



DISTRICT COURT  
OF QUEENSLAND

# District Court of Queensland

Annual report 2016- 2017





**DISTRICT COURT OF  
QUEENSLAND**

CHAMBERS OF THE CHIEF JUDGE

27 October 2017

The Honourable Yvette D'Ath MP  
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Dear Attorney

Pursuant to s.130A (1) of the *District Court of Queensland Act 1967*, I enclose my report on the operation of the District Court of Queensland for the year ended 30 June 2017.

Yours sincerely

A handwritten signature in black ink, appearing to be 'KJ O'Brien', written over a circular stamp or seal.

**Chief Judge KJ O'Brien**



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## Chief Judge's overview

### Introduction

This is the 21st annual report of the District Court of Queensland, dealing with the organization, operation and performance of the court in 2016-17. The workload of the court is significant as it is one of the largest and busiest of the higher courts in Australia.

The court's performance and workload during the 2016-17 year are reflected in the statistics set out in this report. The court's statistical information accords with the method of reporting adopted by the Commonwealth Productivity Commission's *Annual Report on Government Services*.

### Performance

The most notable feature of the year was an 11.1 per cent increase in the number of criminal lodgments across the State. This involved an increase in lodgment numbers in almost all major centres and followed upon an increase of 5.9 per cent in 2015-16 and 6.1 per cent in 2014-15. This has made the administration of the criminal lists more difficult and has placed increased strain upon the court's judicial resources.

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

There was a slight decrease of 144 matters in the number of civil lodgments across the State during the year. A high clearance rate (99.7 per cent) was maintained. As noted below however, these figures do not reflect the increasing complexity of the court's workload.

The number of lodgments in the Planning and Environment Court across the State increased by 5.6 per cent during the year. Statewide, the Court maintained a clearance rate of 95.1 per cent.

### Disposition of Caseload

In light of the factors referred to above and set out in greater detail below, the court's performance and workload in 2016-17 has been most creditable. The dedication of the court's 39 judges has done much to ensure the efficient and timely disposition of the lists though the rise in the volume of criminal work has made this task increasingly difficult.

### Overall Comments

As indicated above the most significant feature of the year's statistics has been the continued increase in the court's criminal workload.

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

Every effort is made to case manage the criminal lists in Brisbane and in the regional cities as well as the larger circuit centres across the State, however, the increasing volume, length and complexity of the work dealt with by the court has placed its judicial resources under considerable strain. In my last report, I identified the need for the appointment of an additional judge to this court. That has not occurred and since that time there has been continued growth in the volume of criminal work flowing to this court. As noted above, there has been an 11.1 per cent increase in the number of criminal lodgments over the past year. This follows increases of 5.9 per cent in 2015-16 and 6.1 per cent in 2014-15. Notwithstanding this significant increase in the criminal workload, the number of criminal finalisations increased by 14.1 per cent compared to the previous year in a criminal clearance of 96.8 per cent was achieved. These figures demonstrate the extraordinary effort of the judges of this court, but inevitably, given the increased in lodgments, the number of outstanding pending defendants has increased by 7.5 per cent when compared to the previous year. This figure will continue to grow unless the need for additional judicial resources is not met.

According to the 2017 RoGS Report, in 2015-16 the District Court of Queensland had the largest number of criminal lodgments of any equivalent court in Australia. That number was significantly greater

than that for the next ranking State, New South Wales, with 4,870 lodgments, and more than the combined total of any two of the remaining States (Western Australia 2,448, Victoria 2,232, South Australia 2,172). Notwithstanding these compelling figures, Queensland has a lower number of judges per population (0.7 judges per 100,000 people) than does any other equivalent court in this country.

In my last report, I emphasised the need for greater communication in criminal matters between the Crown and the defence during the period between committal and indictment presentation. Justice Martin Moynihan AO made similar comments in his report into the civil and criminal justice systems in Queensland delivered almost ten years ago. The lack of meaningful discussion between the parties continues to cause significant delays in listing matters for trial or sentence and the result can be an inefficient use of court time.

During the year under review, three long serving judges of the court retired. It is essential that, in the event of any such retirements, replacement judges should be appointed without delay. To do otherwise creates great disruption to the court's list and serves to place additional pressures on a court where judicial resources are already overstretched.

A matter of increasing concern is the adequacy of the court's existing ICT systems generally. The proposed introduction of a much needed modern electronic jury management system has not been advanced. There is a need also for a modern electronic case management system and for a capacity to properly process the electronic lodgment and data entry requirements of the court. Moreover, at the present time the court IT system remains part of the Department of Justice network. There is a need for a system within the court which is separate from and independent of the Department system.

In a more positive vein, it is pleasing to note that since my last report there has been attention given to the improvement of AV facilities in a number of regional courts. It is pleasing also to note long overdue improvements occurring within the District Court at Townsville and the proposal of some improvement in other court centres such as Maroochydore and Rockhampton.

