



QUEENSLAND  
COURTS



**Supreme Court of Queensland**  
Annual Report 2006-2007



The plans for the new metropolitan Supreme and District Courts were unveiled on 1 June 2007. Designed by Architectus Guymer Bailey, the \$600 million complex will provide a modern courts precinct for the people of south-east Queensland.



QUEENSLAND  
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CHAMBERS OF THE CHIEF JUSTICE | SUPREME COURT OF QUEENSLAND

30 October 2007

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

Dear Attorney

I enclose my report, under s. 119B(1) of the *Supreme Court of Queensland Act 1991*, on the operation of the Supreme Court for the year ended 30 June 2007.

Yours sincerely

The Hon P de Jersey AC  
Chief Justice



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# Chief Justice's overview



The Honourable Paul de Jersey AC  
Chief Justice



## Performance

The court's performance has, for some years, been analysed in the annual report on the basis of the percentage of cases disposed of within six months, from six to twelve months, and longer than twelve months. In the year 2000, the judges adopted time goals for the disposition of cases and have since measured the court's performance against those benchmarks. Over the same period, the Commonwealth Productivity Commission has produced its annual *Report on Government Services*, containing a comprehensive analysis of the performance of all Australian state and federal courts of law.

The counting rules used by the commission have, in some respects, differed from those adopted by the court and reflected in previous annual reports. More detail of the commission's approach is included in the trial division report. In the interests of efficiency, the court will prepare and present only statistics developed on the basis of the requirements of the commission for the purposes of its *Report on Government Services*. What follows is consistent with this approach.

## Disposition of caseload

### Trial division, Brisbane

#### Criminal

On the criminal side in Brisbane, the trial division ended the year with 382 outstanding cases, and disposed of 971 incoming matters (a 102.2% clearance rate). Of the outstanding cases, 19.6% were more than 12 months old (from date of presentation of indictment) and 4.7% were more than 24 months old. Some cases may take this long due to appeals and rehearings. I am grateful to Justice Mullins for her conscientious management of the criminal list, which is a major responsibility within the court.

#### Civil

On the civil side in Brisbane, the trial division began the year with 81 cases awaiting a hearing by trial, and ended it with 83 outstanding cases, disposing of 337 incoming matters. Overall, the trial division disposed of 4236 civil matters, reflecting a 95.8% clearance rate. Of the 4267 active cases at the end of the year, 28.5% were older than 12 months (from filing date) and 8.3% were older than 24 months.

#### Regional centres

The lists in regional centres have been satisfactorily maintained.

## Court of Appeal division

The Court of Appeal division disposed of 352 criminal appeals this year (370 last year), representing a clearance rate of 104.1%. As of June 30, 111 criminal appeals awaited disposition (124 last year).

The Court of Appeal also disposed of 267 civil appeals (247 last year) with a clearance rate of 100.4%, leaving 102 outstanding at the end of the year (105 last year).

## Overall

Both divisions of the court performed satisfactorily.

## Sentencing database

On 27 March 2007 in the Banco Court, the Attorney-General and I jointly launched the Queensland Sentencing Information Service, a comprehensive sentencing database which uses software created by the Judicial Commission of New South Wales. The service is available to all judges and magistrates in Queensland, the Office of the Director of Public Prosecutions and Legal Aid. It is also available to any other user, free of charge, via computers in the Supreme Court Library.

## Registry management

In January 2007, Ms Robyn Hill was appointed as Principal Registrar and Court Administrator, succeeding Mr Ken Toogood who retired from those positions in 2006. The process to streamline registry operations continues and is producing worthwhile results, as covered in the trial division report.

## Rules Committee

The Rules Committee, chaired by Justice Williams and including from the Supreme Court, Justices Muir and Wilson, Ms Robyn Hill, 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. Ms B Jerrard, a departmental officer, is secretary of the committee.

On 20 June 2007, in anticipation of his forthcoming retirement from the Supreme Court, Justice Williams signalled his intention to step down as chair of the committee on 10 August 2007. His Honour chaired the committee since its establishment in 1998 and has led the work of the committee with great dedication and undoubted competence and insight. He steered the committee through the initial development of the *Uniform Civil Procedure Rules* (UCPR); the progressive streamlining of those rules; a substantial review of the *Supreme Court Act 1995*—which was a collection of disparate provisions bearing on the jurisdiction of the state courts; and a range of miscellaneous issues.



He came to the role with well-established credentials, having chaired a committee which, over a number of years, reviewed the Supreme Court Rules, the predecessor to the UCPR. I express considerable appreciation and respect for Justice Williams' contribution to the work of the committee. He was in 2006 accorded the honour of appointment as an Officer within the Order of Australia, in part because of his contribution to the law. His distinctive contribution to the development of the procedural law in Queensland especially, has been immense.

### Other monitoring mechanisms

The Focus Group, comprising the President of the Court of Appeal, the Senior Judge Administrator, the Chief Judge, the Chief Magistrate, the Deputy Director-General, the Principal Registrar and Administrator, Supreme and District Courts, the Director of the State Reporting Bureau and Corporate Services, other senior administration officers and me met on 28 March 2007. It is intended that this group will meet every two months. Its objectives are:

- to keep the courts informed about actual and proposed departmental initiatives in relation to the three state courts;
- to provide an opportunity for the courts to influence and participate actively in the allocation of resources; and
- to ensure the regular monitoring of registry and administrative operations and development.

## Continuing professional development

The judges continued to benefit professionally through participation in legal conferences and judicial meetings and discussions here and in other jurisdictions.

There were also corporate endeavours.

The judges held their 12<sup>th</sup> annual seminar on 17-18 August 2006. Presenters included Professor Ross Homel and Mrs Fiona Rafter (*Progressive criminal prevention policies: the role of judges*), Dr Edward Heffernan (*Prisoners' mental health, methylamphetamine addiction and crime*), Mr Julian Burnside QC (*Anti-terrorism legislation and sedition*), Dr David Hamer (*Similar fact evidence*), Professor Malcolm Cope (*Proprietary remedies for breach of trust and fiduciary duty*), Associate Professor Kit Barker (*Economic loss: duty of care*), the Very Reverend John Parkes, Dean of Brisbane (*Women bishops*). The seminar also included a panel discussion about issues confronting the contemporary solicitor and was led by Mr Sean Reidy, Mr David O'Brien, Mr James Conomos, Ms Joanne Rennick and Mr Andrew Boe.

## Chief Justice's calendar

Apart from the time allotted to the fulfilment of administrative and official responsibilities, I sat in various jurisdictions of the court both in and out of Brisbane: Court of Appeal (12 weeks), the criminal court (six weeks), civil sittings (two weeks), applications (six weeks), Cairns (two weeks), Toowoomba (one week), and the Legal Practice Tribunal (one 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.

Accompanied by my wife, I attended the Central Queensland Law Association Annual Conference at Yeppoon from 25-27 August 2006.

On 1 June 2007, I attended the North Queensland Law Association annual conference in Cairns.

I attended functions hosted by the Gold Coast District Law Association at Southport on 25 May 2007, by the Downs and South West Queensland Law Association at Toowoomba on 26 May 2007 and by the far north Queensland profession in Cairns on 30 May 2007.

I attended a function hosted by the central judge and the central Queensland profession at the Supreme Court in Rockhampton, in conjunction with my attendance at the opening of the Law Year Service on 14 July 2006 at St Paul's Cathedral.

I attended two meetings of the Council of Chief Justices of Australia and New Zealand, in October in Perth and in April in Hobart. Following the Hobart meeting, I attended a two day Judicial Leadership Programme, conducted under the auspices of the National Judicial College of Australia, attended by Chief Justices, Chief Judges and Chief Magistrates from throughout Australia and New Zealand.

There are other official responsibilities attached to the role of Chief Justice. As Acting Governor or Deputy Governor, I acted on seven occasions, for periods aggregating 49 days.

Another official responsibility arises from the custom of diplomatic representatives visiting Queensland, to call on the Chief Justice. In the course of the year, I received 22 visits by ambassadors, high commissioners and members of the consular corp. These visits are useful in fostering mutually beneficial relations between judicial regimes.



## The courthouses

### Brisbane

#### **The new metropolitan courthouse**

On 1 June 2007, the Hon Peter Beattie, MLA, Premier of Queensland announced the winning design produced by architects, Architectus Guymer Bailey, for the new metropolitan Supreme and District courthouse. This followed a design competition and the recommendation by a selection panel of which I was a member. The courthouse, with a projected cost of \$600 million, will be constructed on the vacant government land adjacent to the recently constructed Magistrates Court. The new courthouse is expected to open in 2011, which will mark the 150<sup>th</sup> anniversary of the establishment of the Supreme Court. I commend the government for this initiative, which will benefit all Queenslanders.

#### **Acknowledgment of newly-appointed barristers**

During this reporting period, the President of the Bar Association asked if the court would conduct ceremonial sittings twice a year to acknowledge newly-appointed members of the Bar. Ceremonies for the admission of legal practitioners generally lead to the generic admission of practitioners who have not by then qualified as either a barrister or solicitor. Therefore, it was considered appropriate that further ceremonies be held to acknowledge a barrister's particular position. The first ceremony was held just outside this reporting period on 9 July 2007, the first day of the new court year.

#### **The portrait of T J Byrnes**

On 13 December 2006, at the Christmas Greetings Ceremony in the Banco Court, the Hon Mike Reynolds AM MP, the Speaker of the Legislative Assembly of Queensland, presented the court with an historically important portrait of the Hon T J Byrnes. Mr Byrnes was Solicitor-General of Queensland from August 1890 to March 1893, and Attorney-General of Queensland from March 1893 until his death on 27 September 1898. He also served as Premier for six months prior to his death.

The portrait hung in the first floor gallery of the Supreme Courthouse which burned down in 1968 and fortunately survived the fire unscathed. It was at that time removed by government workmen but not returned to the court.

The painting was located in July 2006, almost 38 years later, hanging in the Premiers' Gallery in the Parliamentary Annexe. The Speaker and the Clerk of the Parliament agreed that it be replaced with a replica, with the original being returned to the Supreme Court. I record gratitude for that, and for the contribution to the process of Mr Ross Rolfe, the Coordinator-General and Director-General of the Department of Premier and Cabinet and his officers.

### **The Society of Notaries**

At the same ceremony, Mr Don Seawright, Secretary of the Society of Notaries, which has been in existence in Queensland for approximately 70 years, presented some of the society's historical records to the court.

### **The regalia and decorations of Sir Harry Gibbs**

The family of the late the Rt Hon Sir Harry Gibbs GCMG, AC, KBE, has generously donated the regalia and decorations associated with the former Chief Justice's Imperial and Australian honours to the Supreme Court Library. Sir Harry was one of only a few Australians to be appointed Knight Grand Cross of the Order of St Michael and St George.

On admission to that level within that high order, the admittee is accorded a banner which is hung from time to time in St George's Chapel, within St Paul's Cathedral, London. Sir Harry's banner was taken down on 14 September 2006 at the order's commemorative service in the presence of its Grand Master, His Royal Highness the Duke of Kent. In the course of other official travel, I was able to attend that service with my wife.

