



DISTRICT COURT
OF QUEENSLAND

District Court of Queensland

Annual report 2012 - 2013

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

PO Box 15167
City East QLD 4002

Ph: +61 7 3247 4426

Fax: +61 7 3247 5298

cjexecasst@courts.qld.gov.au

31 October 2013

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

Dear Attorney

Pursuant to s.130A (1) of the *District Court of Queensland Act 1967*, I enclose my report on the operation of the District Court of Queensland for the year ended 30 June 2013

Yours sincerely



Chief Judge PM Wolfe

Table of contents

Chief Judge's overview	1
Introduction.....	1
Performance.....	2
Access to the Court.....	8
International aspects	9
Judicial appointments	9
Judicial retirements.....	9
Recognition.....	9
Acknowledgement.....	9
Profile of the District Court.....	10
Judges of the District Court	10
Regional, planning and children's judges	10
The court.....	13
The work of the District Court	13
Organisation of work	13
Regional centres	20
Cairns.....	20
Rockhampton	20
Townsville.....	21
Maroochydore	21
Southport.....	22
Ipswich	22
Beenleigh.....	23
Circuit centres	23
Judges' committees	24
Office of the Executive Director of the Supreme District and Land Courts Service	27
Related organisations	29
Supreme Court of Queensland Library	29
Appendices.....	32
Appendix 1: Practice Directions	32
Appendix 2: District Court associates as at 30 June 2012	34

Chief Judge's overview

Introduction

This is the court's 17th annual report, dealing with the organization, operation and performance of the District Court of Queensland in 2012-13. Its workload is significant as this court is one of the largest, and busiest, of the higher courts in Australia.

There has been a marked downturn in the number of new matters lodged in all jurisdictions. Nonetheless the trend towards lengthy and complex civil and criminal trials continues. The increasing use of the eTrials system, especially for commercial and planning and environment matters, as well as for trials of complex fraud and taxation offences, clearly shortens the length of these trials and hearings.

The criminal workload has become manageable through careful case management in Brisbane and in the regional centres as well as in the larger circuit centres. Through regular reviews and case management the Office of the Director of Prosecutions, Legal Aid Queensland and the profession are well aware, as matters pass through the court, of the likely course the matter will take.

This is more difficult for the court in the rural and remote centres, whose lists are becoming quite sparse. The judges hold callovers and reviews by telephone well before the circuit starts. However it is rare indeed, these days, that a prosecutor and defence counsel visit the circuit centre to confer with litigants or witnesses well before the circuit is to start. Consequently, despite the judge's efforts, a plea on the morning of the trial is more likely in those places.

Indeed, Southport and Cairns provide a good example of the benefit of case management and regular reviews. Since January 2013, when the third judge retired, there have been two judges resident in Southport. The disposition of the Southport lists was pleasing this year. It resulted from the Judge Administrator's having case managed those criminal lists and the deployment of Brisbane judges there when needed, thus demonstrating that there is no call at present for a third resident judge at Southport.

Cairns encounters problems rarely experienced in south-east Queensland. The court at Cairns covers a sparsely populated area approaching the size of Victoria. Listing used to be a lottery. Distance is an obstacle to litigants' and witnesses' availability for trials, hearings and conferences with counsel. Nonetheless, the Cairns criminal listing judge, through case management and regular reviews, has reduced last year's backlog of 25.5 per cent of cases older than 12 months down to 13.2 per cent this year.

Judicial case management of the criminal lists ensures that most of the matters which finally result in a guilty plea or nolle prosequi are weeded out much earlier than was the practice a decade or so ago. The statistics clearly demonstrate that in the larger centres the trials which resolve on the first day by reason of a 'late' guilty plea or nolle prosequi, are much fewer. For example in Brisbane, only 14 of the 156 trials which started during the year, finished on the first day, and in many cases for reasons other than a 'late' plea or nolle.

Similarly, judicial case management of the civil and commercial lists has ensured the timely disposition of those lists, despite the increasing complexity of civil matters. The number of active pending civil matters this financial year decreased by 415 (8.1%) to 4710. This follows increases in the previous years of 308 (6.4%) in 2011-12 and 352 matters (7.9%) in 2010-11. Increases in the previous two years can be attributed to the changes in jurisdictional monetary limits.

This year also saw the phasing out of the State Reporting Bureau and its replacement by Auscript. As expected, there have been teething troubles. However the judges' associates have worked tirelessly to alleviate the impact of the changeover.

Depending upon the lists, each year the judges might sit at up to 40 centres throughout Queensland — that is in Brisbane, the seven regional centres, 24 other centres where jury trials can be held, and some of the 15 remote or Aboriginal and Torres Strait Islander communities, including those in the Gulf, Cape and Torres Strait.

Judges of the District Court also constitute the Planning and Environment Court and the Childrens Court, and the court's resources are deployed to a considerable extent in discharging their functions.

Judge Shanahan, the President of the Childrens Court of Queensland, and Judge Rackemann who has special responsibility for listing in the Planning and Environment Court, have prepared their respective reports on the operations for these entities during the year under review.

Performance

The court's performance and workload during the 2012-13 year are reflected in the statistics set out in this report. The court's statistical information accords with the method of reporting adopted by the Commonwealth Productivity Commission's *Annual Report on Government Services*.

The dedication of the court's 38 judges has resulted in the efficient and timely disposal of the lists. In Brisbane this was undoubtedly assisted by the new courthouse. The layout of the courtrooms and the circulatory systems in place for prisoners, litigants, the profession, the public, child and other vulnerable witnesses, juries and the judges, as well as the advances in technology available for trials and hearings, have all contributed.

With increases in the court's criminal jurisdiction from 1 September 2010 and its civil jurisdiction from 1 November 2010, came the longer, more complex civil matters and appeals, the more complex drug cases and the cases involving people-smuggling offences under the *Migration Act 1958 (C'wth)*. The latter had a severe impact on the judicial resources available for the court's workload until September 2012.

Those trials were long and expensive and absorbed a significant proportion of the judicial resources available for criminal trials. Most involved offences against section 233C of the *Migration Act*, which attracts a mandatory minimum sentence for first-offenders of 5 years imprisonment with a non-parole period of 3 years. Consequently very few of those charged with s233C offences pleaded guilty. Their trials commonly lasted at least two weeks.

However, on 27 August 2012, pursuant to section 8 (1) of the *Director of Public Prosecutions Act 1983 (C'wth)*, the Commonwealth Attorney-General gave a Direction to the Commonwealth Director of Public Prosecutions, in effect, not to institute or continue prosecutions of offences contrary to section 233C. The Direction relates to first time offenders and lower culpability crew members where a death had not occurred in relation to the people smuggling venture. As a result the number of people smuggling prosecutions for offences contrary to section 233C has significantly declined. Almost all now plead guilty and are sentenced. Since September 2012 only one such matter was listed for trial.

Nonetheless, by reason of the *Criminal Law (Two Strike Child Sex Offenders) Amendment Act 2012*, it is highly likely that the number of trials in this court will increase over the next two next years. The Act provides for a mandatory sentence of life imprisonment with a non-parole period of 20 years for those to whom the Act relates. Consequently few, if any, will plead guilty to these indictments. However there is every indication that the court, with its efficient, modern practices, has sufficient resources to deal with such an increase.

The change in jurisdictional monetary limits which last year had such an impact on civil clearance rates is no longer an issue. In 2012-13, the court achieved a civil clearance rate of 100 per cent in 10 of the 12 months of the year, and at the end of year the civil clearance rate was 107.4 per cent (94.9 per cent in 2011-12). In Brisbane the clearance rate improved from 91.5 per cent last year to 106.1 per cent this year.

Last year the number of new civil matters lodged in the court had risen by 16.3 per cent. In 2012-13 the number of new civil matters lodged in the court decreased by 754 (12.0 per cent). This trend is not reflected in Townsville which had a 44 per cent increase in new civil matters, and in Rockhampton, with a 40 per cent increase. The decrease in lodgments is driven predominately by a reduction in the number of new claims for money owing, damages for personal injury and for recovery of possession of property or land.

The court's adjuncts, the Childrens Court of Queensland and the Planning and Environment Court, also employ judicial case management.

Disposition of Caseload

In light of the factors referred to above, the court's performance and workload in 2012-13 has been most creditable. As the number of new matters has fallen in the rural and regional centres, there were sufficient judicial resources to service those centres, as well as some of the bigger centres, such as Southport.

Criminal

In the criminal jurisdiction, the workload is measured by the number of defendants. These statistics do not include Childrens Court matters, affected child witness hearings or pre-trial hearings.

The court has responsibility for indictable criminal offences, the trials of which are usually heard by a judge and jury, but on occasions by a judge alone. It deals with most of the serious criminal cases.

The percentage of defendants with cases greater than 24 months old has decreased, from 5.5 per cent last year to 5.4 per cent in 2012-13. The court maintained a clearance rate at state level, by the end of the year under report, of 105.9 per cent (104.5 per cent last year). As expected with the increase in the Magistrates Court jurisdiction, the number of active pending matters continued to decline throughout the year, with 1,490 at 30 June 2013, compared with the previous year (1,757).

These figures mask the complexity of the court's criminal workload. The overall decrease in finalisations over the past 5 years is due, predominately, to fewer pleas and fewer nolle, representing over 92 per cent of the reduction in finalisations since the 2008-09 financial year.

About 88 per cent of all trials on indictment were held in this court. The court deals with many complex and lengthy fraud trials, with the longer or more complex having been conducted as eTrials.

During the year under review 458 matters were disposed of by trial and verdict (558 last year), 3,445 by sentence on guilty plea (3,601 last year) and 851 by nolle prosequi (969 last year). Further, owing to the increasing complexity of matters now before the court, trials (and indeed sentences) are taking appreciably longer. Although the number of matters disposed of by trial and verdict, as well as by sentence on a guilty plea or by nolle prosequi continued to decrease, the trials are taking longer. In Brisbane alone six trials went into a third week, and two took four weeks to complete.

