fryberg, Muir, Atkinson and Dutney.



The Far Northern Judge attended sittings of the Court of Appeal held in Brisbane in September 2005 and in Townsville in May 2006.

During this year seven new practitioners were admitted to the profession, most of whom had completed their academic legal training in the Townsville or Cairns Campuses of James Cook University.

**Table 66: Cairns criminal**

Number of cases	2003-04	2004-05	2005-06
At start of year	20	27	30
Commenced during year	92	108	103
Disposed of during year	85	93	92
At end of year	27	30	42

**Table 67: Cairns civil**

Number of cases	2003-04	2004-05	2005-06
At start of year	12	6	9
Entered for trial during year	20	22	18
Disposed of during year	26	19	19
At end of year	6	9	8

## Mental Health Court

The Mental Health Court is constituted by a Judge of the Supreme Court assisted by two psychiatrists from a panel of three appointed under the *Mental Health Act 2000*. Justice Holmes was the Judge constituting the Court until her appointment to the Court of Appeal on 26 May 2006; Justice Philippides now presides. The panel of assisting psychiatrists consists of Dr DA Grant, Dr JM Lawrence AM, and Dr JF Wood.

The functions of the Court are: to determine references concerning questions of unsoundness of mind and fitness for trial in relation to persons charged with offences on indictment; to determine appeals from the Mental Health Review Tribunal; and to inquire into the lawfulness of patients' detention in authorised mental health services. During the 2005-06 year, the Mental Health Court sat on 58 days. One day of each week of each sittings was dedicated to video links with regional hospitals and correctional centres.

In October 2005, Justice Holmes, Dr Lawrence, Dr Wood and registry staff spent a day visiting the psychiatric ward at the Princess Alexandra Hospital and The Park Centre for Mental Health.

**Table 68: Matters heard by the Mental Health Court 2005–06**

<b>Type of Matter</b>	<b>2005–06</b>
<b>References by:</b>	
• Director of Mental Health	93
• Director of Public Prosecutions	6
• Defendant or legal representative	109
• Court of law	5
• Attorney-General	4
<b>Appeals against the Mental Health Review Tribunal by:</b>	
• Director of Mental Health	1
• Attorney-General	3
• Patient	44
<b>Applications to inquire into detention</b>	
• Patient	1
<b>TOTAL</b>	<b>266</b>

Those matters were disposed of as follows:

**Table 69: \*Matters disposed of by the Mental Health Court 30 June 2006 – references**

<b>Findings and orders of the Mental Health Court</b>	<b>2005–06</b>
<b>References:</b>	
• of unsound mind (forensic order)	98
• of unsound mind (no forensic order)	14
• of unsound mind (no forensic order) – non contact order made	1
• not of unsound mind and fit for trial	51
• not of unsound mind and fit for trial – custody order made	1
• fit for trial – fitness only referred to MHC	1
• not of unsound mind, of diminished responsibility and fit for trial	1
• not of unsound mind, of diminished responsibility and unfit for trial (unfitness permanent and no forensic order made)	1
• not of unsound mind, not of diminished responsibility and fit for trial	1
• not of unsound mind, material dispute of facts re diminished responsibility and fit for trial	1
• not of unsound mind and unfit for trial (unfitness not permanent)	8
• not of unsound mind and unfit for trial (unfitness permanent and forensic order made)	8
• not of unsound mind and unfit for trial (unfitness permanent and no forensic order made)	10
• reasonable doubt and fit for trial	33

• reasonable doubt and fit for trial – custody order made	1
• reasonable doubt and unfit for trial (unfitness not permanent)	6
• reasonable doubt and unfit for trial (unfitness permanent and no forensic order made)	4
• reasonable doubt and unfit for trial (permanent and no forensic order made) – non contact order made	1
• material dispute of facts and fit for trial	1
• reference struck out	3
• reference withdrawn	17
<b>TOTAL</b>	<b>262</b>

\* Includes 27 matters where two decisions were made and nine matters where three decisions were made.

**Table 70: Matters disposed of by the Mental Health Court 30 June 2006 – appeals**

<b>Findings of the Mental Health Court</b>	<b>2005–06</b>
<b>Appeals</b>	
• withdrawn	13
• dismissed	31
• upheld	4
<b>TOTAL</b>	<b>48</b>

**Table 71: Matters disposed of by the Mental Health Court 30 June 2006 – applications to inquire into detention**

<b>Findings of the Mental Health Court</b>	<b>2005–06</b>
Applications	
• withdrawn	1
<b>TOTAL</b>	<b>1</b>

**Table 72: Matters adjourned by the Mental Health Court as at 30 June 2006**

<b>Findings of the Mental Health Court</b>	<b>2005–06</b>
References	
• adjourned to a date to be fixed	5
<b>TOTAL</b>	<b>5</b>

**Table 73: Matters pending in the Mental Health Court as at 30 June 2006**

Type of Matter	2004–05
<b>References by:</b>	
• Director of Mental Health	101
• Director of Public Prosecutions	2
• Defendant or legal representative	110
• Court of law	1
• Attorney-General	4
<b>Appeals against the Mental Health Review Tribunal by:</b>	
• Attorney-General	3
<b>TOTAL</b>	<b>221</b>

As at 30 June 2006 there were no reserved decisions.

