



**DISTRICT COURT  
OF QUEENSLAND**

# **District Court of Queensland**

**Annual report 2015- 2016**



27 October 2016

The Honourable Mrs Yvette D'Ath MP  
Attorney-General and Minister for Justice and  
Minister for Training and Skills  
Level 18  
State Law Building  
50 Ann Street  
Brisbane Qld 4000

Dear Attorney

Pursuant to s.130A (1) of the *District Court of Queensland Act 1967*, I enclose my report on the operation of the District Court of Queensland for the year ended 30 June 2016.

Yours sincerely

**Chief Judge KJ O'Brien**



## Table of contents

Introduction .....	1
Performance .....	1
Disposition of Caseload.....	1
Criminal appeals .....	3
Planning and Environment Court.....	3
Childrens Court of Queensland .....	3
Regional centres .....	4
Circuits.....	4
Indigenous and remote circuits.....	4
Overall Comments .....	4
Practice Directions .....	5
The Focus Group .....	5
Rules Committee.....	5
Benchbook.....	5
Chief Judge’s calendar.....	5
Continuing judicial professional development.....	6
Office of the Executive Director of the Supreme, District and Land Courts Service ...	6
Associates’ appointments.....	7
Access to the Court.....	7
Court Network.....	7
Queensland Public Law Clearing House .....	7
Self Represented Litigants Service.....	7
International aspects .....	7
Judicial appointments.....	7
Judicial retirements .....	8
Acknowledgement.....	8
Profile of the District Court .....	9
Judges of the District Court .....	9
Regional, planning and childrens court judges .....	10
Planning and Environment Court.....	10
Childrens Court of Queensland .....	11
The Court.....	11
The work of the District Court.....	11
The Planning and Environment Court.....	15
Childrens Court of Queensland .....	16
Regional centres .....	16

Cairns .....	17
Rockhampton.....	17
Townsville .....	17
Maroochydore .....	17
Southport .....	17
Ipswich.....	18
Beenleigh.....	18
Circuit centres .....	18
Judges' committees .....	18
Civil procedure committee.....	20
Court planning committee .....	20
Criminal law committee .....	20
Judicial professional development committee .....	20
Office of the Executive Director .....	21
Supreme District and Land Courts Service.....	21
Related organisations .....	23
Supreme Court of Queensland Library .....	23
Appendices .....	25
Appendix 1: Practice Directions.....	25
Appendix 2: District Court associates as at 30 June 2016.....	27

## Chief Judge's overview

### Introduction

This is the 20<sup>th</sup> annual report of the District Court of Queensland, dealing with the organization, operation and performance of the court in 2015-16. The workload of the court is significant as it is one of the largest and busiest of the higher courts in Australia.

The court's performance and workload during the 2015-16 year are reflected in the statistics set out in this report. The court's statistical information accords with the method of reporting adopted by the Commonwealth Productivity Commission's *Annual Report on Government Services*.

### Performance

The most notable feature of the year was a 5.9% increase in the number of criminal lodgments across the State. This involved an increase in lodgment numbers in almost all major centres and followed upon a similar increase (6.1%) in the preceding year. This has made the administration of the criminal lists more difficult and has placed increased strain upon the court's judicial resources.

It is likely also that the recent renewed emphasis on domestic violence, commendable though it is, will continue to create additional work for this Court, both by way of additional indictment presentations and by way of appeals from the Magistrates Court.

There was a slight decrease of 310 matters in the number of civil lodgments across the State during the year, a factor which no doubt contributed to an increase in the clearance rate from 100.7 per cent to 103.2 per cent. As noted below however, these figures do not reflect the increasing complexity of the court's workload.

The number of lodgments in the Planning and Environment Court across the State increased by 2.2 per cent during the year. Statewide, the Court maintained a clearance rate of 93.6 per cent.

### Disposition of Caseload

In light of the factors referred to above and set out in greater detail below, the court's performance and workload in 2015-16 has been most creditable. The dedication of the court's 39 judges has done much to ensure the efficient and timely disposition of the lists though the rise in the volume of criminal work has made this task increasingly difficult.

### Criminal

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

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

The trend towards more lengthy and complex civil and criminal trials continues. Although the increasing use of the eTrials system has led to greater efficiencies in the disposition of the larger commercial and planning cases as well as the more complex fraud trials, the average trial length increased to 3.2 days in 2015-16, leading to an increase of 15% (248) in the total trial days where a jury was empanelled. At the same time, the number of criminal trials proceeding increased by 12.2%, there being 65 more trials proceeded than in the 2014-15 year. This has meant a 12.6% (806) increase in the number of jurors empanelled.

Criminal lodgments for the year rose by 5.9% from the corresponding period in 2014-15. This translates to an increase of 326 in the total number of criminal lodgments in the court in 2015-16 (5553 matters to 5879 matters). Although the total number of matters disposed of increased from 5360 to 5538, the percentage of defendants with a case age of more than 24 months remained stable at 4.8 per cent compared with 4.3 per cent in the previous year. The clearance rate at State level was also fairly stable at 94.2 per cent (96.5 per cent in 2014-15). The number of active pending defendants increased from 1,901 to 2,165 in the year under review.

In Brisbane, 1,967 new cases were presented during the year and the court ended the year with 726 outstanding criminal cases (688 last year), having disposed of 1,842 matters (1,701 last year). The clearance rate in Brisbane rose to 93.6 per cent this year from 90.2 per cent last year. Of the outstanding cases, 13.5 per cent were more than 12 months old from the date of presentation of

indictment (16 per cent last year), and 6.3 per cent were more than 24 months old (5.8 per cent last year).

In the major centres where judges are based – Brisbane, Beenleigh, Cairns, Ipswich, Maroochydore, Rockhampton, Southport and Townsville – a total of 4,971 new cases were presented during the year and those major centres ended the year having disposed of 4,458 cases, with 1,881 outstanding, compared with last year (4,728 new cases, 4,410 disposed of, and 1,624 outstanding cases).

At the circuit centres, a total of 908 new cases were presented during the year (825 last year) and the circuit centres ended the year with the court having disposed of 1,080 criminal matters in those places, (950 last year), with 284 matters outstanding at the end of the year (277 last year).