During the year the performance of the Planning and Environment division of the Court was expressly recognised in a report published by the United Nations Environment Programme (UNEP) entitled "Environmental Courts and Tribunals – A Guide for Policy Makers". The report identified the Queensland Planning and Environment Court as "an outstanding success model, based on the benefits of its administrative structure and its many best practices". It represents a significant achievement of performance and efficiency to have this Court spoken of in such highly favourable terms.

The District Court is a modern and dynamic institution which maintains a strong and ongoing commitment to identifying ways in which its systems and efficiencies can be improved. Judge Smith, the Judge Administrator, is the court's representative on the "Steering Criminal Justice Committee" chaired by Justice Douglas of the Supreme Court. This committee is made up of key stakeholders in the criminal justice system and aims to identify systemic changes that might improve the court's functioning. Much progress is being made in that regard.

## **Criminal**

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

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

The trend towards more lengthy and complex civil and criminal trials continues. Although the increasing use of the eTrials system has led to greater efficiencies in the disposition of the larger commercial and planning cases as well as the more complex fraud trials, the average trial length increased to 3.4 days in 2016-17, leading to an increase of 7.9 per cent (150) in the total trial days where a jury was empanelled. At the same time, the number of criminal trials proceeding increased by 2.3 per cent, there being 14 more trials proceeding than in the 2015-16 year. This has meant a 2.3 per cent (165) increase in the number of jurors empanelled and an increase of 6.2 per cent in total expenditure for jury empanelment.

Criminal lodgments for the year rose by 11.1 per cent from the corresponding period in 2015-16. This translates to an increase of 652 in the total number of criminal lodgments in the court in 2016-17 (5879 matters to 6531 matters). Although the total number of matters disposed of increased from 5538 to 6320, the percentage of defendants with a case age of more than 24 months remained fairly stable at 4.3 per cent compared with 4.8 per cent in the previous year. The clearance rate at State level was also fairly stable at 96.8 per cent (94.2 per cent in 2015-16). The number of active pending defendants increased from 2,165 to 2,327 in the year under review.

In Brisbane, 2,357 new cases were presented during the year and the court ended the year with 907 outstanding criminal cases (726 last year), having disposed of 2,111 matters (1,842 last year). The clearance rate in Brisbane declined to 89.6 per cent this year from 93.6 per cent last year. Of the outstanding cases, 11.2 per cent were more than 12 months old from the date of presentation of



indictment (13.5 per cent last year), and 4.2 per cent were more than 24 months old (6.3 per cent last year).

In the major regional centres where judges are based – Beenleigh, Cairns, Ipswich, Maroochydore, Rockhampton, Southport and Townsville – a total of 3,223 new cases were presented during the year and those major centres ended the year having disposed of 3,082 cases, with 1,121 outstanding.

Across the State, all major centres where Judges are based, with the exception of Townsville, saw an increase in the number of criminal lodgements. This increase was most marked in Brisbane (19.8 per cent increase or 389 additional matters), Southport (23.2 per cent increase or 131 additional matters, Cairns (17.7 per cent increase or 94 additional matters) and Beenleigh (8.9 per cent increase or 42 additional matters). The number of criminal lodgments in Townsville declined by 16.1 per cent from 492 to 413.

## **Affected child witnesses**

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

Many children are required to give evidence in matters involving charges of sexual or violence offences. During 2016-17 the judges ordered 314 pre-recordings (266 in 2015-16 and 202 in 2014-15) involving 750 witnesses (501 in 2015-16 and 424 in 2014-15) for the District Court or the Childrens Court. Not all the pre-recordings ordered take place as, not infrequently, defendants plead guilty soon after the order is made. During 2016-17, the evidence of 389 witnesses (last year 352 and 298 in 2014-15) was pre-recorded before a judge for future trials in the District Court or the Childrens Court. However not all matters then go on to trial as some defendants plead guilty after the pre-recording takes place or the Crown enters a nolle prosequi.

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

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

## **Civil**

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

During 2016-17 there were 4,868 new civil cases lodged in the court (5,012 last year), with 4,855 matters finalised (5,170 last year). The number of active pending matters remained steady with 4,681 pending active matters (4,648 last year). The civil clearance rate was 99.7 per cent compared with 103.2 per cent last year. The percentage of active cases older than 12 months was 21.5 per cent this year (20.3 per cent last year) and the percentage of active cases older than 24 months was 4.1 per cent (3.9 per cent last year).

In Brisbane there were 4,011 new cases (3,998 last year) and a slight decrease in the number of cases finalised (3,898 compared to 4,139 in 2015-16) resulted in a clearance rate of 97.2 per cent (103.5 per cent last year). In Brisbane, 20.1 per cent of active cases were older than 12 months with 3.6 per cent of active cases older than 24 months. These figures remain relatively static compared to the previous year.

## **District Court Commercial List**

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

## **Criminal appeals**

During the year, 406 criminal appeals were lodged in the court, (434 last year) and 416 cases were finalised, ending the year with 230 active cases and a 102.5 per cent clearance rate. The percentage of active cases older than 12 months fell from 23.4 per cent in 2015-16 to 20.9 per cent in 2016-17, with the percentage of those older than 24 months decreasing from 8.9 per cent last year to 8.3 per cent in 2016-17.

