



QUEENSLAND  
COURTS

# Supreme Court of Queensland

Annual Report 2010–2011



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31 October 2011

The Honourable Paul Lucas MP  
Attorney-General and Minister for Local Government  
and Special Minister of State  
Level 12  
Executive Building  
100 George Street  
Brisbane Qld 4000

Dear Attorney

I enclose my report, under s. 119B (1) of the *Supreme Court of Queensland Act 1991*, on the operation of the Supreme Court for the year ended 30 June 2011.

Yours sincerely

A handwritten signature in black ink that reads 'Paul de Jersey'. The signature is written in a cursive, flowing style.

The Hon. P de Jersey AC  
Chief Justice

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# Chief Justice's Overview



The Honourable Paul de Jersey AC  
Chief Justice

## Performance

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

## Disposition of caseload

### **Trial Division**

#### *Criminal*

On the criminal side, the Trial Division ended the year with 549 outstanding cases and disposed of 1,504 incoming matters (a 98.4 per cent clearance rate). Of the outstanding cases, 16.6 per cent were more than 12 months old (from date of presentation of indictment), and 5.1 per cent more than 24 months old. Some cases may take this long due to appeals and rehearings.

#### *Civil*

On the civil side, the Trial Division disposed of 6,721 civil matters, reflecting a 129.62 per cent clearance rate. Of the 4,694 active cases at the end of the year, 33.3 per cent were older than 12 months (from filing date) and 7.2 per cent were older than 24 months.

### **Court of Appeal division**

The Court of Appeal Division disposed of 337 criminal appeals this year (344 last year), representing a clearance rate of 89.39 per cent. As of 30 June, 196 criminal appeals awaited disposition (156 last year).

The Court of Appeal also disposed of 250 civil appeals (248 last year), with a clearance rate of 104.6 per cent, leaving 101 outstanding at the end of the year (112 last year).

#### *Overall*

Both divisions of the court performed satisfactorily.

#### *Rules Committee*

The Rules Committee met regularly throughout the year. It comprised: Chief Justice, Justice Muir (Chair), Justice Margaret Wilson, Judge Robin QC, Judge McGill SC, Magistrate Wessling, Magistrate Morgan and the Director of Courts.

## Continuing judicial development

The Judges held their 16<sup>th</sup> consecutive annual seminar on 9-10 August 2010. The sessions of the seminar covered the following topics:

- Mr Peter Davis SC and Mr Peter Shields (*Practitioners' perspectives on changes to criminal procedure following the Moynihan report*)
- Mr Walter Sofronoff QC SG, Mr David J S Jackson QC and Mr John McKenna SC (*Recent cases of note: Kirk v Industrial Relations Commission; European Bank Ltd v Robb Evans & Associates; and Tabet v Gett*)
- Mr Bruce Wolfe, Conrad Gargett (*Challenges in designing a hospital for children*)
- Atkinson J (*Pre-trial and trial management of complex criminal cases*)
- Alan Wilson J (*QCAT – Picayune justice, or the Age of Aquarius?*)
- Professor Geraldine Mackenzie, Dean, Faculty of Law, Bond University (*The Sentencing Advisory Council*) and Mr David Adsett, Commonwealth Director of Public Prosecutions (*Commonwealth sentencing*)
- Dr Ness McVie (*Psychiatry update: DSM and risk assessment*) and Professor Patrick Keyzer (*UN Convention and dangerous prisoners*)

Further sessions concerned better approaches to the resolution of claims, and a visit to the prototype courtroom constructed as part of the new metropolitan Supreme and District Courthouse project.

## Chief Justice's calendar

Apart from the time allotted to the fulfilment of administrative and official responsibilities, I sat in the various jurisdictions of the court both in and out of Brisbane: Court of Appeal (11 weeks), the Criminal Court (four weeks), Civil sittings (six weeks), Applications (six weeks), Townsville (one week), Mackay (one week), Toowoomba (one week), Longreach (one week).

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

I attended various regional functions:

- the Opening of the Law Year service on 13 July 2010 at St Joseph's Cathedral, Rockhampton, in conjunction with the official opening of the Old Supreme Court Chambers (for the Rockhampton bar), and a dinner hosted by the bar;
- the Central Queensland Law Association Annual Conference at Yeppoon, 22-24 October 2010;
- two meetings of the Council of Chief Justices of Australia and New Zealand: the first was in Melbourne on 19 March 2010 and the second in Wellington, New Zealand on 26 and 27 October 2010;
- the North Queensland Law Association Annual Conference in Townsville, 27-29 May 2011;
- functions hosted by the District Law Associations and local bars at Toowoomba, Southport and Mackay.

During 2010-11 other official duties included Acting Governor for various periods, and receiving calls by members of the diplomatic service.

## The Courthouses

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

The site was redeveloped in the course of the year to provide more extensive and accessible court information.

### **Cairns**

On 12 August 2010 the Court Network volunteer service commenced operations at the Cairns Courthouse.

### **Brisbane**

Construction of the new metropolitan courthouse progressed substantially with occupation presently forecast for approximately mid 2012.

## International aspects



The Honourable John G Roberts Jr

On 29 July 2010 the Hon John G Roberts Jr, Chief Justice of the United States, delivered a lecture in the Banco Court at the Supreme Courthouse, Brisbane. This was the first time the Chief Justice of the United States had visited the State of Queensland in an official capacity. The court was greatly honoured by Chief Justice Roberts's presence.

On 20 September 2010 the Supreme Court at Brisbane received a delegation of judges from Bangladesh led by Justice A B M Khairul Haque, a Judge of the Appellate Division of the Supreme Court of Bangladesh and Chairman of the Bangladesh Judicial Service Commission.

A delegation of Judges from South Korea visited the court in Brisbane on 15 November 2010.

## Judicial appointments



The Honourable David Boddice SC

On 2 July 2010 Mr David Boddice SC was appointed a Judge of the Supreme Court, to sit in the Trial Division.

Since the appointment of Justice Alan Wilson as a Judge of the Supreme Court on 22 October 2009, His Honour has almost exclusively been committed to the discharge of his substantial responsibility as President of the Queensland Consumer and Administrative Tribunal and that remained the position this reporting year.

Justice Holmes was appointed to Chair the Queensland Floods Commission of Inquiry, for 12 months commencing 17 January 2011. Her Honour was consequently unable to sit as a Judge of the Supreme Court in that period.





The Honourable Jean Dalton SC

Justice Margaret Wilson was appointed an additional Judge of Appeal from 10 February 2011 to 5 August 2011, and Judge Dick, a Judge of the District Court of Queensland, was appointed an acting Judge of the Supreme Court, to sit in the Trial Division, for the same period.

On 17 February 2011, Ms Jean Dalton SC was appointed as a Judge of the Supreme Court, to sit in the Trial Division, as and from 25 February 2011.

On 23 June 2011, Mr David North SC was appointed as a Judge of the Court to sit in the Trial Division and as the Northern Judge, the Commission taking effect from 18 July 2011, anticipating the retirement as Northern Judge of Justice Cullinane on 15 July 2011.

## Personal

In the Australia Day Honours List 2011, the Supreme Court Librarian, Mr Aladin Rahemtula, was awarded a medal in the Order of Australia (OAM), “for service to librarianship through the Supreme Court of Queensland, and to the community through the preservation of legal heritage”.

In the Queen’s Birthday Honour’s List 2011, Justice Chesterman RFD was appointed an Officer in the General Division of the Order of Australia (AO), “for distinguished service to the judiciary as a Judge of the Supreme Court of Queensland, and to the community, particularly through contributions to the Cancer Council at national and state levels”.

## Acknowledgement

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

# Profile of the Supreme Court

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

## Judges of the Supreme Court

*(listed in order of seniority)*

### Office of the Chief Justice

#### Chief Justice

The Honourable Paul de Jersey AC

### Court of Appeal

#### President

The Honourable Margaret Anne McMurdo AC

#### Judges of Appeal

The Honourable Catherine Ena Holmes

The Honourable John Daniel Murray Muir

The Honourable Hugh Barron Fraser

The Honourable Richard Noel Chesterman AO, RFD

The Honourable Margaret Jean White

### Trial Division

#### Senior Judge Administrator

The Honourable John Harris Byrne RFD

#### Trial Division judges

The Honourable Keiran Anthony Cullinane AM  
*(Northern Judge, Townsville)*

The Honourable Henry George Fryberg

The Honourable Stanley George Jones AO  
*(Far Northern Judge, Cairns)*

The Honourable Margaret Anne Wilson  
*(appointed additional Judge of Appeal 10 February 2011)*

The Honourable Roslyn Gay Atkinson

The Honourable Debra Ann Mullins

The Honourable Anthe Ioanna Philippides

The Honourable Philip Donald McMurdo

The Honourable James Sholto Douglas

The Honourable Ann Majella Lyons

The Honourable Alfred Martin Daubney

The Honourable Glenn Charles Martin

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

The Honourable Peter David Talbot Applegarth

The Honourable Peter James Lyons

The Honourable Alan Muir Wilson

The Honourable David Kim Boddice  
*(appointed 2 July 2010)*

The Honourable Jean Hazel Dalton  
*(appointed 25 February 2011)*

A/Justice Julie Maree Dick  
*(appointed 10 February 2011)*

## Other appointments

### Mental Health Court

The Honourable Ann Majella Lyons  
(*President – appointed 14 February 2011*)