## **Affected child witnesses**

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

Many children are required to give evidence in matters involving charges of sexual or violence offences. During 2015-16 the judges ordered 266 pre-recordings (last year 202) involving 501 witnesses (last year 424) for the District Court or the Childrens Court. Not all the pre-recordings ordered take place as, not infrequently, defendants plead guilty soon after the order is made. During 2015-16, the evidence of 352 witnesses (last year 298) was pre-recorded before a judge for future trials in the District Court or the Childrens Court. However not all matters then go on to trial as some defendants plead guilty after the pre-recording takes place or the Crown enters a nolle prosequi.

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

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

## **Civil**

The statistics based on numbers of civil filings in various centres do not reveal the growth in complexity of the court's civil workload.

During 2015-16 there were 5,012 new civil cases lodged in the court (5,322 last year), with 5,170 matters finalised (5,358 last year). The number of active pending matters decreased in 2015-16 with 4,648 pending active matters (4,895 last year). The civil clearance rate was 103.2 per cent compared with 100.7 per cent last year. The percentage of active cases older than 12 months was 20.3 per cent this year (20.4 per cent last year) and the percentage of active cases older than 24 months was 3.9 per cent (4.2 per cent last year).

In Brisbane there were 3,998 new cases, a decrease from 2014-15 (4,285 last year) and a slight decrease of less than 1 per cent to 4,139, in the number of cases disposed of (4,165 last year), resulted in a clearance rate of 103.5 per cent (97.2 per cent last year). In Brisbane, 18.7 per cent of active cases were older than 12 months with 3.2 per cent of active cases older than 24 months. These figures remain relatively static compared to the previous year.

## **District Court Commercial List**

A Commercial List was established in October 2010. The list was established pursuant to Practice Direction No 3 of 2010, since superseded by Practice Direction No 4 of 2016 issued 20 May 2016 in view of the court's monetary jurisdiction increasing to \$750,000 from 1 November 2010. During the year the Commercial List judges were Judge McGill SC, Judge Andrews SC, Judge Dorney QC and Judge Bowskill QC.



## **Criminal appeals**

During the year, 434 criminal appeals were lodged in the court, (448 last year) and 449 cases were finalised, ending the year with 235 active cases and a 103.5 per cent clearance rate. The percentage of active cases older than 12 months increased from 16.1 per cent in 2014-15 to 23.4 per cent in 2015-16, with the percentage of those older than 24 months increasing from 4.8 per cent last year to 8.9 per cent in 2015-16.

In Brisbane during the year under review the number of criminal appeals lodged remained steady with 184 new appeals this year (189 last year), disposing of 213 criminal appeals (159 in 2014-15), and ending the year with 107 active cases and a clearance rate of 115.8 per cent (84.1 per cent last year). The percentage of active cases older than 12 months was 23.4 per cent (16.9 per cent last year) with 9.3 per cent older than 24 months.

## **Civil appeals**

During the year, 80 civil appeals were lodged in the court (61 last year), and 78 cases finalised (56 last year) giving a clearance rate of 97.5 per cent and ending the year with 54 active cases. The percentage of active cases older than 12 months has decreased from 35.3 per cent in 2014-15 to 25.9 per cent in 2015-16, and those older than 24 months, from 9.8 per cent last year to 9.3 per cent in 2015-16. In Brisbane 48 civil appeals were lodged, the court disposed of 48 civil appeals resulting in a clearance rate of 100 per cent (90 per cent in 2014-15) but ending the year with 35 active cases as per 2014-15, with 28.6 per cent older than 12 months and 8.6 per cent older than 24 months.

## **Planning and Environment Court**

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

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

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

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

Overall, there was a slight increase in the number of lodgments this year. State-wide 518 new cases were filed this year up from 507 last year. This represents an increase in lodgments of 2.2%.

The court achieved a clearance rate of 93.6 per cent ending the year with 350 outstanding cases and having disposed of 485 matters. Of the outstanding cases, 23.7 per cent were more than 12 months old (from date of filing), and 10 per cent were more than 24 months old. Some cases may take this long due to the complexity of some matters and the number of parties involved in the hearings.

In Brisbane, where the longer cases are heard, the court ended the year with 290 outstanding cases having disposed of 404 matters, achieving a clearance rate of 93.7 per cent. Of the outstanding cases, 23.1 per cent were more than 12 months old and 10 per cent were more than 24 months old.

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

## **Childrens Court of Queensland**

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

Judge Shanahan has been the president of the Childrens Court since February 2011. Currently there are 29 other judges who also hold commissions under this Act.

## **Regional centres**

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

## **Circuits**

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

## **Indigenous and remote circuits**

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

## **Overall Comments**

The court's performance, in view of its workload during 2015-16, has been creditable.

It is important to note that the statistics provided do not include other hearings such as applications and pre-trial hearings which form no part of the data collated by the Commonwealth Productivity Commission's Annual Report on Government Services. There are indications of a significant increase in the number of these "non RoGS" matters over the past three years as the full impact of the Moynihan Reforms is felt by the Court.

Every effort is made to case manage the criminal lists in Brisbane and in the regional cities as well as the larger circuit centres across the State, however, the increasing volume, length and complexity of the work dealt with by the court has placed its judicial resources under increasing strain. There is now a case I believe for the appointment of an additional judge to the court. The appointee should be located in Brisbane thereby providing the court with the flexibility to address the additional needs of both Brisbane and regional centres as that need arises from time to time. For any given period there are certain regional centres in which the need for judicial resourcing will be greater than at other centres. This need will vary from period to period and from location to location. These matters are most efficiently addressed by the availability of judges in Brisbane (where the demand is greatest) to circuit to those centres when the need from time to time arises.

A matter of increasing concern in the criminal jurisdiction is that, all too often, there is no meaningful discussion between the Crown and the defence until after the presentation of the indictment. Lack of such discussion between the parties causes significant delays in listing matters for trial or for sentence and often results in the insufficient use of court time through the need for additional mentions. In Queensland, the Crown have as long as six months in which to consider their case and prepare an indictment for presentation.

The legal aid system is such that where a defendant is funded by Legal Aid Queensland at the committal stage, a grant of legal assistance for the higher courts proceeding is processed as an extension of the original grant and is provided subject only to the defendant's continuing financial eligibility.

Given these matters, there appears no good reason why, in the great majority of cases, there cannot be greater communication between the Crown and defence prior to this court becoming seized of the matter. To leave these matters to be addressed by submissions and discussions between the parties after indictment presentations creates unnecessary cost and inefficiency.

