



QUEENSLAND
COURTS

Supreme Court of Queensland

Annual Report 2009–2010







**QUEENSLAND
COURTS**
CHAMBERS OF THE CHIEF JUSTICE

Law Courts Complex
304 George Street
Brisbane QLD 4000

PO Box 15167
City East QLD 4002

Ph: +61 7 3247 4279
Fx: +61 7 3247 4206

www.courts.qld.gov.au

28 October 2010

The Honourable Cameron Dick MP
Attorney-General and Minister for Industrial Relations
State Law Building
50 Ann Street
Brisbane Qld 4000

Dear Attorney

I enclose my report, under s. 119B (1) of the *Supreme Court of Queensland Act 1991*,
on the operation of the Supreme Court for the year ended 30 June 2010.

Yours sincerely

A handwritten signature in black ink 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 based on the requirements of the Commonwealth Productivity Commission in relation to its annual 'Report on Government Services'.

Disposition of caseload

Trial Division

On the criminal side, the Trial Division ended the year with 540 outstanding cases and disposed of 1,302 matters (a 92.8 per cent clearance rate). Of the outstanding cases, 17.2 per cent were more than

12 months old (from date of presentation of indictment), and 3.7 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 5,907 cases awaiting a hearing by trial. It ended the year with 6,263 outstanding cases, disposing of 6,937 matters, reflecting a 94.9 per cent clearance rate. Of the 6,263 active cases at the end of the year, 24.1 per cent were older than 12 months (from filing date) and 5.4 per cent were older than 24 months.

Court of Appeal Division

The Court of Appeal Division disposed of 344 criminal appeals this year, representing a clearance rate of 98.6 per cent. As at 30 June 2009, 156 criminal appeals awaited disposition (149 last year).

The Court of Appeal also disposed of 248 civil appeals (down from 252 in 2008-09), with a clearance rate of 93.2 per cent, leaving 112 outstanding at the end of the year (94 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 15th consecutive Annual Seminar on 10-11 August 2009. There were two sessions on the topic of a “Bill of Rights”, at which the presenters were the Hon Justice William Wilson, Supreme Court of New Zealand (“*The New Zealand Experience*”), and Father Frank Brennan AO, Chair, National Human Rights Consultation Committee (“*Process of Consultation*”).

There were sessions on areas of law and procedure: Dr Anthony Cassimatis, University of Queensland (“*Judicial Review – Comparison with other Jurisdictions*”), Mr Charles Tellier, Judge under the direct authority of the Chief Justice of Caen, Lower Normandy, France (“*Comparisons with France*”), the Hon Justice Hoeben, Supreme Court of New South Wales and Mr Eric Fox, Engineer (“*Hearing Expert Evidence Concurrently*”), the Hon Mr Justice Kearns, Supreme Court of Ireland (“*The Effect of the European Convention on Human Rights on Irish law*”), and Professor Paul Mazerolle, Director, Key Centre for Ethics, Law, Justice and Governance, Griffith University (“*Homicide Project, Domestic Violence and Special Response Courts*”).

Other sessions concerned more general topics: Dr Chris Caton, Chief Economist, BT Financial Group (“*The ‘Global Financial Crisis’*”), Associate Professor Andreas Schloenhardt, University of Queensland (“*Organised Crime and Bikies*”), and Mr Michael Gow, Artistic Director, Queensland Theatre Company (“*The Direction and Production of The Crucible*”).

New metropolitan courthouse project

I express gratitude to Justice Margaret Wilson and Justice Philip McMurdo for their representation of the Judges of this court in consultation with departmental officers, the architects and the builder.

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 (12 weeks), the Criminal Court (six weeks), Civil sittings (four weeks), Applications (six weeks), Cairns (two weeks), Maryborough (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 bi-annually.

I attended two meetings of the Council of Chief Justices of Australia and New Zealand, the first in Adelaide on 21 October 2009; and the second in Melbourne on 19 March 2010, in conjunction with the valedictory ceremony marking the retirement of the Hon Michael Black AC as Chief Justice of the Federal Court of Australia.

I attended the Supreme and Federal Court Judges’ Conference in Canberra from 23-27 January 2010, the Annual Conference of the Bar Association of Queensland at the Gold Coast from 5-7 March 2010, and the Fifth World Bar Conference in Sydney from 1-4 April 2010.

Accompanied by my wife, I attended the Central Queensland Law Association Annual Conference at Yeppoon from 16-18 October 2009.

I attended various regional functions:

- on 13 July 2009 in Rockhampton, hosted by the Central Queensland judiciary and bar, and then on 14 July, the Opening of the Law Year service at St Paul’s Cathedral
- on 1 September 2009 in Cairns, hosted by the Far North Queensland profession
- on 13 April 2010 in Maryborough, hosted by the Fraser Coast District Law Association

- on 18 June 2010 at Southport, hosted by the Gold Coast District Law Association

During 2009-10 other official duties included Acting Governor for an aggregate period of three weeks, and receiving six calls by members of the diplomatic service.

International aspects

On Friday 17 July 2009 a delegation of judges and administrative officers from the Shanghai High People's Court visited the Supreme Court in Brisbane.

On 14 August 2009, the Supreme Court at Brisbane received the visit of three judges from the Supreme Court of Sri Lanka and nine judges from the Court of Appeal of Sri Lanka, in the course of their attendance at educational and training seminars conducted by the T C Beirne School of Law at the University of Queensland.

On 19 October 2009 a delegation of judges from Anhui Province, People's Republic of China, visited the Supreme Court in Brisbane.

On 23 November 2009, the court at Brisbane received a delegation of judges from the High People's Court, Henan Province, People's Republic of China.

Judicial appointments

Justice White was appointed a Judge of Appeal on 15 April 2010.



Judicial retirement

Justice Keane resigned on 21 March 2010 to take up appointment as the Chief Justice of the Federal Court of Australia.

Recognition

The Hon Kevin William Ryan CBE RFD, a distinguished member of this court from 1984 to 1994, died on 17 November 2009.

Personal

Justice Dutney died on 4 September 2009 while in office. His Honour had served with distinction as a member of the court from 20 March 2000. He served as Central Judge from 19 May 2000 until 13 January 2008. I record the appreciation of the judiciary for our former colleague's contribution, and our profound sympathy for Ms Bronwyn Springer and her children.

Acknowledgement

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

Message from the Director of Courts

2009–10 was again a busy year for the court.

The Court Network volunteer service again expanded and developed during its third 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. The work of the Court Network volunteers helps to maintain the dignity of all court users and facilitates access to justice for all in the community.

A Business Improvement Team was established to focus on the development of policy and procedures and the identification of business improvement opportunities generally.

Administrative processes for Probates have been streamlined to facilitate better response times for applications, resulting in Grants of Probates taking considerably less time to be issued.

2009–10 has seen a continued increase in the workload of the registry, with an approximately 2 per cent increase in filings in the Supreme Court jurisdiction over the previous financial year.

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 continues to invest considerable time and effort in strategies to manage the challenge of the increased workload including additional training and review of business processes.

2009-10 saw several 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 was easy to use and generated real time and cost savings.

A Team Leader (Electronic Trials) has been appointed to develop the eTrials framework, promote the benefits to relevant stakeholders and to oversee further implementation.

Improvements to the digital recording solution have continued apace in 2009-10, delivering a robust, reliable and stable system.

The State Reporting Bureau has continued to improve processes and standardisation of processes across the state.

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 Patrick Anthony Keane *(resigned 21 March 2010)*

The Honourable Catherine Ena Holmes

The Honourable John Daniel Murray Muir

The Honourable Hugh Barron Fraser

The Honourable Richard Noel Chesterman, RFD

The Honourable Margaret Jean White *(appointed 15 April 2010)*

Trial Division

Senior Judge Administrator

The Honourable John Harris Byrne, RFD

Trial Division judges

The Honourable Margaret Jean White *(until 14 April 2010)*

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 *(died in office 4 September 2009)*

The Honourable Debra Ann Mullins

The Honourable Anthe Ioanna Philippides

The Honourable Philip Donald McMurdo

The Honourable James Sholto Douglas

The Honourable Ann Majella Lyons

The Honourable Alfred Martin Daubney

The Honourable Glenn Charles Martin

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

The Honourable Peter David Talbot Applegarth

The Honourable Peter James Lyons

The Honourable Alan Muir Wilson *(appointed 22 October 2009)*

Other appointments

Mental Health Court

The Honourable Anthe Ioanna Philippides (*President*)

The Honourable Peter Richard Dutney (*died in office 4 September 2009*)

The Honourable Ann Majella Lyons

Chair, Law Reform Commission

The Honourable Roslyn Gay Atkinson

Land Appeal Court

The Honourable Peter James Lyons (Southern District)