The Honourable David Kim Boddice

### Chair, Law Reform Commission

The Honourable Roslyn Gay Atkinson

### Land Appeal Court

The Honourable Peter James Lyons  
(*Southern District*)

The Honourable Keiran Anthony Cullinane AM  
(*Northern District*)

The Honourable Stanley Graham Jones AO  
(*Far Northern District*)



The Supreme Court Judges' Seminar 2011

**Back row (left to right):** Justice Daubney, Justice McMeekin (Central Judge), Justice Mullins, Justice Fraser, Justice Muir, Justice Applegarth, Justice Douglas, Justice Fryberg, Justice P Lyons

**Front row (left to right):** Justice Martin, Justice Jones AO (Far Northern Judge), Justice P McMurdo, Justice North (Northern Judge), Justice A Lyons, Justice Chesterman AO, RFD, Justice M Wilson, Justice White, Justice M McMurdo AC (President), Chief Justice de Jersey AC, Justice Byrne RFD (Senior Judge Administrator), Justice Dalton, Justice Holmes, Justice Atkinson, Justice Philippides, Justice Boddice, A/Justice Dick (**Absent:** Justice A Wilson)

# Court of Appeal

## Governance

### Organisational Structure

The Court of Appeal hears appeals:

- in criminal and civil matters from the Trial Division of the Supreme Court of Queensland
- in criminal and civil matters from the District Court of Queensland
- from the Planning and Environment Court
- from the Land Appeal Court and
- from a range of other courts and tribunals most of which have been amalgamated into the Queensland Civil and Administrative Tribunal (QCAT).<sup>1</sup>

An appeal from the Court of Appeal to the High Court of Australia can proceed only by way of special leave so that for almost all cases the Queensland Court of Appeal is Queensland's final appellate court.

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

- the Hon Justice Catherine Ena Holmes (appointed Queensland Floods Commissioner from January 2011)
- the Hon Justice John Daniel Murray Muir
- the Hon Justice Hugh Barron Fraser
- the Hon Justice Richard Noel Chesterman AO, RFD
- the Hon Justice Margaret Jean White
- the Hon Justice Margaret Anne Wilson (appointed Additional Judge of Appeal from 21 February 2011 for the duration of this reporting year to replace Holmes JA whilst Queensland Floods Commissioner).

The Court of Appeal sat as a bench of three judges for 42 weeks during the year, compared to 43 weeks last year. The President and the judges of appeal together

sat 204 individual judge weeks<sup>2</sup> this year, compared to 213 weeks last year. This is because three judge weeks were lost before Margaret Wilson AJA was appointed to replace Holmes JA and judges took slightly more accumulated long leave during this year than last.

The Chief Justice sat in the Court of Appeal for 11 weeks this year compared to 12 weeks last year.

Trial Division judges also sat in the Court of Appeal for 46 individual judge weeks this year compared to 56 weeks last year and 66 weeks in 2008-2009.

Although the number of judges of appeal (including the President) was increased from five to six in 2007-2008, it remains desirable for the Chief Justice and the Trial Division judges to sit regularly in the Court of Appeal. The Court benefits from their experience, especially in trial work, and could not dispose of its workload as efficiently without their assistance. The Trial Division judges find the appellate work a stimulating change from their equally stimulating but different work at trial level. The reduced assistance from the Trial Division (from 66 to 46 weeks over the past two years, a loss of 30 judge weeks since 2008-2009) is a likely significant contributing factor in the slight fall in the Court's performance this year. This must be closely monitored and may require the appointment of an additional judge of appeal.

The President and the Senior Deputy Registrar (Appeals), Mr Neil Hansen, continue to work together with the judges of appeal to ensure the determination of urgent appeals in a timely fashion. Many civil and criminal matters were given expedited hearings this year. The following categories of matters are heard expeditiously:

- appeals concerning short custodial sentences
- appeals by the Attorney-General or the Commonwealth Director of Public Prosecutions

<sup>1</sup> See *Queensland Civil and Administrative Tribunal Act 2009* (Qld), s 247-248.

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

against sentences where respondents have been released into the community

- matters involving children
- appeals against interlocutory decisions so that the determination of the principal action is not unnecessarily delayed pending appeal
- pressing commercial disputes which have been dealt with expeditiously in the Trial Division's commercial list
- other matters where urgency is demonstrated.

Mr Hansen has continued to identify, at an early stage, matters which are complex or where delay is a problem. These are case managed by the President or a judge of appeal to ensure timely disposition.

The President and the judges of appeal value the high level of service provided by Mr Hansen and the appeals registry staff, all of whom continue to give diligent service and, despite limited resources, strive to deliver best practice to the public, the profession and the judges.

The President and the judges of appeal also value the commitment and support given to the registry staff by the Acting Executive Director of the Supreme, District and Land Courts Service, Ms Julie Steel; the Director of Reporting, Finance and Community Engagement, Ms Stephanie Attard; the Deputy Principal Registrar, Supreme, District and Land Courts Service, Ms Diane Antonsen; and the Manager, State Reporting Bureau, Mr Kevin Meiklejohn.

In hearings where security was an issue, assigned protective service officers assisted the Court. The Court thanks the Building Service Co-ordinator, Mr Brian Hayman, and the protective service officers for their assistance.

## Human resourcing issues

The difficulties in the performance of the State Reporting Bureau (SRB) noted in last year's report have reduced significantly this reporting year.

- The delays referred to in last year's report as to SRB's provision of transcripts from preliminary

hearings for the preparation of appeal record books reduced during the first half of this reporting year. This was due to improved liaison between appeal registry and SRB staff. But from January to April inclusive, the delays returned. There was then a marked reduction in delays in May and June.

- There has been some delay in obtaining transcript of appeal hearings and considerable delay in obtaining, after the appeal hearing, transcript from the original hearing not included in the appeal book.<sup>3</sup>
- The quality of SRB transcripts has improved this reporting year although some problems have continued.<sup>4</sup>
- Occasional delays in commencing Court of Appeal hearings because of faulty SRB recording equipment have continued to occur.

By the end of the reporting year, SRB was performing well in its interaction with the Court of Appeal. It is hoped that SRB is able to maintain its improved performance which is critical to the timely disposition of appellate work and to the reliable administration of justice in Queensland.

The high turnover of and reduction in appeal registry staff has caused difficulty during this reporting year. At times, the Senior Deputy Registrar (Appeals) has not received the assistance he needs because of constant staff turnover. In March 2011, the appeal registry lost 1.5 staff members because of budgetary cuts. The remaining staff, who were already working to capacity, have had to share the additional workload and this has detrimentally impacted on their efficiency, particularly in the number of appeal books able to be produced. This has resulted in judges sometimes receiving incomplete

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<sup>3</sup> For example, *R v Gregory* [2011] QCA 86. At the appeal hearing on 31 March 2011 it became clear that a portion of the transcript of the original hearing, not included in the appeal book, was needed. Despite an urgent request that day, the transcript did not arrive until 11 May 2011, after the judgment was delivered.

<sup>4</sup> *R v PAK* [2010] QCA 187, heard 20 July 2010, where the appellant's evidence was not included in the transcript provided for the appeal record book.

or wrong material and a reduction in the timely listing of appeals and the efficiency of the Court.

Applications for appellants in criminal matters seeking legal aid are ordinarily processed by Legal Aid Queensland (LAQ) within three weeks for sentence appeals and four weeks for conviction appeals. For periods during this reporting year, some applications for legal aid in both conviction and sentence appeals took two months or longer to be determined.

## Performance

### Disposal of work

This year 616 matters were commenced in the Court of Appeal (377 criminal matters and 239 civil matters). This was closely comparable to the 615 matters commenced last year (349 criminal matters and 266 civil matters). There are 297 active matters (including undelivered reserved judgments) compared to 268 last year. See appendix 1, table 1.

The Court's clearance rate of criminal matters this year has fallen from 98.57 per cent last year to 89.39 per cent. The fall in disposal of criminal matters is probably due to a combination of matters. These are

- delays from January to April in SRB's provision of transcript for appeal record books
- delays in the processing of some applications for legal aid
- staff reductions in the appeal registry in March
- a reduction in the number of Trial Division judges sitting in the Court of Appeal
- an increase in accumulated leave taken by the President and judges of appeal
- the three week delay in replacing Holmes JA.

The Court's clearance rate in civil matters was 104.6 per cent, up from 98.4 per cent last year. Overall, 95.23 per cent of Court of Appeal matters were finalised within 12 months of lodgment. The Court has offered the parties in those matters not finalised within 12 months of

lodgment hearing dates during the year and the delay has been at the request of one or both parties.

The median time for the delivery of reserved judgments in criminal matters was 22 days. In civil matters it was 29 days. Overall, the median time between hearing and delivery of reserved judgments is 25 days. See table 5.

## Origin of appeals

The filings from the Trial Division in civil matters have noticeably decreased this year from 195 to 165. They have marginally decreased in criminal matters from 97 to 96. The filings from the District Court in civil matters have also fallen for the third consecutive year from 57 to 49. But the District Court filings have noticeably increased in criminal matters from 247 to 281. Planning and Environment Court filings have decreased marginally this reporting year from 13 to 12. See table 6.

