

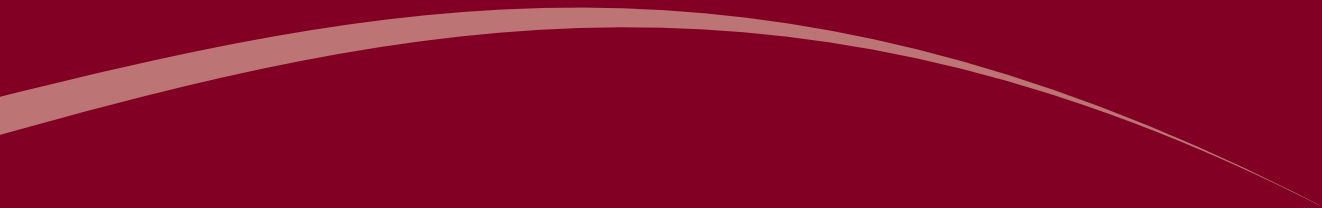


QUEENSLAND
COURTS

Supreme Court of Queensland


Annual Report 2008–2009





Front cover: Mounted on the Italian slate column in the courtyard of the Law Courts in Brisbane, the bronze crest of the State of Queensland and scrolls of the charters establishing the Supreme Court in this state were presented to the Supreme Court by the Bar Association of Queensland.
Sculptor: Mr John Vink.

WARNING: Aboriginal and Torres Strait Islander peoples are warned that this document may contain images of deceased persons. Due care has been taken to ensure that all images have been used with the appropriate consent.





**SUPREME COURT OF
QUEENSLAND**
CHAMBERS OF THE CHIEF JUSTICE

28 October 2009

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The Honourable Cameron Dick MP
Attorney-General and Minister for Industrial Relations
State Law Building
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 2009.

Yours sincerely

A handwritten signature in cursive script that reads "Paul de Jersey".

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* (RoGS).

Disposition of caseload

Trial Division

On the criminal side, the Trial Division ended the year with 430 outstanding cases and disposed of 1525 matters (a 99.6 per cent clearance rate). Of the outstanding cases, 12.6 per cent were more than 12 months old (from date of presentation of indictment), and 4.4 per cent were more than 24 months old. Some cases may take this long due to appeals and rehearings.

On the civil side, the Trial Division began the year with 5042 cases awaiting a hearing by trial. It ended the year with 5907 outstanding cases, disposing of 6270 matters, reflecting an 87.5 per cent clearance rate. Of the 5907 active cases at the end of the year, 20.7 per cent were older than 12 months (from filing date) and 5.8 per cent were older than 24 months.

Court of Appeal

The Court of Appeal disposed of 397 criminal appeals this year (comparable to last year), representing a clearance rate of 107.6 per cent. As of 30 June 2009, 149 criminal appeals awaited disposition (23 fewer than last year).

The Court of Appeal also disposed of 252 civil appeals (compared to 266 in 2007–08), with a clearance rate of 93.3 per cent, leaving 94 outstanding at the end of the year (compared with 76 last year).

Overall

Both divisions of the court performed satisfactorily.

Rules Committee

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

The committee substantially completed the drafting of a civil proceedings bill, the task allocated to the committee by s. 118C(2)(a) of the *Supreme Court of Queensland Act 1991*.

Continuing judicial development

The judges held their 14th consecutive annual seminar on 11–12 August 2008. There were four sessions on improving efficiency in the courts, at which the presenters were:

- Byrne SJA (*The applications jurisdiction—managing for trial*)
- Mr Peter Eardley, Vice-President of the Queensland Law Society, and Mr Michael Stewart SC, President of the Bar Association of Queensland (*Improving efficiency generally—the perspective of the profession*)
- Ms Julie Steel, Deputy Director of Courts (*General overview of organisational direction and current developments in registry*)
- Mr Brad King, Program Manager (*Future Courts*)
- Mr A Moynihan SC, Director of Public Prosecutions and Mr Carl Heaton, Deputy Public Defender, Legal Aid Queensland (*Reducing criminal retrials*)
- Mr N Hansen, Sheriff and Mr M Slaven, Chief Bailiff (*Other perspectives*)
- Professor Sheryl Jackson, Associate Professor, QUT Law School and Mr Ashley Hill, Director, Information Technology (*eTrials—current developments and future possibilities*).

Other sessions concerned court or court-related initiatives:

- Ms Nicole Little, State Manager, Court Network for Humanity (*The role of the courts' volunteer service*)

- Mr Tony Woodyatt, Coordinator of Queensland Public Interest Law Clearing House (QPILCH) (*QPILCH self-representation civil law service*)
- Ms Tracy Dutton, Self-represented Litigants' Coordinator/Deputy Registrar (*The role of the self-represented litigants' coordinator*)
- Mr Paul Garrett, Hickey and Garrett Cost Assessors (*Fixing costs*)
- Dr Heather Douglas, Senior Lecturer, TC Beirne School of Law, UQ (*Post-sentence preventive detention and the judicial assessment of risk*)
- Mr John Briton, Legal Services Commissioner (*The Legal Services Commission—the first years*)
- the Hon. Glen Williams AO (*The establishment of a civil and administrative review tribunal Qld*).

There were also sessions on areas of law:

- Professor Malcolm Cope, QUT School of Law (*Barnes v Addy with two limbs reattached: Farah Constructions Pty Ltd v Say-Dee Pty Ltd (2007) HCA 22*)
- Professor Reid Mortensen, Professor of Law, University of Southern Queensland (*The doctrine of Renvoi in cross border tort claims*)
- Dr Ann Black, Lecturer, TC Beirne School of Law (*Islamic law*).

Other sessions concerned more general topics: Ms Elizabeth Nosworthy AO, Water Commissioner (*The role of the water commissioner and future issues*) and Professor James Allan, Garrick Professor of Law, TC Beirne School of Law (*Implied rights are bad, bills of rights are worse*).

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 (ten weeks), the criminal court (four weeks), civil sittings (four weeks), applications (nine weeks), Townsville (one week), Cairns (one week) and Mt Isa (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 biennially.

I attended two meetings of the Council of Chief Justices of Australia and New Zealand. The first was in Canberra on 28 August 2008, in conjunction with the valedictory ceremony marking the retirement of Chief Justice Gleeson, on 29 August 2008, and the swearing in of Chief Justice French on 1 September 2008. The second was in Sydney, on 15 April 2009.

Accompanied by my wife, I attended the Central Queensland Law Association's annual conference at Yeppoon 7–9 November 2008.

In the week commencing 25 May 2009 I conducted sittings in the Supreme Court in Townsville. On 28 May 2009, together with Justice Cullinane, the Northern Judge, and the Chief Judge, I participated in a ceremony at Bowen courthouse in recognition of the sesquicentenary of the state. The first Northern Judge, Justice Edmund Sheppard, was appointed to Bowen. The ceremony was followed by a trainee solicitor moot and a luncheon. A similar ceremony took place at the

Supreme Court in Townsville on 29 May 2009. The ceremonies were organised by the court in conjunction with the profession, and were well attended. My wife and I then attended the North Queensland Law Association 50th Anniversary Annual Conference in Townsville, at which I delivered the opening address.

I attended various regional functions:

- on 20 July 2008 in Rockhampton, hosted by the Central Judge and Judge Britton and the Rockhampton Bar
- on 19 November 2008 in Cairns, hosted by the Far North Queensland District Law Association
- on 28 May 2009 in Townsville, hosted by the North Queensland Bar
- the opening of the law year service on 21 July 2008 at St Joseph's Cathedral, Rockhampton.

During 2008–09 other official duties included:

- Acting Governor or Deputy Governor of the State on nine occasions, for periods aggregating 55 days
- receiving the calls of 14 members of the diplomatic service.

The courthouses

Brisbane

Construction of the new metropolitan supreme and district courthouse continued apace.

Mount Isa

On 18 August 2008, in the Mount Isa courthouse, together with Kalkadoon artist Miss Barbara Sam, I unveiled a painting by Miss Sam, which she had generously presented to me and which I had provided to the court on indefinite loan. The painting, entitled 'Dancing brolgas', hangs in the courtroom. Elders, respected persons and other valued members of the Kalkadoon community attended a ceremony which afforded an opportunity to confirm both the inclusive nature of the court's mission, and the unfortunate reality that many Indigenous people pass through Mount Isa courts. It also allowed me the opportunity to acknowledge the outstanding work of the Mount Isa Murri Court, and complementary community groups.

International aspects

China delegation

A delegation of judges of the Supreme Court, comprising Justices Muir, Fryberg, Dutney, Mullins and me, visited courts and judicial training centres in China, pursuant to an invitation from the President of the Shanghai High People's Court and the Chinese Consul-General for Queensland.

At the Zhejiang High People's Court, Justice Mullins delivered a paper on intellectual property (IP) in Australia. Justice Muir delivered a paper on interlocutory injunctions in IP cases. Approximately 150 Chinese

judges were present in both lectures and displayed a keen interest in the topics raised.

At the Shanghai High People's Court and the No.1 Intermediate People's Court, the delegation observed the sentencing of a drug smuggler from Brunei, who spoke no Chinese and relied on English interpretations for the proceedings. We then participated in an all-day seminar with members of the Shanghai judiciary conducted in English at the Shanghai Judicial Training College before an audience of about 40.

In Beijing, the delegation visited the Supreme People's Court, the High People's Court, the No.1 Intermediate People's Court, the Xicheng Local People's Court (where we observed the sentencing of a woman for wholesale stealing from a department store) and the National Judicial Training College.

Topics discussed at the Beijing High People's Court included the use of technology in Beijing courts, handling of criminal matters in China, recent Australian developments in hearsay law, and procedures for computer-based evidence in Queensland.

Finally, the delegation visited the Shaanxi High People's Court and the Yanta Local People's Court.

Strengthening links with the French national judicial college

Responding to interest from the École Nationale de la Magistrature (ENM) in strengthening links with members of the Australian judiciary and legal profession, Justice Douglas arranged for ENM graduate, Mr Charles Tellier, to become his associate during 2009.