The Honourable Keiran Anthony Cullinane, AM (Northern District)

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



Left to right: The Hon Justice Holmes; The Hon Justice Applegarth; The Hon Justice Margaret Wilson; The Hon Justice Martin; The Hon Justice A Lyons; The Hon Justice Chesterman; The Hon Justice P Lyons; The Hon Justice Muir; The Hon Justice Fraser; The Hon Justice Jones AO; The Hon Justice Boddice (appointed 2 July 2010); The Hon Justice Fryberg; The Hon Chief Justice de Jersey AC; The Hon Justice Atkinson; The Hon Justice Cullinane AM; The Hon Justice Byrne RFD; The Hon Justice Daubney; The Hon Justice McMurdo AC (President); The Hon Justice McMeekin; The Hon Justice Douglas; The Hon Justice P McMurdo; The Hon Justice Alan Wilson; The Hon Justice White; The Hon Justice Philippides.
(absent: The Hon Justice Mullins)

Court of Appeal

Organisational structure

The Court of Appeal hears appeals:

- in criminal and civil matters from the Trial Division of the Supreme Court of Queensland
- in criminal and civil matters from the District Court of Queensland
- from the Planning and Environment Court and
- from a range of other courts and tribunals, most of which were amalgamated into the Queensland Civil and Administrative Tribunal.¹

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

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

- the Hon Justice Patrick Anthony Keane (resigned as a judge of appeal from 21 March 2010)
- the Hon Justice Catherine Ena Holmes
- the Hon Justice John Daniel Murray Muir
- the Hon Justice Hugh Barron Fraser
- the Hon Justice Richard Noel Chesterman RFD
- The Hon Justice Margaret Jean White (appointed a judge of appeal on 15 April 2010).

Justice Keane resigned as a judge of appeal in March 2010 to take up duties as Chief Justice of the Federal Court of Australia. To ensure the finalisation of matters in which Justice Keane was involved prior to his resignation, he ceased sitting in the Court of Appeal from and including 1 March 2010.

Justice White was appointed a judge of appeal on 15 April 2010, commencing sitting in the Court of Appeal on 4 May 2010, over eight weeks after Justice Keane ceased sitting. In the period between Justice Keane resigning and Justice White commencing as Judge of Appeal the Judges of Appeal, with the assistance of the Chief Justice and judges from the Trial Division, sat additional hours to ensure that a minimal number of matters were de-listed.

The Court of Appeal sat as a bench of three judges for 43 weeks during the year, compared to 42 weeks last year. The President and the Judges of Appeal together sat 213 individual judges weeks² this year, the same number as last year.

The Chief Justice sat in the Court of Appeal for 12 weeks this year, compared to 10 weeks last year.

Trial Division judges sat in the Court of Appeal for 56 individual judge weeks this year, compared to 66 weeks last year and 64 weeks in 2007-2008.

Although the number of Judges of Appeal (including the President) was increased from five to six in 2007-2008, it remains desirable for the Chief Justice and the Trial Division judges to sit regularly in the Court of Appeal. The Court benefits from their experience, especially in trial work, and would not be able to dispose of its workload as efficiently without their assistance.

The President and the Senior Deputy Registrar (appeals), Mr Neville Greig (who commenced long service leave on 22 March 2010) and the acting Senior Deputy Registrar (appeals), Mr Neil Hansen, continue to work together with the Judges of Appeal to ensure the determination of urgent appeals in a timely fashion. The following categories of matters are heard expeditiously:

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

¹ See Queensland Civil and Administrative Tribunal Act 2009 (Qld), s 247-248.

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

against sentences where respondents have been released into the community

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

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

The President and the Judges of Appeal value the high level of service provided by Mr Greig and Mr Hansen, and the appeals registry staff, all of whom 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 and the A/Director of Courts, Ms Julie Steel; the Director of Operations, Ms Julie Steel and the A/Director of Operations, Mr Michael Webb; the Executive Manager, Ms Diane Antonsen and the A/Executive Manager, Mr Nick Dower.

Human resourcing issues

The performance of the State Reporting Bureau (SRB) has again provided difficulties for the registry staff, the court, the profession and litigants during this reporting year.

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

hearings for the preparation of appeal record books have been reduced as liaison between appeal registry staff and SRB has improved.

- The quality of SRB transcripts remains inconsistent and problematic. In one case, crucial portions of transcript were missing, including the judge's redirections to the jury.³ In another, the transcript of the arraignment of the appellant was incomplete.⁴
- Despite the diligent efforts of the director of SRB and her staff to implement systems to improve the quality of transcripts provided to the Court of Appeal, errors continued beyond this reporting year.⁵
- Occasional delays in commencing Court of Appeal hearings because of faulty SRB recording equipment have continued to occur.

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

The high turnover of appeal registry staff has again caused difficulty during this reporting year. At times, the Senior Deputy Registrar (appeals) and the acting Senior Deputy Registrar (appeals) have not received the assistance they need because of constant staff turnover. This has resulted in judges sometimes receiving incomplete or wrong material, and a reduction in the efficiency of the Court.

The judges acknowledge the outstanding service given to the Court of Appeal, the profession and the public by Mr Greig who has been Senior Deputy Registrar (appeals) since 3 December 2001. The judges have warmly welcomed Mr Hansen who is presently acting in that position. Like Mr Greig, he brings decades of experience and wisdom to this pivotal role.

³ R v KAD [2010] QCA 110, heard 2-3 March 2010.

⁴ R v Fidler [2010] QCA 25.

⁵ R v PAK [2010] QCA 187, heard 20 July 2010, where the appellant's evidence was not included in the transcript provided for the appeal record book.

The unsatisfactory counter facilities for people with physical disabilities have been improved this reporting year through the merger of the appeal registry counter with the main court registry counter.

Disposal of work

This year 615 matters were commenced in the Court of Appeal (349 criminal matters and 266 civil matters) compared to 639 matters last year (369 criminal and 270 civil). There are 268 active matters (including undelivered reserved judgments) compared to 243 last year.

Table 1: Annual caseload and performance indicators

| | Number of cases | | | |
|--------------|-----------------|------------|-------------|---|
| | Lodged | Heard | Finalised * | Active (including reserved judgments not yet delivered) |
| Criminal | 349 | 345 | 344 | 156 |
| Civil | 266 | 264 | 248 | 112 |
| Total | 615 | 609 | 592 | 268 |

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

Table 2: Judgments, criminal matters

| Judgments | 2007-08 | 2008-09 | 2009-10 |
|---------------------------------------|---------|---------|---------|
| Outstanding at start of year | 6 | 24* | 20 |
| Reserved | 189 | 226 | 220 |
| <i>Ex tempore</i> judgments delivered | 119 | 79 | 52 |
| Reserved judgments delivered | 172 | 230 | 218 |
| Outstanding at end of year | 23 | 20 | 22 |

*Adjustments made to figure due to finalisation of data.

Table 3: Judgments, civil matters

| Judgments | 2007-08 | 2008-09 | 2009-10 |
|---------------------------------------|---------|---------|---------|
| Outstanding at start of year | 14 | 19 | 8 |
| Reserved | 164 | 137 | 157 |
| <i>Ex tempore</i> judgments delivered | 41 | 52 | 63 |
| Reserved judgments delivered | 159 | 148 | 141 |
| Outstanding at end of year | 19 | 8 | 24 |

The Court's clearance rate of criminal matters this year has again improved from 94.39 per cent last year to 98.57 per cent. The Court finalised 98.91 per cent of civil matters within 12 months. Overall, 97.45 per cent of Court of Appeal matters were finalised within 12 months of lodgement. Of those matters not finalised within 12 months of lodgement, 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 was 28 days, compared to 34 days last reporting year. Overall, the median time between hearing and delivery of reserved judgments has remained at 21 days.

Table 4: Time between hearing and delivery of reserved judgments

| Type of cases | Median number of days | | |
|----------------|-----------------------|---------|---------|
| | 2007-08 | 2008-09 | 2009-10 |
| Criminal cases | 18 | 18 | 18 |
| Civil cases | 22 | 34 | 28 |
| All cases | 21 | 21 | 21 |

Origin of appeals

The filings from the Trial Division have increased considerably in civil matters for the second consecutive year. They have decreased slightly in criminal matters. The filings from the District Court in civil matters have fallen for the second consecutive year, as they have in criminal matters. In Planning and Environment Court matters, too, there has been a noticeable decrease in filings since the last reporting year.

Table 5: Court in which matters were commenced

| Court | Number of matters filed | | |
|--|-------------------------|---------|---------|
| | 2007-08 | 2008-09 | 2009-10 |
| Trial Division—civil | 139 | 167 | 195 |
| Trial Division—criminal | 92* | 99* | 97* |
| District Court—civil | 75 | 72 | 57 |
| District Court—criminal | 348 | 270 | 247 |
| Planning and Environment Court | 8 | 20 | 13 |
| Other—civil (cases stated, tribunals etc.) | 14 | 11 | 1 |
| Magistrates Court—criminal | 0 | 0 | 5 |
| Other—criminal | 0 | 0 | 0 |

* These statistics include Circuit Court matters.