During the year 4,703 new cases (5,120 last year) were presented to the court and the court ended the year having disposed of 4,981 matters (5,350 last year) giving a 105.9 per cent clearance rate (104.5 per cent last year). Of the outstanding cases, 17.4 per cent were more than 12 months old from the date of presentation of the indictment (17.9 last year), and 5.4 per cent were more than 24 months old (5.5 per cent last year).

In Brisbane, 1,621 new cases were presented during the year (1,808 last year) and the court ended the year with 458 outstanding criminal cases (587 last year), having disposed of 1,747 matters (1,838 last year). The clearance rate in Brisbane rose to 107.8 per cent this year from 101.7 per cent last year. Of the outstanding cases, 15.5 per cent were more than 12 months old from the date of presentation of indictment (15.2 per cent last year), and 6.3 per cent were more than 24 months old (6.5 per cent last year).

In the major centres where judges are based – Brisbane, Beenleigh, Cairns, Ipswich, Maroochydore, Rockhampton, Southport and Townsville – a total of 4,037 new cases were presented during the year and the major centres ended the year having disposed of 4,163 cases, with 1,293 outstanding, compared with last year (4,350 new cases, 4,337 disposed of, and 1,559 outstanding cases).

At the circuit centres, a total of 666 new cases were presented during the year (770 last year) and the circuit centres ended the year with the court having disposed of 818 criminal matters in those places, (1,013 last year), with 197 matters outstanding at the end of the year (198 last year).

Affected child witnesses

Matters involving child witnesses, and most matters involving offences of a sexual nature involve child witnesses, are complex and time consuming.

Many children are required to give evidence in matters involving charges of sexual or violence offences. During 2012-13 the judges ordered 222 pre-recordings (last year 278) involving 377 children (last year 474) for the District Court or the Childrens Court. Not all the pre-recordings ordered take place as, not infrequently, defendants plead guilty soon after the order is made. During 2012-13, the evidence of 164 children (last year 350) was pre-recorded before a judge for future trials in the District Court or the Childrens Court. However not all matters then go on to trial as some defendants plead guilty after the pre-recording takes place or the Crown enters a nolle prosequi.

The evidence of an affected child witness must be pre-recorded from a remote witness room soon after the indictment is presented, and care taken to ensure that all pre-trial hearings are completed before that occurs. In Brisbane the pre-recording usually took place within 6-10 weeks of the presentation of the indictment. The child's evidence is later played to the jury at the trial which usually takes place some months after the pre-recording. To preserve their integrity and security, all DVDs or videotapes, no matter where recorded in Queensland, are kept by the Principal Registry in Brisbane.

The court's technological and IT administrators responded promptly in replacing or mending defective equipment. Unfortunately such dedication and expertise is not mirrored in many of the tapes of a child's earlier police interview, which are prepared outside the court, but are played to juries pursuant to s 93A of the *Evidence Act 1977*.

Civil

The statistics based on numbers of civil filings in various centres do not reveal the growth in complexity of the court's civil workload as a result of the *Civil and Criminal Jurisdiction Reform and Modernisation Amendment Act 2010*. Comparisons with earlier years are misleading as those statistics included a large number of criminal compensation applications filed prior to the expiry of the court-administered criminal compensation scheme under the *Criminal Offence Victims Act 1995* and the *Criminal Code*. The court no longer deals with these applications.

In 2012-13 the number of new civil matters lodged in the court fell by 12.0 per cent compared with 2011-12 when civil lodgments had risen by 16.3 per cent. In Brisbane civil lodgments also fell during 2012-13 by 11.9 per cent (having previously increased by 22.9 per cent during the 2011-12 year).

During 2012-13 there were 5,543 new civil cases lodged in the court (6,297 last year), with 5,951 matters finalised (5,973 last year). The number of active pending matters also decreased in 2012-13 with 4,710 pending active matters (5,125 last year). The civil clearance rate was 107.4 per cent compared with 94.9 per cent last year. The percentage of active cases older than 12 months was 19.9 per cent this year (18.1 per cent last year) and the percentage of active cases older than 24 months was 3.9 per cent (3.0 per cent last year).

In Brisbane there were 4,082 new cases, a decrease of 11.9 per cent on 2011-12 (4,634 last year), but an increase, to 4,351, in the number of cases disposed of (4,238 last year), achieving a clearance rate of 106.6 per cent (91.5 last year). In Brisbane, 18.9 per cent of active cases were older than 12 months with 3.8 per cent of active cases older than 24 months. Most of the more complex matters were lodged in Brisbane.

These statistics do not include the other, non-RoGS matters such as applications which are heard by the judges, nor appeals to the District Court or the matters dealt with by the judges sitting in the Planning and Environment Court.

District Court Commercial List

A Commercial List was established in October 2010 pursuant to Practice Direction no 3 of 2010 in view of the court's monetary jurisdiction increasing to \$750,000 from 1 November 2010. The Commercial List judges are Judge Robin QC, Judge McGill SC, Judge Andrews SC and Judge Dorney QC.

Appeals

During the year under review the court disposed of 1,101 criminal appeals from the Magistrates Courts (441 last year) and 63 civil appeals from the Magistrates Court (71 last year).

Criminal appeals

During the year, 405 criminal appeals were lodged in the court, (528 last year) and 1,101 cases were finalised (441 last year), ending the year with 161 active cases (855 last year) and a 271.9 per cent clearance rate. The percentage of active cases older than 12 months decreased from 63.3 per cent in 2011-12 to 8.7 per cent in 2012-13, with the percentage of those older than 24 months increasing from 2.1 per cent last year to 3.7 per cent in 2012-13.

In Brisbane during the year under review the number of criminal appeals lodged remained steady with 157 new appeals this year (157 last year), disposing of 179 criminal appeals (161 in 2011-12), and ending the year with 71 active cases and a clearance rate of 114.0 per cent (102.5 per cent last year). The percentage of active cases older than 12 months was 9.9 per cent (8.3 per cent last year) with 2.8 per cent older than 24 months.

Civil appeals

During the year, 53 civil appeals were lodged in the court (65 last year), and 63 cases finalised (71 last year) giving a clearance rate of 118.9 per cent and ending the year with 38 active cases. The percentage of active cases older than 12 months has increased from 22.2 per cent in 2011-12 to 23.7 per cent in 2012-13, and those older than 24 months, from 4.4 per cent last year to 10.5 per cent in 2012-13. In Brisbane the court disposed of 27 civil appeals and ended the year with 25 active cases, resulting in a clearance rate of 87.1 per cent (77.8 per cent in 2011-12), with 24 per cent older than 12 months and 12.0 per cent older than 24 months.

Planning and Environment Court

The Planning and Environment Court is structured as a de facto division of the District Court.

This court is the only Queensland court whose files are open to inspection for any litigant, lawyer or member of the public through eFiles, a new online service which makes court documents available to everyone 24 hours a day, seven days a week. All active Planning and Environment Court files originating in Brisbane, Southport, Maroochydore, Townsville or Cairns are accessible through the Queensland Courts website [eCourts](http://www.courts.qld.gov.au/information-for-lawyers/search-civil-files-ecourts) facility:

<http://www.courts.qld.gov.au/information-for-lawyers/search-civil-files-ecourts>.

This court has maintained the high international recognition which it has received for its achievements - the efficiency of its unique structure as an adjunct of the District Court, and as a world leader in individual case management; its alternative dispute resolution process; its efficient management of expert evidence; its regional service and the commitment of its judges to ongoing review and reform.

Overall, the current adverse financial climate was reflected in a further decrease in the number of lodgments this year. State-wide 448 new cases were filed this year down from 564 last year.

The court achieved a clearance rate of 133.3 per cent ending the year with 434 outstanding cases and having disposed of 597 matters. Of the outstanding cases, 43.1 per cent were more than 12 months old (from date of filing), and 23.3 per cent were more than 24 months old. Some cases may take this long due to the complexity of some matters and the number of parties involved in the hearings.

In Brisbane, where the longer cases are heard, the court ended the year with 346 outstanding cases having disposed of 489 matters, achieving a clearance rate of 134.3 per cent. Of the outstanding cases, 43.1 per cent were more than 12 months old and 24 per cent were more than 24 months old.

The court offers litigants a no-cost ADR service. This has been internationally recognised as providing visionary ADR access to justice. Approximately 95 per cent of cases are finalised without proceeding to a full hearing.

In 2012-13, the court's ADR Registrar, Mr John Taylor, who convenes and chairs without prejudice conferences, meetings of experts and management conferences, conducted 262 separate ADR conferences (323 last year). ADR conferences in 146 matters were completed (155 last year), and of those, 114 resolved (111 last year). Thus 78 per cent of the completed matters finally resolved through ADR (71 per cent last year). The ADR Registrar held these conferences in Brisbane, Southport, Maroochydore, Cairns, Townsville and other centres throughout the state.

During the year Mr Taylor also presented 'The Taylor Made Series', giving 10 seminars to the P & E lawyers and other members of the Queensland Environmental Law Association, in the Banco Court.

Childrens Court of Queensland

The Childrens Court of Queensland is a specialist jurisdiction established under the *Childrens Court Act 1992*. A separate annual report of the Childrens Court of Queensland is prepared under the *Childrens Court Act* and further details of the Childrens Court can be found in that report.

Judge Shanahan has been the president of the Childrens Court since February 2011. Currently there are 24 other judges who also hold commissions under this Act.

Regional centres

The lists in the seven regional centres at Cairns, Townsville, Rockhampton, Maroochydore, Southport, Ipswich and Beenleigh have been well maintained by the regional judges based in those centres.

Circuits

Through its circuit load, the court is accessible to those in remote, rural and regional Queensland so that matters can be heard and decided in a timely fashion no matter in what part of the state. The efficient allocation of judicial resources through circuit allocations improves the overall functioning of the court and, by reference to the efficiency and quality of its output, produces more consistent decision-making.

Indigenous and remote circuits

The judges, as in previous years, visited the remote Aboriginal and Islander communities on circuit. Judges sat in the Gulf (Mornington Island, Doomadgee and Normanton), the Cape (Weipa/Napranum, Kowanyama, Aurukun, Pormpuraaw and Lockhart River), Thursday Island, Bamaga, Yarrabah, Cooktown, Palm Island, and Woorabinda and in Murgon to deal with Cherbourg matters.

