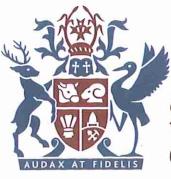


Supreme Court of Queensland

Annual Report 2012-13

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SUPREME COURT OF QUEENSLAND

CHAMBERS OF THE CHIEF JUSTICE

31 October 2013

Queen Elizabeth II Courts of Law
415 George Street
Brisbane QLD 4000
PO Box 15167
City East QLD 4002
PH 61 7 3247 4279
FX 61 7 3247 4206
www.courts.qld.gov.au

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

Dear Mr Attorney

I enclose my report, under s 19(1) of the *Supreme Court of Queensland Act* 1991, on the operation of the Supreme Court for the year ended 30 June 2013.

Yours sincerely,

The Hon P de Jersey AC
Chief Justice

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Chief Justice's Overview 2012-2013

Performance

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

Disposition of caseload

Trial division

Criminal

On the criminal side, there were 839 lodgements. The trial division ended the year with 345 outstanding cases, having disposed of 993 matters (a 118.4% clearance rate). Of the outstanding cases, 26.4% were more than 12 months old (from date of presentation of indictment), and 10.1% more than 24 months old. Some cases take this long due to appeals and rehearings.

Civil

On the civil side, there were 3516 lodgements. The trial division ended the year with 3054 outstanding matters, having disposed of 3960 matters (a 112.6% clearance rate). Of the outstanding matters, 29.6% were more than 12 months old, and 10.1% more than 24 months old.

Court of Appeal division

The Court of Appeal division disposed of 349 criminal appeals this year (407 last year), representing a clearance rate of 92.82%. As of 30 June, 208 criminal appeals awaited disposition (180 last year).

The Court of Appeal also disposed of 283 civil appeals (266 last year), with a clearance rate of 99.65%, leaving 114 outstanding at the end of the year (105 last year).

Overall

Both divisions of the court performed satisfactorily.

Rules Committee

The Rules Committee met regularly throughout the year. It comprises: Chief Justice, Justice Muir (Chair), Justice Douglas, Justice Dalton, Judge Robin QC, Judge McGill SC, Magistrate Springer and the Executive Director, Supreme District and Land Courts Service.

Civil Proceedings Act

On 1 September 2012, shortly after the opening of the Queen Elizabeth II Courts of Law, the statutory infrastructure supporting the Supreme Court was updated in significant respects by the commencement of the provisions of the *Civil Proceedings Act 2011* (Qld) affecting it. It was substantially the work of the Rules Committee which generated this legislation.

The legislation repealed the *Supreme Court Act* 1995 (Qld), which contained an array of provisions about court powers and procedures, the judicature system, and some aspects of substantive law, as well as provisions about the structure of the court, the registry and court officers. Many of those provisions dated from the 19th and early 20th centuries.

The *Civil Proceedings Act* rationalised and modernised the legislation dealing with civil procedure in the Supreme Court, the District Court and the Magistrates Court. It also updated some substantive laws contained in the 1995 Act. Where appropriate, it made parallel changes to legislation affecting the District Court and the Magistrates Court. The few provisions in the 1995 Act which dealt with criminal procedure were relocated to the *Criminal Code*. Provisions in the 1995 Act dealing with the structure of the Supreme Court and its officers were relocated to the *Supreme Court of Queensland Act* 1991 (Qld), and the provisions of the 1991 Act were renumbered into a more logical sequence.

The 1991 Act as amended by the *Civil Proceedings Act* provides for four “regions” of the Supreme Court, corresponding with the former Southern, Central, Northern and Far Northern Districts, and for “districts”, being other centres where the court ordinarily sits.

The Supreme Court now has a single registry for the whole State, with regional offices (each a “regional registry”) in Brisbane, Rockhampton, Townsville and Cairns, and a district office (“district registry”) in each “district”. The whole registry is under the control of the principal registrar.

The legislation provides for the appointment of a Sheriff of Queensland, as well as deputy sheriffs and bailiffs. This has brought the former Central, Northern and Far Northern Sheriffs under the control of the Sheriff of Queensland.

The Queen Elizabeth II Courts of Law

On Friday 3 August 2012 in the morning, before approximately 350 invited guests, Her Excellency the Governor, Ms Penelope Wensley AC, officially opened the new metropolitan Supreme and District Courthouse at 415 George Street, Brisbane. Her Majesty the Queen graciously agreed to its being named “The Queen Elizabeth II Courts of Law”.

The ceremony began with the ceremonial entry of the official party followed by the Judges of both courts ceremonially attired.

Speeches at the ceremony included, in order, by the Attorney-General, the Honourable Jarrod Bleijie MP, the Chief Justice, the Honourable Paul de Jersey AC, the Premier, the Honourable Campbell Newman MP, and Her Excellency the Governor. The Attorney-General handed the Chief Justice the symbolic key to the building, reflecting the transfer of executive to judicial control of the precinct. Attendees were provided with commemorative booklets generously funded by the developer Lend Lease.

The processional and other music was provided by internationally acclaimed Brisbane strings, the Camerata of St John’s.

Guests included the Master of Rolls and President Designate of the Supreme Court of the United Kingdom, the Right Honourable the Lord David Neuberger PC, the Right Honourable Lady Heather Hallett PC of the Court of Appeal of England and Wales, and the Honourable Mr Justice Geoffrey Ma Tao-li, the Chief Justice of the Court of Final Appeal of Hong Kong. Also in attendance were the Chief Justices of Australia and New Zealand, and all other Australian Chief Justices, members of the Council of Chief Justices of Australia and New Zealand. Church leaders, members of the Consular Corp and service chiefs were present, together with members of the legal profession and Aboriginal elders. Many representatives of the architect, Architectus and Guymer Bailey and the builder, Lend Lease, attended, together with department officers and members of court staff.

The Council of Chief Justices of Australia and New Zealand, with the overseas guests as observers, met in the courthouse on the previous day.

The official opening was followed by morning tea in The Gallery, outside the Banco Court (where portraits of former Chief Justices are hung), with musical entertainment by the Jazz Ensemble of the Australian Army Band. Guided tours preceded a light luncheon served in the Judges' Conference Room on the 16th level.

In the afternoon, members of the public and the profession inspected the building, approximately 500 in number, with music generously provided by the Police Pipes and Drums. The flags flown on the day of the opening were the Queensland flag, the Australian flag, the Aboriginal flag and the Torres Strait Islands flag.

On the following day, Saturday 4 August 2012, the Supreme Court Opening Seminar was held in the Banco Court. The event was fully subscribed, with approximately 250 persons attending. Speakers were the Honourable Robert French AC, Chief Justice of the High Court of Australia, The Right Honourable the Lord Neuberger, the Right Honourable Dame Sian Elias GNZM, Chief Justice of New Zealand, the Honourable Mr Justice Geoffrey Ma Tao-li, Chief Justice of the Court of Final Appeal of Hong Kong and the Right Honourable Lady Justice Hallett DBE, and commentary was provided by Professor Gerard Carney, Dean of Law, University of Queensland, the Honourable Justice Susan Kiefel AC of the High Court of Australia, the Honourable Patrick Keane, Chief Justice of the Federal Court of Australia, the Honourable Marilyn Warren AC, Chief Justice of Victoria and the Honourable Wayne Martin AC, Chief Justice of Western Australia. In the evening, seminar participants joined at a dinner at Old Government House, which marked the end of the celebratory events associated with the opening of the courthouse.

Appended to this overview are copies of the addresses delivered at the opening ceremony by the Governor, the Premier, the Attorney-General and the Chief Justice.

At the traditional exchange of Christmas greetings ceremonial sitting on 12 December 2012, I launched John McKenna's book *Supreme Court of Queensland: A Concise History* (University of Queensland Press, 2012). That includes material relating to the establishment of the Queen Elizabeth II Courts of Law. Also, Justice Martin edited a compilation of material relating to the opening ceremony and the following seminar entitled "A new courthouse – proceedings of the official opening of the Queen

Elizabeth II Courts of Law and the Supreme Court Seminar”, published by the Supreme Court of Queensland Library in 2012.

Chief Justice’s calendar

Apart from the time allotted to the fulfilment of administrative and official responsibilities, I sat in the various jurisdictions of the court both in and out of Brisbane: Court of Appeal (11 weeks), the Criminal Court (7 weeks), Civil sittings (6 weeks), Applications (4 weeks), and a week in each of Cairns, Toowoomba and Townsville.

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

I attended various regional functions in the course of the year throughout the State.

On 22 November 2012 in The Gallery at the Queen Elizabeth II Courts of Law the Medico-Legal Society of Queensland celebrated its 60th anniversary with a reception attended by approximately 100 people. The occasion was particularly distinctive for the installation of a Steinway grand piano (provided at the expense of the members), on which a musical recital was performed by Ms Ayesha Gough.