The number of general civil appeals has increased for the second consecutive year.

The number of sentence applications filed has again fallen for the second consecutive year.

The number of conviction only appeals has risen this year and is higher than in the last two reporting years.

The number of combined conviction and sentence appeals has also risen since last year, but not to 2007-2008 levels.

The number of sentence appeals brought by the Queensland Attorney-General and the Commonwealth Director of Public Prosecutions has fallen this year and is noticeably less than in the last two reporting years.

Table 6: Types of appeals filed

| Appeal type | 2007-08 | 2008-09 | 2009-10 |
|-------------------------------------|-----------|-----------|-----------|
| Civil | | | |
| General including personal injury | 126 | 144 | 152 |
| Applications | 80 | 87 | 84 |
| Leave applications | 22 | 20 | 15 |
| Planning and environment | 8 | 19 | 13 |
| Other | 0 | 0 | 2 |
| Criminal | | | |
| Sentence applications | 211 | 170 | 156 |
| Conviction appeals | 58 | 57 | 64 |
| Conviction and sentence appeals | 65 | 41 | 46 |
| Extensions(sentence applications) | 39 | 30 | 9 |
| Extensions(conviction appeals) | 17 | 13 | 16 |
| Extensions(conviction and sentence) | 14 | 19 | 13 |
| Sentence appeals(A-G/Cw/DP*) | 22 | 23 | 14 |
| Other | 14 | 16 | 31 |

* Attorney-General/Commonwealth Director of Public Prosecutions

Table 7: Matters heard where one or both parties unrepresented

| Number of cases | 2007-08 | 2008-09 | 2009-10 |
|-----------------|------------|------------|------------|
| Civil | 66 | 71 | 80 |
| Criminal | 92 | 109 | 101 |
| TOTAL | 158 | 180 | 181 |

These tables show that although there has been a slight drop in filings, this has been in sentence appeals.

Civil appeals from the Trial Division and conviction appeals have risen noticeably. These appeals are generally more complex than sentence appeals, making the Court's workload this year more onerous than in previous years.

This year the Court of Appeal disposed of 592 matters. In the same period, there were 38 applications for special leave to appeal from the Court of Appeal to the High Court of Australia of which seven were granted. The High Court heard one appeal from the Court of Appeal which was dismissed.⁶

Table 8: Applications and appeals from the Court of Appeal to the High Court

| Applications for special leave | Criminal | | | Civil | | |
|--------------------------------|----------|---------|---------|---------|---------|---------|
| | 2007-08 | 2008-09 | 2009-10 | 2007-08 | 2008-09 | 2009-10 |
| Granted | 1 | 2 | 3 | 3 | 3 | 4 |
| Refused | 15 | 10 | 11 | 34 | 12 | 20 |
| Appeals | Criminal | | | Civil | | |
| | 2007-08 | 2008-09 | 2009-10 | 2007-08 | 2008-09 | 2009-10 |
| Allowed | 0 | 1 | 0 | 0 | 1 | 0 |
| Dismissed | 1 | 1 | 1 | 3** | 0 | 0 |

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

⁶ 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.

Other highlights

Highlights for the Court of Appeal this reporting year include:

the appointment of Justice Keane as Chief Justice of the Federal Court of Australia on 22 March 2010. He is the first Queenslanders to hold this role.

the Court of Appeal's annual northern sittings held in Townsville from Monday, 24 May to Friday, 28 May 2010.

- Five judges took part: the President, Holmes JA and Muir JA from Brisbane; the Northern Judge, Cullinane J from Townsville; and the Central Judge, McMeekin J from Rockhampton.
- The Court heard 14 matters over the five days: five sentence applications; two appeals against conviction and sentence; four 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 Townsville, Cairns and Brisbane participated in the sittings. In terms of appearances by counsel, 67 per cent were barristers based in North Queensland (63 per cent from Townsville and 4 per cent from Cairns) and 33 per cent were barristers based in Brisbane. In the civil appeal, the law firms and counsel were from Cairns. There were no appearances from female counsel. Legal aid was granted in nine of the 13 criminal matters. Three matters involved self-represented litigants and another litigant failed to appear at the hearing.
- During the sittings the judges met informally with Townsville judicial officers and attended the North Queensland Bar Association dinner.
- The President presented the 2010 Mayo Lecture at James Cook University, which was preceded by

a student function and followed by dinner with university staff and students.

The Court of Appeal sat as a bench of five judges on one occasion: *R v Lacey*; *ex parte Attorney-General (Qld)*,⁷ the hearing of which took place over two days.

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

- The Court's research officer, Mr Bruce Godfrey, coordinates the publication of these judgments, ensuring compliance with the sometimes complex legislative prohibitions which have increased this reporting year.⁸
- Mr Godfrey arranges electronic links to the judgments for all major Brisbane media outlets.
- He prepares judgment outlines. These are published on the Supreme Court Library website and distributed to interested Queensland judicial officers, the Queensland Law Society, and the Bar Association of Queensland. They are also published in *Proctor*, the Queensland Law Society journal.

The public, the legal profession and the judges are aware of the under-representation of women at the bar and of women counsel in Court of Appeal hearings.⁹ This year, women counsel appeared in 10.1 per cent of all court appearances in the Court of Appeal although they comprised 19.6 per cent of membership of the Bar Association of Queensland.¹⁰ Sixty-seven per cent of those appearances were in criminal matters and 32 per cent in civil matters. Although this percentage is less than the percentage of women at the bar in Queensland,¹¹ it is a slight but still encouraging increase from the 10 per cent last reporting year and 6.2 per cent in 2007-2008.

⁷ [2009] QCA 274.

⁸ See especially *Child Protection Act 1999 (Qld)*, s 193-s 194, operative from 29 March 2010.

⁹ See, for example, Kirby J 'The Future of Appellate Advocacy' (2006) 27 *Aust Bar Review* 141 at 155-159; Hunter, Prof R 'Discrimination Against Women Barristers: Evidence from the Study of Court Appearances and Briefing practices' (March 2005) 12(1) *International Journal of the Legal Profession* 3.

¹⁰ As at 28 July 2010.

¹¹ 19.6 per cent as at 28 July 2010.

The President, in consultation with the Judges of Appeal, the Senior Deputy Registrar (appeals), his staff, and the research officer, has comprehensively redrafted the Court of Appeal Practice Direction with a view to further improving practice and procedure in the Court of Appeal: see Supreme Court of Queensland Practice Direction No 2 of 2010, issued 7 May 2010.

Self-represented litigants

The number of self-represented litigants in the Court of Appeal has increased in civil matters for a second consecutive year, but fallen slightly in criminal matters. At least one party was unrepresented in 80 civil cases (compared to 71 last year) and 101 criminal cases (compared to 109 last year). This equates to 39 per cent of civil matters and 37.4 per cent of criminal matters.

Table 9: Matters heard where one or both parties were unrepresented

| Number of cases | 2007–08 | 2008–09 | 2009–10 |
|-----------------|------------|------------|------------|
| Civil | 66 | 71 | 80 |
| Criminal | 92 | 109 | 101 |
| TOTAL | 158 | 180 | 181 |

The Queensland Public Interest Law Clearing House (QPILCH) and its Self-Representation Service (Court of Appeal)¹² assisted 23 potential litigants in the Court of Appeal. Of these, eight potential appellants emerged, three of whom received full legal representation through QPILCH. Following QPILCH’s advice, six litigants did not proceed with their appeals and were diverted from the Court system, saving resources and registry and Court time. The President and the Judges of Appeal thank QPILCH and the Self-Representation Service for their valuable contribution to Queensland’s justice system.

The Court of Appeal criminal law pro bono scheme, first established in 1999-2000, continued to operate this year. With the assistance of the Bar Association

of Queensland and the Queensland Law Society, unrepresented appellants convicted of murder or manslaughter, juveniles and those under an apparent legal disability receive legal representation for their appeals. This year, six appellants were assisted by the scheme. The President and the Judges of Appeal thank the public-spirited barristers listed in the Court of Appeal pro-bono list, particularly the six barristers who were called on this reporting year.

Other legal practitioners also appear on occasions pro bono for parties in the Court of Appeal. The Court also thanks them for their assistance.