## Report to the Minister for Health

A full report on the operation of the Mental Health Court and its registry will be submitted to the Minister for Health for tabling in the Legislative Assembly pursuant to s 435 of the *Mental Health Act 2000*.

## Land Appeal Court

The Land Appeal Court hears appeals from decisions of the Land Court and, in such cases, comprises a Judge of the Supreme Court and any two of the members of the Land Court (other than the member who pronounced the decision appealed against). These appeals arise mainly in compensation matters pursuant to the *Acquisition of Land Act 1967* and valuation cases for rating and land tax purposes under the *Valuation of Land Act 1944*.

The Land Appeal Court also has jurisdiction to hear appeals from decisions of the Queensland Biological Control Authority under the *Biological Control Act 1987* in respect of matters referred to in Part 5 of the *Foreign Ownership of Land Register Act 1988*, and from decisions of the Land Tribunals established for the purposes of the *Aboriginal Land Act 1991*. Questions of law arising in proceedings before the Land Tribunals may also be referred to the Land Appeal Court for decision.

There are Southern, Central, Northern and Far Northern Land Appeal Courts. Justice Philippides was the Judge appointed for the Southern District until Justice White's appointment in June 2006. The Central, Northern and Far Northern Judges hold appointments for the Land Appeal Court in their respective Districts.

**Table 74: Appeals to the Land Appeal Court**

<b>Appeals to the Land Appeal Court</b>	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>
<b>Number of appeals lodged:</b>			
• Far Northern	4	0	0
• Northern	5	0	1
• Central	0	2	0
• Southern	2	3	16
<b>Nature of appeals:</b>			
• Compensation ( <i>Acquisition of Land Act</i> )	7	2	4
• Valuation ( <i>Valuation of Land Act</i> )	1	1	12
• Costs ( <i>Acquisition of Land Act</i> )	2	0	0
• Water Act	0	1	0
• Costs ( <i>Water Act 2000</i> )	0	1	0
• Application for rehearing ( <i>Acquisition of Land Act</i> )	1	0	0
• Land Tax ( <i>Land Tax Act</i> )	0	0	1

## Legal Practice Tribunal

The *Legal Profession Act 2004* came into force on 31 May 2004. It constituted a Legal Practice Tribunal, the members of which are the Supreme Court Judges with the Chief Justice as the Chairperson. Two panels have been established to help the tribunal; a lay panel and a practitioner panel. The lay panel comprises people who are not legal practitioners but have a high level of experience and knowledge of consumer protection, business, public administration or another relevant area. The practitioner panel comprises solicitors and barristers of at least five years experience in the profession. One member of each panel sits with the Tribunal to hear and decide a disciplinary application brought by the Legal Services Commissioner.

**Table 75: Number of cases brought before the Legal Practice Tribunal**

<b>Number of cases</b>	<b>2004-05</b>	<b>2005-06</b>
Disciplinary applications filed	10	21
Directions hearings held	6	11
Applications for substituted service	1	0
Matters heard	3	9
Final orders made	2	8
Reserved decisions	1	1



# Administrative Support

## Office of the Principal Registrar and Administrator

The offices of the Principal Registrar and Administrator, Court Administration and Sheriff provide administrative support to the Supreme Court of Queensland. The Principal Registrar and Administrator, Mr Ken Toogood, PSM was responsible for budget and resource management and the administrative functions of the Supreme Court.

The Principal Registrar and Administrator is assisted by the Deputy Court Administrator, Mr Cameron Woods, and a small team of staff who undertake a variety of administrative tasks to ensure the smooth, efficient and effective operation of the Supreme Court and the District Court and to achieve particular projects suggested by the judiciary.



*Mark Slaven (Chief Bailiff), Julie Steele (A/Director, State Reporting Bureau), Paul Marschke (A/Principal Registrar and Administrator), Neil Hansen (Sheriff and Marshal), Cameron Woods (Deputy Court Administrator), Ashley Hill (Information Technology Manager)*

The protection of vulnerable witnesses, including children and sexual assault victims, continued during the year under review with the installation of vulnerable witness waiting rooms in Bundaberg, Ipswich, Mackay, Maroochydore, Toowoomba and Townsville. These facilities ensure that witnesses have secure areas when they attend court.

In November 2005, Her Excellency The Governor officially opened the Child and Vulnerable Witness Suite which incorporates an evidence room, waiting rooms, a kitchen, toilet facilities with disabled access and an office and room for the advocacy group Protect All Children Today (PACT).

As part of an upgrade of security throughout Queensland courthouses, various security equipment, including new metal and infrared detectors, digital recording equipment, security checkpoints, alarms and closed circuit television was installed at the Townsville Supreme and District Courts complex.

## Retired officers

In March 2006, Queensland Government Agencies were able to offer Voluntary Early Retirement to staff under the Workforce Skills Alignment Scheme. Staff who accepted the offer were Ken Toogood, Principal Registrar and Administrator; Eric Kempin, Senior Deputy Registrar, Brisbane; John Bingham, Registrar, Supreme and District Courts, Cairns; Pat Gould, Client Relations Officer, Brisbane and Danny Coppolecchia, Registry Manager, Brisbane.

Ken Toogood was the longest serving of the group with 41 years of public service and he is the longest serving of the 23 Supreme Court Registrars and 14 District Court Registrars who have served the courts over the last 145 years. A valedictory ceremony held for Ken was the first occasion such a ceremony has been held in the Banco Court for someone other than a judge.

