

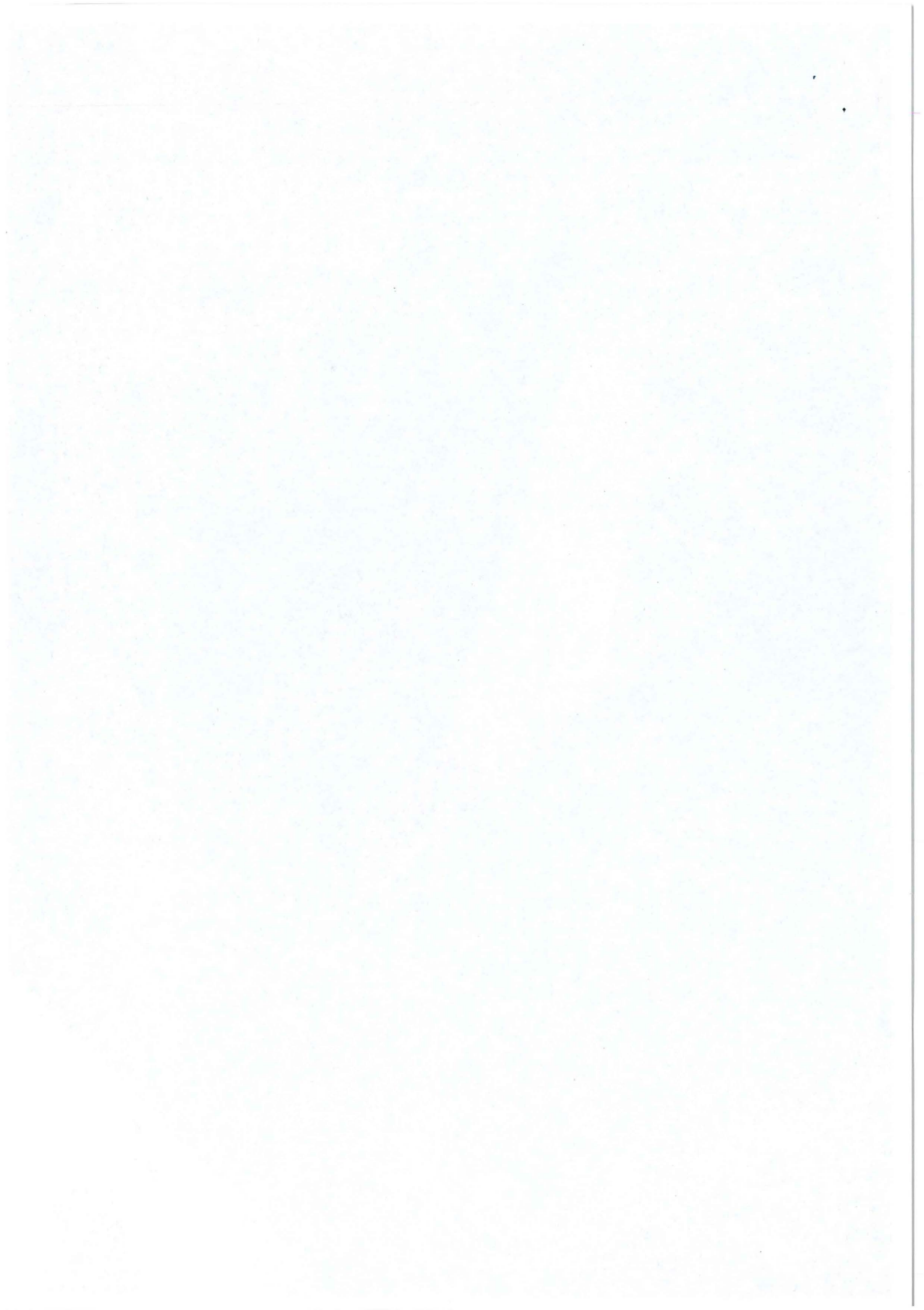
# DISTRICT COURT OF QUEENSLAND

ANNUAL REPORT  
2017-18



DISTRICT COURT  
OF QUEENSLAND







**DISTRICT COURT OF  
QUEENSLAND**

CHAMBERS OF THE CHIEF JUDGE

31 October 2018

The Honourable Yvette D'Ath MP  
Attorney-General and Minister for Justice and  
Leader of the House  
1 William Street  
Brisbane Qld 4000

Law Courts Complex  
304 George Street  
Brisbane QLD 4000

PO Box 15167  
City East QLD 4002  
DX 40168

PH 61 7 3247 4426  
FX 61 7 3247 5298  
[www.courts.qld.gov.au](http://www.courts.qld.gov.au)

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 2018.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'KJ O'Brien', written over a circular blue ink stamp.