Overall, the number of filings of general civil appeals and applications has fallen this year from 152 to 144. The number of sentence applications filed has increased marginally this year from 156 to 157. The number of conviction only appeals filed has risen this year to 93 and is noticeably higher than in the last two reporting years. The number of combined conviction and sentence appeals is, however, less than in the last two years. The number of sentence appeals brought by the Queensland Attorney-General and the Commonwealth Director of Public Prosecutions has risen this year to 17 from 14 last year but remains less than in 2008-2009. See table 7.

These tables show that although there has been a marginal increase in overall filings from 615 to 616, criminal filings (particularly appeals against conviction) have risen from 349 to 377 whereas civil filings from both the Trial Division and the District Court have fallen noticeably.

This year the Court of Appeal disposed of 587 matters. In the same period, there were 40 applications for special leave to appeal from the Court of Appeal to the High Court of Australia of which 4 were granted. The High Court heard 7 appeals from the Court of Appeal of

which 4 were allowed and three were dismissed.<sup>5</sup> See table 9.

## Other highlights

Highlights for the Court of Appeal this reporting year include:

- the President and Holmes, Fraser and White JJA, together with appellate judges throughout Australia and the Asia-Pacific region, attended the Australian Institute of Judicial Administration's Appellate Judges Conference in Melbourne on 4 and 5 November 2010.
- the first appeal from QCAT was heard on 11 November 2010.<sup>6</sup>
- the appointment of Holmes JA as Queensland Floods Commissioner in January 2011.
- the Court of Appeal's annual northern sittings held in Cairns from Monday, 23 May to Friday, 27 May 2011.
  - Five judges took part: the President, Fraser and Chesterman JJA from Brisbane; the Northern Judge, Cullinane J from Townsville; and the Far Northern Judge, Jones J from Cairns.
  - The Court heard 14 matters over the five days: one application for leave to appeal under s 118 *District Court of Queensland Act 1967* (Qld); three appeals against conviction and sentence; three appeals against conviction; five applications for leave to appeal against sentence; one application for an extension of time in a civil matter; and two miscellaneous civil applications.
  - Barristers and solicitors from Townsville, Cairns and Brisbane participated in the sittings. In terms of appearances by counsel, 68 per cent were barristers based in North Queensland

(56 per cent from Cairns and 12 per cent from Townsville) and 32 per cent were barristers based in Brisbane. Of the 13 barristers who appeared, three (23 per cent) were female. Female barristers appeared in six of the 14 matters (43 per cent). Of the 12 criminal matters before the Court, nine applicants were represented by LAQ. Two applicants were self-represented. In one appeal against conviction, the appellant was privately represented by solicitors and counsel based in Cairns. In the two civil matters, counsel and solicitors were based in Cairns. One civil applicant and two civil respondents were self-represented.

- During the sittings, the judges attended a function hosted by the Far North Queensland Law Association and a Bench/Bar dinner in honour of Cullinane J, who was sitting in Cairns for the last time prior to his retirement.
- Members of the legal profession, law students from James Cook University and members of the general public attended sittings of the Court of Appeal during the week.
- This year's sittings of the Court of Appeal was particularly significant as it was the last in which Cullinane J and Jones J will participate before their retirements later in 2011.

Chesterman JA was made an Officer of the Order of Australia (AO) for distinguished service to the judiciary as a Judge of the Supreme Court of Queensland, and to the community, particularly through contributions to the Cancer Council at national and state levels.

All Court of Appeal judgments delivered during this year were again available free of charge on the internet through AustLII and on the Queensland courts' website.

- The Court's research officer, Mr Bruce Godfrey, coordinates the publication of these judgments, ensuring compliance with profuse and sometimes complex legislative prohibitions.
- Mr Godfrey arranges electronic links to the judgments for all major Brisbane media outlets.

<sup>5</sup> Matters heard and judgments delivered in the High Court of Australia in one reporting year often concern cases heard and judgments delivered by the Court of Appeal in an earlier reporting year. High Court special leave applications to appeal may be heard in different reporting years from any resulting appeals.

<sup>6</sup> *Broadbent v Medical Board of Queensland* [2010] QCA 352.

- He prepares judgment outlines. These are published on the Supreme Court Library website and distributed to interested Queensland judicial officers, the Queensland Law Society, and the Bar Association of Queensland. They are also published in *Proctor*, the Queensland Law Society journal.

The public, the legal profession and the judges are aware of the under-representation of women at the bar in Queensland and of women counsel in Court of Appeal hearings.<sup>7</sup> This year, women counsel appeared in 10.02 per cent of all court appearances in the Court of Appeal, although they comprised 21.5 per cent membership of the Bar Association of Queensland.<sup>8</sup> Of those appearances by women counsel, 11.2 per cent were in criminal matters and 8.9 per cent in civil matters. Unfortunately, this percentage is noticeably less than the percentage of women at the bar in Queensland. It is comparable to the last two reporting years, and an improvement from 6.2 per cent in 2007-2008.

## Self-represented litigants

The number of self-represented litigants in the Court of Appeal has increased in civil matters for a third consecutive year, but fallen noticeably in criminal matters. At least one party was unrepresented in 89 civil matters (compared to 80 last year) and in 89 criminal matters (compared to 101 last year). This means that in 42 per cent of civil matters and 34.9 per cent of criminal matters one party was self-represented. See table 8.

The Queensland Public Interest Law Clearing House (QPILCH) and its Self-Representation Service (Court of Appeal)<sup>9</sup> this year received 15 applications for assistance from potential or current litigants. Of those, QPILCH was unable to consider three applications for

policy reasons<sup>10</sup>. Of the remaining 12 applicants, six were from potential appellants to the Court of Appeal. Of those, two received assistance to lodge an appeal, the outcomes of which are still pending. The remaining four were advised not to commence appeals, accepted that advice, and were diverted from the court system. The other six applicants continued with their appeals. After receiving advice from QPILCH, one withdrew the appeal. Four others continued their appeals against QPILCH advice and were ultimately unsuccessful. The other applicant received assistance from QPILCH and was ultimately successful. The President and the judges of appeal thank QPILCH and the Self-Representation Service for their valuable contribution to Queensland's justice system.

The Court of Appeal criminal law pro bono scheme, first established in 1999-2000, continued to operate this year. With the assistance of the Bar Association of Queensland and the Queensland Law Society, unrepresented appellants convicted of murder or manslaughter, juveniles, and those under an apparent legal disability receive legal representation for their appeals. This year, at least one appellant was assisted by the scheme. The President and the judges of appeal thank the public-spirited barristers listed in appendix 2, particularly the barristers called on during this reporting year.

Other legal practitioners regularly appear pro bono for parties in the Court of Appeal in both civil and criminal matters. The Court also thanks them for their assistance.

A total of 25 per cent of self-represented criminal appellants, compared to 23.9 per cent last year, and 9.3 per cent of self-represented civil appellants, compared to 8.1 per cent last year, were successful in their appeals. Overall, 19.8 per cent of self-represented litigants were successful. These figures continue to suggest a need for increased legal aid funding at appellate level.

<sup>7</sup> See, for example, Kirby J 'The Future of Appellate Advocacy' (2006) 27 *Aust Bar Review* 141 at 155-159; Hunter, Prof R 'Discrimination Against Women Barristers: Evidence from the Study of Court Appearances and Briefing practices' (March 2005) 12(1) *International Journal of the Legal Profession* 3.

<sup>8</sup> As at 29 July 2011.

<sup>9</sup> Formerly the Court of Appeal Self-Representation Civil Service

<sup>10</sup> The Service reserves the right to refuse to assist vexatious litigants, people who present a potential or actual conflict of interest, litigants who have failed to comply with advice given by the Service or an order of the Court or applicants whose request is too urgent to allow the Service to assist.



## Technology and infrastructure

This year the Court heard 22 matters where one party appeared by video link and 13 matters where one party appeared by telephone link. The quality of these links has again been variable, sometimes causing adjournments and lost court time. The Court thanks the Chief Bailiff, Mr Craig Hogan, and the bailiffs for their assistance with the use of video and audio equipment.

The Senior Deputy Registrar (Appeals) and his staff have continued to provide record books in searchable electronic form to judges and parties.

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

The President and the judges of appeal, whether in court, in chambers, or remotely, have access to computers for legal research, electronic record books and electronic transcripts of appeal hearings.

The high profile appeal, *R v Patel; ex parte Attorney-General (Qld)*,<sup>11</sup> was prepared and conducted electronically.

The research officer, in consultation with the President and the judges of appeal, maintains the Court of Appeal home page which provides public access to Court of Appeal judgments, relevant legislation, rules, practice directions and other matters, with links to related web pages. It includes a link to a database maintained by the Supreme Court Library on its web page, containing selected High Court and intermediate appellate court judgments relating to the Criminal Codes of Queensland, Western Australia, Tasmania and the Northern Territory. It also includes a link to a database of civil appellate decisions of general interest to Australian intermediate appellate courts maintained on the New South Wales Court of Appeal web page but to which all intermediate appellate courts contribute.

During the year, the President and judges of appeal have again been assisted in carrying out their duties by

<sup>11</sup> [2011] QCA 81.

the proper resourcing of the judges' library in the Court of Appeal precinct.