The length of service for the other officers was: Eric Kempin, 40 years; John Bingham, 40 years; Pat Gould, 37 years; and Danny Coppolecchia, 32 years.



*Ken Toogood (Principal Registrar and Administrator)*

## Queensland Higher Courts Support Business Plan 2005–2006

Important outcomes from this year's business planning process include:

- the Continuous Process Improvement Program (CPIP) which is an ongoing review of Registry work and business practices and procedures, to ensure consistency, better service, and accuracy in the collation of statistical data concerning workload and performance standards;



- the Wi-Fi Technology project at the Brisbane Law Courts complex which has provided a wireless internet access service for court users. There are a number of courtrooms across the State currently connected to the wireless internet service and installation is continuing;
- the continued analysis of the need for training initiatives in the Supreme Court and the development of a training program to meet that need;
- the increased engagement between staff and stakeholders, the community and legal practitioners. As an initial step staff participated in community events such as Queensland Week and the Annual Law Week;
- the implementation of a pilot scheme for improved juror access to information about their jury service.

### **Continuous Process Improvement Program (CPIP)**

The registry of the Supreme Court is committed to ongoing process improvement. As part of this commitment, during 2005–06 the registry initiated CPIP to:

- improve efficiency by analysing entrenched business processes and streamlining or making them redundant to achieve the desired outcome more effectively;
- motivate and empower staff to incorporate innovation and initiative into their day-to-day functions;
- provide a vehicle through which feedback and ideas that emerged during consultation with staff can be implemented in a planned and controlled manner;
- improve the focus on service delivery;
- document business requirements and prepare functional specifications to support future automation;
- enhance software applications to better support revised practices;
- improve collation and dissemination of workload statistics and key performance indicators;
- implement training, effective performance measurement and career development opportunities for staff;
- introduce a high quality, consistent style of communication to all publications, correspondence, brochures, websites and other externally delivered material.

The CPIP team is mainly comprised of Court staff working closely with external contractors when additional expertise is required.

Over the last twelve months, the following activities have been undertaken within the program:

- the program team has been established and key staff have been trained in software being used to support the Business Process Reengineering;
- written communications of the Supreme Court have been reviewed and recommendations are now being considered;

- all statistical reports currently produced by the registry have been reviewed;
- Business Process Reengineering has commenced;
- a full time learning and development manager for the Supreme and District Courts has been appointed;
- delivery of CPIP Information sessions and newsletters to Registry staff.

The recurring key business improvement themes are:

- improved public access to information relating to the business of the Courts;
- improved staff knowledge of information relating to the business of the Courts;
- utilising technology to improve court services;
- restructuring the registry organisation and processes to improve interaction with the judiciary, litigants and the public.

## Staff training and development

As part of the CPIP initiative the position of Learning and Development Manager within the Courts' Registry was created in December 2005. The focus for this position is on the provision of quality services and improving technical and leadership skills of staff and supervisors. Highlights for 2005–06 included the successful development and delivery of a Supreme Court Leadership and Development program to staff, which included a mentoring and coaching component. Eight (8) staff completed this program.

In addition, a Supreme Court Induction program was developed and delivered in May 2006. Ten (10) new staff attended.

## Records management

Two (2) registry staff process files daily in accordance with the disposal schedule to ensure sufficient storage capacity for new files. In 2005–06, all Ecclesiastical files from 1996–2000 were transferred to Queensland State Archives. It is anticipated that other records will be transferred to Queensland State Archives within the next few months.

## eSearching

The eSearching facility is located at

<http://www.ecourts.courts.qld.gov.au/eSearching/eSearching.htm>

A guide to eSearching for first time users is also located at this website. eSearching enables legal practitioners, self-represented litigants and interested parties to conduct a search of Supreme Court civil records at any hour of the day free of charge. This service is widely used by those seeking information. In this reporting year usage increased. In excess of 500,000 searches were conducted with 147,789 of those outside normal business hours.

## Courts' website – information services

The Courts' website (<http://www.courts.qld.gov.au>) contains important information about court business and practices including law lists, brochures, fact sheets, electronic set-down of trials and applications, reasons for judgment and calendars.

**Table 76: Brochures and fact sheets available, and annual demand**

Brochure	Number issued		
	2003–04	2004–05	2005–06
Guidelines for registration for Barristers or Solicitors – Mutual Recognition (Qld) Act 1992	243	112	47
An explanation of Supreme Court ADR processes	282	151	88
Supervised case list (an overview)	271	162	69
Applying for a grant in an estate – Probate and Letters of Administration	471	182	134
Jury Handbook *	6395*	8140*	7638*
Technology in trials in the Supreme Court	325	190	88

\* One supplied to each member of the community called for jury service in the Brisbane and Beenleigh jury districts

## Funds in court

Litigants are permitted to pay or deposit monies in court under the *Court Funds Act 1973*. The aggregate balance of the 78 current accounts was approximately \$13,439,967.85 as at 30 June 2006.

## Counter relations

The registry is located on the ground floor of the Supreme Court building. The registry counter is staffed by a manager and six full time staff, including a cashier.

These officers assess documents for filing and set dates for applications, costs assessments and other court appointments. Staff also assess fees payable and provide procedural information.

Between 9am and 10am daily, an administrative officer is allocated to the reception desk located outside the counter's secure area. This area is the first contact point for enquiries.