Overall

The court's performance, in view of its workload during 2012-13, has been creditable.

The Queen Elizabeth II Courts of Law

Throughout the year under report the court has been in occupation, with the Supreme Court, of Brisbane's landmark courthouse, the Queen Elizabeth II Courts of Law. Its superb design has proved that it undoubtedly suits and assists the work of the District Court.

The Queen Elizabeth II Courts of Law was officially opened, on 3 August 2012, by Her Excellency the Governor, Ms Penelope Wensley AC in the presence of the Premier, the Hon Campbell Newman, the Attorney-General, the Hon Jarrod Bleijie MP, the Chief Justice, the Chief Judge and the Judges of the Supreme and District Courts.

The last 12 months have demonstrated, with natural light in every courtroom, the public waiting spaces and the various offices, that those who occupy the courthouse work better. They have outlook and privacy, features which are of considerable benefit to all who use or come to the courthouse.

The courthouse has also proved to be exceptionally well suited for professional meetings and other responsibilities. In June 2013 the judges of the District Court hosted the first judicial conference to be held in the QE II courts of Law. The 22nd Biennial Conference of the District & County Court Judges of Australia & New Zealand for about 100 judges was held in the Banco Court and opened by the Attorney-General, the Hon Jarrod Bleijie MP.

Thus the interstate and overseas judges could appreciate its open, accessible and transparent design which is in sharp contrast to the 1970s courthouse it replaced. This courthouse is one of the largest court buildings in Australia, covering more than 60,000 square metres over 19 levels, with 39 courtrooms, including the Banco Court, the Court of Appeal, 23 criminal courts and 14 civil courts, the Supreme Court Library, the Sir Harry Gibbs Legal Heritage Centre, a basement cell block and separate internal circulation systems for judges, jurors, persons in custody, child and other vulnerable witnesses and the public.

The judges' metropolitan courthouse building committee, which included, from this court, Judge Griffin SC, Judge Andrews SC and the Chief Judge, represented the judges of this court in the consultations with the architects, builder and departmental officers throughout its design and construction phases, facilitating appropriate accommodation for all those involved in the justice system, be they litigants, supporters, staff, lawyers or judges.

Practice Directions

During the year, 13 District Court Practice Directions were issued, and 14 were issued for the Planning and Environment Court.

The Focus Group

The Focus Group, chaired by the Senior Judge Administrator and comprising the Chief Justice, the President of the Court of Appeal, the Chief Judge, the Chief Magistrate and the Director-General, met with the Executive Director of the Supreme, District and Lands Courts Service and other senior officers throughout the year. Its purpose is to keep the courts informed about actual and proposed departmental initiatives for the state courts, to provide an opportunity for the courts to participate in the allocation of resources, and to ensure the regular monitoring of the courts' registry and administrative operations.

Rules Committee

The Rules Committee, chaired by Justice Muir of the Court of Appeal of the Supreme Court, includes the Chief Justice and Justice Margaret Wilson, and from the District Court, Judge Robin QC and Judge McGill SC. The committee met at least weekly out of ordinary court hours.

Benchbook

The Supreme and District Courts Benchbook provides model directions for the judges conducting criminal trials, specifically designed to apply the *Criminal Code*, which in significant respects differs from the common law applied in some other states. It is a work of collegiate endeavour. During the year under report, Judge Shanahan, Judge Dick SC, Judge Rafter SC and Judge Martin SC were its District Court members. The committee works over extended periods updating and adding to this essential and important work.

Chief Judge's calendar

This year as in previous years, I sat in the various jurisdictions of the court, both in and out of Brisbane: the criminal court (23 weeks), and in civil, applications and appeals (seven weeks), including sittings in the regional centres of Cairns, Southport and Rockhampton.

During the year I met with the leaders and representatives of the many organisations principally involved in the justice system, such as the Queensland Bar Association, the Queensland Law Society, the Director of Public Prosecutions, Legal Aid Queensland, law school academics, the Hon Philip Cummins, president of Court Network for Humanity, and the president and committee of Protect All Children Today (PACT) and representatives of the College of Law Practical Legal Training (PLT) Program to advance the implementation of a specific associates' course, designed to enable associates to undertake the PLT for admission to the legal profession.

Aside from monthly judges' meetings, meetings of the judges' committees and the Supreme Court Library Committee, conferences and public events, I met regularly with the Chief Justice, the Attorney-General, the Director-General of the Department of Justice and Attorney-General and senior officers of the department, the Executive Director of the Supreme District and Land Courts Service and her deputies, the Sheriff, listings managers and Courts Information Technology staff and had regular meetings with leaders of the legal profession and justice system.

I attended meetings of the Council of Chief Judges, projects and meetings involved in the organisation of the District Court and its registries, meetings of the Supreme Court Library Committee, the Focus Group, and other conferences, seminars and forums in Queensland and elsewhere.

Continuing judicial professional development

The undoubted success and professional value of the 22nd Biennial Conference of the District & County Court Judges of Australia & New Zealand which was held in the Banco Court, from 26 June – 29 June 2013, was largely due to the endeavours of Judge Terry Martin SC, who chaired the Judges' professional development committee, with assistance from its members, Judge Dick SC, Judge Griffin SC, Judge Searles, Judge Andrews SC and Judge Devereaux SC.

About 100 judges from Australia and New Zealand attended. A range of interesting and thought-provoking topics relevant to our judicial work were addressed by eminent speakers, including –

The Hon Margaret White AO (Justice of Appeal of the Supreme Court of Queensland, retired); Rev Professor James Haire AC KSJ (Executive Director of the Australian Centre for Christianity and Culture and former President of the National Council of Churches in Australia and of the Uniting Church in Australia); David Irvine AO (Director-General of Security (ASIO)); The Hon Justice Margaret McMurdo AC (President of the Court of Appeal of the Supreme Court Queensland); Professor Diego De Leo AO MD PhD DSc FRANZCP (Director of the Australian Institute for Suicide Research and Prevention, Griffith University); The Hon Dr Gary Johns (Adjunct Professor, QUT Business School); Sean Dorney AM (the ABC's Pacific correspondent); Ms Catherine Tanna (Reserve Bank of Australia Board member, BG Australia chairman); Mr Mick Gooda (Aboriginal and Torres Strait Islander Social Justice Commissioner); The Hon Brian Jordan (Judge, Family Court of Australia, retired); Professor Bryan Horrigan (Dean, Faculty of Law, Monash University); Professor Ross Homel AO (Foundation Professor of Criminology and Criminal Justice, Griffith University, Director, Key Centre for Ethics, Law, Justice and Governance); Mr John Grealy FAIA (architect, director of Architectus); and Hedley Thomas (national chief correspondent, The Australian), Professor Charles Sampford (Director, Institute for Ethics, Governance and Law), Professor Gerard Carney (Professor of Law, Curtin University), Dr Alastair Blanshard (senior lecturer, Department of Classics and Ancient History, University of Sydney), Anthony Ryan (CEO, Edmund Rice Foundation) and Jonty Bush (research and liaison officer, Victim Assist Queensland).

Other speakers included - Senator the Hon George Brandis QC (then Commonwealth Shadow Attorney-General), The Hon. Justice Peter Murphy (Family Court of Australia), John Gallagher QC, Peter Dunning QC and the Integrity Commissioner, Mr David Solomon AM.

During the year many of the judges spoke or presented papers at many important professional meetings and conferences, details of which appear in this report, as well as presiding over moots and speaking to schools and community groups. Details of the judges' judicial professional development involving overseas studies, seminars, programmes or conferences are published annually on the court website. Also, the court calendar is structured so that 2.5 days per annum is set aside for judicial professional development in banc. This time is especially important for the court – it is the only time that the court's 38 judges are together, as 13 of the judges have permanent chambers in various parts of Queensland outside Brisbane.

Office of the Executive Director of the Supreme, District and Land Courts Service

The institution of this role and responsibility, which includes that formerly known as the Office of the Director of Courts, marked a great improvement this year in the coordination and oversight of registry administration and the provision of judicial support services for these courts. The creation of the Supreme, District and Land Courts Service followed the 2010 review of the governance and structure of registries across several major jurisdictions, including the District Court.

The Executive Director of Courts Service, Ms Julie Steel, is also the Principal Registrar of the Supreme and District Courts and the registrar of the Planning and Environment Court and the Childrens Court of Queensland, and is supported by executive, administrative and registry staff throughout Queensland.

Associates' appointments

Associates are appointed by the Chief Judge pursuant to s36(2) of the *District Court of Queensland Act 1967*, who may remove or suspend associates by virtue of the *Acts Interpretation Act 1954*, s25. Associates are appointed as deputy sheriffs by the Chief Executive of the Department of Justice and Attorney-General (s213 of the *Supreme Court Act 1995*).

Access to the Court

Court Network

The Court Network, a volunteer service, has operated in the District Court in Brisbane since December 2007, giving support and non-legal information and referral services to court-users attending at the court, whether as litigants or witnesses or their families and supporters. It receives referrals from various services, departments and other persons. The volunteers may be found in the courtrooms and elsewhere throughout the QE II Courthouse. Court Network also operates in Cairns and Townsville.

The volunteers 'support court-users in the courtroom and familiarise them with the courthouse. They also provide court-users with a safe place in the courthouse and refer them to those community services or charities which can provide relevant assistance. During the year, 4,143 court users were assisted in Brisbane, 622 in Townsville and a further 611 in Cairns Courts.

Court Network provides a second service in Brisbane with an information and Justice of the Peace service based at the Information Kiosk in the QE II Courthouse, assisting 9,017 people this year.

Queensland Public Law Clearing House

The Queensland Public Law Clearing House (QPILCH) provides the Self Representation Civil Law Service in the QE II Courthouse. The service assists litigants in person prepare for a civil action in the District or the Supreme Court. Completely independent of the courts and government, the service is designed to assist litigants without legal representation take the practical steps necessary to have their case fully heard and determined.

Self Represented Litigants Service

The Self Represented Litigants Service also began in December 2007. It is to be found on the ground floor of QE II Courthouse and is operated by staff from the court's civil registry who also provide advice of a non-legal nature. The service is designed to assist and support those litigants appearing in person in civil matters and provides both private meeting rooms in which to prepare for court as well as computer and printing access.