In Brisbane during the year under review the number of criminal appeals lodged remained steady with 173 new appeals this year (184 last year), disposing of 178 criminal appeals (214 in 2015-16), and ending the year with 108 active cases and a clearance rate of 102.9 per cent. The percentage of active cases older than 12 months was 24.1 per cent (23.4 per cent last year) with 10.2 per cent older than 24 months.

## **Civil appeals**

During the year, 84 civil appeals were lodged in the court (80 last year), and 74 cases finalised (78 last year) giving a clearance rate of 88.1 per cent and ending the year with 63 active cases. The percentage of active cases older than 12 months remains stable (27 per cent compared with 25.9 per cent in the previous year) while the percentage of cases older than 24 months has increased from 9.3 per cent to 17.5 per cent. In Brisbane 39 civil appeals were lodged, the court disposed of 38 civil appeals resulting in a clearance rate of 97.4 per cent but ending the year with 35 active cases, with 34.3 per cent older than 12 months and 25.7 per cent older than 24 months.

## **Planning and Environment Court**

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

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

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

This court has maintained the high international recognition which it has received for its achievements - the efficiency of its unique structure as an adjunct of the District Court, and as a world leader in individual case management; its alternative dispute resolution process; its efficient management of expert evidence; its regional service and the commitment of its judges to ongoing review and reform. During the year the Court celebrated its 50<sup>th</sup> anniversary, an event marked with a formal dinner organised with the support of the Queensland Bar Association, the Queensland Law Society and the Queensland Environmental Law Association.

Overall, there was an increase in the number of lodgments this year. State-wide 547 new cases were filed this year up from 518 last year. This represents an increase in lodgments of 5.6 per cent..

The court achieved a clearance rate of 95.1 per cent ending the year with 376 outstanding cases and having disposed of 520 matters. Of the outstanding cases, 24.5 per cent were more than 12 months old (from date of filing), and 9 per cent were more than 24 months old. Some cases may take this long due to their complexity and the number of parties involved in the hearings.

In Brisbane, where the longer cases are heard, the court ended the year with 314 outstanding cases having disposed of 440 matters, achieving a clearance rate of 96.7 per cent. Of the outstanding cases, 24.2 per cent were more than 12 months old and 8.9 per cent were more than 24 months old.

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

## **Childrens Court of Queensland**

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

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

## **Regional centres**

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

## **Circuits**

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

## **Indigenous and remote circuits**

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

## **Practice Directions**

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

## **The Focus Group**

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

## **Rules Committee**

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

## **Benchbook**

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

## **Chief Judge's calendar**

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

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

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

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

## **Continuing judicial professional development**

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

Judge Robertson delivered a paper at the 15<sup>th</sup> International Criminal Law Congress in Adelaide from 12-16 October 2016 as part of a panel on expert evidence, dealing with new technologies in use in Qld to analyse and present DNA evidence by the Crown.

On December 15 and 16 Judge Rackemann met with a delegation from the Japanese Ministry of Justice, Litigation Division. They observed HH hear reviews in court.

Judge Chowdhury presented a paper at the QPS Forensic Crash Unit 2017 on 8 May 2017.

Judge Dearden on a panel discussing therapeutic jurisprudence in mainstream courts, with a range of other panellists, including Chief Justice Wayne Martin from WA at the Second International Conference on Non-Adversarial Justice: Integrating Theory and Practice 6-8 April 2017 at the Parkroyal Darling Harbour, Sydney.

Judge Rackemann delivered a paper at the International Symposium on Environment Arbitration in the 21<sup>st</sup> Century held in Auckland in April 2017.

In May 2017, the Chief Judge, Judge Dick SC and Judge Harrison delivered papers at the North Queensland Law Association Conference.

Judge Dick also spoke at the Queensland Law Society Symposium in May.

In April, Judge Muir delivered a paper at the Gold Coast Bar Association Conference.

## **Associates' appointments**

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

# **Access to the Court**

## **Court Network**

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

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

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

## **LawRight**

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

## **Self Represented Litigants Service**

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

## **International aspects**

On 26 August 2016, Judge Jones spoke to a delegation of Judges from Yunnan Province, Peoples Republic of China about the Planning and Environment Court.

Judge Shanahan met with Korean Judges from the Family Court on 8 & 9 December 2016 to discuss the Queensland Childrens Court.

On 9 March 2017 Judge Rackemann met with Judge Yoshihiro Baba, a Judge of Ichinomiya Branch of Nagoya District and Family Courts, Japan.

## **Judicial appointments**

On 14 November 2016, Ms Catherine Muir was appointed a Judge of the District Court of Queensland and sworn-in on 18 November 2016 in the QEII Courts of Law Brisbane.

On 14 November 2016, Ms Nicole Kefford was appointed a Judge of the District Court of Queensland and sworn-in on 18 November 2016 in the QEII Courts of Law Brisbane.