There are approximately 1,000 attendances at the registry each week. This figure has dropped from 2004–05, but this may be explained by the increase in filing by post (see Table 77).

At the George Street end of the Supreme Court counter, two wireless computer terminals (with a printer attached) are available for use free of charge, to conduct searches and view document lists on court files.

The initial renovations to the counter are completed. The new counter area provides wheelchair access and the new arrangement enables staff to be seated at their station.

## Filing by post

There has been a continued increase in documents filed by post. This service enables practitioners and self-represented litigants to file documents without the need to attend the registry. The current postal dealing fee is \$19.00.

**Table 77: Filing by post, sets of documents**

	2003-04	2004-05	2005-06
Brisbane	3298	4045	4483
Townsville	876	865	856

## Document filings

Eleven thousand and ninety-five (11,095) new court files were created in the Civil Information Management System (CIMS) this year. Ninety-five thousand five hundred and ten (95,510) document filings have been recorded in CIMS.

**Table 78: Document filings recorded by CIMS in Brisbane**

2003-04	2004-05	2005-06
92,622	91,340	95,510

## Waiver of fees

Since 2002 impecunious persons have been entitled to apply to a Registrar for a filing fee waiver in relation to an originating proceeding or appeal.

This year 47 such applications were made to the Registrar and all were granted. The total amount of fees waived was \$21,195.00.

## Listings Directorate

The Listings Directorate is responsible for listing arrangements for the Supreme Court, the Land Appeal Court and the Legal Practice Tribunal.

The listings officers are responsible for the administrative management of the Criminal, Civil, Applications and Supervised Case Lists.

The relevant list manager should be the first point of contact and practitioners are actively encouraged to use email for such contact. Information regarding the electronic set down, court calendar, daily law list and sittings list is available electronically on the Courts' website <http://www.courts.qld.gov.au>.

The email addresses of the List Managers are:

- Listings Coordinator [ListingsCoordinator@justice.qld.gov.au](mailto:ListingsCoordinator@justice.qld.gov.au)
- Applications List Manager [ApnManager@justice.qld.gov.au](mailto:ApnManager@justice.qld.gov.au)

- Civil List Manager [CivilListManager@justice.qld.gov.au](mailto:CivilListManager@justice.qld.gov.au)
- Commercial List Manager [comcausemanager@justice.qld.gov.au](mailto:comcausemanager@justice.qld.gov.au)
- Criminal List Manager [SC-CrimListManager@justice.qld.gov.au](mailto:SC-CrimListManager@justice.qld.gov.au)
- Supervised Case List Manager [supcasemanager@justice.qld.gov.au](mailto:supcasemanager@justice.qld.gov.au)

In addition there is an officer responsible for the administrative requirements imposed by the *Evidence (Protection of Children) Amendment Act 2003*: [ACW-Evidence@justice.qld.gov.au](mailto:ACW-Evidence@justice.qld.gov.au)



*Front row (left to right): Neil Hansen, Alex Hams, Paul Marschke, Elizabeth Knight, Neville Greig, Leanne McDonell, Jo Stonebridge, Janja Vidic*  
*Back row (left to right): Michael Reeves, Tracy Dutton, Bob Houghton, Rod Goody, Ian Mitchell, Kate Bannerman, Glenda Dudley, John McNamara, Ian Enright*

## Criminal Registry

A significant change in the Criminal Registry occurred in March 2005 when use of the CRS database ceased and Queensland Wide Interlinked Courts (QWIC) database came on line. The change over involved the transfer of a large amount of existing data to the new database. Ongoing modifications to the system continue to ensure all aspects of the Supreme Court procedures are captured. The database is capable of generating all required documentation and statistical reports.

# Sheriff's Office

## Jury Management

The Sheriff's Office in Brisbane manages the requirement to have jurors available for all Supreme Courts and District Courts in Queensland. The *Jury Act 1997* allows jurors summonsed to a court centre to be used for both Supreme Court and District Court trials in either the criminal or civil jurisdiction. All Supreme Court and District Court registries now have access to the Queensland Jury Administration System, a computer system that assists staff in recording prospective jurors' information and attendances at court.

This reporting year is the first year that state-wide information is available in respect of jurors attending court centres. The following summarises information regarding Notices and Summonses issued and attendances of jurors for each court:

**Table 79: Juror notices, summonses and attendances**

Court	Notices sent	Summonses issued	No. of jurors attended	Total attendances (excluding trials)
Beenleigh	13,000	1,683	1045	1,136
Bowen	2,800	332	272	531
Brisbane *	45,500	5,955	4,576	7,850
Bundaberg *	4,000	460	309	916
Cairns *	8,600	1,595	1,291	2,087
Charleville	2,400	145	138	345
Charters Towers	2,200	92	0	–
Cloncurry	0	0	–	–
Cunnamulla	0	0	–	–
Dalby	1,400	219	79	71
Emerald	800	102	86	140
Gladstone	4,107	498	317	535
Goondiwindi	1,450	174	102	135
Gympie	3,000	454	302	310
Hervey Bay	1,500	209	162	434
Hughenden	800	48	45	45
Innisfail	1,200	154	46	64
Ipswich	15,600	1,592	1,241	2,915
Kingaroy	3,100	454	301	472
Longreach *	1,300	148	43	43
Mackay *	7,450	839	622	1,416
Maroochydore	13,000	1,649	1,127	1,594

Maryborough *	3,900	351	265	550
Mt Isa *	4,900	553	315	447
Rockhampton *	6,650	996	751	1,966
Roma *	2,100	176	132	135
Southport	16,500	2,372	1,649	3,628
Stanthorpe	900	125	101	168
Toowoomba *	4,950	659	526	1,257
Townsville *	9,500	984	807	2,236
Warwick	1,600	237	188	189
<b>TOTAL</b>	<b>184,207</b>	<b>23,255</b>	<b>16,838</b>	<b>31,615</b>

\* The attendance of a juror could be for either a Supreme Court or District Court trial or both on a particular day.