Following the service, Sir Harry's daughters, Margaret, Mary and Barbara, presented me with the banner which now hangs in the Banco Court in Brisbane. Lady Gibbs' health regrettably prevented her being in London. The rehangings of the banner was acknowledged at the Christmas Greetings Ceremony on 13 December 2006, in the presence of members of the Gibbs family.

The rest of the regalia will in due course be displayed when secure facilities can be established.

The court is most grateful to Lady Gibbs and her children for ensuring, in this way, the long term public display of this historically significant material.

It was Sir Harry's personal wish that it be donated to the Supreme Court of Queensland.

It is rare that the requirement that such regalia be returned to the Palace of St James upon the death of the holder, is waived, as it was in this case. The people of Queensland are now guaranteed the opportunity to view this fascinating material which, while of essentially Australian significance, is rooted in Queensland because of Sir Harry's enduring attachment to this state.

### Land Court—Presentation of coat of arms

On 23 May 2007, Mr John Trickett, President of the Land Court, presented the Supreme Court with the coat of arms which sat above the bench in the courtroom previously used by the Land Court. It was presented on behalf of the members of the Land Court and I record my gratitude to them for this transfer. The coat of arms is a very attractive illustration of the richness of this state's judicial heritage and will be displayed publicly in the courthouse in Brisbane.

### Rockhampton

On 11 May 2007 at the Virgil Power Courthouse in Rockhampton, the Hon Philip Ruddock, Australian Attorney-General and I launched the co-location of the state courts, the Family Court of Australia and the Federal Magistrates Court. This was the first instance in Australia of such cooperation between state and federal courts and bureaucracies. It should provide considerable practical benefits for the people of the Capricornia region.



Mr John Trickett, President of the Land Court (right), presented Chief Justice de Jersey with the coat of arms from the Land Court in May 2007.

## Other public outreach

As part of the 8<sup>th</sup> World Shakespeare Congress in Brisbane in July 2006, the Supreme Court Library publicly displayed a *Shakespearean First Folio* (1623) generously on loan by the State Library of New South Wales. The work was on display from 17 July to 10 August. Over the week commencing 17 July, the Queensland Shakespearean Ensemble staged various public performances in the Banco Court, drawn from the trial scenes in *The Merchant of Venice*, *A Winter's Tale*, and *Measure for Measure*. On the evening of 21 July, members of the Bar and others participated in a *King Lear* mock trial.

On 30 August 2006 in the Banco Court, Allens Arthur Robinson presented the Supreme Court Library Committee with 30 bound volumes of counsels' opinions dating back to 1874, and including opinions by significant historical figures such as Sir Samuel Griffith. The opinion books were compiled by Allens' predecessor firm, Feez Ruthning & Co. The library is digitising the volumes. The reception and disclosure of the documents, notwithstanding solicitor-client confidentiality, are facilitated by an amendment to the *Supreme Court Library Act 1968*, s. 7A, effected on 8 December 2005. It is hoped this donation will foster others. I record gratitude to Allens Arthur Robinson for generously placing these important volumes into the public domain and guarantee their preservation and retention.

On 26 October 2006, the annual WA Lee Equity Lecture, sponsored by the Queensland Community Foundation and others, was delivered in the Banco Court by Professor Charles Rickett, Head, TC Beirne School of Law.

The Australian Council of Justices held its annual meeting in the Banco Court on 7 October 2006.

On Wednesday 6 June 2007, in celebration of Queensland Day, the court again hosted tours for members of the public. This is an annual initiative since the year 2001 and on this occasion, 124 people participated in the tours.

One hundred and twenty-four people participated in the tours which have been an annual event since 2001.



## Website [www.courts.qld.gov.au](http://www.courts.qld.gov.au)

The site includes information about the day to day operation of the court and has, since September 2000, included details of expenditure on judges' jurisprudential and other court or officially relevant travel.

The site registered 1,246,109 "hits" this year, and is currently being redeveloped to provide more extensive and accessible court information.

## International aspects

The Supreme Court in Brisbane received a number of international visitors during the past year including:

- on 19 July 2006 Professor Dato'seri Anwar bin Ibrahim, former Deputy Prime Minister and Finance Minister of Malaysia (in the course of his attendance at the 8<sup>th</sup> World Shakespeare Congress in Brisbane);
- on 14 September 2006, Sir Anthony Clarke, Master of the Rolls;
- on 2 November 2006, a delegation of senior judges, together with lawyers representing the Association of Lawyers of Russia and the International Union of Lawyers from St Petersburg in the Russian Federation; and
- on 28 May 2007, a delegation of judges from the Supreme Peoples Court (China), the Beijing High Peoples Court and the Shanghai High Peoples Court, and officials from the Standing Committee of the National Peoples Congress.

## Judicial appointment

On 10 July 2006, Justice Lyons was sworn in as a judge of the Supreme Court in the trial division. Her Honour's appointment filled a vacancy in the trial division resulting from the appointment of Justice Holmes from the trial division to the Court of Appeal in anticipation of the retirement of Mr Justice McPherson.

## Judicial retirement

Mr Justice McPherson CBE retired on 23 September 2006.

## Retirement of Registrar

On 14 July 2006, Mr Ken Toogood PSM retired as principal registrar and administrator after more than 40 years service to the courts. His distinguished contribution was acknowledged at a valedictory ceremony held in the Banco Court on 12 July 2006.

## Personal

In the Queen's Birthday Honours List in June 2007, the President of the Court of Appeal, Justice McMurdo, was made a Companion of the Order of Australia with the citation reading: *For service to the law and judicial administration in Queensland, particularly in the areas of legal education and women's issues, to the support of a range of legal organisations, and to the community.*

## Conclusion

I thank the judges, officers of the registry, the court's administrative staff, and the director-general and his staff for their contribution to ensuring 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 *(listed in order of seniority)*

### Office of Chief Justice

#### **Chief Justice**

The Honourable Paul de Jersey AC

### Court of Appeal division

#### **President**

The Honourable Margaret Anne McMurdo AC

#### **Judges of appeal**

The Honourable Bruce Harvey McPherson CBE  
*(retired 23 September 2006)*

The Honourable Glen Norman Williams AO

The Honourable John Alexander Jerrard

The Honourable Patrick Anthony Keane

The Honourable Catherine Ena Holmes

## Trial division

### Senior Judge Administrator

#### Trial division judges

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 Anthe Ioanna Philippides  
The Honourable Philip Donald McMurdo  
The Honourable James Sholto Douglas  
The Honourable Ann Majella Lyons (*appointed 7 July 2006*)

## Other appointments

### Mental Health Court

The Honourable Anthe Ioanna Philippides

### Chair, Law Reform Commission

The Honourable Roslyn Gay Atkinson

### Land Appeal Court (*listed in order of seniority*)

The Honourable Margaret Jean White (*Southern District*)  
The Honourable Keiran Anthony Cullinane (*Northern District*)  
The Honourable Stanley Graham Jones, AO (*Far Northern District*)  
The Honourable Peter Richard Dutney (*Central District*)



Judges of the Supreme Court



Court of Appeal division



## Workload

This year, 604 matters were commenced in the Court of Appeal (338 criminal matters and 266 civil matters).

**Table 1: Annual caseload and performance indicators**

	Number of cases			Clearance	Backlog indicator	
	Lodged	Finalised	Active	Rate	%>12mths	%>24mths
Criminal	338	352	111	104.1%	3.6%	0.9%
Civil	266	267	102	100.4%	2.0%	0.0%
Total	604	619	213	102.5%	2.8%	0.5%

The court's clearance rate of cases exceeded 100% because, in both civil and criminal matters this year, more cases were disposed of than filed. Only 2% of civil cases awaiting finalisation have been filed for more than 12 months. Only 3.6% of criminal matters have been filed for more than 12 months. In all these criminal and civil matters, the delay has been at the request of one or both parties and the court has offered the parties hearing dates during the year.

**Table 2: Judgments, criminal matters**

Judgments	2004-05	2005-06	2006-07
Outstanding at start of year	13	5	12
Reserved	191	171	179
Ex tempore judgments delivered	167	125	95
Reserved judgments delivered	199	164	185
Outstanding at end of year	*5	12	6

\* Adjustment made due to finalisation of data

**Table 3: Judgments, civil matters**

Judgments	2004-05	2005-06	2006-07
Outstanding at start of year	13	16	16
Reserved	181	147	167
Ex tempore judgments delivered	43	39	54
Reserved judgments delivered	178	147	169
Outstanding at end of year	*16	16	14

*\* Adjustment made due to finalisation of data*

The number of undelivered judgments at the end of the year in criminal matters is less than last year and comparable to 2004-2005. This year there are fewer undelivered judgments in civil matters than in the previous two years.

The median time for the delivery of reserved judgments has remained constant since last year in criminal matters but has risen in civil matters, although it remains close to the 2004-2005 median. Overall, the results are comparable to the previous two years and exceed the court's benchmark of judgment delivery within three months of hearing.

These results demonstrate the court's continuing commitment to the prompt delivery of reserved judgments.

**Table 4: Time between hearing and delivery of reserved judgments**

Type of case	Median number of days		
	2004-05	2005-06	2006-07
Criminal cases	24	18	18
Civil cases	27	18	29
All cases	24	18	23



The filings from the trial division in both civil and criminal matters are broadly comparable to last year with a slight fall in criminal filings and a slight increase in civil filings. There has been a slight fall in filings from the District Court in criminal and Planning and Environment Court matters, but a slight increase in filings in civil matters.

**Table 5: Court in which matters were commenced**

Court	Number of matters filed		
	2004-05	2005-06	2006-07
Trial division—civil	*155	*152	*158
Trial division—criminal	*90	*91	*81
District Court—civil	103	84	85
District Court—criminal	344	287	257
Planning and Environment Court	12	17	18
Other—civil (cases stated, tribunals, etc.)	14	9	5

\* These statistics include circuit court matters

The number of sentence applications has fallen significantly from the preceding two years.

The number of sentence appeals brought by the Attorney-General or the Commonwealth Director of Public Prosecutions has again decreased slightly from the previous year.

The number of conviction appeals has risen slightly from the previous year but is slightly less than in 2004-2005. Applications for extension of time have also fallen slightly from the previous two reporting years.

**Table 6: Types of appeals filed**

Appeal type	Number of matters filed		
	2004-05	2005-06	2006-07
<b>Civil</b>			
General including personal injury	152	133	154
Applications	72	75	70
Leave applications	50	36	25
Planning and environment	10	17	17
Other	0	1	0
<b>Criminal</b>			
Sentence applications	197	184	145
Conviction appeals	58	50	55
Conviction and sentence appeals	58	56	53
Extensions (sentence applications)	18	24	18
Extensions (conviction appeals)	20	13	12
Extensions (conviction and sentence)	18	13	11
Sentence appeals (A/G/Cwlth DPP)	26	20	17
Other	*39	*18	*27

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



## Self-represented litigants

The number of self-represented litigants, shown in Table 7, has more than doubled since last year in civil matters but fallen slightly in criminal matters. Overall, the increase since last year is significant. There is no immediately discernible reason for this increase. Self-represented litigants are now involved in 34.3% of criminal matters compared to 33.45% last year and 42.08% of civil matters compared to 22.58% last year. This is a noticeably higher percentage than in matters before the trial division.