**Chief Judge KJ O'Brien**





## Table of contents

Introduction .....	1
Performance .....	1
Disposition of Caseload .....	1
Overall Comments .....	1
Criminal appeals .....	3
Planning and Environment Court .....	4
Childrens Court of Queensland .....	4
Regional centres .....	4
Circuits.....	5
Indigenous and remote circuits .....	5
Practice Directions .....	5
The Focus Group .....	5
Rules Committee .....	5
Benchbook.....	5
Chief Judge's calendar.....	5
Continuing judicial professional development.....	6
Associates' appointments .....	6
Access to the Court.....	6
Court Network .....	6
LawRight.....	6
Self Represented Litigants Service .....	6
Judicial appointments.....	7
Judicial retirements .....	7
Recognition.....	7
Acknowledgement.....	7
Profile of the District Court .....	8
Judges of the District Court.....	8
Regional, planning and childrens court judges .....	9
Planning and Environment Court .....	9
The Court.....	10
The work of the District Court.....	10
The Planning and Environment Court .....	14
Childrens Court of Queensland .....	15
Regional centres.....	15
Cairns .....	16

Rockhampton.....	16
Townsville .....	16
Maroochydore .....	16
Southport .....	17
Ipswich.....	17
Beenleigh.....	17
Circuit centres .....	17
Judges' committees .....	18
Civil procedure committee.....	19
Criminal law committee .....	19
Judicial professional development committee .....	19
Office of the Executive Director.....	20
Supreme District and Land Courts Service.....	20
Related organisations .....	22
Appendices .....	24
Appendix 1: Practice Directions .....	24
Appendix 2: District Court associates as at 30 June 2018.....	26

## Chief Judge's overview

### Introduction

This is the 22nd annual report of the District Court of Queensland, dealing with the organization, operation and performance of the court in 2017-18. 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 2017-18 year are reflected in the statistics set out in this report. The court's statistical information accords with the method of reporting adopted by the Commonwealth Productivity Commission's *Annual Report on Government Services*.

### Performance

The most notable feature of the year was a 13.9 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 11.1 per cent in 2016-17, 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 increase in the number of civil lodgments across the State during the year from 4868 to 4928 matters. A high clearance rate (101 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 remained steady following an increase of 5.6 per cent in 2016-17. Statewide, the Court maintained a clearance rate of 83.5 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 2017-18 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 noted above, the outstanding feature this year is the continuing high level of criminal lodgments. Lodgments have increased by 13.9% (907 matters) following increases of 11.1% in 2016-17, 5.9% in 2015-16 and 6.1% in 2014-15.

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 four 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. Notwithstanding this increase in workload, there has been an increase of 12.1% in the number of matters finalised compared to the last financial year (7,084 matters compared to 6,320 matters). These increases demonstrate the extraordinary efforts of the judges of this court but the inevitable consequence is that the backlog of cases will continue to grow. The number of active pending defendants as of 30 June 2018 has increased by 13.9% (324 defendants) compared to the start of the financial year.

In 2013-14 the number of active pending defendants was 1,698: for the current year it is 2,651. In 2013-14, the number of outstanding matters with an age of more than 24 months since indictment presentation was 75: in 2017-18 it is 128. These figures reflect the fact that since 2013-14, the number of criminal lodgements has increased by 42% from 5,232 matters to 7,438 matters in 2017-18.



In previous reports I have called for the appointment of additional judges to this court. During the year the Queensland Law Society called for the appointment of at least five additional District Court judges. It is pleasing to note the announcement by the Honourable the Minister for Justice and Attorney-General that in 2018-19 there will be an additional judge appointed but the addition of one judge should not be regarded as adequate to address the growing demands placed upon the resources of the court. According to the most recent RoGS Report, Queensland has fewer District Court judges per head of population than any other Australian State and the backlog of cases will continue to grow if the need for additional judicial and court resources is not addressed.

In previous reports I have 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. It is encouraging however to note the establishment of a pilot programme involving the Director of Public Prosecutions office and other agencies involved in the criminal law with a view to promoting early involvement by the prosecution and defence teams.

During the year under review, five 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 in which judicial resources are already overstretched.

A matter of increasing concern is the adequacy of the court's existing ICT systems generally. This is a matter that I have raised in my last report and during the year the Queensland Law Society also called for greater investment in electronic court technology. 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. There is a need for a court IT system within the court which is separate from and independent of the Department system.

