

SUPREME COURT OF QUEENSLAND
ANNUAL REPORT 2004-2005



QUEENSLAND
COURTS

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CHAMBERS OF THE CHIEF JUSTICE
SUPREME COURT
BRISBANE

FROM CHIEF JUSTICE PAUL de JERSEY

3 October 2005

The Honourable Linda Lavarch MP
Minister for Justice and Attorney General
18th Floor
State Law Building
Cnr George and Ann Streets
BRISBANE QLD 4000

Dear Attorney

I enclose my report, under s 119B(1) of the *Supreme Court of Queensland Act 1991*, on the operation of the Supreme Court for the year ended 30 June 2005.

Yours sincerely

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

The Hon P de Jersey AC
Chief Justice

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THE CHIEF JUSTICE'S OVERVIEW

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- The courthouses
- Preservation of the State's judicial heritage
- Other public outreach
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- Judicial retirement
- Judicial appointment
- Personal
- Conclusion



*The Honourable Paul de Jersey AC
Chief Justice*

Performance

Disposition of caseload

The court's performance over the last year (1 July 2004 – 30 June 2005) may be analysed in the context of the time goals for disposition of the court's caseload adopted by the Judges in April 2000 and published on the courts' webpage. The following table provides that analysis.

Table 1

Court of Appeal Division				
	Benchmark	2002-03	2003-04	2004-05
A. Criminal				
< 6 months	90%	89%	87%	84%
6-12 months	8%	10%	12%	14%
> 12 months	2%	1%	1%	2%
B. Civil				
< 6 months	55%	55%	56%	73%
6-12 months	30%	35.5%	37%	26%
> 12 months	15%	9.5%	7%	1.5%

Trial Division				
	Benchmark	2002-03	2003-04	2004-05
A. Criminal				
< 6 months	80%	65.4%	68.1%	74.7%
6-12 months	15%	23.9%	21.6%	17.1%
> 12 months	*5%	10.7%	10.3%	8.3%
B. Civil				
< 6 months	50%	†	21%	18%
6-12 months	13%	†	19%	15%
12-18 months	7%	†	10%	14%
>18 months	*30%	†	50%	53%

* Appeals (and possibly rehearings) will sometimes necessarily lead to some cases taking this long.

† Data not available because of resource limitations.

Trial Division, Brisbane

On the criminal side in Brisbane, the Trial Division began the year with 265 active outstanding cases and ended it with 305, having disposed of 750 incoming matters.

On the civil side in Brisbane, the Trial Division began the year with 73 cases awaiting a hearing, as by trial, and ended it with 64, having disposed of 286 incoming matters. It is interesting to compare that position with the performance levels in previous years. The number of cases outstanding at the end of years 1998-9, 1999-2000, 2000-01, 2001-02, 2002-03 and 2003-04 were respectively 143, 83, 56, 28, 63 and 73.

The percentage of civil proceedings determined by judgment in court given within six months of commencement still falls well short of the court's benchmark. A system of case management designed to expedite proceedings by court intervention has now been operating for two and a half years, and as forecast in last year's report, this should in time lead to improvement in that aspect of performance on the civil side.

The position remained that cases ready for trial in the civil jurisdiction, save those expected to take a substantial period, could be allotted trial dates within no more than two to three months of readiness.

In addition to trial work commitment, the court continued to dispose of a substantial number of matters on the applications side of its civil and criminal jurisdiction. Details appear in the Trial Division report below.

Court of Appeal Division

The Court of Appeal Division this year disposed of 357 criminal appeals (compared with 356 in 1999-2000, 321 in 2000-01, 338 in 2001-02, 360 in 2002-03 and 330 in 2003-04). As at the end of the year, 99 criminal appeals awaited disposition (compared with 120 in 2003-04). The Court of Appeal also disposed of 224 civil appeals (compared with 230 in 2002-03), leaving 74 outstanding as at the end of the year (compared with 72 in 2003-04).

Both divisions of the court performed satisfactorily in terms of the amount of work completed and timeliness of disposition.

Practice Directions

In the course of the year five Practice Directions were issued: Approval of publication (7/2004), Electronic management of documents (8/2004), Amendment (9/2004), Court of Appeal procedure (1/2005) and Expert evidence: Supreme Court (2/2005).

Rules Committee

The Rules Committee, chaired by Justice Williams and including, from the Supreme Court, the Chief Justice, Mr Justice Muir, Justice Wilson and the Principal Registrar and Administrator, from the District Court, Judges Robin QC and McGill SC and from the Magistrates Court, Magistrates Gribbin and Thacker, met at least fortnightly out of ordinary court hours.

A substantial innovation was amendment of the *Uniform Civil Procedure Rules* (“UCPR”) relating to the evidence of expert witnesses. The amended rules commenced on 2 July 2004. The objectives are to improve the presentation of expert witness’s reports, including emphasising that the expert’s obligation of impartiality is owed primarily to the court; and to streamline the judicial decision-making process by enhancing the reliability of expert evidence. The preferred mechanism to achieve the latter objective is the sole expert appointed by the parties or the court. While it is too early to assess comprehensively the impact of the new rules, they are being utilised and, I believe, effectively.

Benchbook

This year work was completed on the compilation of the Equal Treatment Benchbook, a collection of resource materials intended to assist Judges to “manage matters before them in a way that is fair to all litigants and other participants irrespective of their circumstances”. The circumstances covered by the book include cultural diversity, Indigenous Australians, disability, self-represented parties, children, gender and sexuality. Preparation of the book, which constitutes a guide not a code, was facilitated by Justices Atkinson and P McMurdo. The book has been published on the courts’ webpage, and will also be available in hard copy (published by the Supreme Court Library).

Management

The Focus Group, comprising the Chief Justice, the President of the Court of Appeal, the Senior Judge Administrator, the Principal Registrar and Administrator, and the Director of the State Reporting Bureau, with the Chief Judge an invitee, met on 16 February 2005.

Other monitoring mechanisms

The Consultative Committee, comprising the Chief Justice, the President of the Court of Appeal, the Senior Judge Administrator, the Presidents, Vice-Presidents and Chief Executive Officers of the Bar Association of Queensland and the Queensland Law Society, met on 27 July 2004.

Jury initiative

1 January 2005 saw the commencement of a juror support programme, providing professional counselling services on request to jurors upon the completion of criminal trials. The level of utilisation of this service, although not substantial, is such as to confirm the desirability of its being offered.

Vulnerable witness suite

An appropriately furnished and decorated suite of rooms was developed in the District Courthouse at Brisbane for the giving of evidence by children, and other potentially

vulnerable witnesses, remotely from the trial courtroom. This facility serves both the Supreme and District Courts. I record my gratitude to the Director-General for her assistance in the development of this important facility. Attention is being given to the adequacy of similar facilities in other courthouses State-wide.

Continuing judicial education

Seven Judges of the court attended the Supreme and Federal Courts Judges' Annual Conference in Darwin, over the period 23-27 January 2005, where there were presentations on a range of subjects, including Aboriginal health, judicial writing in an electronic age, jury trials in a mass media age and administrative law. The conference received a report on the progress of The National Judicial College, and presentations from The Judicial Conference of Australia and The Australian Institute of Judicial Administration.

It is the practice of the court that all newly-appointed Judges participate in the National Judicial Orientation programme conducted annually under the auspices of the Australian Institute of Judicial Administration. These live-in, week-long courses take place in Sydney. Justice Douglas this year attended the course, which was held 18-22 October 2004.

Chief Justice's calendar

Apart from the time allotted to the fulfilment of administrative and official responsibilities, I sat in the various jurisdictions of the court both in and out of Brisbane: Court of Appeal (13 weeks), the criminal court (5 weeks), civil sittings (5 weeks), applications (3 weeks), Cairns (1 week), Bundaberg (1 week), and Toowoomba (2 weeks).

In the week commencing 15 November 2004, I sat in the Supreme Court at Cairns. On the afternoon of 17 November, accompanied by the Far Northern Judge, Justice Jones, I visited the Yarrabah community, and spoke with members of the community justice groups from Yarrabah and other indigenous communities of the region.

I attended functions hosted by the Far North Queensland Law Association (Cairns), the Gold Coast District Law Association, the Downs and South West Queensland District Law Association (Toowoomba) and the Bundaberg District Law Association

On 22-23 October 2004 I attended with my wife the Central Queensland Law Association annual conference at Yeppoon. The North Queensland Law Association did not hold a conference this year.

The courthouses

Brisbane

Detailed planning commenced, in the latter part of the reporting year, in relation to the establishment of new or redeveloped courthouses for the Supreme and District Courts in Brisbane. Over a number of years I have emphasised the inadequacy of the present facilities for both courts, especially because of the limits they place on our capacity adequately to utilise modern technology. I thank and commend the Attorney-General and the Director-General for their assistance in actively progressing this issue.

On 2 June 2005 the court received, on indefinite loan, from the Queensland Art Gallery, a splendid portrait in oils of Queen Victoria by Italian copyist Enrico Belli (active in 1862-84) after the style of Heinrich von Angeli (Austrian). It is a substantial work, approximately 2m x 3.75m in dimensions. The portrait hangs in the foyer of the Supreme Courthouse. The court was of course established during the reign of Queen Victoria. I am extremely grateful to the Queensland Art Gallery, and especially its Director Mr Doug Hall, for generosity in making

this magnificent work of art available to the court, and thereby the people of Queensland. It had previously rested in the Gallery's reserve collection.

Mackay

On 9 December 2004 I attended the opening by the Attorney-General of stage two of the restored Mackay courthouse.

Townsville

Mrs Jennifer Douglas generously donated to the court the law library of her late husband, the Hon Mr Justice RR Douglas RFD, who died in office on 26 November 2002. The library is housed in Townsville, a court centre with which the Douglas family has had substantial connection. The donation was acknowledged at a ceremony at the court in Townsville on 4 December 2004 where Mrs Douglas, Justice Cullinane and Justice JA Douglas were joined by other members of the Douglas family, the legal profession and the public.

Hervey Bay

On 22 April 2005 I attended the opening by the Hon the Premier of an extension to the courthouse at Hervey Bay which adds a criminal court with full jury facilities and facilities for the giving of evidence by remote video link. This will be used substantially by the District Court, but will also be used by the Supreme Court from time to time where the convenience of the case favours that course. I am concerned to emphasise that the Supreme Court in Maryborough will continue to operate actively, with the excellent adjunct facility at Hervey Bay being used in a complementary way, with consequently good service to the people of the whole region.

Preservation of the State's judicial heritage

The court was the grateful recipient of a wooden serving tray from the Queensland Government Steam Yacht "Lucinda", donated by Mr Archie Douglas, and an original chair from the "Lucinda" donated by Mr Rod Gibson. Also, Mrs Helen Hart graciously donated an Inson portrait of her late husband, the Hon Mr Justice Graham Lloyd Hart, a Judge of the court from 11 February 1963 to 18 April 1974.

Other public outreach

A significant address on the subject "Rule of Law and the Independence of the Judiciary in Fiji" was delivered in the Banco Court on 20 July 2004 by the Hon Justice Nazhat Shameem, a Judge of the High Court of Fiji.

The annual WA Lee Equity Lecture, sponsored by the Queensland Community Foundation and others, was delivered in the Banco Court on 4 November 2004 by Mr Justice McPherson.

On 4 April 2005 in the Banco Court, the Hon Louise Otis, a Judge of the Court of Appeal of Quebec, delivered a lecture on the subject, "Criminal Case Mediation". The lecture was hosted by the Commonwealth Director of Public Prosecutions, Mr Damian Bugg QC.

On Monday 6 June 2005, in celebration of Queensland Day, the court again hosted tours for members of the public, an annual initiative since 2001. As many as 425 persons participated in the tours this year, a substantial increase on last year's attendance of 152.

Webpage (www.courts.qld.gov.au)

The courts' webpage, hosted by the Supreme Court Library, continues to be a focus of public and professional attention, registering 853,300 hits this year.

International aspects

The Supreme Court at Brisbane received a number of international visitors:

- on 3 September 2004, a delegation from the Beijing People's High Court, led by Justice Yue Zhang, Director, Policy Research;
- on 6 September 2004, a delegation from the Supreme People's Court of Vietnam, led by Chief Justice H E Dr Nguyen van Hien;
- on 16 September 2004, a delegation of judicial officers from the Tianjin Jinghai Court of Justice, the Tianjin First and Second Intermediate Courts of Justice and the Tianjin Nankai Court of Justice;
- on 22 March 2005, delegates of the 11th Conference of Chief Justices of Asia and the Pacific, meeting at the Gold Coast. A business session held in the Banco Court was addressed by Justice Byrne, as President of the Australian Institute of Judicial Administration, and by me ("Managing relations with the executive");
- on 30 March 2005, Sir Albert Palmer, Chief Justice of the Solomon Islands.