After training for close to three years, Mr Tellier graduated from the Institut d'Études Politiques of Rennes in Brittany where he studied law, economics

and politics. He was appointed a judge in charge of a local court in Normandy in September 2008 under the direct authority of the Chief Justice of Caen in Lower Normandy, until he took up the position as Justice Douglas' associate in January 2009.

During the first half of 2009, Mr Tellier took an active part in the life of the court, and presented a paper on differences between the French and Australian systems at the annual judges' conference in August 2009. It is hoped that there will be more such exchanges in the future.

Judicial appointments

The courts saw a number of acting and permanent appointments during 2008–09:

Justice Mackenzie was appointed as an Acting Judge of Appeal from 7 August 2008 to 3 October 2008, and Justice White was appointed an Acting Judge of Appeal from 6 October 2008 to 19 December 2008.

On 28 November 2008 Justice White was appointed Deputy President of the Defence Force Discipline Appeal Tribunal. This tribunal hears and determines appeals from court martial and defence force magistrates in relation to service offences by Australian Defence Force personnel.



On 3 September 2008 Justice Applegarth was sworn in as a Judge of the Supreme Court, to sit in the Trial Division. The appointment anticipated the retirement of Justice Mackenzie on 8 December 2008, and the need for Justice Mackenzie to sit substantially in the Court of Appeal pending his retirement in view of Justice Jerrard's continuing inability to sit for reasons of ill health.



Justice Chesterman was appointed a Judge of Appeal on 11 December 2008. His Honour's appointment followed the resignation on 8 December 2008 of Justice Jerrard.



On 5 February 2009 Mr Peter Lyons QC was appointed a Judge of the Supreme Court, to sit in the Trial Division.

Judicial retirement

On 8 December 2008, Justice Jerrard resigned as a Judge of the Supreme Court and Judge of Appeal, and Justice Mackenzie retired as a Judge of the Supreme Court.

Recognition

The Hon. John Murtagh Macrossan AC, a judge of the court from 1980–98, and Chief Justice of Queensland from 1989–98, died on 5 August 2008.

The Hon. Peter David Connolly CBE CSI QC died on 2 May 2009. He was a distinguished judge of this court from 1977–90.

Conclusion

I thank the judges, officers of the registry, the court's administrative staff, and the Director-General and her staff, for their contribution to ensuring the effective discharge of the court's mission for another year.

Message from the Director of Courts



Ms Robyn Hill, Director of Courts

2008–09 was again a busy year for the court.

The court volunteer program expanded and developed during its second year of operation. The volunteers provided emotional and practical support to litigants and those accompanying individuals to hearings, helping to eliminate the anxiety and confusion experienced by many court users. In addition,

a program to provide services to prisoners who are released directly into the court from remand was piloted in April 2009.

The Legal and Policy Team was heavily involved in progressing reforms through involvement with both the Rules Committee and Strategic Policy Division in the Department of Justice and Attorney-General. This work is ongoing and ensures that the registry and administrative areas of the court are engaged and proactively considering legislative amendments and policy changes to improve the service provided to court users.

One of the most important amendments to occur this year was the transfer of the responsibility for appointments as registrars or bailiffs from governor-in-council to the chief executive of the Department of Justice and Attorney-General. This has provided more flexibility in relation to appointments and the speed with which they can occur.

Work has been undertaken with the regional managers and registrars to pilot strategies to better manage jury panels outside of Brisbane. This has resulted in specific guidelines being provided to regional courts. Other changes to jury management occurred via legislative changes concerning majority verdicts, judge-only trials and removal of the requirement to sequester a jury overnight while considering its verdict.

2008–09 has seen a substantial increase in the workload of the registry with an approximately 30 per cent increase in filings in the Supreme Court jurisdiction.

The upward trend is not expected to reverse in the coming year and has been concentrated in areas where registry staff are solely or mostly responsible for performing the work.

The registry has invested considerable time and effort

in strategies to manage the challenge of the increased workload including additional training and review of business processes. In the coming year, the registry will increase consultation with the profession and other stakeholders to implement additional efficiencies.

This year saw numerous eTrials conducted in the Supreme Court. The eTrial strategy provided an online technology solution to manage documentation electronically during trials. This was tested in a selection of civil and criminal trials. Legal practitioners, litigants and judges involved in these trials consistently reported that eTrials generated real time and cost savings. An independent assessment by Associate Professor Sheryl Jackson of the Queensland University of Technology, identified a reduction in trial times of up to 20 per cent. Continuation of eTrials is contingent upon the provision of funding.

Significant and welcome improvements in relation to the digital recording solution were realised this year. These improvements have ensured that the system is reliable and stable. In conjunction with the improvements to digital recording, the State Reporting Bureau implemented a quality assurance framework. Process improvement work and standardisation of procedures across the state is ongoing. Work was also undertaken in relation to the development of an e-commerce solution for the provision of transcripts.

Acknowledgements

Engagement with the profession has been ongoing throughout this reporting period. I would like to acknowledge the active and ongoing support of the Bar Association of Queensland and the Queensland Law Society. I would particularly like to acknowledge the assistance and support of Mr Peter Eardley, Vice President of the QLS, and Dr de Groot, Chair of the Succession Law Committee.

I would also like to acknowledge the tremendous dedication and professionalism displayed by court staff in this ongoing period of change and the support and assistance I have received from the judiciary. Many thanks.

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 John Alexander Jerrard *(resigned 8 December 2008)*

The Honourable Patrick Anthony Keane

The Honourable Catherine Ena Holmes

The Honourable John Daniel Murray Muir

The Honourable Hugh Barron Fraser

The Honourable Richard Noel Chesterman, RFD
(appointed 11 December 2008)

Trial Division

Senior Judge Administrator

The Honourable John Harris Byrne, RFD

Trial Division judges

The Honourable Kenneth George William Mackenzie
(retired 8 December 2008)

The Honourable Margaret Jean White

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

The Honourable Roslyn Gay Atkinson

The Honourable Peter Richard Dutney

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
(appointed 3 September 2008)

The Honourable Peter James Lyons
(appointed 5 February 2009)

Other appointments

Mental Health Court

The Honourable Anthe Ioanna Philippides *(President)*

The Honourable Peter Richard Dutney

The Honourable Ann Majella Lyons

Chair, Law Reform Commission

The Honourable Roslyn Gay Atkinson

Land Appeal Court

The Honourable Margaret Jean White *(Southern District)*

The Honourable Keiran Anthony Cullinane, AM
(Northern District)

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

The Honourable Peter Richard Dutney

The Honourable Duncan Vincent Cook McMeekin
(Central District)



Left to right: The Hon Justice Philippides; The Hon Justice Cullinane; The Hon Justice Keane; The Hon Justice White; The Hon Justice Fraser; The Hon Justice Douglas; The Hon Justice P Lyons; The Hon Justice Dutney; The Hon Justice Martin; The Hon Justice Daubney; The Hon Justice Byrne RFD; The Hon Justice Applegarth; The Hon Justice Atkinson; The Hon Chief Justice de Jersey AC; The Hon Justice Wilson; The Hon Justice P McMurdo; The Hon Justice McMurdo AC (President); The Hon Justice A Lyons; The Hon Justice McMeekin; The Hon Justice Mullins; The Hon Justice Jones AO; The Hon Justice Muir; The Hon Justice Holmes; The Hon Justice Fryberg.

Court of Appeal

Organisational structure

The Court of Appeal hears appeals and applications for leave to appeal:

- 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 a range of other courts and tribunals.

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 Court of Appeal sat as a Bench of three judges for 42 weeks during the year, as it did last year. The President and the judges of appeal¹ together sat 213 individual judge weeks this year compared to 210 weeks in 2007–08 and 182 weeks in 2006–07. The extra sitting weeks are attributable to judges taking less long leave than in the previous two years.

The Chief Justice sat in the Court of Appeal for 10 weeks this year compared to 12 weeks in the preceding two years.

Trial Division judges also sat in the Court of Appeal for 66 individual judge weeks this year compared to 64 weeks last year and 71 weeks in 2006–07.

Although the number of judges of appeal (including the President) was increased from five to six in the last reporting year, it remains desirable for the Chief Justice and the Trial Division judges to continue to sit regularly in the Court of Appeal as the court benefits from their experience, especially in trial work.

Justice Muir and Justice Chesterman, in combination, sat in the Trial Division for five weeks in December 2008 and January 2009.

The President and the Senior Deputy Registrar (Appeals), Mr Neville Greig, continue to work together with the judges of appeal to ensure the determination of urgent appeals in a timely fashion. The following matters are heard expeditiously:

- appeals and applications for leave to appeal concerning short custodial sentences
- appeals by the Attorney-General or the Commonwealth Director of Public Prosecutions against sentences where respondents have been released into the community

¹ Including Mackenzie AJA and White AJA.

- all criminal matters involving children
- appeals and applications for leave to appeal 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.

A high profile example of an expedited appeal hearing this year was *R v Ferguson; parte Attorney-General (Qld)*.² The Court of Appeal heard an appeal on 22 July 2008 from an order of 1 July 2008 granting a permanent stay of Ferguson's criminal charges. The court delivered its reasons on 8 August 2008.

The Senior Deputy Registrar (Appeals) 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 the senior deputy registrar (appeals) and the appeals registry staff who continue to give diligent and visionary service 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 Director of Courts, Ms Robyn Hill, the Deputy Director of Courts, Ms Julie Steel and Executive Manager, Ms Diane Antonsen.

² [2008] QCA 227.

Human resourcing issues

The performance of the State Reporting Bureau (SRB) has continued to provide difficulties for the registry staff, the court, the profession and litigants during 2008–09. In particular:

- 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 although reduced, have not been eliminated
- the quality of SRB transcripts remains inconsistent. Portions of transcript are sometimes missing and mis-transcriptions can occur, requiring judges to call for the recorded testimony and have the transcript corrected
- there have been occasional delays in commencing Court of Appeal hearings because of faulty SRB recording equipment
- delays in receiving transcripts of Court of Appeal hearings have been as long as two weeks, however systemic improvements have significantly reduced these delays during the year.