**Table 80: No of jurors empanelled in Supreme Court trials**

<b>Court</b>	<b>No. of trials (jury empanelled)</b>	<b>No. of jurors empanelled (at least once)</b>	<b>Total days empanelled</b>	<b>Total trial days (including jury non-attendance)</b>	<b>Average length of trial (in days)</b>
Brisbane	33	390	2,268	188	5.70
Bundaberg	1	12	72	7	7.00
Cairns	9	101	830	72	8.00
Longreach	0	–	–	–	
Mackay	2	24	96	8	4.00
Maryborough	2	24	96	9	4.50
Mt Isa	2	26	94	7	3.50
Rockhampton	7	83	468	39	5.57
Roma	0	–	–	–	
Toowoomba	5	59	144	12	2.40
Townsville	4	45	287	23	5.75
<b>TOTAL</b>	<b>65</b>	<b>764</b>	<b>4,355</b>	<b>365</b>	<b>5.62</b>

Of the 33 Brisbane trials, 15 extended their deliberations outside normal court hours and nine juries needed accommodation overnight.

## **Enforcement**

The Sheriff is responsible for enforcement of court orders by way of certain types of warrants. During this year the Sheriff in Brisbane has received a significant increase in the number of warrants lodged for enforcement.

**Table 81: Supreme Court Enforcement Warrants Received – Brisbane**

Type of enforcement warrant	2003–04	2004–05	2005–06
Possession of Land	109	116	243
Seizure & Sale of Property	17	9	24
Arrest	0	2	2
<b>TOTAL</b>	<b>126</b>	<b>127</b>	<b>269</b>

Of the warrants received, 70 possession of land and the two arrest warrants were successfully enforced.

As Marshal, the Sheriff performs duties conferred pursuant to the *Admiralty Act* 1988 (Cth).

During the year in Brisbane, three vessels were arrested. Of these, one was released by payment into court, and the other two were sold by the Marshal pursuant to court orders.

## Bailiffs' Office

**Table 82: Bailiffs assigned to sittings of the Supreme Court**

Court sitting	2003–04	2004–05	2005–06
Court of Appeal	41	36	48
Criminal	494	499	530
Civil	458	522	379
Applications	490	499	528
Mental Health	63	53	62
Administrative Duties	100	35	56
<b>TOTAL</b>	<b>1,646</b>	<b>1,644</b>	<b>1,603</b>



# Information technology

## Wireless Internet in Court

Building on the eCourts initiatives of previous years the Court established the Courts Wi-Fi Service during 2005–06. This service has established broadband wireless internet access in over 95 courtrooms throughout the State. The service is provided free of charge to court users and allows legal representatives to:

- access the wealth of legal research materials published on the internet, including legislation and leading case law,
- maintain real-time contact with an extended legal team outside of the courtroom through Instant Messaging or email,
- obtain access to remote systems at their firms premises where those systems support remote access.

This innovative service is leading the way in Australian courts. While some courts in the United States and the United Kingdom allow commercial service providers to provide an equivalent service in some locations, the Queensland Courts are providing this service free of charge and in many locations.

Further information on the Courts Wi-Fi Service, and a complete listing of Wi-Fi enabled courtrooms, can be found at <http://www.ecourts.courts.qld.gov.au/eCourtroom/wifi.asp>.

## eCourts

The popularity and penetration of the existing eCourts services remained high during 2005–06. The eSearching facility (<http://www.ecourts.courts.qld.gov.au/eSearching/eSearching.htm>), in particular, continued to be extremely popular with the service passing the important milestone of 500,000 searches. Over 147,789 of these searches were conducted outside normal business hours demonstrating the flexibility of this service delivery medium.

## **Queensland Sentencing Information Service**

During 2005–06 the Department of Justice and Attorney-General, in partnership with the Judicial Commission of New South Wales, established QGIS—the Queensland Sentencing Information Service. The Courts have actively supported the establishment of the service.

QGIS brings together a variety of information relevant to sentencing to make legal research activities associated with sentencing more efficient and effective. The service will include Queensland and Commonwealth legislation, leading case law from the High Court of Australia and the Queensland Court of Appeal, as well as statistics on sentences imposed.

## **Equipment Replacement**

A rolling program of IT asset replacement continued through 2005–06. Notebook computers used by judges were replaced in Brisbane and regional Queensland. A number of file servers and networking devices were also replaced to service the present and medium-term needs of the Court.

## **Cabling**

Many courtrooms throughout the State had additional data cabling installed on the bench and at associates' desks which will allow the Court to consider installing computers in courtrooms in the future.