Cases involving self-represented litigants sometimes take longer to hear and determine because the standard of preparation and presentation can be poor and the litigants may be unable to clearly articulate the real points of the case. The outlines of argument of self-represented litigants may be filed late and are sometimes not served on the respondent. This results in case management, court mentions, adjournments, wasted court time and unnecessary costs.

Legally represented litigants in criminal matters who are in custody do not routinely appear in person before the Court of Appeal. Safety issues for members of the public, judges, and their associates, and court and Corrective Services staff can arise when self-represented litigants in criminal matters present their own case. The Court of Appeal and the Banco Court do not have secure direct access from the court cells. On occasions it has been necessary to have additional security in the courtroom in cases involving self-represented litigants.

These litigants continue to place a heavy burden on registry staff. They require more staff time, attention and support despite the availability of detailed information sheets. Registry correspondence on the files of self-represented litigants is approximately three times the norm.

As noted in the last six 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>

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<sup>1</sup> At p 19; Goldschmidt et al, Meeting the Challenge of Pro Se Litigation (1998) American Judicature Society, State Justice Institute, Recommendation (II), 34-35.

The strategic policy section of the Department of Justice and Attorney-General has reviewed its indemnity policy but this does not address the issue of qualified statutory immunity for registry staff providing assistance for self-represented litigants.

The AIJA report also raises the need for properly staffed information desks and permanent advice centres.<sup>2</sup> The President, the judges of appeal and the senior deputy registrar (appeals), Mr Neville Greig, and his staff are liaising with the Queensland Public Interest Law Clearing House Inc (QPILCH) and the Queensland University of Technology (QUT) Law School about the issue of legal assistance for unrepresented litigants in civil cases. QUT academics and staff from QPILCH have recently surveyed former self-represented civil litigants in the Court of Appeal to assess their needs with a view to providing eligible self-represented litigants with best practice legal assistance.

The judges of appeal are pleased that the department is planning to establish a staffed information centre for self-represented litigants within the District and Supreme Court building in the first half of the next reporting year. The centre will operate in association with the civil legal assistance scheme proposed by QPILCH. This initiative should improve public access to justice in Queensland.

During 1999–2000, the judges of the Court of Appeal, with the assistance of the Bar Association of Queensland and the Queensland 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 on p26, who have agreed to take part in the pro bono scheme during the year. 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.

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

**Table 7: Matters heard where one or both parties are unrepresented**

Number of cases	2004-05	2005-06	2006-07
Civil	69	42	93
Criminal	122	99	94
TOTAL	191	141	187

**Court of Appeal pro bono list for 2006-2007**

David Boddice SC	John Griffin QC	Alan MacSparran SC
Martin Burns	Mark Johnson	Peter Mylne
Peter Callaghan SC	Stephen Keim SC	Peter Nolan
Ralph Devlin SC	Tony Kimmins	Tony Rafter SC*
Stuart Durward SC (Tville)*	Gary Long SC	Peter Richards
Bradley Farr	Frank Martin (T'ba)	Tim Ryan
Terry Gardiner	Terry Martin SC**	
Tony Glynn SC	Kelly Macgroarty	

*\* Judge Durward and Judge Rafter were appointed to the District Court during this reporting year.*

*\*\* Judge Martin was appointed to the District Court after the end of this reporting year.*

As at 30 June 2007, counsel from this list were preparing two murder appeals and one manslaughter appeal.

The court looks forward to monitoring the developments proposed for the next reporting year by the department, in association with QPILCH, QUT and the legal profession, to assist self-represented litigants to better prepare and conduct their cases in court.

## Increase in requests for legally represented applicants and appellants in custody to be present in court

The long established practice is that appellants or applicants who are in custody and who are legally represented do not ordinarily attend the court hearing. It seems probable that this practice has arisen for reasons of security and to save the Department of Corrective Services unnecessary expense. Of course, self-represented appellants in custody almost always attend the court, either in person or by video link, when arguing their appeals or applications, unless they specifically request that the matter be dealt with on the papers. There has been a significant increase in requests from incarcerated legally represented applicants or appellants to be present at their court hearings. This year, 44 of these requests were made of which ten were withdrawn, eight granted and 26 refused.

Section 671D *Criminal Code* provides:

### **“Right of appellant to be present**

- (1) An appellant, notwithstanding that the appellant is in custody, shall be entitled to be present if the appellant desires it, on the hearing of the appellant’s appeal, except where the appeal is on some ground involving a question of law alone.
  - (1A) On an appeal on such ground, and on an application for leave to appeal, and on any proceedings preliminary or incidental to an appeal, the appellant shall not be entitled to be present, except by leave of the Court.
- (2) The power of the Court to pass any sentence may be exercised notwithstanding that the appellant is not present.”

Section 671D in its terms confers no right to be present on the hearing of an application for leave to appeal; applications for leave to appeal do not become appeals unless leave is granted. Applicants for leave to appeal against sentence and appellants appealing only on a question of law who are in custody and are legally represented have no right under s. 671D to be present on their hearing. Many appeals against conviction are, however, mixed questions of fact and law. Under s. 668D(1)(b) *Criminal Code*, an appeal against conviction other than on a question of law alone may proceed only by leave. It follows that there is no right under s. 671D to be present at such a hearing until leave is granted and the appeal heard.



The established practice is to hear applications for leave to appeal against conviction as appeals without first determining whether leave to appeal should be granted. The right of an appellant in custody to be present at the appeal hearing under s. 671D(1) is therefore limited. Nevertheless, if there is a sustained increase in the exercise of that right, there are likely to be resource and security concerns for the court and for the Department of Corrective Services. There is no secure direct access from the court cells to either the Banco Court or the Court of Appeal.

The President, with the concurrence of all judges of appeal, has suggested to the Attorney-General that this potential problem could be avoided if s. 671D(1) was amended by adding after “except” the words “where the appellant is in custody and is legally represented or ...”. Section 671D(1A) would also need a minor consequential amendment. The proposed amendment to s. 671D does not detract from the rights of appellants in custody because, if they are legally represented, it can be expected that their rights will be protected by their lawyers.

## Organisation of work

The exercise of accrued leave entitlements by the 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. The President and the judges of appeal collectively sat 182 weeks this year, compared to 160 weeks last year and 165 weeks in 2004–2005.

The Court of Appeal has continued to rely on regular assistance from the Chief Justice who sat for 12 weeks this year, compared to 11 weeks last year. The trial division judges also provided 71 individual judge weeks this year compared to 66 judge weeks last year and 79 judge weeks in 2004–2005.<sup>3</sup>

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<sup>3</sup> Prior to 2004–2005, the figures for trial division judge weeks also included the weeks the Chief Justice has sat in the Court of Appeal.

The Court of Appeal sat as a bench of three judges for 43 weeks during the year.

The President and the deputy registrar (appeals) work together with the Chief Justice and the judges of appeal 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 the Attorney-General or the Commonwealth Director of Public Prosecutions 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 pending appeal. 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.

## Judicial retirement

Mr Justice BH McPherson, CBE retired on 23 September 2006. He was replaced by Justice CE Holmes shortly before the commencement of this reporting year.

## An additional judge of appeal

The President and the judges of appeal gratefully acknowledge the Attorney-General's acceptance of the recommendation made in past annual reports to appoint an additional Court of Appeal judge. The appointment of Justice JD Muir as a judge of appeal was announced during, but made outside, this reporting year. Justice Muir will continue to sit in the trial division well into the next reporting year until his replacement is appointed. Although this increases the number of judges of appeal from five to six, it remains desirable for trial division judges to continue to sit regularly in the Court of Appeal, as the court benefits from their unique trial work experience.



## Registry

The President and the judges of appeal value the high level of service provided to the court by the senior deputy registrar (appeals) 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 which diverts limited resources into the constant training of new staff. This has a detrimental effect on the level of support given by staff to the public, the profession and the judges.

The matter of unsatisfactory counter facilities for people with physical disabilities referred to in the two preceding annual reports has been addressed to the extent that plans have been drawn and approved. It is still unknown when the work will be carried out.

As noted last year, limited availability and quality of storage space for Court of Appeal files remains a concern.

## Judgments and catchwords

The Court of Appeal has adopted the Australian Institute of Judicial Administration (AIJA) recommendations regarding the electronic reporting of judgments.

Court of Appeal judgments delivered after November 1998 have been available free of charge on the internet through AustLII.

Court of Appeal judgments from 1992 onwards are now available on the internet on the Queensland Courts website <[www.courts.qld.gov.au/qjudgment/ca.htm](http://www.courts.qld.gov.au/qjudgment/ca.htm)>.

The Acting Director, State Reporting Bureau, Ms Stephanie Attard, and her staff assist in the timely publication on the internet of *ex tempore* judgments.

In the absence of a court media officer, the research officer:<sup>4</sup>

- provides judgments, both at initial publication and later, to the media;
- provides judgments at the time of publication to interested judges, magistrates, the Queensland Sentencing Information Service, the Director of Public Prosecutions, Legal Aid (Queensland) and the Department of Justice and Attorney-General representatives. Judgments are also provided to the Supreme Court Library for publication on the internet, including through AustLII;

<sup>4</sup> The position of research officer has been filled this year by Ms Angela Masson (to April 2007) (seconded to the Office of the Queensland Director of Public Prosecutions) and Ms Zenovia Pappas (currently acting in the position).

- under the supervision of the judges, prepares and distributes to the media and other interested parties summaries of important Court of Appeal judgments;
- in consultation with the Supreme Court Library staff, ensures that the Queensland Courts website is updated with Court of Appeal judgments (highlighting the delivery of important Court of Appeal judgments), changes to the *Criminal Practice Rules* and the *Uniform Civil Procedure Rules*, 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 <[www.courts.qld.gov.au](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 of Queensland. These outlines are also published in *Proctor*, the journal of the Queensland Law Society.

## Information technology

### Electronic record books

The senior deputy registrar (appeals) and his staff recently took advantage of upgraded photocopying equipment to implement a system of electronic record books in all appeals. This involves scanning hard copy appeal record books into files which are converted to easily searchable files. As a result, the Queensland Court of Appeal in all matters, now has electronic record books printed in a professional CD form. This can be emailed as an attachment in addition to the traditional hard copy appeal record book. The electronic record books can be accessed by any computer using the free software, Acrobat Reader. There is no need for users to purchase additional software.

The relatively modest costs to the department in developing this project (estimated at about \$8,000) will be quickly recouped over the next reporting year. Savings will result from no longer producing a hard copy of the appeal record for the court file and a reduction in the post-appeal storage costs of record books. Additional savings can be expected as users become more comfortable with the electronic format and it gradually replaces hard copy use.