Judges of the Supreme Court have sat as members of the Court of Appeal of the Solomon Islands for the last 25 years. Justice Williams sat in Honiara over the period 3-11 November 2004. This year, in addition, the court, with the assistance of the Department of Justice and Attorney-General, donated to the Supreme Court of the Solomon Islands equipment surplus to this court's (and the department's) requirements, comprising 26 personal computers and six printers, together with software licences for the personal computers donated by Microsoft Australia.

In March 2005 in Dubai, Justice Atkinson assisted the International Bar Association in training Iraqi Judges on international human rights law, including the right to a fair trial and equality before the law as well as women's rights in the administration of justice.

Judicial retirement

Justice GL Davies AO retired on 11 February 2005.

Judicial appointment

On 21 February 2005 Justice PA Keane was sworn in as a Judge of the Supreme Court and a Judge of the Court of Appeal (to replace Justice Davies)

Personal

The Hon Sir Walter Benjamin Campbell AC QC died on 4 September 2004. Appointed as a Judge of the Supreme Court on 13 July 1967, he served until his resignation on 22 July 1985 following his appointment as Governor of Queensland. He served as Chief Justice of Queensland from 18 February 1982 to 22 July 1985. His distinguished contribution to the judicial government of the State was commemorated at a valedictory ceremony held in the Banco Court on 20 September 2004.

In the Australia Day Honours List, 2005, the Principal Registrar and Administrator, Mr Ken Toogood, was awarded a Public Service Medal (PSM) "for outstanding public service as Principal Registrar of the Supreme and District Courts of Queensland and for enhancing service delivery by Queensland Court Registries". Mr Toogood, who has held the position of Registrar for 16 years, deserves commendation for this well-justified recognition.

In the Queen's Birthday Honours List published on 13 June 2005, Justice Jones was admitted as an Officer in the General Division of the Order of Australia for "establishing higher education institutions and legal/judicial services in Central Queensland". His Honour is the first Far Northern Judge, appointed to that position in 1997, and has done much to promote public understanding of the role of the courts in that part of the State.

The Rt Hon Sir Harry Gibbs GCMG, AC, KBE, QC died on 25 June 2005. Sir Harry was a Judge of the Supreme Court of Queensland from 1961 to 1967, a Judge of the Federal Court of Bankruptcy from 1967 to 1970, a Justice of the High Court of Australia from 1970 to 1981 and Chief Justice of the High Court from 1981 to 1987. Attached as an appendix to this report is a copy of the eulogy delivered by Justice Williams at a State memorial service held in Sydney on 11 July 2005.

(On 12 July 2005, Mr Andrew Curtin, barrister-at-law, presented to me, on behalf of the Supreme Court Library, Sir Harry's bench wig. Sir Harry had entrusted it to Mr Curtin for that purpose. The bench wig will become part of a standing display in the courthouse at Brisbane.)

Conclusion

I thank the Judges, officers of the registry and the court's administrative staff for another year's application. Individual performances are greatly valued, as was the preparedness of all to join in what was an effective collegial effort.

PROFILE OF THE SUPREME COURT

- **Composition**
- **Judges of the Supreme Court**

Composition of the Court

The Supreme Court comprises the Office of the Chief Justice and two Divisions, the Court of Appeal and the Trial Division.

Judges of the Supreme Court

Office of Chief Justice

Chief Justice The Honourable Paul de Jersey, AC

Court of Appeal Division

President The Honourable Margaret Anne McMurdo

Judges of Appeal

The Honourable Geoffrey Lance Davies, AO)
(Retired 4 February 2005)) of the same seniority
The Honourable Bruce Harvey McPherson, CBE)
The Honourable Glen Norman Williams
The Honourable John Alexander Jerrard
The Honourable Patrick Anthony Keane
(Appointed 21 February 2005)

Trial Division

Senior Judge

Administrator

The Honourable Martin Patrick Moynihan, AO
The Honourable Kenneth George William Mackenzie
The Honourable John Harris Byrne, RFD
The Honourable Margaret Jean White
The Honourable Keiran Anthony Cullinane
(Northern Judge, Townsville)
The Honourable Henry George Fryberg
The Honourable John Westlake Barrett Helman
The Honourable John Daniel Murray Muir
The Honourable Stanley Graham Jones, AO
(Far Northern Judge, Cairns)
The Honourable Richard Noel Chesterman, RFD
The Honourable Margaret Anne Wilson
The Honourable Roslyn Gay Atkinson
The Honourable Peter Richard Dutney
(Central Judge, Rockhampton)
The Honourable Debra Ann Mullins
The Honourable Catherine Ena Holmes
The Honourable Anthe Ioanna Philippides
The Honourable Philip Donald McMurdo
The Honourable James Sholto Douglas

Other appointments

Mental Health Court

The Honourable Catherine Ena Holmes

Chair, Law Reform Commission

The Honourable Roslyn Gay Atkinson

Land Appeal Court

The Honourable Anthe Ioanna Philippides
(Southern District)

The Honourable Peter Richard Dutney
(Central District)

The Honourable Keiran Anthony Cullinane
(Northern District)

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



Judges of the Supreme Court

COURT OF APPEAL DIVISION

- **Workload**
- **Self-representing litigants**
- **Organisation of work**
- **Judicial resignations and appointments**
- **Need for an additional Judge of Appeal**
- **Registry**
- **Judgments and catchwords**
- **Information technology**
- **The Judges' library**
- **New Practice Direction**
- **Court of Appeal sittings, Cairns**
- **Appeals from the Court of Appeal to the High Court**
- **Conclusion**

Workload

This year, 718 matters were commenced in the Court of Appeal (434 criminal matters and 284 civil matters), compared with 652 matters commenced in the previous year.

Five hundred and eighty-one (581) matters (357 criminal matters and 224 civil matters) were heard and a further 156 matters were withdrawn, disposing of a total of 737 matters.

The total number of matters awaiting hearing at the end of the reporting period has again fallen since the previous year, despite the loss of five Judge weeks pending and following the retirement of Davies JA.

As predicted in last year's report, filings have risen in 2004-05 although not to the 2002-03 level.

Table 2: Annual caseload, criminal matters (not including cases withdrawn)

Number of cases	2002-03	2003-04	2004-05
At start of year	154	146	120
Filed during year	475	401	434
Cases heard	360	330	357
Undisposed of at end of year	*146	114	99

* Adjustment made due to finalisation of data

Table 3: Annual caseload, civil matters (not including cases withdrawn)

Number of cases	2002-03	2003-04	2004-05
At start of year	136	105	72
Filed during year	299	251	284
Cases heard	256	230	224
Cases unheard at end of year	*105	72	74

* Adjustment made due to finalisation of data

Table 4: Annual caseload, summary

Number of cases	2002-03	2003-04	2004-05
At start of year	290	251	192
Filed during the year	774	652	718
Cases heard	616	560	581
Judgments delivered	620	575	587
Cases unheard at end of year	*251	*192	173
Judgments outstanding at end of year	*42	*26	21
Matters withdrawn	199	157	156

* Adjustment made due to finalisation of data

Eighty-four percent (84%) of criminal matters were disposed of in less than six months and a further 14% in more than six months but less than 12 months, so that 98% of all criminal matters were disposed of within 12 months of filing. These figures are comparable to last year's results and approach the benchmarks adopted by the court. (See Table 5)

In the civil jurisdiction, 72.5% of matters were disposed of in less than six months and a further 26% in more than six months but less than 12 months, so that 98.5% of civil matters were disposed of within 12 months of filing. These figures are a slight improvement on last year's results and exceed each benchmark adopted by the court. (See Table 5)

Table 5: Benchmarks

Court of Appeal Division				
	Benchmark	2002-03	2003-04	2004-05
A. Criminal				
< 6 months	90%	89%	87%	84%
6-12 months	8%	10%	12%	14%
> 12 months	2%	1%	1%	2%
B. Civil				
< 6 months	55%	56%	56%	72.5%
6-12 months	30%	37%	37%	26%
> 12 months	15%	7%	7%	1.5%

Table 6: Age of disposed cases

Time for disposition (filing date to judgment)	Percentage disposed of					
	Criminal			Civil		
	2002-03	2003-04	2004-05	2002-03	2003-04	2004-05
	<3 months	42.0%	42.0%	47.0%	29.0%	26.0%
3-6 months	47.0%	45.0%	37.0%	27.0%	30.0%	35.0%
6-12 months	10.0%	12.0%	14.0%	37.0%	37.0%	26.0%
>12 months	1.0%	1.0%	2.0%	7.0%	7.0%	1.5%

Table 7: Judgments, criminal matters

Judgments	2002-03	2003-04	2004-05
Outstanding at start of year	6	9	13
Reserved	129	149	191
Ex tempore judgments delivered	231	182	167
Reserved judgments delivered	127	143	199
Outstanding at end of year	9	*13	5

* Adjustment made due to finalisation of data

Table 8: Judgments, civil matters

Judgments	2002-03	2003-04	2004-05
Outstanding at start of year	38	33	13
Reserved	*149	168	181
Ex tempore judgments delivered	108	62	43
Reserved judgments delivered	154	188	178
Outstanding at end of year	*33	13	16

* Adjustment made due to finalisation of data

The number of undelivered judgments at the end of the year in criminal matters is significantly lower than the previous two years.

In the civil jurisdiction, the number of undelivered judgments at the end of the reporting period is comparable to last year, and is considerably less than in 2002-03.

The median time for the delivery of judgments is comparable to the previous two years.

These results demonstrate the court's continuing commitment to the prompt delivery of reserved judgments.

Table 9: Time between hearing and delivery of reserved judgments

Type of case	Median number of days		
	2002-03	2003-04	2004-05
Criminal cases	17	19	24
Civil cases	41	30	27
All cases	24	23	24

Table 10 below shows the court in which matters filed were commenced.

As predicted in last year's report, there has been an increase in filings from the Trial Division and the District Court in both civil and criminal matters.

Table 10: Court in which matters were commenced

Court	Number of matters filed		
	2002-03	2003-04	2004-05
Trial Division — civil	*167	*147	*155
Trial Division — criminal	*108	*76	*90
District Court — civil	105	77	103
District Court — criminal	364	323	344
Planning and Environment Court	17	15	12
Other — civil (cases stated, tribunals, etc.)	10	12	14
Other — criminal	3	2	0

* These statistics include Circuit Court matters.

The types of appeals filed during the year are shown in Table 11 below.

The number of sentence appeals brought by the Attorney-General or the Commonwealth Director of Public Prosecutions has significantly increased this year but is still much less than in 2002-03.

The number of sentence applications and appeals has also significantly increased this year from last but remains comparable to 2002-03.

Table 11: Types of appeals filed

Appeal type	2002-03	2003-04	2004-05
Civil			
general including personal injury	187	151	152
Applications	65	55	72
leave applications	40	28	50
Planning and environment	7	15	10
Other	0	2	0
Criminal			
Sentence applications	225	184	197
conviction appeals	85	64	58
conviction and sentence appeals	59	63	58
extensions (sentence applications)	26	24	18
extensions (conviction appeals)	12	8	20
extensions (conviction and sentence)	6	13	18
sentence appeals (A-G/Cth DPP)	45	20	26
Other	**17	**25	39

* In previous years Planning and Environment appeals were classified independently, but they are currently by way of application for leave to appeal to the Court of Appeal.

** Includes criminal s 118, District Court Act 1967 (Qld) extensions and applications for leave, both of which originate in the Magistrates Court.

Self-representing litigants

The number of self-representing litigants shown in Table 12 below has again increased since the previous two years in criminal matters but decreased slightly in civil matters. Self-representing litigants are now involved in 34% of criminal matters and 31% of civil matters, a significantly higher percentage than in matters before the Trial Division.

Matters involving self-representing litigants tend to take longer to hear and determine because often the standard of preparation and presentation is poor and the litigants may be unable to clearly articulate the real points of the case. The outlines of argument of self-representing litigants may be filed late and are sometimes not served on the respondent, with resulting case management, court mentions, adjournments, wasted court time and unnecessary costs.