## **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 3.3 days in 2017-18, leading to an increase of 3.0 per cent (58) in the total days where a jury was empanelled. At the same time, the number of criminal trials proceeding increased slightly from 607 to 611. This has meant a slight increase in the number of jurors empanelled.

Criminal lodgments for the year rose by 13.9 per cent from the corresponding period in 2016-17. This translates to an increase of 907 in the total number of criminal lodgments in the court in 2017-18 (6,531 matters to 7,438 matters). Although the total number of matters disposed of increased from 6320 to 7084, the percentage of defendants with a case age of more than 24 months remained fairly stable at 4.8 per cent compared with 4.3 per cent in the previous year. The clearance rate at State level was also fairly stable at 95.2 per cent (96.8 per cent in 2016-17). The number of active pending defendants increased from 2,327 to 2,651 in the year under review. This increase of 13.9 per cent is attributable to the continuing increase in criminal lodgments.

In Brisbane, 2,496 new cases were presented during the year and the court ended the year with 892 outstanding criminal cases (907 last year), having disposed of 2,416 matters (2,111 last year). The clearance rate in Brisbane increased to 96.8 per cent this year from 89.6 per cent last year. Of the outstanding cases, 17.2 per cent were more than 12 months old from the date of presentation of indictment (11.2 per cent last year), and 5.4 per cent were more than 24 months old (4.2 per cent last year).

In the major regional centres where judges are based – Beenleigh, Cairns, Ipswich, Maroochydore, Rockhampton, Southport and Townsville – a total of 3,849 new cases were presented during the year and those major centres ended the year having disposed of 3,333 cases, with 1,388 outstanding.

Across the State, all major centres where Judges are based saw an increase in the number of criminal lodgments. This increase was most marked in the South-eastern quarter of the State, particularly in Ipswich (207 additional matters), Maroochydore (100 additional matters) and Brisbane (139 additional



matters). The increase in the number of criminal lodgments in Townsville (161 matters) represents an adjustment of the 16 per cent decline in lodgments in the 2016-17 year and does not necessarily reflect any increase in the number of indictable offences committed.

## **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 2017-18 the judges ordered 517 pre-recordings (344 in 2016-17 and 266 in 2015-16) involving 706 witnesses (750 in 2016-17 and 501 in 2015-16) 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. Moreover 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 2017-18 there were 4,928 new civil cases lodged in the court (4,868 last year), with 4,977 matters finalised (4,855 last year). The number of active pending matters declined from 4,681 in 2016-17 to 4,622 in the current year. The civil clearance rate was 101 per cent compared with 99.7 per cent last year. The percentage of active cases older than 12 months was 19.8 per cent this year (21.5 per cent last year) and the percentage of active cases older than 24 months remained steady (4.2 per cent compared to 4.1 per cent last year).

In Brisbane there were 3,993 new cases (4,011 last year) and a slight increase in the number of cases finalised (4,134 compared to 3,898 in 2016-17) resulted in a clearance rate of 103.5 per cent (97.2 per cent last year). In Brisbane, 18.8 per cent of active cases were older than 12 months with 4 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, Judge Kefford and Judge Porter QC.

## **Criminal appeals**

During the year, 369 criminal appeals were lodged in the court, (406 last year) and 371 cases were finalised, ending the year with 227 active cases and a 100.5 per cent clearance rate. The percentage of active cases older than 12 months fell from 20.9 per cent in 2016-17 to 19.8 per cent in 2017-18, with the percentage of those older than 24 months decreasing from 8.3 per cent last year to 7.0 per cent in 2017-18.

In Brisbane during the year under review the number of criminal appeals lodged remained steady with 164 new appeals this year (173 last year), disposing of 167 criminal appeals (178 in 2016-17), and

ending the year with 107 active cases and a clearance rate of 101.8 per cent. The percentage of active cases older than 12 months was 15 per cent (24.1 per cent last year) with 4.7 per cent older than 24 months.

## Civil appeals

During the year, 88 civil appeals were lodged in the court (84 last year), and 80 cases finalised (74 last year) giving a clearance rate of 90.9 per cent and ending the year with 70 active cases. The percentage of active cases older than 12 months decreased from 27 per cent to 21.4 per cent while the percentage of cases older than 24 months decreased from 17.5 per cent to 11.4 per cent. In Brisbane 54 civil appeals were lodged, the court disposed of 46 civil appeals resulting in a clearance rate of 85.2 per cent but ending the year with 43 active cases, with 23.3 per cent older than 12 months and 14 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 hosted the biennial conference of the Australasian Planning and Environment Courts and Tribunals (ACPECT). This important conference brings together judges and tribunal members from like jurisdictions across Australia and New Zealand and this was only the second occasion upon which this event was held in Queensland. The conference was enormously successful and much credit for that outcome must go to the organising committee chaired by Judge Michael Rackemann. The court acknowledges with gratitude the efforts of the Director-General of the Department of Justice and Attorney-General, Mr David Mackie, in securing funding contribution to enable the conference to proceed.