Judges regularly search the electronic appeal record books both in and out of court, thanks to the recent provision of in-court computers, to find references to specific matters in the evidence. Counsel and self-represented litigants are able to use the electronic record books in the courtroom thanks to the Wi-Fi connection in both the Court of Appeal and the Banco Court. The judges' secretaries also make use of the electronic appeal record books in preparing judgments when there are lengthy quotes from the appeal record. The only limitation is that searching is presently available solely for typed print, not handwritten documents.

The court's electronic appeal record book project was launched on 13 June 2007 in the Banco Court by the Hon Justice IDF Callinan AC. The launch was well attended by judges, the legal profession and court and information technology staff. It is thought that the Queensland Court of Appeal is the first court in Australia to take such an initiative.

### 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 is vital and has been provided during this reporting year. Ongoing adequate funding remains necessary for the continued efficient disposal of the work of the Court of Appeal.

CAMS is currently accessible from the computers of all Court of Appeal and trial division judges and associates.

### Courts Wi-Fi

A free broadband internet service using wireless technology is now available in the Banco Court and in the Court of Appeal courtroom. This allows appellate court users immediate access to the internet, email and potentially their organisations' information technology systems without connection to a hard-wired computer. This should increase the efficiency of court processes and reduce costs for users.

All judges sitting in either the Banco Court or the Court of Appeal courtroom now have access to individual court computers for legal research or electronic record book use.

### 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 and affordable access to justice for litigants outside Brisbane. Forty-nine matters (25 applications and appeals, seven sentence applications, two appeals against conviction, nine appeals against conviction and sentence, five extension of time applications and one civil appeal) were heard this year by video link. Twelve matters (six applications for an extension of time, one criminal s. 118 leave application, three criminal extension applications, one civil appeal and one civil application for extension of time) were heard by audio link. This is a noticeable increase from the 23 matters heard by video link and six matters heard by audio link last year.

This equipment will be used more in the future as parties become increasingly familiar with its significant advantages such as:

- 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. There is no secure access from the court cells to either the Banco Court or the Court of Appeal; and
- litigants in custody also benefit from its use by avoiding disruption to their rehabilitative programs.

Unfortunately, technological problems with video and audio links 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, Cairns

The Court of Appeal's fourth Cairns sittings were held from 19 March to 23 March 2007. During those five days the court heard three civil appeals, including two additional applications. Ten criminal matters were heard which included seven appeals against conviction and sentence, one appeal against conviction, a sentence appeal by the Attorney-General, and an application for an extension of time to appeal against sentence.

Five judges took part in the sittings, the President, Justices Jerrard and Holmes, the northern judge, Justice Cullinane, and the far northern judge, Justice Jones. The involvement of Justices Cullinane and Jones allowed the Court of Appeal to also sit in Brisbane during that week.

Barristers and solicitors from Cairns, Townsville, Ingham and Brisbane appeared during the sittings. The court reserved all judgments.

The judges, together with members of both branches of the north Queensland legal profession and members of the Cairns judiciary, attended a function hosted by the Queensland Law Society and the Bar Association of Queensland.



The sittings were again enthusiastically received by the legal practitioners and citizens of north Queensland. They provided another opportunity for the north and far north Queensland legal profession to appear before or observe the Court of Appeal. Importantly, the sittings gave the people of far north Queensland an opportunity to observe the Court of Appeal's work within their own community. High school student groups from the Cairns region attended the Court of Appeal sittings.

The Court of Appeal hopes to sit in north Queensland in 2008, probably in Townsville. This will be contingent 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 for 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>5</sup>

There were 495 matters heard by the Court of Appeal this reporting year. In the same period there were two appeals to the High Court of Australia, which were not allowed.<sup>6</sup> These statistics reaffirm that the Court of Appeal is effectively the final appellate court for Queensland.

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<sup>5</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>6</sup> 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.

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

Applications for special leave	Criminal			Civil		
	2004-05	2005-06	2006-07	2004-05	2005-06	2006-07
Granted	6	5	2	16	0	3
Refused	30	17	7	20	18	18

Appeals	Criminal			Civil		
	2004-05	2005-06	2006-07	2004-05*	2005-06**	2006-07
Allowed	1	4	0	11	9	0
Dismissed	1	5	2	2	3	0

\* Six of these were in related matters: *Equuscorp Pty Ltd v Glengallan Investments Pty Ltd [No 2] & Ors* [2005] HCA 5, B93-98 of 2005.

\*\* Eight of these were in related matters: *Queensland v Stephenson and Reeman v Queensland* [2006] HCA 20, B59-60 of 2005; *Davison v Queensland*, *Gibson v Queensland*, *Girard v Queensland*, *Orr v Queensland*, *Yarrie v Queensland*, *Orr v Queensland* [2006] HCA 21, B62-67 of 2005.



## Conclusion

The Court of Appeal has again maintained its performance levels this year.

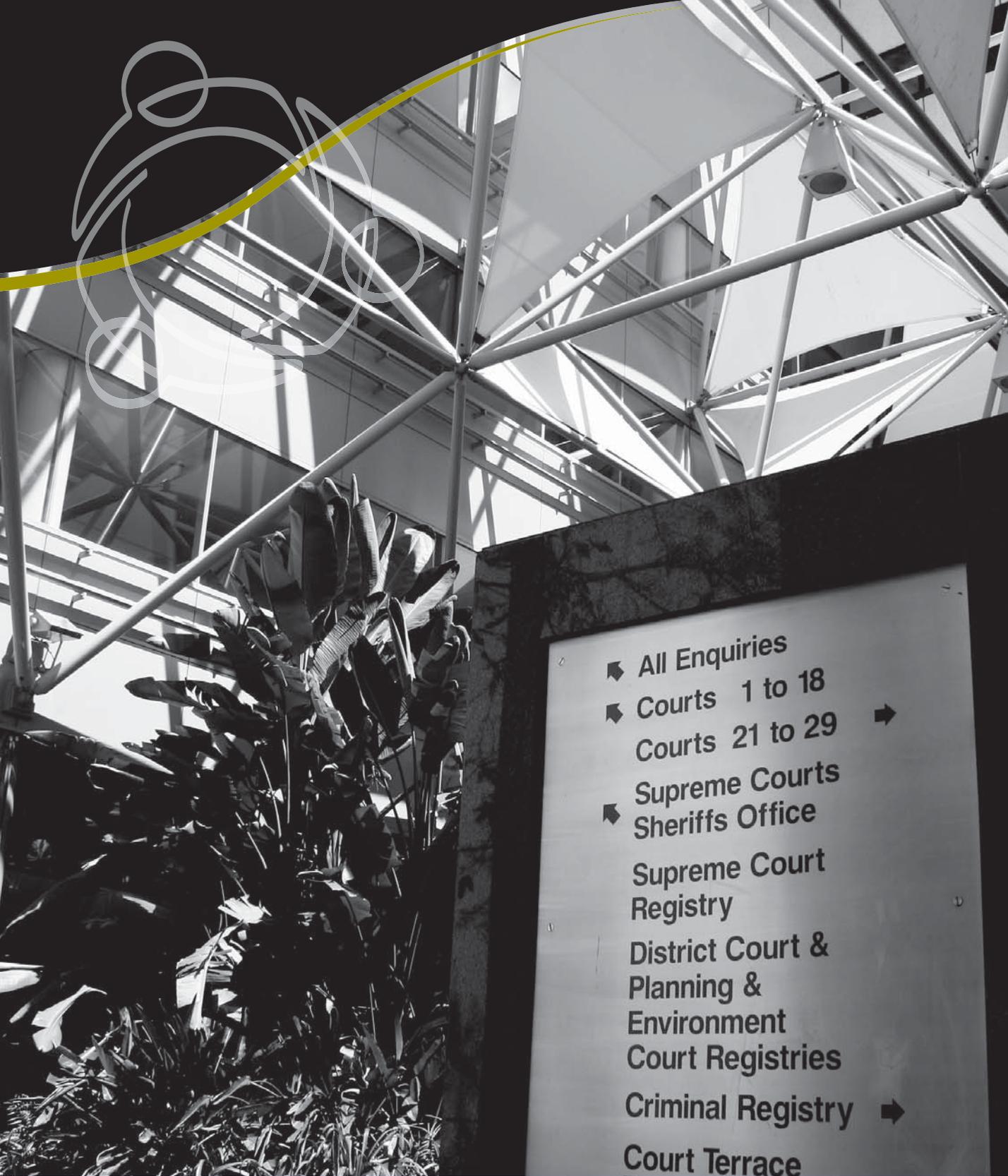
The court's significant workload and the anticipated exercise of leave entitlements in the second half of 2007 by Justice Williams pending his retirement in January 2008 justify his immediate replacement. This is necessary if the court is to maintain its present high level of efficiency and provide the people of Queensland a specialised and consistent final appellate court. Justice Muir is not anticipated to be in a position to sit in the Court of Appeal until at least the beginning of September 2007.

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

The court also relies heavily on a properly resourced and efficient State Reporting Bureau to provide, in a timely fashion, the transcripts which form the core of all appeal record books. Recently there has been some persistent and significant delay in providing these transcripts. This causes consequential delay in the preparation, listing and hearing of appeals. If delay in the provision of transcripts continues in the next reporting year, it will directly impact on the court's efficiency.

Careful planning is required to develop the best method of managing self-represented litigants, both in the registry and in court. The judges look forward to monitoring the proposed developments to assist self-represented litigants during the next reporting year and thank the Attorney-General, the department, QPILCH, QUT Law School and the legal profession for their support of these initiatives. Parliament may wish to amend s. 671D Criminal Code as suggested earlier in this and past reports.

The President and the judges of appeal thank the many people collectively responsible for the Court of Appeal's continued efficient performance and especially acknowledge the senior deputy registrar (appeals) and his staff for their initiative in developing the electronic appeal record books.



- ↖ All Enquiries
- ↖ Courts 1 to 18
- Courts 21 to 29 →
- ↖ Supreme Courts
- ↖ Sheriffs Office
- Supreme Court Registry
- District Court & Planning & Environment Court Registries
- Criminal Registry →
- Court Terrace

## Trial division



## The work of the trial division

The trial division resolves matters commenced by indictment (criminal), claim or originating application (civil) by trial, hearing or consensus. The Senior Judge Administrator is responsible for its administration.

Civil matters are normally heard by a single judge.

The judges have adopted a protocol that, save in exceptional cases, judgments are to be delivered within three months of the conclusion of the hearing.

Criminal trials are heard by a judge with a jury.

Trial division judges regularly sit in the Court of Appeal. They constitute the Land Appeal Court, the Mental Health Court and at times, the Legal Practice Tribunal. They act as members of bodies such as the Queensland Law Reform Commission and the Rules Committee. Many also serve on committees with responsibility for developing and implementing policies and procedures to improve the court's functioning. These include:

- IT Steering Committee;
- Supreme and District Courts Management Committee;
- Queensland Courts Case Management System;
- Continuous Process Improvement Program;
- Integrated Justice Information Strategy;
- Chief Justice's Consultative Committee;
- Focus Group;
- Criminal Jurisdiction Stakeholders Group;
- Staff Development and Training Group;
- Costs Assessment Project; and
- Learning and Development Committee.