A total of 23.9 per cent of self-represented criminal appellants, compared to 14.5 per cent last year, and 8.1 per cent of self-represented civil appellants, compared to 14 per cent last year, were successful in their appeals. Overall, 18.3 per cent of self-represented litigants were successful. These figures suggest a need for increased legal aid funding at an appellate level.

| Court of appeal pro bono list for 2009-2010 | |
|---|---------------------------|
| John Baulch SC (Tville) | Tony Kimmins |
| David Boddice SC | Gary Long SC |
| Martin Burns | Dennis Lynch |
| Michael Byrne QC | Kelly Macgroarty |
| Peter Callaghan SC | Alan MacSporran SC |
| Anthony Collins (Tville) | Frank Martin (Twba) |
| 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 (R’ton) |
| Simon Hamlyn-Harris | Colin Reid |
| James Henry SC (Cairns) | Peter Richards |
| Jeffrey Hunter SC | Tim Ryan |
| Mark Johnson | Bret Walker SC |
| Stephen Keim SC | Elizabeth Wilson |

¹² Formerly the Court of Appeal Self-Representation Civil Service

Information technology

The Court of Appeal heard its first fully electronic appeal: Chief Executive Department of Natural Resources & Ors v Kent Street Pty Ltd¹³ on 2 September 2009. A second electronic appeal was heard on 21 and 22 June 2010.

This year the Court has continued to hear a significant number of criminal and civil matters by video and audio link. The quality of these links has again been variable, sometimes resulting in lost court time because of adjournments.

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

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

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

The research officer, in consultation with the President and the Judges of Appeal, has upgraded the Court of Appeal home page to provide better public access to Court of Appeal judgments, relevant legislation, rules, practice directions and other matters, with links to related web pages.

The Court of Appeal web page now has a link to a database of civil appellate decisions of general interest to Australian intermediate appellate courts mentioned on the New South Wales Court of Appeal web page. It is maintained by the New South Wales Court of Appeal but all intermediate appellate courts contribute to it.

Inspired by this initiative, the Queensland Court of Appeal with the assistance of the Supreme Court Library Committee chaired by Fraser JA, has initiated a database maintained by the Library on its web page, containing

selected High Court and intermediate appellate court judgments relating to the Criminal Codes of Queensland, Western Australia, Tasmania and the Northern Territory. Each case is headed by a “statement of significance” compiled by the Library to alert the reader to points of interest in that case. A table of comparative legislation in the four jurisdictions accompanies each judgment. There are hyperlinks to relevant cases. The database is accessible through the Court of Appeal web page. Courts in all four jurisdictions are informing the Library of cases of significance for inclusion on this database which has been enthusiastically received in Queensland and in the other jurisdictions involved.

During the year, the President and Judges of Appeal have again been assisted in carrying out their duties by the proper resourcing of the judges’ library in the Court of Appeal precinct.

Future directions and challenges

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 there is reasonable continuity amongst its skilled staff.
- the Court of Appeal Case Management System (CAMS) is maintained and refined.
- the continued 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.

13 [2009] QCA 399.

- video and audio links within the court and correctional facilities are efficiently maintained and operated.
- the judges' library is properly maintained.

refine and develop best practice in the management of self-represented litigants, both in the registry and in the Court of Appeal.

work with those responsible for the fit-out 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 2011 in central, north or far north Queensland.

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

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

Q150 celebrations at the Bowen Courthouse



Kevin Baxter, Professor Steve Graw, Robyn Wegner, Mike Brunker, Graham Trevenen, Wendy Jurgens, Stuart Butwell, John Ryan, Col Harkness, Sarah Lyons, Ray Keane, Allison Hillery, Ron Muirhead, Melissa Ruff, Sophie Brown, Paul Klug, Georgia Lawless, Justice Kerry Cullinane AM, Zodie Mattingley, Wendy Pack SC, Alexa Samuel, Vince Campbell, Judge Bob Pack, Rohan Coburn, Nigel Rees, Chief Justice Paul de Jersey AC, Patrick Cullinane, Chief Judge Patsy Wolfe,

Ron Muirhead, Paul Stasuik, Jene Patterson, Chloe Illmer, Gregg Hendly, John Newman, Jim Hunter, Tara Stocker, Verhna Van Der Walt, Lauren Sullivan, Clancy Fox, Judge Stuart Durward SC, Mollie Napier, David, Beth Maltby, Gary Nielsen, Sarah Downham, Colette Smart, Greg Smart, Stephen Darwen, Jacki Carter, Michael Cowan, Kristen Wakefield, Tony Collins, Ray Kelson, Leah McDonnell

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.

A judge, Justice Alan Wilson, is the President of the Queensland Civil and Administrative Tribunal (“QCAT”). Trial Division judges also sit as judges of the Court of Appeal. They constitute the Land Appeal Court and the Mental Health Court. 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.

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


The untimely death of the highly regarded Justice Peter Dutney happened on 4 September 2009.

Two developments particularly impacted on capacity to determine trials, civil and criminal.

Justice Alan Wilson is fully occupied in the discharge of his duties as President of QCAT. That loss from the work of the Trial Division has adversely affected ability to list trials for prompt hearing.

Moreover, many trials are taking longer than they used to. In civil cases, this tendency has been apparent for a few years. Now criminal trials occupy more days. This year, one trial took more than three months. Longer cases mean fewer trials.

On a more positive note, more e-Trials have been conducted. e-Trials offer a number of benefits, including savings of time and logistical effort in the retrieval and display of documentary evidence.



Significant funding was made available for e-Trials, including the appointment of an e-Trials Registrar to manage the process and to liaise more effectively with practitioners. This initiative was funded through savings achieved by the Judges when they accepted that important judicial resources, such as reprints of statutes, might be supplied electronically rather than in the more expensive paper form.

Criminal jurisdiction

Criminal lodgments decreased by 8.36 per cent from 1531 in 2008–09 to 1403 in 2009–10: a decrease of 128.

There was a decrease of 14.63 per cent in criminal finalisations this year, with finalisations decreasing from 1525 during 2008–9 to 1302 in 2009–10.

The clearance rate for criminal matters during 2009–10 was 92.8 per cent (down from 99.6 per cent in 2008–09).

As at 30 June 2010, there were 540 active pending matters. This is an increase of 25.58 per cent from last year. There were 430 active pending matters on 30 June 2009.

The number of cases older than 12 months and less than 24 months increased to 17.2 per cent this year from 12.6 per cent in 2008–09.

At 30 June 2010, the number of cases older than 24 months decreased to 3.7 per cent from 4.4 per cent in 2008–09.

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

Table 10: The Trial Division's criminal list activity

| | Number of defendants* | | | Clearance rate | Backlog indicator** | Backlog indicator** |
|----------------------------|-----------------------|-------------|------------|----------------|---------------------|---------------------|
| | Lodged | Finalised | Active | | % > 12 months | % > 24 months |
| | | | | | Presentation date | Presentation date |
| Main centres | | | | | | |
| Brisbane | 989 | 869 | 437 | 87.9% | 17.2% | 3.4% |
| Cairns | 126 | 138 | 38 | 109.5% | 18.4% | 5.3% |
| Rockhampton | 45 | 47 | 10 | 104.4% | 10.0% | 10.0% |
| Townsville | 102 | 93 | 28 | 91.2% | 14.3% | 0.0% |
| Total for main centres | 1262 | 1147 | 513 | 87.9% | 17.2% | 3.4% |
| Regional centres | | | | | | |
| Bundaberg | 25 | 31 | 4 | 124.0% | 0.0% | 0.0% |
| Longreach | 0 | 0 | 0 | 0.0% | 0.0% | 0.0% |
| Mackay | 47 | 38 | 6 | 80.9% | 50.0% | 33.3% |
| Maryborough | 19 | 22 | 9 | 115.8% | 0.0% | 0.0% |
| Mount Isa | 11 | 18 | 2 | 163.6% | 50.0% | 0.0% |
| Roma | 0 | 0 | 1 | 0.0% | 0.0% | 0.0% |
| Toowoomba | 39 | 46 | 5 | 117.9% | 40.0% | 0.0% |
| Total for regional centres | 141 | 155 | 27 | | | |
| State total | 1403 | 1302 | 540 | 92.8% | 17.2% | 3.7% |

Notes:

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

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

Criminal jurisdiction—Brisbane

In Brisbane, the greatest challenge has been in having sentences and trials disposed of expeditiously.

The judge supervising listing of criminal cases, Justice Ann Lyons, has often been unable to meet requests for early sentence or trial dates. Available dates are filled quickly on release of the Calendar. Practitioners wishing a sentence or a trial have had to wait six to eight months for the hearing. This is reflected in the figures, which indicate that the backlog in Brisbane increased by more than 25% this year.

This backlog has been caused by a number of factors, mainly a decrease in the number of judges available to sit, more lengthy trials, and a rise in the number of dangerous prisoner applications.

For a significant period, two fewer judges were available to hear matters. This made it difficult to obtain dates. The problem became particularly acute for the three month period April to June 2010 when a number of sentences had to be de-listed while the appointment of a judge to replace Justice White was awaited.