On 1 December 2016, Mr Dennis Lynch QC was appointed a Judge of the District Court of Queensland and sworn-in on 5 December 2016 in the QEII Courts of Law Brisbane.

On 24 April 2017, Mr Gregory Lynham was appointed a Judge of the District Court of Queensland and sworn-in on 26 April 2017 in the QEII Courts of Law Brisbane.

## **Judicial retirements**

Judge Fleur Kingham, who was appointed to the District Court of Queensland on 17 July 2006, resigned on 7 August 2016. She was appointed President of the Land Court of Queensland on 8 August 2016.

Judge Clive Wall RFD QC, who was appointed to the District Court of Queensland on 11 September 1996, retired on 4 October 2016.

Judge John Baulch SC, who was appointed to the District Court of Queensland on 10 September 2010, retired on 21 February 2017.

## **Recognition**

Judge Maxwell Morley QC, a distinguished member of this Court who served on the Bench from 29 February 1988 until 4 October 1998, died on 27 February, 2017.

## **Acknowledgement**

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

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

# Profile of the District Court

## Judges of the District Court

During the year under report the judges were:

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

## Regional, planning and childrens court judges

### Regional judges

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

Maroochydore	Judge Robertson Judge Long SC
Southport	Judge Wall QC Judge McGinness Judge Kent QC
Townsville	Judge Durward SC Judge Baulch SC Judge Lynham
Rockhampton	Judge Burnett
Ipswich	Judge Koppenol Judge Horneman-Wren SC Judge Lynch QC
Cairns	Judge Harrison Judge Morzone QC
Beenleigh	Judge Chowdhury

### Planning and Environment Court

The Planning and Environment Court judges during 2016-17 are listed below:

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



## Childrens Court of Queensland

The Childrens Court judges during 2016-17 are listed below:

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

## The Court

### The work of the District Court

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

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

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

## Organisation of work

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

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

Information about the organisation and practices of the court, including calendar, law lists and practice directions are published on the Queensland Court's website.

## Criminal jurisdiction

In practice the court deals with all indictable matters other than homicides and the most serious drug offences. The great majority of all defendants charged on indictment came before the District Court in 2016-17. The court regularly conducts trials involving about 24 offences attracting a maximum penalty of life imprisonment.

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

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

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

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

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

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

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

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

**Table 1: The activity of the District Court criminal list 2016-17<sup>1</sup>**

	Number of Defendants <sup>2</sup>			Clearance Rate <sup>3</sup>	Backlog Indicator <sup>4</sup>	
	Lodged	Finalised	Active		% > 12 mths	% > 24 mths
<b>Brisbane</b>	<b>2,357</b>	<b>2,111</b>	<b>907</b>	<b>89.6%</b>	<b>11.2%</b>	<b>4.2%</b>
<b>Regional centres</b>						
Beenleigh	513	532	204	103.7%	23.0%	7.4%
Cairns	624	611	159	97.9%	19.5%	7.5%
Ipswich	399	360	137	90.2%	16.1%	3.6%
Maroochydore	357	240	157	67.2%	11.5%	3.8%
Rockhampton	222	230	35	103.6%	11.4%	2.9%
Southport	695	675	281	97.1%	10.3%	1.8%
Townsville	413	434	148	105.1%	17.6%	1.4%
<b>Total for Brisbane and regional centres</b>	<b>5,580</b>	<b>5,193</b>	<b>2,028</b>			
<b>Circuit centres</b>						
Bowen	5	11	9	220.0%	11.1%	11.1%
Bundaberg	95	114	25	120.0%	16.0%	4.0%
Charleville	12	18	5	150.0%	0.0%	0.0%
Charters Towers	2	13	3	650.0%	33.3%	33.3%
Clermont	3	1	-	33.3%	0.0%	0.0%
Cloncurry	-	-	-	0.0%	0.0%	0.0%
Cunnamulla	-	1	2	0.0%	0.0%	0.0%
Dalby	49	58	18	118.4%	16.7%	5.6%
Emerald	23	30	10	130.4%	10.0%	0.0%
Gladstone	52	70	13	134.6%	7.7%	7.7%
Goondiwindi	9	16	-	177.8%	0.0%	0.0%
Gympie	41	46	32	112.2%	6.3%	0.0%
Hervey Bay	64	63	27	98.4%	22.2%	3.7%
Hughenden	1	-	-	0.0%	0.0%	0.0%
Innisfail	8	25	3	312.5%	0.0%	0.0%
Kingaroy	5	7	-	140.0%	0.0%	0.0%
Longreach	2	2	1	100.0%	0.0%	0.0%
Mackay	199	208	33	104.5%	12.1%	9.1%
Maryborough	53	70	34	132.1%	26.5%	8.8%
Mt Isa	48	77	23	160.4%	21.7%	13.0%
Roma	17	17	1	100.0%	0.0%	0.0%
Stanthorpe	4	8	1	200.0%	0.0%	0.0%
Toowoomba	221	222	48	100.5%	14.6%	0.0%
Warwick	38	50	11	131.6%	18.2%	0.0%
<b>Total for circuit centres</b>	<b>951</b>	<b>1,127</b>	<b>299</b>			
<b>State total</b>	<b>6,531</b>	<b>6,320</b>	<b>2,327</b>	<b>96.8%</b>	<b>14.0%</b>	<b>4.3%</b>