These difficulties in SRB's performance present a concerning and continuing challenge to the reliable administration of justice in Queensland and must continue to be urgently addressed.

As in the previous year, the high turnover of appeal registry staff also caused difficulty during the first half of this reporting year but significantly improved during the second half of the year.

The unsatisfactory counter facilities for people with physical disabilities referred to in the three preceding annual reports has not been fully addressed. It is accepted that this problem cannot realistically be completely remedied until the new court building is completed.

Disposal of work

This year 639 matters were lodged in the Court of Appeal (369 criminal matters and 270 civil matters) compared to 676 matters last year (440 criminal and 236 civil). There are 243 active matters (including undelivered reserved judgments) compared to 248 last year. Overall, 96.33 per cent of Court of Appeal matters were finalised within 12 months of lodgment; 94.39 per cent and 99.26 per cent for criminal and civil matters respectively.

Table 1: Annual caseload and performance indicators

	Number of cases			
	Lodged	Heard	Finalised cases*	Active (including reserved judgments not yet delivered)
Criminal	369	393	397	149
Civil	270	241	252	94
Total	639	634	649	243

* Finalised cases are calculated as: outstanding judgments at start of year, plus matters heard, less outstanding matters at end of year. This method of calculation varies slightly from previous years to accord with standards now widely used.

Table 2: Judgments, criminal matters

Judgments	2006–07	2007–08	2008–09
Outstanding at start of year	12	6	24*
Reserved	179	189	226
<i>Ex tempore</i> judgments delivered	95	119	79
Reserved judgments delivered	185	172	230
Outstanding at end of year	6	23	20

* Adjustments made to figure due to data finalisation.

Table 3: Judgments, civil matters

Judgments	2006–07	2007–08	2008–09
Outstanding at start of year	16	14	19
Reserved	167	164	137
<i>Ex tempore</i> judgments delivered	54	41	52
Reserved judgments delivered	169	159	148
Outstanding at end of year	14	19	8

The court's clearance rate of criminal matters this year has improved from 90.7 per cent last year to 107.6 per cent. The court also finalised 99.26 per cent of civil matters within 12 months. Overall, 96.33 per cent of Court of Appeal matters were finalised within 12 months of lodgment. Of those matters not finalised within 12 months of lodgment, the court has offered the parties 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 has been maintained at 18 days. In civil matters it is 34 days. Overall, the median time between hearing and delivery of reserved judgments has remained at 21 days. See table 4.

Table 4: Time between hearing and delivery of reserved judgments

Type of cases	Median number of days		
	2006–07	2007–08	2008–09
Criminal cases	18	18	18
Civil cases	29	22	34
All cases	23	21	21

Origin of appeals

The filings from the Trial Division have increased considerably in civil matters, and increased slightly in criminal matters. Compared to 2007–08, the filings from the District Court in civil matters have fallen very slightly, but in criminal matters there has been a noticeable decrease. In Planning and Environment Court matters there has been a noticeable increase in filings since the last reporting year. See table 5.

Table 5: Court in which matters were commenced

Court	Number of matters filed		
	2006–07	2007–08	2008–09
Trial Division—civil	158*	139*	167*
Trial Division—criminal	81*	92*	99*
District Court—civil	89	75	72
District Court—criminal	257	348	270
Planning and Environment Court	14	8	20
Other—civil (cases stated, tribunals etc.)	5	14	11
Magistrates Court—criminal	0	0	0
Other—criminal	0	0	0

* These statistics include matters heard during the Court of Appeal's sittings in Cairns in June 2009.

The number of sentence applications filed has fallen since last year but remains considerably higher than in the 2006–07 reporting year. The number of conviction only appeals is comparable to the last two reporting years. The number of combined conviction and sentence appeals has fallen since last year. The number of sentence appeals brought by the Queensland Attorney-General and the Commonwealth Director of Public Prosecutions has continued to increase, although this year only very slightly. See table 6.

Table 6: Types of appeals filed

Appeal type	2006–07	2007–08	2008–09
Civil			
General including personal injury	154	126	144
Applications	71	80	87
Leave applications	25	22	20
Planning and environment	16	8	19
Other	0	0	0
Criminal			
Sentence applications	145	211	170
Conviction appeals	55	58	57
Conviction and sentence appeals	53	65	41
Extensions (sentence applications)	18	39	30
Extensions (conviction appeals)	12	17	13
Extensions (conviction and sentence)	11	14	19
Sentence appeals (A-G/Cwlth DPP*)	17	22	23
Other	27	14	16

* Attorney-General/Commonwealth Director of Public Prosecutions

This year the Court of Appeal disposed of 634 matters. In the same period, there were 24 applications for leave to appeal from the Court of Appeal to the High Court of Australia of which two were granted. The High Court heard three appeals from the Court of Appeal, of which two were allowed.³ See table 7.

Table 7: Applications and appeals from the Court of Appeal to the High Court

Applications for special leave	Criminal			Civil		
	2006–07	2007–08	2008–09	2006–07	2007–08	2008–09
Granted	2	1	2*	3	3	0
Refused	7	15	10	18	34	12
Appeals	Criminal			Civil		
	2006–07	2007–08	2008–09	2006–07	2007–08	2008–09
Allowed	0	0	1	0	0	1
Dismissed	2	1	1	0	3**	0

* In one matter where special leave was granted, the appeal to the High Court was ultimately dismissed (*Jones v The Queen* [2009] HCA 17).

** This figure includes one matter where special leave was revoked.

Other highlights

During the Court of Appeal's annual northern sittings held in Cairns, 1–5 June 2009:

- Five judges took part: the President, Justice Keane and Justice Fraser from Brisbane; the Northern Judge, Justice Cullinane from Townsville and the Far Northern Judge, Justice Jones from Cairns.
- The court heard 14 matters over the five days: five sentence applications; four appeals against conviction and sentence; two appeals against conviction; one application for leave to appeal; one application for an extension of time to appeal; and one civil appeal.
- Barristers and solicitors from Cairns, Brisbane, Townsville and Mackay participated in the sittings. In terms of appearances by counsel, 77 per cent were barristers based in North Queensland (58 per cent from Cairns and 19 per cent from Townsville) and 23

per cent were barristers based in Brisbane. In the civil appeal, both the law firms and counsel were from Cairns. Only 6.45 per cent of counsel appearing were women. Legal aid was granted in all but two of the criminal matters. Two matters involved self-represented litigants.

- During the sittings the judges met informally with Cairns judicial officers and the legal profession on a number of occasions outside court hours.

Together with other appellate judges from Australia, New Zealand, South Africa and Asia, the President and the judges of appeal attended the 4th Australasian Institute of Judicial Administration Appellate Judges' Conference in Melbourne, 6–7 November 2008.

³ 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.

All Court of Appeal judgments delivered during this year have again been publicly 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. In addition, he prepares outlines of Court of Appeal judgments. These are published on the Supreme Court Library website and distributed to interested Queensland judicial officers, to 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 barristers appearing in cases heard in the Court of Appeal.⁴ This year, women counsel appeared in 10 per cent of all court appearances in the Court of Appeal. Seventy-one per cent of those appearances were in criminal matters and 29 per cent in civil matters. Although this percentage is less than the percentage of women at the Bar in Queensland,⁵ it is a pleasing increase from 6.2 per cent last year and 5.7 per cent in 2006–07.

Self-represented litigants

The number of self-represented litigants in the Court of Appeal has increased in both civil and criminal matters this year. At least one party was unrepresented in 71 civil cases (compared to 66 last year) and 109 criminal cases (compared to 92 last year). This equates to 29.5 per cent of civil matters and 27.7 per cent of criminal matters. See table 8.

⁴ See, for example, Kirby J *The Future of Appellate Advocacy*, (2006) 27 Aust Bar Review, 155-159; Hunter, Prof R *Discrimination Against Women Barristers: Evidence from the Study of Court Appearances and Briefing practices*, International Journal of the Legal Profession, Vol 12, No.1, March 2005.

⁵ 21 per cent as at 31 July 2009.

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

Number of cases	2006–07	2007–08	2008–09
Civil	93	66	71
Criminal	94	92	109
TOTAL	187	158	180

The Queensland Public Interest Law Clearing House (QPILCH) and its Self-Represented Civil Litigants Service (SRCLS) assisted 17 potential litigants in the Court of Appeal and successfully diverted 15 matters. Of the 17 litigants, seven potential appellants emerged. Four ultimately did not file an appeal. Another was legally represented by SRCLS, filed an appeal and settled the case so that the appeal was withdrawn. Two proceeded with their appeals without legal representation and were unsuccessful. The President and the judges of appeal thank QPILCH and SRCLS 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, four appellants used the scheme.⁶ The President and the judges of appeal thank the public-spirited barristers who take part in this pro bono scheme.

⁶ *R v Jackson* [2008] QCA 360 (G Long SC); *Kruck v Qld Regional Parole Board* [2008] QCA 399 (D C Rangiah SC, with K A Mellifont and M J Ballans); *R v Miller* [2009] QCA 11 (A J Kimmins with Y Chekirova) and *R v Richmond-Sinclair* [2009] QCA 98 (D Boddice SC with E J Williams).

Court of Appeal pro bono list for 2008–09

John Baulch SC (<i>Townsville</i>)	Stephen Keim SC
David Boddice SC	Tony Kimmins
Martin Burns	Gary Long SC
Brendan Butler SC (<i>appointed District Court judge Sept 2008</i>)	Dennis Lynch
Michael Byrne QC	Kelly Macgroarty
Peter Callaghan SC	Alan MacSporran SC
Anthony Collins (<i>Townsville</i>)	Frank Martin (<i>Toowoomba</i>)
Ralph Devlin SC	Kerri Mellifont
Bradley Farr SC	Robert Mulholland QC
Terry Gardiner	Peter Mylne
Tony Glynn SC	Peter Nolan
John Griffin QC	Gerard O’Driscoll (<i>Rockhampton</i>)
Simon Hamlyn-Harris	Colin Reid
James Henry SC (<i>Cairns</i>)	Peter Richards
Jeffrey Hunter SC	Tim Ryan
Mark Johnson	Bret Walker SC
	Elizabeth Wilson

Other legal practitioners also appear on occasions pro bono for parties in the Court of Appeal.⁷

Self-represented appellants were successful in 14.5 per cent of criminal matters and 14 per cent of civil matters. The overall 14.3 per cent appeal success rate is noteworthy and suggests a need for increased legal aid funding at appellate level.