## Future directions and challenges

During the next reporting year, the 20th for the Court of Appeal, the President and the judges of appeal, with the assistance of the Senior Deputy Registrar (Appeals) and the appeal registry staff, plan to:

- improve the Court of Appeal's timely disposition of matters. If the number of Trial Division judges assisting in the Court of Appeal continues to be reduced, the Court will not be able to meet this core goal without the appointment of an additional judge of appeal. The achievement of this goal also requires that the Court be provided with sufficient resources to ensure
  - an appeals registry is maintained with adequate staff numbers and with reasonable continuity amongst its skilled staff.
  - the Court of Appeal Case Management System (CAMS) is maintained and refined.
  - the continued development of electronic filings, including outlines of argument with hyperlinks to relevant cases and transcript.
  - best practice in developing electronic appeal record books and in conducting electronic appeals.
  - functional video and audio links within the court and correctional and other facilities.
  - a properly resourced judges' library.
- develop and refine best practice in the management of self-represented litigants, both in the registry and in the Court of Appeal.
- work together with those responsible for the fit-out of the Supreme and District Court building to ensure that the Court of Appeal courtroom and precinct meet best practice for the benefit of the public, the profession, court users and the judges of appeal.

It is not presently anticipated that the Court of Appeal will move to the new building until early in the 2012-2013 year.

- provide one sittings during 2012 in central, north or far north Queensland

These goals cannot be achieved in a vacuum. Those agencies on which the Court of Appeal depends for its efficient performance must also be properly resourced, namely:

- SRB
- The Director of Public Prosecutions
- Legal Aid Queensland
- QPILCH and the Self-Representation Service (Court of Appeal)
- The Supreme Court Library

## Disposal of work

For criminal matters 92.88% were finalised within 12 months. For civil matters, 98.4% were finalised within 12 months. Overall, 95.23% of Court of Appeal matters were finalised within 12 months.

**Table 1: Annual caseload**

	Number of Cases			
	Lodged	Heard	Finalised*	Active (including reserved judgments not yet delivered)
Criminal	377	347	337	196
Civil	239	257	250	101
<b>Total</b>	<b>616</b>	<b>604</b>	<b>587</b>	<b>297</b>

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

**Table 2: Performance Indicators**

	Clearance Rate	% finalised within 12mths	% finalised	
			>12mths old	>24mths old
Criminal	89.39%	92.88%	7.12%	0.29%
Civil	104.60%	98.40%	1.60%	0.00%
<b>Total</b>	<b>95.29%</b>	<b>95.23%</b>	<b>4.77%</b>	<b>0.17%</b>

**Table 3: Judgments, criminal matters**

Judgments	2008-09	2009-10	2010-11
Outstanding at start of year	24	20	22
Reserved	226	220	205
Ex tempore judgments delivered	79	52	60
Reserved judgments delivered	230	218	195
Outstanding at end of year	20	22	32

**Table 4: Judgments, civil matters**

Judgments	2008-09	2009-10	2010-11
Outstanding at start of year	19	8	24
Reserved	137	157	170
Ex tempore judgments delivered	52	63	48
Reserved judgments delivered	148	141	163
Outstanding at end of year	8	24	31

**Table 5: Time between hearing and delivery of reserved judgments**

Type of cases	Median number of days		
	2008-09	2009-10	2010-11
Criminal cases	18	18	22
Civil cases	34	28	29
All cases	21	21	25

**Table 6: Court in which matters were commenced**

Court	Number of matters filed		
	2008-09	2009-10	2010-11
Trial Division - civil	167*	195*	165*
Trial Division - criminal	99*	97*	96*
District court - civil	72	57	49
District court - criminal	270	247	281
Planning and Environment Court	20	13	12
Other - civil (cases stated, tribunals etc)	11	1	13
Magistrates Court - criminal	0	5	0
Other - criminal	0	0	0

\* These statistics include Circuit Court matters.

**Table 7: Types of appeals filed**

Appeal type	2008-09	2009-10	2010-11
<b>Civil</b>			
general including personal injury	144	152	144
applications	87	84	68
leave applications	20	15	11
planning and environment	19	13	12
Other	0	2	4
<b>Criminal</b>			
sentence applications	170	156	157
conviction appeals	57	64	93
conviction and sentence appeals	41	46	35
extensions(sentence applications)	30	9	23
extensions(conviction appeals)	13	16	17
extensions(conviction and sentence)	19	13	13
sentence appeals(A-G/C' wth DPP)	23	14	17
Other	16	31	22

**Table 8: Matters heard where one or both parties unrepresented**

Number of cases	2008-09	2009-10	2010-11
Civil	71	80	89
Criminal	109	101	89
<b>TOTAL</b>	<b>180</b>	<b>181</b>	<b>178</b>

**Table 9: Applications and appeals from the Court of Appeal to the High Court**

Applications for special leave			
Criminal			
	2008-09	2009-10	2010-11
Granted	2	3	4
Refused	10	11	9
Civil			
Granted	3	4	0
Refused	12	20	27
Appeals			
Criminal			
	2008-09	2009-10	2010-11
Allowed	1	0	2
Dismissed	1	1	1
Civil			
Granted	1	0	2
Refused	0	0	2

## Court of Appeal pro bono list for 2010-2011

### Court of Appeal pro bono list for 2010-2011

John Baulch SC (Tville) <sup>12</sup>	Simon Hamlyn-Harris	Kerri Mellifont <sup>13</sup>
David Boddice SC <sup>14</sup>	James Henry SC (Cairns)	Robert Mulholland QC <sup>15</sup>
Martin Burns SC	Jeffrey Hunter SC	Peter Mylne
Michael Byrne QC	Mark Johnson	Peter Nolan
Peter Callaghan SC <sup>16</sup>	Stephen Keim SC	Colin Reid
Anthony Collins (Tville)	Tony Kimmins	Peter Richards
Ralph Devlin SC	Gary Long SC <sup>17</sup>	Tim Ryan
Bradley Farr SC <sup>18</sup>	Dennis Lynch	Paul Smith
Terry Gardiner	Kelly Macgroarty	Bret Walker SC
Tony Glynn SC	Alan MacSparran SC	Elizabeth Wilson <sup>19</sup>
John Griffin QC	Frank Martin (Twba)	

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<sup>12</sup> Appointed District Court judge 10/9/2010.

<sup>13</sup> Appointed Senior Counsel December 2010.

<sup>14</sup> Appointed Supreme Court judge 2/7/2010.

<sup>15</sup> Retired during this reporting year.

<sup>16</sup> Senior Counsel assisting the Queensland Flood Commissioner.

<sup>17</sup> Appointed District Court judge 13/5/2011.

<sup>18</sup> Appointed Acting District Court judge 18/2/2011; appointed District Court judge 9/8/2011.

<sup>19</sup> Counsel assisting the Queensland Flood Commissioner.

# Trial Division

## The work of the Trial Division

The Trial Division resolves matters commenced by indictment (in criminal cases), claim or originating application (in civil proceedings) by trial, hearing or consensus.

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

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

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

In its civil jurisdiction, the court deals with a wide range of cases, including commercial contests, building and engineering contracts, wills and estates, conveyancing disputes and insurance claims.

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

## The structure of the Trial Division

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

Sixteen of the 19 Trial Division judges are based in Brisbane in the southern district. The southern district includes Toowoomba, Maryborough and Roma.

The Central Judge resides in Rockhampton, where he presides at civil and criminal sittings. He also conducts sittings in Bundaberg, Longreach and Mackay.

The Northern Judge resides in Townsville. His district encompasses the regional centres of Mt Isa and Mackay.

The Far Northern Judge resides in Cairns.

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

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

Information about the organisation and practices of the Trial Division, including its calendars, electronic set down for hearing, law lists, fact sheets, Practice Directions, and reasons for judgment are published on the Queensland Courts website: [www.courts.qld.gov.au](http://www.courts.qld.gov.au).

## Developments

Justice Boddice was appointed on 2 July 2010 after Justice White’s appointment to the Court of Appeal in April 2010.

On 10 February 2011, Justice Margaret Wilson was appointed an additional Judge of Appeal while Justice Holmes headed a Commission of Inquiry. Judge Dick was appointed as an acting Judge, assigned to the Trial Division, while Justice Wilson was with the Court of Appeal.

On 25 February 2011, the Trial Division’s complement increased to 19 judges with Justice Dalton’s appointment, which recognised that Justice Alan Wilson was fully occupied in the discharge of his duties at QCAT.

Trials, civil and criminal, continue to grow in length, especially in Brisbane. This expansion in the number of days committed to trials inhibits the court’s capacity to dispose of its workload as quickly as the judges would wish. It also adds to expense, both public and private.

Earlier, more intensive judicial case management is needed to try to address some of the causes of this ongoing inflation.

## Criminal jurisdiction

This year has seen an increase in finalisations by trial or verdict from 71 defendants last year to 83 defendants - an increase of 17 per cent. The growth in this area has eased slightly compared to 2009-10 when the increase was 24 per cent (14 defendants). Over the past two years, the increase in defendants finalised by trial has increased by 45.6 per cent (26 defendants).

Not only are there more trials but also there are, as mentioned above, longer trials.

Criminal lodgments increased by 9.0 per cent from 1,403 in 2009-10 to 1,529: an increase of 126 lodgments.

There was an increase of 15.5 per cent in criminal finalisations this year, with finalisations increasing from 1,302 during 2009-10 to 1,504 in 2010-11.

The clearance rate for criminal matters was 98.4 per cent (up from 92.8 per cent in 2009-10).