(1) Data extracted from QWIC for reporting purposes on 18/07/2017

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

(3) Clearance rate: finalisations/lodgments

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

## Civil jurisdiction

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

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

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

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

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

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

	RoGS Non Appeal Cases			Clearance Rate *	Backlog Indicator	
					From filing date	
	Lodged	Finalised	Active		% > 12 mths	% > 24 mths
Brisbane	4,011	3,898	3,825	97.2%	20.1%	3.6%
State Total	4,868	4,855	4,681	99.7%	21.5%	4.1%

\*Clearance rate - finalisations/lodgments

Data extracted for reporting purposes on 18/07/2017

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

## Commercial List

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

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

## Applications court

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

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

## Appellate jurisdiction

During the year this court heard and determined 416 criminal appeals and 74 civil appeals from the Magistrates Court.

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

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

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

	RoGS Appeal			Clearance Rate *	Backlog Indicator	
					From filing date	
	Lodged	Finalised	Active		% > 12 mths	% > 24 mths
Civil						
Brisbane	39	38	35	97.4%	34.3%	25.7%
State Total	84	74	63	88.1%	27.0%	17.5%
Criminal						
Brisbane	173	178	108	102.9%	24.1%	10.2%
State Total	406	416	230	102.5%	20.9%	8.3%

\*Clearance rate - finalisations/lodgments

Data extracted for reporting purposes on 18/07/2017

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

## The Planning and Environment Court

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

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

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

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

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

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

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

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

The number of active pending matters was 376, and the number of new matters was 547.

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

Planning and Environment Court 2015-16						
				Clearance	Backlog Indicator	
				Rate *	From filing date	
	Lodged	Finalised	Active		% > 12 mths	% > 24 mths
Brisbane	455	440	314	96.7%	24.2%	8.9%
State Total	547	520	376	95.1%	24.5%	9.0%

\*Clearance rate - finalisations/lodgements

Data extracted for reporting purposes on 18/07/2017

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

## Childrens Court of Queensland

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

The Children's Court of Queensland is a specialist jurisdiction established under the *Childrens Court Act 1992*. The President of the Court is Judge Shanahan. There are presently 32 judges of the Court holding commissions under the Act available to sit as Childrens Court judges.

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

## Regional centres

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

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

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

## **Cairns**

**Judge Harrison**

**Judge Morzone QC**

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

## **Rockhampton**

**Judge Burnett**

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

## **Townsville**

**Judge Durward SC**

**Judge Baulch SC (until 21 February 2017)**

**Judge Lynham (from 26 April 2017)**

Judge Durward, Judge Baulch (until his retirement) and Judge Lynham were the resident judges during the year. Townsville is also served by the Supreme Court's Northern Judge. Judge Durward and Judge Baulch hold commissions in the Planning and Environment Court and Judge Durward and Judge Lynham hold commissions in the Childrens Court. They also undertake circuits in their region, principally to Bowen, Charters Towers and Hughenden. Some assistance was provided by judges on circuit from other centres.

## **Maroochydore**

**Judge Robertson**

**Judge Long SC**

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

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

The Maroochydore-based judges undertake much of the circuit work at Gympie and Kingaroy. The Kingaroy district includes the largely indigenous community of Cherbourg and the judges visit the nearby town of Murgon on circuit. Both judges undertake some circuit work elsewhere in the state.

## **Southport**

**Judge Wall QC (until 4 October 2016)**

**Judge McGinness**

**Judge Kent QC**

**Judge CM Muir (from 14 November 2016)**

Judge Wall and Judge McGinness received assistance during the year from the circuit judges until the appointment of Judge Kent in June 2016. With the appointment of Judge Muir, the number of resident judges at Southport has been restored to three.

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

## **Ipswich**

**Judge Horneman-Wren SC**

**Judge Lynch QC (from 1 December 2016)**

Judge Horneman-Wren and Judge Lynch dealt with the Ipswich caseload. Judge Horneman-Wren and Judge Lynch hold commissions in the Childrens Court of Queensland, and Judge Horneman-Wren is also a Planning and Environment Court Judge. The judges undertook circuits to Beenleigh, Toowoomba, Dalby and Warwick. Judge Lynch QC was appointed a resident judge in Ipswich following the retirement of Judge Bradley on 30 June 2016.

## **Beenleigh**

**Judge Chowdhury**

Judge Chowdhury is the resident judge in Beenleigh. The judge also conducted circuits in other centres. Considerable assistance was provided by judges on circuit from other centres. Judge Chowdhury also holds a commission in the Childrens Court of Queensland.