## 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 area.

Fifteen of the 18 trial division judges are based in Brisbane in the southern district. The Principal Registrar and Administrator and the Sheriff of Queensland are also based in Brisbane. The southern district includes Toowoomba, Maryborough and Roma.

The central judge resides in Rockhampton, where he presides at civil and criminal sittings. He also conducts the sittings in Bundaberg, Longreach and most of the Mackay sittings.

The northern judge resides in Townsville. The northern district encompasses the regional centres of Mount Isa and Mackay.

The far northern judge resides in Cairns.

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

More than two-thirds of the trial division workload arises in and around, and is dealt within, Brisbane.

The staff of the principal registrar, the district registrars, the sheriff, the State Reporting Bureau and the Supreme Court Library, together with the Department of Justice and Attorney-General, provide essential support for the work of the trial division.

Information about the organisation and practices of the trial division, including its calendar, electronic set-down of trials, law lists, brochures, fact sheets, practice directions and reasons for judgment is published on the Queensland Courts website <[www.courts.qld.gov.au](http://www.courts.qld.gov.au)>.

## Measuring performance

This year's report reflects a different approach to reporting performance and workload. The statistical information now accords with the Commonwealth Productivity Commission's annual *Report on Government Services* (ROGS).

Performance is indicated by the clearance rate and the backlog indicator. The clearance rate indicates whether a court is keeping up with its workload by comparing the number of lodgments to the number of finalisations. A figure above 100% indicates that the court is reducing its pending workload. The backlog indicator compares the age of pending caseload against nominated time standards.

This new way of reporting means that comparison with previous reports of performance and workload is limited.

## Criminal jurisdiction

Justice Mullins supervises the criminal list in Brisbane. The criminal list manager has the day to day responsibility for the management of that list.

Criminal matters fall into three main categories; murder/manslaughter, complex drug matters, and other drug offences.

The personal trauma often associated with murder/manslaughter trials makes early listing of these trials particularly desirable. Complex drug matters usually involve telephone intercepts or lengthy surveillance by law enforcement agencies or many witnesses, and require weeks of court time. The third category, other drug offences, comprises the bulk of the criminal cases determined.

The common measurement of workload is by number of defendants. A "defendant" for this statistical purpose is defined as "one defendant, with one or more charges, and with all charges having the same date of registration."<sup>7</sup> Defendants with secondary charges, such as breaches of court orders, are excluded.

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<sup>7</sup> Review of Government Service Provision: 2007 Data Collection Manual – Court Administration Working Group, 08/08/2007 p 7-3.



The table below summarises the activity in the trial division's criminal list.

**Supreme Court trial division**—Criminal jurisdiction

2006–2007	Number of defendants				Clearance	Backlog indicator**
	Lodged	Finalised	Active	Rate*	%>12 mths	%>24 mths
<b>Main Centres</b>						
Brisbane	950	971	382	102.2%	19.6%	4.7%
Cairns	103	99	33	96.1%	21.2%	0.0%
Rockhampton	31	38	10	122.6%	20.0%	10.0%
Townsville	124	105	9	84.7%	0.0%	0.0%
TOTAL FOR MAIN CENTRES	1208	1212	439	100.3%		
<b>Regional Centres</b>						
Bundaberg	41	44	8	107.3%	12.5%	0.0%
Longreach	0	0	0	0.0%	0.0%	0.0%
Mackay	33	29	17	87.9%	23.5%	11.8%
Maryborough	15	28	6	186.7%	16.7%	16.7%
Mount Isa	4	9	1	225.0%	0.0%	0.0%
Roma	0	0	0	0.0%	0.0%	0.0%
Toowoomba	29	31	8	106.9%	12.5%	0.0%
TOTAL FOR REGIONAL CENTRES	122	141	40	115.6%		
<b>STATE TOTAL</b>	<b>1330</b>	<b>1354</b>	<b>474</b>	<b>101.8%</b>	<b>19.2%</b>	<b>4.6%</b>

\* Clearance Rate: Finalisations/lodgments

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

The statewide clearance rate of 101.8% illustrates that the court is keeping up with its workload. Reasons for delay in finalising cases include referral to the Mental Health Court, deferral due to other court proceedings, and retrials.

One hundred and six defendants (as defined) were transferred between centres. Townsville had the greatest number of defendants transferred out (24). Brisbane received the greatest number (46). Transfers are due to a number of reasons, including ensuring a fair trial and the location of witnesses.

## Civil jurisdiction

The ROGS unit of measurement for the civil jurisdiction is a case. Secondary processes, such as interlocutory applications, are excluded. The court also deals with matters which, for reporting purposes, have been grouped as non ROGS civil, non ROGS criminal, probate files and Legal Practice Tribunal (LPT) files. ROGS files include all claims and the majority of originating applications. Non ROGS civil includes such proceedings as admission as a legal practitioner and appointment as a case appraiser.

A civil case is considered active if it has not been finalised by adjudication, transfer to another court, settlement by mediation, default judgement or notification that parties have discontinued. It is deemed to be resolved if, for example, there has been no activity for 12 months.



This table shows the clearance rate in civil cases.

**Supreme Court trial division**—Civil jurisdiction

2006–2007	ROGS civil files			Clearance Rate*	Backlog indicator** from filing date	
	Lodged	Finalised	Active		%>12 mths	%>24 mths
Brisbane	4,422	4,236	4,267	95.8%	28.5%	8.3%
Other centres	900	931	1,052	103.4%	26.2%	8.8%
<b>State Total</b>	<b>5,322</b>	<b>5,167</b>	<b>5,319</b>	<b>97.1%</b>	<b>28.1%</b>	<b>8.4%</b>

**Total lodgments**

	ROGS Civil	Non ROGS Civil	Non ROGS Criminal	Probate	Legal Practice Tribunal	Total
Brisbane	4,422	1,016	541	5,300	23	11,302
Other centres	900	130	101	1,112	0	2,243
<b>State Total</b>	<b>5,322</b>	<b>1,146</b>	<b>642</b>	<b>6,412</b>	<b>23</b>	<b>13,545</b>

\* Clearance Rate: Finalisations/Lodgments

\*\* Backlog indicator: The number of active cases older than the specified time. Time is measured from date of filing to the end of the reporting period.

## Case flow management

Case flow management of proceedings in the civil jurisdiction in Brisbane is regulated by Rule 5 of the *Uniform Civil Procedure Rules 1999* (UCPR) and Practice Direction No 4 of 2002.

The UCPR prescribe time frames for progressing proceedings to a timely, cost-effective resolution.

There has been a significant reduction in the number of outstanding intervention notices required to be sent by the registry. This has

been achieved by a variety of management methods and through better compliance by legal practitioners with the practice direction. However, there were still some delays meeting set time frames. About 140 warning notices were sent by the registry for failure to comply with the practice direction.

Justice Atkinson reviewed about 190 matters considered to have remained in the system longer than necessary.

The tables below set out the results of this review process.

## Review listing advice sent

Outcome	Review dates		
	October 2006	March 2007	May 2007
Action settled - discontinuance filed prior to review	7	12	11
Plan provided including request date	11	18	12
Deemed resolved	0	0	1
Other *	0	2	2
<b>TOTAL</b>	<b>18</b>	<b>32</b>	<b>26</b>

\* Files de-listed as parties not able to be contacted or stay of proceedings in place

## Listed for review

Outcome	Review dates		
	October 2006	March 2007	May 2007
Directions made including request date	28	49	10
Deemed resolved	4	4	8
Other *	0	5	6
<b>TOTAL</b>	<b>32</b>	<b>58</b>	<b>24</b>

\* Reviews adjourned to a future date or court advised that action has settled.



A case flow fact sheet is available on the Queensland Courts website at:  
<[www.courts.qld.gov.au](http://www.courts.qld.gov.au)>.

### Commercial list

The commercial list was established by Practice Direction No 3 of 2002. Since its commencement, Justice Muir and Mr Justice Chesterman have been the commercial list judges. The primary object of the list is to ensure the speedy determination of commercial matters requiring prompt resolution. This 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.

Thirty-nine matters were disposed of by trial or settlement during the year. As at 30 June 2007, there were 68 matters on the list.

In all cases tried, judgment was delivered within 30 days of the conclusion of submissions. Usually, the majority of interlocutory applications on the list were disposed of by order within five business days.

### Supervised cases

These are civil cases where the hearing is estimated to take more than five days or where supervision is warranted because of considerations such as the complexity of the issues and the number of parties. The list is constituted and managed under Practice Direction No 6 of 2000. Justice PD McMurdo was in charge of the list.

Most cases are placed on the list at the request of one or more of the parties. Some are on the list through the court's initiative, such as when a judge conducting an interlocutory hearing sees the need for ongoing management. The list mainly comprises commercial litigation and construction and engineering claims. It also contains complex civil claims of other kinds including personal injury, professional liability and defamation matters.

The supervised case list manager is responsible to Justice PD McMurdo for the management of the list. The progress of cases is monitored by regular email reports to the list manager from practitioners. Cases are regularly reviewed by short hearings before Justice McMurdo or another allocated judge.

The court encourages the parties to agree on the nature and timing of interlocutory steps to avoid the significant transaction costs of a review hearing. Much of the list business, including the making of interlocutory directions, is conducted by email.

Nearly all cases on the list are resolved by a settlement. In general, practitioners experienced in litigation of this kind have a constructive approach to alternative dispute resolution. However, some cases are unlikely to settle without an imminent trial.

It is important that practitioners involved in complex litigation exploit the advantages of technology in the preparation and conduct of these cases.

At 1 July 2006, there were 104 supervised cases listed. On 20 June 2007, 64 cases remained on the list.

## Applications jurisdiction

### Applications online

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

- interlocutory applications (Form 9) *Uniform Civil Procedure Rules 1999* (UCPR);
- interlocutory applications (Form 3) *Corporation Law Rules; Uniform Civil Procedure Rules 1999* (Schedule 1A); and
- bail applications (Form 2) *Criminal Practice Rules*.

Electronic applications are made using the request forms available at <[www.courts.qld.gov.au](http://www.courts.qld.gov.au)>.

Available dates and times are accessible on the Queensland Courts website.

## Registrar's court jurisdiction

Registrars continue to decide certain categories of applications under the *Corporations Act 2001* (Cwlth). They also deal with many applications for default judgment for example, if a defendant has not filed a Notice of intention to defend (UCPR) within the time allowed.

The court encourages the use of Rule 666 of the UCPR to obtain a consent order from the registrar to streamline proceedings and save costs. Applications were refused for non-compliance with the requisite practice direction, for example, if 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 because it was more appropriate that they were dealt with by a judge.

## Probate

Probate is the procedure where someone applies for a deceased person's estate to be administered.