As at 30 June 2011, there were 549 active pending matters. This is an increase of 1.7 per cent from last year, when there were 540 active pending matters on 30 June 2010.

The number of cases older than 12 months and less than 24 months decreased to 11.5 per cent this year from 13.5 per cent in 2009-10.

As at 30 June 2011, the percentage of active pending cases older than 24 months increased to 5.1 per cent from 3.7 per cent in 2009-10.

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

This table summarises the activity in the criminal list:

**Table 10: Summary of the activity in the criminal list**

	Number of defendants*			Clearance rate	Backlog indicator** %	
	Lodged	Finalised	Active		> 12 months Presentation date	> 24 months Presentation date
<b>Main centres</b>						
Brisbane	1,084	1,049	431	96.8%	16.9%	6.0%
Cairns***	147	151	35	102.7%	17.1%	5.7%
Rockhampton	65	61	13	93.8%	15.4%	0.0%
Townsville	97	103	23	106.2%	13.0%	0.0%
Total for main centres	1,393	1,364	502	97.9%	16.7%	5.6%
<b>Regional centres</b>						
Bundaberg	16	23	1	143.8%	100.0%	0.0%
Longreach	0	1	0	100.0%	0.0%	0.0%
Mackay	51	48	3	94.1%	0.0%	0.0%
Maryborough	22	31	14	140.9%	35.7%	0.0%
Mount Isa	16	5	11	31.3%	0.0%	0.0%
Roma	2	4	1	200.0%	100.0%	0.0%
Toowoomba	29	28	17	96.6%	0.0%	0.0%
Total for regional centres	136	140	47	102.9%	14.9%	0.0%
<b>State total</b>	<b>1,529</b>	<b>1,504</b>	<b>549</b>	<b>98.4</b>	<b>16.6%</b>	<b>5.1%</b>

Notes:

\* As defined by the RoGS rule, a 'defendant' is one defendant with one or more charges; and with all charges having the same date of registration. Defendants with outstanding bench warrants or with secondary charges (such as breaches of orders) are excluded. Also excluded are defendants awaiting indictment presentation.

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

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

## Criminal jurisdiction—Brisbane

The problems mentioned in last year's report continue.

The court's capacity to list trials, sentences and pre-trial hearings is detrimentally affected by the continuing growth in the length of trials. As trials grow longer, there is a corresponding reduction in the capacity to set matters down. It has reached the stage where, at about the halfway mark of each six month period, any case exceeding five days cannot be listed until the calendar for the next six months is available. It follows that trials which are otherwise ready for hearing can be delayed by up to a year.

Another matter which has a significant impact on the ability to expeditiously dispose of matters is the number of hearings under the *Dangerous Prisoners (Sexual Offenders) Act 2003*. Last year, 51 hearing days were occupied. In this period, it has increased to 61 days. If, as appears likely, the number of judge days required to deal with hearings under this Act continues to increase, then there will be a continuing attrition of capacity to determine criminal trials and sentence hearings.

Practitioners continue to make sensible use of the ability to obtain hearing dates for sentences administratively.

## Civil jurisdiction

Results in the civil jurisdiction have been affected by changes to monetary limits in the *Civil and Criminal Jurisdiction Reform and Modernisation (Amendment) Act 2010* ("the Act").

Quite a few claims lodged in the District Court since November 2010 were previously beyond that Court's jurisdiction and had to be started in the Supreme Court. The Act has also brought about a reduction in active pending matters as well as raised clearance rates.

Many claims are dealt with by Registrars. This is one reason why the decrease in lodgments does not result in a corresponding reduction in judicial workloads.

Civil lodgments decreased this year by 2,124 (29.1 per cent), from 7,309 during 2009-10 to 5,185.

Civil finalisations decreased by 216 from 6,937 during 2009-10 to 6,721 (a decrease of 3.1 per cent).

The clearance rate increased from 94.9 per cent in 2009-10 to 129.6 per cent. This may be contrasted with the civil clearance rate before the Act came into effect of 104.4 per cent (as at 31 October 2010).

The civil jurisdiction saw a decrease of 1,569 active pending matters (4,694 at 30 June 2011), down from 6,263 last year.

The number of cases older than 12 months and less than 24 months increased from 1,176 in 2009-10 to 1,223 (a 4.0 per cent increase).

The number of lodgments more than 24 months old increased by two cases in 2010-11, with lodgments older than 24 months standing at 338 cases (representing a 0.6 per cent increase from the previous year).



**Table 11: Summary of the activity in the civil list**

2010-11	RoGS civil files			Clearance rate	Backlog indicator from filing date	
	Lodged	Finalised*	Active		% > 12 mths	% > 24 mths
Brisbane	4,427	5,806	3,892	131.2%	33.1%	7.1%
Cairns	203	277	209	136.5%	37.8%	7.7%
Mackay	81	142	101	175.3%	33.7%	10.9%
Rockhampton	122	154	164	126.2%	41.5%	7.3%
Townsville	295	275	266	93.2%	26.7%	7.5%
Bundaberg	20	18	19	90.0%	21.1%	0.0%
Longreach	0	0	0	0.0%	0.0%	0.0%
Toowoomba	27	36	28	133.3%	39.3%	3.6%
Mount Isa	3	6	4	200.0%	25.0%	0.0%
Maryborough	7	7	11	100.0%	45.5%	0.0%
Roma	0	0	0	0.0%	0.0%	0.0%
<b>State total</b>	<b>5,185</b>	<b>6,721</b>	<b>4,694</b>	<b>129.6%</b>	<b>33.3%</b>	<b>7.2%</b>

\* A case is deemed finalised under RoGS rules if there has been no activity in it for one year.

**Table 12: Total lodgments**

	RoGS civil*	Non RoGS civil **	Non RoGS criminal	Probate	Total
Brisbane	4,427	936	558	6,616	12,537
Cairns	203	27	25	327	582
Mackay	81	0	31	0	112
Rockhampton	122	33	11	493	659
Townsville	295	69	45	600	1009
Bundaberg	20	0	2	0	22
Toowoomba	27	0	2	0	29
Mount Isa	3	0	2	0	5
Maryborough	7	4	0	0	11
Roma	0	2	0	0	2
Longreach	0	0	1	0	1
<b>State total</b>	<b>5,185</b>	<b>1,071</b>	<b>677</b>	<b>8,036</b>	<b>14,969</b>

Notes:

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

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

## Civil Jurisdiction—Brisbane

### Case flow management

Case flow management of proceedings in the civil jurisdiction in Brisbane has been implemented to give practical effect to r 5 of the UCPR and the rules imposing times for taking steps in litigation and the direction making power of the court (UCPR r 366; *Supreme Court Act 1991* s 118D(2)(a)). It is regulated by Practice Direction No. 4 of 2002. The aim is to ensure that proceedings progress to a timely and cost-effective resolution. Case flow management involves an integrated approach by the registry staff and Justice Atkinson.

At the heart of the Queensland case flow management system is the concept that ordinarily a matter should be ready for trial within 180 days of the defendant's notice of intention to defend being filed. If no request for trial date has been filed by that time, the parties must propose an acceptable case management plan or the matter will be referred to a judge who will give directions for the timely disposition of the proceedings. The judge giving directions ensures that any case management plan proposed at the directions hearing is comprehensive, including a date by which the request for trial must be filed or the matter will be deemed resolved, makes sure cases are properly prepared for trial, excises those which are not going to trial and deems resolved those cases which should in fact be finalised or in which the parties cannot comply with directions.

There has been a marked increase in satisfactory case management plans being submitted and a similar increase in compliance with those plans with very few cases needing to be reactivated once deemed resolved. More cases are being settled early and, if not, are diligently prepared for trial. This is reflected in the greater number of proceedings now awaiting trial.

### Commercial List

The Commercial List provides for the prompt hearing and determination of proceedings involving issues of a commercial character, where the estimated length of trial is 10 days or fewer (save in exceptional cases).

Two judges are designated as Commercial List judges. Justice Philip McMurdo continued to serve in that capacity throughout the year. Justice Margaret Wilson was the other judge until her appointment as an additional judge of the Court of Appeal in January 2011, when she was replaced on this list by Justice Applegarth.

The Commercial List judges have a discretion as to whether to list a proceeding. A party wishing to have a proceeding placed on the list files an application and supporting material (usually by email), which includes a statement of the nature of the case and the various issues, whether there are circumstances of urgency and the parties' estimates of the required time for hearing. Usually the judges alternate on a monthly basis in the hearing of these applications. In most cases, the judge who places a case on the list retains the case management of it, including the hearing of any contested interlocutory applications and reviewing the progress of the case, as well as conducting the trial. That judge will allocate the dates for trial at a point when it is clear that the remaining interlocutory steps will be completed by those dates.

The Commercial List judges endeavour to provide early hearing dates for substantial interlocutory disputes and trials. So far as possible, priority is accorded to commercial cases in their calendars. The listing of interlocutory hearings is usually arranged by email and through the judge's associate.

The Commercial List continues to be a very busy one. Its work involves challenges affecting the court more generally. One is a matter of particular concern. The proliferation of documentation, especially in electronic form, has made in many cases the process of disclosure of documents a task which is disproportionately expensive and very difficult to perform in accordance

with the relevant rules and the lawyer's responsibilities. This places considerable burdens on both the court and the parties in pre-trial steps and in the trial itself. A change in emphasis has begun, by which the parties and their lawyers must justify, in the particular case, what had been accepted as the practice of undertaking disclosure of every document directly relevant to any issue.