The increasing number of lengthy trials has also meant that the number of trials able to be listed has decreased. Two trials in the first half of 2010 occupied 22 weeks in aggregate. One was a complex, eight week Commonwealth fraud trial, which was conducted as an e-trial. The other trial was *R v Patel*.

The ever increasing number of hearings under the Dangerous Prisoner (Sexual Offenders) Act 2003 has led to fewer dates being available for criminal matters. Since 2008, final hearings, breaches and annual reviews have been heard by judges listed to sit in the criminal jurisdiction. The number of fresh cases continues to increase every year. This year, they took 51 hearing days.

Practitioners continue to make good use of the capacity to list matters for sentence administratively.

The number of reviews has again been reduced to ensure that cases progress at as timely a pace as judicial resources allow.

Civil jurisdiction

Civil lodgments increased this year by 142 (2.0 per cent), from 7167 during 2008-09 to 7309.

Civil finalisations increased by 667 from 6270 during 2008-09 to 6937 (an increase of 10.6 per cent).

The clearance rate increased this year from 87.5 per cent in 2008-09 to 94.9 per cent.

The civil jurisdiction saw an increase of 356 active pending matters (6263 at 30 June 2010), up from 5907 last year.

The number of cases older than 12 months and less than 24 months increased from 882 in 2008-09 to 1176 (a 33 per cent increase).

The number of civil lodgments more than 24 months old decreased by five cases in 2009-10 with civil lodgments older than 24 months standing at 336 cases (representing a 1.5 per cent reduction from the previous year).

Table 11: The Trial Division's civil list activity

| 2008–09 | RoGS civil files | | | Clearance rate | Backlog indicator from filing date | |
|--------------------|------------------|-------------|-------------|----------------|------------------------------------|-------------|
| | Lodged | Finalised* | Active | | % > 12 mths | % > 24 mths |
| Brisbane | 6296 | 5951 | 5288 | 94.5% | 23.5% | 5.5% |
| Cairns | 318 | 352 | 283 | 110.7% | 28.6% | 4.2% |
| Mackay | 139 | 139 | 163 | 100.0% | 31.9% | 3.7% |
| Rockhampton | 206 | 179 | 200 | 86.9% | 23.0% | 5.0% |
| Southport | 0 | 1 | 1 | 0.0% | 100.0% | 100.0% |
| Townsville | 273 | 243 | 254 | 89.0% | 28.3% | 6.7% |
| Bundaberg | 18 | 23 | 15 | 127.8% | 26.7% | 0.0% |
| Longreach | 0 | 0 | 0 | 0.0% | 0.0% | 0.0% |
| Toowoomba | 45 | 28 | 40 | 62.2% | 15.0% | 0.0% |
| Mount Isa | 5 | 8 | 7 | 160.0% | 28.6% | 0.0% |
| Maryborough | 9 | 12 | 12 | 133.3% | 41.7% | 0.0% |
| Maroochydore | 0 | 0 | 0 | 0.0% | 0.0% | 0.0% |
| Roma | 0 | 1 | 0 | 0.0% | 0.0% | 0.0% |
| Ipswich | 0 | 0 | 0 | 0.0% | 0.0% | 0.0% |
| State total | 7309 | 6937 | 6263 | 94.9% | 24.1% | 5.4% |

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

Table 12: Total lodgements

| | RoGS civil* | Non RoGS civil ** | Non RoGS criminal | Probate | Total |
|--------------------|-------------|-------------------|-------------------|-------------|--------------|
| Brisbane | 6296 | 1018 | 548 | 6344 | 14206 |
| Cairns | 318 | 28 | 23 | 341 | 710 |
| Mackay | 139 | 0 | 24 | 0 | 163 |
| Rockhampton | 206 | 43 | 5 | 486 | 740 |
| Townsville | 273 | 69 | 48 | 522 | 912 |
| Bundaberg | 18 | 0 | 1 | 0 | 19 |
| Toowoomba | 45 | 0 | 1 | 0 | 46 |
| Mount Isa | 5 | 0 | 3 | 0 | 8 |
| Maryborough | 9 | 9 | 0 | 0 | 18 |
| Roma | 0 | 0 | 0 | 0 | 0 |
| State total | 7309 | 1167 | 653 | 7693 | 16822 |

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

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

Civil Jurisdiction—Brisbane

Case flow management

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

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

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

Commercial list

The Commercial List provides a streamlined process for the efficient hearing and determination of proceedings involving issues of a general commercial character or arising out of trade or commerce generally, where the estimated length of trial is 10 days or fewer (save in exceptional cases).

Two judges are designated as Commercial List judges. Justice Philip McMurdo continued to serve in that capacity throughout the year. The other position was filled by Justice Dutney until the announcement of his appointment as the inaugural President of QCAT, when Justice Margaret Wilson assumed the role.

The Commercial List judges have a discretion whether to enter a proceeding on the list.

Usually applications for listing are allocated to the Commercial List judges in alternate months. A party wishing to have a proceeding entered on the list files a listing application and supporting material in the registry (often by email), after consulting the commercial list manager to ascertain the judge who will hear it and obtaining a hearing date and time convenient to all parties from the judge's associate. The judge who enters a proceeding on the list usually retains active management of it and hears any contested interlocutory applications and the trial.

The Commercial List judges endeavour to provide early hearing dates for substantial interlocutory disputes and trials. So far as possible, priority is accorded to commercial cases in their calendars.

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 cases are placed on the list at the request of one or more of the parties, cases are also placed on the list through the court's initiative, such as where a judge conducting an interlocutory hearing sees the need for ongoing judicial supervision and management of the case. Cases are also regularly referred to this list after Case Flow review. Most cases fall within the general "commercial law" category. It extends, however, to a wide range of civil matters, including complex building and engineering claims, public liability and other insurance litigation, personal injuries claims, deceased estate disputes, de facto property claims and defamation claims.

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

The Supervised Case List Manager was 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 case, and assist the judge in determining the nature and extent of judicial intervention which may be required for effective management. Wherever possible, the business of the list, including the making of directions, is conducted electronically.

Nearly all of the cases on the list are resolved by settlement. Alternative dispute resolution (ADR), particularly mediation, is a 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 utilized at the point when it is likely to be most productive.

This year saw a further increase in the cases under management – peaking at some 150 cases, compared with about 120 last year. The factors contributing to this increase included greater utilization of the list, increased references from other lists (such as Case

Flow), and a general upswing in commercial litigation resulting from the economic downturn.

Management techniques are aimed at reducing the length of trials and achieving commensurate savings in costs to the parties, as well as efficient use of Court resources. Several trials had evidence of expert witnesses taken concurrently. This has proved to be efficient and cost effective; it has contributed to the narrowing of issues in dispute.

Registrar's court jurisdiction

Registrars continue to decide certain categories of applications under the Corporations Act 2001 (Cth).

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.

Registrars also issue enforcement warrants, and supervise enforcement hearings in which enforcement creditors examine enforcement debtors.

Other matters predominantly dealt with by Registrars are uncontested applications for grant of probate and letters of administration.

Registrars deal with the bulk of requests for consent orders. 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.

A new Practice Direction was issued in June 2010 governing consent orders by the Registrar. This has clarified which matters are suitable to be dealt with by way of consent order by the Registrar, and simplified the process for obtaining such an order.

Registrars refer applications to a judge where the matter requires an order or decision beyond their jurisdiction and powers.

Trial Division districts

Southern district

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

Central district

The Central Judge, Justice McMeekin, is responsible for the work of the court in Rockhampton, Mackay, Bundaberg and Longreach. Once more, Longreach did not require a sitting.

The allocation of judicial time was similar to preceding years with the Central Judge conducting civil sittings in Rockhampton for ten weeks and criminal sittings for 11 weeks, and sittings involving both crime and civil work in Mackay for six weeks and Bundaberg for four weeks. Application days were held on an approximately monthly basis with the lists being of similar length as in recent years. Justice McMeekin sat in the Court of Appeal in Brisbane for three weeks in October – November 2009, and also in Townsville for one week in May 2010.

Two significant features of the year were the length of the hearings in matters that came on for trial and the number of homicide cases. One murder trial alone occupied eight weeks. Five trials involving the charge of murder took place. There were 60 sentences imposed following pleas of guilty, all relating to offences against the Drugs Misuse Act 1986. On the civil side twenty-three reserved judgments were delivered in the Trial Division.

An interesting trend is emerging in the numbers of female jurors both on the jury panels and called on to serve.