The number of lodgments in this jurisdiction has remained stable - 546 new cases compared to 547 in 2016-17.

The court achieved a clearance rate of 83.5 per cent ending the year with 472 outstanding cases and having disposed of 456 matters. Of the outstanding cases, 28.4 per cent were more than 12 months old (from date of filing), and 10.4 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 408 outstanding cases having disposed of 382 matters, achieving a clearance rate of 81.8 per cent. Of the outstanding cases, 27.5 per cent were more than 12 months old and 10 per cent were more than 24 months old.

The court offers litigants a no-cost ADR service. This has been internationally recognised as providing visionary ADR access to justice.

## 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 AM 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. Where



necessary they have received judicial support from judges from other centres, particularly from Brisbane judges.

## **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, 10 District Court Practice Directions were issued, and 3 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 Judge 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 AM, Judge Rafter SC and Judge Moynihan QC contributed on behalf of the District Court. 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, Toowoomba and Maroochydore.

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 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.

In February, I chaired a meeting of the Council of Chief Judges from all equivalent jurisdictions within Australia and New Zealand. These meetings, held biennially, provide an important opportunity for the exchange of information between heads of jurisdictions.

## **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.

During the year the judges delivered papers at conferences and seminars throughout the State. It is particularly pleasing to note the contribution made by the judges to continuing legal education programs conducted by the Queensland Bar Association and by the Queensland Law Society.

## **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.



## **Judicial appointments**

On 28 August 2017, Mr Bernard Porter QC was appointed a Judge of the District Court of Queensland and sworn-in on 29 August 2017 in the QEII Courts of Law Brisbane.

On 11 September 2017, Ms Jennifer Rosengren was appointed and sworn-in as a Judge of the District Court of Queensland in the QEII Courts of Law Brisbane.

On 16 October 2017, Ms Tracy Fantin was appointed and sworn-in as a Judge of the District Court of Queensland in the QEII Courts of Law Brisbane.

On 19 March 2018, Mr Michael Williamson QC was appointed and sworn-in as a Judge of the District Court of Queensland in the QEII Courts of Law Brisbane.

On 19 March 2018, Mr John McGilchrist Coker was appointed and sworn-in as a Judge of the District Court of Queensland in the QEII Courts of Law Brisbane.

On 22 March 2018, Mr Nathan Jarro was appointed a Judge of the District Court of Queensland and sworn-in on 26 March 2018 in the QEII Courts of Law Brisbane.

## **Judicial retirements**

Judge David Searles, who was appointed to the District Court of Queensland on 13 July 2007, retired on 24 July 2017.

Judge Kiernan Dorney QC, who was appointed to the District Court of Queensland on 19 February 2010, retired on 10 October 2017.

Judge Terence Martin SC, who was appointed to the District Court of Queensland on 13 July 2007, resigned on 28 January 2018.

Judge Brian Harrison, who was appointed to the District Court of Queensland on 19 February 2010, resigned on 16 March 2018.

Judge Stuart Durward AM SC, who was appointed to the District Court of Queensland on 21 August 2006, retired on 26 March 2018.

## **Recognition**

Judge Royce Miller QC, a distinguished member of this Court who served on the Bench from 16 October 1980 to 25 May 1990, died on 26 October 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:

Chief Judge	His Honour Judge Kerry John O'Brien
Judge Administrator	His Honour Judge Paul Edward Smith
Judges	His Honour Judge John Mervyn Robertson (Maroochydore)
	His Honour Judge Douglas John McGill SC
	Her Honour Judge Deborah Richards
	His Honour Judge Michael John Shanahan AM
	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
	His Honour Judge Stuart Gordon Durward AM 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
	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 AM (Rockhampton)
	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)
	His Honour Judge Bernard Thomas Porter QC
	Her Honour Judge Jennifer Marie Rosengren
	Her Honour Judge Tracy Fantin (Cairns)
	His Honour Judge Michael Williamson QC
	His Honour Judge John McGilchrist Coker (Townsville)
	His Honour Judge Nathan Jarro