## **Circuit centres**

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

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

The 39 centres (excluding those with a resident judge) where judges sit on circuit during the year are: Aurukun; Bamaga; Bowen; Bundaberg; Charleville; Charters Towers; Cloncurry; Cooktown; Cunnamulla; Dalby; Doomadgee; Emerald; Gladstone; Goondiwindi; Gympie; Hervey Bay; Innisfail; Kingaroy; Kowanyama; Lockhart River; Longreach; Mackay; Maryborough; Mornington Island; Mount Isa; Murgon; Normanton; Palm Island; Pormpuraaw; Roma; Stanthorpe; Toowoomba; Thursday Island; Warwick; Weipa; Napranum; Woorabinda; Yarrabah.



## Judges' committees

The membership of the judges' committees as at 30 June 2017, with the Chief Judge an ex officio member of each committee, was as follows:

### Civil Procedure and Rules

**Convenor:** Judge McGill SC  
**Members:** Judge Bowskill QC  
Judge Kent

### Court Excellence

**Convenor:** Judge Horneman-Wren SC  
**Members:** Judge Smith  
Judge Rackemann  
Judge Rafter SC  
Judge Searles  
Judge Jones  
Judge Reid  
Judge Farr SC  
Judge Morzone QC  
Judge Sheridan  
Judge Moynihan QC  
Judge Kent QC

### Criminal Law

**Convenor:** Judge Shanahan  
**Members:** Judge Richards  
Judge Dick SC  
Judge Dearden  
Judge Rafter SC  
Judge Martin SC  
Judge Everson  
Judge McGinness  
Judge Farr SC  
Judge Moynihan QC  
Judge Kent QC

### Cultural Awareness

**Convenor:** Judge Bowskill QC  
**Members:** Judge Everson  
Judge McGinness  
Judge Reid  
Judge Kent QC

### Conference and Social Education

**Convenor:** Judge Martin SC  
**Members:** Judge Richards  
Judge Rackemann  
Judge Dearden  
Judge Reid  
Judge Bowskill QC  
Judge Moynihan QC

### Salaries and Entitlements

**Convenor:** Judge Rackemann  
**Members:** Judge Devereaux SC  
Judge Bowskill QC

### Aboriginal and Torres Strait Islander

**Convenor:** Judge Richards  
**Members:** Judge Everson  
Judge McGinness  
Judge Reid  
Judge Morzone QC  
Judge Bowskill QC  
Judge Sheridan

## **Civil procedure committee**

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

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

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

## **Criminal law committee**

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

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

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

## **Judicial professional development committee**

During the year under review -

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

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

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

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

## Office of the Executive Director

### Supreme District and Land Courts Service

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

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

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

### Registry Services

Court registries are responsible for:

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

There are permanent District Court registries at Brisbane, Cairns, Rockhampton and Townsville. Registrars at those centres have the responsibility of determining certain applications without the necessity for judicial involvement, such as default judgments.

Further registries are located at Beenleigh, Ipswich, Maroochydore and Southport, and 25 other centres in Queensland are visited on circuit. Local Magistrates Courts staff perform the registry duties at those times.

Regrettably, the implementation of the Jury Management System (JMS) referred to in last year's Annual Report has been discontinued. A replacement for the current jury system is a priority for the Department of Justice and Attorney-General.

### Registry workloads

Criminal lodgements increased again during 2016-17 and continue to present significant challenges to the registry and court. Across the state, there was an increase of 11.1% (5,879 to 6,531), while the increase was 19.8% (1,968 to 2,357) in Brisbane.

The number of trials proceeding also increased, from 596 to 610, as did the average number of days per trial, from 3.2 days to 3.4 days.

The increasing charges and defendants before the court is causing significant workload pressures for the registry which is reflected predominantly in data entry and the creation of Verdict and Judgment Records (VJR)s.

In 2012-13, there were approximately 12,800 VJR)s created across Queensland as a result of matters being finalised or adjourned before the District Court. That number increased by more than 31% to 16,800 during 2016-17. In Brisbane, the increase was particularly noticeable with approximately 5,300 VJR)s issued in 2012-13 compared to 7,400 in 2016-17, an increase of over 40%.

While civil lodgements decreased across the state by 2.9% (5,012 to 4,868), there was an increase of 0.3% in Brisbane (3,998 to 4,011).

## **Court Network volunteers**

Court Network's 120 volunteers again provided a range of support services to court users through its Court Network outreach and support services in Cairns, Townsville and Brisbane and the Victim Support Unit in Brisbane and Ipswich.

The volunteers provide court users with non-legal information, practical and emotional support, and advocacy and referrals to enable them to access justice. During 2016-17, volunteers assisted 9,457 court users through the Brisbane Information Kiosk, 3,528 court users through the Brisbane Supreme and District court Networker service, 256 in Cairns and a further 813 in Townsville. Since the program commenced, in excess of 53,000 court users in Queensland have been assisted.

The Victim Support Unit provided coordinated cross-jurisdictional support for adult victims in the criminal justice system. During the year, 263 new clients were assisted in Brisbane and Ipswich. In total, more than 1,326 hours of services were provided to VSU clients. Since commencing in September 2013, more than 950 victims have been assisted.