It is pleasing to note the increased attention that has been given to the improvement of court facilities around the State, particularly in centres such as Townsville and Rockhampton. Although work in these locations may not commence until the 2016-17 year, planning is well advanced. The courtroom in the Maroochydore District Court however remains in need of attention. In a busy jurisdiction, only one of the two courtrooms has the technical facilities to receive evidence from affected child or special witnesses by way of CCTV or to receive evidence by way of internet connection from outside locations. The physical condition of the District Court rooms at that location is unsatisfactory in an age where the layout of courtrooms, the circulatory systems in place for prisoners, litigants, the professions, the public, child and other vulnerable witnesses, juries and the judge, as well as the advances in technology, are all matters deserving of priority.

The District Court is a modern and dynamic institution which maintains a strong and ongoing commitment to identifying ways in which its systems and efficiencies can be improved. Judge Smith, the Judge Administrator, is the court's representative on the "Steering Criminal Justice Committee" chaired by Justice Douglas of the Supreme Court. The committee is made up of key stakeholders in the criminal justice system and aims to identify systemic changes that might improve the court's functioning. The committee has identified a number of major areas of focus, including complete process mapping, legislative reviews, court alternatives, bail processes, electronic file chain and procedural efficiencies in the higher courts.

## **Practice Directions**

During the year, 13 District Court Practice Directions were issued, and 4 were issued for the Planning and Environment Court.

## **The Focus Group**

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

## **Rules Committee**

The Rules Committee, chaired by Justice Douglas of the Supreme Court, included the Chief Justice, Justice Morrison and Justice Bond, and from the District Court Judge McGill SC and Judge Dorney QC. The committee met at least weekly out of ordinary court hours.

## **Benchbook**

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

## **Chief Judge's calendar**

This year as in previous years, I sat in the various jurisdictions of the court, both in and out of Brisbane: including sittings in the regional centres of Cairns, Townsville, Southport and Rockhampton.

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

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

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

## **Continuing judicial professional development**

During the year many of the judges spoke or presented papers at many important professional meetings and conferences, details of which appear in this report, as well as presiding over moots and speaking to schools and community groups. Details of the judges' judicial professional development involving overseas studies, seminars, programmes or conferences are published annually on the court website. Also, the court calendar is structured so that 2.5 days per annum is set aside for judicial professional development in banc. This time is especially important for the court – it is the only time that the court's 39 judges are together, as 13 of the judges have permanent chambers in various parts of Queensland outside Brisbane.

Judge Robertson, Judge Dick SC and Judge Butler AM SC were on a panel at the Magistrates Court State conference in July 2015.

On 16 July 2015 Judge Rackemann spoke at a CPD seminar for the Bar Association of Queensland on the Planning and Environment Court.

Judge Rafter SC spoke at the Junior Bar Advocacy course on 8 August 2015.

Judge Kingham was invited and became a member of the Griffith Criminology Institute Industry and Advisory Board.

Judge Rafter SC spoke on oral advocacy at the Bar Association's "Meet the Judges Seminar" on 10 November 2015.

Judge Morzone QC was a presenter at the QELA Regional Intensive Conference on 7 November 2015.

In November 2015 Judge Sheridan attended the Back to Country Weekend organised by the Victorian Judicial Officers' Aboriginal Cultural Awareness Committee. Judge Sheridan was one of only two interstate participants who attended the conference and a copy of her report is attached. Judge Sheridan will replace the retiring Judge Bradley on the National Indigenous Justice Committee.

At the suggestion of the Chief Justice, Judge Bowskill QC has replaced Judge Samios as the Queensland Courts (Supreme and District) representative on the Cultural Diversity Committee. Judge Richards, Judge Morzone QC and Judge Sheridan continue of course as members of the associated District Court Committee.

Judge Morzone QC in February 2016 joined a QLS Working Group to prepare a Handbook for newly admitted lawyers.

Judge McGill SC delivered a paper on recent development in the law of costs at a conference organised by the Law Institute of Victoria in February 2016.

On 16 March 2016 Judge Rackemann and Judge Wall spoke at a seminar for the Bar Association of Queensland on "Bar Health".

On 14 April 2016 Judge Rackemann delivered a paper "The Planning and Environment Court- Innovation in Action" to the annual conference of the Queensland Environmental Law Association.

Judge Robertson spoke at Magistrates' Regional Conferences on 21 April 2016 and 12 May 2016.

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

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

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

## **Associates' appointments**

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

## **Access to the Court**

### **Court Network**

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

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

Court Network provides a second service in Brisbane with an information and Justice of the Peace service based at the Information Kiosk in the QE II Courthouse.

### **Queensland Public Law Clearing House**

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

### **Self Represented Litigants Service**

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

### **International aspects**

On 17 August 2015, Judge Rackemann received and spoke with a study tour group of lawyers and academics from China, who visited our court as part of a study on Environmental litigation.

On 27 October 2015, Judge Rafter SC met with Justice Panuel Mogish, Judge Administrator for Crimes, Supreme and National Courts of PNG to discuss the QWIC electronic case management system.

### **Judicial appointments**

On 3 March 2016, Mr David Kent QC was appointed a Judge of the District Court of Queensland and sworn-in on 16 March 2016 in the QEII Courts of Law Brisbane.

On 13 May 2016, Mr Milon Craig Chowdhury was appointed a Judge of the District Court of Queensland and sworn-in on 16 May 2016 in the QEII Courts of Law Brisbane.

## **Judicial retirements**

Judge Nicholas Samios, who was appointed to the District Court of Queensland on 20 August 1998, retired on 28 December 2015.

Judge Michael Noud, who was appointed to the District Court of Queensland on 17 July 1989, retired on 7 April 2016.

Judge Sarah Bradley, who was appointed to the District Court of Queensland on 25 March 1999, retired on 30 June 2016.

## **Acknowledgement**

Once again, the Judicial Administrator, Judge Smith, has assisted and supported me in the due administration of the court. He, rightly, has the confidence of the judges.