Legally represented litigants in criminal matters do not generally appear in person before the Court of Appeal. Safety issues for Judges, their associates and members of the public can arise when self-representing litigants present their own cases; on occasions it has been necessary to have additional security in the court room.

Self-representing litigants continue to place a heavy burden on registry staff. They require more staff time, attention and support despite the availability of clear and detailed information sheets. Registry correspondence on the files of self-representing litigants is approximately three times the norm.

As noted in the last four annual reports, the Australian Institute of Judicial Administration's ("AIJA") report *Litigants in Person Management Plans: Issues for Courts and Tribunals* raises the need for court staff to be given qualified immunity in respect of assistance to litigants in person with information and services and from rules governing unauthorised practice of law.¹ Whilst the Strategic Policy section of the Department of Justice has reviewed its indemnity policy, this does not address the issue of qualified statutory immunity for registry staff providing assistance for self-representing litigants. The AIJA report also raises the need for properly staffed information desks and permanent advice centres.² These issues presently remain unaddressed.

During 1999-2000, the Judges of the Court of Appeal, with the assistance of the Bar Association and the Law Society, established a pro bono scheme to represent appellants convicted of murder or manslaughter who had been refused legal aid. In 2002-03, the scheme was extended to juveniles and those under an apparent legal disability. The court has not been required to call on the scheme as much as anticipated because Legal Aid Queensland continues to adopt a generous approach to the granting of legal aid in these matters. The Judges of Appeal commend that approach which enhances the quality of the criminal justice system in Queensland. The Court of Appeal thanks Legal Aid Queensland and the public spirited barristers, listed in the table below, who have agreed to take part in the pro bono scheme. The court is also grateful to other legal practitioners who often appear for no fee so that indigent litigants in the Court of Appeal can have access to justice.

Table 12: Matters heard where one or both parties unrepresented

Number of cases	2002-03	2003-04	2004-05
Civil	100	73	69
Criminal	105	119	122
TOTAL	205	192	191

Court of Appeal Pro Bono List (as at 30 June 2005)

David Boddice SC	Tony Glynn SC	Terry Martin SC
Martin Burns	John Griffin QC	Kelly Macgroarty
Peter Callaghan SC	Mark Johnson	Ian MacSporran
Ralph Devlin	Stephen Keim SC	Peter Nolan
Stuart Durward SC (Townsville)	Tony Kimmins	Tony Rafter SC
Bradley Farr	Gary Long	Peter Richards
Terry Gardiner	Frank Martin (Toowoomba)	Tim Ryan

¹ At p 19; Goldschmidt et al, *Meeting the Challenge of Pro Se Litigation* (1998) American Judicature Society, State Justice Institute, Recommendation (II), 34-35.

² At p 19; Lord Woolf, *Access to Justice; Interim Report to the Lord Chancellor on the Civil Justice System in England and Wales*, Ch 17 ("The Woolf Report") (1995), 134.

Organisation of work

The exercise of accrued leave entitlements by Judges of Appeal and by Trial Division Judges again reduced the number of available Judges of Appeal for significant periods during the year. Similar patterns of leave must be expected and planned for in future years. These factors have meant that the President and the Judges of Appeal collectively sat 165 weeks this year, compared to 152 weeks last year³ and 174 weeks in 2002-03.

The Court of Appeal has continued to rely on regular assistance from the Chief Justice, who sat for 13 weeks this year, compared to 14 weeks last year and 13 weeks in 2002-03, and the Trial Division Judges who provided 92 individual Judge weeks compared to 72 Judge weeks last year and 81 Judge weeks in 2002-03.

The Court of Appeal sat for 43 weeks during the year.

Those interested in further details of the organisation of work in the Court of Appeal should consult the appropriate section of the 2002-03 Supreme Court Annual Report.

Judicial resignations and appointments

Justice Geoffrey Lance Davies AO resigned as a Judge of Appeal on 4 February 2005. That vacancy was filled by the appointment of Justice Patrick Anthony Keane on 21 February 2005.

The need for an additional Judge of Appeal

The workload of the Court of Appeal and the exercise of leave entitlements of the Judges of Appeal demonstrate the need for at least one additional Judge of Appeal. This is especially so in light of the expectation of the Senior Judge Administrator that leave requirements of Trial Division Judges will reduce very significantly the number of weeks to be provided to the Court of Appeal by Trial Division Judges over the next two years at least.

In any case, whilst the assistance of the Trial Division Judges is invaluable, the special contribution of a separate Court of Appeal is consistency and specialisation; this can be best fostered by an additional permanent member of the Court of Appeal.

This year there is a further factor supporting an immediate additional appointment. Two of the five Court of Appeal Judges will reach statutory retirement age between September 2006 and January 2008. Both those Judges have indicated an intention to take their accumulated long leave entitlements piecemeal over the period leading to retirement. One Judge is likely to take 22 weeks accumulated long leave before retirement in September next year; the other, 25 weeks before retirement in January 2008, in addition to their standard leave. This will cause a significant depletion in the Judge weeks able to be allocated for hearing matters in the Court of Appeal, equivalent to the loss of one Judge of Appeal.

If this court is to maintain its high levels of efficiency well ahead of national performance standards,⁴ an additional Court of Appeal Judge should be immediately appointed.

Registry

The President and the Judges of Appeal value the high level of service provided to the court by the Senior Deputy Registrar (Appeals), Mr Neville Greig, and the appeals registry staff

³ In 2003-04, in addition to the usual leave requirements, one Judge of Appeal was unable to sit for 17 weeks because of serious illness.

⁴ The Productivity Commission's Report on Governments Services 2005, Court Administration, at 6.37 and 6.38, showed that in 2003-04 this Court had a clearance rate of appeal matters which compared favourably with other Australian jurisdictions.

with whom they work closely in the administration of the court. This service has been maintained despite the undesirably high turnover of staff during the year.

It is concerning that the unsatisfactory counter facilities for people with physical disabilities remain unaddressed.

Judgments and catchwords

The Court of Appeal has adopted the Australian Institute of Judicial Administration (AIJA) recommendations as to the electronic reporting of judgments.

Court of Appeal judgments delivered after November 1998 have been available free of charge since that time on the Internet through AUSTLII.

Court of Appeal judgments from 1992 onwards are now available on the Internet through the Queensland Judgments site www.courts.qld.gov.au/qjudgment/ca.htm. Because of statutory publication issues, this has been a labour intensive exercise undertaken by staff from the court and the Supreme Court Library.

The Director, State Reporting Bureau, Mr Ian McEwan, and his staff assist in the timely publication on the Internet of ex tempore judgments.

In the absence of a court media officer, the Court of Appeal Research Officer⁵ provides judgments to the media upon request and, under the supervision of the Judges, prepares and distributes to the media and other interested parties summaries of important Court of Appeal judgments.

The Research Officer, in consultation with the Supreme Court Library staff, ensures that the Queensland Judgments site is updated as to Court of Appeal judgments (highlighting the delivery of important Court of Appeal judgments), changes to the Criminal Practice Rules and the UCPR, practice directions and information sheets.

Justice Williams' associate under the Judge's supervision, continues to prepare helpful brief outlines of judgments delivered in the Court of Appeal which are published on the Queensland Courts site www.courts.qld.gov.au. Copies are widely distributed to interested Queensland Judges, Magistrates, and others, including the Queensland Law Society and the Bar Association. These outlines are also published in *Proctor*, the journal of the Queensland Law Society Inc.

Information technology

Court of Appeal Case Management System (CAMS)

CAMS is an essential tool to ensure the efficient performance of the Court of Appeal. Additional funding is needed to:

- remedy some longstanding unresolved problems, namely the elimination of systemic “bugs” and the capacity to electronically receive and manage outlines of argument, and
- refine and maintain the system.

It is currently being made accessible from the computers of Trial Division Judges and associates.

⁵ The position of Research Officer has been filled this year by Ms Maree Liessmann (part-time), Ms Elizabeth Knight (part-time) (July 2004-February 2005), Mr Josh Trevino (March-early June 2005) and Ms Katie Peters (currently).

Electronic filing and appeal books

The redeveloped CAMS has the capacity for expansion to permit electronic filing. The court remains cognisant of the recommendations of the Working Party of the Council of Australian and New Zealand Chief Justices' Electronic Appeals Project. The President and the Senior Deputy Registrar (Appeals) continue to monitor the position here and in other jurisdictions.

It is impossible to make significant progress on this issue without a carefully planned and adequately funded approach. The court and registry staff have planned for the introduction of electronic lodgement and consequential processing of record books indexes, but no funding has been provided. The result is that Queensland continues to lag behind other jurisdictions in this field.

Audio and video link

During the year, the increased use of audio and video links in the Court of Appeal has provided improved affordable access to justice for litigants outside Brisbane. Nineteen (19) applications and appeals (four sentence applications, five appeals against conviction, two appeals against conviction and sentence, six extension of time applications and two civil appeals) were heard by video link. Four matters (two applications for an extension of time and two civil appeals) were heard by audio link. These numbers are comparable to the 25 matters heard by audio and video link last year.

Extended use of this equipment should be made in the future as parties become more familiar with its significant advantages:

- Audio and video conferencing is often very cost effective and convenient for parties.
- It saves the Department of Corrective Services the cost of escorting unrepresented litigants in custody from distant parts of the State and provides greater security.
- Litigants in custody also benefit from its use by avoiding disruption to their rehabilitative programs.

The Judges' Library

The President and the Judges of Appeal acknowledge the provision of resources for updating the Judges' Library in the Court of Appeal precinct. It is important that funds continue to be made available for this small but well-used library which is an essential aid to the Judges.

New Practice Direction

Practice Direction No 1 of 2005 issued on 18 March 2005. It consolidates and clarifies appellate procedures and replaces previous appellate practice directions. The courts' website and information sheets have been updated accordingly.

Court of Appeal sittings, Cairns

The Court of Appeal's third sittings in Cairns was held from 14 March to 17 March 2005.

During those four days, the court heard two civil applications and twelve criminal matters (three appeals against conviction, one Attorney-General's appeal against sentence, five applications for leave to appeal against sentence, one application for an extension of time to appeal against sentence and conviction, one application for an extension of time to appeal against sentence only and one application for an extension of time to apply for leave to appeal). The court also admitted three practitioners.

Four Judges took part in the sittings: The President, Jerrard JA, the Northern Judge, Cullinane J, and the Far Northern Judge, Jones J.

Barristers and solicitors from Cairns, Townsville and Brisbane and three self-represented litigants appeared during the sittings.

The court gave *ex tempore* judgments in four criminal matters and reserved its judgments in the remaining matters.

The Judges attended an evening function hosted by the Far North Queensland Law Association.

The sittings were again enthusiastically received by the legal practitioners and citizens of North Queensland. They provided another opportunity for the North Queensland legal profession to appear before or observe the Court of Appeal and for law students to observe a sittings of the court. Importantly, the sittings gave the people of North Queensland an opportunity to observe the Court of Appeal's work within their own community.

The Court of Appeal hopes to sit in North Queensland in 2006, either in Townsville or Cairns. This will, as always, be dependent on the provision of sufficient funding to the court to conduct the sittings and enough work to justify the cost of the initiative.

Appeals from the Court of Appeal to the High Court

The registry of the High Court of Australia has provided the following statistics as to applications for special leave to appeal and appeals for this reporting year from the Court of Appeal Division of the Supreme Court of Queensland to the High Court of Australia.⁶

There were 581 matters heard by the Court of Appeal this reporting year. In the same period there were 15 appeals to the High Court of Australia, 12 of which were successful (six of those being in related matters). These statistics reaffirm that the Court of Appeal is effectively the final appellate court for Queensland.

Table 13: Applications and appeals from the Court of Appeal to the High Court

Applications for special leave						
	Criminal			Civil		
	2002-03	2003-04	2004-05	2002-03	2003-04	2004-05
Granted	3	1	6	5	10	16
Refused	17	12	30	11	21	20
Appeals						
	Criminal			Civil		
	2002-03	2003-04	2004-05	2002-03	2003-04	2004-05
Allowed	0	1	1	2	3	11
Dismissed	1	1	1	3	2	2

⁶ Matters heard in the High Court of Australia in one reporting year were often heard by the Court of Appeal in an earlier reporting year.

Conclusion

The Court of Appeal has maintained its performance levels, despite a noticeable increase in its workload this reporting year.