⁷ See, for example, *R v BBS* [2009] QCA 205 (P Smith with A M Hoare).

Information technology

This year, the court heard 33 criminal matters and two civil matters by video link, and two criminal matters and one civil matter by audio link. The quality of these links has been variable and has sometimes resulted in lost court time because of adjournments.

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

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.

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

Future directions

During the next reporting year, the President and the judges of appeal, with the assistance of the senior deputy registrar (appeals) and the appeal registry staff, plan to:

- maintain the Court of Appeal’s timely disposition of matters. To meet this core goal it is essential that the Court of Appeal is provided with sufficient resources to ensure:
- the appeals registry is adequately resourced and that reasonable continuity of its skilled staff is maintained
- the maintenance and refinement of the Court of Appeal case management system (CAMS)

- the development of electronic filing of outlines of argument with hyperlinks to relevant cases and transcript and best practice in electronic appeal record books and electronic appeals
- video and audio links within the court and correctional facilities are efficiently maintained and operated
- the Court of Appeal precinct judges' library is properly maintained
- review and refine the practices and procedures presently contained in Supreme Court Practice Direction *No.1* of 2005
- refine and develop 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 building of new Supreme and District Court building to ensure that the Court of Appeal courtroom and precinct meets best practice for the benefit of the public, the profession, court users and the judges of appeal
- provide at least one sitting during 2010 in either Central Queensland, North Queensland or Far North Queensland.

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

- State Reporting Bureau (SRB)
- The Director of Public Prosecutions
- Legal Aid Queensland
- Courts Information Services Branch
- QPILCH and SRCLS

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 heard by a single 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.

Trial Division judges also sit as judges of the Court of Appeal. They constitute the Land Appeal Court, the Mental Health Court and, at times, the Legal Practice Tribunal. Some also act as members of bodies such as the Queensland Law Reform Commission and the Supreme Court Library Committee. Many serve with groups that have a responsibility for implementing

procedures to improve the administration of justice, including the Rules Committee and the Learning and Development Committee.

The structure of the Trial Division

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

Fifteen of the 18 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 and Longreach, and most of the Mackay sittings.

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.

‘Developments in the use of technology and changes to legislation have achieved significant time savings and a reduction in costs to all parties and the public.’

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.

Developments

Conducting trials using modern technology yields substantial efficiencies in justice administration, delivering time and cost savings to all parties and the public. This year saw the successful completion of the eTrials pilot project, with eTrials conducted in a criminal and some civil cases. eTrials are quicker than those which involve transfer of information by paper. Funding will be sought in 2009–10 to sustain and develop this valuable initiative.

The conduct of criminal cases was changed following a legislative initiative which removed the routine requirement for juries to be sequestered after retiring to consider a verdict. Jurors now return home each night when the verdict is awaited, improving the conditions of jury service for jurors and their families. This also reduces the cost of criminal trials by saving the expense of juror accommodation in hotels.

eTrials

eTrials have proved successful in helping to transfer information more efficiently and reduce costs for parties and the public. During 2008–09 four trials including one Land Court appeal, two civil matters and one criminal matter were conducted as eTrials using the court’s ‘eCourtbook’ facility.

Throughout this process, unique software is used to provide an intranet-based database that can be accessed by authorised parties. Before the trial commences, court staff upload copies of documents into the database. Document uploading continues as the trial progresses, with documentary evidence and other relevant material added to the database. Trial information is then accessed by parties throughout the trial using the internet. At the end of the criminal trial pilot, juries were also provided with notebook computers connected to a large monitor to assist in considering a verdict.

eTrials offer a number of benefits, the major being the ability to save time and reduced logistical effort in the retrieval of documents. This was particularly the case in trials involving a large amount of documentary evidence.

In addition to time saving benefits, eTrials also help judges, the jury (in criminal trials), lawyers, parties, the press and the public understand evidence much better and increase the transparency of the trial process. This is largely achieved through witnesses using the system to scroll through documents and select particular passages.

The substantial amounts of time saved also flowed through to benefit other litigants whose trials were able to be brought on more quickly.

Those involved in the pilot eTrials reported high levels of satisfaction.

Disposal of work

2008–09 saw changes in caseload, especially in civil litigation.

There was a more than 15 per cent increase in the number of civil cases completed. Despite this improvement, the clearance rate declined. The lower rate (87.5 per cent) is attributable to a large increase in new cases—lodgments rose by more than 30 per cent. Many of these were claims to recover debts or to repossess property, with creditors looking to enforce contracts in times when the economy is under stress.

There was a slight increase in the number of criminal cases commenced. As a result, fewer cases were finalised than were lodged.

Criminal jurisdiction

Criminal lodgments increased by 2.5 per cent from 1493 during 2007–08 to 1531 in 2008–09 (an increase of 38 lodgments).

There was a slight decrease (0.8 per cent) in criminal finalisations this year with finalisations decreasing from 1538 during 2007–08 to 1525.

The clearance rate for criminal matters during 2008–09 was 99.6 per cent (down from 103 per cent in 2007–08).

As at 30 June 2009, there were 430 active pending matters. This represents a decrease of 1.4 per cent from last year, where there were 436 active pending matters on 30 June 2008.

The number of cases older than 12 months and less than 24 months decreased by 18.6 per cent this year from 43 in 2007–08 to 35 in 2008–09.

At 30 June 2009, 4.4 per cent of criminal lodgments (19 cases) were more than 24 months old, one less than at this time last year (representing a five per cent reduction).

Reasons for delay in finalising cases include referral to the Mental Health Court, deferral because of other court proceedings, and retrials.

Table 9 summarises the activity in the Trial Division's criminal list.

Table 9: The Trial Division's criminal list activity

	Number of defendants ⁽¹⁾			Clearance rate	Backlog indicator ⁽²⁾ % > 12 months	Backlog indicator % > 24 months
	Lodged	Finalised	Active		Presentation date	Presentation date
Main centres						
Brisbane	1081	1094	327	101.2%	10.4%	2.8%
Cairns	136	115	46	84.6%	15.2%	10.9%
Rockhampton	33	33	9	100.0%	33.3%	11.1%
Townsville	89	68	19	76.4%	21.1%	5.3%
Total for main centres	1339	1310	401			
Regional centres						
Bundaberg	33	36	5	109.1%	0%	0%
Longreach	0	0	0	0%	0%	0%
Mackay	50	51	5	102.0%	60%	60%
Maryborough	31	34	6	109.7%	0%	0%
Mt Isa	10	8	9	80.0%	11.1%	0%
Roma	16	22	1	137.5%	0%	0%
Toowoomba	52	64	3	123.1%	66.7%	0%
Total for regional centres	192	215	29			
State total	1531	1525	430	99.6%	12.6%	4.4%

Notes:

(1) 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.

(2) 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.

Criminal jurisdiction—Brisbane

The system for maintaining the progress of criminal matters is based on each indictment having a prospective court date, whether for a pre-trial hearing, trial, sentence or further review. The challenge in listing has been to find the appropriate balance in the number of reviews required to bring a matter to completion in a timely way without overburdening the prosecution or defence.

Most indictments are finalised by a plea of guilty. The practice that has applied since September 2007 allows for an indictment to be listed for sentence administratively, which can avoid further review before the court.

At any time after an indictment has been presented, but before the matter has been allocated a trial or hearing date, the legal practitioner for the defendant may list the indictment for sentence with the criminal list manager for a date acceptable to the prosecution.

Justice Mullins supervises the listing of criminal matters in Brisbane. The criminal list manager is responsible for managing the criminal list, including daily listing.

Legal practitioners familiar with the practice in the criminal jurisdiction in Brisbane have been making good use of the system for listing sentences administratively.

Civil jurisdiction

Civil lodgments increased this year by 1712 (31.4%) from 5455 during 2007–08 to 7167.

Civil finalisations increased by 830 from 5440 during 2007–08 to 6270 (an increase of 15.3 per cent).

The clearance rate for civil matters dropped this year from 99.7 per cent in 2007–08 to 87.5 per cent.

The civil jurisdiction saw an increase of 865 active pending matters in 2008–09 (5907 at 30 June 2009, up from 5042 at the same time last year).

The number of cases older than 12 months and less than 24 months decreased this year by 59 cases from 941 in 2007–08 to 882 (a 6.3 per cent decrease).

The number of civil lodgments more than 24 months old decreased by 27 cases in 2008–09 with civil lodgments older than 24 months standing at 368 cases (representing a 7.3 per cent reduction from the previous year).

‘The challenge in listing has been to find the appropriate balance in the number of reviews required to bring a matter to completion in a timely way without overburdening the prosecution or defence.’

Table 10: The Trial Division’s civil list activity

2008–09	RoGS civil files			Clearance rate	Backlog indicator from filing date	
	Lodged	Finalised ⁽¹⁾	Active		% > 12 mths	% > 24 mths
Brisbane	6153	5316	4940	86.4%	20.5%	5.9%
Cairns	325	295	319	90.8%	20.1%	4.4%
Mackay	159	132	157	83.0%	15.9%	3.2%
Rockhampton	187	169	184	90.4%	22.8%	6.5%
Southport	0	3	0	n/a	0%	0%
Townsville	267	299	227	112.0%	26.4%	6.2%
Bundaberg	23	15	25	65.2%	24.0%	4.0%
Longreach	0	1	0	n/a	0%	0%
Toowoomba	32	20	28	62.5%	10.7%	3.6%
Mt Isa	7	11	10	157.1%	30.0%	10.0%
Maryborough	13	6	16	46.2%	31.3%	0%
Maroochydore	0	2	0	n/a	0%	0%
Roma	1	0	1	0.00%	0%	0%
Ipswich	0	1	0	n/a	0%	0%
State total	7167	6270	5907	87.5%	20.7%	5.8%

Notes:

- (1) A case is deemed finalised under RoGS rules if there has been no activity in it for one year.