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

# Profile of the District Court

## Judges of the District Court

During the year under report the judges were:

<b>Chief Judge</b>	His Honour Judge Kerry John O'Brien
<b>Judge Administrator</b>	His Honour Judge Paul Edward Smith
<b>Judges</b>	His Honour Judge Michael John Noud (until 7 April 2016)
	His Honour Judge John Mervyn Robertson (Maroochydore)
	His Honour Judge Douglas John McGill SC
	His Honour Judge Clive Frederick Wall RFD QC (Southport)
	His Honour Judge Nicholas Samios (until 28 December 2015)
	Her Honour Judge Deborah Richards
	Her Honour Judge Sarah Bradley (Ipswich) (until 30 June 2016)
	His Honour Judge Michael John Shanahan
	Her Honour Judge Julie Maree Dick SC
	His Honour Judge Michael Edward Rackemann
	Her Honour Judge Julie Ann Ryrrie
	His Honour Judge Ian Francis Macrae Dearden
	Her Honour Judge Fleur Yvette Kingham
	His Honour Judge Stuart Gordon Durward SC (Townsville)
	His Honour Judge Anthony John Rafter SC
	His Honour Judge Terence Douglas Martin SC
	His Honour Judge David Graham Searles
	His Honour Judge Gregory John Koppenol (Ipswich)
	His Honour Judge David Charles Andrews SC
	Her Honour Judge Leanne Joy Clare SC
	His Honour Judge William Garth Everson
	His Honour Judge Brian Gerard Devereaux SC
	Her Honour Judge Katherine Mary McGinness (Southport)
	His Honour Judge Kiernan Damian Dorney QC
	His Honour Judge Richard Stephen Jones
	His Honour Judge Brian Anthony Harrison (Cairns)
	His Honour Judge David Andrew Reid
	His Honour Judge John Richard Baulch SC (Townsville)
	His Honour Judge Gary Patrick Long SC (Maroochydore)
	His Honour Judge Bradley Wayne Farr SC
	His Honour Judge Alexander Adrian Horneman-Wren SC (Ipswich)
	His Honour Judge Dean Patrick Morzone QC (Cairns)
	His Honour Judge Michael John Burnett (from 3 November 2015) (Rockhampton)
	Her Honour Judge Helen Patricia Bowskill QC
	Her Honour Judge Suzanne Catherine Sheridan (also on QCAT duties)
	His Honour Judge Anthony William Moynihan QC
	His Honour Judge David Robert Kent QC (Southport) (from 7 March 2016)
	His Honour Judge Milon Craig Chowdhury (Beenleigh) (from 13 May 2016)

## Regional, planning and childrens court judges

### Regional judges

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

<b>Maroochydore</b>	Judge Robertson Judge Long SC
<b>Southport</b>	Judge Wall QC Judge McGinness Judge Kent QC
<b>Townsville</b>	Judge Durward SC Judge Baulch SC
<b>Rockhampton</b>	Judge Burnett
<b>Ipswich</b>	Judge Richards Judge Bradley Judge Koppenol Judge Horneman-Wren SC
<b>Cairns</b>	Judge Harrison Judge Morzone QC
<b>Beenleigh</b>	Judge Dearden Judge Chowdhury

### Planning and Environment Court

The Planning and Environment Court judges during 2015-16 are listed below:

Chief Judge O'Brien	Judge Everson
Judge Robertson	Judge Dorney QC
Judge Wall QC	Judge Jones
Judge Richards	Judge Harrison
Judge Rackemann	Judge Baulch SC
Judge Kingham	Judge Long SC
Judge Durward SC	Judge Horneman-Wren SC
Judge Rafter SC	Judge Morzone QC
Judge Martin SC	Judge Bowskill QC
Judge Searles	Judge Kent QC
Judge Andrews SC	



## **Childrens Court of Queensland**

The Childrens Court judges during 2015-16 are listed below:

Chief Judge O'Brien	Judge Everson
Judge Shanahan – President	Judge Butler AM SC
Judge Smith	Judge Devereaux SC
Judge Robertson	Judge McGinness
Judge Wall QC	Judge Harrison
Judge Samios	Judge Reid
Judge Richards	Judge Baulch SC
Judge Bradley	Judge Long SC
Judge Dick SC	Judge Farr SC
Judge Dearden	Judge Horneman-Wren SC
Judge Kingham	Judge Morzone QC
Judge Durward SC	Judge Burnett
Judge Rafter SC	Judge Bowskill QC
Judge Martin SC	Judge Kent QC
Judge Clare SC	Judge Chowdhury

## **The Court**

### **The work of the District Court**

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

The District Court is the principal court in Queensland for trials of persons charged with serious criminal offences. Criminal trials are usually heard with a jury. Civil matters are normally heard by a single judge. The court exercises equitable and other jurisdiction within its civil monetary limit. The judges have adopted a protocol that, save in exceptional cases, judgments are to be delivered within three months of the conclusion of the hearing. The District Court hears all appeals from the Magistrates Courts. Many of the judges also sit as Planning and Environment Court judges and Childrens Court judges.

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

## Organisation of work

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

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

## Criminal jurisdiction

In practice the court deals with all indictable matters other than homicides and the most serious drug offences. Almost 80 per cent of all defendants charged on indictment came before the District Court in 2015-16. The court regularly conducts trials involving about 24 offences attracting a maximum penalty of life imprisonment.

The court deals with offences under Commonwealth and state drug laws as well as offences under the *Corporations Law*, the Commonwealth *Migration Act 1958* and against federal and state revenue laws.

During the year the Chief Judge with assistance from other judges, managed the criminal list in Brisbane. In the regions, the lists are managed by the resident judges.

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

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

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

Cairns encounters problems rarely experienced in south-east Queensland. The court at Cairns covers a sparsely populated area approaching the size of Victoria. Distance is an obstacle to litigants' and witnesses' availability for trials, hearings and conferences with counsel.

Judicial case management of the criminal lists endeavours to ensure that most of the matters which finally result in a guilty plea or nolle prosequi are identified much earlier than was the practice a decade or so ago. Statistics clearly demonstrate that in the larger centres the trials which resolve on the first day by reason of a 'late' guilty plea or nolle prosequi, are much fewer.

Depending upon the lists, each year the judges might sit at up to 38 centres throughout Queensland — that is in Brisbane, the seven regional centres, 24 other centres where jury trials can be held, and some of the 15 remote or Aboriginal and Torres Strait Islander communities, including those in the Gulf, Cape and Torres Strait.