International aspects

On 18 October 2012, a delegation of Judges from the Family Court at Seoul, South Korea visited the court. Judge Michael Shanahan, President of the Childrens Court of Queensland, spoke to them about the operations of the court. They then observed a Childrens Court trial before Judge Shanahan.

On 8 November 2012, a delegation of Judges from Yunnan Province and academics from Wuhan University, Hubei Province, People's Republic of China visited the court to learn about the operation of the Planning and Environment Court. Judge Michael Rackemann provided the judges with an overview of the Planning and Environment Court of Queensland.

During the week commencing 27 May 2013, and in accordance with the request of the Chief Justice of Papua New Guinea, Sir Salamo Injia, two Judges of the Supreme Court and the National Court of Papua New Guinea spent a week with the judges in Brisbane. Justice Bernard Sakora CBE CSM and Justice Derek Hartshorn ML studied the operations of the Planning and Environment Court and the administrative arrangements in place for the stream-lined disposition of the District Court's civil and commercial list matters.

Judicial appointments

On 1 November 2012 Mr Alexander Horneman-Wren SC was sworn in as a Judge of the District Court of Queensland.

On 11 March 2013 Mr Paul Edward Smith was sworn in as a Judge of the District Court of Queensland in the QEII Courts of Law Brisbane. On 25 March 2013 a welcome ceremony was held for Judge Smith in the Rockhampton courthouse.

Judicial retirements

Judge Grant Britton SC, who was appointed to the District Court on 26 November 1998, retired on 23 December 2012.

Judge John Newton, who was appointed to the District Court on 25 February 1991, retired on 29 January 2013.

Recognition

Following the end of the 2012-13 year, the Librarian of the Supreme Court Library, Mr Aladin Rahemtula OAM, retired after 30 years of dedicated service to the judges, the legal profession, students, historians and the public. He joined the Library as Reference Librarian in 1983. Before his appointment as Supreme Court Librarian in 1987, he established many innovative services and programs, which allowed the Library to flourish through the subsequent technology and online revolutions, and through tough economic challenges.

His membership of the National Archives of Australia Advisory Council recognizes his significant contribution to the development and preservation of legal history. He is the author of several publications on this topic. The judges are most grateful for the inestimable support and inspiration which he and the Library have provided throughout the years of his leadership.

Acknowledgement

Once again, the Judicial Administrator, Judge O'Brien, has given me unstinting assistance and support in the due administration of the court. He, rightly, has the confidence of the judges.

I thank the judges, officers of the registry, the court's administrative staff, and the Director-General and his staff, for their dedication to the effective discharge of the court's undertaking during the year under review.

Profile of the District Court

Judges of the District Court

During the year under report the judges were:

Chief Judge	Her Honour Chief Judge Patricia Mary Wolfe
Judges	His Honour Judge Kerry John O'Brien
	His Honour Judge Hugh Wilfrid Harry Botting
	His Honour Judge Michael John Noud
	His Honour Judge Philip David Robin QC
	His Honour Judge John Elwell Newton (Southport) (retired 29 January 2013)
	His Honour Judge John Mervyn Robertson (Maroochydore)
	His Honour Judge Douglas John McGill SC
	His Honour Judge Clive Frederick Wall RFD QC (Southport)
	His Honour Judge Nicholas Samios
	His Honour Judge Grant Thomas Britton SC (Rockhampton) (retired 23 December 2012)
	Her Honour Judge Deborah Richards (Ipswich)
	Her Honour Judge Sarah Bradley (Ipswich)
	His Honour Judge Michael John Shanahan
	Her Honour Judge Julie Maree Dick SC
	His Honour Judge Marshall Philip Irwin
	His Honour Judge Michael Edward Rackemann
	His Honour Judge Milton James Griffin SC
	Her Honour Judge Julie Ann Ryrle
	His Honour Judge Ian Francis Macrae Dearden (Beenleigh)
	Her Honour Judge Fleur Yvette Kingham
	His Honour Judge Stuart Gordon Durward SC (Townsville)
	His Honour Judge Anthony John Rafter SC
	His Honour Judge Terence Douglas Martin SC
	His Honour Judge David Graham Searles
	His Honour Judge Gregory John Koppenol (Ipswich)
	His Honour Judge David Charles Andrews SC
	Her Honour Judge Leanne Joy Clare SC
	His Honour Judge William Garth Everson (Cairns)
	His Honour Judge Brian Gerard Devereaux SC
	Her Honour Judge Katherine Mary McGinness (Southport)
	His Honour Judge Kiernan Damian Dorney QC
	His Honour Judge Richard Stephen Jones
	His Honour Judge Brian Anthony Harrison (Cairns)
	His Honour Judge David Andrew Reid
	His Honour Judge John Richard Baulch SC (Townsville)
	His Honour Judge Gary Patrick Long SC (Maroochydore)
	His Honour Judge Bradley Wayne Farr SC
	His Honour Judge Alexander Adrian Horneman-Wren SC (from 29 October 2012) (also on QCAT duties)
	His Honour Judge Paul Edward Smith (from 8 March 2013) (Rockhampton)

Regional, planning and childrens court judges

Regional judges

During the year under report the following judges were allocated to the regional centres as shown:

Maroochydore	Judge Robertson Judge Long SC
Southport	Judge Newton (retired 29 January 2013) Judge Wall QC Judge McGinness
Townsville	Judge Durward SC Judge Baulch SC
Rockhampton	Judge Britton SC (retired 23 December 2012) Judge Paul Edward Smith (from 8 March 2013)
Ipswich	Judge Richards Judge Bradley Judge Koppenol
Cairns	Judge Everson Judge Harrison
Beenleigh	Judge Dearden

Planning and Environment Court

The Planning and Environment Court judges during 2012-13 are listed below:

Chief Judge Wolfe	Judge Searles
Judge Robin QC	Judge Andrews SC
Judge Newton (to 29 January 2013)	Judge Everson
Judge Robertson	Judge Dorney QC
Judge Wall QC	Judge Harrison
Judge Britton SC (to 23 December 2012)	Judge Jones
Judge Rackemann	Judge Reid
Judge Griffin SC	Judge Baulch SC
Judge Kingham	Judge Long SC
Judge Durward SC	

Childrens Court of Queensland

The Childrens Court judges during 2012-13 are listed below:

Judge Shanahan – President	Judge Durward SC
Judge O'Brien	Judge Rafter SC
Judge Newton (to 29 January 2013)	Judge Martin SC
Judge Robertson	Judge Clare SC
Judge Wall QC	Judge Everson
Judge Samios	Judge Devereaux SC
Judge Britton SC (to 23 December 2012)	Judge McGinness
Judge Richards	Judge Harrison
Judge Bradley	Judge Reid
Judge Dick SC	Judge Baulch SC
Judge Irwin SC	Judge Long SC
Judge Griffin SC	Judge Farr SC
Judge Dearden	Judge Smith
Judge Kingham	

The court

The work of the District Court

The District Court hears and determines appeals and resolves matters commenced by indictment in criminal cases, claim or originating application in civil proceedings, by trial, hearing or consensus. The Chief Judge is responsible for the administration of the court.

The District Court is the principal court in Queensland for trials of persons charged with serious criminal offences. Criminal trials are usually heard with a jury. Civil matters are normally heard by a single judge. The court exercises equitable and other jurisdiction within its civil monetary limit. 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. The District Court hears all appeals from the Magistrates Courts. Many of the judges also sit as Planning and Environment Court judges and Childrens Court judges.

Some of the judges serve on committees with responsibility for developing and implementing policies and procedures for the continual improvement of the functioning of the courts. These include the Supreme and District Courts Benchbook Committee; the Supreme and District Courthouse Building Committee; the Learning and Development Committee; the Rules Committee and the District Court judges' committees.

Organisation of work

The work of the District Court judges was organised in terms of the following categories:

- Criminal
- Civil
- Appellate
- The Planning and Environment Court
- Childrens Court of Queensland

Criminal jurisdiction

In practice the court deals with all indictable matters other than homicides and the most serious drug offences. Almost 85 per cent of all defendants charged on indictment came before the District Court in 2012-13. The court regularly conducts trials involving about 24 offences attracting a maximum penalty of life imprisonment.

The court deals with offences under Commonwealth and state drug laws as well as offences under the *Corporations Law*, the *Commonwealth Migration Act 1958* and against federal and state revenue laws. During the year under report 572 trials, not all reaching a verdict, were heard in the District Court.

During the year the Chief Judge and Judge O'Brien, with assistance from other judges, mainly Judge Shanahan and Judge Martin SC, managed the criminal list in Brisbane. In the regions, the lists are managed by the resident judges.

For the larger circuit centres, Judge Robertson and Judge Long SC had special responsibility for the Bundaberg, Gympie and Kingaroy lists, Judge Botting for Maryborough and Hervey Bay, Judge Dick SC for the Mackay lists during 2012 and Judge Dearden for Mount Isa.

Many of the cases are reviewed or managed by the judge well before the trial date, to ensure that the prosecution has provided the defence with all witnesses' statements and particulars and that the defence has considered whether a s590AA hearing is required. In smaller centres the court conducts a 'running list'. In this way the court in these centres deals with its criminal workload having regard to the effect on the list of 'late' pleas and *nolle prosequi*.

Disposal of work

In the criminal jurisdiction, the workload is measured by the number of defendants. These statistics do not include Childrens Court matters, affected child witness hearings, pre-trial hearings or criminal appeals to the District Court. Some cases may take longer due to appeals and rehearings.

During the year 4,703 new cases were presented to the court (5,120 last year) and the court ended the year having disposed of 4,981 cases, leaving 1,490 outstanding cases (a 105.9 per cent clearance rate). Of the outstanding cases, 17.4 per cent were more than 12 months old from the date of presentation of the indictment, and 5.4 per cent were more than 24 months old. Some cases take longer due to appeals and rehearings.