Table 11: Total lodgments

	RoGS civil ⁽¹⁾	Non RoGS civil ⁽²⁾	Non RoGS criminal	Probate	Total
Brisbane	6153	1066	591	6178	13988
Cairns	325	26	15	289	655
Mackay	159	0	31	0	190
Rockhampton	187	27	4	464	682
Townsville	267	71	47	508	893
Bundaberg	23	0	0	0	23
Toowoomba	32	0	11	0	43
Mt Isa	7	1	4	0	12
Maryborough	13	12	1	0	26
Roma	1	1	8	0	10
State total	7167	1204	712	7439	16522

Notes:

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

(2) The Trial Division also deals with matters which, for reporting purposes, have been grouped as non-RoGS civil, non-RoGS criminal, probate files and Legal Practice Tribunal files. 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.

‘The case flow management system has been successful in picking up a number of cases which may never have resolved or proceeded to trial promptly without the timetables imposed by case flow.’

Civil Jurisdiction—Brisbane

Case flow management

Case flow management aims to assist the speedy resolution of claims by progressing them to settlement or trial. Its objectives reflect the philosophy set out in Rule 5 of the *Uniform Civil Procedure Rules 1999 (UCPR)* to facilitate the just and expeditious resolution of the real issues in civil proceedings at a minimum of expense.

Justice Atkinson is the judge responsible for case flow management. A deputy registrar is empowered to make initial case flow plans by consent.

Case flow management review days are usually conducted once a month. This helps ensure that claims in which no acceptable plan has been filed are given directions providing specific dates for every step of the litigation. If a plan has been filed but not complied with, the matter will also be listed for directions. Where mediation should occur, a date by which mediation must be completed is ordered. The order will also provide for a date by which a Request for Trial Date must be filed or the matter deemed resolved.

The second half of the year showed a general decrease in matters deemed resolved as a result of lawyers not attending case flow review days. Practitioners are more prudent in drafting acceptable plans.

Another highlight for case flow management has been referring self-represented litigants to QPILCH. This assists matters to progress, as self-represented litigants are given assistance before their matters are set down for trial.

Case flow management will be more important in the future as a result of the High Court’s decision in *Aon Risk Services Australia Limited v Australian National University* [2009] HCA 27.

The court expects practitioners to be aware of the importance of case flow management principles and of adhering to timetables in the interests of litigants and the efficient use of public resources.

Commercial list

The commercial list continues to provide an efficient means for the prompt resolution of commercial disputes.

Justice Chesterman, who had been a commercial list judge since the inception of the list, was appointed a judge of appeal in December. Justice Dutney was designated as his replacement, joining Justice McMurdo, who continued in the role.

Disputes adjudicated included contests about alleged misuse of intellectual property, contracts for the supply and sale of natural resources, disputes about managed investments, commercial contracts and, reflecting economic conditions, claims by liquidators and other insolvency disputes.

Administrative support is provided to the commercial list judges by the designated commercial list manager.

The commercial list judges are flexible and relatively informal in their management of the list and allocation of trial dates. This discourages interlocutory disputes and encourages the efficient preparation of cases for trial.

Matters are listed by approaching the commercial list manager or by direct contact with the associates of the commercial list judges. The efficient operation of the list depends on commercial list judges being able to offer litigants early credible trial dates. Early trial dates produce the prompt resolution of disputes either by judgment or settlement. The calendars of the judges are arranged to allow maximum available time for commercial cases, with the judges available in the general civil list when commercial cases settle or where, for other reasons, the available time is not filled.

During 2008–09, 67 matters were placed on the commercial list. Fourteen proceeded to trial, several were disposed of by final but uncontested hearings, such as approval of schemes of arrangements, and 14 others settled before trial. Twenty-seven matters were resolved after being placed on the list but before allocation of trial dates.

Supervised case list

This list, under the management of Justice Daubney, 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 the parties.

Whilst most of the supervised cases are placed on the list at the request of one or more of the parties, cases are also listed through the court's initiative, such as where a judge conducting an interlocutory hearing sees the need for ongoing judicial supervision. Cases are also regularly referred to this list after case flow review. Most cases on the list fall within the general 'commercial law' category. It extends, however, to a broad range of civil disputes.

The object is to provide case management to effect a just and timely resolution of these complex disputes

with the minimum commitment of resources by the court and litigants—saving time and reducing costs.

The supervised case list manager is responsible to Justice Daubney. Typically, parties provide regular joint reports to the manager setting out the status of the case and proposals for its future management. These reports provide a means of ongoing supervision for each particular case, and assist the judge in determining the nature and extent of judicial intervention required for effective management.

Most cases on the list are eventually resolved by settlement. Alternative dispute resolution (ADR), particularly mediation, is an entrenched feature of the litigation landscape. Nearly all practitioners with cases on this list are experienced in ADR and work with the judge to ensure that mediation is utilised at the point when it is likely to be most productive of resolution.

There has been an increase of about 50 per cent in the number of supervised cases since the last annual report. There are around 120 cases under management, compared with approximately 80 last year. This increase is due to a number of factors, including greater utilisation of the list by practitioners, more references from other lists (such as case flow), and a general increase in litigation resulting from the economic downturn. This significant increase in workload has been accommodated within the current judicial and support staff allocations.

In terms of case management techniques applied, there has been a particular emphasis on implementing the results of the consultation process previously reported on, especially in the taking of evidence from experts concurrently. This technique has been widely promoted through the profession. Numerous cases on the list have had trial directions provided for this efficient and cost-effective process to be utilised.

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

Registrar’s court jurisdiction

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

The court encourages the use of Rule 666 of the Uniform Civil Procedure Rules (UCPR) to obtain a consent order from the registrar to streamline proceedings and save costs. Some such applications were refused for non-compliance with the regulating practice direction, for example, if the party did not file an affidavit to support an exercise of discretion, or if the consent was not signed by all parties.

Some applications were referred to a judge.

Trial Division districts

Southern district

The Brisbane-based judges service the southern district circuit, encompassing Roma, Maryborough and Toowoomba.

The southern district circuits are managed by Justice Philippides in accordance with the court’s circuit protocol.

Central district

The Central Judge, Justice McMeekin, is responsible for the work of the court in Rockhampton, Mackay, Bundaberg and Longreach. Longreach, as in previous years, has not required a sittings. The central judge sat in Rockhampton civil for ten weeks, Rockhampton crime for 14 weeks, Mackay for eight weeks and Bundaberg for six weeks. He sat in the Court of Appeal for three weeks.

Of note is the increasing length of trials. The impact of mediation and other alternative dispute resolution methods seems to ensure that those matters that require a trial take up a significant amount of time. This increase has not affected the established practice of setting a trial date promptly upon notification that a case is ready for trial.

Nine practitioners were admitted to practise by the central judge in Rockhampton. This availability of admission in their local area is appreciated by the practitioners and their families.

Northern districts

The Northern Judge, Justice Cullinane, conducted sittings primarily in Townsville, with a total of 22 weeks. There were also circuits in Mackay (four weeks) and Mt Isa (four weeks). A further seven weeks were allocated to judgment writing and three weeks to leave.

The judge received assistance from Justice McMeekin for one week to hear matters that he could not.

Justice Cullinane participated in sittings of the Court of Appeal in Brisbane for three weeks in September and for a week in Cairns in June.

In Townsville, there was an increase in the number of criminal cases relating to drug offences.

The management of criminal listings from presentation of indictment, to finalisation (sentencing/trial), continues to be monitored to ensure that clearance rates are maintained.

Civil matters continue to be dealt with expeditiously, with most cases offered trial dates within a few months of the filing of the Request for Trial Date.

Justice Cullinane also sits to hear civil applications each month and, on average, disposes of between 15 to 25 matters as well as hearing other applications when required.

There has been a slight increase in the number of self-represented litigants both in the court and the registry, which requires careful management to refine the best methods of resolving these matters.

Twenty-eight new practitioners were admitted with almost all having completed their academic legal training at James Cook University. The majority of these new practitioners took up positions in Townsville and elsewhere in North Queensland.

Far Northern district

The sitting times for the Far Northern Judge, Justice Jones, have resulted in 32 weeks being spent in Cairns, three weeks in Brisbane in the Court of Appeal, with eight weeks allocated to judgment writing.

Justice Jones participated in sittings of the Court of Appeal held in Brisbane in September 2008 and in Cairns in June 2009.

During the year, ten 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 support of the Supreme Court Library in making available historical exhibitions after their presentation in Brisbane. Members of the bar and the judiciary took part in a photographic exhibition produced by Joseph Jacobs, Barrister-at-Law and Danielle Hodgens, Solicitor. The photography capturing practitioners engaging in their favourite pastimes was entitled 'Lawyers at Large'.

Legal Practice Tribunal

The Legal Practice Tribunal (LPT) is a disciplinary body established under the *Legal Profession Act 2007* to hear and decide on disciplinary applications lodged by the legal services commissioner.

LPT will hear the evidence and decide if the legal practitioner is guilty of either unsatisfactory professional conduct or professional misconduct.

LPT members are Supreme Court judges. The Chief Justice is the chairperson. A lay panel and a practitioner panel have been established to assist the tribunal. The lay panel consists of people, not legal practitioners, with experience and knowledge of consumer protection, business, public administration or another relevant area. The practitioner panel is comprised of solicitors and barristers of at least five years' experience. One member of each panel sits with LPT to decide disciplinary applications.

LPT activity is summarised in table 12.