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

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

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

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

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

During 2016-17, PACT provided support to 1,751 children, which was a 14% increase in client referrals from the previous year. The average age of the children supported by PACT was 13 years, of which 62% were female. Approximately 59% of the cases involved offences of a sexual nature and 21% of cases were a result of assault, including domestic violence.

## **Acknowledgements**

During 2016-17, additional funding was made available to employ a further two administrative staff in Brisbane to perform the duties of an administrative officer in the registry. This enabled bailiffs to be supplied more reliably as required by the Court and was therefore greatly appreciated.

The ongoing enthusiasm, commitment and professionalism of registry staff across Queensland in discharging their duties are without doubt, one of the most significant assets of the Court. Increasing workloads have been managed despite the difficulties involved and the many challenges and changes that arise have been met thanks to the professionalism and commitment of those staff.

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

## Related organisations

### Supreme Court of Queensland Library

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

The library maintains print collections in eight provincial courthouses in addition to the main library collection in Brisbane at the QEII Courts of Law. It also continues to service chambers collections by undertaking regular maintenance of print subscription services and processing new acquisitions. In 2016–17 our combined print collection comprised over 160,000 items, with the library purchasing 283 new monographs during the year, and maintaining subscriptions to 417 print journals, legislation services and law reports series.

For members of the judiciary their statewide desktop access to an expanding collection of online resources available via the library's Judicial Virtual Library (JVL) is their most comprehensive, current and reliable source of legal information. In 2016–17 the library catalogue enabled access to more than 65,000 online full text titles, including 35 new online titles purchased by the library during the year. During 2015–16 the library negotiated expanded access rights for many library members to 138 of the most popular online publications as part of its Virtual Legal Library (VLL) offering to the legal profession, and during 2016–17 many eligible Queensland legal practitioners registered for and began using this ground breaking service – accounting for almost a quarter of all use of the library's online collections.

The library provides a range of current awareness services to judges and their associates, including the *Judicial Daily Update* service, a daily news and current awareness newsletter tailored for the Queensland judiciary. It also publishes and distributes the *Queensland Legal Updater* (QLU), a weekly email bulletin designed to update legal professionals on changes to legislation and developments in case law relevant to legal practice in Queensland. Use of the judicial current awareness services increased by 12% during the year, while use of QLU increased by 21% – with over 4100 subscribers.

As the publishing arm of the Queensland courts, the library has maintained its commitment to timely publication of the official version of full text judgments from Queensland courts and tribunals. Most decisions are published online within an hour of being handed down, making the SCLQ website the primary and most current and authoritative access point for Queensland case law. In 2016–17 the library published 2192 new decisions from Queensland courts and tribunals, including 332 judgments from the District Court. By the end of June 2017 the total number of full text Queensland decisions available from the library website was just under 37,800.

From 1 July 2013 all responsibility for provision and maintenance of the Queensland Sentencing Information Service (QSiS) was transferred to the library from the Department of Justice and Attorney-General (DJAG). In the four years since then use of the service has continued to steadily increase. During 2016–17 there were 29,152 visits to the QSiS database (an average of 80 unique visits a day), resulting in over 420,000 page views. In the course of the year subscriptions to QSiS increased by 39 per cent, from 417 to 578. QSiS is relied upon by prosecutors, defence and the judiciary to promote consistency and fairness in sentencing criminal offenders and is available to all judges and their associates.

Our library's websites are the primary means of accessing our information resources and services for the majority of our customers. In 2016–17 more than 6.6 million page views were recorded from the SCLQ public website, JVL, VLL and library catalogue combined. Legal research tools developed by the library, including the Criminal Codes Appellate Decisions Database, Queensland Legal Indices, and the Uniform Civil Procedure Rules Bulletin, are available via the CaseLaw Plus tab on the website. In all, CaseLaw services (including the official unreported judgments collection) recorded more than 5.1 million page views over the year. During 2016–17 the library continued to work with the Incorporated Council for Law Reporting to develop a joint Queensland Judgments website to enable free public access to reported and unreported decisions of the Supreme Court from late 2017.

Throughout the year the library's Information Services team continued to assist the judiciary and legal profession with navigating the legal research tools within the library's print and online collections. The team responded to a total of 9419 information enquiries, comprising 3643 reference, 1528 research and 4248 basic requests. A total of 8518 documents were supplied in response to these queries. During 2016–17 the library maintained weekly afternoon clinics on level 13 of the QEII Courts of Law building to assist judges and their associates with their legal information needs.