A further step which is now commonly employed, in order to prevent the undue lengthening of some trials, is to require the parties jointly to submit a trial plan or timetable, setting out the times proposed for each party's evidence in chief, cross-examination and opening and closing addresses.

### **Supervised Case List**

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

The list was managed by Justice Applegarth and Justice Peter Lyons until February 2011; and thereafter by Justice Peter Lyons and Justice Boddice.

Whilst most cases are placed on the list at the request of one or more of the parties, cases are also placed on the list through the court's initiative, as where a judge conducting an interlocutory hearing sees the need for ongoing judicial management. Cases are also regularly referred to this list after case flow review.

The range of cases includes building and engineering claims, public liability and other insurance litigation, personal injury claims, deceased estate disputes, de facto property claims and defamation litigation.

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

As at 30 June 2011, there were 140 cases on the list. In the 12 months to 30 June 2011, 66 cases were added to the list. In that period, 32 cases were finalised, and 18

cases were removed from the list for other reasons (e.g., allocation of trial dates, or case deemed abandoned). Of the cases finalised, 15 were determined by adjudication; 14 were discontinued; and three as a result of alternative dispute resolution procedures. The reviews conducted numbered 349.

The judges conducting the reviews typically seek to ensure that all issues in the case are identified by the pleadings; to ensure that substantial efforts are made to resolve cases, or, so far as possible, issues within each case; to maximise the efficiency and utility of expert evidence at trial; and to see that matters on this list not be given trial dates unless there is a high likelihood that the trial will be able to start on the allocated date, and be completed within the estimated time.

## **Trial Division districts**

### **Southern district**

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

### **Central district**

The Central Judge, Justice McMeekin, was responsible for the work of the court in Rockhampton, Mackay, Bundaberg and Longreach.

A sitting of the court was held in Longreach at which the Chief Justice presided and one criminal matter disposed of.

The Central Judge conducted civil sittings in Rockhampton for nine weeks, criminal sittings for twelve weeks, and sittings involving both crime and civil work in Mackay for eight weeks and Bundaberg for four weeks. Application days were held on an approximately six-weekly basis with the lists being of similar length as in recent years. The Central Judge sat in the Court of Appeal in Brisbane for three weeks in October – November 2009.

In 2010-11, the number of those sentenced increased significantly in Rockhampton – 55 offenders were sentenced this year following guilty pleas, compared with 36 and 28 respectively in the preceding two years. There were five criminal trials, as in the previous year.

Mackay and Bundaberg have recorded similar levels to the previous years – 41 and 20 sentences respectively following guilty pleas. Mackay, too, had five criminal trials. The vast bulk of the charges to which pleas of guilty were entered related to offences against the *Drugs Misuse Act 1986* and related offences. The numbers of criminal trials held, invariably involving a homicide, have remained more or less constant over the last few years.

On the civil side, the Central Judge delivered 25 reserved judgments in the Trial Division. That is in line with previous years.

Alternative dispute resolution has ensured that relatively few disputes require a hearing. As a result, civil litigation has been disposed of in a timely way.

The court welcomed Registrar Mark Koczan to the Rockhampton registry. Acknowledgment should be made of the efforts of Ms Tamara Chopping who has often been called on to act as registrar during the year. Both have ensured a high degree of professionalism in the management of court business.

Eleven practitioners holding a connection to Central Queensland were admitted in Rockhampton during the year – eight females and three males. The ceremony, more personal than is possible in Brisbane, is appreciated by the practitioners.

### **Northern district**

The Northern Judge during the reporting period, Justice Cullinane, conducted sittings for 17 weeks in Townsville where he is based and also conducted two two-week sittings in Mount Isa and Mackay.

Justice Cullinane sat on the Court of Appeal in Brisbane for three weeks in September/October and also for one week in May when the Court of Appeal sat in Cairns.

Four weeks were allocated to judgment writing. The Northern Judge took 11 weeks long leave.

Each month, a day is allocated to applications when between 20 and 35 matters are disposed of. The number of applications is increasing, with many complex matters.

In Townsville, there continues to be an increase in criminal cases relating to drug offences. The management of criminal listings from presentation of the indictment to finalisation (sentencing/trial) is monitored so that clearance rates are maintained.

Civil matters continue to be dealt with expeditiously with most actions entered on the callover list offered trial dates within a few months of the filing of the Request for Trial. Alternative dispute resolution (ADR) and in particular mediation, is an entrenched feature of the litigation landscape and often results in parties resolving their disputes without the necessity of going to court. The early allocation of trial dates often prompts the resolution of disputes at the allotted trial date or by settlement prior to that date.

Thirty-two new practitioners were admitted. Almost all had completed their academic legal training at North Queensland's James Cook University. The majority took up positions with local firms in Townsville and elsewhere in North Queensland.

### **Far northern district**

The sitting times for the Far Northern Judge, Justice Jones, have resulted in 35 weeks being spent in Cairns, three weeks in Brisbane on the Court of Appeal in September, with eight weeks allocated to judgment writing and three weeks of long leave.

The Court of Appeal sat in Cairns for one week in May.

The Far Northern Judge held a sittings on Thursday Island in April for one week during which six matters were disposed of. He had discussions with the Community Justice Group, representatives of the Torres Strait Regional Authority and with members of the Torres Shire Council and Torres Strait Island Regional Council.

During the year, 12 new practitioners were admitted to the profession, most of whom had completed their academic legal training in the Townsville or Cairns campuses of James Cook University. The majority of these new practitioners took up positions in Cairns, reflecting the steady development of the city and the diversity of the demand for legal services in the region.

The judges and practitioners in Cairns are grateful for the continuing support of the Supreme Court Library and Library Committee.

### Mental Health Court

The Mental Health Court is constituted by a judge, assisted by two experienced psychiatrists from a panel of psychiatrists appointed under the *Mental Health Act 2000*. The judges who may constitute the court are Justice A Lyons (President) and Justice Boddice. The panel of assisting psychiatrists consists of Drs J M Lawrence, F T Varghese, E N McVie, J N Chalk, A S Davison, M L Khoo, and J J Sundin.

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

When appropriate, the court conducts references and appeals by video links with regional hospitals, correctional and other centres. This practice is cost-effective and eliminates additional stress for mentally-ill patients and defendants. Patients and defendants have the right to legal representation, with legal representatives generally appearing in the court in Brisbane.

Examination orders are an important function of the Mental Health Court in its deliberations on a reference or appeal from the Mental Health Review Tribunal. These orders are generally made on the recommendation of an assisting psychiatrist. During 2010-2011, 241 orders were made compared to 203 in the previous year.

This year, the court sat on 84 days and heard a total of 290 matters. These comprised 226 references and 64 appeals. Whilst the number of appeals decreased during the year there was an eight per cent increase in the number of references.

**Table 13: Mental Health Court 2010–11**

	Number of cases		
	Lodged	Finalised	Active*
<b>References</b>			
Director of Mental Health	94	102	48
Director of Public Prosecutions	12	9	9
Legal Representative	115	108	100
Defendant	7	4	4
Court of Law	5	3	3
Attorney-General	0	0	0
Total references	233	226	164
<b>Appeals</b>			
Director of Mental Health	1	1	0
Attorney-General	37	24	19
Patient or legal representative	46	39	17
Total appeals	84	64	36
<b>Applications</b>			
Applications to enquire into detention	0	0	0
Total applications	0	0	0
Total	317	290	200

### Land Appeal Court

The Land Appeal Court hears appeals from the Land Court and is constituted by a Supreme Court judge and two members of the Land Court, other than the member whose decision is under appeal. It also hears appeals from the Land Tribunals established under the *Aboriginal Land Act 1991* and the *Torres Strait Islander Land Act 1991*. The Land Appeal Court has limited original jurisdiction under the *Biological Control Act*

1987 and the *Foreign Ownership of Land Register Act 1988*.

The Land Appeal Court traditionally sits at Brisbane, Rockhampton, Townsville and Cairns, the headquarters of the four Supreme Court districts in Queensland. The Chief Justice nominates a judge to act as a member of the Land Appeal Court for the southern district. Justice Peter Lyons was the judge nominated for the 2010-11 financial year. The Central Judge, the Northern Judge and the Far Northern Judge were members of the Land Appeal Court for those districts.

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

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

There were nine appeals lodged in the Land Appeal Court in 2010-11, compared with 11 appeals in 2009-10. Considering the number of matters dealt with by the Land Court each year, there are remarkably few appeals to the Land Appeal Court.

**Table 14: Nature of Appeals to the Land Appeal Court**

Nature of Appeals	2009-10	2010-11
Compensation ( <i>Acquisition of Land Act 1967</i> )	5	4
Other	1	1
<i>Mineral Resources Act 1989</i>	3	4
Revenue valuations ( <i>Valuation of Land Act 1944</i> )	2	0

During the reporting period, four of the appeals filed related to land in the southern Land Appeal Court District and one concerned land in the northern Land Appeal Court District. Four appeals related to land in the central Land Appeal Court District, two of which were heard in Brisbane.