In Brisbane, 1,621 new cases were presented during the year and the court ended the year with 458 outstanding cases having, disposed of 1,747 matters (a 107.8 per cent clearance rate). Of the outstanding cases, 15.5 per cent were more than 12 months old from the date of presentation of indictment, and 6.3 per cent were more than 24 months old.

In the regional centres where judges are based outside Brisbane - Beenleigh, Cairns, Ipswich, Maroochydore, Rockhampton, Southport and Townsville – a total of 2,425 new cases were presented during the year and the regional courts ended the year having disposed in all centres of 2,416, with 835 outstanding cases.

At Cairns, the court ended the year with 121 outstanding criminal cases having disposed of 477 matters (a 105.5 per cent clearance rate) with 13.2 per cent of the outstanding cases more than 12 months old and 4.1 per cent more than 24 months old.

Townsville had 99 outstanding cases having disposed of 338 criminal matters (a 96.8 per cent clearance rate) with 22.2 per cent of the outstanding cases more than 12 months old and 8.1 per cent more than 24 months old. Townsville also finalised 625 criminal appeals giving a clearance rate of 1,953.1 per cent for the year.

Rockhampton had 121 outstanding cases having disposed of 225 criminal matters (an 89.6 per cent clearance rate), 36.4 per cent were more than 12 months old and 8.3 per cent more than 24 months old.

Maroochydore had 93 outstanding cases having disposed of 240 criminal matters (an 84.2 per cent clearance rate), with 15.1 per cent of the outstanding cases more than 12 months old and 2.2 per cent more than 24 months old.

Southport had 147 outstanding cases having disposed of 443 criminal matters (a 108.8 per cent clearance rate) with 17.0 per cent of the outstanding cases more than 12 months old and 3.4 per cent more than 24 months old.

At Beenleigh, the court ended the year with 152 outstanding matters, having disposed of 317 matters (a 96.1 per cent clearance rate), with 15.1 per cent of the outstanding cases more than 12 months old and 5.3 per cent more than 24 months old.

Ipswich had 102 outstanding cases, having disposed of 376 criminal matters (a 109.9 per cent clearance rate) leaving 11.8 per cent of the active matters more than 12 months old and only 1.0 per cent more than 24 months old.

At the circuit centres, a total of 666 new cases were presented during the year and the circuit centres ended the year with the court having disposed of 818 criminal matters in those places, with 197 matters outstanding at the end of the year.

Table 1: The activity of the District Court criminal list

	Number of Defendants			Clearance Rate	Backlog Indicator	
	Lodged	Finalised	Active		% > 12 mths	% > 24 mths
Brisbane	1621	1747	458	107.8%	15.5%	6.3%
Regional centres						
Beenleigh	330	317	152	96.1%	15.1%	5.3%
Cairns	452	477	121	105.5%	13.2%	4.1%
Ipswich	342	376	102	109.9%	11.8%	1.0%
Maroochydore	285	240	93	84.2%	15.1%	2.2%
Rockhampton	251	225	121	89.6%	36.4%	8.3%
Southport	407	443	147	108.8%	17.0%	3.4%
Townsville	349	338	99	96.8%	22.2%	8.1%
Total for Brisbane and regional centres	4037	4163	1293			
Circuit centres						
Bowen	32	46	11	143.8%	9.1%	0.0%
Bundaberg	70	78	6	111.4%	50.0%	33.3%
Charleville	7	14	5	200.0%	80.0%	20.0%
Charters Towers	2	3	3	150.0%	0.0%	0.0%
Clermont	0	0	0	0.0%	0.0%	0.0%
Cloncurry	0	0	0	0.0%	0.0%	0.0%
Cunnamulla	0	0	0	0.0%	0.0%	0.0%
Dalby	30	38	5	126.7%	20.0%	20.0%
Emerald	13	21	5	161.5%	20.0%	20.0%
Gladstone	34	51	29	150.0%	10.3%	0.0%
Goondiwindi	12	18	2	150.0%	0.0%	0.0%
Gympie	14	35	3	250.0%	0.0%	0.0%
Hervey Bay	51	58	17	113.7%	11.8%	5.9%
Hughenden	0	0	0	0.0%	0.0%	0.0%
Innisfail	4	17	3	425.0%	0.0%	0.0%
Kingaroy	14	26	5	185.7%	0.0%	0.0%
Longreach	0	0	0	0.0%	0.0%	0.0%
Mackay	84	93	32	110.7%	3.1%	3.1%
Maryborough	37	43	7	116.2%	0.0%	0.0%
Mt Isa	50	82	19	164.0%	47.4%	26.3%
Roma	21	24	3	114.3%	0.0%	0.0%
Stanthorpe	3	7	6	233.3%	0.0%	0.0%
Toowoomba	177	147	30	83.1%	23.3%	0.0%
Warwick	11	17	6	154.5%	16.7%	0.0%
Total for circuit centres	666	818	197			
State total	4703	4981	1490	105.9%	17.4%	5.4%

(1) Data extracted from QWIC for reporting purposes on 25/07/13

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

(3) Clearance rate: finalisations/lodgments

(4) Backlog indicator - the number of active defendants with proceedings older than the specified time.

Civil jurisdiction

The ambit of the District Court's civil jurisdiction is described in s68 of the *District Court of Queensland Act 1967*, and many of its powers in s69. The court has an extensive general jurisdiction enabling it to deal with:

- all personal claims and any equitable claim or demand up to the monetary limit of \$750,000
- any claim (without monetary limit) referred to the court by the Supreme Court for assessment
- any claim where the parties consent to increase the monetary jurisdiction of the court
- actions to enforce by delivery of possession any mortgage
- actions to grant relief from mistake and for rectification
- actions seeking declarations and consequential orders arising from partnership disputes
- administration of estates where the estate does not exceed in value the monetary limit of the court
- family provision pursuant to the *Succession Act 1981*
- construction of deeds and other documents.

Some matters are disposed of by judges dealing with interlocutory applications in actions commenced by claims or originating applications. The more complex matters are case managed by the judges, leading to their early disposition.

The Report on Government Services (RoGS) unit of measurement for the civil jurisdiction is a case. Secondary processes, such as interlocutory applications, are excluded. RoGS files include all claims and originating applications.

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

Table 2: Clearance rate in civil cases

	RoGS Non Appeal Cases			Clearance Rate *	Backlog Indicator	
	Lodged	Finalised	Active		From filing date	
					% > 12 mths	% > 24 mths
Brisbane	4082	4351	3382	106.6%	18.9%	3.8%
State Total	5543	5951	4710	107.4%	19.9%	3.9%

*Clearance rate - finalisations/lodgments

Data extracted for reporting purposes on 25/07/13

These statistics do not reflect the change in the court's civil workload which resulted from the increase in jurisdiction brought about by the *Civil and Criminal Jurisdiction Reform and Modernisation Amendment Act 2010*.

Commercial List

The District Commercial List was established, in October 2010, pursuant to Practice Direction no 3 of 2010 in view of the increase in the court's monetary jurisdiction to \$750,000 from 1 November 2010.

The Commercial List judges are Judge Robin QC, Judge McGill SC, Judge Andrews SC and Judge Dorney QC.

Applications court

The *Uniform Civil Procedure Rules* provide for a proceeding to be commenced in some circumstances by an application, and also provide for an application to be made to the court in the course of a proceeding that will ultimately be dealt with fully at a trial or hearing.

Interlocutory and originating applications were dealt with quickly and efficiently by the court. There was no great delay for reasons associated with the court in hearing either type of application, at any centre where there is at least one resident judge.

Appellate jurisdiction

During the year this court heard and determined 1,101 criminal appeals and 63 civil appeals from the Magistrates Court.

Case management of appeals to the District Court continued with regular reviews of outstanding appeals throughout the year. This was especially successful in Townsville where 625 criminal appeals were disposed of during the year. Intervention notices are generated by the registry for the parties to assist them in adhering to predetermined timeframes in accordance with Practice Direction no 5 of 2001.

This table shows the clearance rate in criminal and civil appeals.

Table 3: Clearance rate in criminal and civil appeals

	RoGS Appeal			Clearance Rate *	Backlog Indicator	
	Lodged	Finalised	Active		From filing date	
Civil					% > 12 mths	% > 24 mths
Brisbane	31	27	25	87.1%	24.0%	12.0%
State Total	53	63	38	118.9%	23.7%	10.5%
Criminal						
Brisbane	157	179	71	114.0%	9.9%	2.8%
State Total	405	1101	161	271.9%	8.7%	3.7%

*Clearance rate - finalisations/lodgments

The Planning and Environment Court

The court is constituted by a District Court judge appointed to it. Many of the judges who may constitute the court are based in Brisbane. With the exceptions of Beenleigh and Rockhampton a Planning and Environment Court judge is based in each regional centre. The court may sit anywhere.

The court was first constituted in 1966 as the Local Government Court, then renamed in 1991 pursuant to the *Local Government (Planning and Environment) Act 1990*, and then continued pursuant to the *Integrated Planning Act 1997* and now, pursuant to the *Sustainable Planning Act 2009* (SPA). The court's rules and Practice Directions are made under the SPA.

The court exercises jurisdiction over a myriad of planning and/or environmental disputes. Matters are often complex and many have significant environmental, social and economic consequences. The court has unlimited monetary jurisdiction. It may make declarations and other orders; make interim enforcement orders and final enforcement orders; conduct full merits reviews of decisions of local governments and government entities; hear claims for compensation and punish for contempt.

Judges travel throughout Queensland to hear and determine planning matters, so that matters may be heard at a place close to the site or development, and the community which it affects.

Practice and procedure in the Planning and Environment Court is characterised by active list supervision, individual case management and the comprehensive deployment of ADR mechanisms.

The judges actively supervise the lists and their flexible case management achieves the just and expeditious resolution of the real issues in proceedings at a minimum of expense. The court's management of experts is recognised as one of the best in the common law world.

Almost 95 per cent of cases are finalised without proceeding to a full hearing. The court's ADR service is free of cost to the parties and is provided throughout the State. Parties may avail themselves of the ADR service by agreement or pursuant to an order of the court.