The intention to apply for probate must be advertised. To help reduce advertising costs, the Rules of Court and Form 103 were amended to reduce the size of the advertisement.



## Assessment of costs

Changes have been implemented in 2006–2007 to create a more expeditious and less expensive costs assessment processes.

An independent external cost assessor will now usually determine the amount of costs payable. Parties can agree on the identity of the assessor, or seek an order to appoint one.

The commencement of the *Legal Profession Act 2007* and an amendment of the UCPR created a new method of dealing with disputed solicitor and client costs.

Practice Direction No 3 of 2007 (Agreed or fixed costs) and Practice Direction No 7 of 2007 (Costs assessments: interim arrangements) are relevant to the new model of assessments.

## Trial division, districts

### Southern district circuits

Justice Philippides managed the southern district circuits.

### Central district

Justice Dutney is the Central Judge. He is responsible for the work of the court in Rockhampton, Mackay, Bundaberg and Longreach.

The judge presided over five criminal trials, one fewer than in 2005–2006, and the same as in 2004–2005.

The judge sentenced 110 people who pleaded guilty. All but five of these people pleaded guilty to drug offences. Ten people were dealt with for breaches of previous orders. Of the overall total of 120 people dealt with, 18 were women. There appears to be no discernable change in the proportion of women offenders sentenced in the last few years.

The judge presided over eight civil trials. Three of these proceeded for more than a day before being resolved without the need to deliver a judgment. As a result of the decline in civil work in Mackay noted last year, one circuit fewer was conducted in 2006–2007 than in previous years.

In total, the judge sat for 20 weeks in Rockhampton, six weeks in Mackay, four weeks in Bundaberg, two weeks in Townsville and two weeks in Brisbane. He also sat for three weeks in the Court of Appeal. Two weeks were allocated for judgment writing. No sittings were required in Longreach. The judge took five weeks long leave and sittings were arranged so that Brisbane judges were not required to assist during this leave.

The northern judge sat for four weeks in Mackay.

In Rockhampton and Mackay, criminal and civil cases were heard within a few weeks of the parties being ready to proceed. In Bundaberg, all cases ready for trial were disposed of in the first sittings after the parties indicated that the matter was ready to proceed. The court only sits twice a year in Bundaberg but all parties were able to obtain suitable hearing dates.

## Northern district

The Northern Judge, Justice Cullinane, sat principally in Townsville, with circuits in Mackay and Mount Isa. He also sat in the Court of Appeal in Brisbane and in Cairns.

In Townsville, there was a significant increase from the previous year in the number of criminal cases commenced (previous year 62, current year 124) and disposed of (previous year 55, current year 105). This trend is not replicated in the civil matters entered for trial and disposed of and these figures have not significantly increased or decreased.

Thirty-seven practitioners were admitted.

## Far northern district

The sitting times for the far northern judge have resulted in 24 weeks spent in Cairns and three weeks in Brisbane on the Court of Appeal. Eight weeks were allocated to judgment writing and 10 weeks to long leave.

The Far Northern Judge, Justice Jones, received assistance throughout the year, with sittings held by the Chief Justice and Justices McPherson, Cullinane, Chesterman, Wilson and Atkinson.

Sixteen practitioners were admitted to the profession, with most completing their academic legal training at the Townsville or Cairns campuses of James Cook University. The growth in the number of legal practitioners in Cairns reflects the steady development of the city and the increasing demand for legal services in the region.



## Mental Health Court

The Mental Health Court is constituted by a judge of the Supreme Court assisted by two experienced psychiatrists appointed under the *Mental Health Act 2000*. Justice Philippides was the judge constituting the court. The panel of assisting psychiatrists consists of Dr JF Wood and Dr JM Lawrence AM following the resignation of Dr DA Grant.

The court determines references concerning questions of unsoundness of mind and fitness for trial in relation to people charged with offences on indictment. It also determines appeals from the Mental Health Review Tribunal and inquires into the lawfulness of patients' detention in authorised mental health services.

During the 2006-2007 year, the Mental Health Court sat on 62 days and heard a total of 293 cases. The court heard references for 1,383 charges as opposed to 1,254 charges for the previous year. The number of matters heard and disposed of by the court during the period under review increased by approximately 10% from the year 2005-2006. With additional sittings proposed in 2008, there will be a further increase in the matters that the court will be able to hear.

At least one day of each sitting period in the 2006-2007 year was allocated to video links with regional hospitals and correctional centres. This practice is cost effective and eliminates additional stress for mentally ill patients and defendants. Patients and defendants retain their right to legal representation, with legal representatives commonly appearing in the court in Brisbane.

Court examination orders are an important function of the Mental Health Court in its deliberations on a reference or appeal from the Mental Health Review Tribunal. These orders are generally made on the recommendation of an assisting psychiatrist to the court. In the year 2006-2007, 164 of these orders were made.

## Mental Health Court

2006-2007	Number of cases			Clearance
	Lodged	Finalised	Active**	% Rate
<b>References</b>				
Director of mental health		123	126	
Director of public prosecutions		2	1	
Defendants or legal representatives		120	98	
Court of Law		2	2	
Attorney-General		4	0	
Total references	253	251	227	99.2%
<b>Appeals</b>				
Director of mental health		3	0	
Attorney-General		7	5	
Patients or legal representatives		31	9	
Total appeals	54	41	14	75.9%
<b>Applications to enquire into detention</b>				
Patients		1	1	
Total patients	2	1	1	50.0%
<b>Total</b>	<b>309</b>	<b>293</b>	<b>242</b>	<b>94.8%</b>

\*\* Includes seven adjourned and one reserved decision.



## Mental Health Court

2006-2007 Outcome of cases heard	Number
<b>Decisions on references</b>	
Decisions	
· of unsound mind (forensic order)	96
· of unsound mind (no forensic order)	34
· not of unsound mind and fit for trial	58
· not of unsound mind and fit for trial – custody order made	7
· not of unsound mind, not of diminished responsibility and fit for trial	2
· not of unsound mind and unfit for trial (unfitness not permanent)	10
· not of unsound mind and unfit for trial (unfitness permanent and forensic order made)	1
· not of unsound mind and unfit for trial (unfitness permanent and no forensic order made)	4
· reasonable doubt and fit for trial	30
· reasonable doubt and fit for trial - custody order made	4
· reasonable doubt and unfit for trial (unfitness not permanent)	5
· reasonable doubt and unfit for trial (unfitness permanent and forensic order made)	1
· reasonable doubt and unfit for trial (unfitness permanent and no forensic order made)	4
· reasonable doubt and unfit for trial (unfitness permanent and no forensic order made) – non contact order made	1
Struck Out	2
Withdrawn	27
*Total decisions on references	286
<b>Decisions on appeals</b>	
Withdrawn	10
Dismissed	23
Upheld	7
Reserved	1
Total decisions on appeals	41
<b>Decisions on applications to inquire into detention</b>	
Refused	1
Total decisions on applications to inquire into detention	1
<b>Total decisions</b>	<b>328</b>

\* Includes 26 matters where two decisions were made and four matters where three decisions were made.

## Land Appeal Court

The Land Appeal Court hears appeals from decisions of the Land Court and 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*, matters referred to in Part 5 of the *Foreign Ownership of Land Register Act 1988*, and 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 White has this year been the judge appointed for the southern district. The central, northern and far northern judges hold appointments for the Land Appeal Court in their respective districts.

In May 2007, an appeal from the Land Court was heard in the Banco Court in Brisbane. The appeal was conducted electronically. This was the first such appeal and saved the parties and the court significant time and resources.

The court technology group in association with the Supreme and District Courts information technology section supplied the technology.



The first electronic appeal was successfully held in the Land Appeal Court in May 2007.



### Appeals to the Land Appeal Court

	2004-05	2005-06	2006-07
<b>Number of appeals lodged</b>			
Far northern	0	0	0
Northern	0	1	0
Central	2	1	0
Southern	3	16	12
<b>Nature of appeals</b>			
Compensation (Acquisition of Land Act)	2	4	1
Valuation (Valuation of Land Act)	1	10	10
Costs (Acquisition of Land Act)	0	0	0
Water Act 2000	1	0	0
Costs (Water Act 2000)	0	0	0
Application for rehearing (Acquisition of Land Act)		1	0
Land Tax			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. A lay panel and a practitioner panel have been established to help the tribunal. 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 disciplinary applications brought by the Legal Services Commissioner.

If the parties agree to a directions order, they no longer have to appear before the tribunal. The registrar may make the order if the parties consent in writing. This has time and cost-saving benefits to the parties and the tribunal.

### Legal Practice Tribunal

2006–2007	Legal Practice Tribunal			Clearance	Backlog indicator from filing date	
	Lodged	Finalised	Active	Rate	%>12 mths	%>24 mths
Brisbane	23	18	21	78.3%	9.5%	0.0%





Administrative support



## Office of the Principal Registrar and Administrator

The Office of the Principal Registrar and Administrator co-ordinates registry and administrative services.

Mr Paul Marschke acted in the role of Principal Registrar and Administrator from July 2006 until early February 2007. During this period, the role was reviewed in conjunction with senior members of the judiciary and its function, focus, responsibilities and terms of employment were substantially altered. The most significant change in responsibilities involved the integration of the State Reporting Bureau with the Supreme and District Courts.

In February 2007, Ms Robyn Hill was appointed to the role for a period of three years. Ms Hill was admitted as a barrister in 1993 and has significant executive administration experience in the justice administration arena. This appointment came at a time of increasing change in the Supreme and District Court as part of an ongoing process to improve the service provided to the public and the profession.

The Office of the Principal Registrar and Administrator is supported by general executive and administrative staff, the Office of the Sheriff and Marshall (including bailiffs) and registry staff across the state.



Supreme and District Courts senior management group (l-r) Stephanie Attard, Acting Director, State Reporting Bureau and Court Corporate Services; Amanda O'Brien, Acting Director, Information Management; Robyn Hill, Director of Courts; Andrew Kennedy, Senior Registrar; and Julie Steel, Deputy Director of Courts.

As part of her desire to create service improvement opportunities within the Supreme and District Court, Ms Hill has actively sought engagement with the legal profession since her appointment. She will continue to consult with the profession in relation to registry and administrative changes.

Ms Hill acknowledges the hard work and effort of all registry and administrative staff, and the extraordinary support and assistance she has received since her appointment from the judiciary, senior officials of the Department of Justice and Attorney-General, the registry and administrative staff.

### Business priorities

In late February 2007, the Chief Justice endorsed a list of business priorities for registry and administrative staff to focus on for the remainder of the financial year and leading into the first part of the next financial year.

The priorities included:

- the establishment of a team structure within the Brisbane registry to better support and develop staff and establish natural workflows. The structure allows a team of people to manage files from commencement to closure;
- continued work to improve information management and communications (including the development of a new website and other communications initiatives) within the court;

- continued work to improve staff learning and development, particularly the development of a performance culture within the courts; and
- continued technology improvements in the court including the capacity to manage electronic trials.