**Table 1: The activity of the District Court criminal list 2015-16.**

	Number of Defendants <sup>2</sup>			Clearance Rate <sup>3</sup>	Backlog Indicator <sup>4</sup>	
	Lodged	Finalised	Active		% > 12 mths	% > 24 mths
<b>Brisbane</b>	<b>1,967</b>	<b>1,842</b>	<b>726</b>	<b>93.6%</b>	<b>13.5%</b>	<b>6.3%</b>
<b>Regional centres</b>						
Beenleigh	471	357	243	75.8%	23.0%	5.3%
Cairns	530	461	153	87.0%	17.0%	4.6%
Ipswich	415	410	111	98.8%	7.2%	3.6%
Maroochydore	338	297	109	87.9%	10.1%	0.9%
Rockhampton	194	211	47	108.8%	14.9%	2.1%
Southport	564	497	273	88.1%	11.4%	3.7%
Townsville	492	383	219	77.8%	9.1%	2.7%
<b>Total for Brisbane and regional centres</b>	<b>4,971</b>	<b>4,458</b>	<b>1,881</b>			
<b>Circuit centres</b>						
Bowen	10	18	1	180.0%	0.0%	0.0%
Bundaberg	60	95	16	158.3%	37.5%	12.5%
Charleville	2	6	2	300.0%	0.0%	0.0%
Charters Towers	4	12	3	300.0%	0.0%	0.0%
Clermont	-	-	-	0.0%	0.0%	0.0%
Cloncurry	-	-	-	0.0%	0.0%	0.0%
Cunnamulla	2	2	-	100.0%	0.0%	0.0%
Dalby	26	42	13	161.5%	23.1%	7.7%
Emerald	21	27	3	128.6%	33.3%	0.0%
Gladstone	49	69	15	140.8%	20.0%	13.3%
Goondiwindi	9	12	6	133.3%	0.0%	0.0%
Gympie	38	39	16	102.6%	0.0%	0.0%
Hervey Bay	64	72	18	112.5%	11.1%	0.0%
Hughenden	-	-	-	0.0%	0.0%	0.0%
Innisfail	27	42	12	155.6%	0.0%	0.0%
Kingaroy	31	26	15	83.9%	6.7%	0.0%
Longreach	-	-	1	0.0%	0.0%	0.0%
Mackay	197	234	39	118.8%	20.5%	7.7%
Maryborough	48	70	30	145.8%	33.3%	13.3%
Mt Isa	63	113	26	179.4%	11.5%	7.7%
Roma	9	9	2	100.0%	0.0%	0.0%
Stanthorpe	1	2	-	200.0%	0.0%	0.0%
Toowoomba	220	157	53	71.4%	3.8%	3.8%
Warwick	27	33	13	122.2%	23.1%	0.0%
<b>Total for circuit centres</b>	<b>908</b>	<b>1,080</b>	<b>284</b>			
<b>State total</b>	<b>5,879</b>	<b>5,538</b>	<b>2,165</b>	<b>94.2%</b>	<b>13.8%</b>	<b>4.8%</b>

(1) Data extracted from QWIC for reporting purposes on 15/07/16

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

(3) Clearance rate: finalisations/lodgments

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

## Civil jurisdiction

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

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

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

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

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

**Table 2: Clearance rate in civil cases**

	RoGS Non Appeal Cases			Clearance Rate *	Backlog Indicator	
	Lodged	Finalised	Active		From filing date	
					% > 12 mths	% > 24 mths
Brisbane	3,998	4,139	3,718	103.5%	18.7%	3.2%
State Total	5,012	5,170	4,684	103.2%	20.3%	3.9%

\*Clearance rate - finalisations/lodgments

Data extracted for reporting purposes on 15/07/16

Backlog Indicator: the number active defendants with proceedings older than the specified time.

## Commercial List

The District Commercial List was established, in October 2010. The list was established pursuant to Practice Direction No 3 of 2010, since superseded by Practice Direction No 4 of 2016 issued 20 May 2016 in view of the court's monetary jurisdiction increasing to \$750,000 from 1 November 2010.

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

## Applications court

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

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

## Appellate jurisdiction

During the year this court heard and determined 449 criminal appeals and 78 civil appeals from the Magistrates Court.

Case management of appeals to the District Court continued with regular reviews of outstanding appeals throughout the year.

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

**Table 3: Clearance rate in criminal and civil appeals**

	RoGS Appeal			Clearance Rate *	Backlog Indicator	
					From filing date	
Civil	Lodged	Finalised	Active		% > 12 mths	% > 24 mths
Brisbane	48	48	35	100.0%	28.6%	8.6%
State Total	80	78	54	97.5%	25.9%	9.3%
Criminal						
Brisbane	184	213	107	115.8%	23.4%	9.3%
State Total	434	449	235	103.5%	23.4%	8.9%

\*Clearance rate - finalisations/lodgments

## The Planning and Environment Court

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

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

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

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

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

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

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

The court's ADR Registrar conducts mediations; convenes and chairs without prejudice meetings, meetings of experts and case management conferences. Mediations and other ADR processes were conducted not only in Brisbane, but in centres across the State. The court's ADR service has been recognised internationally as providing visionary ADR access to justice.

The number of active pending matters was 350, and the number of new matters was 518.

**Table 4: Clearance rate in planning and environment cases**

Planning and Environment Court 2015-16						
				Clearance	Backlog Indicator	
				Rate *	From filing date	
	Lodged	Finalised	Active		% > 12 mths	% > 24 mths
Brisbane	431	404	290	93.7%	23.1%	10.0%
State Total	518	485	350	93.6%	23.7%	10.0%

\*Clearance rate - finalisations/lodgements

## Childrens Court of Queensland

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

The Children's Court of Queensland is a specialist jurisdiction established under the *Childrens Court Act 1992*. The President of the Court is Judge Shanahan. There are presently 28 judges of the Court holding commissions under the Act available to sit as Childrens Court judges.

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

## Regional centres

The court sits in Brisbane and the seven regional centres where 13 of the judges are based:

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

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

## **Cairns**

### **Judge Harrison**

### **Judge Morzone QC**

Judge Harrison and Judge Morzone QC were the resident judges in Cairns managing the court's lists there. This centre is also served by the Supreme Court's Far Northern Judge. The region includes Innisfail and Cape York. Both judges hold commissions in the Childrens Court and Judge Morzone a commission in the Planning and Environment Court. The judges undertook circuits in the Cairns region and elsewhere in the state.

## **Rockhampton**

### **Judge Burnett**

The resident judge in Rockhampton, Judge Burnett, who also holds a commission in the Childrens Court of Queensland, managed the court's Rockhampton lists. Rockhampton is also served by the Supreme Court's Central Judge. Judge Burnett undertook circuits in the region and elsewhere in the state. Some assistance was provided by judges on circuit from other centres.

## **Townsville**

### **Judge Durward SC**

### **Judge Baulch SC**

Judge Durward and Judge Baulch were the resident judges during the year. Townsville is also served by the Supreme Court's Northern Judge. Judge Durward and Judge Baulch hold commissions in the Childrens Court and the Planning and Environment Court and they also undertake circuits in their region, which includes Palm Island. Some assistance was provided by judges on circuit from other centres.