The court's ADR Registrar, Mr John Taylor, conducts mediations; convenes and chairs without prejudice meetings, meetings of experts and case management conferences. In 2012-13 the ADR Registrar conducted 262 individual ADR sessions. ADR was completed for 146 matters of which 114 resolved by agreement, achieving a 78 per cent success rate. Mediations and other ADR processes were conducted not only in Brisbane, but in centres across the State. The court's ADR service has been recognised internationally as providing visionary ADR access to justice.

The *Sustainable Planning and Other Legislation Amendment Act 2012* took effect on 22 November 2012. It expanded the powers of the ADR Registrar. In particular, the ADR Registrar may now exercise a power of the court pursuant to a practice direction and may also hear and decide a proceeding where the court so directs. The court reissued Practice Direction 6 of 2013, which permits the ADR Registrar to make an order or issue directions about a proceeding in certain circumstances.

Practice Direction 7 of 2013 was also issued, replacing Practice Direction 1 of 2011. That practice direction encourages parties to disputes about infrastructure charges or development approval conditions to proceed quickly to dispute resolution before the ADR Registrar if they have not, within one month, applied to have the matter heard and determined by the ADR Registrar. This encourages the efficient and cost effective resolution or determination of those matters.

Judge Rackemann has responsibility for the management of the lists and day to day operation. The caseload of the court efficiently was managed and disposed of. In 2012-13, the court achieved a clearance rate of 133 per cent. This was the fourth year in a row that the court achieved a clearance rate in excess of 100 per cent, which is an exceptional achievement. There was a consequential fall in the number of active pending matters. With continued challenging economic conditions in the development industry, there was also a further fall in the number of new matters (20 per cent).

Table: Clearance rate in planning and environment cases

Planning and Environment Court 2012-13						
				Clearance	Backlog Indicator	
				Rate *	From filing date	
	Lodged	Finalised	Active		% > 12 mths	% > 24 mths
Brisbane	364	489	346	134.34%	43.06%	23.99%
State Total	448	597	434	133.26%	43.09%	23.27%

*Clearance rate - finalisations/lodgements

In all, 86.2 per cent of all pending matters recording some activity were actively case-managed within the three months to 30 June 2013.

The court was the first in Queensland with an eSearch facility, by which any person may electronically access and inspect any document on any file at any time. This was first implemented in the Brisbane registry but has now been extended to Southport, Maroochydore, Townsville and Cairns. The Court is also trialling the electronic filing of documents on a voluntary basis.

The move to the new courthouse in Brisbane, with its improved electronic infrastructure, has allowed the Court to increase the use of technology, through eTrials and electronic document display, to improve efficiency in the presentation of cases.

The court engages with planning and environment courts and tribunals elsewhere, particularly in the other states and in New Zealand. In August 2012, a number of judges attended the Australasian Conference of Planning and Environment Courts and Tribunals (ACPECT) held in Western Australia.

The Court also hosted delegations of judges from China and from Papua New Guinea, each of which has taken a keen interest in the way the Planning and Environment Court manages its lists and the individual cases which comprise them.

Childrens Court of Queensland

The District Court judges appointed to the Childrens Court of Queensland determine some of the serious criminal charges brought against children. They also provide speedy access for the hearing of bail applications and sentence reviews, especially for young people being held on remand. They also determine appeals pursuant to section 117 of the *Child Safety Act 1999* and applications under the *Surrogacy Act 2010*.

The Children's Court of Queensland is a specialist jurisdiction established under the *Childrens Court Act 1992*. The President of the Court is Judge Shanahan. There are presently 26 judges of the Court holding commissions under the Act available to sit as Childrens Court judges.

A separate annual report of the Childrens Court of Queensland is prepared under the *Childrens Court Act 1992* and further details of the Childrens Court can be found in that report.

Regional centres

The court sits in Brisbane and the seven regional centres where 14 of the judges are based:

- Cairns
- Rockhampton
- Townsville
- Maroochydore
- Southport
- Ipswich
- Beenleigh

Judges also travel on circuit to other centres throughout the state. At most circuit centres and at some regional centres the judges rely on such registry support as is available from staff of the Magistrates Courts' service.

Cairns

Judge Everson

Judge Harrison

Judge Everson and Judge Harrison are the resident judges in Cairns and manage the court's lists there. This centre is also served by the Supreme Court's Far Northern Judge. The region includes Innisfail and Cape York. Both judges hold commissions in the Childrens Court and in the Planning and Environment Court. The judges undertook circuits in the Cairns region and elsewhere in the state. Some assistance was provided by judges on circuit from other centres.

In Cairns, with 452 new criminal matters, the court ended the year with 121 outstanding cases and disposed of 477 matters (a 105.5 per cent clearance rate). Of the outstanding cases, 13.2 per cent were more than 12 months old (from date of presentation of indictment), and 4.1 per cent were more than 24 months old. In its appellate criminal jurisdiction, the court at Cairns disposed of 38 criminal appeals, ending the year with 4 outstanding, a 152.0 per cent clearance rate.

On the civil side, 186 new cases were lodged at the court at Cairns. The court ended the year with 155 outstanding cases, disposing of 189 matters, reflecting a 101.6 per cent clearance rate. Of the active cases at the end of the year, 23.9 per cent were older than 12 months (from filing date) and 5.8 per cent were older than 24 months.

On the planning jurisdiction side, 12 new cases began in the court at Cairns. It ended the year with 11 outstanding cases, disposing of 29 matters, reflecting a 241.7 per cent clearance rate. Of the active cases at the end of the year, 36.4 per cent were older than 12 months (from filing date) and no cases were older than 24 months.

Rockhampton

Judge Britton SC (until 23 December 2012)

Judge Smith (from 25 March 2013)

The resident judge in Rockhampton, Judge Britton, who also held commissions in the Planning and Environment Court and the Childrens Court of Queensland, managed the court's Rockhampton lists until his retirement on 23 December 2012. Rockhampton is also served by the Supreme Court's Central Judge. Judge Britton undertook circuits in the region and elsewhere in the state.

Judge Paul Smith was appointed to the court on 8 March 2013 and became the Rockhampton judge on 25 March 2013.

In Rockhampton, with 251 new criminal matters the court ended the year with 121 outstanding criminal cases and disposed of 225 matters (an 89.6 per cent clearance rate). Of the outstanding cases, 36.4 per cent were more than 12 months old (from date of presentation of indictment), and 8.3 per cent were more than 24 months old. The court disposed of 20 criminal appeals during the year.

On the civil side, 67 new cases were lodged, ending the year with 58 outstanding cases, disposing of 50 matters, reflecting a 74.6 per cent clearance rate. Of the active cases at the end of the year, 17.2 per cent were older than 12 months (from filing date) and 3.4 per cent were older than 24 months.

On the planning side, three new cases began in the court in Rockhampton. It ended the year with one outstanding case, disposing of three matters, reflecting a 100.0 per cent clearance rate.

Some assistance was provided by judges on circuit from other centres.

Townsville

Judge Durward SC

Judge Baulch SC

Judge Durward and Judge Baulch were the resident judges during the year. Townsville is also served by the Supreme Court's Northern Judge. Judge Durward and Judge Baulch hold commissions in the Childrens Court and the Planning and Environment Court and they also undertake circuits in their region, which includes Palm Island. Some assistance was provided by judges on circuit from other centres, although the reduction in the number of circuit judges available to assist Townsville had an impact on the Townsville criminal and planning lists.

In Townsville, with 349 new criminal matters, the court ended the year with 99 outstanding criminal cases and disposed of 338 matters (a 96.8 per cent clearance rate). Of the outstanding cases, 22.2 per cent were more than 12 months old (from date of presentation of indictment), and 8.1 per cent were more than 24 months old.

In its appellate criminal jurisdiction, the court at Townsville with 32 appeals lodged, ended the year with 13 outstanding criminal appeals, disposing of 625 appeals, reflecting a 1,953.1 per cent clearance rate.

On the civil side, 225 new cases were lodged. The court ended the year with 182 outstanding cases, disposing of 185 matters, reflecting a 82.2 per cent clearance rate. Of the active cases at the end of the year, 18.1 per cent were older than 12 months (from filing date) and 4.9 per cent were older than 24 months.

On the planning side, 14 new cases began in the court at Townsville. The court ended the year with 10 outstanding cases, disposing of 18 matters, reflecting a 128.6 per cent clearance rate.

Maroochydore

Judge Robertson

Judge Long SC

Judge Robertson is the senior judge. He and Judge Long hold commissions in the Planning and Environment Court and the Childrens Court.

Most of the work of the court at Maroochydore is undertaken by the resident judges, with a little assistance from other judges who visit on circuit. In addition to the usual work within the jurisdiction of the District Court, each of the resident judges sits as a Childrens Court judge and also deals with proceedings in the Planning and Environment Court.

In Maroochydore, with 285 new criminal matters the court ended the year with 93 outstanding criminal cases and disposed of 240 matters (an 84.2 per cent clearance rate). Of the outstanding cases, 15.1 per cent were more than 12 months old (from date of presentation of indictment), and 2.2 per cent were more than 24 months old.

On the civil side, 136 new cases were lodged in the court at Maroochydore. The court ended the year with 131 outstanding cases, disposing of 168 matters, reflecting a 123.5 per cent clearance rate. Of the active cases at the end of the year, 18.3 per cent were older than 12 months (from filing date) and 3.8 per cent were older than 24 months.

In the planning jurisdiction, 33 new cases began in the court at Maroochydore. The court ended the year with 45 outstanding cases, disposing of 29 matters, reflecting an 87.9 per cent clearance rate.

In its appellate civil jurisdiction, the court at Maroochydore ended the year with one outstanding civil appeal, disposing of five appeals, reflecting a 166.7 per cent clearance rate.

The Maroochydore-based judges undertake much of the circuit work at Gympie and Kingaroy. The Kingaroy district includes the largely indigenous community of Cherbourg and the judges visit the nearby town of Murgon on circuit. Judge Robertson also has responsibility for the Bundaberg circuit lists. Both judges undertake circuit work elsewhere in the state.

Southport

Judge Newton (until 29 January 2013)

Judge Wall QC

Judge McGinness

Judge Newton (who retired on 29 January 2013), Judge Wall and Judge McGinness received considerable assistance during the year from the circuit judges.