Benefits which should be drawn from these changes include:

- improved service delivery to the judiciary and the legal profession;
- vastly improved support for court staff and the opportunity for staff to develop greater understanding and expertise in the work they do, and knowledge of how their work impacts on others;
- more effective use of court resources;
- improved organisational capability and maturity;
- improved expertise in organisational planning and performance management; and
- improved reporting capacity including statistical reporting and organisational reporting.

Significant effort has been undertaken to progress each of these priorities. It is expected that the registry restructure should be completed and associated workflow changes implemented by the end of the 2007. These priorities were aligned with the work of the court's Continuous Process Improvement Program to ensure that court resources were commonly directed to achieve court objectives.



## Continuous Process Improvement Program (CPIP)

In June 2005, the Supreme Court registry initiated a comprehensive program to review its operations. The program, known as CPIP, is the first major change process focussed on business improvement undertaken by the court.

In August 2006, the program was expanded to include Magistrates Court operations and this will allow the alignment of operations and processes across all Queensland courts.

CPIP is part of the court's commitment to improving service delivery with an organisational culture of performance, management accountability, client service excellence, staff capability and capacity for change.

Many key initiatives have been progressed including:

- commencement of the reorganisation of the Brisbane registry including workshops, mentoring, training, change management, planning and project management;
- implementation of process re-engineering recommendations;
- commencement of the development of a strategy and practice notes for electronic litigation;

- completion of a review of written communications and statistical reports currently produced by the registry. Recommendations for improvement are now being implemented;
- implementation of improvements to the Civil Information Management System (CIMS) to better support current registry practice and integration of other information management satellite systems; and
- implementation of extensive learning and development opportunities for court staff, including programs on leadership, decision-making, client service, managing change and operational business skills.

In 2007-2008, CPIP will evolve into the first phase of the development of an integrated Queensland Courts case management system. This will be a single case management system to be used across all Queensland courts. The initial focus of this project will be to intensively review and align business processes.

## Learning and development

There has been an increased investment in capability development opportunities for court staff as part of a commitment to continual improvement over the past year.

In 2006-2007, 638 places were provided on various programs including:

- Queensland Courts Induction;
- Courts Leadership and Development;
- Operational Business Skills Program;
- systems training for the Queensland Wide Interlinked Courts (QWIC) database;
- PartnerOne Shared Service Provider programs;
- Judges Associates Induction Program;
- Change Management Program;
- Organisational Development Program;
- Service Focus Program;
- Legal Research Skills Program; and
- externally delivered management training program.

An online learning capability has been developed using the Evolve Learning platform. This allows staff to access orientation, induction and business systems training regardless of their physical location in Queensland.

An Effective Decision Making Program has commenced to enhance the skills of managers and deputy registrars.

These programs aim to develop the skills of court staff and to further enhance the quality of service that is delivered to the community

The Queensland Courts Learning and Development Committee, with representatives from the judiciary, magistracy and the department, has been established. This committee enables improved learning and career development opportunities and acts as an ongoing forum for raising and developing initiatives to promote a sustainable learning culture in the registry.

## Civil registry

In December 2006, a number of initiatives were implemented to provide a more efficient service within the registry and reduce queue times and attendance in other court locations.

## Counter relations

Client relations staff assess documents for filing and set dates for applications, cost assessments and other court appointments. These staff also assess fees payable and provide procedural information.

These officers now receipt fees for initiating proceedings instead of sending the client to a cashier once documents have been assessed. This minimises waiting time.

Two wireless computers terminals, each with a printer, are available for searches and to view document lists on court files.



### Information kiosk

An information kiosk has been established and operates between 9am and 12pm daily. A client relations officer is allocated to the kiosk, located outside the counter's secure area, and is the first contact point for enquiries and witnessing documents. The officer directs clients to courtrooms within the complex and to other courts, and assists clients generally. The officer also witnesses documents for clients, can accept those documents which do not require fees to be paid and answers telephone enquiries.

### Search and copy counter

The search and copy counter allows clients to search and obtain copies of court documents without attending at the main registry counter. The counter is staffed by one officer between 9am and 4pm daily, with assistance during peak periods.

### Transcript enquiry counter

The transcript enquiry counter for the State Reporting Bureau, previously located on the 4th floor of the Supreme Court, is scheduled to relocate to the Supreme Court registry counter. All enquiries and the collection of transcripts will be managed at this counter from 1 July 2007.

This initiative provides clients with a faster, more efficient service without the need to attend elsewhere in the building.

### Filing by post

This service enables practitioners and self-represented litigants to file documents without attending the registry. This provides an improved service for regionally and suburban clients.

The postal dealing fee for documents filed by post was also phased out on 27 November 2006.

### Listings directorate

The listings directorate is responsible for the scheduling arrangements of trials, hearings and reviews before the Supreme Court.

It is the role of relevant list managers within the directorate to administratively manage the criminal, civil, applications, commercial and supervised case lists. The list manager should be the first point of contact and practitioners are actively encouraged to use email to facilitate such contact.

The Supreme Court criminal list manager has been given the administrative power to allocate review and sentence dates.

## Client survey

The Supreme and District Courts registry undertook the second annual client satisfaction survey of the Brisbane civil registry regarding changes made to registry counter services and the introduction of the information kiosk.

The survey sought feedback about the quality of service delivery, level of business performance, the responsiveness to requests, timeliness and communication of decisions, accessibility of service and facilities, appropriateness of the way services are delivered, and the efficiency of providing merged counter services.

There were 143 responses received from court users. Feedback from the survey showed there is a high level of satisfaction with court staff services at the registry counter.

## eSearching

The courts maintain an online search tool that allows users to search for civil matters in all CIMS enabled registries – Brisbane, Beenleigh, Cairns, Hervey Bay, Mackay, Maroochydore, Rockhampton, Southport and Townsville.

This service known as eSearch is available at <[www.courts.qld.gov.au](http://www.courts.qld.gov.au)>.

During the last financial year, the eSearch service was enhanced to return more information on civil files. Members of the public can now view party and representative names, and a list of past and future events for the file.

In the 2006–2007 financial year, more than 580,000 searches were conducted. This is a significant increase on last year and there are now more than 1,580 searches conducted every day.

## 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 active accounts was \$10,359,051.40 as at 30 June 2007. There was one investment account with a balance of \$302,168.52 on 30 June 2007. This amount was transferred to an investment account by a consent order filed by the parties on 26 April 2007.



Registrars of the Supreme and District Courts (l-r) Robyn Hill, Alex Hams, Neville Greig, Jo Stonebridge, Andrew Kennedy, Lisa Ingram, Leanne McDonell, Julie Steel, Tracy Dutton, Peta Stilgoe, Ian Mitchell, Maria Samios, Micheal Reeves and Ian Enright.





## Sheriff's office

The sheriff's office is responsible for managing the functions of the criminal registry within the Supreme Court. The office is split into three sections within the Brisbane Law Courts Complex. These are the sheriff's office, the criminal registry and the bailiff's office.

These offices each have particular areas of responsibility, including:

- the preparation and forwarding of notices to prospective jurors for all courts in Queensland;
- management of jurors for the Brisbane courts;
- payment of witnesses;
- registering indictments presented to the courts in Brisbane and managing those files through to finalisation of the charges using the Queensland Wide Interlinked Courts (QWIC) database;
- assignment of bailiffs to the Brisbane courts;
- enforcement of civil warrants and warrants issued in Admiralty; and
- safe custody of prisoners to the extent required by the *Corrective Services Act 2006*.

During the 2006-2007 financial year, the sheriff's office issued almost 212,000 notices (actual figure was 211,975) to prospective jurors throughout Queensland. As a result, 8,457 summonses were issued by the sheriff's office for matters before the Supreme and District Courts in Brisbane.



Information technology



## Information management

The information technology section supporting the Supreme Court was renamed Information Management to reflect the broader scope of services provided. The section includes staff who provide information technology systems and support, legal research staff who maintain the Queensland Sentencing Information Service (QSiS), and a staff member who manages the public communication materials used by the court.

## Information technology

A number of information technology initiatives were funded by the Department of Justice and Attorney-General in the 2006-2007 financial year. These funds have been used to:

- plan, design and implement a cost effective system for producing electronic appeal record books for the Court of Appeal;
- enhance the eSearch service that allows parties to search civil files lodged with the Supreme Court;
- expand the courts Wi-Fi Service to the Maryborough, Hervey Bay and Toowoomba courthouses and additional courtrooms in existing centres. The service now encompasses more than 120 courtrooms in 15 centres throughout the state. The Federal Court plans to introduce a similar service in Brisbane in 2007-2008;
- adopt digital dictation devices to replace analogue equipment used by judges and secretarial staff throughout the state. The new systems are simple, efficient and allow regional judges to have their dictation transcribed in Brisbane, with draft documents returned via email;
- install personal computers on the bench of all criminal courtrooms used by Supreme Court judges and at the associates' desks. This allows judges to access resources such as on-line legislation and QSiS while sitting. Electronic record books produced by the Court of Appeal registry can now be used by judges sitting in that jurisdiction while in court;
- configure the Banco Court to support electronic evidence management in an appeal heard by the Land Court;
- replace more than 70 personal computers. Many multi function devices (printer, copier, fax and scanner) were also installed throughout the state, to provide enhanced printing capacity for the court; and
- expand the Civil Information Management System (CiMS) to Mackay and Beenleigh courthouses.

## The Queensland Sentencing Information Service

The Queensland Sentencing Information Service (QIS) was developed in 2005-2006 in partnership with the Judicial Commission of New South Wales. The service provides a comprehensive collection of information relevant to sentencing and assists decision makers, on and before the bench, when considering sentence. QIS was formally launched by the Chief Justice and the Attorney-General on 27 March 2007.

The majority of the QIS resources are dedicated to the addition and enhancement of legal content. QIS staff have also worked actively with the Judicial Commission of New South Wales to enhance the functionality of QIS and engaged with the user base to:

- enhance and modify the QIS systems and interface;
- formulate a policy for extending access to QIS, providing free access for practitioners in the area of criminal law;
- provide one-on-one training to the many judicial officers in Brisbane and the regions;
- provide group training to staff from Legal Aid Queensland and the Office of the Director of Public Prosecutions in Brisbane and regional Queensland; and
- establish access for the Queensland Police Service and provide training for police prosecutors.

## Communications

The 2005-2006 annual report identified that the Queensland courts needed to adopt more consistent and effective communication strategies. A temporary communications officer position was established in December 2006 with a focus on consolidating and improving the content of the courts internet site.

## Courtroom technology

The Department of Justice and Attorney-General has established the Court Technology Group to provide strategic leadership and operational support for courtroom based technologies such as audio and visual playback and the digital recording of proceedings. The information management branch will work closely with the court technology group during the 2007-2008 year to improve the technology installed in Supreme Court courtrooms.





Related organisations



## State Reporting Bureau

The State Reporting Bureau provides recording and transcription services for the Supreme, District and Magistrates Courts, Industrial Court and the 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. Reporting services are also provided for the Supreme Court in Cairns, Townsville and Rockhampton and the circuit centres of Mount Isa, Bundaberg, Longreach, Maryborough, Toowoomba and Roma.