**Table 15: Appeals to the Court of Appeal**

	2009-10	2010-11
Appeals to Court of Appeal	1	3*

\* Two related matters

# Office of 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 Supreme Court throughout the State.

The office was formerly known as the Office of the Director of Courts but a number of administrative changes occurred following the conclusion in mid-2010 of a review of the governance and structure of registries across several major jurisdictions, including the Supreme Court. These changes included the creation of the Supreme, District and Land Courts Service and the translation of the role of Director of Courts and many of the responsibilities of that Office into that of the Executive Director of the Service.

The review also saw the transitioning of services, such as court reporting and the supply and management of information and court room technology, out of the Office of the Director into the newly created Reform and Support Services area within the Queensland Courts Service. These changes are intended to ensure the efficient maintenance of high levels of service within the Supreme Court.

The Director of Courts and Principal Registrar, Ms Robyn Anne Hill formally resigned from this role on 1 October 2010. Ms Hill was notable for her dynamic and passionate commitment to positive change in registry administration in the three years following her appointment in February 2007. We wish her continuing success in her future endeavours.

Ms Julie Steel has acted in the position for the whole of 2010-11, and is supported by executive, administrative and registry staff throughout Queensland.

As Principal Registrar, Ms Steel is an ex-officio member of the Incorporated Council of Law Reporting and a

member of the Records Management Committee. She also attends meetings of the Rules Committee.

## Registry Services

Court registries are responsible for:

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

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

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

Supreme and District Court civil files are managed within the CIMS and CIMSLite systems and can be searched online using the eSearch facility on the Queensland Courts website. Use of the eSearch program continues to increase, with more than 1,247,000 online searches performed in 2010-11. This represents an

increase of 13.4 per cent from 2009-10, when 1,100,000 searches were conducted.

### **Registry workloads**

During 2010-11, civil filings decreased significantly from the previous year. While 2009-10 represented a particularly busy period from which a decrease was always likely, the decrease in filings was closely connected with the increased jurisdictional limits arising from the commencement of *Civil and Criminal Jurisdiction Reform and Modernisation (Amendment) Act 2010* (“the Act”) on 1 November 2010.

Changes made by the Act affecting the criminal jurisdiction of the Supreme Court are not expected to impact registries until later in 2011.

Succession law applications rose by four and a half per cent to just over 8,000; continuing a trend that reflects a 31 per cent increase in the number of applications lodged since 2005-06. It is anticipated that succession law workloads will continue to rise and it is essential that the registry continue to develop and implement strategies to manage this appropriately. The registry will continue to work closely with the profession to ensure delays are kept to a minimum.

### **New approaches**

The registry has invested considerable time and effort in developing strategies that ensure service levels are maintained and even improved within existing resources.

The registry is committed to innovation to improve service levels by focussing on staff, as well as the development of policy and procedures to ensure best practice is achieved and a consistent level of service is provided to client and stakeholders alike.

Some initiatives are quite simple. For example, in Brisbane, a single registry counter has replaced three counters to deal directly with court users.

A Court User’s Reference Group was established during the year. The group consists of senior management of the Department of Justice and Attorney-General,

Supreme, District and Magistrates Courts, as well as representatives from the Bar Association of Queensland, and Queensland Law Society. The first improvement arising from the Group has been the development of an access card that enables legal practitioners to enter the Law Courts Complex without waiting for security checks. This initiative is jointly administered by the professional associations in conjunction with the registry. It is expected that further opportunities for consultation and business improvement will occur in future.

### **eTrials**

Since the appointment of a dedicated eTrials Registrar in July 2010, relevant stakeholders have had a ‘one stop’ contact point through which to discuss issues concerning current and proposed eTrials. Several presentations to the profession and other interested parties have occurred. The benefits of eTrials have been demonstrated in the experience of those who have utilised this approach. Over the past 12 months, the preparation and conduct of eTrials has been further integrated into normal registry procedure, with the aim of eventually having eTrials as part of the day to day business of the courts. This integration will be essential once the Supreme Court has relocated into the new court building, where 14 courtrooms will be capable of conducting eTrials.

For civil matters on the Supervised Case List, parties are being asked to consider as early as possible the proportionate and efficient approach to managing both paper and electronic documents. As part of this process, parties are considering the role that an eTrial, as part of the overall litigation process, can play in increasing the efficiency of document management.

### **Court Network volunteers**

Attending court in any capacity can be a daunting and sometimes stressful ordeal for many within the community. Whilst registry staff assist court users, there is a limit to what they can appropriately do.

Court Network volunteers are to be commended for the essential work they undertake within the courts.



The volunteers of the Court Network are well trained and passionate. In providing practical information and guidance as well as personal assistance to those involved in court proceedings they play a significant role. They facilitate access to justice and support the smooth operation of the Court. Ms Steel's appointment as a member of the Court Network's Board in June 2011 is therefore welcome.

### **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.

### **State Reporting Bureau**

Corporate services, court reporting and information management are provided under the leadership of Ms Stephanie Attard, Executive Director, Reform and Support Services.

The State Reporting Bureau provides a recording and/or transcription service to the Supreme, District, Land and Magistrates Courts, Queensland Civil and Administrative Tribunal, Industrial Court, and the Industrial Relations Commission. These services are provided at Brisbane and 35 regional and circuit centres throughout Queensland.

Reporting services are also provided for the Medical Assessment Tribunal, Mental Health Court, and the Land Appeal Court.

In 2010-11, the Bureau recorded approximately 16,300 hours or 2,200 days of proceedings. Of this, 81 per

cent was by remote digital recording and 19 per cent by Computer Assisted Transcription (CAT) reporters.

The Bureau produced approximately 109,300 pages of transcript for matters in the Supreme Court during 2010-11. This represented 18 per cent of the total pages produced by the Bureau in the same period.

The digital recording system utilised by the Bureau continues to allow for the more efficient use of staff resources across the State. The placing of cameras in courtrooms combined with the digital recording system allows staff to monitor and record courts across the State without having to travel to a particular centre. For example centres such as Mount Isa, Hervey Bay and Beenleigh can be recorded remotely and transcribed by any of the 10 Bureau offices. The use of this technology also allows workloads to be accommodated based on the capacity of individual centres.

Changes in technology also mean that it is now easier for the Bureau to offer audio CDs as an option to transcripts. This format provides a cheaper, faster and more efficient method of delivery and reduces the costs of production.

Over the last six years improvements introduced have seen total page production for the State Reporting Bureau grow from approximately 410,000 pages in 2004-5 to approximately 570,000 in 2010-11 without any commensurate increase in funding. This translates to an increase in page production of over 38 per cent.

The Bureau utilises three processes to produce a transcript, Audio/Keyboard Transcribers, Voice Assisted Transcription (VAT) Reporters and Computer Assisted Transcription (CAT) Reporters.

VAT Reporters are a new and developing occupation which has evolved as a result of the Bureau's use of voice recognition software to assist injured staff to return to work, whilst utilising a method of transcription which was not contraindicative to their recovery and would enable them to remain focussed and productive to their role description.

The voice/keyboard combination utilised with voice recognition software has proved useful not only for rehabilitation but also for transcript production generally.

The officers using the new technology are known as VAT Reporters and use the software to produce transcripts across all jurisdictions.

Overlay vocabularies covering areas such as flora, fauna, vehicle makes, Australian towns and marine terminology have been created which enhance the ability of the voice recognition software to understand a vast array of words relevant to the type language used in court transcripts.

The use of voice recognition software in transcript production marks the latest evolution of court reporting as it moves from the early days of pen writers and sees the creation of a new occupation.

### **Courts information services**

The Courts Information Services Branch (CISB) included five teams during 2010-11:

- Operations – supported court-related applications and provided Service Desk support to judicial officers
- Systems – managed enhanced selected court related applications
- Audio Visual – managed, supported and extended the audio and visual systems installed throughout the state
- Queensland Sentencing Information Service (QSIS) – provides a comprehensive collection of sentencing information to assist decision makers on, and before, the Bench
- Queensland Courts Communications (QCC) – develops and manages the communication materials used by the Supreme, District and Magistrates Courts throughout Queensland.

During 2010-11, CISB carried out major upgrades of the audio visual facilities in 21 courtrooms throughout the

state, including the fit-out of a courtroom in Brisbane to support eTrials. CISB also enhanced the audio visual fit-out of 20 other courtrooms and upgraded the digital recording facilities in 66 courtrooms.

## **Supreme Court of Queensland Library**

The Supreme Court of Queensland Library (SCQL) is the principal law library in Queensland, serving the judiciary and legal profession.

For almost 150 years, the Library has provided essential legal information services, whilst developing a significant collection of print and online resources across local and international jurisdictions. It is also committed to the collection and preservation of Queensland's legal history, which is achieved through education, publication and digitisation programs, conducted under the auspices of the Supreme Court History Program.

SCQL is governed by a Committee comprising members of the judiciary, as well as nominees of the Queensland Law Society, Bar Association of Queensland and the Attorney-General and Minister for Justice. These groups represent the Library's key clientele and the composition of the Committee ensures that Library services remain relevant and responsive to user needs.

In 2010-11, the Committee was chaired by the Honourable Justice Hugh Fraser.

### **Highlights**

This year, the Library focused on preparing for relocation to the new Supreme and District Courts building in 2012; planning for the Sir Harry Gibbs Legal Heritage Centre in the new building; and restructuring the Library IT network to lay the foundation for future online services growth and the development.

Significant achievements include:

- Completion of the conceptual and design aspects of the Sir Harry Gibbs Legal Heritage Centre for

the display and preservation of Queensland legal history, to be located in the foyer of the new Supreme and District Courts building. Preparations also commenced for the creation of the inaugural exhibition celebrating 150 years of law in Queensland.