The court's significant workload, the anticipated increase in the exercise of leave entitlements by Judges of Appeal retiring over the next two years and the anticipated decrease in the number of Judge weeks provided by the Trial Division require the immediate appointment of an additional Judge of Appeal if the court is to maintain its present high level of efficiency. This would have the added benefit to the legal profession and litigants of greater consistency in the court's decisions.

The court cannot perform effectively without the assistance of a properly resourced registry. The Court of Appeal and its registry will continue to require continued adequate resources and funding to maintain and refine CAMS and to pilot the electronic filing of appeals, the preparation of electronic appeal record books and the hearing of electronic appeals.

Careful planning is also required as to the best management of self-representing litigants, both in the registry and in court.

The President and the Judges of Appeal thank the many people collectively responsible for the Court of Appeal's continued efficient performance.

TRIAL DIVISION

- **The work of the Trial Division**
- **The structure of the Trial Division**
- **Trial Division, Districts**
- **Mental Health Court**
- **Land Appeal Court**

The work of the Trial Division

The work of the Trial Division is the conduct and trial of matters commenced by indictment (criminal), or claim or originating application (civil). It also includes interlocutory applications, that is applications in pending matters, whether commenced by claim, originating application or indictment.

The Senior Judge Administrator is responsible for administration of the Trial Division.

Civil matters are normally heard by a Judge sitting alone and only rarely with a jury. Criminal trials are conducted by a Judge with a jury.

Other work of the Trial Division Judges

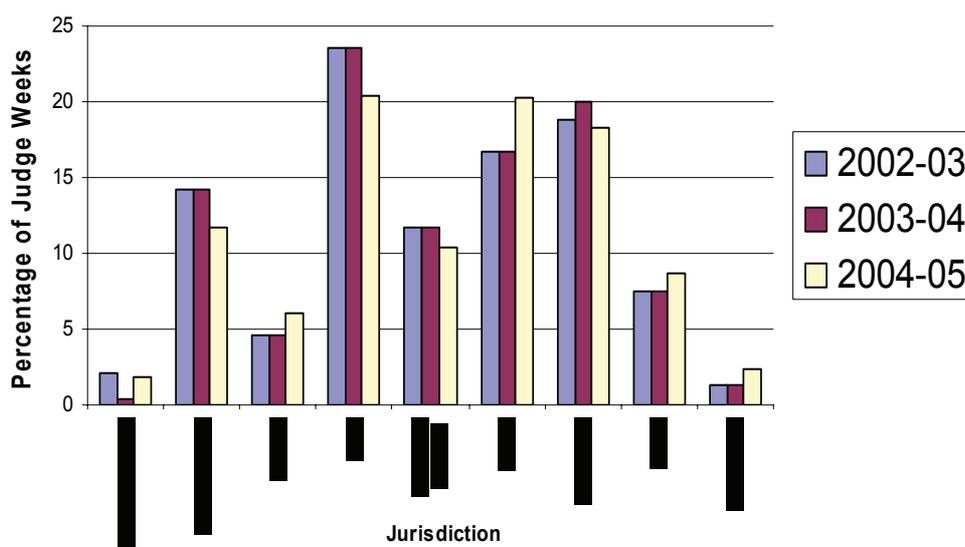
Trial Division Judges regularly sit in the Court of Appeal Division, and constitute the Land Appeal Court and the Mental Health Court. Judges perform other functions as members of bodies such as the Law Reform Commission and the Rules Committee, and other internal bodies like the Information Technology Steering Committee which plans IT support of the Supreme and District Courts.

Organisation of work

The work of the Trial Division is organised in terms of the following categories.

- Applications
- Circuit
- Civil
- Crime
- Court of Appeal
- Tribunals
- Judgments

Table 14: Trial Division Judge work category allocation Brisbane 2004-05



The *Legal Profession Act 2004* came into force on 31 May 2004. It constituted a Legal Practice Tribunal, the members of which are the Supreme Court Judges with the Chief Justice as the Chairperson. Two panels have been established to help the tribunal; a lay panel and a practitioner panel. The lay panel comprises people who are not legal practitioners but have a

high level of experience and knowledge of consumer protection, business, public administration or another relevant area. The practitioner panel comprises solicitors and barristers of at least five years experience in the profession. One member of each panel sits with the tribunal to hear and decide a disciplinary application brought by the Legal Services Commissioner.

Table 15: Number of cases brought before the Legal Practice Tribunal

Number of cases	2004-05
Disciplinary applications filed	10
Directions hearings held	6
Applications for substituted service	1
Matters heard	3
Final orders made	2
Reserved decisions	1

Disposition of the work

The Trial Division seeks to dispose of cases in a timely way with the minimum necessary commitment of resources by the Division and by litigants. This involves tracking cases against time lines, intervening where that is indicated, assigning lists or individual cases for management and trial.

The Applications jurisdiction is an important part of the work of the Trial Division. The Trial Division normally sits two Judges in Applications in Brisbane and a Judge is available 24 hours a day, 7 days a week, to deal with urgent cases.

Cases in the Applications jurisdiction can normally obtain a return date on their day of choice and are dealt with on that day.

The structure of the Trial Division

The court is divided into Far Northern, Northern, Central and Southern Districts, reflecting the decentralised nature of the State, its dispersed population and large geographical area.

The Southern District is centred in Brisbane where 15 of the 18 Trial Division Judges, the Principal Registrar and Administrator and the Sheriff are based. It includes the Toowoomba, Maryborough and Roma circuits.

The Northern Judge sits in Townsville, where there is a Registrar and support staff. The Northern District includes the Mt Isa and Mackay circuits.

The Far Northern Judge sits in Cairns, where there is a Registrar and support staff.

The Central Judge sits in Rockhampton, where there is a Registrar and support staff. The Central District includes the Bundaberg and Longreach circuits.

More than two-thirds of the Trial Division workload arises in and around, and is dealt with in, Brisbane.

Where necessary, Brisbane-based Judges support the work of the Judges in other Districts. Judges resident outside Brisbane sit in Brisbane in the Court of Appeal on a regular basis and less regularly there for trial work.

The office of the Principal Registrar and Administrator, the District Registrars, the Sheriff, the State Reporting Bureau and the Supreme Court Library, together with the Courts Division of the Department of Justice and Attorney-General, provide essential support for the work of the Trial Division.

Up-to-date detailed information about the organisation of the Trial Division, its working, calendar, electronic setdown, Practice Directions, forms, etc, is published on the courts' website.

Criminal jurisdiction – Brisbane

Justice Holmes completed more than three years of supervising the management of the criminal list in November 2004. Justice Mullins now manages that list.

Arrangements for the allocation of dates for criminal trials, hearings and sentences in Brisbane are set out in the "Notification Criminal List – Brisbane" (with effect from 7 March 2005) found on the courts' webpage under "Court Releases – Senior Judge Administrator".

Monitoring of the criminal list has been hampered by the inability to obtain computer-generated statistics relating to the listing and disposal of criminal matters since February 2005.

On a few occasions during the year a trial has been delisted as a result of late referral to the Mental Health Court. The issue of a defendant's mental condition at the time of the alleged offence or relating to fitness for trial should ideally be addressed before the allocation of trial dates.

Efficiency on the part of both prosecution and defence is integral to the proper functioning of the criminal work of the court. Implementation of the recommendations of the Office of the Director of Public Prosecutions review made in the report released on 26 May 2004 commenced this year. The lack of statistics available within the court means that a quantitative evaluation cannot be made of its success from the court's perspective. As a matter of observation, however, the change in the work organisation of the Office of the Director of Public Prosecutions to the chambers model appears to have had a positive effect on the allocation of prosecutors to matters at an earlier stage. This facilitates negotiations with defence lawyers which can result in earlier notification to the court of pleas of guilty or a saving in the time required for a trial as a result of the narrowing of the issues to be contested.

Table 16: Annual caseload – criminal jurisdiction, Brisbane

Number of cases*	2002-03	2003-04	2004-05
At start of year	169	181	265
Commenced during year	478	727	800
Disposed of during year	469	639	750
Undisposed of at end of year**	181	265	305

* In this and other tables the term 'case' means person on an indictment.

** When a bench warrant is issued the case is treated as inactive. When the warrant has been executed the case is restored to the active category as a case for disposition. This may lead to apparent anomalies in a table such as this when compared with more detailed data.

Changes in the system for the collection, collation and analysis of data about the criminal jurisdiction workload have produced more accurate and useful statistics.

Presentation of indictments

Because of the need to comply with national reporting standards, the court is moving to measure the time taken for the disposition of criminal cases from the date of committal for trial in the Supreme Court, rather than from the date of presentation of the indictment.

Pursuant to s 590 of the *Criminal Code*, the Director of Public Prosecutions must present an indictment no later than six months after committal. Measured from the date of committal (to ultimate determination), the overall time taken will therefore include any period of delay – for example, attending the Director of Public Prosecutions’ preparation and other treatment of the charge – over which the court has no control.

Twenty-nine percent (29%) of indictments presented at Brisbane in the reporting period were presented at the end of the allowable time frame (six months), 25% were presented at five months and 19% at four months. Twenty-five percent (25%) of indictments were presented in the first three months following committal.

The court will monitor presentation time frames over the coming year with expectations of presentation earlier rather than later.

Table 17: Age of cases disposed of – Criminal jurisdiction, Brisbane

Time from presentation of indictment to disposal	Cases disposed of 2004-05			
	Trial	Sentence	Other**	Total
<3 months	18.4%	46.2%	47.8%	45.1%
3-6 months	18.4%	32.1%	22.1%	29.6%
6-9 months	31.6%	10.9%	16.2%	12.9%
9-12 months	2.6%	4.5%	2.9%	4.1%
>12 months*	28.9%	6.3%	11.0%	8.3%
TOTAL	100%	100%	100%	100%

* The disposition of cases in this category may be delayed because an offender has absconded, because of outstanding appeals to the Court of Appeal or High Court, the trial of co-offenders, or the addition of further charges.

** “Other” includes nolle prosequi, no true bill and remitted cases.

Table 18: Criminal jurisdiction applications, Brisbane, in the Applications jurisdiction

Type of application	Number of applications		
	2002-03	2003-04	2004-05
Proceeds of crime	84	65	192
Compensation to victims of crime	18	19	19
Pre-trial bail	307	309	304
Forfeiture of Property	43	132	72
TOTAL	452	525	587

Note: Many Criminal jurisdiction applications are dealt with by the Judge responsible for the criminal list, a Judge responsible for managing the case or the trial Judge. These occasions are not counted here.

Civil jurisdiction – Brisbane

The UCPR provide the framework for the conduct of civil litigation in all Queensland courts. The making of rules, monitoring their operation and effecting any changes are the responsibility of the Rules Committee.

The operation of the Rules in the Trial Division is supported by a number of important Practice Directions:

PD 3 of 2002 – Commercial List

PD 4 of 2002 – Case Flow Management – civil jurisdiction

PD 4 of 2000 – Setting Trial Dates – civil jurisdiction – Brisbane

PD 6 of 2000 – Supervised Case List

PD 2 of 2005 – Expert Evidence

Table 19: Initiating documents in contested matters, Brisbane

Types of document	2002-03	2003-04	2004-05
Claims	1,846	1,685	1,934
Originating applications	*2,218	2,616	3,082
TOTAL	4,064	4,301	5,016

* This figure adopts new counting rules for this category.

Table 20: Annual caseload* – Civil jurisdiction, Brisbane

Request for trial dates filed	2002-03	2003-04	2004-05
At start of year	28	63	73
Application for trial date	294	275	277
Disposed of during year	259	265	286
At end of year	63	73	64

* Matters dealt with in the Applications jurisdiction are not included.

Table 21: Percentage of cases disposed of within 12 months of application for trial date – Civil jurisdiction, Brisbane

	2002-03	2003-04	2004-05
	97.31%	98.05%	98.25%

Table 22: Method of disposal of cases* – Civil jurisdiction, Brisbane

Method of disposal	2002-03	2003-04	2004-05
Judgment	110	91	120
Settled	97	125	144
Vacated	9	22	6
Discontinued	5	5	4
Other	38	22	12
TOTAL	259	265	286

* Includes matters placed on the civil list or given a trial date without a request for trial date being filed.