As with other centres, Townsville had an increase in the number of criminal lodgements in 2015-16. This represented a correction from the previous year when there had been a fall in the number of such lodgments.

## **Maroochydore**

### **Judge Robertson**

### **Judge Long SC**

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

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

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

## **Southport**

### **Judge Wall QC**

### **Judge McGinness**

### **Judge Kent QC (from 6 June 2016)**

Judge Wall and Judge McGinness received considerable assistance during the year from the circuit judges until the appointment of Judge Kent in June 2016.

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

## **Ipswich**

**Judge Richards (until 4 December 2015)**

**Judge Bradley**

**Judge Koppenol**

**Judge Horneman-Wren SC (from 25 January 2016)**

Judge Richards, Judge Bradley, Judge Koppenol and Judge Horneman-Wren SC dealt with the Ipswich caseload. Judge Richards, Judge Bradley and Judge Horneman-Wren hold commissions in the Childrens Court of Queensland, and Judge Richards and Judge Horneman-Wren are also Planning and Environment Court Judges. Judge Richards managed the Ipswich lists until her transfer to Brisbane in January 2016. All of the judges undertook circuits in centres throughout the state.

## **Beenleigh**

**Judge Dearden (until 28 March 2016)**

**Judge Chowdhury (from 6 June 2016)**

Judge Dearden, was the resident judge until 28 March when he was transferred to Brisbane. Judge Dearden also holds a commission in the Childrens Court of Queensland and manages the Beenleigh and Mount Isa lists. The judge also conducted circuits in Mount Isa and other centres. Considerable assistance was provided by judges on circuit from other centres.

Judge Chowdhury replaced Judge Dearden. Judge Chowdhury also holds a commission in the Childrens Court of Queensland.

## **Circuit centres**

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

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

The 38 centres (excluding those with a resident judge) where judges sit on circuit during the year are: Aurukun; Bamaga; Bowen; Bundaberg; Charleville; Charters Towers; Cloncurry; Cooktown; Cunnamulla; Dalby; Doomadgee; Emerald; Gladstone; Goondiwindi; Gympie; Hervey Bay; Innisfail; Kingaroy; Kowanyama; Lockhart River; Longreach; Mackay; Maryborough; Mornington Island; Mount Isa; Murgon; Normanton; Palm Island; Pormpuraaw; Roma ; Stanthorpe; Toowoomba; Thursday Island; Warwick; Weipa/ Napranum; Woorabinda; Yarrabah.

## **Judges' committees**

The membership of the judges' committees as at 30 June 2016, with the Chief Judge an ex officio member of each committee, was as follows:



## **Civil Procedure**

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

## **Criminal Law**

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

## **Judicial Professional Development**

**Convenor:** Judge Martin SC  
**Members:** Judge Dick SC  
Judge Bowskill QC  
Judge Sheridan

## **Court Planning**

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

## **Cultural Awareness and Aboriginal and Torres Strait Islander**

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

## **Entitlements**

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

## **Civil procedure committee**

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

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

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

## **Court planning committee**

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

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

## **Criminal law committee**

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

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

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

## **Judicial professional development committee**

During the year under review -

- Judge Shanahan represented the court on the Judicial Conference of Australia Governing Council
- Judge Shanahan served on the National Judicial College of Australia Planning Committee on Jury Management
- Judge Dearden was a member of the USQ Law School Advisory Committee.

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

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

The judges value the important support offered by the National Judicial College of Australia, as well as the assistance of the Australian Institute of Judicial Administration, the Judicial Conference of Australia and the Judicial Commission of NSW in furthering judicial professional development. All newly appointed judges benefit from the National Judicial Orientation program.

# Office of the Executive Director

## Supreme District and Land Courts Service

### Registry Services

The Office of the Executive Director, Supreme District and Land Courts Service is responsible for the management and coordination of registry administration, as well as the provision of judicial support services for the District Court throughout Queensland.

Ms Julie Steel is the current Executive Director and is supported by executive, administrative and registry staff throughout Queensland.

In addition to the Executive Director role, Ms Steel is the Vice President of Court Network, having been a Board member since 2011. She became the Vice President of Protect All Children Today in 2015, having been a Board member since 2014. Julie is an ex-officio member of the Incorporated Council of Law Reporting, and of the Legal Practitioners Admissions Board. She is also a member of the Public Records Review Committee at Queensland State Archives, and of the Supreme Court Library Committee, and regularly attends meetings of the Rules Committee.

Court registries are responsible for:

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

Permanent District Court registries are located at Brisbane, Rockhampton, Townsville, and Cairns. Registrars at those centres have the responsibility of determining certain applications without the necessity for judicial involvement, such as default judgments. Further District Court registries are located at Beenleigh, Ipswich, Maroochydore and Southport and other centres throughout Queensland are visited on circuit. Local Magistrates Courts staff perform the registry duties at those times. The online *eSearch* facility was again used significantly during 2015-16, with over 3,300,000 online searches conducted.

### Registry workloads

Continuing the trend of recent years, civil lodgements decreased across the state during 2015-16, down by 5.8% when compared to 2014-15 (5,322 to 5,012). There was a decrease of 6.7% in Brisbane. In the criminal jurisdiction, lodgements increased by 5.9% across the state during the year (5,553 to 5,879), and by 4.4% in Brisbane. The number of trials proceedings and average trial length also increased, respectively from 532 to 596, and from 3.1 to 3.2 days per trial.

### Online juror questionnaires and Jury Management System

A notable milestone during the year was the transition to online juror questionnaires across the state. This saw a significant increase in prospective jurors completing their questionnaires online, from 15,000 in 2014-15 to 45,000 during 2015-16.

Complementing the online process was a suite of other enhancements, including updated information, factsheets and online videos on the Queensland Courts website at: [www.courts.qld.gov.au/information-for-jurors](http://www.courts.qld.gov.au/information-for-jurors), as well as a Practice Direction providing further guidance with respect to jurors seeking excusal from jury service.

Further improving the juror experience will be the new Jury Management System (JMS), which will become operational during the latter half of 2016. In addition to greatly assisting staff in the discharge of their duties, JMS will have many benefits to jurors, including:

- a public interface, where jurors can complete forms, update personal details, sign up for SMS messaging, and enter bank details;
- an integrated Interactive Voice Response service;
- the ability to pay jurors by Electronic Funds Transfer rather than cheque;
- the ability to notify jurors of court attendance via SMS text messages; and
- a greater sense of involvement in the process for jurors.