# Related organisations

## State Reporting Bureau

The State Reporting Bureau provides recording and transcription services for the Supreme, District and Magistrates Courts, Director of Public Prosecutions (police records of interview), Industrial Court and Industrial Relations Commission. The Bureau also provides reporting services for the Medical Assessment Tribunal, Mental Health Court, Industrial Court, Land Appeal Court and Legal Practice Tribunal.

Services are provided in Brisbane and at 35 regional and circuit centres in Queensland. In respect of the Supreme Court Trial Division, reporting services are provided in Brisbane, Cairns, Townsville and Rockhampton and the circuit centres of Mt Isa, Bundaberg, Longreach, Maryborough, Toowoomba and Roma.

Transcripts of proceedings are produced by audio recording or computer-assisted transcription (CAT).

There are five mobile Remote Recording and Transcription Systems (RRATS) across regional Queensland to help maintain reporting services at remote circuit centres. RRATS enable the Bureau to audio record court proceedings at centres where no staff are based and to transfer the recording via the Integrated Service Digital Network (ISDN) for transcription at Bureau operational centres throughout the State. Audio-reporting staff then produce a transcript using computer-based word processing packages before transferring an electronic copy of the transcript via electronic modem connection to the judiciary, counsel and other interested parties within two hours of the adjournment of court each day.

Portable RRATS have been used for the recording of court proceedings at the circuit centres in Mt Isa, Cloncurry, Bundaberg, Gladstone, Dalby, Charleville, Cunnamulla, Beenleigh, Kingaroy, Roma and Innisfail.

The Bureau also offers real-time (CAT) reporting which provides immediate access to transcripts in electronic form. The recorded proceedings are simultaneously translated into text on computer screens in the courtroom with the facility for the Judge and counsel to make annotations in the unedited electronic transcript.

The Bureau's provision of an accurate and timely recording and transcript of proceedings is critical to the Courts' capacity to work efficiently in the administration of justice. Any reduction in the service provided by the Bureau will reduce the Courts' capacity to do so.

The Bureau is in the process of implementing a state-of-the-art digital recording and transcription system for all Queensland courts and tribunals. During 2005–06 digital recording systems were installed into the Brisbane Magistrates Courts (BMC), Brisbane Arrests Courts (BAC) and The Brisbane Law Courts Complex (BLCC). The BLCC has in addition to audio, Remote Video Monitoring facilities integrated within the digital system for each court. Digital transcription of proceedings and the rollout to regional and circuit courts will occur during 2006–07. The Court looks forward to taking advantage of this technology to further enhance the efficiency and effective functioning of the Court.

## Supreme Court Library

This year the Library has continued to deliver broad-ranging information programs and services which benefit the judiciary, legal profession and wider community. As in previous years, a focus on developing innovative solutions in-house has enabled services to be provided cost-effectively whilst enhancing staff skills and experience. Areas in which the Library has acquired such skills and experience include: information management; online and multimedia technologies; strategic partnerships; scholarly research; print and e-publishing; historical preservation; exhibitions and education. In the future the Library will continue to consolidate and supplement its skill base with a particular focus on exploiting technology to deliver cutting edge services.

The primary role of the Library, and a focus of activity in 2005–06, is to facilitate timely and effective access to legal information resources. Access to electronic resources is delivered through a series of online gateways, each customised to best serve the relevant user group. This year approximately 1.4 million visits were recorded via Library online gateways, which include the Court's website, Judicial Virtual Library (JVL), online catalogue and local access intranets. Access to the research-quality collection, comprising current and retrospective material from over 30 jurisdictions, is facilitated through information advisors who serviced over 14,000 reference, research, loan and document delivery enquiries in 2005–06. The Library currently utilises a number of knowledge management systems to track and record this value-added information and in 2006–07 we will be exploring opportunities to refine and adapt these systems. This experience may be exploited as part of a broader project to implement a Court wide knowledge management system.

In addition to fulfilling these core information functions, the Library serves the broader community as a centre for the preservation of Queensland's legal history. Whilst continuing existing and highly valued programs such as the oral history project and exhibitions schedule, the Library has also pursued an active schedule of research and publication projects with the intention of making a significant contribution to legal historical scholarship in Queensland. This contribution was formally recognised in 2005–06 with the amendment of the *Supreme Court Library Act 1968* to enable the Library to accept donations of historical legal documents. The first of these donations will be the nationally significant collection of Feez Ruthning legal opinions, dating from 1890, which will be deposited by the firm Allens Arthur Robinson. With the assistance of the Legal Practitioners Interest on Trust Accounts Fund (LPITAF) grant, the Library has commenced a

landmark digitisation project to transcribe and publish these and other historical legal documents pertaining to Queensland.

## Information services and online initiatives

The Queensland Courts website, designed and administered by the Library on behalf of the Court, remains a critical contact point for members of the legal and wider community. In total, 1.1 million visits were recorded in 2005–06, an increase of 30% over the preceding year. The most popular services include: full-text judgments (over 11,860 judgments now available); daily law list email subscription service (50% increase to over 2,100 subscribers); judicial articles and speeches; Uniform Civil Procedure Rules Bulletin; forms and legislation. The substantial review of the website, initiated in the previous year with the generous funding of the Incorporated Council of Law Reporting (ICLR), has reached the development phase, with the implementation of a comprehensive Content Management System a major objective. This project will continue to be directed in accordance with the strategic goals of the Court and will be greatly informed by future surveys of the profession and wider community.