The registrar of the Court for the last several years, Mr Ben Cooke, has left on secondment. Mr Cooke has been energetic in his ensuring that the courts lists

were disposed of in a timely way and that the registry functioned efficiently. Mr John Weir has performed the functions of bailiff in the court hearings in an exemplary fashion for over twelve years. He retired in June 2010 with the thanks of the court for his service. He had served under the tenth, eleventh and twelfth central judges.

The profession celebrated Queensland's sesquicentenary with a dinner on Proclamation Day, 10 December 2009. The Honourable Alan Demack AO, the tenth Central Judge, provided an entertaining and informative address that traversed his 50 years of experience in the courts of Central Queensland.

Twelve practitioners holding a connection to Central Queensland were admitted to the profession 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 for 21 weeks in Townsville where he is based and also conducted two, two-week sittings in both Mount Isa and Mackay.

Justice Cullinane sat on the Court of Appeal in Brisbane for three weeks in September and also sat on the Court of Appeal for one week in May when the Court of Appeal sat in Townsville. Seven weeks were allocated to judgment writing and the Northern Judge took four weeks long leave.

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

In Townsville there was a continued increase in the number of criminal cases relating to drug offences. The management of criminal listings from the date of presentation of the indictment, to finalisation

(sentencing/trial) continues to be monitored to ensure that the clearance rates are maintained.

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

Some 32 new practitioners were admitted with almost all having completed their academic legal training at North Queensland’s James Cook University. The majority of these new practitioners took up positions with local firms in Townsville and elsewhere in North Queensland where they continue to practice.

Far northern district

The sitting times for the Far Northern Judge have resulted in 25 weeks being spent in Cairns, three weeks in Brisbane on the Court of Appeal in September, with five weeks allocated to judgment writing and 19 weeks of long leave.

The Far Northern Judge, Justice Jones, received assistance throughout the year from The Chief Justice, and Justice Peter Lyons and Justice Douglas.

During this year, 22 new practitioners were admitted to the profession, most of whom had completed their academic legal training in the Townsville or Cairns Campuses of James Cook University. The majority of these new practitioners took up positions in Cairns, reflecting the steady development of the city and the diversity of the demand for legal services in the region.

The judges and practitioners in Cairns are grateful for the continuing support of the Supreme Court Library in making available historical exhibitions after their presentation in Brisbane.

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.

The LPT was amalgamated into QCAT on 1 December 2009.

LPT activity is summarised in table 12.

Table 13: Legal Practice Tribunal’s activity 1 June to 31 November 2009

| | LPT | | |
|----------|--------|-----------|------------------------------|
| | Lodged | Finalised | Active (transferred to QCAT) |
| Brisbane | 3 | 13 | 10 |

Mental Health Court

The Mental Health Court is constituted by a judge, assisted by two experienced psychiatrists from a panel of psychiatrists appointed under the Mental Health Act 2000. The judges appointed to the court are Justice Philippides, President, and Justice A Lyons. The panel of assisting psychiatrists consists of Drs J M Lawrence, F T Varghese, E N McVie, G J Byrne, J N Chalk and A S 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. 203 orders were made during 2009–10. This year, the court sat on 81 days and heard a total of 305 matters. These comprised 209 references and 96 appeals. There was a 23 per cent increase in the number of appeals heard, requiring a corresponding increase in the time allocated to hearing appeals (see table 13).

Table 14: Mental Health Court 2009–10

| | Number of cases | | |
|--|-----------------|------------|------------|
| | Lodged | Finalised | Active* |
| References | | | |
| Director of Mental Health | 88 | 81 | 57 |
| Director of Public Prosecutions | 11 | 12 | 7 |
| Legal Representative | 120 | 112 | 91 |
| Defendant | 3 | 2 | 2 |
| Court of Law | 1 | 2 | 1 |
| Attorney-General | 0 | 0 | 0 |
| Total references | 223 | 209 | 158 |
| Appeals | | | |
| Director of Mental Health | 0 | 0 | 0 |
| Attorney-General | 40 | 40 | 6 |
| Patient or legal representative | 52 | 56 | 9 |
| Total appeals | 92 | 96 | 15 |
| Applications | | | |
| Applications to enquire into detention | 0 | 0 | 0 |
| Total applications | 0 | 0 | 0 |
| Total | 315 | 305 | 173 |

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 and two members of the Land Court, other than the member who made the original decision. The judges nominated by the Chief Justice to act as members of the Land Appeal Court are:

- Justice Peter Lyons for the southern (Brisbane) 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. Leave is usually required to appeal to the Court of Appeal, a notable exception being appeals brought under the Valuation of Land Act 1944.

More than 40 legislative enactments confer jurisdiction on the Land Court and Land Appeal Court.

The constitution of the Land Appeal Court is necessarily affected by the membership of the Land Court. There have been some notable changes to that membership. Robert Peter Scott retired as a member of the Land Court on 31 July 2009, having been appointed to the Court in June 1995. On 18 February 2010, Member of the Land Court Richard Stephen Jones was appointed as a Judge of the District Court. Both made significant contributions to the work of the Land Appeal Court.

On 15 April 2010, two new Members were appointed on a full time basis to the Land Court. Wayne Lindsay Cochrane was appointed for a term of 15 years and William Angus Isdale for a term of two years. Their appointments were welcome but a delay in making them posed difficulty for the work of the Land Appeal Court.

In recent years, the focus of the work of the Land Appeal Court has been on appeals under the Valuation of Land Act. However, in 2009-2010, the emphasis shifted to appeals under the Acquisition of Land Act.

Table 15: Appeals to the Land Appeal Court

| | Filing date | | |
|--|-------------|---------|---------|
| | 2007-08 | 2008-09 | 2009-10 |
| Number of appeals lodged (by district) | | | |
| Far northern | 0 | 0 | 3 |
| Northern | 0 | 0 | 0 |
| Central | 0 | 0 | 0 |
| Southern | 8 | 6 | 8 |
| Nature of appeals | | | |
| Compensation (<i>Acquisition of Land Act 1967</i>) | 1 | 0 | 6 |
| Valuation (<i>Valuation of Land Act 1944</i>) | 5 | 0 | 2 |
| Costs (<i>Acquisition of Land Act 1967</i>) | 0 | 1 | 0 |
| Water Act 2000 | 0 | 1 | 0 |
| Costs (<i>Water Act 2000</i>) | 0 | 1 | 0 |
| Land tax | 0 | 0 | 0 |
| Compensation (<i>Petroleum Act 1923</i>) | 2 | 0 | 0 |
| Costs (<i>Petroleum Act 1923</i>) | 0 | 2 | 0 |
| Mineral Resources Act 1989 | 0 | 1 | 3 |

Table 16: Appeals finalised

| Appeals finalised | 2009–10 |
|--|---------|
| Nature of appeals | |
| Mineral Resources Act 1989 | 1 |
| Costs associated therewith | 1 |
| Water Act 2000 | 0 |
| Costs associated therewith | 1 |
| Acquisition of Land Act 1967 | 2 |
| Costs decision | 0 |
| Valuation of Land Act 1944 | 2 |
| Costs associated therewith | 0 |
| Petroleum Act 1923 | 0 |
| Costs associated therewith | 0 |
| Appeals to the Court of Appeal | |
| <i>Valuation of Land Act 1944</i> — Result: appeal dismissed | 1 |
| <i>Water Act 2000</i> — Result: appeal dismissed | 1 |

Court administration

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 has been on long service leave for much of 2010. Julie Steel has acted in the position, and is supported by executive, administrative staff and registry staff throughout Queensland.

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

Registry services

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.

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 2009-10, staff in the registries successfully managed civil filings at high levels, particularly in those areas managed solely within the registry, such as succession law and default judgement applications. Default judgements increased by almost 17 per cent compared to the previous year. At the same time, succession law applications rose by almost three and a half per cent to just under 7,700. This continues a trend reflecting a 26 per cent increase on the number of applications lodged since 2005-06.

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

eTrials

The 2008-09 Annual Report highlighted the development and pilot of an electronic trials (eTrials) capability. In 2009-10, a civil courtroom and a criminal courtroom in the Brisbane Law Courts were fitted out with equipment to run an eTrial. Additionally, a portable system has been developed which can be installed in any courtroom throughout the state.

In 2009, the team supported a number of complex and lengthy eTrials, including three criminal trials and two matters before the Court of Appeal. In 2010-11, the function of supporting eTrials will transfer to the registry following the appointment of an eTrials Registrar.

The new Brisbane Supreme and District Court building will include 14 courtrooms capable of supporting eTrials.

eFiles

eFiles refers to the strategy of making all documents filed in the registry available 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 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.

The Brisbane registry underwent a realignment that saw the amalgamation of several areas resulting in the streamlining of registry services to clients.