## Regional, planning and childrens court judges

### Regional judges

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

<b>Maroochydore</b>	Judge Robertson Judge Long SC
<b>Southport</b>	Judge McGinness Judge Kent QC Judge Muir
<b>Townsville</b>	Judge Durward AM SC Judge Lynham Judge Coker
<b>Rockhampton</b>	Judge Burnett AM
<b>Ipswich</b>	Judge Horneman-Wren SC Judge Lynch QC
<b>Cairns</b>	Judge Harrison Judge Morzone QC Judge Fantin
<b>Beenleigh</b>	Judge Chowdhury

### Planning and Environment Court

The Planning and Environment Court judges during 2017-18 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 AM 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 2017-18 are listed below:

Chief Judge O'Brien	Judge Long SC
Judge Shanahan AM – President	Judge Farr SC
Judge Smith	Judge Horneman-Wren SC
Judge Robertson	Judge Morzone QC
Judge Richards	Judge Burnett AM
Judge Dick SC	Judge Kent QC
Judge Dearden	Judge Chowdhury
Judge Durward AM SC	Judge Muir
Judge Rafter SC	Judge Kefford
Judge Martin SC	Judge Lynch QC
Judge Clare SC	Judge Lynham
Judge Everson	Judge Porter QC
Judge Butler AM SC	Judge Rosengren
Judge Devereaux SC	Judge Fantin
Judge McGinness	Judge Williamson QC
Judge Harrison	Judge Coker
Judge Reid	Judge Jarro

## 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 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 2017-18. 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 2017-18<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>	2,496	2,416	892	96.8%	17.2%	5.4%
<b>Regional centres</b>						
Beenleigh	542	462	293	85.2%	19.8%	5.5%
Cairns	644	598	180	92.9%	17.8%	9.4%
Ipswich	606	489	197	80.7%	9.6%	4.1%
Maroochydore	457	368	149	80.5%	9.4%	1.3%
Rockhampton	288	237	63	82.3%	6.3%	0.0%
Southport	738	650	372	88.1%	15.3%	3.0%
Townsville	574	529	134	92.2%	11.9%	4.5%
<b>Total for Brisbane and regional centres</b>	6,345	5,749	2,280			
<b>Circuit centres</b>						
Bowen	6	15	5	250.0%	0.0%	0.0%
Bundaberg	106	144	35	135.8%	5.7%	5.7%
Charleville	21	35	5	166.7%	0.0%	0.0%
Charters Towers	7	8	7	114.3%	0.0%	0.0%
Clermont	-	-	-	0.0%	0.0%	0.0%
Cloncurry	-	-	-	0.0%	0.0%	0.0%
Cunnamulla	2	4	-	200.0%	0.0%	0.0%
Dalby	26	52	12	200.0%	25.0%	16.7%
Emerald	34	43	9	126.5%	0.0%	0.0%
Gladstone	102	88	21	86.3%	9.5%	4.8%
Goondiwindi	9	10	2	111.1%	0.0%	0.0%
Gympie	33	66	46	200.0%	23.9%	4.3%
Hervey Bay	86	111	19	129.1%	21.1%	10.5%
Hughenden	-	-	-	0.0%	0.0%	0.0%
Innisfail	15	34	10	226.7%	30.0%	0.0%
Kingaroy	21	25	14	119.0%	14.3%	0.0%
Longreach	-	-	3	0.0%	0.0%	0.0%
Mackay	220	235	36	106.8%	11.1%	5.6%
Maryborough	80	92	42	115.0%	33.3%	7.1%
Mt Isa	66	112	37	169.7%	18.9%	13.5%
Roma	14	18	3	128.6%	0.0%	0.0%
Stanthorpe	-	-	1	0.0%	100.0%	0.0%
Toowoomba	220	206	59	93.6%	1.7%	1.7%
Warwick	25	37	5	148.0%	20.0%	0.0%
<b>Total for circuit centres</b>	1,093	1,335	371			
<b>State total</b>	7,438	7,084	2,651	95.2%	15.4%	4.8%

(1) Data extracted from QWIC for reporting purposes on 11/07/2018

(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 (new)**

	RoGS Non Appeal Cases			Clearance Rate *	Backlog Indicator	
					From filing date	
	Lodged	Finalised	Active		% > 12 mths	% > 24 mths
Brisbane	3,993	4,134	3,678	103.5%	18.8%	4.0%
State Total	4,928	4,977	4,622	101.0%	19.8%	4.2%

\*Clearance rate - finalisations/lodgments

Data extracted for reporting purposes on 11/07/2018

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 (until retirement), Judge Jones, Judge Kefford and Judge Porter 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 371 criminal appeals and 80 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 (new)**