## **Court Network volunteers**

As always, I thank the Court Network volunteers for their invaluable contribution to the courts. Court Network provides a range of support services to court users through its Court Network outreach and support services, and the Victim Support Unit. A team of 120 volunteers deliver these services in Brisbane, Cairns, Ipswich and Townsville, with coordination by a small number of support staff.

The volunteers provide court users with non-legal information, practical and emotional support, and advocacy and referrals to enable them to access justice. This also includes court tours, in-court support, assistance with completing forms and answering general inquiries.

Two core services are provided within the Brisbane Supreme and District Courts. An Information Kiosk and Justice of the Peace service on the ground floor is complemented by a 'Networker' program, which sees volunteers providing court users with the many forms of assistance referred to previously. During 2015-16, volunteers assisted 4,158 court users in Brisbane, 169 in Cairns and a further 369 in Townsville. Since the program commenced, in excess of 39,000 court users in Queensland have been assisted.

The Victim Support Unit provides coordinated cross-jurisdictional support for adult victims in the criminal justice system. The service is provided on a long-term or short-term basis and includes assistance to write Victim Impact Statements and Financial Assistance Applications in addition to pre, during and post-court support. During the year, 543 people were assisted in Brisbane and Ipswich over a combined 1,079 hours of service and since commencing in September 2013, almost 700 victims have been assisted.

## **Protect all Children Today (PACT) Inc.**

I also acknowledge the invaluable work undertaken by PACT to enhance child protection and reduce the trauma experienced by children and young people aged 3-17 years who are required to give evidence within the Criminal Justice System as victims or witnesses.

PACT's vision is to have a state of the art support system for all children and young people within the Queensland Criminal Justice System that other jurisdictions follow.

In implementing its vision and values, PACT is committed to:

- promoting a child's right to protection (United Nations Charter)
- an approach centred on the child
- maintaining professionalism, integrity and transparency through evidence based interactions.

PACT is also responsible for the Child Witness Support Program, which provides support for child witnesses by using selected and trained Child Witness Support Volunteers. The program's goal is to allow child witnesses aged 3-17 years the best opportunity to provide their evidence to the court by removing, where possible, the uncertainties and anxieties associated with the court process.

During 2015-16, PACT provided support to 1,537 children, with an average age of 12 years old. Of those children, 69% were female. Approximately 66% of the cases involved offences of a sexual nature.

## **Acknowledgements**

The ongoing enthusiasm, commitment and professionalism of registry staff in discharging their duties are without doubt, some of the most significant assets of the Court. Workloads are managed efficiently and the many challenges and changes that arise are embraced.

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

## Related organisations

### Supreme Court of Queensland Library

The Supreme Court Library Queensland (SCLQ) was established under statute more than a century and a half ago to serve the administration of justice in Queensland through provision of legal information services to the Queensland judiciary, legal profession and public. As the primary legal information provider for the state's judiciary and legal profession, the library provides a comprehensive suite of services including reference, research and document delivery, training and support, and publication of the decisions of Queensland courts and tribunals, together with a variety of current awareness services offering access to the latest developments in Queensland law. All of these services are freely available to Queensland's District Court judges and their support staff across the state.

The library maintains print collections in eight provincial courthouses in addition to the main library collection in Brisbane at the QEII Courts of Law. The library also continues to service the Brisbane Court of Appeal library and chambers collections by undertaking regular maintenance of print subscription services and processing new acquisitions. In 2015–16 our combined print collection comprised over 160,000 items, with the library purchasing 248 new monographs during the year, and maintaining subscriptions to 441 print journals, legislation services and law reports series.

For members of the judiciary their statewide desktop access to an expanding collection of online resources available via the library's Judicial Virtual Library (JVL) is their most comprehensive, current and reliable source of legal information. In 2015–16 the library catalogue enabled access to more than 65,000 online full text titles, including 118 new online titles purchased by the library during the year. During 2014–15 and 2015–16 the library concluded negotiations for subscription renewals on behalf of the Courts, negotiating new multi-year subscription agreements with the major legal publishers, which enable us to deliver a wider range of more relevant material (mostly in online and downloadable electronic form) to judges at no additional real cost to the Courts. During 2015–16 the library also negotiated expanded access rights for many library members to 138 of the most popular online publications as part of its Virtual Legal Library (VLL) offering to the legal profession.

The library provides a range of current awareness services to judges and their associates, including from 2015–16 the new improved *Judicial Daily Update* service, a daily news and current awareness newsletter tailored for the Queensland judiciary. It also publishes and distributes the *Queensland Legal Updater*, a weekly email bulletin designed to update legal professionals on changes to legislation and developments in case law relevant to legal practice in Queensland.

As the publishing arm of the Queensland courts, the library has maintained its commitment to timely publication of full text judgments from Queensland courts and tribunals. Most decisions are published online within an hour of being handed down, making the SCLQ website the primary and most current and authoritative access point for Queensland case law. In 2015–16 the library published 4776 new decisions from Queensland courts and tribunals, including 378 judgments from the District Court (including the Planning and Environment Court). During the year the library added to its collection of official unreported judgments the full set of electronic Land Court and Land Appeal Court of Queensland decisions from 1985. This brought the total number of full text Queensland decisions available from the library website to 35,652.

From 1 July 2013 all responsibility for provision and maintenance of the Queensland Sentencing Information Service (QGIS) was transferred to the library from the Department of Justice and Attorney-General (DJAG). In the three years since then, usage of the service has almost tripled. During 2015–16 usage of the service grew by 29 per cent, with the number of times it was accessed increasing from 497,894 in 2014–15 to 642,247 in 2015–16. In the course of the year subscriptions to the service increased by 48 per cent, from 279 to 417. QGIS is relied upon by prosecutors, defence and the judiciary to promote consistency and fairness in sentencing criminal offenders and is available to all judges and their associates.

Our library's websites are the primary means of accessing our information resources and services for the majority of our customers. In 2015–16 more than 6.5 million page views were recorded from the SCLQ website, JVL and library catalogue combined. Legal research tools developed by the library, including the Criminal Codes Appellate Decisions Database, Queensland Legal Indices (subscription service), and the Uniform Civil Procedure Rules Bulletin, are available via the CaseLaw Plus tab on the website. In all, CaseLaw services (including the official unreported judgments collection) recorded more than 4.7 million page views over the year. During 2015–16 the library continued to work with the Incorporated Council for Law Reporting to develop a jointly managed Queensland Judgments website to enable free public access to the reported and unreported decisions of the courts from early 2017.