In addition to the usual District Court work of the resident judges, Childrens Court and Planning and Environment Court cases were disposed of in Southport and each of the judges performed circuit work at centres elsewhere in the state.

In Southport, the court ended the year with 147 outstanding criminal cases and disposed of 443 matters (a 108.8 per cent clearance rate). Of the outstanding cases, 17.0 per cent were more than 12 months old (from date of presentation of indictment), and 3.4 per cent were more than 24 months old.

On the civil side, 416 new cases were lodged at Southport. The court ended the year with 420 outstanding cases, disposing of 521 matters, reflecting an 125.2 per cent clearance rate. Of the active cases at the end of the year, 29.8 per cent were older than 12 months (from filing date) and 4.3 per cent were older than 24 months.

In its appellate criminal jurisdiction, the court at Southport with 51 criminal appeals lodged, disposed of 65 appeals, reflecting a 127.5 per cent clearance rate. In its appellate civil jurisdiction, the court at Southport ended the year with three outstanding civil appeals, disposing of seven appeals, reflecting an 140.0 per cent clearance rate.

On the planning side, 10 new cases began in the court at Southport. It ended the year with 16 outstanding cases, disposing of 25 matters, reflecting a 250 per cent clearance rate. Of the active cases at the end of the year, 62.5 per cent were older than 12 months (from filing date) and 50 per cent were older than 24 months.

Ipswich

Judge Richards

Judge Bradley

Judge Koppenol

Judge Richards, Judge Bradley and Judge Koppenol dealt with the Ipswich caseload. Judge Richards and Judge Bradley hold a commission in the Childrens Court of Queensland, and Judge Richards who is also a Planning and Environment Court Judge, manages the Ipswich lists. All three judges undertook circuits in centres throughout the state.

In Ipswich, the court ended the year with 102 outstanding criminal cases and disposed of 376 matters (a 109.9 per cent clearance rate). Of the outstanding cases, 11.8 per cent were more than 12 months old (from date of presentation of indictment), and 1.0 per cent were more than 24 months old.

In its appellate criminal jurisdiction, the court at Ipswich ended the year having disposed of 26 criminal appeals, achieving a 136.8 per cent clearance rate.

Beenleigh

Judge Dearden

Judge Dearden, the resident judge, also holds a commission in the Childrens Court of Queensland and manages the Beenleigh and Mount Isa lists. The judge also conducted circuits in Mount Isa and other centres. Considerable assistance was provided by judges on circuit from other centres.

In Beenleigh with 330 new criminal matters, the court ended the year with 152 outstanding criminal cases and disposed of 317 matters (a 96.1 per cent clearance rate). Of the outstanding cases, 15.1 per cent were more than 12 months old (from date of presentation of indictment), and 5.3 per cent were more than 24 months old.

In its appellate criminal jurisdiction, the court at Beenleigh disposed of 15 appeals, reflecting a 166.7 per cent clearance rate.

Circuit centres

Depending upon caseload, District Court jury trials may be held in 24 circuit centres (excluding those with a resident judge), and the judges also travel to the 15 remote or Aboriginal and Torres Strait Islander communities throughout the state, for sentencing and some civil matters.

Judges sit in the court's appellate, criminal, civil and applications jurisdictions, as well as in the Planning and Environment Court and the Childrens Court of Queensland while on circuit.

The 37 centres (excluding those with a resident judge) where judges sit on circuit during the year are: Aurukun; Bamaga; Bowen; Bundaberg; Charleville; Charters Towers; Cloncurry; Cooktown; Cunnamulla; Dalby; Doomadgee; Emerald; Gladstone; Goondiwindi; Gympie; Hervey Bay; Innisfail; Kingaroy; Kowanyama; Lockhart River; Longreach; Mackay; Maryborough; Mornington Island; Mount Isa; Murgon; Normanton; Palm Island; Pormpuraaw; Roma ; Stanthorpe; Toowoomba; Thursday Island; Warwick; Weipa/ Napranum; Woorabinda; Yarrabah.

Judges' committees

The membership of the judges' committees as at 30 June 2013, with the Chief Judge an ex officio member of each committee, was as follows:

Civil Procedure

Convenor: Judge Robin QC
Members: Judge McGill SC
Judge Rackemann
Judge Andrews SC
Judge Dorney QC

Court Planning

Convenor: Judge Andrews SC
Members: Judge Dearden
Judge Durward SC
Judge Searles
Judge Long SC
Judge Farr SC

Criminal Law

Convenor: Judge Shanahan
Members: Judge Robertson
Judge Dearden
Judge Rafter SC
Judge Martin SC
Judge Clare SC
Judge Long SC

Cultural Awareness and Aboriginal and Torres Strait Islander

Convenor: Judge Martin SC
Members: Judge Richards
Judge Bradley
Judge Shanahan
Judge Everson
Judge Harrison
Judge Reid

Judicial Professional Development

Convenor: Judge Martin SC
Members: Judge Dick SC
Judge Griffin SC
Judge Searles
Judge Andrews SC
Judge Devereaux SC

Entitlements

Convenor: Judge Searles
Members: Judge Botting
Judge Rackemann
Judge Devereaux

Civil procedure committee

The Civil Procedure Committee is available to give advice and assistance in respect of the civil jurisdiction exercised by the court to the Chief Judge and the judges generally. It functions informally, typically meeting and communicating by email.

Advice is often provided in connection with the Chief Judge's formulating and presenting the views of the court about changes in legislation and regulations that are proposed by state or Commonwealth authorities or seem desirable.

Judge Robin QC and Judge McGill SC who are members of the Civil Procedure Committee sit on the Rules Committee and are able to provide appropriate liaison to ensure that the views of the court are ascertained and given proper consideration.

Court planning committee

Judge Andrews SC is the convenor of this committee which assists the Chief Judge with advice on a range of administrative matters.

During the year, the committee acted, primarily to assist the Chief Judge in addressing planning and strategic matters arising in the course of her administration of the court. As in past years those matters often required prompt attention from available committee members who, for that reason, met informally rather than by pre-arrangement.

Criminal law committee

The Criminal Law Committee advised the Chief Judge with respect to numerous law reform initiatives. These included changes to the criminal law in Queensland

Judge Shanahan continued to serve on the NJCA Planning Committee on Jury Management, chaired by the Honourable Justice Byrne SJA.

On 13 November 2012, the Chief Judge and Judge Shanahan met with representatives of Protect All Children Today (PACT) with respect to the support role played by PACT volunteers in the pre-recording of affected child witnesses' evidence under Division 4A of the Evidence Act 1977.

Judicial professional development committee

The 22nd Biennial Conference of the District and County Court Judges of Australia and New Zealand was held in Brisbane in the new QEII Courthouse from 26 – 29 June 2013. It was attended by 98 judges from Queensland, New South Wales, Victoria, South Australia, Western Australia and New Zealand.

That this conference achieved a very high standard in professional development was due to the time and effort given to its design and administration by the chair of the Judges' professional development committee, Judge Terry Martin SC and the committee members, Judge Dick SC, Judge Griffin SC, Judge Searles, Judge Andrews SC and Judge Devereaux SC.

A range of interesting and thought-provoking topics relevant to our judicial work were addressed by the eminent speakers. They were -

- The Hon Margaret White AO (Master of the Supreme Court (1990-92), Justice of the Supreme Court of Queensland (1992-2013) and Justice of Appeal (2010-2013)): Keynote Address - *Yesterday, today and tomorrow – will there still be madeleines for tea?*
- Rev Professor James Haire AC KSJ (Executive Director of the Australian Centre for Christianity and Culture in Canberra and former President of the National Council of Churches in Australia and of the Uniting Church in Australia): *Public theological existence in Australasia today*
- David Irvine AO (Director-General of Security (Australian Security Intelligence Organisation (ASIO)): *Security and freedom – striking a balance*
- The Hon Justice Margaret McMurdo AC (President of the Court of Appeal of the Supreme Court Queensland): *A survey of developments in the criminal law during the Gleeson years;*
- Professor Diego De Leo AO MD PhD DSc FRANZCP (Director of the Australian Institute for Suicide Research and Prevention, Griffith University): *Judges and unnatural deaths*
- The Hon Dr Gary Johns (Adjunct Professor, QUT Business School): *The Charity Ball: taxation, lobbying, accountability and sundry other headaches*

- Sean Dorney AM (the ABC's Pacific correspondent based in Brisbane): *Throwing out the judges – restoring law, order and peace*
- Ms Catherine Tanna (member, Reserve Bank of Australia Board, chairman, BG Australia): *Leadership and public debate*
- Mr Mick Gooda (Aboriginal and Torres Strait Islander Social Justice Commissioner): *Justice re-investment: accountability in action*
- The Hon Brian Jordan (retired Judge, Family Court of Australia): *Managing the challenges of judicial life*
- Professor Bryan Horrigan (Dean of Monash University's Faculty of Law): *New Horizons for corporate social responsibility in judicial and regulatory work*
- Professor Ross Homel AO (Foundation Professor of Criminology and Criminal Justice at Griffith University, Director of the Key Centre for Ethics, Law, Justice and Governance): *What works in rehabilitating offenders?*
- Mr John Grealy FAIA (architect, director of Architectus, and responsible for the design and delivery of the Queen Elizabeth II Courts of Law): *Building the QEII Courts of Law*
- Hedley Thomas (The Australian's national chief correspondent): *Ethics, law, politics and journalism.*

Other speakers included - Senator the Hon George Brandis QC (then Commonwealth Shadow Attorney-General), The Hon. Justice Peter Murphy (Family Court of Australia), John Gallagher QC, Peter Dunning QC, David Solomon AM (Integrity Commissioner), Professor Charles Sampford (Director of the Institute for Ethics, Governance and Law), Professor Gerard Carney (Professor of Law, Curtin University), Dr Alastair Blanshard (Senior Lecturer, Department of Classics and Ancient History, University of Sydney), Anthony Ryan (CEO, Edmund Rice Foundation) and Jonty Bush (community research & liaison officer, Victim Assist Queensland).