‘Conducting appropriate references and trials by video link with regional hospitals, corrections and other centres eliminates additional stress for mentally ill patients and defendants.’

Table 12: The Legal Practice Tribunal’s activity 2008–09

	LPT			Clearance rate	Backlog indicator from filing date	
	Lodged	Finalised	Active		% > 12 mths	% > 24 mths
Brisbane	18	18	20	100.0%	30.0%	5.0%

Mental Health Court

The Mental Health Court is constituted by a judge of the Supreme Court, assisted by two experienced psychiatrists appointed under the *Mental Health Act 2000*. The judges appointed to the court are Justice Philippides, President, and Justices Dutney and Lyons. The panel of assisting psychiatrists consists of Drs J M Lawrence AM, J Varghese, E McVie, G Byrne, J Chalk and A Davison.

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 some 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 retain the right to legal representation, with legal representatives generally appearing in the court in Brisbane.

Court examination orders are an important function of the Mental Health Court in its deliberations on a reference or appeal from the Mental Health Review Tribunal. These orders are generally made on the recommendation of an assisting psychiatrist to the court. During 2008-09, 154 orders were made.

This year, the court sat on 71 days and heard a total of 273 matters. These comprised 195 references and 78 appeals. There was a 20 per cent increase in the number of appeals heard, requiring a corresponding increase in the time allocated to hearing appeals (see table 13).

Table 13: Mental Health Court 2008–09

	Number of cases		
	Lodged	Finalised	Active *
References			
Director of Mental Health	72	84	49
Director of Public Prosecutions	12	8	8
Defendant or legal representative	125	94	87
Court of law	4	3	2
Attorney-General	0	6	0
Total references	213	195	146
Appeals			
Director of Mental Health	1	1	0
Attorney-General	28	26	6
Patient or legal representative	52	51	12
Total appeals	81	78	18
Applications to enquire into detention	0	0	0
Total applications	0	0	0
Total	294	273	164

* Includes two reference matters with reserved decisions

Land Appeal Court

The Land Appeal Court hears appeals from the Land Court. Such appeals are by way of rehearing, usually on the record of the court below. The procedure of the Land Appeal Court is governed by equity and good conscience and the strict rules of evidence do not apply. It is constituted by a judge of the Supreme Court and two members other than the member who made the original decision. The Supreme Court judges nominated by the Chief Justice to act as members of the Land Appeal Court are:

- Justice White for the southern district
- Justice Jones for the far northern district
- Justice Cullinane for the northern district
- Justice McMeekin for the central district.

Appeals from the Land Appeal Court may be made to the Court of Appeal on the general ground of error of law only.

There are 45 separate legislative enactments which confer jurisdiction on the Land Court and the Land Appeal Court:

- *Acquisition of Land Act 1967*
- *Alcan Queensland Pty Limited Agreement Act 1965*
- *Amoco Australia Pty Limited Agreement Act 1961*
- *Austral-Pacific Fertilizers Limited Agreement Act 1967*
- *Biological Control Act 1987*
- *Breakwater Island Casino Agreement Act 1984*
- *Central Queensland Coal Associates Agreement Act 1968*
- *Century Zinc Project Act 1997*
- *City of Brisbane Act 1924*
- *Environmental Protection Act 1994*
- *Foreign Ownership of Land Register Act 1988*
- *Forestry Act 1959*
- *Fossicking Act 1994*
- *Geothermal Exploration Act 2004*
- *Housing Act 2003*
- *Housing (Freeholding of Land) Act 1957*
- *Land Act 1994*
- *Land and Resources Tribunal Act 1999*
- *Land Court Act 2000*
- *Land Tax Act 1915*
- *Local Government Act 1993*
- *Aboriginal and Torres Strait Islander Communities (Justice, Land and other Matters) Act 1984*
- *Aboriginal Cultural Heritage Act 2003*
- *Aboriginal Land Act 1991*
- *Aborigines and Torres Strait Islanders (Land Holding) Act 1985*

- *Local Government (Aboriginal Lands) Act 1978*
- *Mineral Resources Act 1989*
- *Nature Conservation Act 1992*
- *Offshore Minerals Act 1998*
- *Petroleum Act 1923*
- *Petroleum and Gas (Production and Safety) Act 2004*
- *Queensland Nickel Agreement Act 1970*
- *Racing Venues Development Act 1982*
- *Soil Conservation Act 1986*
- *State Development and Public Works Organisation Act 1971*
- *Sugar Industry Act 1999*
- *Thiess Peabody Coal Pty Ltd Agreement Act 1962*
- *Torres Strait Islander Land Act 1991*
- *Torres Strait Islander Cultural Heritage Act 2003*
- *Transport Infrastructure Act 1994*
- *Valuation of Land Act 1944*
- *Wet Tropics World Heritage Protection and Management Act 1993*
- *Water Act 2000*
- *Water Supply (Safety and Reliability) Act 2008.*

For the number of matters heard and determined in the Land Court, very few are taken on appeal to the Land Appeal Court. Appeals against the valuation of land, which forms the basis for rent for state leasehold land and the assessment of local government rates and state land tax, constitute the largest number of matters in the Land Court each year (see tables 14 and 15).

An appeal against the valuation of the Pacific Fair Shopping Centre determination in the Land Court was the second of the large shopping centre land valuation appeals to be heard wholly electronically. It occupied two full hearing days in the Banco Court and demonstrated the efficiency of managing what would otherwise be multi-volume appeals in this fashion. No paper record was filed in the Land Appeal Court registry.

Two appeals were heard as a consequence of the transfer of jurisdiction from the Land and Resources Tribunal under the *Mineral Resources Act 1989* and the *Petroleum Act 1923* respectively which would have previously been heard in the Court of Appeal.

Five appeals against valuations of central business district properties in Brisbane were settled by negotiation after the appeals were heard.

Mr John Tickett, President of the Land Court retired in this reporting year. He has guided the Land Court with great skill, dedication and erudition and has greatly assisted the work of the Land Appeal Court, as have all members.

Table 14: Appeals to the Land Appeal Court

	Filing date		
	2006-07	2007-08	2008-09
Number of appeals lodged (by district)			
Far northern	0	0	0
Northern	0	0	0
Central	0	0	0
Southern	12	8	5
Nature of appeals			
Compensation (<i>Acquisition of Land Act 1967</i>)	1	1	0
Valuation (<i>Valuation of Land Act 1944</i>)	10	5	0
Costs (<i>Acquisition of Land Act 1967</i>)	0	0	1
<i>Water Act 2000</i>	0	0	1
Costs (<i>Water Act 2000</i>)	0	0	1
Land tax	1	0	0
Compensation (<i>Petroleum Act 1923</i>)	0	2	0
Costs (<i>Petroleum Act 1923</i>)	0	0	2
<i>Mineral Resources Act 1989</i>	0	0	1

Table 15: Appeals finalised

Appeals finalised in 2008-09	
Nature of appeals	
<i>Mineral Resources Act 1989</i>	1
Costs associated therewith	1
<i>Water Act 2000</i>	1
Costs associated therewith	1
<i>Acquisition of Land Act 1967</i>	1
Costs decision	1
<i>Valuation of Land Act 1944</i>	2
Costs associated therewith	2
Five appeals settled after hearing	5
<i>Petroleum Act 1923</i>	1
Costs associated therewith	1
Appeals to the Court of Appeal	
<i>Acquisition of Land Act 1967</i>	1
Result: Appeal dismissed	

Administrative support

Office of Director of Courts

The Office of Director of Courts coordinates and oversees registry, court reporting, information management and technology, and corporate administration to provide essential support to the Supreme Court throughout the state. This office also coordinates and manages consultation in relation to legislation and policy changes.

The current Executive Director and Principal Registrar, Ms Robyn Anne Hill, was appointed in early 2007. She is supported by executive, administrative staff and registry staff throughout Queensland.

As Principal Registrar, Ms Hill is an ex-officio member of the Incorporated Council of Law Reporting and of the Legal Practitioners Admissions Board. Ms Hill also attends at meetings of the Rules Committee.

Registry operations

The 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.

There are permanent Supreme Court registries in Brisbane, Rockhampton, Townsville, and Cairns. Another 11 centres are visited on circuit and the local Magistrates Court registry generally performs the registry role in those centres.



Supreme and District Courts senior management group (l-r): Kevin Meiklejohn, *Executive Manager (Reporting Operations), State Reporting Bureau*; Stephanie Attard, *Director, State Reporting Bureau and Courts Corporate Services*; Diane Antonsen, *Executive Manager, Supreme and District Courts*; Julie Steel, *Deputy Director of Courts*; Robyn Hill, *Director of Courts*; Bruce Hubert, *Deputy Director, Courts Information Services Branch*; Ashley Hill, *Director, Courts Information Services Branch*

‘The registry has invested considerable time and effort in developing strategies to best manage increasing demands and provide appropriate levels of service within existing resources.’

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.

Increasing workloads

In 2008–09, staff in the registries successfully managed an increase of more than 30 per cent in general civil filings. The biggest challenge was increasing workloads in those areas managed solely within the registry such as succession law and default judgment applications. Default judgments increased by almost 80 per cent since last year. At the same time succession law applications rose by almost 2 per cent this year to just over 7400. However, this is part of a trend which reflects a 55 per cent increase on the number of applications lodged in 2003–04.

Extension of volunteer service

The registries began a partnership with the Court Network for Humanity last financial year as part of the Access Courts program. This program operates in Brisbane to provide assistance to court participants—particularly self represented litigants. On 6 October 2008, the partnership was extended to add an information desk and justice of the peace service. Since its commencement over 4200 people have accessed this service.

eTrials

eTrials is a term that has been developed to describe the electronic management of large numbers of documents in selected trials. Registry staff facilitated legal practitioners and self represented litigants to upload and manage these documents online and

access them during the subsequent trials. Judges and the parties in all of these trials concluded that this approach significantly streamlined and therefore shortened the proceedings.

eFiles

eFiles refers to the strategy of making all documents filed in the registry available to be seen online. This concept is being trialled in the Planning and Environment jurisdiction of the District Court. It has also proven popular, with an average of more than 140 occasions of documents being consulted online per day. Judges and parties to proceedings have all reported that the ability to access court documents when convenient to them provides genuine benefits.