	RoGS Appeal			Clearance Rate *	Backlog Indicator	
					From filing date	
Civil	Lodged	Finalised	Active		% > 12 mths	% > 24 mths
Brisbane	54	46	43	85.2%	23.3%	14.0%
State Total	88	80	70	90.9%	21.4%	11.4%
Criminal						
Brisbane	164	167	107	101.8%	15.0%	4.7%
State Total	369	371	227	100.5%	19.8%	7.0%

\*Clearance rate - finalisations/lodgments

Data extracted for reporting purposes on 11/07/2018

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 2017-18						
				Clearance	Backlog Indicator	
				Rate *	From filing date	
	Lodged	Finalised	Active		% > 12 mths	% > 24 mths
Brisbane	467	382	408	81.8%	27.5%	10.0%
State Total	546	456	472	83.5%	28.4%	10.4%

\*Clearance rate - finalisations/lodgements

Data extracted for reporting purposes on 11/07/2018

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 AM. 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 (until 16 March 2018)**

**Judge Morzone QC**

**Judge Fantin (from 16 October 2017)**

Judge Harrison (until retirement), Judge Morzone QC and Judge Fantin 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 AM**

The resident judge in Rockhampton, Judge Burnett AM, 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 AM undertook circuits in the region and elsewhere in the state. Some assistance was provided by judges on circuit from other centres.

## **Townsville**

**Judge Durward AM SC (until 26 March 2018)**

**Judge Lynham**

**Judge Coker**

Judge Durward AM (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 AM and Judge Coker hold commissions in the Planning and Environment Court and Judge Durward AM, Judge Lynham and Judge Coker 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 (until 17 May 2018)**

**Judge Long SC**

Judge Robertson was the senior judge until his retirement. 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 McGinness**

**Judge Kent QC**

**Judge Muir**

Each of the three judges located at Southport hold commissions as Childrens Court judges and Judge Kent QC and Judge Muir hold Planning and Environment Court commissions. The judges from time to time perform circuit work at centres elsewhere in the state. Southport also receives judicial support from Brisbane as required.

## **Ipswich**

**Judge Horneman-Wren SC**

**Judge Lynch QC**

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.

## **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 2018, with the Chief Judge an ex officio member of each committee, was as follows:

### Civil Procedure and Rules

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

### Court Excellence

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

### Criminal Law

**Convenor:** Judge Shanahan AM  
**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:**  
**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 Moynihan QC

### Salaries and Entitlements

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

### Aboriginal and Torres Strait Islander

**Convenor:** Judge Richards  
**Members:** Judge Everson  
Judge McGinness  
Judge Reid  
Judge Morzone 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 AM continued to serve on the NJCA Planning Committee on Jury Management, chaired by the Honourable Justice Byrne SJA.

The Chief Judge and Judge Shanahan AM 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 AM and Judge Rafter SC represented the court on the Judicial Conference of Australia Governing Council
- Judge Shanahan AM 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.
- Judge Muir represents the court on the National Judicial Council for Cultural Diversity. This important committee is concerned with the many aspects of cultural diversity which confronts judges in the modern Australian court.

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, Julie is the Vice President of Protect All Children Today, 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. Her appointment as Vice President of Court Network concluded during November 2017.

### 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.

### Registry workloads

Across the state, there was a 13.9% increase in criminal lodgements during 2017-18 compared to 2016-17 (6,531 to 7,438). Between 2013-14 and 2017-18, criminal lodgements increased by 42.2% (5,232 to 7,438).

In Brisbane, the smaller increase of 5.9% during 2017-18 (2,357 to 2,496) was no less significant, as it followed a previous increase of 19.8% (1,968 to 2,357) between 2015-16 and 2016-17. The increase in lodgements resulted in small increases to trials proceeding, from 607 to 611, and average days per trial, from 3.2 days to 3.3 days.

Civil lodgements increased across the state by 1.2% (4,868 to 4,928).

### Court Network volunteers

Court Network's 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, Ipswich, Sunshine Coast and Gympie. The volunteers provide court users with non-legal information, practical and emotional support, and advocacy and referrals to enable them to access justice.

During 2017-18, volunteers assisted 7,391 court users through the Brisbane Information Kiosk, 3,180 court users through the Brisbane Supreme and District court Networker service, 150 in Cairns and a further 425 in Townsville. Since the program commenced, in excess of 64,000 court users in Queensland have been assisted.



The Victim Support Unit provide coordinated cross-jurisdictional support for adult victims in the criminal justice system. During the year, nearly 500 VSU clients were assisted with approximately 2,120 hours of service provided. Since commencing in September 2013, more than 1,500 clients have been assisted.