During the year under review -

- Judge Shanahan represented the court on the Judicial Conference of Australia Governing Council
- Judge Shanahan served on the National Judicial College of Australia Planning Committee on Jury Management
- Judge Griffin SC represented the Australian District and County Court judges on the Council of the National Judicial College of Australia, and
- Judge Dearden was a member of the USQ Law School Advisory Committee.

The judges of the Planning and Environment Court and the ADR Registrar also engaged with those interested in the jurisdiction. Judge Rackemann addressed ACPECT, the National Environmental Law Association Conference, the Queensland Environmental Law Conference, the North Queensland Law Association Conference as well as post graduate students at the University of Queensland. The ADR Registrar, in conjunction with the Queensland Environmental Law Association conducted a very popular and highly successful series of 10 seminars (the Taylor Made Series) designed for the benefit of junior practitioners.

The continuing professional development of the judges was actively pursued during this year. The Standard for Judicial Professional Development in Australia was adopted and confirmed by the judges of this court soon after its adoption by the Council of Chief Judges in 2007. The judges are reminded frequently of the importance of undertaking continuing judicial professional development and of the Standard. There is a high standard of compliance with the Standard by the judges of the District Court.

All judges also presented papers or participated in seminars or conferences during the year. Details of the judges' judicial professional development involving overseas studies, seminars, programmes or conferences are published annually on the court website. Also, the court calendar is structured so that 2.5 days per annum is set aside for judicial professional development in banc. This time is especially important for the court – it is the only time that the court's 38 judges are together, as 13 of the judges have permanent chambers in various parts of Queensland outside Brisbane.

The judges value the important support offered by the National Judicial College of Australia, as well as the assistance of the Australian Institute of Judicial Administration, the Judicial Conference of Australia and the Judicial Commission of NSW in furthering judicial professional development. All newly appointed judges benefit from the National Judicial Orientation program. Judge Horneman-Wren SC and Judge Smith attended the NJCA's Judicial Orientation Programme, earlier this year.

Office of the Executive Director of the Supreme District and Land Courts Service

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 District 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 which provides support and assistance to court users throughout Queensland and she 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 District Court registries are located at Brisbane, Rockhampton, Townsville, and Cairns, and further District Court registries are located at Beenleigh, Ipswich, Maroochydore and Southport. Other centres throughout Queensland are visited on circuit, and local Magistrates Courts staff perform the registry duties at those times.

The online *eSearch* facility was used significantly during 2012-13, with more than 1,700,000 online searches conducted during the financial year.

Registry workloads

Across the State, civil lodgements decreased by 12% during 2012-13 from the previous reporting period. In the Brisbane registry, lodgements decreased by 11.9% during the same period.

In the criminal jurisdiction, lodgements throughout the State decreased by 8.1% during the year. There was a decrease of 10.3% in criminal lodgements in Brisbane. The analysis around the length of criminal trials that was commenced during 2011-12 continued and showed that the average number of weekdays per trial in the District Court remained constant at 3.3 during 2012-13.

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

eTrials

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

New Supreme and District Courts complex

On 3 August 2012, the Queen Elizabeth II Courts of Law complex was 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. Whilst it is almost impossible to believe, 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 are to be commended for the invaluable and significant 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 within the Brisbane Supreme and District Courts. The first is the information and Justice of the Peace service based at the Information Kiosk on the ground floor. This program saw 9,017 court users assisted during 2012-13 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 Supreme and District Court complexes and 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.

Acknowledgements

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

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

Related organisations

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 (Q SIS) to be published by the Supreme Court Library. Q SIS 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 448 judgments from the District and Planning and Environment Courts.

The Library maintains print collections in courthouses across the state, which are supplemented by an ever-expanding collection of online resources available to District 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 District 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. Following the success of Dr Denver Beanland's 2009 publication, *A Court Apart: The District Court of Queensland*, the Library embarked on a similar research project for the Supreme Court of Queensland. In September 2012, the *Supreme Court of Queensland: A Concise History*, authored by the History and Publications Committee Convenor, Mr John McKenna QC, was published. 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.

The Library is currently compiling photographs of all previous and current District Court judges to be displayed as a judicial photo gallery on level 7 of the Queen Elizabeth II Courts of Law. The gallery will provide an attractive record of all the judges who have served the District Court of Queensland.

A Final Farewell

The end of August 2013 marks 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, will retire 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.

Appendices

Appendix 1: Practice Directions

The following Practice Directions were issued by the Chief Judge during the year and are available on the Queensland Courts website, www.courts.qld.gov.au.

District Court of Queensland

Table 5: District Court practice directions

Number	Description	Date issued
2012/07	Designation of court holidays – 3 August 2012 9am-4pm; 10 August 2012, 12noon to 4pm	2 July 2012
2012/08	Direct Access Briefing (amending PD 2 of 2006, further amended)	21 August 2012
2012/09	Notice of change of name (Roati Legal)	18 September 2012
2012/10	Notice of change of name (Herbert Smith Freehills)	27 September 2012
2012/11	Notice of change of name (TressCox)	28 September 2012
2012/12	Party Transferring Business: substitution of transferee	12 October 2012
2012/13	Designation of Court Holidays Registry – 24 December 2012 to 4 January 2013	18 October 2012
2012/14	Notice of change of name (Middletons)	17 December 2012
2013/01	Notice of change of name (Simpson Quinn Lawyers)	24 January 2013
2013/02	Notice of change of name (Mohr Keddy Lawyers)	19 March 2013
2013/03	Technology standards for using Court DVD players for evidence presentation	21 March 2013
2013/04	Notice of change of name and address for service (Gadens Lawyers)	21 March 2013
2013/05	Notice of change of name (Norton Rose Fulbright Australia)	16 May 2013
2013/06	Interest rates	19 April 2013
2013/07	Notice of change of name (Keating Lehn Solicitors)	18 June 2013

Planning and Environment Court

Table 6: Planning and Environment Court

Number	Description	Date issued
2012/05	Designation of Court Holidays 3 August 2012 – 9.00am to 4.00pm 10 August 2012 – 12 noon to 4.00pm	2 July 2012
2012/06	Direct Access Briefing (amending PD 1 of 2007, further amended)	21 August 2012
2012/07	Notice of change of name (Roati Legal)	18 September 2012
2012/08	Notice of change of name (Freehills)	27 September 2012
2012/09	Notice of change of name (TressCox)	28 September 2012
2012/10	Notice of change of name (Middletons)	17 December 2012
2013/01	Notice of change of name (Simpson Quinn Lawyers)	24 January 2013
2013/02	Notice of change of name (Mohr Keddy Lawyers)	19 March 2013
2013/03	Technology standards for using Court DVD players for evidence presentation	21 March 2013
2013/04	Notice of change of name and address for service (Gadens Lawyers)	21 March 2013
2013/05	Notice of change of name (Norton Rose Fulbright Australia)	16 May 2013
2013/06	Power of ADR Registrar to make orders or issue directions	29 May 2013
2013/07	Early resolution or determination of infrastructure charges and development approval conditions disputes	29 May 2013
2013/08	Review of decision, direction or act of the ADR Registrar	29 May 2013
2013/09	Notice of change of name (Keating Lehn Solicitors)	18 June 2013

Appendix 2: District Court associates as at 30 June 2013

Ellen Bevan	Associate to Her Honour Chief Judge PM Wolfe
Olivia Phillips	Associate to His Honour Judge KJ O'Brien
Jodi Lewry	Associate to His Honour Judge HWH Botting
Nathan Chalmers	Associate to His Honour Judge MJ Noud
Vivian Rossi-Price	Associate to His Honour Judge PD Robin QC
Robyn Blewer	Associate to His Honour Judge JE Newton (Southport) (until 29 January 2013)
Jodie Diefenbach	Associate to His Honour Judge JM Robertson (Maroochydore)
Frances Sanders	Associate to His Honour Judge DJ McGill SC
Joshua Francis	Associate to His Honour Judge CF Wall QC (Southport)
Christa Nicola	Associate to His Honour Judge N Samios
Gordon Roberts	Associate to His Honour Judge GT Britton SC (Rockhampton) (until 23 December 2013)
Lauren Heaney	Associate to Her Honour Judge D Richards (Ipswich)
Katherine Kerr	Associate to Her Honour Judge S Bradley (Ipswich)
Ricky Tsoi	Associate to His Honour Judge MJ Shanahan
Yer Thao	Associate to Her Honour Judge JM Dick SC
Rachel Tierney	Associate to His Honour Judge MP Irwin
Kimberley De Looze	Associate to His Honour Judge ME Rackemann
Thomas Gardiner	Associate to His Honour Judge MJ Griffin SC
Brandon Hoffler	Associate to Her Honour Judge JA Rylie
Hayley Carswell	Associate to His Honour Judge IFM Dearden (Beenleigh)
Nicholas Bennett	Associate to Her Honour Judge FY Kingham
Lisa Fairley	Associate to His Honour Judge SG Durward SC (Townsville)
Thomas Lynch	Associate to His Honour Judge AJ Rafter SC
Panashe Dube	Associate to His Honour Judge TD Martin SC
Jason Dudley	Associate to His Honour Judge DG Searles
Sarah Ford	Associate to His Honour Judge GJ Koppenol (Ipswich)
Emily Young	Associate to His Honour Judge DC Andrews SC
Sally Dreghorn	Associate to Her Honour Judge LJ Clare SC
Suki Bloom	Associate to His Honour Judge WG Everson (Cairns)
Alexander Shannon	Associate to His Honour Judge BG Devereaux SC
Katherine Levitt	Associate to Her Honour Judge KM McGinness (Southport)
Morgan Brennan	Associate to His Honour Judge KD Dorney QC
Alexis Gage	Associate to His Honour Judge RS Jones
Emily Coley	Associate to His Honour Judge BA Harrison (Cairns)
Suvinee Gunasena	Associate to His Honour Judge DA Reid
Stacey Bain	Associate to His Honour Judge JR Baulch SC (Townsville)
Megan Jones	Associate to His Honour Judge GP Long SC (Maroochydore)
Kristy Bell	Associate to His Honour Judge BW Farr SC
Terani Inoke	Associate to His Honour Judge AA Horneman-Wren SC
Alexander Cooper	Associate to His Honour Judge PE Smith