The library's heritage and education programs are designed to foster broad appreciation of Queensland's legal heritage and to promote an understanding of the Queensland justice system and its role in society. Highlights during 2016–17 included:

- A total of 6134 visitors participated in the popular schools education program, including 1646 participants in judges information sessions
- Following the conclusion at the end of 2016 of the WW1 centenary exhibition *In Freedom's Cause: the Queensland legal profession and the Great War*, in June 2017 the library's new exhibition designed to support the schools program—*Without fear or favour: exploring Queensland's legal system*—was opened to the public in the Sir Harry Gibbs Legal Heritage Centre
- The 2017 Supreme Court Oration was presented by The Hon Susan Kiefel AC, Chief Justice of Australia, and two of the six Selden Series lectures were presented by serving Queensland judges (The Hon Justice Margaret McMurdo AC and The Hon Justice John Bond), with a further two presented by former judges (The Hon Margaret White AO and The Hon Richard Chesterman AO RDF QC)
- The *Queensland Legal Yearbook 2015* (edited by Mr John McKenna QC) reviewed the year's legal events and statistics, and contained transcripts of court ceremonies and speeches by members of the judiciary in 2015.

Looking ahead to 2017–18, there will be a continued focus by the library on providing a high level of support to Queensland's busy judges and their support staff. This will include supporting adoption of the 'go anywhere' electronic versions of popular legal loose-leaf publications designed to be downloaded to tablets and other mobile devices, as well as training and support in identifying, locating and making more effective and efficient use of the range of print, electronic and online resources available to the judiciary. We look forward to increased use of the Virtual Legal Library service by eligible Queensland legal practitioners, to the launch of the Queensland Judgments website, and to redeveloped SCLQ CaseLaw services. Together these initiatives will contribute to improved legal information services for the Queensland judiciary, legal profession and public.

## Appendices

### Appendix 1: Practice Directions

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

#### District Court of Queensland

Table 5: District Court practice directions

Number	Description	Date issued
2016/06	Change of Name – James Conomos Lawyers Pty Ltd	26 July 2016
2016/07	Designation of Court Holidays – Registry 26 December 2016 to 6 January 2017	26 August 2016
2017/01	Applications List – Outline of Argument	13 June 2017
2017/02	Management of Controlled Items in Court Precincts (Repeals Practice Direction No 9 of 2014)	16 June 2017

#### Planning and Environment Court

Table 6: Planning and Environment Court practice directions

Number	Description	Date issued
2016/01	Electronic Document Filing and Access	6 December 2016

## Appendix 2: District Court associates as at 30 June 2017

Sally Blake	Associate to His Honour Chief Judge KJ O'Brien
Natalie Keys	Associate to His Honour Judge PE Smith
Holly Atkinson	Associate to His Honour Judge JM Robertson (Maroochydore)
Jessie Pomare	Associate to His Honour Judge DJ McGill SC
Luke Smoothy	Associate to Her Honour Judge D Richards
Andrew Splatt	Associate to His Honour Judge MJ Shanahan
Lydia Devereaux	Associate to Her Honour Judge JM Dick SC
Marco Pedretti	Associate to His Honour Judge ME Rackemann
Patrick Horsley	Associate to Her Honour Judge JA Ryrie
Alexandra Holland	Associate to His Honour Judge IFM Dearden
Marie-Christine Moon	Associate to His Honour Judge SG Durward SC (Townsville)
Gabriella Smith	Associate to His Honour Judge AJ Rafter SC
Harold Rafter	Associate to His Honour Judge TD Martin SC
Alan Wrigley	Associate to His Honour Judge DG Searles
Kate Droney	Associate to His Honour Judge GJ Koppenol
Lucinda Everson	Associate to His Honour Judge DC Andrews SC
Samuel Hill	Associate to Her Honour Judge LJ Clare SC
Emma Page	Associate to His Honour Judge WG Everson
Davina Lucas	Associate to His Honour Judge B Butler AM SC
Georgina Morgan	Associate to His Honour Judge BG Devereaux SC
Isabelle Quinn	Associate to Her Honour Judge KM McGinness (Southport)
Vanessa Brown	Associate to His Honour Judge KD Dorney QC
India Ghariss	Associate to His Honour Judge RS Jones
Christina Fresta	Associate to His Honour Judge BA Harrison (Cairns)
Mai Holdom	Associate to His Honour Judge DA Reid
Julia West	Associate to His Honour Judge GP Long SC (Maroochydore)
Marissa Carroll	Associate to His Honour Judge BW Farr SC
Alice Zerner	Associate to His Honour Judge AA Horneman-Wren SC (Ipswich)
Joshua Auld	Associate to His Honour Judge DP Morzone QC (Cairns)
Alexander McLeod	Associate to His Honour Judge MJ Burnett (Rockhampton)
Stacey Carvolth	Associate to Her Honour Judge HP Bowskill QC
Rachael Stowasser	Associate to Her Honour Judge SC Sheridan
Michael Potts	Associate to His Honour Judge A Moynihan QC
James Andrews	Associate to His Honour Judge DR Kent QC (Southport)
William Siganto	Associate to His Honour Judge MC Chowdhury (Beenleigh)
Matthew Hendry	Associate to Her Honour Judge CM Muir (Southport)
Tayla Morel	Associate to Her Honour Judge NJ Kefford
Emma Thorsen	Associate to His Honour Judge DR Lynch QC (Ipswich)
Nicole Butler	Associate to His Honour Judge GP Lynham (Townsville)