Table 23: Disposition of cases after trial date allocated – Civil jurisdiction, Brisbane

After hearing dates allocated	2002-03	2003-04	2004-05
Cases set down and settled before trial	38%	47%	36%
Cases set down then date vacated because parties not in a position to proceed	19%	15%	8%
Cases adjourned because no Judge available	4%	1%	1%
Cases taking available dates at first callover which proceed to trial and determinations	33%	34%	41%

Table 24: Cases awaiting hearing – Civil jurisdiction, Brisbane

Number of cases and days sought	At end 2002-03	At end 2003-04	At end 2004-05
Number of cases	63	73	64
Number of those cases seeking more than five days	18	16	11
Total days sought	293	290	209
Average days sought per case	4.65	3.97	3.27

Table 25: Cases allocated trial dates – Civil Jurisdiction, Brisbane

Direct set down, electronic set down	2002-03	2003-04	2004-05
Cases allocated hearing dates electronically	25%	16%	26%
At callover	2002-03	2003-04	2004-05
Cases taking up available dates at first callover after application for trial date*	67%	69%	45%
Cases where no appearances for plaintiff at callover	5%	4%	8%
Cases where no appearances for defendant at callovers	5%	6%	8%
Cases adjourned to next callover	26%	23%	30%

* Cases are only placed on the callover list when they are certified as ready for trial.

Caseflow management

Caseflow management of proceedings in the civil jurisdiction of the court in Brisbane is regulated by Practice Direction No 4 of 2002.

The UCPR prescribe time frames for parties/practitioners to progress proceedings to a timely and cost effective resolution.

Delays in meeting time frames were again evident as confirmed by the number of warning notices generated. This consumes registry resources which could more productively be utilised elsewhere.

A broad review of practices and processes was commenced this year and will lead to a more stringent approach to case management next year.

Practitioners and parties should not assume an extension of time will always be granted. Instances of deemed resolution of matters will likely increase.

Table 26: Claims filed subject to case flow management

Case flow management/cases	2002-03	2003-04	2004-05
Claims filed	1,870	1,685	1,934
Affidavits of service filed*†	236	207	397
Notice of intention to Defend filed*†	614	616	1,169

* Notice is given.

† If more than one filed, file is only counted once.

Table 27: Notices generated

Notices Generated	Sent	Not Sent	Total
CFM 1 – Warning Notice – No Default Judgment filed	68	152	220
CFM 2 – Warning Notice – No Request for Trial fixed	320	114	434
CFM 3 – Deemed Resolved Notice – No Default Judgment filed	7	75	82
CFM 3 – Deemed Resolved Notice – No Request for Trial Date filed	2	135	137
TOTAL	397	476	873

Mediation and case appraisal

Justice Byrne continued as the Judge responsible for monitoring responses to notification of intention to refer to mediation or case appraisal (alternative dispute resolution).

Currently there are approximately 263 court-approved mediators and approximately 140 court-approved case appraisers.

The names of court-approved mediators and case appraisers, their particulars and charge rates can be accessed on the courts' website (www.courts.qld.gov.au).

Table 28: Approval of case appraisers, mediators and venue providers

Type	2002-03	2003-04	2004-05
Case appraisers	3	1	0
Mediators	13	15	13

Table 29: Consent Orders to ADR by the parties

Consent order to ADR (by parties)	2002-03	2003-04	2004-05
After notice	19	6	0
Without notice	246	196	135
TOTAL	265*	202	135

* Corrected total

Table 30: Notice of intention to refer to appraisal or mediation

Notices and outcome	2002-03	2003-04	2004-05
Notice	41	3	1
Objections	13	4	0
Matters reviewed after objection	3	0	0

Table 31: Case appraisal orders

Appraisal orders	2002-03	2003-04	2004-05
Orders referring to case appraisal:			
Consent	7	3	1
Not consent	3	0	0
TOTAL	10	3	1

Table 32: Case appraisal outcomes

Outcome	2002-03	2003-04	2004-05
Case appraisal certificates	9	6	1
Case appraisal election to proceed to trial	1	2	1
Outcome of election to proceed to trial:			0
worse	0	0	0
better	0	0	0
Settled after election but before judgment	0	0	0
Remitted to District Court	0	0	0

Table 33: Mediation orders

Type of order	2002-03	2003-04	2004-05
Orders referring to mediation			
consent	258	199	134
not consent	47	72	85
TOTAL	305	271	219

Table 34: Mediation outcomes

Outcome	2002-03	2003-04	2004-05
Certified as settled	314	255	251
Certified as not settled	150	161	156

Obtaining a hearing date

Hearing dates are dealt with by the UCPR and Practice Direction 4 of 2000.

Hearing dates are obtained by direct listing through the Listings Directorate and Supervised or Commercial List Judges, electronically or at call overs.

The Listings Directorate is responsible to the Judges for the allocation of hearing dates. The email addresses of directorate staff dealing with Trial Division matters are:

- Listings Co-ordinator ListingsCoordinator@justice.qld.gov.au
- Applications List Manager ApnManager@justice.qld.gov.au
- Civil List Manager CivilListManager@justice.qld.gov.au
- Commercial List Manager comcausemanager@justice.qld.gov.au
- Criminal List Manager SC-CrimListManager@justice.qld.gov.au
- Supervised Case List Manager supcasemanager@justice.qld.gov.au

Commercial List

The Commercial List was established by Practice Direction 3 of 2002. Mr Justice Muir and Mr Justice Chesterman are the Commercial List Judges. The primary object of the list is to ensure the speedy determination of commercial matters requiring prompt resolution. That objective is being fulfilled.

Administrative assistance and support is provided to the Commercial List Judges by the Commercial List Manager in the Supreme Court Registry in Brisbane. Contact with the Commercial List Manager can be made by email (comcausemanager@justice.qld.gov.au), fax ((07) 3247 5316) or phone ((07) 3247 4301).

The registry accepts facsimile and email copies of documents for filing in commercial list matters. Where appropriate, applications are dealt with on the papers without the need for formal attendance.

As at 30 June 2005 there were 46 matters on the list. Thirty-one (31) were disposed of by trial or settlement during the year. In most of the matters tried, judgment was delivered well within 30 days of the conclusion of submissions.

Table 35: Commercial list

	2002-03	2003-04	2004-05
Matters ordered to be placed on commercial list	34	63	46
Matters disposed of or resolved*	20	38	31
Matters on commercial list as at 30.06.05	17	42	46

* This figure includes matters placed on the Commercial List and disposed of by trial or settlement by the parties.

Supervised Case List

Cases are placed on this list where their hearing is estimated to take more than five days or where otherwise supervision is warranted because of considerations like complexity of issues and multiplicity of parties. The list is constituted and managed under Practice Direction No 6 of 2000. Justice P McMurdo is in charge of that list.

The Supervised Case List Manager is responsible to that Judge for the management of the list. The court monitors the progress of cases by regular reports from solicitors to the List Manager. Much of the business of the Supervised Case List including the making of directions orders is conducted by email without the need for court appearances.

Table 36: Supervised Case List activity

Number of cases	2002-03	2003-04	2004-05
At start of year	112	127	129
Listed during year	70	48	46
Reviews	197	358	293
Disposed of during year	89	52	56
Tried to judgment	17	5	3
Disposed of without trial	51	47	54
Cases on Supervised Case List as at 30 June	127	129	118

Applications jurisdiction – Brisbane

A wide range of civil issues in both originating applications and applications in pending proceedings is dealt with in this jurisdiction.

It is one of the busiest in the court as may be seen from the increase in applications heard this year.

The court generally limits a hearing time to approximately two hours. Applications requiring longer may be placed on the civil list.

Parties may seek a hearing date for long matters on line through the court's e-listing facility on the courts' website at www.courts.qld.gov.au.

Table 37: Applications jurisdiction workload

Applications	2002-03	2003-04	2004-05
Number of Applications heard	4,285	3,344	4,467

Applications online

Some court applications may be set down for hearing electronically. They are:

- interlocutory applications (Form 9) UCPR
- applications under the *Corporation Law Rules* (Form 3) UCPR (Corporations)
- bail applications (Form 2) *Criminal Practice Rules*.

Electronic applications are made using the Supreme Court civil or bail application request forms available on the courts' website at www.courts.qld.gov.au/practice/online/default.

Available dates and times are accessible on the courts' website. Applicants can select a date on the request form before forwarding it by fax or email to the Applications List Manager. Dates are not allocated until the Applications List Manager confirms the allocation by faxing a sealed copy of the application to the applicant.

Electronic allocation means there need be no personal attendance at the registry, with consequent cost savings.

The court expects parties to make greater use of this facility in the coming year than was made in the year under review.

Table 38: Applications on line

Applications on line	2002-03	2003-04	2004-05
Number of applications	24	23	8

Cross-vesting

The *Jurisdiction of Courts (Cross-Vesting) Act 1987* continues to allow courts throughout Australia (including the Supreme Court of Queensland) to transfer proceedings to other courts.

Table 39: Number of cases cross-vested from Federal and State Supreme Courts

To Supreme Court of Queensland			From Supreme Court of Queensland		
2002-03	2003-04	2004-05	2002-03	2003-04	2004-05
9	17	15	4	4	12

Judicial review

Certain administrative decisions may be the subject of review under the *Judicial Review Act 1991*. The frequency of these applications has remained constant, as the table below illustrates.

Table 40: Judicial Review Act

Type of matter and result	2002-03	2003-04	2004-05
Applications*	106	84	86
Orders made	83	88	66
Referred to civil list	0	2	3

* Matters not referred to the civil list are disposed of by a Judge sitting in Applications jurisdiction.

Hearings on the papers

A party may file an application to have an order made by a Judge without the need for an oral hearing, that is, the matter can be decided by the Judge on the papers. When a decision is made by the court, the Registrar forwards to each party a copy of the order and the reasons for the decision. The table below show the current use of this process:

Table 41: Decision on papers without an oral hearing

Outcome	2002-03	2003-04	2004-05
Applications filed	31	36	33
Orders made on the papers	19	22	27
Oral hearing required	0	2	2

Impact of the Uniform Civil Procedure Rules

This was recently analysed independently by BC Cairns and SC Williams in a paper entitled "Pace of Civil Litigation in the Queensland Supreme Court" published in *Civil Justice Quarterly*, Issue 3, 2005. On the basis of an analysis of court files in respect of proceedings pre-dating, and post-dating, the commencement of the UCPR, those authors expressed the following conclusions:

”The t-test analyses confirm initial expressions from inspections and tabulation of the raw data that, with the exception of personal injury – master and servant, there has been a significant reduction in processing times, particularly the times from start of proceedings to completion.

For assessing the impact of the Uniform Civil Procedure Rules the most significant comparison is between the date a proceeding is commenced and its readiness for trial. The rules have no bearing on how long it takes the court to hear the trial after the parties are ready to proceed. Comparing the time from the start of a proceeding to the date of the certificate of readiness under the Rules of the Supreme Court and the request for a trial under the Uniform Civil Procedure Rules shows a statistically significant reduction in preparation time.

The Court itself commented on this in the Annual Report 1999-2000. There was a ‘marked decrease’ in the number of requests for a trial date from the last half of the period under review and a decrease in the time between institution of a proceeding and trial. There were though ‘signs’ of a decrease in the number of settlements of cases set down for trial. The court thought that these changes were due to the court being more interventionist to ensure that cases are conducted expeditiously with the minimum commitment of resources. The legal profession was said to appreciate that the court expects resolution of cases short of trial to be seriously considered and that the parties must adhere to performance times. The Uniform Civil Procedure Rules, as intended, were changing the way litigation is conducted. Solicitors who had adapted to the new environment were exerting pressure on the rest of the profession. Moreover, the court had established administrative procedures to ensure that the new rules are carried into effect.

The results of this study bear out the court’s comments about the effect of the Uniform Civil Procedure Rules. The philosophy implanted by r 5 introduced a change in legal culture that depreciates unnecessary delay. Apart from the pre-action negotiation required in personal injury claims there is no other change in the civil justice system that would account for the results observed. The r 5 objectives appear to be achieved in practice.

The data in Table 10 illustrates that the number of claims filed in the court appears to be falling. This study does not permit any conclusion about the cause of the reduction in litigious activity, nor whether it is a permanent feature of the local legal culture. A substantial proportion of cases are referred to mediation. The emphasis on mediation and the more interventionist role of court may cause lawyers to give greater emphasis to settlement as an alternative to a court proceeding. Or at least pre-action settlement avenues may be pursued more seriously. This subject warrants further investigation.”