The Library also maintains a series of information portals which provide controlled access to a range of databases and resources, in accordance with specified user groups and licencing requirements. Such portals include the JVL; Regional Library Infowebs in Cairns, Townsville and Rockhampton; and the Library's online catalogue. In 2005–06 the Library undertook a major upgrade of the online catalogue hardware and software to create new opportunities to streamline access to e-resources and integrate such access seamlessly with other web-based portals.

In addition to delivering commercial services, these portals feature content from the Library's own e-publishing program. Such value-added services include the Queensland Legal Indices Judgment and Sentencing Online Database (QLI Online), research guides and the *Review of Books*. In the coming year, the judicial current awareness service will be converted to online format, delivering selected articles on topics as diverse as law, politics, history, philosophy, science and technology. In the current print based version, the service has remained very popular with recipients rating it 4.4 / 5 overall in a recent survey.

Looking to the future, the Library will continue to monitor trends in the publishing industry and larger library environments to identify early indicators of change and opportunity in information services. This will include consideration of how existing activities, such as QLI Online and the publication of judgments on the Court's website, may be consolidated to create a cohesive and cost-effective service. As part of this strategy the Library will investigate mutually beneficial partnerships with other publishing bodies, including the ICLR, and exploit the expertise developed through the Library's broader publishing program.

## Collection development and access strategies

In view of the significant and ongoing cost increases imposed by legal publishers, the Library has been challenged to maintain the depth and diversity of information within collection in both print and electronic format. The continued migration to online services will enable the rationalisation

of print resources held at the Law Courts Complex, yielding some savings in terms of cost and storage space. However, in the future the Library will still fulfil a critical role as the central archive of printed legal resources in Queensland. As many practitioners and organisations convert to online only collections, the Library will be relied upon to provide back-up access to print versions and to preserve historical material necessary for in-depth legal research.

During 2005–06, in partnership with the QUT Faculty of Law and with special funding from the ICLR, the Library’s Pacific Legal Collection was substantially upgraded and updated. The development of such special collections, which include materials not available online, ensures that important materials continue to be accessible for the benefit of judges, practitioners, academics, students and members of the public.

Expanding the electronic collection, and enhancing access to these and public domain resources via the Library’s online catalogue and intranets, has also been a priority in 2005–06. Internet enabled kiosks are now online in the Rockhampton, Townsville and Cairns courthouses, delivering direct access to the electronic collection. This year the Library invested 32.7% of total subscriptions budget on regional development. When the number of practitioners in each centre is considered, expenditure per member of the local profession was \$449 in Townsville and \$891 in Rockhampton compared to \$115 in Brisbane.

## Research and publications

Following several years of growth, the Library research and publication program has now achieved a substantial production schedule, with a series of scholarly research projects being undertaken simultaneous to commissioned historical and legal works.

The major publication released in 2005–06 was *A Woman’s Place: 100 Years of Queensland Women Lawyers*, launched on 9 November 2005 by the Chief Justice Paul de Jersey AC, to coincide with centenary celebrations of the enactment of the *Legal Practitioners Act 1905*. The publication features: biographical profiles of 51 women who have significantly contributed to the legal profession in Queensland over the past 100 years; original historical essays on women in the Queensland legal profession; and detailed statistics relating to the admission of women lawyers in Queensland. Much of the information contained within *A Woman’s Place*, particularly in relation to the profiles of contemporary personalities, is not available elsewhere and as such it is an indispensable reference work. The project was sponsored through a LPITAF grant and funding from the University of Queensland, and the Faculties of Law at QUT and Griffith University.

The Library published a second important reference work in April 2006, the inaugural edition of the *Supreme Court History Program Yearbook*. The *Yearbook* documents legal appointments, retirements, obituaries and admissions of the past year; reviews the significant cases and legislation; and includes scholarly articles on legal and historical topics.

The Library is currently preparing to publish a Festschrift in honour of Mr Justice B H McPherson CBE, to commemorate his retirement after 24 years of distinguished judicial service. The volume will feature scholarly essays by pre-eminent members of the legal profession on the wide range of subjects in which Mr Justice McPherson has achieved distinction.

In 2005–06 the Library was commissioned by a number of external organisations to provide research, publication and exhibition services. It accepted such projects from the Youth Advocacy Centre, to celebrate their 25<sup>th</sup> anniversary, and the ICLR, to celebrate their forthcoming 150<sup>th</sup> anniversary.

## Community outreach and exhibitions

This year approximately 7,880 students visited the Court as part of the Schools Program, taking advantage of the variety of activities offered including: legal research seminars; tours of the Rare Books Precinct and historical displays; viewing cases; and “Talk to a Judge”.

The highlight of the exhibition schedule in 2005–06 was the photographic exhibition featuring an honour roll of the women admitted to practice in Queensland since 1905, curated to coincide with the launch of *A Woman's Place* in November 2005. In addition the following displays were mounted in the Rare Books Precinct:

- commemorative display for the Rt Hon Sir Harry Gibbs GCMG AC KBE;
- display for *The Commission is a Different Place – the Origins of the Federal Arbitration System* to accompany a lecture by Mr Glenn Martin SC;
- display for the lecture by Sean Dorney to mark the permanent loan of the QUT Pacific Legal Collection to the Library;
- display of Supreme Court History Program treasures;
- exhibition on the history of the legal profession in Cairns to coincide with the unveiling of the legal heritage display cabinets and inaugural lecture by Emeritus Professor Geoffrey Bolton AO at the Cairns Courthouse.