In the 2006-2007 financial year, the bureau, in conjunction with the courts technology group, implemented a state-of-the-art digital recording system. The system uses computer technology instead of analogue/magnetic tape to record proceedings in 263 courtrooms in 111 courthouses. This cutting-edge technology is computer based and provides a significant improvement in the quality of the recording. It also allows one person to record proceedings simultaneously in multiple locations (in suitable cases) and allows greater flexibility in providing services across the state. It also allows for the safe and secure storage of recordings electronically and reduces the risk of deterioration presented by 'hard' format recordings.

The introduction of digital technology allows the bureau to digitally record and view proceedings from places such as Maroochydore and Maryborough and transcribe it from any one of the State Reporting Bureau's offices. Judges considering a decision several weeks after a hearing will be able to read transcripts on their computer screens, print out a hard copy or listen to oral evidence with the push of a button on their computer.

The bureau is also encouraging the ordering and provision of transcripts via email. It is anticipated this will improve access to justice, particularly for residents in remote or rural areas, and provide convenience for parties.

The provision of accurate and timely recording and transcription services is critical to ensure the courts' capacity to work efficiently and administer justice.

# Supreme Court Library

## Overview

Through a variety of services and programs, the library performs a dual role of providing a gateway to legal information for Queensland, and serving as a repository of Queensland's legal history. The achievements of the library in 2006-2007, outlined below, are directly attributable to the support of its key stakeholders. These stakeholders are each represented on the Supreme Court Library Committee which comprises members of the judiciary and the legal profession, including nominees of the Queensland Law Society and the Bar Association of Queensland, and the nominee of the Attorney-General and Minister for Justice. Through this collaborative structure, the library's users directly determine collection and service development, and resource allocation.

## SCQL Online

SCL has selectively adopted and adapted technology, over many years, to enhance the way it connects its users with information. Most recently, the library exploited internet solutions and negotiated flexible access arrangements with legal publishers to deliver a series of online information gateways for varied user groups. In 2006-2007, 1.5 million information requests were served via these gateways which include courts/library website, Judicial Virtual Library, online catalogue (INNOPAC), and intranets accessible from public PCs in Brisbane, Townsville, Cairns and Rockhampton.

The joint courts/library website, designed and administered by the library for nearly a decade, accounts for 1,246,109 of the total, an increase of 12% over the preceding year. The most popular services are full-text judgments (18,408 full text judgments are available), the emailed daily lawlist (2,620 subscribers to date), UCPR bulletin, legislation and forms.

In 2007-2008, this model is being changed and the court will have a dual online presence. The library will focus on the provision of legal information services, including judgments, through a new site at [www.sclqld.org.au](http://www.sclqld.org.au). The existing site at [www.courts.qld.gov.au](http://www.courts.qld.gov.au) will focus on court business.

The creation of the new library website (SCQL Online) has been a major project for 2006-2007, and will continue to be a central activity in 2008. The scope of this project is not limited to a simple redesign of the current website. It will consolidate current services and establish the necessary infrastructure to create a wholly online legal library for Queensland.

The website will bring together free legal resources and facilitate secure access to web-based subscription services for registered users. It will be a centralised legal information interface, available at all times, from any location. In addition to improving individual access to legal information, state-wide savings may be realised by the elimination of duplicate services and resources across Queensland law libraries.



## Information services and collections

This year information desk staff answered more than 11,495 enquiries, dispatched 1,311 document delivery requests, undertook 91 research projects, and provided assistance, as required, to 45,278 users who visited the Brisbane library. These figures constitute the highest level of activity in each of these areas in the preceding four years.

Flexible dispatch options for document delivery requests, particularly the introduction of email delivery, continue to be popular with practitioners seeking quick and cost-effective access to the library collection. A gradual decline in document delivery requests is anticipated as legal information becomes more freely available online. However, the library is receiving an increasing number of enquiries from clients needing assistance to locate and access this free online information.

The library also introduced the option of email delivery for its judicial current awareness service (formerly print only). The service circularised 3,140 items (15,153 pages) this year on subjects as diverse as law, politics, history, philosophy, science and technology. The service highlights emerging issues across a spectrum of disciplines and participants in a recent survey awarded it a rating of four and a half out of five for usefulness and interest.

The library information desk also delivered a series of customised training programs for various user groups this year including:

- one-on-one sessions for new judges to familiarise them with available library resources;
- annual induction seminar and online resource training for judges' associates;
- legal research program for court registry staff;
- 'Introduction to Supreme Court Library' session for new law firm clerks; and
- legal research seminars for school students.

In addition to these services, a library priority has been to expand online tools and resources and enable users to effectively access research material from their desktops. This encompasses the migration of the current collection to online versions, the enhancement of the collection with new titles relevant to legal practitioners, and the negotiation of broad access licence agreements with legal publishers.

In 2006-2007, the library purchased several major databases with full remote access for all Queensland judges and legal practitioners. *Making of modern law* and *eighteenth century collections - law online* are fully searchable web-based databases of more than 25,000 English and American legal titles published in the 18th, 19th and early 20th century. *Hein online* provides legal material from the United States including journals, judgments and textbooks.

The SCQL Online project will deliver a virtual library, where users can log-in and access these resources from any internet enabled PC. This will particularly benefit users outside of Brisbane. Internet kiosks have been provided in Townsville, Cairns and Rockhampton courthouse libraries to ensure broad access. In addition, the library invested 38% of its total subscriptions budget in regional development this year.

### Scholarly publishing

In conjunction with its historical programs, the library undertakes a growing schedule of research and publication projects each year. The purpose is to make available to the wider and legal communities historical information pertaining to the court and the law in Queensland which is not accessible elsewhere.

Major works launched this year included *Justice according to law: a festschrift for the Hon Mr Justice BH McPherson CBE* and *Reception of English law abroad* by the Hon BH McPherson CBE. In addition, the library published its second oral history volume entitled *Lore and the law* by Mr John O'Keeffe and a unique book on *Curious connections: master musicians and the law* by the Hon JB Thomas AM QC. In response to demand from the legal profession, the library expanded the program to encompass legal texts with the publication of *Special leave to appeal*, 2<sup>nd</sup> edition, by David O'Brien in 2006-2007, and several further texts are scheduled for 2007-2008.

The second volume of the *Supreme Court history program yearbook* was also published. The book is a valuable reference tool which documents legal appointments, retirements, obituaries and admissions of the past year. It also reviews significant cases and legislation and includes scholarly articles on legal and historical topics.

Finally, *Giving youth a voice: history of the youth advocacy centre*, one of several works commissioned by external organisations in recent years, was researched and published to coincide with the 25th anniversary of the Youth Advocacy Centre. The book, and accompanying exhibition, was launched on 13 October 2006 by Her Excellency Ms Quentin Bryce AC, Governor of Queensland.



## Legal heritage programs

The most significant legal heritage project to date was initiated in the preceding year with the amendment of the *Supreme Court Library Act 1968*. This enables the library to accept donations of historical, confidential legal documents. The first of these donations, formally presented at a ceremony on 30 August 2006, was the Feez Ruthning collection of Opinion Books donated by Allens Arthur Robinson (AAR). This collection of 30 opinion books (encompassing 1,544 legal opinions over 13,000 pages) dates from 1874 and provides insights into the economic, legal, political and social history of Queensland. The library also secured funding to purchase a large format preservation scanner, the only one of its kind in Queensland, to digitise these records and this process will continue into 2008. Since the AAR donation, the library has also received important historical records from the Queensland Society of Notaries and the Bar Association of Queensland.

The collection continued to be expanded in 2006-2007 through generous donations by individuals from the judiciary, legal profession and wider community. This followed the donation of unique and valuable medals and regalia by the family of the late the Rt Hon Sir Harry Gibbs GCMG AC KBE in the previous year. These included the Gibbs armorial banner, bearing the family crest, which previously hung in St Paul's Cathedral in London. The banner now hangs in the ceremonial Banco Court alongside a portrait of Sir Harry, and the medals are permanently displayed to the public in the adjacent Rare Books Precinct. The library also received a further 80 significant additions to the legal heritage collection in 2006-2007.

A number of projects which aim to collect, preserve and disseminate Queensland's legal heritage through the Supreme Court History Program (SCHP) also continued.

In 2006-2007, three prominent legal personalities recorded oral history interviews or memoirs for the program and the growing collection of these works now totals 27 interviews and 11 memoirs. The librarian was also invited to present a paper titled *The role of oral history in recording and preserving Queensland's legal heritage* at the XIVth International Oral History Conference in Sydney on 12 to 16 July 2006.

The program was also active in Townsville, Cairns and Rockhampton with touring exhibitions and accompanying lectures. A key event was held at the Townsville Courthouse on 10 November 2006 and included:

- an address by the Hon Bill Carter QC, including reminiscences about his practice in north Queensland;
- the donation by the Hon Bill Carter QC of a painting of the former Townsville Courthouse; and
- the launch of the North Queensland Legal History Database (1861-1964) compiled by Dr Dorothy Gibson-Wilde under the commission of the library.

## Community outreach and exhibitions

The highlight of community and exhibition activities this year was *Shakespeare and the law*, a series of events hosted to coincide with the VIII World Shakespeare Congress, 17–21 July 2006. The program was officially launched by the Chief Justice on 17 July 2006 and included:

- a scholarly exhibition entitled *Shakespeare and the law: obligation, vengeance and the abuse of power* featuring Australia's only copy of Shakespeare's 1623 first folio: *Comedies histories and tragedies* (on loan from the State Library of New South Wales);
- a mock trial based on King Lear, with eminent jurists Sir Gerard Brennan AC KBE, Justice Keane and Justice O'Reilly presiding;
- hosted performances by the Queensland Shakespeare Ensemble; and
- guided tours for international congress delegates, school and community groups, and other visitors.

The events were widely promoted in print and on radio, and attracted more than 3,700 visitors from 17 July–11 August 2006.

In addition to displays such as *At home with the law: six colonial judges and their homes 1859–1901* held in the Rare Books Precinct in the Brisbane Courts, SCL also toured a number of exhibitions to the Townsville, Cairns and Rockhampton courthouses. These included *Shakespeare and the law*, *Women and the law in Queensland* and *The Queensland criminal code: from Italy to Zanzibar*.

The *Queensland Criminal Code*, originally curated in 2002, has proved to be of enduring interest. The library has received requests to re-exhibit the material to coincide with the 20<sup>th</sup> International Conference of the International Society for the Reform of Criminal Law in Brisbane. It has also been commissioned to bring the exhibition to the Loganlea TAFE Library for the benefit of justice studies students.

As part of the schools program in 2006–2007, 8,553 students visited the court to take advantage of a variety of activities including legal research seminars, tours of the rare books precinct and historical displays, and talking to a judge. The library also welcomed four work experience students this year, Elizabeth Lavarch and Lucinda Fraser from Brisbane Girls Grammar, and Emily Harle and Tegwen Hunter from Sheldon College.



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