Resources permitting, the court hopes to work with those authors to facilitate on-going review of aspects of the operation of the UCPR.

Registrar’s Court jurisdiction

The Principal Registrar (and Deputy Registrars where delegated) has the power to hear and determine certain categories of applications under the *Corporations Act 2001* (Cth).

Amendments expected to the Act will vest jurisdiction in the Federal Magistrates Court in relation to winding up and other matters.

Table 42: Corporations law applications heard by a Registrar and results – Brisbane

Result of application	2002-03	2003-04	2004-05
Order made in determination of application	497	453	374
Adjourned	552	500	452
Dismissed	244	271	207
Referred to Judge	45	49	40
TOTAL	1,338	1,273	1,073

The majority of matters dealt with above involved the winding up of companies (generally on the ground of insolvency).

Judgment by default

The rules of court permit a party to end proceedings early. One of the methods is an application for default judgment

Table 43: Judgment by default

	2002-03	2003-04	2004-05
Applications	403	344	367
Judgments entered	282	242	276

Consent orders

While applications for consent orders have increased, so has the rate of refusal for non-compliance with the requisite practice direction, eg the party did not file an affidavit to support the exercise of the Registrar’s discretion; a notice of address for service was not filed by the respondent; sometimes the consent was not signed by all parties. Some orders were refused on the basis it was more appropriate that they be dealt with by a Judge.

Table 44: Consents under r 666 dealt with by a Registrar

	2002-03	2003-04	2004-05
Number of applications considered	628	764	813
Orders made	550	613	479
Refused	78	151	334

Admissions

The *Legal Profession Act 2004* provides for the regulation of legal practice in Queensland in the context of a national approach.

Since 1 July 2004, there has no longer been any capacity for admission as a solicitor or barrister. Eligible persons are now admitted as “legal practitioners”.

Eight admission ceremonies were held in Brisbane this year and 611 legal practitioners admitted pursuant to the *Legal Profession Act 2004*.

The Principal Registrar continues to exercise authority under the *Mutual Recognition (Qld) Act 1992* and the *Trans-Tasman Mutual Recognition (Qld) Act 2003*. However, as the *Legal Profession Act 2004* provides for the recognition of foreign lawyers registered in other Australian States or Territories, the number of mutual recognition applications is substantially lower than in previous years.

Table 45: Admissions

Admission as legal practitioners	2004-05
Under the <i>Supreme Court (Legal Practitioner Admission) Rules</i>	611
Under the <i>Mutual Recognition Act</i>	23
Under the <i>Trans-Tasman Mutual Recognition Act</i>	15

Non-contentious estate matters

The number of applications for grants to administer estate again increased. The continuing increase is explained by the requirement of superannuation funds and banks, for example, for proof of a grant from the court.

Table 46: Probate workload

New processes lodged	2002-03	2003-04	2004-05
Letters of administration (with or without the Will)	396	439	446
Probate	3,211	3,562	3,899
Reseal	99	124	172
Elections	177	178	144
Order to administer	476	527	484
TOTAL	4,359	4,830	5,145

Assessment of costs

The assessment of costs is a three-step procedure.

- Directions Hearing – ensures compliance with procedural requirements
- Assessment – quantifies the costs of the party entitled to costs
- Re-consideration – a review of the Registrar’s assessment on application.

Table 47: Assessment directions hearings

Result	2002-03	2003-04	2004-05
Settled	68	72	71
Adjourned	68	128	88
Default allowance	84	68	74
Assessment date given	215	247	208
TOTAL	435	515	441

An alternative to the three step process is a default assessment, a summary procedure by which a registrar considers the claims in a bill of costs in the absence of the parties or their legal representatives. There is no appearance and no objections to the claims in the costs statement by the party liable for the costs.

Table 48: Results of cases set for assessment

Result	2002-03	2003-04	2004-05
Adjourned	30	35	43
Settled	97	115	114
Assessed	96	86	114
TOTAL	223	236	271

Table 49: Applications for re-consideration (r 741)

	2002-03	2003-04	2004-05
Reserved as at 1 July	4	8	1
Number of applications for re-consideration filed	18	7	6
Disposed of < 3 months	4	6	3
Disposed of > 3 months	10	6	3
Otherwise disposed of*	0	2	1
Outstanding as at 30 June	8	1	1

* eg settled or withdrawn

A significant change in the listing of assessments was implemented on a pilot basis in November 2004. Instead of listing a few directions hearings per day, the new programme allowed for all directions hearings to be listed for three full days early in each month. The objective was to gauge a quicker indication of the demand on the workflow of the branch. It also allowed for the listing of contested assessments an hour earlier each day. Results were promising. Early in each month it has revealed that on average only 47% of total assessments lodged have needed to proceed to an allocated date for the assessment. In other words 53% of the branch's work is cleared earlier, either by way of default assessments, settlement or no appearance. Earlier listings times for those contested assessments is possible and with the earlier starting time each day delays in obtaining assessment dates has significantly fallen away.

Immediately before the instigation of the pilot, waiting times were in the vicinity of 14.4 weeks. These times will of course fluctuate due to highs and lows in lodgements of assessments. At the end of the reporting year, the waiting time was eight weeks, while in April a waiting time of only six and a half weeks was achieved.

The Principal Registrar decided to adopt the pilot scheme in April 2005. Further enhancements to the way assessments are to be conducted will be sought by amendments to the UCPR next year.

Trial Division, Districts

Southern District Circuits

The Brisbane based Judges serviced the Southern District circuits.

Justice Mullins managed Southern District Circuits during the 2004-05 year.

In 2004 the Judges adopted a protocol for circuits aimed at producing consistency in practice, procedure and arrangements. The protocol provides for a callover of both civil and criminal matters to be held by the Circuit Judge (usually by telephone link) approximately six weeks in advance of the commencement of the circuit. This assists with planning for the circuit and preparation by parties and their lawyers. The Circuit Judge has the ultimate responsibility for the conduct of the circuit and may choose to vary the implementation of the protocol. The advantage of the protocol is that it defines the role of each person involved and the channels of communication for dealing with the listing and timing of cases.

Table 50: Toowoomba criminal

Number of cases	2002-03	2003-04	2004-05
At start of year	4	7	3
Commenced during year	13	26	64
Disposed of during year	10	30	63
At end of year	7	3	4

Table 51: Toowoomba civil

Number of cases	2002-03	2004-05	2004-05
At start of year	2	1	0
Entered during year	7	1	1
Disposed of during year	8	2	1
At end of year	1	0	0

Table 52: Roma criminal

Number of cases	2002-03	2003-04	2004-05
At start of year	1	1	1
Commenced during year	0	0	2
Disposed of during year	0	0	3
Undisposed of at end of year	1	1	0

Table 53: Roma civil

Number of cases	2002-03	2003-04	2004-05
At start of year	0	0	0
Entered for trial during year	0	0	0
Disposed of during year	0	0	0
At end of year	0	0	0

Table 54: Maryborough criminal

Number of cases	2002-03	2003-04	2004-05
At start of year	3	2	1
Presented for trial during year	12	6	15
Disposed of during year	13	7	14
Undisposed of at end of year	2	1	2

Table 55: Maryborough civil

Number of cases	2002-03	2003-04	2004-05
At start of year	3	1	0
Entered during year	6	4	3
Disposed of during year	8	5	3
At end of year	1	0	0

Central District

The position of Central Judge is held by Justice Dutney, permanently based in Rockhampton.

The Central Judge is responsible for the work of the court in Rockhampton and the circuit courts in Mackay, Bundaberg and Longreach. The sittings at Mackay are shared with the Northern Judge.

The Central Judge presided over five criminal trials compared with nine in the previous year. Two trials were for drug related matters. In the other three the accused was charged with murder. Of the three charged with murder, one was convicted, one convicted of manslaughter and in the third the prosecution entered a nolle prosequi. The accused convicted of murder appealed. His appeal was dismissed by the Court of Appeal and an application for special leave to appeal to the High Court is pending.

The Central Judge sentenced 88 persons who pleaded guilty. Eighty-two (82) of these persons pleaded guilty to drug offences. Twelve (12) persons were dealt with for breaches of previous orders. Of the overall total of 103 persons dealt with by the court over the relevant period, 22 were women.

This year the Central Judge presided over seven civil trials which proceeded to judgment. These did not include judicial review hearings or applications given hearing dates on the civil list. Four of the judgments were appealed. One appeal was dismissed. The other three appeals are still pending.

In total the Central Judge sat for 21 weeks in Rockhampton, seven weeks in Mackay, six weeks in Bundaberg and two weeks in Brisbane. The Central Judge also sat for three weeks in the Court of Appeal in Brisbane. Four weeks were allocated for judgment writing. No sittings were required in Longreach.

Apart from the Central Judge, the Chief Justice sat for one week in Bundaberg, the Northern Judge sat for four weeks in Mackay and Justice Mullins sat for two weeks in Mackay. In Rockhampton and Mackay both criminal and civil cases are able to be heard within a few weeks of the parties being ready to proceed. In Bundaberg where the court only sits twice a year and in Longreach where it sits as required, all cases ready for trial were disposed of in the first sittings after the parties indicated that the matter was ready to proceed. There are no delays brought about by the inability of the parties to obtain hearing dates. All civil judgments have been delivered within three months of the conclusion of the trial in accordance with the Judges' protocol.

Details of the number of matters processed in Rockhampton and the circuit courts are set out in the tables below.

Table 56: Rockhampton criminal

Number of cases	2002-03	2003-04	2004-05
At start of year	6	9	13
Commenced during year	46	50	51
Disposed of during year	43	46	55
Undisposed at end of year	9	13	10

Table 57: Rockhampton civil

Number of cases	2002-03	2003-04	2004-05
At start of year	3	4	4
Entered during year	16	12	4
Disposed of during year	15	12	6
At end of year	4	4	2

Table 58: Mackay criminal

Number of cases	2002-03	2003-04	2004-05
At start of year	2	3	9
Commenced during year	22	37	41
Disposed of during year	21	31	49
At end of year	3	9	1

Table 59: Mackay civil

Number of cases	2002-03	2003-04	2004-05
At start of year	7	3	3
Entered during year	18	12	17
Disposed of during year	22	12	18
At end of year	3	3	2

Table 60: Bundaberg criminal

Number of cases	2002-03	2003-04	2004-05
At start of year	2	7	20
Commenced during year	34	30	42
Disposed of during year	29	17	57
At end of year	7	20	5

** Adjusted figures from last report.*

Table 61: Bundaberg civil

Number of cases	2002-03	2003-04	2004-05
At start of year	0	0	0
Entered during year	0	0	0
Disposed of during year	0	0	0
At end of year	0	0	0

Table 62: Longreach criminal

Number of cases	2002-03	2003-04	2004-05
At start of year	0	1	3
Commenced during year	1	2	0
Disposed of during year	0	0	2
Undisposed of at end of year	1	3	1

Table 63: Longreach civil

Number of cases	2002-03	2003-04	2004-05
At start of year	0	0	0
Entered during year	0	0	0
Disposed of during year	0	0	0
At end of year	0	0	0

Northern District

The Northern Judge, Justice Cullinane, sat principally in Townsville with circuits in Mackay and Mt Isa. He sat in the Court of Appeal during its sittings in Brisbane in September 2004 and in Cairns in March 2005.

The number of criminal cases awaiting hearing at the start of the year in Townsville has increased, whereas the number of civil cases awaiting hearing has remained the same. The civil list remains up to date with almost all cases offered a hearing date at each sittings.

Table 64: Townsville criminal

Number of cases	2002-03	2003-04	2004-05
At start of year	6	5	8
Presented for trial during year	48	34	53
Disposed of during year	48	31	52
At end of year	6	8	6

Table 65: Townsville civil

Number of cases	2002-03	2003-04	2004-05
At start of year	10	8	12
Entered for trial during year	24	25	20
Disposed of during year	26	21	22
At end of year	8	12	10

Far Northern District

The Far Northern Judge, Justice Jones, received assistance throughout the year with circuits from the Chief Justice, and Justices Moynihan, Cullinane, Helman, Muir and Atkinson. Additionally, the Northern Judge has taken responsibility for the Mt Isa circuit.

A sittings of the Court of Appeal was held in Cairns between 14-18 March 2005. The court was constituted by the President, Justice McMurdo, Justice of Appeal Jerrard and Justices Cullinane and Jones.

There was also a sittings of the Land Appeal Court, which consisted of the Far Northern Judge and Land Court Members Scott and Wenck.