International aspects

On 6 August 2012, the Chief Justice of Papua New Guinea, the Hon Sir Salamo Inja Kt and I signed, in Brisbane, a Memorandum of Understanding on Judicial Cooperation between the Supreme and National Courts of Papua New Guinea, and the Supreme Court of Queensland.

Judicial appointments

On 23 August 2012, Justice Byrne was reappointed as Senior Judge Administrator for a further term of five years.

Mr David J S Jackson QC was appointed a Judge of the Supreme Court, to sit in the Trial Division, on and from 8 October 2012.

Judicial retirements

Justice White retired as a Judge of Appeal and as a Judge of the Supreme Court as of and from 4 June 2013.

Recognition

In the Australia Day Honours List, Justice White was appointed an Officer of the Order of Australia, “for distinguished service to the judiciary and to the law, particularly in Queensland, as a leading contributor to legal education and reform, and to professional development and training”, and Justice Martin was appointed a Member of the Order, “for significant service to the law, particularly through contributions to the Australian Bar Association, and to the community of Queensland”.

In the Queen’s Birthday Honours List, Justice Byrne was appointed an Officer of the Order of Australia, for services “to the judiciary and to the law, particularly in

Queensland, as a leading contributor to legal education and reform, and to professional development and training”.

Acknowledgement

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

Address

Presented by

Attorney-General and Minister for Justice

The Honourable Jarrod Bleijie MP

At the

Official opening of

Queen Elizabeth II Courts of Law

9.30am for 10am start

Friday 3 August

Great Hall

Queen Elizabeth II Courts of Law

415 George Street Brisbane

Acknowledgements

- Your Excellency the Governor
- The Honourable the Premier
- The Honourable the Chief Justice
- The Honourable the Treasurer
- Madam Speaker
- Shadow Attorney-General
- Chief Justices and serving Judges of Australian and overseas jurisdictions
- The Chief Judge
- Judges of the Supreme Court and District Court and Chief Magistrate
- The Master of the Rolls
- Representatives of the Australian armed forces
- Church leaders
- Directors-General
- Ladies and gentlemen.

William Murray, the first Lord Mansfield famously said that:

"True liberty can exist only when justice is equally administered to all".

Basal to the equal administration of the law is a stable and independent superior court of law, and such other inferior courts which allow for the administration of justice.

I am pleased in this, the one hundred and fifty-first year since the establishment of the Supreme Court of Queensland as the superior court of record for this jurisdiction, the Supreme Court and the District Courts of Queensland now have a modern and spacious principal seat to equally administer justice to all.

In its hundred and fifty-one year history, the Supreme Court of Queensland has seen many developments –

The separation of the Court from the Supreme Court of New South Wales;

The establishment of the High Court of Australia as the 'Federal Supreme Court' under the Commonwealth Constitution;

The disappearance of the Judicial Committee of the Privy Council as the final appellate tribunal of the Empire,

And the emergence of the High Court of Australia as the ultimate judicial tribunal of the land.

The Supreme Court has also seen the District Court come, go, and then come again.

Whilst I am a traditionalist at heart, The Queen Elizabeth II Courts of Law is an architecturally impressive modern building.

Parliaments come and parliaments go; and, executive governments come and go;

But the stability afforded by a secure, and independent judiciary – that never strains to hear the sound of public sentiment – is fundamental to justice equally administered to all.

It is only fitting we name this landmark building after a monarch whose devotion to public life throughout the Commonwealth is something to be admired.

The court system, like the monarchy, has played an integral role in shaping Queensland over the past 150 years

In this the Diamond Jubilee year, it is a wonderful tribute for the people of Queensland to name the principal seat of the superior courts in Her Majesty's honour.

Not only must Justice be done; it must also be seen to be done.

The use of glass in the new building assures the people of Queensland that their superior courts are open and transparent, figuratively and literally.

One of man's great contributions to the world has been the development and stability of the common law.

And the stability associated with an independent and strong judicial system.

Today, we don't just recognise the opening of another government building.

Today, we recognise and pay tribute to the development of the legacy of those who have come before us in championing the rule of law.

The Queen Elizabeth II Courts of Law will result in improved delivery of justice services to Queenslanders and provide enhanced facilities for victims of crime, witnesses, jurors, lawyers, the judiciary and members of the public.

Located throughout its 19 floors are 39 courtrooms including a large ceremonial court, Court of Appeal, 23 criminal courts and 14 civil courts.

The Queen Elizabeth II Courts of Law are a triumph and I want to congratulate all those who have been involved in bringing the Chief Justice's vision for this project to reality.

Lend Lease, Architectus and Guymer Bailey, and Project Services all worked closely with the Department of Justice and Attorney-General and the judiciary to deliver this project.

While it may be located in Brisbane, I am sure you will agree with me that this building is a fitting flagship for the justice system in this State and one of which all Queenslanders can be proud.

As first law officer of this great State and on behalf of the Queensland Government, I am very pleased to now present to the Chief Justice the official key to the Queen Elizabeth II Courts of Law.

ENDS



**SUPREME COURT
OF QUEENSLAND**

**Opening of Metropolitan Supreme and District Courthouse,
415 George Street, Brisbane
Friday 3 August 2012**

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

It is my privilege, on behalf of the Queensland judiciary, to accept from you, Mr Attorney, the key to this courthouse. Your passing the key to me symbolizes the passing of the building into independent judicial control. Of course the building remains the property of the State, but it will henceforth rest within the care of the judiciary.

This symbolic act thereby emphasizes the independence of the judiciary from the other branches of State authority, the legislature and the executive.

It is appropriate and customary that we make reference to that fundamental precept on these occasions.

When the former Supreme Courthouse was opened in Brisbane on 2 September 1981, my predecessor, the 13th Chief Justice of Queensland, the Honourable Sir Charles Wanstall, described this ceremony in the following terms:

“King James regarded himself in authoritarian terms as the embodiment of the Divine Right to dictate, but his Chief Justice, Lord Edward Coke, boldly responded to this assertion in words that have become immortal: ‘Sire, you are under God and the law.’ And so commenced the struggle for the independence of the judges that was won in England in 1701, when the Act of Settlement finally established it. Today, the people of Queensland,

the inheritors of that fundamental and priceless constitutional principle, will recognize in this simple ceremony its symbolic restatement as their enduring right.”

And it is a right which, I am pleased to acknowledge, the government of Queensland respects and promotes in the interests of the people.

I am honoured to accept, with gratitude, this fine courthouse, which will enure with magnificence to the benefit of the people of Queensland. It stands as a showpiece of the government of this stable and progressive democracy.

The lustre of what is an inherently memorable occasion is greatly enhanced today by the presence of Her Excellency the Governor, the Honourable the Premier, the Honourable the Attorney-General and other Ministers, the leader of the Opposition and Shadow Attorney-General, Madam Speaker, the Shadow Attorney-General of the Commonwealth, His Lordship the Master of the Rolls and President Designate of the Supreme Court of the United Kingdom, the Chief Justices of Australia and New Zealand, my colleagues of the Council of Chief Justices of Australia and New Zealand, Lady Justice Hallett of the Court of Appeal of England and Wales, the Chief Justice of Hong Kong, Judges of the Supreme and National Courts of Justice of Papua New Guinea, the Chief Judge and her colleagues of the Council of Chief Judges of Australia and New Zealand, my fellow Judges of the Supreme Court and District Court and the Chief Magistrate.

Her Excellency will shortly open what is the most significant new public building in the Brisbane CBD since the Executive Building which was opened on 23 July 1971. Part of that significance rests in the reunion of the two courts: they occupied until 1929 the courthouse at 304 George Street, which was burned down in 1968.

I respectfully congratulate successive governments upon their commitment to the project.

Queenslanders at last have a metropolitan courthouse for their Supreme Court and District Court which appropriately reflects the high significance of the work daily accomplished in these courts. It is a courthouse which will serve, interest and inspire.

It is appropriate, in that State-wide context, that I acknowledge our indigenous fellow citizens whose forebears inhabited these lands prior to European settlement. May mutual respect and support characterize all our citizenry.

It is my great privilege and pleasure now to invite the Honourable the Premier to address us. Mr Premier...

THE HONOURABLE CAMPBELL NEWMAN MP,
PREMIER OF QUEENSLAND:

Well thank you very much, Chief Justice and good morning, ladies and gentlemen.

I start this morning, as I always do, by acknowledging the Turrbal and Jagera peoples. These are their traditional lands. It's vitally important that we always acknowledge their custodianship of these lands over millennia.

Could I acknowledge Her Excellency The Governor; The Attorney-General; my fellow ministers; of course, The Chief Justice; The Chief Judge; all the members of the judiciary; and can I particularly welcome those who have made this pilgrimage from across the seas and throughout the Commonwealth. It is terrific that you have chosen to particularly amplify the importance and historical significance of this day by coming along.