- A major network review and information technology redevelopment project undertaken to facilitate the development of key services through the Library's online public catalogue and to achieve stability that will appropriately support the future work of the Library. The project included reconfiguration of servers and datasets to optimise the Library's network security and functionality.
- In excess of 4.4 million hits registered through SCQL's online platforms, including the public website, online catalogue and Judicial Virtual Library.
- Establishment of a dedicated collection of Childrens Court judgments from the Queensland District and Magistrates Courts, available via the Library website.
- Publication of the sixth volume in the successful Supreme Court History Program Yearbook series, as well as a commission for a commemorative coffee-table style history celebrating the sesquicentenary of the Supreme Court.

### **Information Services**

Since its establishment, the Library has served as the chief information agency for the Queensland judiciary and legal profession.

Legal information services offered by the Library include:

- Reference, research and document delivery, available to clients throughout Queensland;
- Specialised current awareness services for the Queensland judiciary and legal profession;

- Judgment bulletins and indices, available via the SCQL website and Queensland Legal Indices database;
- Legal research and product training for judges, associates, legal practitioners and court staff;
- Indexed collections of biographical materials relating to members of the judiciary in Queensland, as well as other Australian jurisdictions.

In 2010-11, the Library responded to 11,877 requests for information and supplied 15,289 documents to users.

### **Current Awareness Services**

The ever-increasing volume of legal content available online has highlighted the importance of regular customised updaters services for Library clients. The Library has developed the following current awareness services in response to user need:

- Judicial current awareness service – originated as a newspaper clippings service in 1984 and is now produced as an online, email and RSS feed tool that enables users to customise content and search an archive of material. In 2010-11, a total of 6,345 articles and speeches were selected for inclusion in the service.
- Queensland Legal Updater – provided as a free weekly email bulletin, with a focus on judicial and legislative developments in Queensland. 48 issues were published this year, providing a regular and convenient alert service for subscribers.
- Magistrates Legislation Bulletin – produced in consultation with Deputy Chief Magistrate Hine, the Bulletin is a specialised updater tool for magistrates across Queensland. 11 issues were published this year.

### **Legal Collections**

The SCQL collection is the primary legal reference collection in the State, incorporating 154,000 print volumes and more than 65,000 additional titles available online. The Collections Sub-Committee, which

met four times this year, provides a user-representative forum to discuss acquisition priorities and to select materials that appropriately serve the needs of the Library's core user groups.

The Library houses print collections in Brisbane and in regional courthouses across Queensland, as well as maintaining the Court of Appeal Library in the Brisbane Supreme Court. Users across Queensland also enjoy access to a broad range of legal resources available online via the Library catalogue.

In 2010-11, the Library continued to enrich its collection with an extensive range of resources from HeinOnline and Oxford publishing, as well as other content specific datasets.

In 2009, the Librarian was asked to negotiate legal content purchasing on behalf of the Department of Justice and Attorney-General. The benefits of this continuing arrangement were carried forward this year, with ongoing savings, budget certainty and a reduction in the administrative costs associated with negotiating contracts. Savings were generated across the Departmental portfolio, the Courts and the Library.

The centralised model for purchasing has also directly benefited Library clients, who now enjoy access to a wider range of legal content than was previously available.

## **Publishing**

The Library publishes a number of online services to facilitate convenient access to legal information for users.

In 2010-11, more than 20,000 full-text judgments were made available via the Library website at [www.sclqld.org.au](http://www.sclqld.org.au). The following key information services were also published online for Library users:

- Queensland's most comprehensive, indexed collection of judgments, incorporating decisions of the Supreme Court, District Court, Planning and Environment Court, Mental Health Court, Magistrates Court, Childrens Court and Land Court, including 2,385 new judgments published this year.

- A complete collection of decisions published by the Queensland Civil and Administrative Tribunal since its establishment in late 2009.
- Criminal Codes Appellate Decisions database, launched in 2010, containing selected High Court and intermediate appeal court judgments relating to the Criminal Codes in Queensland, Western Australia, Tasmania and the Northern Territory. More than 56,000 page views were recorded this year for database usage.
- Uniform Civil Procedures Rules Bulletin – published since 1999, citing cases heard in the Supreme and District Courts that have judicially considered the Rules.
- Queensland Legal Updater – a free weekly alert service with coverage including a selective review of the most important new Queensland cases and legislation from the past week, practice directions and selected journal articles.

In 2010-11, the Queensland Legal Indices continued to be a widely utilised judgments service, providing advanced search features across more than 20,000 full-text decisions of the Queensland Courts and Tribunals.

This year, the Library also published a retrospective collection of judicial papers on the AustLII website to enhance accessibility for users Australia-wide. In the past four months, AustLII recorded 125,557 page visits to the Queensland Judicial Scholarship database.

The Library also publishes scholarly works with a focus on legal history. This year, the sixth volume in the successful Supreme Court History Program Yearbook series was published, featuring original contributions from the Hon IDF Callinan AC, Justice JD Heydon AC, the Hon JB Thomas AM, Senator the Hon G Brandis SC and Professor Emeritus Horst Lücke.

The Review of Books also remained a popular quarterly publication for members of the judiciary and this year featured reviews submitted by members of the Queensland judiciary and legal profession. A substantial

proportion of the Review is “homegrown”, reflecting cultural interests in music, film and literature.

### **Legal Heritage and Community Programs**

SCQL conducts a range of activities, including the Supreme Court History Program, to promote a better understanding of the Queensland Courts and this State’s important legal heritage:

- Continuing research and exhibition series, featuring an exhibition on the Law Courts Mural and the development of justice in Queensland;
- Lecture series, featuring two public lectures this year and a conference on Queensland’s Higher Courts, held in conjunction with the Brisbane History Group;
- Schools education program, which provided educational tours, ‘meet with a judge’ sessions and more than 100 legal research classes for 6,630 student visitors to the Courts;
- Oral history program, which recorded three original interviews and three memoirs from members of the Queensland judiciary and legal profession;
- Administration of the Australian division of the Selden Society, with a national membership in excess of 100 subscribers;
- Digitisation of historical documents, totalling 9,601 pages this year, and spanning important materials such as biographical collections relating to the Lilley and Douglas families, as well as the Honourable Peter Connolly CBE CSI MLA QC and His Honour Judge Reginald Carter;
- Collection and preservation of legal memorabilia and photographs relating to Queensland and court history.

### **Future Directions**

The much-anticipated new Supreme and District Courts building, now scheduled to open mid-2012, will embody all the expectations of modern courthouse technology, whilst honouring Queensland’s rich legal history through the Sir Harry Gibbs Legal Heritage Centre.

For the Library, the priority of the coming year is to successfully navigate this time of consolidation and rejuvenation from which it will emerge with a new location featuring custom-designed facilities; a streamlined and optimised technology infrastructure; and a revitalised and innovative staff structure. Together, these elements will form a springboard for a new era in Library product and service innovation.

Specific activities in 2011-12 will include:

- Completion and opening of the Sir Harry Gibbs Legal Heritage Centre, a state of the art facility for preserving and showcasing the Library’s growing collection of legal heritage material. Prominently located in the foyer area of the new building, it will engage visitors to the Courts with themed exhibitions, unique items of legal history and interactive design features. The inaugural exhibition will trace the story of Queensland’s legal history over the past 150 years.
- Continued refinement and development of Library information systems to establish a robust, adaptable technology framework capable of supporting and delivering sophisticated information services in multiple formats, including smartphone applications. These systems will offer unprecedented opportunity to consolidate datasets with partnership organisations, such as the ICLR, to provide a collaborative, unified and cost-effective online legal library and information service for Queensland.
- A strategic review of the Library’s operational and staffing structure, to support the range and depth of innovative capabilities necessary to thrive in this new era of information services. This year, preliminary work was undertaken towards a review of the current staffing structure and identifying skill shortages as they relate to priority projects. Specialist positions, particularly in technology and online research areas, will be developed to fully harness the opportunities of the new systems and deliver outstanding law library services to clients across Queensland.



Supreme Court Judges' Associates – 2011

**Front Row (L-R):**

Laura Chong (Muir JA); Dominique Mayo (Douglas J); Kurt Winter (Martin J); Eliza Eaton (Atkinson J); Ben Klug (White JA); Courtney Locke (Dalton J).

**Middle Row (L-R):**

Elizabeth Mason (Chesterman JA); Florence Chen (Fryberg J); Nicholas Carr (Applegarth J); Wylie Nunn (President); Jane Munro (A Wilson J); Jessica McDonald (Holmes JA); Nikita Tuckett (Byrne SJA); Duncan Galton (Mullins J).

**Back Row (L-R):**

Kate Wheatland (Dick AJ); Emma Forbes (Daubney J); Rebecca Rowling (M Wilson AJA); Chloe Cameron (Boddice J); Stacey McEvoy (Chief Justice); Andrea Moffatt (P Lyons J); Jaimie Wolbers (Philippides J); Daniela Tama (North J); Alice Lebbink (P McMurdo J).

**Insets (L-R):**

Bri Fels (Fraser JA); Shelley Cerqui (Cullinane J); Connor O'Driscoll (McMeekin J); Nerida Whelan (Jones J); Phoebe Stuart (A Lyons J).





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