The sitting times for the Far Northern Judge have resulted in 20 weeks being spent in Cairns, three weeks in Brisbane with eight weeks allocated to judgment writing and 12 weeks to long leave.

During this year 13 new practitioners were admitted to the profession, most of whom had completed their academic legal training in the Townsville or Cairns campuses of James Cook University. This trend is an important feature in ensuring the supply of well qualified new practitioners to service the demands of the growing communities in the North and Far North.

Table 66: Cairns criminal

Number of cases	2002-03	2003-04	2004-05
At start of year	23	20	27
Presented for trial during year	98	92	108
Disposed of during year	87	85	93
At end of year	20	27	30

Table 67: Cairns civil

Number of cases	2002-03	2003-04	2004-05
At start of year	8	12	6
Entered for trial during year	26	20	22
Disposed of during year	22	26	19
At end of year	12	6	9

Table 68: Mt Isa criminal

Number of cases	2002-03	2003-04	2004-05
At start of year	0	1	8
Presented for trial during year	4	13	5
Disposed of during year	3	6	5
At end of year	1	8	8

Table 69: Mt Isa civil

Number of cases	2002-03	2003-04	2004-05
At start of year	0	0	2
Entered for trial during year	1	2	1
Disposed of during year	1	0	1
At end of year	0	2	2

Mental Health Court

The Mental Health Court is constituted by a Judge assisted by two psychiatrists from a panel of three appointed under the *Mental Health Act 2000*. Justice Wilson constituted the court until 28 February 2005; Justice Holmes now presides. The panel of assisting psychiatrists is Dr DA Grant, Dr JM Lawrence AM and Dr JF Wood.

The court determines references concerning questions of unsoundness of mind and fitness for trial in relation to persons charged with offences on indictment; determines appeals from the Mental Health Review Tribunal; and inquires into the lawfulness of patients' detention in authorised mental health services. During this year the Mental Health Court sat on 56 days; two of those days were used for a sittings in Townsville.

Extensive use continued to be made of video links with regional hospitals and correctional centres to minimise the need for parties to travel to Brisbane, while allowing their representation by counsel in Brisbane.

A matter of concern has been difficulties faced by patients appearing unrepresented to appeal against decisions of the Mental Health Review Tribunal. Legal Aid Queensland now appears on behalf of patients on such appeals, making the appeal process far more accessible for the appellants, while assisting the court considerably.

Table 70: Matters heard by the Mental Health Court

Type of Matter	2004-05
References by:	
• Director of Mental Health	95
• Director of Public Prosecutions	3
• Defendant or legal representative	114
• Court of law	5
• Attorney-General	3
Appeals against the Mental Health Review Tribunal by:	
• Director of Mental Health	6
• Attorney-General	3
• Patient	32
Applications to inquire into detention	
• Patient	3
TOTAL	264

Table 71: *Matters disposed of by the Mental Health Court

Findings and orders of the Mental Health Court	2004-05
References:	
• unsoundness of mind (forensic order)	89
• unsoundness of mind (no forensic order)	9
• unsoundness of mind (no forensic order) – non contact order made	1
• not of unsound mind and fit for trial	39
• fit for trial – fitness only referred to Mental Health Court	1
• not of sound mind, of diminished responsibility and fit for trial	2
• not of unsound mind, not of diminished responsibility and fit for trial	2
• not of unsound mind, of diminished responsibility and unfit for trial (unfitness not permanent)	1
• not of sound mind and unfit for trial (unfitness not permanent)	12
• unfit for trial (unfitness not permanent) – fitness only referred to Mental Health Court	1
• not of sound mind and unfit for trial (unfitness permanent and forensic order made)	5
• not of sound mind and unfit for trial (unfitness permanent and no forensic order made)	8
• reasonable doubt and fit for trial	14
• reasonable doubt and fit for trial – custody order made	2
• reasonable doubt and unfit for trial (unfitness not permanent)	6
• reasonable doubt and unfit for trial (unfitness permanent and forensic order made)	2
• reasonable doubt and unfit for trial (unfitness permanent and no forensic order made)	5
• reasonable doubt and unfit for trial (permanent and no forensic order made) – non contact order made	1
• reference withdrawn	13
• struck out	14
TOTAL	227

** Includes 21 matters where two decisions were made and two matters where three decisions were made.*

Table 72: Matters disposed of by the Mental Health Court – appeals

Findings and orders of the Mental Health Court	2004-05
Appeals	
• withdrawn	14
• dismissed	18
• upheld	9
TOTAL	41

Table 73: Matters disposed of by the Mental Health Court – inquiries into detention

Type of Matter	2004-05
Applications	
• refused	2
• deemed not lawful	1
TOTAL	3

Table 74: Matters pending in the Mental Health Court as at 30 June 2005

Type of Matter	2004-05
References by:	
• Director of Mental Health	65
• Director of Public Prosecutions	5
• Defendant or legal representative	84
• Court of law	4
• Attorney-General	3
Appeals against the Mental Health Review Tribunal by:	
• Patient	9
• Legal representative	1
TOTAL	171

As at 30 June 2005 there were no reserved decisions and 18 matters have been adjourned to a date to be fixed.

Report to the Minister for Health

A full report on the operation of the Mental Health Court and its registry will be submitted to the Minister for Health for tabling in the Legislative Assembly pursuant to s 435 of the *Mental Health Act 2000*.

Land Appeal Court

The Land Appeal Court hears appeals from decisions of the Land Court and, in such cases, comprises a Judge of the Supreme Court and any two of the members of the Land Court (other than the member who pronounced the decision appealed against). These appeals arise mainly in compensation matters pursuant to the *Acquisition of Land Act 1967* and valuation cases for rating and land tax purposes under the *Valuation of Land Act 1944*.

The Land Appeal Court also has jurisdiction to hear appeals from decisions of the Queensland Biological Control Authority under the *Biological Control Act 1987* in respect of matters referred to in Part 5 of the *Foreign Ownership of Land Register Act 1988*, and from decisions of the Land Tribunals established for the purposes of the *Aboriginal Land Act 1991*. Questions of law arising in proceedings before the Land Tribunals may also be referred to the Land Appeal Court for decision.

There are Southern, Central, Northern and Far Northern Land Appeal Courts. Justice Philippides has this year been the Judge appointed for the Southern District. The Central, Northern and Far Northern Judges hold appointments for the Land Appeal Court in their respective Districts.

Table 75: Appeals to the Land Appeal Court

Appeals to the Land Appeal Court	2002-03	2003-04	2004-05
Number of appeals lodged:			
• Far Northern	1	4	0
• Northern	1	5	0
• Central	0	0	2
• Southern	3	2	3
Nature of appeals:			
• Compensation (<i>Acquisition of Land Act</i>)	2	7	2
• Valuation (<i>Valuation of Land Act</i>)	1	1	1
• Costs (<i>Acquisition of Land Act</i>)	1	2	0
• Jurisdiction (<i>Soil Conservation Act</i>)	1	0	0
• <i>Water Act</i>	0	0	2
• Application for rehearing (<i>Acquisition of Land Act</i>)	0	1	0
Number of appeals lodged:			
• Far Northern	1	5	0
• Northern	1	5	5
• Central	0	0	2
• Southern	10	7	8

ADMINISTRATIVE SUPPORT

- **Office of the Principal Registrar and Administrator**
- **Office of Court Administration**
- **Sheriff's Office**
- **Bailiffs' Office**

Office of the Principal Registrar and Administrator

In October 2004, the Director-General, after consultation with the Chief Justice and with the approval of the judiciary, resolved to restructure the roles of senior management within the court. The then Court Administrator was re-designated into the Department to head a branch, Courts Strategy, to provide advice on specific improvement strategies across all court jurisdictions.

The positions of Court Administrator and Principal Registrar were then amalgamated. This provided the opportunity for the role of the Senior Registrar in the State's court system (with intimate knowledge of registry services, practice and procedures) and the role of Court Administrator (responsible for support to the judiciary in all non-registry matters, development of policy for all future court services and a direct line of communication to the Department) to function as the one office.

This has produced clearer lines of communication and responsibilities for both the Department, the judiciary and court staff. Staff are now in no doubt as to which senior manager they report to.

This also establishes a platform for further restructure of the court's registries and administrative roles. A small review team was set up to lead that restructure. The review will progress next year. Proposals so far include a survey of staff expectations, workshops to review work flows, practices and procedures, realignment of some roles, and the application of further resources to court management.



Ian McEwan (Director, State Reporting Bureau), Aladin Rahemtula (Supreme Court Librarian), Cameron Woods (Deputy Court Administrator), Ken Toogood (Principal Registrar and Administrator), Neil Hansen (Sheriff and Marshal), Ashley Hill (Information Technology Manager)

Office of Court Administration

The offices of the Principal Registrar and Administrator, Court Administration and Sheriff provide administrative support to the court. The Principal Registrar and Administrator, Mr Ken Toogood PSM, is responsible for budget and resource management and the administrative functions of the Higher Courts.

The Principal Registrar and Administrator is assisted by the Deputy Court Administrator, Mr Cameron Woods, and a small team of administrative staff who undertake a variety of administrative tasks to ensure the smooth, efficient and effective operation of the Supreme and District Courts and to pursue particular projects advanced by the judiciary.

A review of employment conditions of permanent and casual bailiffs across the State led to agreement on new uniform entitlements. Further conditions are currently being considered.

Closed circuit television (CCTV) facilities, including sound re-enforcement of court rooms, have been installed in 14 Higher Courts, including Brisbane, Southport, Beenleigh, Ipswich, Maroochydore, Gympie, Kingaroy, Bundaberg, Maryborough, Gladstone, Rockhampton, Townsville, Cairns and Mt Isa.

This improves access to justice by vulnerable witnesses, including children and sexual assault victims. More facilities in regional courts reduce the need for witnesses to travel. Construction of a suite of two vulnerable witness rooms, with separate lounge/waiting rooms, kitchen, office, toilet and other support facilities, commenced in Brisbane in March 2005, and should be operational shortly.

Queensland Higher Courts Support Business Plan 2004-2005

Higher Courts staff finalised the Queensland Higher Courts Support Business Plan 2004-2005. This, together with completion of the Queensland Higher Courts Support Strategic Plan 2004-2008, was an important landmark. The Business Plan was designed to ensure all staff were clear about the priorities of the court and how these related to the Strategic Plan. A Planning Committee periodically reviewed and assessed the Plan throughout the year, which helped inform the planning process for the coming year.

Some positive outcomes of this year's business planning process have been:

- rollout of the Queensland Juries System (QJS) to centres outside Brisbane;
- refurbishment of remote witness rooms in Brisbane and Townsville;
- development and release of circuits and child evidence protocols for regional staff, in both civil and criminal jurisdictions;
- participation in the trial of Wi-Fi technology at the Brisbane Law Courts Complex: it is hoped this service will be available next year in all courtrooms in the Brisbane Law Courts Complex as well as at certain regional courthouses;
- implementation of a Juror Support Program, from 1 January;
- a client satisfaction survey of the Brisbane Higher Courts Civil Registry in relation to registry counter and telephone services, and the content of the Queensland courts' website in relation to civil registry information. The survey instrument was available on the website to allow completion online;
- commencement of a review of registry practices and procedures in Townsville to ensure consistency and better client services, the reduction and elimination of anomalies, and consistency and accuracy in the collation of statistical data concerning workload and performance standards;

- commencement of a uniform “law list” project State-wide (commencing with Townsville and Southport);
- periodic publication of the staff newsletter “Courterly”.

Staff training

The focus on staff training has shifted to enhance knowledge of court process, procedures and the roles of the various branches. Courses aimed at increasing computer skills and client services have been well attended. In total 229 registry staff have attended in-house and external courses, reflecting a 60% increase over last year.

Projects

Other projects undertaken to improve client service and work processes in the Brisbane Registry were:

- review of registry practices, website information and client services;
- transfer of registers to archives;
- implementation of Supreme and District Court records disposal authority;
- review of fees and charges;
- revision of workbook training manual;
- review of exhibit management;
- records storage assessment;
- review of desk manuals;
- conduct of a telephone survey.

Records management

A standing team of two officers processes files daily in accordance with the disposal schedule to ensure sufficient storage capacity for new files. Other records will be transferred to State Archives within the next few months.