Well, over the last three and a half years we have watched this space, ladies and gentlemen, evolve from a patch of dirt into an impressive structure that has been touted as an Australian first. I am told that in no other State do the Supreme and District Courts share facilities and services, and yet it makes absolutely perfect sense to do so. This means efficiency, it means less time wasting and duplication, and I think it will make for great relationships amongst all the officers of our law courts.

The people of Queensland now have access to a public building that represents the future of judicial operations in this country, and, ladies and gentlemen, I can assure you that my government is working hard to support the operation of the law in this State through a variety of initiatives under the stewardship of the Attorney-General and it's all part of our commitment to get the State on track.

Ladies and gentlemen, this new courthouse with its cutting-edge technology, wonderful, extremely beautiful and inspiring public spaces and its sustainability features will support our legal community every step of the way. We are fortunate to have a legal precinct with a Magistrates Court, the State Law Building, the Commonwealth Law Courts and the Queensland Police Headquarters so close by.

And the construction of this courthouse - as a former Lord Mayor I now speak - has particularly revitalised this part of the city, and I think we'll see more and more companies coming down to this part of the town as well and that's fantastic for Brisbane as a city. So we now have a significant business hub with good transport links, easy access to major arterials and, of course, the parklands are just a stone's throw away.

I must say that I am proud to be leading this state at this period when we're seeing such great growth, such fantastic public buildings. This heightened sense of renewal gives me great confidence, ladies and gentlemen, about the future of this city and this State and where we are going. Here today, opening the doors to this new Courts of Law, is also about the new era for Queensland, and, of course, the city of Brisbane.

Ladies and gentlemen, I'm inspired by this building, and today we must particularly thank the contractors with the skilled men and women who built this structure with their hands through the sweat of their efforts. We must also thank and acknowledge the talented professionals, the architects, the engineers - let us never forget the engineers - the quality surveyors, the designers, the town planners, every professional that made this happen along with the team that built it with their hands. And particularly today the Attorney-General and the Treasurer. Let us not forget the lawyers who worked on the contracts as well.

Ladies and gentlemen, this building perfectly encapsulates our city. It's modern, innovative, sustainable, accessible and welcoming. I now invite the Governor of Queensland, Her Excellency Penelope Wensley, to now address you.

Thank you.

Supreme & Districts Courts Speech

Official Opening of the Metropolitan Supreme and District Courts of Law

Speech by Her Excellency Ms Penelope Wensley AC Governor of Queensland

3rd August 2012

Premier of Queensland, the Honourable Campbell Newman MP,

The Honourable Chief Justice Paul de Jersey AC,

Treasurer and Minister for Trade, the Honourable Tim Nicholls MP,

Attorney-General and Minister for Justice, the Honourable Jarrod Bleijie MP,

Speaker of the Legislative Assembly of Queensland, the Honourable Fiona Simpson MP,

Current and Former Members of the Judiciary of Queensland,

Members of the Council of Chief Justices of Australia and New Zealand and members of other Judiciaries, including Papua New Guinea, Hong Kong and the United Kingdom,

Members of the Queensland judiciary and legal community,

Queensland Police Service Commissioner Bob Atkinson APM,

Leader of the Opposition, Shadow Minister for Justice and Attorney-General, Ms Annastacia Palaszczuk MP,

Members of the Clergy,

Members of the Consular Corps,

Directors-General of the Queensland Public Service,

Design Director, Architectus Brisbane, Dr John Hockings and Lead Builder, Lend Lease, Mr Allan Robertson, and colleagues,

Representatives of the builders, construction engineers and members of the Construction industry who worked on this project,

Distinguished Guests,

Ladies and Gentlemen,

As has become customary at significant ceremonies and important events in Queensland, in support of the goal of national reconciliation, I acknowledge Australia's indigenous peoples, in particular the Jaggera and Turrbul peoples, their elders and descendants, and their enduring links with the lands and waters of this region, and I thank Maroochy Barambah for her stirring 'Welcome to Country'.

I am pleased to join the distinguished group gathered here and those witnessing this event via live streaming, on this red-letter day for the legal community and the broader community of Brisbane and Queensland. And I am pleased also to find myself, as the twenty-fifty Governor of Queensland, following in the footsteps of my predecessor Sir James Ramsay, who officially opened in 1981 what we will very soon be able to call - officially - the 'old' Supreme and District Courthouses. Today's ceremony formally opens the doors of the Courts' fourth home in Brisbane, although in over one hundred and fifty years the court buildings have not strayed far from the site of the Convicts' Barracks in nearby Queen Street, where the Supreme Court first sat. The space allocated to that first court was apparently small, poorly lit and poorly ventilated, and increasingly inadequate as the Colony of Queensland grew. It even failed to maintain the separation of church and state, as on Sundays the courtroom was used by prisoners as a chapel. The contrast between what we know of that first building and this magnificent courthouse could not be more dramatic.

After a preview last week, including a briefing by both the Chief Justice and the lead architect, Professor John Hockings, I was very much taken by the way this building respects the past, looks to the future, responds so emphatically to its symbolic and practical functions, and conjures up, in unexpected ways, the spirit of traditional Queensland architecture. In project management circles, that would be called 'fulfilling your brief' to a remarkably high degree.

The building manages the subtropical climate and light in ways that an old timber and tin 'Queenslander' house might, inviting the light into appropriate spaces, and modifying or blocking it in others. The structure sits cheek-by-jowl with an open green space, and while John Hockings and his team would not thank me for comparing it with a front or back yard, it serves a related purpose, albeit without the washing lines and mango tree. Other references to local building styles include the wooden floors and wall panelling featured in the court complex and even the computer-controlled blinds for sun-shading and glare control, a reminder of the wooden slat blinds that were once common features of verandahs in Queensland, and which served exactly the same purpose.

This building's borrowing of traditional climate control techniques is an acknowledgement of the past as is, in a different sense, the Legal Heritage Museum to be established here. But this complex is set firmly in the twenty-first century, including a plethora of sustainability features, and also boasts built-in flexibility for the future. While, to paraphrase the Chief Justice's words in the commemorative booklet, a court is not a building and this building is not, of itself, the court, the design of a building housing courts of law can wield substantial influence, for good or otherwise, on the dispatch and efficiency of the many functions of the courts. In that respect, there can be little doubt about the positive influence this building will have.

To select but a few examples, its use of space, including public spaces, its close attention to the special requirements of a courthouse for movement into and out of the

courts, and its capacity to enable digital presentation of evidence are all designed to enhance the convenience, dispatch and efficiency of court processes; and its sensitivity to the needs of jurors and to those giving evidence - especially vulnerable witnesses (an issue in which I take a keen interest as Patron of ACT for Kids) - is at the cutting edge of design.

Over time, this building, like its predecessors, will continue to develop additional character of its own, including perhaps the almost obligatory acquisition of a resident ghost or two. In that respect, however, ghosts of a kind are already in attendance. By that I do not mean that we can expect to hear the eerie voices of convicts singing hymns in the new courtrooms on a Sunday. Rather, I mean that, as the courts move into this building, they bring with them a unique history and legacy created not only by legal precedent, but also by the actions, behaviours, decisions, incidents and personalities that, together, have played a part in the development of this jurisdiction's reputation and identity.

These shades of the past include the *dramatis personae* of trials for crimes that were shocking, notorious, sensational, or all three, pioneers and eminent figures of the law in Queensland like Justice Lutwyche and Sir Samuel Griffith and their distinguished colleagues and successors, the thousands of legal representatives, including the many 'characters' in the legal profession, whose billowing robes have filled the corridors in previous court buildings, the legions of staff who have worked with dedication over the decades to support the business of the courts and, of course, individuals and families whose lives have been devastated, one way or another, by crime, and who have faced or sought justice. Whatever their deeds and characters, they must all be admitted today because it is the triumphs and tragedies, the high-profile legal proceedings and the everyday and unremarked delivery of justice that demonstrate, give effect to and guarantee fundamental pillars of our system of governance - an independent judiciary and the rule of law.

The ghost of buildings past are here too, and among them is the court building opened in 1879 and demolished after a fire, deliberately lit, in 1968. Early photographs, taken in the 1880s when the courthouse stood, almost alone, facing the river on North Quay, show a fine and elegant building that was a prominent and admired feature of Brisbane's cityscape. I am confident that this building, given its striking design, its prominent position, and even its art works - already a significant talking point - will rapidly acquire the same kind of significance and status as a prominent Brisbane and Queensland landmark; a building that will create interest and admiration - and not a little envy - in other jurisdictions within Australia and beyond.

In that spirit of pride and optimism, I thank and congratulate the architects and builders of this splendid complex, the governments that have supported the project, and a pleased and proud Chief Justice and his colleagues, who have guided it to completion. And, in the same spirit, it is with great pleasure that I now declare officially open, in the year of Her Majesty the Queen of Australia's Diamond Jubilee, the Queen Elizabeth the Second Courts of Law and unveil this plaque to record this historic event for future generations.