New approaches

The registry has invested considerable time and effort in developing strategies to best manage increasing demands and provide appropriate levels of service within existing resources. These strategies include providing staff with additional training and reviewing current business processes in an effort to identify opportunities for service improvement and efficiencies. The single most significant change initiated this year was to the management of succession law applications. The business process changes have been supported by computer system changes and will be implemented very early in the next financial year.

Overseas study visit

In April 2009, the Director of Operations, Ms Julie Steel, was invited by the University of Montreal to attend the Legal IT conference in Montreal, Canada as a guest presenter. She took the opportunity to visit the courts in Singapore and England at her own expense while in the northern hemisphere. She also met with representatives of the English legal firm, Irwin Mitchell, to discuss their innovative approach to the delivery of legal services. These visits and discussions lead to the identification of some well tested approaches and processes from each of these centres that are being considered for their suitability for Queensland's registries.

Future directions

The registry is committed to innovation so as to maintain and improve the levels of service provided in the most efficient way possible. This will involve working closely with the Future Courts Program throughout 2008–09 and continuing our independent efforts to improve processes and staff skills.

It is expected that workloads will continue to rise and it is therefore imperative that the registry continue to develop and implement strategies to manage this appropriately.

Acknowledgements

Due to increasing workloads, this year has been a challenge for everybody in registries across the state. The commitment and professionalism of all registry staff has been particularly commendable. The support and assistance of legal practitioners and judges when matters have not proceeded smoothly was greatly appreciated, as has been their willingness to engage with the registry in developing new approaches.

State Reporting Bureau

The State Reporting Bureau (SRB) provides recording and transcription services for the Supreme, District and Magistrates Courts, Industrial Court and Industrial Relations Commission. SRB also provides reporting services for the Medical Assessment Tribunal, Mental Health Court, Industrial Court, Land Appeal Court and Legal Practice Tribunal.

Services are provided in Brisbane and at 35 regional and circuit centres in Queensland.

In respect of the Supreme Court Trial Division, reporting services are provided in Brisbane, Cairns, Townsville and Rockhampton and the circuit centres of Mount Isa, Bundaberg, Longreach, Maryborough, Toowoomba and Roma.

In respect of the District Court, reporting services are provided in Brisbane, Cairns, Townsville, Rockhampton, Innisfail, Hughenden, Charters Towers, Bowen, Mackay, Gladstone, Bundaberg, Maryborough, Maroochydore, Gympie, Kingaroy, Emerald, Clermont, Mount Isa, Cloncurry, Longreach, Dalby, Roma, Toowoomba, Goondiwindi, Stanthorpe, Warwick, Ipswich, Southport, Charleville and Cunnamulla.

During 2008–09, SRB implemented or commenced implementation of the following initiatives aimed at improving services and service delivery to its clients:

- the Australian Business Excellence Framework as a mechanism for improving the quality of our services
- establishing a quality team whose focus is on the implementation of a Business Improvement Plan and the associated development of standardised processes and procedures across the state
- engaging a training officer to develop and provide standard training to all staff in addition to the

‘Ongoing learning and development is a key priority for 2008–09. Many of our registry staff undertook CCDU training, completed TAFE accredited courses and/or leadership training.’

continuation of our in-house training program to train existing audio reporters as CAT reporters

- the Transcripts Standardisation Project, which focuses on streamlining the production of transcripts and producing a single reference resource, resulting in reduced training requirements and increased productivity
- the e-commerce and electronic workflow project
- an automated online service for:
 - ordering and payment of court transcripts
 - access to court transcripts to subscribers and internal users
 - electronic distribution of court transcripts to subscribers and internal users.

Queensland Courts Learning and Development Committee

The Queensland Courts Learning and Development Committee is chaired by a Supreme Court judge. Its members include a District Court judge, chief magistrate, executive manager of the Courts Capability Development Unit (CCDU), deputy director operations Supreme and District Court and a number of departmental representatives as required. The aim of the committee is to encourage and promote ongoing learning activities for staff within the registries of Queensland Courts. The committee also provides a forum for staff from CCDU

to discuss learning initiatives within the courts and provides judicial support for those important initiatives.

There have been significant developments in the last twelve months including the development by the CCDU of a nationally recognised Diploma in Government (Court Services) program. This program is delivered in Brisbane and online by the CCDU with support of the Brisbane North Institute of TAFE (BNIT). It was specifically created to deliver the key competencies required of court officers in Queensland and to meet the court officers’ learning development needs.

Impressively, this training method developed by the CCDU and BNIT is being considered by other states to train their court staff in Victoria, New South Wales, Australian Capital Territory and Tasmania in the same way. Currently other states use external providers to do this service. This very innovative development has been widely applauded amongst registry staff. Importantly, it complements the Certificate IV in Government (Court Services) that was launched in 2008. There is no financial cost to staff undertaking the certificate or the diploma and the completion of qualification entitles staff to additional remuneration.

During the last 12 months a number of other important learning projects have been completed, revamped and updated. These projects include:

- revamping and updating of the Introduction to the Supreme and District Court Evolve online course
- revamping and updating the two-day face-to-face Queensland Wide Interlinked Courts (QWIC) Supreme and District Court course to comply with the standards aligned with the certificate IV and diploma programs
- fortnightly one-on-one training on financial reporting in various registries
- the conducting of two tailored, stand-alone client service courses for Supreme and District Court staff
- the release of a new legislation online course
- development of the Registrars Electronic Manual (REM) assisting managers and staff
- ongoing orientation for all Queensland Courts' staff
- Certificate IV in Government (Court Services) placements
- Diploma in Government (Court Services) placements in Queensland Courts which will commence 1 July 2009
- the availability of an external deaf awareness client service program run with Deaf Australia Inc.
- a QWIC Introduction online Evolve course
- a mail handling online Evolve course
- expanded and revised training for associates.

The development of registry staff's professional skills has not been confined to training provided by CCDU. This was the first year that a Professional Development Plan (PDP) was created individually for each staff member. The identification of the training and development needs of each person is a vital part of the PDP. Delivering that training is a management priority across the Supreme and District Court.

The development of management and leadership skills in appropriate staff has been a focus this year. In May 2009, 36 staff members from a variety of courts successfully completed the class room component of the TAFE accredited Certificate IV in Frontline Management. Senior staff have also participated in a variety of training programs including three days of training in facilitation skills and another four days in business process management.

These significant initiatives highlight the important focus that ongoing learning and development has within the registry.

Technology and infrastructure

Courts information services

The 2007–08 annual report identified that organisational change within the department resulted in both the Information Management Branch and the Court Technology Group reporting to the director of courts. The decision was taken to merge these groups into a single unit called the Courts Information Services Branch (CISB). The present Director of the branch is Mr Ashley Hill.

The merged branch incorporates the following teams:

- operations—which provides user support and day-to-day administration for court-related applications as well as service desk support to judicial officers
- systems—which manages and enhances court related applications
- audio visual—which manages, supports and extends 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—develops and manages the communication materials used by the Supreme, District and Magistrates Courts throughout Queensland.

Digital recording

Previous annual reports have highlighted problems with the digital recording solution adopted by the courts. A renewed effort by CISB staff and the application provider resulted in rectifying many of the problems that reduced systemic reliability. In addition to work on the recording application, the department provided funding to upgrade server infrastructure and 20 per cent of the courtroom recording PCs. A network upgrade is also underway that will contribute to improved performance and reliability.

The staffing overhead is high within CISB in order to maintain efficient recording of hearings.

eTrials

The 2007–08 annual report highlighted the development of ‘eCourtroom’ capabilities. Those capabilities were used this year in an eTrials pilot, where the Supreme Court heard four eTrials. As discussed in the Trial Division report, the pilot was successful with parties and the court obtaining significant benefits from

adopting this technology. Funding will be sought to provide the service on a permanent, though limited, basis.

Civil systems

The *CIMSLite* system used to manage civil files in the registry was enhanced to better manage and decrease the resolution time of probate applications. All Supreme and District Court civil files are managed within *CIMSLite* and can be searched online using the eSearch facility on the Queensland Courts website. The eSearch program remains extremely popular with more than 954 000 online searches performed in 2008–09.

Queensland Courts communications

The Queensland Courts communications team maintains the Queensland Courts website and manages court-related communications projects.

The website is easy to navigate and targets key audiences such as jurors, the legal profession and self-represented litigants. During 2008–09, it received more than 10.8 million visits, proving its value to the community and the legal profession.

Audio visual

During 2008–09 the audio visual team visited 48 courthouses to perform systems maintenance and carried out significant systems upgrades in 16 courtrooms. New capital works installations also occurred at two courthouses.

CISB also supports and maintains video conference facilities in selected correctional facilities and during 2008–09 significant upgrades were made to systems in five correctional centres.

The audio visual team is also involved in audio visual installations at the new Ipswich courthouse and audio visual design works for the new metropolitan courts.

Achievements

Key achievements for CISB for 2008–09 included:

- improving the stability of the digital recording solution
- providing a low complexity solution for supporting electronic trials
- consolidating information management and audio visual capability into a single team.

Future directions

Future years will challenge CISB as it strives to deliver high quality services and maintain high quality systems in the face of shrinking revenue.

Acknowledgments

Mr Hill would like to acknowledge the effort of every member of CISB and commend the consistently high quality services delivered. Particular note should be made of the support shown for the branch merger and the tremendous efforts made to improve the digital recording solution.

Related organisations

Supreme Court of Queensland Library

The mission of the Supreme Court of Queensland Library (SCQL) is to serve the judiciary and legal profession in the administration of justice in Queensland.

SCQL fulfils this mission through two important roles:

- the primary legal library service in Queensland, SCQL provides the judiciary, the legal profession and the wider community with research assistance and access to a range of legal information resources (both online and in-person)
- the role preserver and promotor of understanding of Queensland's legal history through publications, exhibitions, archival initiatives and education programs. These self-sustaining activities are funded through charitable donations, sponsorship and the sale of publications.