## Digitising historical legal resources

The Library has been pursuing a series of programs to digitise and compile Queensland legal history records, with the goal of making these widely available via online databases. Initiatives underway include the early Queensland cases project, which aims to summarise previously unreported early Queensland cases. In addition the Library is sponsoring a project by well-known Townsville historian Dr Dorothy Gibson-Wilde to compile an online register of legal practitioners and law firms in North Queensland between 1861 and 1961. This will make a significant contribution to the collection and preservation of historical material relating to North Queensland, and coincides with the extension of the Supreme Court History Program to North Queensland this year.

## Supreme Court History Program

The Supreme Court History Program (SCHP), established in 2000, encompasses a series of projects which aim to collect, preserve and disseminate Queensland’s legal heritage.

In 2005–06, the Library recorded interviews or received memoirs from eleven prominent legal personalities, bringing the total collection to 25 interviews and 10 memoirs. The collection was

further enhanced with the acquisition of 40 oral history interviews records conducted by the National Library as part of their *Law in Australian Society* project.

The extension of the SCHP to centres outside of Brisbane was a priority this year with the inaugural History Program (Cairns) oration delivered by Emeritus Professor Geoffrey Bolton AO in August 2005, together with the unveiling of dedicated legal heritage exhibition facilities at the Cairns Courthouse and the recording of an oral history interview. In addition the SCHP Convenor, Dr Michael White QC, and the Librarian travelled to Townsville on 16–17 June 2006 to present a paper entitled *The Supreme Court History Program, its Aims, Activities and Future Directions* at the North Queensland Law Association Conference 2006.

The SCHP evening lecture series was also active throughout 2005–06 with the following events:

- *Lord Atkin: his Queensland origins and legacy* – delivered by Professor Gerard Carney on 26 August 2005;
- *The Commission is a Different Place: the origins of the Federal Arbitration System* – delivered by Mr Glenn Martin SC, president of the Queensland Bar Association, on 16 September 2005;
- *The Birth of the Common Law* – delivered by Professor Baron R C van Caenegem on 22 September 2005; and
- *Trustees' statutory leasing powers and the execution of King Charles I with a short excursion on Stephenson's Rocket* – delivered by Professor W A Lee on 5 May 2006.

## Legal Heritage Collections

The legal heritage collection, now numbering 37,590 items, continues to grow due to the generous donations from members of the judiciary, profession and wider community.

In 2005–06, the Library was honoured to receive a unique and invaluable donation from the family of the late Rt Hon Sir Harry Gibbs GCMG AC KBE. As part of a formal presentation on 31 March 2006, the family gave to the Library:

- the medals of honours associated with the Knight Grand Cross of St Michael and St George (GCMG), the Companion of the Order of Australia (AC) and Knight Commander in the Most Excellent Order of the British Empire (KBE);
- the mantle associated with the GCMG and other clothes including the early suit worn by High Court Justices and a morning suit worn beneath the GCMG mantle; and
- the original vellum scroll of Sir Harry's Coat of Arms to be housed at the Library on the basis of a permanent loan.

In the coming year the Gibbs family will also present to the Library the Gibbs heraldic banner, bearing the family crest, which has previously hung in St Paul's Cathedral in London. The collection will be displayed prominently in the Court and it is hoped that a dedicated Sir Harry Gibbs Room will provide a distinguished venue in the future.



## **Library Committee and Collection Management Sub-Committee**

The Library's Governing Committee comprises representatives from each stakeholder group including judges, barristers, solicitors and the Department of Justice and Attorney-General, thereby ensuring that Library users are directly responsible for collection development, service initiatives and resource allocation. The depth and breadth of activities undertaken by the Library is a testament to this unique, independent administrative structure.

The Committee is assisted in the management of the collection by the Collection Management Sub-Committee. In May 2006, Mr Justice BH McPherson CBE tendered his resignation as Chair of the Sub-Committee in view his forthcoming retirement from the Bench in September 2006. Mr Justice McPherson has served the Sub-Committee for 29 years, having been a member since its inception in 1977 and Chair since 1981. As an accomplished legal scholar, Mr Justice McPherson made an immeasurable contribution to the development of the Library's research quality collection and also to the general administration of the Library, most significantly through the drafting of the Library Rules which were gazetted on 9 May 1987. His leadership will be greatly missed.

The Hon Justice PA Keane, who previously served as a member of the Library Committee from 1989 until his appointment to the Bench in 2005, has been appointed as the new Chair of the Collection Management Sub-Committee.

## **Conclusion**

The successes of 2005–06 would not have been possible without secure funding and the generous support of the Library's key stakeholders: the Court; the legal profession; and the Department of Justice and Attorney-General. In addition, key partnerships with the Bar Association of Queensland, Queensland Law Society, Incorporated Council of Law Reporting, University of Queensland, Queensland University of Technology, Konica and Allens Arthur Robinson have been integral to the success of community outreach, research and publishing and legal preservation programs. Fostering collaborative relationships is a key component of the Library's strategic plan which envisions the expansion and enhancement of existing information services, and exploitation of a range of in-house skills developed in recent years to deliver new programs to the Court. In this way, the Library will continue to serve as the centre for the dissemination of legal information in Queensland.