Profile of the Supreme Court

The Supreme Court comprises the Office of the Chief Justice and two divisions: the Court of Appeal Division and the Trial Division.

Judges of the Supreme Court

(listed in order of seniority)

Office of the Chief Justice

The Honourable Paul de Jersey AC

Court of Appeal Division

President

The Honourable Margaret Anne McMurdo AC

Judges of Appeal

The Honourable Catherine Ena Holmes

The Honourable John Daniel Murray Muir

The Honourable Hugh Barron Fraser

The Honourable Margaret Jean White (*Retired 3 June 2013*)

The Honourable Robert William Gotterson

Trial Division

Senior Judge Administrator

The Honourable John Harris Byrne, RFD

Trial Division judges

The Honourable Henry George Fryberg

The Honourable Margaret Anne Wilson

The Honourable Roslyn Gay Atkinson

The Honourable Debra Ann Mullins

The Honourable Anthe Ioanna Philippides

The Honourable Philip Donald McMurdo

The Honourable James Sholto Douglas

The Honourable Ann Majella Lyons

The Honourable Alfred Martin Daubney

The Honourable Glenn Charles Martin

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

The Honourable Peter David Talbot Applegarth

The Honourable Peter James Lyons

The Honourable Alan Muir Wilson

The Honourable David Kim Boddice

The Honourable Jean Hazel Dalton

The Honourable David Octavius Joseph North (*Northern Judge, Townsville*)

The Honourable James Dawson Henry (*Far Northern Judge, Cairns*)

The Honourable David John Sandford Jackson (*appointed 8 October 2012*)

Other appointments

Mental Health Court

The Honourable Ann Majella Lyons
The Honourable David Kim Boddice

Chair, Law Reform Commission

The Honourable Roslyn Gay Atkinson

Land Appeal Court

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

COURT OF APPEAL DIVISION

GOVERNANCE

Organisational structure

The Court of Appeal hears appeals from the Trial Division and the District Court in both civil and criminal matters, from the Planning and Environment Court, from the Land Appeal Court, and from tribunals, principally the Queensland Civil and Administrative Tribunal.

An appeal from the Court of Appeal to the High Court of Australia is subject to the latter's grant of special leave to appeal. In the vast majority of cases, the decision of the Court of Appeal remains definitive.

The structure of the Court of Appeal

The Court of Appeal comprises the President and five Judges of Appeal. Trial Division judges, and I, sit regularly with permanent judges of appeal on appeal benches.

The President is responsible for the administration of the Court of Appeal (subject to the Chief Justice).

The Court of Appeal sat as a bench of three judges for 42 weeks, as last year. The President and the Judges of Appeal together sat 197 individual judge weeks, compared with 209 last year. That fall in sitting weeks resulted from Justice White's inability to sit for most of the second half of the year because of accrued long leave and judgment writing commitments prior to retirement on 3 June. She was not replaced this reporting year.

I sat in the Court of Appeal for 11 weeks, as last year.

Trial Division Judges sat in the Court of Appeal for 73 individual judge weeks, compared with 58 weeks last year. That planned additional Trial Division commitment took account of Justice White's inability to sit for much of the year pending retirement.

PERFORMANCE

Disposal of work

660 matters were commenced in the Court of Appeal (376 criminal and 284 civil), compared with 661 last year (391 criminal and 270 civil). There are 322 active matters, an increase from 285 last year. The Court finalised 632 matters, compared with 673 last year. See Table 1 below:

Table 1: Annual caseload: Number of Cases				
	Lodged	Heard	Finalised*	Active (including reserved judgments not yet delivered)
Criminal	376	250	349	208
Civil	284	243	283	114
Total	660	493	632	322

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

The Court's clearance rate of criminal matters fell to 92.82%, from 104.09% last year. The clearance rate in civil matters increased to 99.65%, compared with 98.52% last year. For criminal matters 92.51% were finalised within 12 months. For civil matters, 97.47% were finalised within 12 months.

Overall, 94.72% of matters were finalised within 12 months of lodgement. In most matters not finalised within 12 months, the Court had offered parties hearing dates during the year and the delay was the result of the request of one or both parties. Some delay in criminal matters was caused by Legal Aid Queensland's external review process relating to applications where Legal Aid was refused. See Tables 2, 3 and 4 below:

Table 2: Performance Indicators						
	Clearance Rate	% finalised within 12mths	% finalised >12mths old	% finalised >24mths old	% Active >12mths old	% Active >24mths old
Criminal	92.82%	92.51%	7.49%	0.00%	7.21%	0.00%
Civil	99.65%	97.47%	2.53%	0.00%	0.00%	0.00%
Total	95.76%	94.72%	5.28%	0.00%	4.66%	0.00%

Table 3: Judgments, criminal matters			
Judgments	2010-11	2011-12	2012-13
Outstanding at start of year	22	32	26
Reserved	205	229	194
<i>Ex tempore</i> judgments delivered	60	70	56
Reserved judgments delivered	195	235	193
Outstanding at end of year	32	26	27

Table 4: Judgments, civil matters			
Judgments	2010-11	2011-12	2012-13
Outstanding at start of year	24	31	16
Reserved	170	158	166
<i>Ex tempore</i> judgments delivered	48	59	78
Reserved judgments delivered	163	173	157
Outstanding at end of year	31	16	25

The median time for delivery of reserved judgments in criminal matters was 30 days. In civil matters it was 53 days. Overall, the median time between hearing and delivery of judgment was 39 days, compared with 32 days last year. That increase was almost certainly the result of the Court's move to the new courthouse over several weeks in July and August 2012. Although the Court continued to sit during the move, it was not possible for the judges of appeal to work as productively as usual either side of and during the move. See Table 5 below:

Table 5: Time between hearing and delivery of reserved judgments

Type of cases	Median number of days		
	2010-11	2011-12	2012-13
Criminal cases	22	25	30
Civil cases	29	44	53
All cases	25	32	39

Origin of appeals

Filings from the Trial Division in civil matters decreased from 174 to 154, whereas filings in criminal matters increased from 85 to 93. Filings from the District Court in civil matters increased from 48 to 72, but in criminal matters fell from 304 to 282. Planning and Environment Court filings fell markedly, from 18 to 5. Applications and appeals from tribunals, principally the Queensland Civil and Administrative Tribunal, increased substantially, from 30 to 53. See Table 6 below:

Table 6: Court in which matters were commenced

Court	Number of matters filed		
	2010-11	2011-12	2012-13
Trial division - civil	165*	174*	154*
Trial division - criminal	96*	85*	93*
District court - civil	49	48	72
District court - criminal	281	304	282
Planning and Environment Court	12	18	5
Other - civil (cases stated, QCAT, tribunals etc)	13	30	53
Magistrates Court - criminal	0	1	1
Other - criminal	0	1	0

* These statistics include Circuit Court matters.

Filings of general civil appeals increased from 135 to 139. Filings of civil applications also increased, from 115 to 128. Filings of sentence applications increased from 150 to 161, whereas filings of conviction only appeals fell from 94 to 79, fewer than in the last three reporting years. The filings of combined conviction and sentence appeals rose again to 56, compared with 47 last year, and 35 in 2010-11. Filings of sentence appeals brought by the Attorney-General and the Commonwealth Director of Public Prosecutions again decreased, to 7, compared with 10 in 2011-12, and 17 in 2010-11. See Table 7 below:

Table 7: Types of appeals filed

Appeal type	2010-11	2011-12	2012-13
Civil			
general including personal injury	144	135	139
applications	68	104	118
leave applications	11	11	10
planning and environment	12	14	6
other	4	6	11
Criminal			
sentence applications	157	150	161
conviction appeals	93	94	79
conviction and sentence appeals	35	47	56
extensions (sentence applications)	23	23	18
extensions (conviction appeals)	17	15	13
extensions (conviction and sentence)	13	21	10
sentence appeals(A-G/Cth DPP)	17	10	7
other	22	31	32

Due to continual validation of the case management database and correction as required, results may not align with previously published data. To ensure consistency with previously published data historical data (such as previous annual reports), results for previous years in the current reports are not altered when corrections to database are identified and made.

The Court of Appeal overall disposed of 632 matters. There were 39 applications for special leave to appeal to the High Court, of which two were granted (*R v Maloney* [2013] HCA 28 and *R v TEB* [2013] HCA Trans 135). The High Court heard two appeals from judgments of the Court of Appeal, in *Maloney* and *Patel v The Queen* [2012] HCA 29, one of which was allowed. See Tables 9 and 10 below:

Table 9: Applications for special leave to appeal to the High Court of Australia*			
Applications for Special Leave			
Criminal	Civil		
	2012 - 2013		2012 - 2013
Granted	2	Granted	0
Refused	13	Refused	24

Table 10: Appeals to the High Court of Australia			
Appeals			
Criminal	Civil		
	2012 - 2013		2012 - 2013
Allowed	1	Allowed	0
Dismissed	1	Dismissed	0

* One application was not included as it was discontinued. Another was not included as it was removed to the High Court of Australia from the Trial Division of the Supreme Court of Queensland.