To enhance the services provided by Court Network, a Justice of the Peace (JP) service commenced in the Brisbane Supreme and District Courts in October 2017. Since that date, 623 JP services have been provided.

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

PACT undertakes invaluable work to enhance child protection and reduce the trauma experienced by all children and young people required to give evidence within the Queensland Criminal Justice System as victims or witnesses to crime.

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.
- ensuring the Charter of Victim's Rights are enforced.

PACT's Child Witness Support Program 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. PACT Volunteers will also support young people over 18 years to give evidence in open court if a referral has been received and a support relationship established prior to them turning 18.

During 2017-18, PACT provided support to 1,848 children, which was a 5% 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 57% of the cases involved offences of a sexual nature and 27% of cases were a result of assault, including domestic violence. 27% of PACT clients are from culturally diverse backgrounds with 15% identifying as Aboriginal and Torres Strait Islander heritage. Since its establishment, PACT has supported over 22,600 children and young people through the complex criminal justice system.

## **Acknowledgements**

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 Library Queensland

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 2017–18 our combined print collection comprised over 160,000 items, with the library purchasing 249 new monographs during the year, and maintaining subscriptions to 420 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 2017–18 the library catalogue enabled access to more than 65,000 online full text titles, with over 750 new records added to the catalogue 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 2017–18 an additional 437 Queensland legal practitioners registered for and began using this ground breaking service, an increase of 51% making 1293 in total..

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 specifically 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. Together the judicial current awareness services and QLU recorded over 100,000 views during the year.

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 2017–18 the library published over 1800 new decisions from Queensland courts and tribunals (excluding new collections). Some 248 of them were from the District Court and 72 were from the Planning and Environment Court. The library also expanded the publicly available case law by adding 1030 decisions of the historical Land and Resources Tribunal (2000-07), and creating new collections for Supreme and District Court pre-trial rulings. In 2017–18, 115 District Court pre-trial rulings were published in various places. By the end of June 2018 the total number of full text Queensland decisions available from the library website was over 41,000. The number of public sentencing remarks the library made available on its website increased more than eight-fold.

The library is also responsible for provision and maintenance of the Queensland Sentencing Information Service (Q SIS), with use of the service continuing to steadily increase. During 2017–18 there were over 40,000 visits to the Q SIS database (an average of 112 unique visits a day), resulting in over 670,000 page views. In the course of the year subscriptions to Q SIS increased by 20 per cent, from 578 to 691. Q SIS is relied upon by the prosecution, defence and 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 2017–18 more than 7.5 million page views were recorded from the SCLQ public website, JVL, VLL and library catalogue combined. Specialist legal research tools developed by the library, including the Queensland Legal Indices and the Uniform Civil Procedure Rules Bulletin, comprise part of the wide range of legal content available to the judiciary via the library's websites. In all, CaseLaw services (including the official unreported judgments collection) recorded more than 5.4 million page views over the year.

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 7965 information enquiries, comprising 3392 reference, 1314 research and 3259 basic requests. A total of 10,072 documents were supplied in response to these queries. During 2017–18 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 2017–18 included:

- Almost 7000 visitors participated in the popular education program, including over 2000 participants in judges' information sessions and over 5000 students witnessing the law in action by observing court proceedings.
- The exhibition *Without fear or favour: exploring Queensland's legal system*, open to the public in the Sir Harry Gibbs Legal Heritage Centre, was officially launched by the Hon Justice Glenn Martin AM on 10 August 2017. Later in 2017 the exhibition was enhanced by the inclusion of three videos written and narrated by eminent legal academics and an introductory video by the Hon Justice Patrick Keane of the High Court of Australia.
- An extensive exhibition which examines Lord Atkin's life, career and impact was installed in the library on level 12 of the QEII courts building in November 2017, to continue until November 2018. This exhibition commemorates the anniversary of Lord Atkin's birth and his lasting legacy to the common law. The physical exhibition is complemented by an oral history given by two of Lord Atkin's granddaughters displayed in the library and available on the library's website.
- The 2018 Supreme Court Oration was presented by The Hon Geoffrey Ma Tao-li GBM, Chief Justice of the Court of Final Appeal of Hong Kong. Two of the five Selden Series lectures were presented by serving Queensland judges (The Hon Justice Roslyn Atkinson AO and The Hon Justice Glenn Martin AM), with a further lecture presented by a former judge (The Hon Alan Wilson QC).
- The Hon Susan Kiefel AC, Chief Justice of Australia, was welcomed back in November 2017 to present the inaugural Lord Atkin lecture as part of the Selden Society series. This lecture coincided with the official opening of the Lord Atkin exhibition in the library on the 28 November, the 150<sup>th</sup> anniversary of the birth of Lord Atkin.
- The *Queensland Legal Yearbook 2016* reviewed the year's legal events and statistics, and contained transcripts of court ceremonies and speeches by members of the judiciary in 2016.