SCQL is fortunate to be governed by a committee of its users, which ensures services remain responsive and relevant to their needs. The SCQL committee comprises members of the judiciary, nominees of the Queensland Law Society and Bar Association of Queensland, and a nominee of the Attorney-General. In 2008–09 the SCQL committee was chaired by the Hon. Justice Dutney.

Highlights

- As part of the ongoing SCQL Online website project, a new library catalogue interface was launched. The new interface incorporates enhanced remote access capabilities (enabling around the clock access to resources for users across the state) and user customisation options.
- SCQL Online gateways, incorporating the website, online catalogue and Judicial Virtual Library, registered over 3 million visits.
- Significant progress was made in the ongoing initiative to consolidate and streamline law library services for all members of the judiciary and legal profession in Queensland. The benefits of such consolidation are already being realised with improved services being delivered more cost efficiently.
- A total of 12 841 information requests were serviced (including reference enquiries, document delivery requests and research assistance requests).
- The publishing program released four new titles and commenced research for a further two book projects.
- The historical documents digitisation program scanned and processed 5674 pages of historical material, and the oral history collection was expanded with four interviews.

- As part of its community programs, SCQL hosted two lectures and a conference to coincide with the 150th anniversary of the establishment of the colony of Queensland (Q150). In addition, three public exhibitions were curated.
- The SCQL schools program hosted 7810 student visitors to the courts.

Queensland's online legal library

The realisation of a true consolidated online library for Queensland requires highly sophisticated information infrastructure. In 2008–09, SCQL continued to implement the SCQL Online project in stages, in particular the upgrade of the Millennium online catalogue system to facilitate remote, authenticated access to a range of resources and services.

SCQL Online (www.sclqld.org.au) is envisioned as a central gateway through which the legal profession and wider community will be able to access vital legal information, 24 hours a day seven days a week, regardless of their location. Current website features include:

- a searchable database of full-text Queensland judgments
- integrated online searching of electronic and hardcopy collections, and the ability to receive convenient email updates for new material and custom searches
- seamless, remote access to full-text online databases for registered users (as licensing permits)
- secure research assistance and document delivery request system for legal practitioners, firms and libraries
- free access to the weekly current awareness service Queensland Legal Updater.

Information services and collections

The possible consolidation of publicly-funded law library services for the Queensland judiciary and legal profession has been widely discussed in recent years.

In 2008, the closure of the Queensland Law Society Library, and subsequent successful streamlining of library services for Queensland solicitors through the SCQL, demonstrated the benefits of consolidation—services were improved whilst also generating significant cost savings.

In 2008–09, similar opportunities were discussed with reference to the Department of Justice Library. The consolidation of selected legal library services across the Department of Justice portfolio will assist in the reduction of duplicate material and also broaden the diversity of legal information available to all. In addition, by forming a more influential purchasing consortium, more advantageous pricing and licensing agreements will be negotiated for the constituent bodies.

This year SCQL commenced negotiations with legal publishers on behalf of the portfolio library collections, with the objective of securing cost effective, broad and flexible terms of access.

SCQL continues to provide core information services (including reference, document delivery and research assistance) to the Queensland judiciary, legal profession and members of the public with matters before the court. Additional services include:

- *Judicial Current Awareness* service, which circulated 5173 articles and speeches to Queensland judges and magistrates this year
- legal research and product training for judges, associates, legal practitioners and court staff

‘The benefits of consolidating publicly-funded law library services were realised this year with significant cost savings achieved and improved services delivered through the SCQL.’

- judgment bulletins and indices, via the SCQL website and *Queensland Legal Indices*
- biographical sources on members of the judiciary.

Scholarly publishing

In 2008–09, SCQL published four new titles contributing to the public record of Queensland’s legal history and celebrating significant milestones:

- the fourth volume of the *Supreme Court History Program Yearbook*, which features scholarly articles, together with tributes to retiring judges, legal personalia and a review of significant judicial and legislative developments
- *A Court Apart: The History of the District Court of Queensland* by Dr Denver Beanland, which celebrates the 50th anniversary of the re-establishment of the District Court
- *Guardian Of Your Rights: Queensland Council for Civil Liberties: A History, 1966–2007*, by Eddie Clarke, which commemorates 40 years of service by the Queensland Council of Civil Liberties
- *Far North: History of the North Queensland Law Association*, by Mr Gordon Dean, retired Magistrate and Honorary Archivist for the Magistrates Court, which marks the 50th anniversary of the establishment of the North Queensland Law Association (NQLA).

Legal heritage programs

Highlights of the Supreme Court History Program (SCHP) and historical document digitisation program include:

- digitisation of the Queensland Society of Notaries minute books and notarial register of Mr William Harold Conwell
- ongoing digitisation of the Bar Association of Queensland collection processing 6553 of 11 943 pages
- recording of oral history interviews with His Honour Alan Wilson SC and with the Hon. William J Carter QC
- receipt of personal papers from the Hon. Ian Callinan AC QC for inclusion in the judicial biography collection.

Community outreach programs

SCQL was honoured to host, in conjunction with the University of Queensland’s Centre for Public, International and Comparative Law (CPICL), the *Q150 Constitutional Conference* on Friday 29 May 2009.

The conference was held in the historic Queensland Legislative Council Chamber, Parliament House, to coincide with the 150th anniversary of the establishment of the colony of Queensland. Papers focused on the origins and evolution of Queensland’s constitution. Her Excellency Penelope Wensley AO, Governor of Queensland, delivered the opening address and other speakers included the Hon. Murray Gleeson AC QC, Former Chief Justice of the High Court of Australia, and the Hon. Justice James Allsop SC, President of the NSW Court of Appeal.

In addition, SCQL hosted the following lectures:

- the 2009 BH McPherson Oration on *Legal History, Fortresses, cathedrals and monuments of law: An account of the architecture of the English law court over time*, presented by Dr Linda Mulcahy from Birkbeck College, London
- in conjunction with the Selden Society, *Blackstone at the Bar and at the Bench*, presented by Professor William Prest in the Banco Court.

Future directions

In the coming year SCQL will focus on preparations for the relocation to the new court building in 2011. Infrastructure and staffing strategies will continue to be refined to ensure the organisation remains well positioned to serve as the primary legal library for Queensland. Consolidation and strengthening will be key themes.

Major activities include:

- continuing to work collaboratively towards a consolidated and efficient library service across the Department of Justice and Attorney-General portfolio, to deliver improved services at a lower cost for all constituent bodies
- ongoing implementation of the SCQL Online project with incremental enhancements of the catalogue system to improve remote access to online resources
- removal of surplus print material in excess of 22 000 items (approximately 14 per cent of the collection) as required prior to relocation to the new court building
- publication in 2011 of an illustrated commemorative book to celebrate the 150th anniversary of the establishment of the Supreme Court of Queensland.

Community engagement



QPILCH—2009 Walk For Justice

The 2009 Queensland Public Interest Law Clearing House (QPILCH) Walk for Justice took place on 15 May 2009.

Staff from the Court of Appeal and Queensland Courts joined the Hon. Justice Margaret McMurdo AC, President of the Court of Appeal on the 5km walk along the river, finishing with breakfast at the City Gardens café.

The total funds raised for QPILCH, including sponsorship monies, was close to \$11 000, up from \$8500 in 2008. All funds raised go to QPILCH's pro bono gift fund for direct use by pro bono clients who need assistance with tasks such as filing documents or obtaining reports.

QPILCH is a not-for-profit community-based organisation that coordinates the provision of pro bono legal services for individuals and community groups who cannot afford private legal assistance.

Appendices

Appendix 1: Supreme Court Associates

Mr Paul Klug	Associate to the Chief Justice	Ms Katherine McGree	Associate to Justice Mullins
Ms Jodi Gardner	Associate to the President of the Court of Appeal, Justice Margaret McMurdo	Mr Geoffrey Lewis	Associate to Justice Philippides
Mr Justin Carter	Associate to Justice Keane	Mr Boxun Yin	Associate to Justice P McMurdo
Mr Lachlan Zangari	Associate to Justice Holmes	Mr Charles Tellier	Associate to Justice Douglas
Ms Erin Hanson	Associate to Justice Muir	Mrs Catherine Stewart	Associate to Justice A Lyons
Ms Breanna Hamilton	Associate to Justice Fraser	Ms Rhian Ward	Associate to Justice Daubney
Mr Tristan Gaven	Associate to Justice Chesterman	Miss Giselle Kilvert	Associate to Justice Martin
Ms Cassie Aprile	Associate to the Senior Judge Administrator, Justice Byrne	Mr Benjamin Fraser	Associate to Justice Applegarth
Ms Ruimin Gao	Associate to Justice White	Mr Myles O'Sullivan	Associate to Justice P Lyons
Ms Jill Chang Chien	Associate to Justice Fryberg	Ms Jackie-Lee Scolyer	Associate to Justice Jones (Cairns)
Ms Petria Comino	Associate to Justice Wilson	Ms Sophie Brown	Associate to Justice Cullinane (Townsville)
Mrs Claire Yeo	Associate to Justice Atkinson	Ms Claire Campbell	Associate to Justice McMeekin (Rockhampton)
Mr Joshua Creamer	Associate to Justice Dutney		



Front row, left to right: Cassie Aprile; Justin Carter; Jodi Gardner; Petria Comino

Second row, left to right: Katherine McGree; Ruimin Gao; Lachlan Zangari; Catherine Stewart; Joshua Creamer; Paul Klug; Breanna Hamilton; Boxun Yin; Rhian Ward

Third row, left to right: Claire Yeo; Charles Tellier; Geoffrey Lewis; Tristan Gaven; Ben Fraser; Myles O'Sullivan; Giselle Kilvert;

Inset left to right: Jill Chang Chien; Erin Hanson; Jackie-Lee Scolyer; Sophie Brown; Claire Campbell

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