The Court endeavoured to extend especially expeditious treatment in relation to particular categories of hearing: appeals concerning short custodial sentences, appeals by the Attorney-General or the Commonwealth Director of Public Prosecutions against sentences where respondents had been released into the community, matters involving children, appeals against interlocutory decisions so that the determination of the principal action would not be unnecessarily delayed pending appeal, pressing commercial disputes which had been dealt with expeditiously in the Trial Division's Commercial List (and other matters where urgency was demonstrated).

The Court of Appeal continued its annual regional commitment, by sitting this year in Cairns, from 29 April to 3 May 2013. In the course of those sittings the Court heard 7 appeals against conviction, one sentence appeal by the Attorney-General, two sentence applications, two applications for leave to appeal under s 118 of the *District Court of Queensland Act 1967* (criminal matters), and one application for an extension of time for leave to appeal under s 118 (another criminal matter).

Technology

The Court of Appeal heard 31 matters where one party appeared by video link and a number of matters where one party appeared by telephone link. Record books in searchable electronic form are provided to judges and parties. Courts Wi-fi, a free broadband internet service using wireless technology, was again available during the hearing of appeals both in the Banco Court and the Court of Appeal courtroom.

The following appeals were prepared and conducted electronically: *R v Cox*, *R v Cuffe* and *R v Morrison* [2013] QCA 10 and *R v Sica* (CA 189 of 2012).

All Court of Appeal judgments delivered during the year were again available free of charge on the internet through AustLII and the Supreme Court Library website. In addition, judgment outlines were published on the Courts' web page and in the QLS journal Proctor, and distributed to interested judges and practitioners.

A continuing challenge is to ensure that the ageing Court of Appeal case management system (CAMS) is maintained and refined. CAMS needs enhancement. It has not had technical support for many years. Its statistical reports often require time-consuming manual checks, and it needs inefficient “satellite” systems to support listing functions. It cannot communicate with other court systems such as QCivil or QWIC. CAMS is not supported by documented manuals and desktop procedures. There is risk to the Court’s efficient operation in the event of collapse. The replacement or redevelopment of CAMS should be expedited.

Representation

The number of self-represented litigants in cases where judgment was delivered in the Court of Appeal fell from 127 in 2011-12 to 106, but remained higher than the 96 such cases heard in 2010-11.

At least one party was unrepresented in 31 civil matters in which judgment was delivered, compared with 46 last year and 32 in the preceding year. That fall is largely attributable to the assistance of the Queensland Public Interest Law Clearing House (QPILCH) and its self-representation service (Court of Appeal) (SRSCA).

At least one party was unrepresented in 75 criminal matters in which judgment was delivered, compared with 81 last year and 64 in the previous year. That fall is probably largely attributable to the increased call on the Court of Appeal pro bono scheme.

In 11% of civil matters and 21.5% of criminal matters in which judgment was delivered this year, one party was self-represented. See Table 8 below:

Table 8: Matters in which judgment was delivered where one or both parties unrepresented			
Number of cases	2010-11	2011-12	2012-13
Civil	32	46	31
Criminal	64	81	75
TOTAL	96	127	106

QPILCH and its SRSCA again provided valuable assistance with self-represented litigants. The service received 15 applications for assistance from potential and current litigants in civil appellate matters. 10 related to potential appeals and 5 to appeals already commenced. Of the appeals already commenced, 3 were assessed as having merit: one resulted in a negotiated settlement and the appeal was discontinued; one was referred to a member firm for legal representation and was resolved by the Court in the client’s favour; and one is yet to be finalised. SRSCA gave advice to the remaining 2 applicants but the advice was not accepted. Of the 10 potential appeals, SRSCA assessed only one as having merit. That service assisted that client to commence an appeal and successfully apply for a stay of enforcement of the judgment below. The remaining 9 applicants were advised they were unlikely to succeed. 4 accepted that advice, but the remaining 5 commenced their appeals. In the 3 cases heard, all were unsuccessful.

The Court of Appeal criminal law pro bono scheme, first established in 1999-2000, continued to operate this year. With the assistance of the Bar Association of the Queensland and the Queensland Law Society, the scheme provided unrepresented appellants convicted of murder or manslaughter, juveniles, and those under an apparent legal disability, with legal representation for their appeals. This year 9 appellants were assisted through that facility.

In the second half of the year, the Criminal Matters Legal Clinic initiated a project involving the University of Queensland and its advanced under graduate students, with the assistance of Caxton Legal Centre and the support of Legal Aid Queensland in the Court of Appeal. That project assisted 2 unrepresented appellants.

Other legal practitioners regularly appear pro bono for parties in the Court of Appeal in both civil and criminal matters.

The President has reported to me of continuing under-representation of women practitioners in appearances before the Court of Appeal.

Auscript

The responsibility for court reporting passed to Auscript from 23 April 2013. Over the preceding months, court and departmental officers spent much time productively with Auscript staff with a view to ensuring an orderly transition.

The President has reported to me on problems encountered following the transition to Auscript, with some prospect of some delay in hearings in the next reporting period.

Unsurprisingly with such a transition, teething problems emerged, as indeed had occurred some years ago when the predecessor to Auscript, the State Reporting Bureau, adopted digital technology.

Where problems have been identified, they have been drawn to the attention of Auscript, and professionally addressed in a timely way.

By the end of this reporting period, Auscript had been operating for only approximately two months.

While the new system was not by then problem-free, I was then confident that Auscript was gearing towards the delivery of a first class product, and as at the delivery of this report, I remain so confident.

PERSONAL

In the course of the year, former Judge of Appeal, Justice Keane, was appointed as a Justice of the High Court of Australia.

The Senior Deputy Registrar (Appeals) Mr Neil Hansen, retired on 8 April 2013 after 42 years' dedicated service to Queensland Courts. His successor, Mr Jason Schubert, commenced on 9 April 2013.

Mr Ian Enright, the Court's Deputy Registrar (Appeals – Civil), retired on 1 March 2013 after 40 years' service to the Courts.

Trial division

The work of the trial division

The trial division resolves matters commenced by indictment (in criminal cases), claim or originating application (in civil proceedings) by trial, hearing or consensus. The Senior Judge Administrator is responsible for the administration of the trial division (subject to the Chief Justice).

Criminal trials are usually heard with a jury. Civil cases are almost always determined by judge alone.

Criminal trials mainly concern murder, manslaughter and more serious drug offences. In its civil jurisdiction, the court deals with a wide range of cases, including contests about commercial matters, building and engineering contracts, wills and estates, conveyancing and insurance.

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

The structure of the trial division

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

Seventeen of the 20 trial division judges are based in Brisbane in the southern district. 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 sittings in Bundaberg, Longreach and Mackay.

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

The Far Northern Judge resides in Cairns.

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

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

Information about the organisation and practices of the trial division, including its calendars, law lists, fact sheets, Practice Directions, and reasons for judgment are published on the Queensland Courts website: www.courts.qld.gov.au.

Developments

The composition of the trial division was augmented by the appointment of an additional judge when Justice Jackson joined the Court on 8 October 2012. Soon afterwards, Justice Jackson succeeded Justice Applegarth as a Commercial List judge. The efficient disposition of workload in the criminal jurisdiction was promoted by a new practice direction designed to enhance the fairness and efficiency of longer criminal trials: Practice Direction No 6 of 2013.

Criminal jurisdiction

This year saw a 26.3% decrease in finalisations by trial: from 80 defendants last year to 59. This decrease follows on from a slight decrease in finalisations by trial the previous year (three defendants), and an increase of 45.6% (26 defendants) over the two years prior to 2010-11.

The average length of trials in 2012-13 decreased by 21.2% (1.5 days per trial) mainly because there were fewer lengthy trials this year.

Criminal lodgments decreased by 21.4%, from 1068 in 2011-12 to 839: a decrease of 229. Most of this can be attributed to changes in legislation allowing other courts to dispose of some drug offence cases that were previously committed to the Supreme Court.

There was a 12.1% decrease in finalisations this year, down from 1130 during 2011-12 to 993 (a decrease of 137).

The across-the-State clearance rate was 118.4% (up from 105.8% during 2011-12).

As at 30 June 2013, there were 345 active pending matters. This represents a decrease of 31.3% from last year: there were 502 active pending matters on 30 June 2012.

The number of active pending matters older than 12 months and less than 24 months decreased by 40.4%: from 94 to 56.

The percentage of active pending cases older than 24 months increased from 6.4% in 2011-12 to 10.1%—an increase of 3 cases.