Looking ahead to 2018–19, 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, 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
No. 3 of 2017	Change of Name – WGC Lawyers Pty Ltd	10 July 2017
No. 4 of 2017	Change of Name – Bogie & Co	11 July 2017
No. 5 of 2017	Change of Name – City Legal – Brisbane City Council	17 July 2017
No. 6 of 2017	Change of Name – Ashlar Legal	4 September 2017
No. 7 of 2017	Designation of Court Holidays – Registry – 25 December 2017 to 5 January 2018	11 October 2017
No. 8 of 2017	Change of Name – Ross Mangano Solicitors	23 October 2017
No 1 of 2018	Change of Name – Moloney MacCullum Abdelshahied Lawyers	14 February 2018
No.2 of 2018	Change of Name – Rostron Carlyle Rojas Lawyers	28 February 2018
No.3 of 2018	Change of Name – HWL Ebsworth Lawyers	11 June 2018
No. 4 of 2018	Change of Name – CLI Lawyers	19 June 2018



## Planning and Environment Court

Table 6: Planning and Environment Court practice directions

Number	Description	Date issued
2017/01	Change of Name – City Legal – Brisbane City Council	17 July 2017
2018/01	Case management procedures	14 May 2018
2018/02	ADR Registrar	14 May 2018

## Appendix 2: District Court associates as at 30 June 2018

Dimity Parr	Associate to His Honour Chief Judge KJ O'Brien
Simon Brandis	Associate to His Honour Judge PE Smith
Xavier Goffinet	Associate to His Honour Judge DJ McGill SC
Daniela Giorgio	Associate to Her Honour Judge D Richards
Samuel Harvey	Associate to His Honour Judge MJ Shanahan AM
Ruby Chester	Associate to Her Honour Judge JM Dick SC
Kate Thorogood	Associate to His Honour Judge ME Rackemann
Patrick Horsley	Associate to Her Honour Judge JA Ryrie
Ellen Wood	Associate to His Honour Judge IFM Dearden
Thomas Duhig	Associate to His Honour Judge AJ Rafter SC
Brigid Pitkeathly	Associate to His Honour Judge GJ Koppenol
Benjamin Campbell	Associate to His Honour Judge DC Andrews SC
Emma Greenall	Associate to Her Honour Judge LJ Clare SC
Sebastian Campbell	Associate to His Honour Judge WG Everson
Katherine Long	Associate to His Honour Judge B Butler AM SC
Harriet Hall-Pearce	Associate to His Honour Judge BG Devereaux SC
Brodie Barker	Associate to Her Honour Judge KM McGinness (Southport)
Odetta Malpas-Haussmann	Associate to His Honour Judge RS Jones
Chris Murphy	Associate to His Honour Judge DA Reid
Blake Crook	Associate to His Honour Judge GP Long SC (Maroochydore)
Laura Kellemeier	Associate to His Honour Judge BW Farr SC
Jake Larkin	Associate to His Honour Judge AA Horneman-Wren SC (Ipswich)
James Reith	Associate to His Honour Judge DP Morzone QC (Cairns)
Caitlin Shannon-Dear	Associate to His Honour Judge MJ Burnett AM (Rockhampton)
Georgia Gaydeon	Associate to Her Honour Judge SC Sheridan
Isabella Anderson	Associate to His Honour Judge A Moynihan QC
Lindsay Stankovic	Associate to His Honour Judge DR Kent QC (Southport)
Rebecca Campbell	Associate to His Honour Judge MC Chowdhury (Beenleigh)
Lachlan Carroll	Associate to Her Honour Judge CM Muir (Southport)
Laurel Fox	Associate to Her Honour Judge NJ Kefford
Kate Koelmeyer	Associate to His Honour Judge DR Lynch QC (Ipswich)
Nicole Butler	Associate to His Honour Judge GP Lynham (Townsville)
Josephine Allan	Associate to His Honour Judge BT Porter QC
Anna Demnar	Associate to Her Honour Judge JM Rosengren
Isabella Copetti	Associate to Her Honour Judge T Fantin (Cairns)
Jane Bowness	Associate to His Honour Judge M Williamson QC
Lucinda Derbyshire	Associate to His Honour Judge J McG Coker (Townsville)
Dylan Kerr	Associate to His Honour Judge N Jarro