Future directions

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

Acknowledgements

The workload and changes to processes have been admirably met by registry staff across the state, which is a testament to the commitment and professionalism of all registry staff. The ongoing 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 Court, District Court, Magistrates Court, 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 2009–10, SRB progressed several initiatives aimed at improving services and service delivery to its clients:

- The Bureau has introduced the use of voice recognition technology in the production of court transcripts. The software allows audio voice to be converted into text with only minimal use of the keyboard. The technology has the added benefit in that enables staff with injuries to return to work, while utilising a method of transcription, which is not contraindicative to their recovery, and, which enables them to remain focussed and productive.
- This financial year, the State Reporting Bureau has developed an electronic workflow system. This system will assist the Bureau in streamlining the transcript production process and enable it to

enhance service delivery. In the first half of FY 2009 - 2010, the workflow system will be coupled to an eCommerce system, further enhancing the Bureau's service offerings. The eCommerce system will provide clients with the ability to self-serve their requests (including payment and delivery), from one central location.

- The Australian Business Excellence Framework continues to be the tool utilised for measuring and improving the quality of our services. 2009 saw our first organisational self-assessment survey completed by staff. As a result of the survey's findings, a Business Improvement Plan was developed. Key areas identified for improvement included the need for improved communication and the requirement for a quality focus, both procedurally and from a quality work output perspective. 2010 saw the second organisational self-assessment survey, incorporating a resilience survey, recently completed by our staff.
- The establishment and operation of our Quality Team, whose focus is on business improvement, oversaw the identification of all procedures that required documenting and progress was made on the development of these procedures. The development of standardised processes across the State will contribute to a consistent approach to the production of transcripts.
- The in-house training program to train existing audio reporters as CAT (Computer Assisted Transcription) reporters continues, with some CAT trainees now utilising their specialised training in the production of transcripts.


Queensland Courts Learning and Development Committee

The Queensland Courts Learning and Development Committee, which is comprised of both judicial and departmental representatives, was established in 2007 by the Senior Judge Administrator to facilitate enhanced learning and development opportunities for court staff as well as associates. The Courts Capability and Development Unit (CCDU) was created and the Committee has assisted the CCDU in formulating a raft of learning initiatives that are now well embedded throughout Queensland Courts.

The CCDU has once again produced remarkable results in the last 12 months including the development and introduction of the Civil Beginners Course for the Supreme and District Court staff which is delivered online and introduces staff to Civil processes under the UCPR 1999. In addition, the nationally recognised Diploma in Government (Court Services) program is being delivered in Brisbane and online by the CCDU with the 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. Importantly, it complements the Certificate IV in Government (Court Services) launched in 2008. There is no financial cost to staff undertaking the certificate or the diploma.

To date the Certificate IV in Government (Court Services) program has resulted in 49 staff being fully qualified and with 45 staff currently studying. The Diploma of Government (Court Services) program has three participants fully qualified to date and 11 participants currently studying.

Impressively, a number of Australian and New Zealand jurisdictions have been assessing the Queensland CCDU developed materials and delivery model with a view to adopting the courses. The ACT Magistrates Court has recently funded two Canberra based students



on the Queensland DJAG Certificate IV in Government Court Services program and one staff member from the Federal Jurisdiction of the Administrative Appeals Tribunal Brisbane Office who has also joined the Certificate IV program.

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

- providing training in relation to the new Policy and Procedures Training program and information session and updating the Introduction to the Supreme and District Court Evolve online course
- fortnightly one-on-one training on financial reporting in various registries
- the release of a new legislation online course
- delivery 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 that 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

The Orientation Programme for associates has been expanded to a two-day course and involves considerable input from judges of the Supreme and District Courts, court registrars, bailiffs and security officers.

Courts information services

The Courts Information Services Branch (CISB) incorporates five teams:

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

Operations

The Operations team provides an efficient support service to courts, judicial officers and staff during business hours and to courts operating on weekends and public holidays.

The operations team consolidated two independent help desks to form the Service Desk. The Service desk increases efficiency by providing clients with a single point of contact and access to a greater range of support skills.

The team also developed and deployed a new email tool to assist in support requests and delivered training so that new clients, including judicial officers and associates, can use the tool to its best effect.

Service officers assisted in upgrades to digital recording systems in courtrooms across the state and desktop replacements for judicial officers and staff.

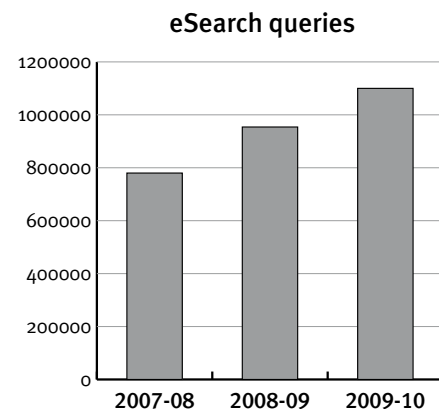
Digital recording

CISB has maintained a stable digital recording system in 203 individual court and hearing rooms around the state. Software application upgrades, a regular program of computer hardware replacement and improvement to the core network infrastructure around the state have enhanced the reliability of the system.

Civil systems


The CIMSLite system, which is used to manage civil files in the registry, has been 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.

Use of the eSearch program continues to increase, with more than 1,100,000 online searches performed in 2009–10. This compares with 780,000 such searches in 2007–08, and 954,000 in 2008–09.



Audio visual

During 2009–10, videoconferencing systems were installed in Gladstone, Bundaberg, and Gympie courthouses. The team now supports 149 videoconferencing sites throughout Queensland,



including 32 Supreme and District Courts, 37 remote witness rooms (one which is a portable system for use in remote areas) and 19 Correctional Centres.

For 2010-11 existing facilities at Cairns, Beenleigh, Hervey Bay, Rockhampton and Southport will be upgraded. The audio visual team is also involved in audio visual design works for the new metropolitan courts.

Queensland Courts communications

The Queensland Courts communications team delivers marketing and communication services to the Queensland Courts Services Executive, business units and the judiciary.

The team's responsibilities include maintaining the Queensland Courts website and publication of printed materials, including annual reports.

Related organisations

Supreme Court of Queensland Library

The Supreme Court of Queensland Library (SCQL) provides the primary legal information service for the Courts, legal profession and the Queensland community.

Its legal reference and research service is backed by a content-rich collection of local, national and international materials, which includes more than 150,000 print volumes. The Library also fulfils a secondary charter by preserving Queensland's unique legal history. It does this through the acquisition, preservation and dissemination of original and interesting items pertaining to Queensland's legal heritage.

The Library is governed by a committee comprising representatives of each of its stakeholder bodies: the judiciary, Queensland Law Society, Bar Association of Queensland, and the Department of Justice and Attorney-General. In 2009-10, the Supreme Court Library Committee was chaired by the Honourable Justice Hugh Fraser. His appointment in September 2009 followed the sudden and tragic death of the Honourable Justice Peter Dutney, who had served as Chair of the Library Committee since January 2008.

Highlights

This year the Library focused on expanding content available through its online collections and strengthening services and alliances in preparation for the relocation to the new Supreme and District Courts building in 2011-12.

Significant achievements include:

- integration and provision of library services for the Queensland Magistrates Courts;
- provision of library services for tribunal members following the establishment of the Queensland Civil

and Administrative Tribunal (QCAT) in December 2009;

- successful negotiations with the legal publishers, conducted by the Librarian on behalf of the Department of Justice (JAG) library portfolio, yielding significant savings and licensing concessions for the next three-year subscription term;
- effective delivery of library services for Queensland Law Society members, which, in the past two and a half years, has generated a five fold increase in the number of document requests filled by Information Services staff;
- more than 3.7 million registered hits through SCQL's online gateways, incorporating the website, online catalogue and Judicial Virtual Library;
- compilation and launch of a new database of Criminal Codes appellate decisions, available via the SCQL website; and
- publication of the fifth volume in the Supreme Court History Program Yearbook series and a collection of papers from the Q150 conference, hosted by the SCQL in 2009 in conjunction with the Centre for International and Comparative Law at the University of Queensland.

Information Services

SCQL provides a consolidated law library service for the Courts, legal profession and the Queensland community, incorporating:

- reference, research and document request service;
- judicial current awareness service, which circulated 5834 articles and speeches to Queensland judges and magistrates this year;
- judgment bulletins and indices, available via the SCQL website and Queensland Legal Indices database;
- legal research and product training for judges, associates, legal practitioners and court staff;

- quarterly publication of the Review of Books, featuring original reviews by members of the judiciary and legal profession; and
- collections of biographical materials on members of the judiciary.

In 2009-10, the Library responded to 13,100 requests for information and documents. Despite a continued decline in reference desk enquiries, as driven by the availability of information online, the Library has met an escalating demand for document delivery requests since the transfer of Queensland Law Society library services to SCQL in 2008.