Reasons for delay in finalising cases include referral to the Mental Health Court, deferral because of other court proceedings, retrials, and an inability to obtain an early trial or sentence date.

Summary of activity in the criminal list

Notes:

* As defined by the RoGS rule, a ‘defendant’ is one defendant with one or more charges; and with all charges having the same date of registration.

	Number of defendants *			Clearance rate	Backlog indicator ** % > 12 months	Backlog indicator % > 24 months
	Lodged	Finalised	Active		Presentation date	Presentation date
Main centres						
Brisbane	653	764	277	117.0%	26.4%	10.5%
Cairns***	43	42	4	97.7%	0.0%	0.0%
Rockhampton	33	32	17	97.0%	0.0%	0.0%
Townsville	53	65	23	122.6%	52.2%	21.7%
Total for main centres	782	903	321	115.5%	26.5%	10.6%
Bundaberg	11	13	11	118.2%	9.1%	0.0%
Longreach	0	0	0	0.0%	0.0%	0.0%
Mackay	24	33	1	137.5%	100.0%	100.0%
Maryborough	7	21	5	300.0%	60.0%	0.0%
Mount Isa	2	4	1	200.0%	0.0%	0.0%
Roma	0	0	1	0.0%	0.0%	0.0%
Toowoomba	13	19	5	146.2%	20.0%	0.0%
Total for regional centres	57	90	24	157.9%	25.0%	4.2%
State total	839	993	345	118.4%	26.4%	10.1%

Defendants with outstanding bench warrants or with secondary charges (such as breaches of orders) are excluded. Also excluded are defendants awaiting indictment presentation.

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

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

Criminal jurisdiction — Brisbane

The changes made to criminal jurisdiction by the *Civil and Criminal Jurisdiction Reform and Modernisation Amendment Act 2010* (“the Act”) had an effect on the clearance rate in the first six months of the year. That rate has stabilised in the second half of the year. At year’s end, the clearance rate in Brisbane was 117.0%.

Two matters have arisen this year which will require close consideration in future. The first is the number of pleas of guilty. As a result of the reduction in the number of drug offences committed to the Court because of changes made by the Act, there has been a corresponding reduction in pleas of guilty. If that reduction remains constant, there may be a need to review the manner in which sentences are set down and the dates set aside to hear them.

The second matter is the number of applications under s 590AA of the *Criminal Code*. Some of these are now occupying between three and five hearing days, with a concomitant reduction in the days available to deal with pleas of guilty or short trials.

The transfer of hearings under the *Dangerous Prisoners' (Sexual Offenders) Act* 2003 from the criminal jurisdiction to the Applications list has allowed for days which would otherwise have been devoted to those applications to be used for sentences and trials.

The Court has had several lengthy trials. These disrupt the ordinary flow of matters through the list. Cases expected to take three weeks or more are now subject to the Practice Direction 6 of 2013, which will facilitate early identification of issues to ensure that trials take no longer than is necessary.

Civil jurisdiction

Results in the civil jurisdiction continue to be affected by changes to monetary limits in the Act. Quite a few claims lodged in the District Court since November 2010 were previously beyond that court's jurisdiction and had to be brought in the Supreme Court. That legislation also brought about a reduction in the number of active pending matters and contributed to raised clearance rates.

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

Lodgments decreased this year by 445 (11.2%), from 3961 in 2011-12 to 3516.

Finalisations decreased this year by 1158, from 5118 during 2011-12 to 3960 (a decrease of 22.6%).

The clearance rate accordingly decreased from 129.2% in 2011-12 to 112.6%.

There was a decrease of 458 (13.0%) in active pending matters (3054 at 30 June 2013, down from 3512 last year).

The number of cases older than 12 months and less than 24 months decreased from 634 during 2011-12 to 595 (a decrease of 6.2%).

Cases more than 24 months old decreased by 45 in 2012-13, and stood at 308 cases (representing a 12.7% decrease from the previous year's figure).

Summary of activity in the civil list

By Location

2012-13	RoGS civil files			Clearance rate	Backlog indicator from filing date	
	Lodged	Finalised*	Active		% > 12 mths	% > 24 mths
Brisbane	3167	3459	2696	109.2%	28.1%	9.7%
Cairns	84	126	80	150.0%	50.0%	16.3%
Rockhampton	69	106	64	153.6%	31.3%	6.3%
Townsville	133	180	149	135.3%	43.6%	16.1%
Bundaberg	6	8	9	133.3%	33.3%	0.0%
Longreach	0	0	0	0.0%	0.0%	0.0%
Mackay	46	66	50	143.5%	32.0%	8.0%
Maryborough	3	6	1	200.0%	100.0%	100.0%
Mount Isa	0	1	0	0.0%	0.0%	0.0%
Roma	0	0	0	0.0%	0.0%	0.0%
Toowoomba	8	8	5	100.0%	20.0%	0.0%
State total	3516	3960	3054	112.6%	29.6%	10.1%

Notes:

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

** The trial division also deals with matters which, for reporting purposes, have been grouped as non-RoGS civil, non-RoGS criminal and probate. RoGS files include claims in the majority of originating applications. Non-RoGS civil includes such proceedings as admission as a legal practitioner and appointment as a case appraiser.

Civil Jurisdiction — Brisbane

Case flow management

On 24 July 2012, a new practice direction governing case flow management was published – Practice Direction No 17 of 2012. It was accompanied by a plain English guide for the assistance of legal practitioners and self-represented litigants.

The new practice direction was a result of the first decade of experience of case flow management and extensive consultation with court users. It establishes a system to facilitate the just and timely disposition of proceedings, with the minimum necessary commitment of resources by the court and litigants, by monitoring the progress of individual proceedings against predetermined timelines, and by intervening when a proceeding is not progressing satisfactorily.

If a request for trial date had not been filed within 180 days after the defence has been filed, the case flow manager sends a notice requiring the parties to undertake one of the following steps within 28 days: filing a notice of discontinuance, giving written notice that the proceeding has been settled, filing a request for trial date or justifying the failure to file a request for trial date, and proposing a plan to facilitate the timely determination of the proceeding.

If that is not done, the proceeding is set down before the case flow management judge for detailed directions. Such directions will almost invariably include a date by which

a request for trial date must be filed and self-executing orders as the penalty for non-compliance.

Case flow management ensures that civil proceedings are conducted expeditiously with a view to their early resolution and that proceedings which need more intensive management are transferred to the supervised case list and those that come within the jurisdiction of another court or tribunal are transferred.

The experience of the first year of the implementation of the new practice direction shows that it appears to be working well. Justice Atkinson, the case flow management judge, and Dragan Obradovic, the manager, welcome suggestions for improvement.

Commercial List

The Commercial List provides for the prompt hearing and determination of proceedings involving issues of a commercial character, where the estimated length of the trial is 10 days or fewer (save in exceptional cases). Two judges conduct the List. During the year, they were Justice Philip McMurdo, Justice Applegarth and later Justice Jackson (in place of Justice Applegarth).

A case is placed on the List if a Commercial List judge considers that it is appropriate for inclusion, having regard to its nature and its issues, whether there are circumstances of urgency and the parties' estimates of the length of the trial. A party wishing to have a case placed on the List files (usually by email) an application and supporting material, which includes a statement of relevant considerations. Usually, the judges alternate on a monthly basis to hear these listing applications, and the judge who places a case on the List retains the management of it, including the hearing of any contested interlocutory applications, and conducts the trial. Dates for trial will be allocated by that judge at a point when it is clear that the remaining interlocutory steps should be completed by those dates.

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

The List continues to be a busy one. As at 30 June 2013, there were 98 cases on the List, compared with 73 on 1 July 2012. Fifty-one cases were added to the List, and 26 were removed, of which 14 were disposed of by adjudications or final order. There were 311 reviews and interlocutory hearings, compared with 267 the previous year.

Supervised Cases List

This list provides for the judicial management of civil cases where the hearing is estimated to take more than five days or where supervision is warranted because of considerations such as the complexity of the issues or the number of parties.

This list was managed this year by Justice Peter Lyons and Justice Boddice. While most cases are placed on the list at the request of one or more of the parties, cases are also placed on the list through the Court's initiative, as where a Judge conducting an interlocutory hearing sees the need for ongoing judicial supervision. Cases are also

regularly referred to this list after Case Flow review. Most cases fall within the general “commercial law” category. Cases on the list extend, however, to a wide range of civil matters, including complex building and engineering claims, public liability and other insurance litigation, personal injury claims, deceased estate disputes, de facto property claims and defamation claims.

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

As at 30 June 2013, there were 134 cases on the list. This year, 58 cases were added. In the period, 71 cases went off the list, almost half the number on the list at the beginning of the year. Of those, 12 were determined by adjudication, 25 were settled (compared to 8 last year), and 34 were discontinued (compared to 22 last year).