Throughout the year the library's Information Services team continued to assist the judiciary and legal profession with navigating available legal research tools within the library's print and online collections. The team responded to a total of 9744 information enquiries, comprising 4330 reference, 1607 research and 3807 document delivery requests. A total of 8739 documents were supplied in response to these queries. A well-received innovation during 2015–16 was the introduction of a weekly library afternoon clinic on level 14 of the QEII Courts of Law building to assist judges and their associates with their legal information needs.

Looking ahead to 2016–17, there will be a continued focus by the library on providing a high level of support to Queensland's busy judges and their support staff. This will include expansion of access to the 'go anywhere' electronic versions of popular legal loose-leaf publications designed to be downloaded to tablets and other mobile devices, as well as training and support in identifying, locating and making more effective and efficient use of the range of print, electronic and online resources available to the judiciary. We also look forward to the introduction of the Virtual Legal Library service and the launch of the Queensland Judgments website, to enable improved legal information services to the Queensland legal profession and public.

# Appendices

## Appendix 1: Practice Directions

The following Practice Directions were issued by the Chief Judge during the year and are available on the Queensland Courts website, [www.courts.qld.gov.au](http://www.courts.qld.gov.au).

### District Court of Queensland

**Table 5: District Court practice directions**

Number	Description	Date issued
2015/03	Change of Name – Beckhaus Legal	6 July 2015
2015/04	Change of Name – TdK Law	7 July 2015
2015/05	Designation of Court Holidays – Registry 21 December 2015 to 1 January 2016	17 September 2015
2015/06	Change of Name – Rostron Carlyle Lawyers	12 October 2015
2015/07	Change of name and address – Murdoch Lawyers	12 October 2015
2015/08	Change of Name – Jensen McConaghy Lawyers	24 November 2015
2015/09	Domestic Violence Offences	27 November 2015
2016/01	Change of Name – RBG Lawyers	27 January 2016
2016/02	Change of Name – KPMG Law	16 February 2016
2016/03	Applications for Excusal from Jury Service	7 March 2016
2014/12 Amended	Digitally Recorded Proceedings: Means of identifying Proceeding, Those Appearing, And Witnesses	6 April 2016
2016/04	Commercial List: District Court	20 May 2016
2016/05	Appeals	20 May 2016

## Planning and Environment Court

**Table 6: Planning and Environment Court practice directions**

<b>Number</b>	<b>Description</b>	<b>Date issued</b>
2015/03	Change of Name – Beckhaus Legal	6 July 2015
2015/04	Change of Name – TdK Law	7 July 2015
2015/05	Change of Name – Rostron Carlyle Lawyers	12 October 2015
2015/06	Change of Name – Murdoch Lawyers	12 October 2015



## **Appendix 2: District Court associates as at 30 June 2016**

<b>Samuel Forsyth</b>	Associate to His Honour Chief Judge KJ O'Brien
<b>Sarah Kingston</b>	Associate to His Honour Judge PE Smith
<b>Holly Atkinson</b>	Associate to His Honour Judge JM Robertson (Maroochydore)
<b>Anna Hede</b>	Associate to His Honour Judge DJ McGill SC
<b>Stefani Schilkowski</b>	Associate to His Honour Judge CF Wall QC (Southport)
<b>Marina Kuchmenko</b>	Associate to Her Honour Judge D Richards
<b>Cecelia Bernardin</b>	Associate to Her Honour Judge S Bradley (Ipswich)
<b>Thomas O'Brien</b>	Associate to His Honour Judge MJ Shanahan
<b>Alexandra Bose</b>	Associate to Her Honour Judge JM Dick SC
<b>Darcy O'Brien</b>	Associate to His Honour Judge ME Rackemann
<b>Brandon Hoffler</b>	Associate to Her Honour Judge JA Ryrie
<b>Madeleine King</b>	Associate to His Honour Judge IFM Dearden
<b>Matthew Hendry</b>	Associate to Her Honour Judge FY Kingham
<b>Sara Ser</b>	Associate to His Honour Judge SG Durward SC (Townsville)
<b>Erin Kelly</b>	Associate to His Honour Judge AJ Rafter SC
<b>Michael O'Brien</b>	Associate to His Honour Judge TD Martin SC
<b>Alan Wrigley</b>	Associate to His Honour Judge DG Searles
<b>Cassandra Stokman</b>	Associate to His Honour Judge GJ Koppenol (Ipswich)
<b>Victoria Bauer</b>	Associate to His Honour Judge DC Andrews SC
<b>Bill Siganto</b>	Associate to Her Honour Judge LJ Clare SC
<b>Isobella Rafty</b>	Associate to His Honour Judge WG Everson
<b>Rachel Hew</b>	Associate to His Honour Judge B Butler AM SC
<b>Hannah Bowcock</b>	Associate to His Honour Judge BG Devereaux SC
<b>Katherine Malouf</b>	Associate to Her Honour Judge KM McGinness (Southport)
<b>Vanessa Brown</b>	Associate to His Honour Judge KD Dorney QC
<b>Daniella Pratt</b>	Associate to His Honour Judge RS Jones
<b>Linda Cho</b>	Associate to His Honour Judge BA Harrison (Cairns)
<b>Daniel Roe</b>	Associate to His Honour Judge DA Reid
<b>Adria Askin</b>	Associate to His Honour Judge JR Baulch SC (Townsville)
<b>Alice Blackburn</b>	Associate to His Honour Judge GP Long SC (Maroochydore)
<b>Marissa Carroll</b>	Associate to His Honour Judge BW Farr SC
<b>Thomas Massey</b>	Associate to His Honour Judge AA Horneman-Wren SC (Ipswich)
<b>Carly Forsyth</b>	Associate to His Honour Judge DP Morzone QC (Cairns)
<b>Andrew Splatt</b>	Associate to His Honour Judge MJ Burnett (Rockhampton)
<b>Eilish Copelin</b>	Associate to Her Honour Judge HP Bowskill QC
<b>Sarah Judge</b>	Associate to Her Honour Judge SC Sheridan
<b>Alexander Button-Sloan</b>	Associate to His Honour Judge A Moynihan QC
<b>James Andrews</b>	Associate to His Honour Judge DR Kent QC (Southport)
<b>Madeline Jacks</b>	Associate to His Honour Judge MC Chowdhury (Beenleigh)