This year the Library also resumed responsibility for providing services to the Queensland Magistrates Court and assumed services for the newly formed Queensland Civil and Administrative Tribunal. These developments importantly fulfil the Library's charter of providing information services for the Queensland Courts and judiciary.

Current Awareness Services

In today's sophisticated digital environment, the Library continues to seek opportunities to provide convenient and relevant information services that meet the needs of users. The judicial current awareness service, which began as a newspaper clippings service in 1984, was, this year, developed into an online, email and RSS feed tool that users are able to customise by subject and material type preferences. Users are surveyed annually to ensure sustainability and, in 2009-10, the service achieved a user satisfaction rating of 4.4 (on a scale of one to five, with five being the highest). The SCQL Review of Books, which is also circulated to members of the judiciary and court, achieved an overall rating of 4.3 on this year's survey. To date, these results have been a key determinant in attracting and maintaining annual sponsorship for these services.

Another current awareness initiative this year was the compilation and publication of a database of Criminal Codes Appellate Decisions on the Library website.

The service is the first of its kind and offers users a convenient and searchable database of selected High Court and intermediate appeal court judgments relating to the Criminal Codes in Queensland, Western Australia, Tasmania and the Northern Territory.

Legal Collections

SCQL provides access to a content rich collection of online and print resources. The SCQL Online project, incorporating the Library website and Judicial Virtual Library, delivers a central, accessible model for the efficient delivery of the online component, offering in excess of 150 databases and an estimated 60,000 individual full-text titles. In 2009-10, the Library further expanded current content with products such as:

- *Oxford Reference Library*
- *Oxford International Encyclopaedia of Legal History*
- *Hein Online World Trials Library*
- *American Law Institute Library*

For the first time this year, the Librarian negotiated subscription renewals with Thomson Reuters, LexisNexis and CCH on behalf of both the SCQL and JAG portfolio of library services (incorporating the Higher Courts chamber collections, Supreme Court Judges Library, Magistrates' chamber collections and the Magistrates Library). As anticipated, the centralised model for purchasing delivered significant savings for both the Library and the JAG portfolio for the three-year renewal period. Favourable licensing arrangements were also a priority to ensure that users enjoy seamless access to content via the Library website and its Judicial Virtual Library platform. These platforms now offer users unified content through a single, convenient access point.

This year's external Review of Government Libraries further highlighted the benefits of providing a centralised online law library, with SCQL well positioned to deliver a broad range of content through its online

portals. It is anticipated that future consolidation will continue to deliver cost-effective subscription solutions from publishers and will enrich the already extensive collections available to SCQL users.

Scholarly publishing

The Supreme Court Library Publishing Program preserves Queensland's legal heritage by producing original works on unique aspects of our legal history. Over the past decade, more than 20 titles have been published by the Library, including the acclaimed Yearbook series, now in its fifth year.

In 2009-10, SCQL published Queensland's Constitution: Past, Present and Future, which contains a collection of scholarly papers presented at the Q150 Conference, hosted by SCQL and the Centre for Public, International and Comparative Law of the TC Beirne School of Law at the University of Queensland in May 2009. The publication explores the establishment and development of Queensland's founding document, with facsimiles and transcripts of previously unpublished documents relating to Queensland's early constitutional history.

Work towards a commemorative book to mark the 150th anniversary of the Supreme Court has also commenced, with publication scheduled to coincide with the occasion in 2011.

Legal Heritage and Community Programs

The Library conducts the Supreme Court History Program and affiliated activities to preserve and promote Queensland's legal history. Offerings include:

- Continuing research, exhibition and lecture series, which this year featured a presentation by Professor WA Lee on 27 November 2009, entitled The Log Book of HMS Minerva 1794;
- Schools education program, which provided legal research classes and educational tours for 7435 student visitors to the Courts;
- Oral history program, which collected four original interviews with members of the Queensland judiciary and legal profession and an 89-page memoir by the Hon JP Shanahan AO RFD ED;
- Digitisation of historical documents (10,798 pages in 2009-10), including significant donations such as the records of the Bar Association of Queensland and Feez Ruthning Opinion Books; and
- Collection and preservation of legal memorabilia and photographs relating to Queensland and court history.


Over the past decade, SCQL has developed these programs to foster interest and participation in the preservation of our legal heritage. The Schools Education Program is one such activity attracting large numbers of visitors to the Courts annually and the Library remains committed to developing services and programs for students. A new educational resource was published on the Library website this year introducing the activities, procedures and personnel within the Courts.

Future Directions

The priority in the coming year will be continuing preparations for the relocation of the Library to the new Courts building to ensure that SCQL is well positioned, both physically and strategically, to deliver contemporary information services for the Courts, the Department and the Queensland legal profession.

Other significant activities will include:

- The creation of Queensland's first legal heritage museum, planned to occupy a central position on the ground floor of the new Courts building.
- This project represents an exciting opportunity to showcase the work of the Supreme Court History Program over the past decade and to display precious items of legal heritage for the benefit of the Queensland community. The inaugural exhibition will provide an inclusive history of the



law in Queensland over the past 150 years by featuring influential events and personalities in the Courts, Queensland Law Society, Bar Association of Queensland, Crown Law, Office of the Director of Public Prosecutions, Incorporated Council of Law Reporting, the University of Queensland law school and the Supreme Court Library.

- Development of SCQL Online as the central gateway for web-based legal content and information services.

This year's cooperative purchasing arrangement with the Department delivered an effective model for the acquisition of content and sustainable online collections. The Library will continue to seek opportunities for further collaboration to ensure that the SCQL online infrastructure is used as a central platform for the delivery of legal content and information services.

- Strengthening alliances with other libraries and affiliated bodies.
- Since 2007, the Librarian has held concurrent appointments as a member of the National Archives Advisory Council and Library Board of Queensland. His appointment this year, as an Industry Fellow of the University of Queensland Library, cements the importance of professional alliances and, it is hoped, will prove equally beneficial in terms of developing current services and future initiatives. In 2010-11, SCQL will continue to build external alliances and strengthen internal systems to deliver a contemporary library service in the new Courts building.

Appendices

Appendix 1: Supreme Court Associates

| | |
|--------------------|---|
| Leonid Sheptooha | Associate to the Chief Justice |
| Katie Allan | Associate to the President of the Court of Appeal, Justice Margaret McMurdo |
| Pawel Zielinski | Associate to Justice Holmes |
| Rebecca Slater | Associate to Justice Muir |
| Justine Clark | Associate to Justice Fraser |
| Rosemary Gibson | Associate to Justice Chesterman |
| Alexander McKinnon | Associate to the Senior Judge Administrator, Justice Byrne |
| Laura Grant | Associate to Justice White |
| Jill Chang Chien | Associate to Justice Fryberg |
| Rebecca Rowling | Associate to Justice Wilson |
| Anita Clifford | Associate to Justice Atkinson |
| Stevie Martin | Associate to Justice Mullins |

| | |
|-----------------|---|
| Mitchell Smith | Associate to Justice Philippides |
| Chloe Shannon | Associate to Justice P McMurdo |
| Lauren Dancer | Associate to Justice Douglas |
| Phoebe Stuart | Associate to Justice A Lyons |
| Jennifer Porter | Associate to Justice Daubney |
| Mark Heiser | Associate to Justice Martin |
| Emily Mayberry | Associate to Justice Applegarth |
| Siobhan Maloney | Associate to Justice P Lyons |
| Brendan Ferris | Associate to Justice Jones (Cairns) |
| Leaha Schell | Associate to Justice Cullinane (Townsville) |
| Elise Adams | Associate to Justice McMeekin (Rockhampton) |



Front row left to right: Jennifer Porter (Daubney J); Chloe Shannon (McMurdo P); Katie Allan (McMurdo P); Rosemary Gibson (Chesterman JA); Laura Grant (White JA)
Second row left to right: Emily Mayberry (Applegarth J); Lauren Dancer (Douglas J); Anita Clifford (Atkinson J); Justine Clark (Fraser JA); Leonid Sheptooha (de Jersey CJ); Alexander McKinnon (Byrne SJA); Phoebe Stuart (A Lyons J); Rebecca Rowling (M Wilson J); Stevie Martin (Mullins J);

Third row left to right: Rebecca Slater (Muir JA); Siobhan Maloney (P Lyons J); Chloe Cameron (Boddice J); Mitchell Smith (Philippides J); Pawel Zielinski (Holmes JA); Mark Novakov (A Wilson J)

Inset left to right: Brendan Ferris (Jones J); Leaha Schell (Cullinane J); Jill Chang Chien (Fryberg J); Elise Adams (McMeekin J); Mark Heiser (Martin J).

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Law Courts Complex
304 George Street,
Brisbane QLD 4000

PO Box 15167,
City East QLD 4002
DX 40168

PH 61 7 3247 4279
FX 61 7 3247 4206

www.courts.qld.gov.au





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