More than 370 reviews were conducted in the year (not all requiring appearances). An additional 64 reviews were adjourned before commencement; and 47 reviews were vacated, generally because the matter settled or was discontinued.

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

Trial division districts

Southern District

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

Central District

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

As in previous years, there has been no work in Longreach.

The Central Judge conducted civil sittings in Rockhampton for ten weeks, criminal sittings in Rockhampton for ten weeks, and sittings involving both crime and civil work in Mackay for four weeks and Bundaberg for five weeks. He sat in Brisbane for five weeks – three in the Court of Appeal and two in civil jurisdiction.

Overall, there was about a 30% decrease in criminal lodgments in Rockhampton compared to the previous year, and a 40% decline in Bundaberg lodgments. These decreases largely relate to the legislative transfer of some drug offences to the District Court. Mackay saw an increase by six lodgments (or 33%).

There were four criminal trials in the region. All concerned homicides: three in Rockhampton; one in Bundaberg.

The number of civil cases finalised by adjudication in Rockhampton fell from 29 to 24: year on year, a 17% decline. Clearance rates of civil work throughout the region range between 133% and 153%.

Applications days were held in Rockhampton on an approximately six weekly basis, with the number of matters heard being greatly reduced on previous years.

Northern District

The Northern Judge, Justice North conducted sittings in Townsville for 19 weeks between July 2012 and June 2013. He conducted three circuits to Mackay (each of two weeks), one circuit to Mount Isa (two weeks) and two sittings in Cairns (both of two weeks). Justice North sat in the Court of Appeal for three weeks in Brisbane in August and one week in Cairns in May. Seven weeks were allocated to judgment writing.

Most civil matters are offered trial dates within a few months after the request.

Clearance rates are consistent with last year's.

In the criminal jurisdiction, the clearance rate was 122.6%. But this has to be viewed in the context of a significant decrease in lodgments in criminal matters (48%). This fall may be attributed to the 2010 jurisdictional changes.

Probate lodgments were consistent with the numbers in previous years.

Justice North sat in the Applications jurisdiction every Tuesday and Thursday when sitting in Townsville. This practice assists in case flow management and permits efficiencies in the ultimate resolution of cases.

Lodgments and the numbers of cases requiring a trial in Mount Isa have reduced since last year. The number of civil matters requiring judicial determination continues to decrease. But the complexity of the cases on the civil side, which is consistent with the growth in business activity, means that many matters require interlocutory hearings and reviews.

In the criminal jurisdiction, most matters involve serious drug offences.

Far Northern District

The Far Northern Judge, Justice Henry, sat in Cairns for 17 weeks in civil jurisdiction and 12 weeks in criminal jurisdiction. He circulated to Brisbane for two weeks in the trial division and three weeks in the court of appeal, Townsville for two weeks and Mackay for two weeks. He had six judgment writing weeks.

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

The year saw a decrease in lodgments in the criminal jurisdiction: 43 compared to 100 last year. The clearance rate of criminal matters was 97.7%. There was a backlog of only four matters at year's end.

Civil lodgments decreased to 84, down from 115 the previous year. The clearance rate was 150%. At the end of the year, apart from cases listed for trial, there was no backlog.

The decrease in lodgments, accompanied by clearance rates in excess of 100%, has reduced backlogs in the criminal and civil jurisdictions to such an extent that a hearing date is usually allocated as soon as a matter is ready to be heard.

The court room in which the Supreme Court sits in Cairns was fitted with video link facilities. This improved capacity to allow lawyers and witnesses, particularly experts, appear remotely.

The Supreme Court Library in Cairns is undergoing renovation as part of a modernisation project designed to make the library more user friendly in the electronic era.

The Court also coordinated a work experience program under which meritorious local secondary school legal studies students of Aboriginal and Torres Strait Islander background were provided with experience as a Judge's Associate.

Executive Director's overview

The role of the Office of the Executive Director of the Supreme District and Land Courts Service includes the coordination and oversight of registry administration and the provision of judicial support services for the Supreme Court throughout the State. Ms Julie Steel is the current Executive Director and she is supported by executive, administrative and registry staff throughout Queensland.

Ms Steel is an elected member of the Court Network for Humanity which provides support and assistance to court users throughout Queensland, and an ex-officio member of the Incorporated Council of Law Reporting and of the Legal Practitioners Admissions Board. She also attends meetings of the Rules Committee.

Registry Services

Court registries are responsible for:

- receiving and sealing documents for filing and service
- providing information about the general court process and the progress of particular matters
- maintaining court records and ensuring that documents are created and distributed to give effect to orders of the court
- organising resources to enable matters to progress through the system and hearings to proceed
- performing all necessary administrative work associated with the criminal and civil jurisdictions of the court.

Permanent Supreme Court registries are located at Brisbane, Rockhampton, Townsville, and Cairns. A further 11 centres are visited on circuit and the local Magistrates Court registry generally performs the registry role in those centres.

Registrars within the permanent registries have the responsibility of determining certain applications without the necessity for judicial involvement. These applications include probate, letters of administration, winding up orders and default judgments.

The online *eSearch* facility was used substantially this year, with more than 1,700,000 online searches conducted.

Registry workloads

Across the State, civil lodgments decreased this year by 11.2% from 2011-12. In the Brisbane registry, lodgments decreased by 9.6%.

In the criminal jurisdiction, lodgments throughout the State decreased by 21.4%. There was a decrease of 13.6% in criminal lodgments in Brisbane. The analysis around criminal trials commenced during 2011-12 continued and showed that 78 Supreme Court trials proceeded during 2012-13, compared with 77 for the previous year.

It is likely that the civil and criminal decreases continue to be the result of the *Civil and Criminal Jurisdiction Reform and Modernisation (Amendment) Act 2010*.

Succession law applications continue to rise. During this year, 9,227 applications were received, an increase of 12.3% on the previous year.

The Queen Elizabeth II Courts of Law

On 3 August 2012, the Queen Elizabeth II Courts of Law were officially opened in Brisbane. As well as improving the public's access to court services, the new complex provides greater access to technology for legal practitioners.

With capacity for 45 courtrooms and accommodation for 68 judges, as well as registry and administrative staff, the complex is one of the largest in Australia.

The move from the pre-existing complex was carefully planned over many months and occurred on a staggered basis over a period of eight weeks. The logistics of the move were enormous, and factored in moving 450 building occupants, 250,000 court files (around eight lineal kilometres), and other agencies, including the Supreme Court Library, the Court Network Volunteers, and the Queensland Public Interest Law Clearing House. This all occurred while the Supreme and District Courts continued to operate on a daily basis.

Court Network volunteers

The volunteers of the Court Network for Humanity are to be commended for the valuable service they provide to the courts. They receive extensive initial training, regular continuing education and ongoing supervision. The Networkers offer in-court support, explain court process and procedure, and provide emotional support. The service is available to any court user whether applicant, respondent/defendant, victims, witnesses or family/friends. They also provide court-users with a safe place in the courthouse. Court Network through its volunteers, statewide freecall number and website can refer to and receive referrals from community agencies and government departments which can provide continuity of care to court users as they navigate their way through the judicial system.

Court Network provides two services at the Queen Elizabeth II Courts of Law. The first is the information and Justice of the Peace service based at the Information Kiosk on the ground floor. This program saw 9,017 court users assisted this year, and has assisted 37,746 since the service commenced in 2007.

The second program is the 'Networker' program where Volunteers provide support, non-legal information and referral services to court users by way of outreach and through incoming referrals from various services, departments and individuals.

Support is offered throughout the courthouse including within courtrooms. During the year, 4,143 court users were assisted in Brisbane, 622 in Townsville and a further 611 in Cairns Courts. This service has assisted 25,469 in Queensland since commencing.

Supreme Court of Queensland Library

The Supreme Court Library was established in 1862 to serve the judiciary and the legal profession in the administration of justice in Queensland. The founding premise remains as relevant as it was 150 years ago. Today, the Library delivers innovative information services that assist users to navigate and access legal content; maintains research and historical collections in Brisbane, and in courthouses across Queensland; and continues to serve as the central law library for Queensland.

While looking to the future in developing ever-evolving information services, the Library also maintains a dual commitment to preserving our legal past. Through its History and Publications Program, the Library seeks to engage the community through a range of activities designed to promote and preserve Queensland's legal heritage. The opening of the Sir Harry Gibbs Legal Heritage Centre in August 2012 provides an impressive public exhibition space for the celebration of the work of the Courts, and our proud legal history.

The Library's governing Committee is comprised of members of the judiciary and nominees of the Queensland Law Society, the Bar Association of Queensland, and the Attorney-General and Minister for Justice. This structure provides representation for each of the key client groups, ensuring that services and collections are continually adapted in response to user needs.

The Supreme Court Library Committee is supported by a Collection Sub-Committee and the History and Publications Committee. Since 2009, the Honourable Justice Hugh Fraser has served as Chair of the Library Committee.

Highlights

A Contemporary Space

August 2012 heralded a new era for the Supreme Court Library with the opening of the architecturally striking Queen Elizabeth II Courts of Law building at 415 George Street.

Having resided on level four of the 304 George Street complex for more than 30 years, the Library's relocation was not only a huge logistical operation, it also represented a new chapter of modernisation, with consolidated print collections, state-of-the-art technology and expanded training facilities.

The efficiency of Library staff ensured a smooth moving process and the Library is now taking full advantage of its new surrounds. The fully-equipped Training Centre is utilised for the thriving school and community outreach program; for staff

development seminars benefiting a range of Court staff; and for functions hosting visiting guest speakers and dignitaries.

Characterised by the light-filled, open design featured throughout the building, the Library space now embodies the dynamism and interactivity that defines contemporary approaches to research and learning. With this modern facility as a basis, the Library will be enhancing its online presence and engaging diverse audiences through its new Sir Harry Gibbs Legal Heritage Centre, while continuing to fulfil its role as Queensland's primary legal information service provider.

Sir Harry Gibbs Legal Heritage Centre

With the distinction of being the only legal heritage museum of its kind in Queensland, the Sir Harry Gibbs Legal Heritage Centre is an exceptional feature of the public foyer within the new building. It showcases the Library's collection of valuable artefacts to the legal profession and wider community, houses educational displays exploring legal history topics, and furthers the aim of preserving and promoting Queensland's legal heritage.

The Legal Heritage Centre is named after one of Australia's most decorated judges and the second Queenslander to serve as Chief Justice of the High Court of Australia, the Right Honourable Sir Harry Gibbs GCMG AC KBE. It also commemorates the Library's close association with Sir Harry, who served as Chair of the Library Committee between 1963 and 1967; in 2000, Sir Harry delivered the oration at the opening of the Rare Books Room at 304 George Street.

The centre's inaugural exhibition traces 150 years of Queensland's legal history, with a focus on the concept of the Rule of Law. Featuring large matrix screens and a digital, interactive touch table with biographical information about Queensland judges and key events in Queensland's legal history, as well as the display of treasured Court artefacts, the Centre combines innovation with tradition. It is a fitting emblem of the Library's simultaneous embrace of the future and enduring connection to the past.

History. Knowledge. Insight.

The opening of the new premises marked a significant moment in the Library's history, and it seemed timely to refresh its corporate identity – including the adoption of a new logo and tagline – to reflect the dual role as modern information provider and conserver of legal history.

The new logo symbolises the interconnected nature of today's information flow process, and the new tagline – 'history, knowledge, insight' – is both an apt expression of the organisation's values and of the ongoing commitment to past, present and future.

Information Services

As the primary legal information provider for the Queensland judiciary and legal profession, the Library's services include reference, research and document delivery, as well as specialised current awareness services, judgment bulletins and indices that offer ready access to the latest developments in Queensland law.

In 2012-13, the Library responded to a total of 8,891 reference enquiries and supplied 8,820 documents to users across Queensland. The Judicial Current Awareness service, a daily news and current awareness newsletter tailored for the Queensland judiciary, grew in response to user demand; a total of 9,105 articles were distributed, representing a 26% increase on last year. Subscriptions to the Queensland Legal Updater, a free weekly email bulletin designed to provide legal professionals with up-to-date resources relevant to practice, continued to grow and it is now read by over 2,000 subscribers.

In total, usage of the Library's online platforms reached a new high in 2012-13, with over 5.9 million hits registered across the 24/7 accessible public website, online catalogue and JVL.

From July 2013 these services will be further expanded with the Queensland Sentencing Information Service (QSIS) to be published by the Supreme Court Library. QSIS is a free service for the judiciary, as well as members of the legal profession with a practice in criminal law, that promotes consistency in sentencing.

Legal Collections

In 2012-13, the Library continued to enrich its collection with the addition of a number of new legal titles, online resources and significant donations:

- Purchased 193 new monographs and maintained subscriptions to 731 continuing print resources;
- Over 80,000 full-text titles, through 263 online resources, are now available via the Library's website;
- Published 2,291 new full-text judgments, including 763 judgments from the Supreme Court.

The Library maintains print collections in courthouses across the state, which are supplemented by an ever-expanding collection of online resources available to Supreme Court judges via the *Judicial Virtual Library* (JVL) and members of the legal professional through the Library's main website at www.sclqld.org.au.

The Library's consolidated purchasing arrangement with the Department of Justice and Attorney-General has assisted with this growth, by generating savings and

facilitating client access to a wider range of online content for legal publishers. In late 2012, the Library once again led the negotiations for subscription renewals on behalf of the Courts and secured further concessions and savings on online content for the benefit of its users.

As part of the agreement negotiated with Thomson Reuters, the Library secured access to the *Proview* application for the Queensland judiciary. *Proview* will prove to be a valuable resource for Supreme Court judges, as it provides immediate, remote access to key resources via a desktop computer or mobile device.

History and Publications Program

The Library began systematically collecting and preserving original documents and legal memorabilia in the 1980s and now boasts an extensive collection. In August 2012, this collection formed the foundation for the new Sir Harry Gibbs Legal Heritage Centre, located on the ground floor of the new Queen Elizabeth II Courts of Law.

Further to the objective of preserving Queensland's legal heritage, the Publishing Program ensures the availability of works relating to Queensland's legal history, biographies of legal personalities, and texts dealing with other specialist legal topics. In September 2012, the Library published *Supreme Court of Queensland: A Concise History* by Mr John McKenna QC. The volume celebrates the 150th anniversary of the Supreme Court of Queensland by recording pivotal moments and achievements in its history.

The Library also published *A New Courthouse*, a compilation of the proceedings of the official opening of the Queen Elizabeth II Courts of Law and the Supreme Court Seminar in August 2012, and the illustrated *A Unique Collection: the Artworks of the Supreme Court of Queensland*, which features commentary by the Honourable Chief Justice Paul de Jersey AC about the history and provenance of the works of art.

A Final Farewell

This year marked the end of a decorated chapter for the Supreme Court Library. Having seen the Library settled into its new premises, the Supreme Court Librarian, Mr Aladin Rahemtula OAM, retired in August 2013 after 30 years of dedicated service.

When Mr Rahemtula accepted the position as Reference Librarian 1983, staff spent the first hours of the day filing hundreds of catalogue cards into narrow drawers and shelving trolley-loads of books, but libraries everywhere were on the cusp of tremendous upheaval and transformation. By the time he was appointed as Supreme Court Librarian in 1987, Mr Rahemtula had already initiated several innovative

services and programs, and his foresight and creativity ensured the Library continued to flourish through the subsequent technology and then online revolutions, and through tough economic challenges.

Mr Rahemtula has always been quick to attribute Library successes to the wise leadership of the Library Committee, and to the talented support of his staff. However, it cannot be denied that his has been an inspiring, remarkable and lasting contribution, and that his enterprising and astute guidance will be greatly missed.

Supreme Court Judges' Associates 2013

	Judge	Associate
Chief Justice	The Honourable Paul de Jersey AC	Andrew Wydmanski
Court of Appeal		
President	The Honourable Justice Margaret McMurdo AC	Catherine Drummond
	The Honourable Justice Holmes	Mindy Booker
	The Honourable Justice Muir	Andrea Noble
	The Honourable Justice Fraser	Maritsa Samios
	The Honourable Justice White (retired June 2013)	Michelle Delport
	The Honourable Justice Gotterson	Denika Dublanc
Trial Division		
Senior Judge Administrator	The Honourable Justice Byrne	Holly Baxter
	The Honourable Justice Margaret Wilson	Mei Ying Barnes
	The Honourable Justice Fryberg	Timothy Lee
	The Honourable Justice Atkinson	Matthew Floro (January – June 2013)
		Jessica Dale (From June 2013)
	The Honourable Justice Mullins	Michelle Guy
	The Honourable Justice Philippides	Emily Vale
	The Honourable Justice Philip McMurdo	Timothy Alexander
	The Honourable Justice Douglas	Hamish Clift
	The Honourable Justice Ann Lyons	Evelyn Peter
	The Honourable Justice Daubney	Georgina Horsburgh
	The Honourable Justice Martin	Amy Falwasser
	The Honourable Justice Applegarth	Lucy Campion

The Honourable Justice Peter Lyons	Ben Grant
The Honourable Justice Alan Wilson	Thomas Ambrose
The Honourable Justice Boddice	Jenae Webb
The Honourable Justice Dalton	Tessa Eustace
The Honourable Justice Jackson (appointed October 2012)	Florence Chen

Regional

Central Judge	The Honourable Justice McMeekin	Thomas MacNevin
Northern Judge	The Honourable Justice North	Carly Hoyer
Far Northern Judge	The Honourable Justice Henry	Claire Leyden-Duval