Staff also undertook a comprehensive review of the registry file storage areas with the relocation of court files for better access.

eSearching

The eSearching facility is located at

www.ecourts.courts.qld.gov.au/eSearching/eSearching.htm

A search of Supreme Court civil records can be conducted at any hour of the day free of charge. Data is updated in real time, subject to network availability. This service is widely used by both the legal profession and the public. Use increased with 460,000 searches being conducted, 128,000 outside normal business hours.

For first time users a guide to eSearching is located on the website.

Courts’ website – information services

The courts’ website (www.courts.qld.gov.au) contains important information about court business and practices including law lists, brochures, fact sheets, electronic set-down of trials and applications, reasons for judgment and calendars.

The decline in the number of brochures issued at the registry may be a result of increased recourse to the website.

Table 76: Brochures and fact sheets available, and annual demand

Brochure	Number issued 2002–03	Number issued 2003–04	Number issued 2004–05
Guidelines for registration for Barristers or Solicitors - <i>Mutual Recognition (Qld) Act 1992</i>	190	243	112
An explanation of Supreme Court ADR processes	203	282	151
Supervised case list (an overview)	239	271	162
Applying for a grant in an estate - Probate and Letters of Administration	301	471	182
Jury Handbook *	8036*	6395*	8140*
Technology in trials in the Supreme Court	231	325	190

* One supplied to each member of the community called for jury service in the Brisbane and Beenleigh jury districts

Funds in court

Litigants are permitted to pay or deposit monies in court under the *Court Funds Act 1973*. The aggregate balance of the 66 current accounts was approximately \$14,216,000 as at 30 June 2005.

Counter relations

The amalgamation of registry services in August 2003 has provided a single service point for clients attending the Supreme Court, District Court, Planning and Environment Court and Civil Registries. The Higher Courts Registry, as it is now known, is located on the ground floor of the Supreme Court building.

The counter is staffed by a manager and four to six staff, depending on demand.

The officers assess documents for filing (checking to ensure that they comply with the rules and practices of the court), assess fees, and provide information brochures and reliable non-legal advice.

Approximately 1,100 clients per week attend the Higher Court Registry.

Two wireless computer terminals and printers are available for use, free of charge, to conduct searches and view document lists on court files.

The renovations to the registry counter referred to in last year's report are not complete. Work commenced on 1 April 2005 and the main section of the counter re-opened for business on 30 June 2005. Prior to the reopening, counter services were temporarily relocated.

The balance of work on the Higher Courts Registry service area should be completed early next financial year.

Filing by post

There has been a surge in the number of documents filed by post during the year. Legal practitioners and self-represented litigants find this service useful as it avoids the need to attend the registry personally or engage town agents. The current postal dealing fee is \$18.50.

Table 77: Filing by post, sets of documents

	2002-03	2003-04	2004-05
Brisbane	2345	3298	4045
Townsville	848	876	865

Document filings

Ten thousand, eight hundred and sixty-four (10,864) new court files were created in the Civil Information Management System “CIMS” this year. In addition 91,340 document filings have been recorded in CIMS.

Table 78: Document filings recorded by CIMS in Brisbane

2002-03	2003-04	2004-05
87,738	92,622	91,340

Waiver of fees

Since 2002 impecunious persons have been entitled to apply to a Registrar for a filing fee waiver in relation to an originating proceeding or appeal.

This year 60 such applications were made to the Registrar. Three were refused. The total amount of fees waived was \$23,010. Thirty-eight (38) sets of originating processes were filed with the exemption. Of that number 15 have been finalised by determination of the court. In 11 of those matters, the applicant/appellant was successful.

Listings Directorate

The Listings Directorate is responsible for listing arrangements for the Supreme and District Court, the Mental Health Court, the Land Appeal Court and the Legal Practice Tribunal.

The listings officers are responsible for the administrative management of the Criminal, Civil, Applications and Supervised Case Lists.

The relevant list manager should be the first point of contact. Practitioners are urged to use email for such contact. Information regarding electronic set down, court calendar, daily law list and sittings list is available electronically on the courts’ website www.courts.qld.gov.au.

The email addresses of the List Managers are:

- Listings Coordinator ListingsCoordinator@justice.qld.gov.au
- Criminal List Manager SC-CrimListManager@justice.qld.gov.au
- Civil List Manager CivilListManager@justice.qld.gov.au
- Supervised Case List Manager supcasemanager@justice.qld.gov.au
- Applications List Manager ApnManager@justice.qld.gov.au

In addition there is an officer responsible for the administrative requirements imposed by the *Evidence (Protection of Children) Amendment Act 2003* –

ACW-Evidence@justice.qld.gov.au



Back row (left to right): *John McNamara, Rod Goody, Eric Kempin, Bob Houghton, Alex Hams, Angela Karageozis, Michael Reeves, Ian Mitchell, Neil Hansen, Ken Toogood*
Front row (left to right): *Neville Greig, Leanne McDonnell, Jo Stonebridge, Peter Irvine*

Criminal Registry

A significant change in the criminal registry occurred in March 2005 when use of the CRS database ceased and Queensland Wide Interlinked Courts (QWIC) came on line. The change over meant a large amount of existing data had to be transferred to the new database. Ongoing modifications to the system continue to ensure all aspects of Higher Courts procedures are captured and it is capable of producing the required documentation and statistical reports.

Sheriff's Office

Jury management

The Sheriff's Office in Brisbane issued 188,042 Notices to Prospective Jurors for the court sittings of the 11 Supreme and 31 District Courts throughout the State.

In Brisbane, 6,101 jurors received summonses to appear for jury service, of whom 4,574 jurors attended at least once. Of those, 2,265 jurors were empanelled at least once, in 236 jury trials (37 Supreme and 199 District Court). Of those trials, 68 extended outside normal court hours and 38 juries needed accommodation overnight. Three juries were provided with accommodation for more than one night.

A review of jury fees the previous year resulted in jury fees being increased in August 2004. The remuneration for empanelled jurors was increased in line with the Queensland minimum wage.

This year the Queensland jury system, after a successful migration from the CITEC mainframe environment to in-house servers at the Department of Justice and Attorney-General, was implemented State-wide at every higher court location.

Enforcement

The Sheriff is responsible for the enforcement of court orders by way of certain types of warrants. During the year the Sheriff received 128 enforcement warrants for enforcement — 116 were for possession of land, nine for seizure and sale of property, and two were arrest warrants issued from enforcement hearings. Of these, 39 possession of land enforcement warrants were enforced.

As Marshal, the Sheriff performs duties conferred pursuant to the *Admiralty Act* 1988 (Cth). During the year one vessel was arrested and another remained under arrest from the previous financial year. Of these one was released by discontinuance and consent, and the other was sold pursuant to court order.

Bailiffs' Office

During the year, bailiffs and casual bailiffs were assigned to the following courts:

36 days Court of Appeal sittings

499 days Criminal court sittings

522 days Civil court sittings

499 days Applications court sittings

53 days Mental Health Court sittings

35 days administrative duties for the registry

INFORMATION TECHNOLOGY

- **Higher Courts IT Steering Committee**
- **Establishing links with the legal profession**
- **Information Technology Team re-structure**
- **Equipment replacements**
- **Donation of IT equipment to the Solomon Islands**
- **eCourts**
- **Wireless Internet in courts**
- **Civil Information Management Systems (CIMS)**
- **Criminal Management System**

Higher Courts IT Steering Committee

The Higher Courts IT Steering Committee performs an important oversight role for the Higher Courts IT Team. The Steering Committee provides direction to the IT Manager, oversees IT projects managed from within the Higher Courts and is briefed on Departmental projects or initiatives which directly affect the Higher Courts. The composition of the Steering Committee during 2004-05 was: Mr Jim McGowan – Deputy Director-General, Justice Administration, Department of Justice and Attorney-General (Chair); Chief Judge Wolfe; Justice Atkinson; Judge Wilson; Mr Phil Argyris – Director, Information Management Branch, JAG; Mr David Franklin – IT Manager, Queensland Law Society; Mr David Groth – Director, Courts Strategy Unit, JAG; Mr Ian McEwan – Director State Reporting Bureau; Mr Pat Morgan – Director, Finance, JAG; Mr Ken Toogood – Principal Registrar and Administrator.

Establishing links with the legal profession

During 2004-05 the Manager IT and some Judges met with members of the profession to come to a better understanding of the way law firms, large and small, use technology in their practices. The objective was to identify potential synergies. The meetings have been informative and more will be held next year.

The Manager IT also participated in the work of the Queensland chapter of the Association of Legal Support Managers (“ALSM”) to better understand the challenges faced by the profession in bringing complex matters to trial. The Higher Courts worked with the ALSM over the changes to Form 19 and in the drafting of a practice direction and sample document protocol related to document management. The courts gratefully acknowledge the contribution of the ALSM members.

The changes introduced through the Form 19 changes were presented on 24 November 2004 by the ALSM at the QUT Conference – *Courts for the 21st Century: Information Management*.

Information Technology Team re-structure

In 2003-04 a new organisational structure was approved for the Higher Courts IT staff. During 2004-05 positions created through that restructure were filled, and the IT team now has a full complement of operational support staff.

Equipment replacements

A rolling program of IT asset replacement continued this year with a substantial number of PCs replaced in Brisbane and regional Queensland. Additional IT equipment was also installed in selected regional courthouses to assist Judges who visit those centres.

The equipment supporting the court’s electronic service delivery systems was also upgraded.

Donation of IT equipment to the Solomon Islands

The program of asset replacement allowed the courts to donate refurbished IT equipment to the Solomon Islands Courts. For the last 25 years the Queensland Supreme Court has been providing assistance to the High Court of the Solomon Islands with Queensland Judges sitting there. With the support of the Director-General, Microsoft Australia, and commercial software providers, the Higher Courts supplied 26 PCs and six printers configured as six independent networks for deployment throughout the Solomon Islands.

eCourts

The popularity and take up rate of the existing eCourts services remained high. The eSearching facility (www.ecourts.courts.qld.gov.au/eSearching/eSearching.htm), in particular, proved extremely popular with over 460,000 searches conducted, 128,000 outside normal business hours. These figures reflect a 57% increase.

On average more than 1,300 on-line searches are conducted every business day.

Wireless Internet in courts

During 2004-05 the Higher Courts participated in a whole-of-government trial of wireless Internet access technologies. While limited in scope the trial established the benefits of such technology to litigants. A project has been established to deploy the technology more widely in south east and regional Queensland next year.

Civil Information Management System (CIMS)

During 2003-04 the Higher Courts planned to replace the aging CIMS system, promoting a whole-of-courts system to enhance information flow between jurisdictions. This Enterprise Courts Management System would subsume the replacement system envisaged for CIMS.

This is a major undertaking which, if endorsed by all stakeholders and funded, will be implemented over a number of years.

Criminal Management System

The Higher Courts this year introduced QWIC, the system used to manage Criminal matters in the Magistrates Courts. This allowed the existing Mainframe based solution to be “retired”.

RELATED ORGANISATIONS

- **State Reporting Bureau**
- **Supreme Court Library**

State Reporting Bureau

The State Reporting Bureau provides recording and transcription services for the Supreme, District and Magistrates Courts, Director of Public Prosecutions (police records of interview), Industrial Court and Industrial Relations Commission. The Bureau also provides reporting services for the Medical Assessment Tribunal, Mental Health Court, Industrial Court and Land Appeal Court.

Services are provided in Brisbane and at 35 regional and circuit centres in Queensland. In respect of the Supreme Court Trial Division, reporting services are provided in Brisbane, Cairns, Townsville and Rockhampton and the circuit centres of Mt Isa, Bundaberg, Longreach, Maryborough, Toowoomba and Roma.

Transcripts of proceedings are produced by audio recording or computer-assisted transcription (CAT).

There are four mobile Remote Recording and Transcription Systems (RRATS) across regional Queensland to help maintain reporting services at remote circuit centres. RRATS enables the Bureau to audio record court proceedings at centres where no staff are based and to transfer the recording via the Integrated Service Digital Network (ISDN) for transcription at Bureau operational centres throughout the State. Audio-reporting staff then produce a transcript using computer-based work processing packages before transferring an electronic copy of the transcript via electronic modem connection to the judiciary, counsel and other interested parties within two hours of the adjournment of the court each day.

Portable RRATS have been used for the recording of court proceedings at the circuit centres in Mt Isa, Cloncurry, Bundaberg, Gladstone, Dalby, Charleville, Cunnamulla, Beenleigh, Kingaroy, Roma and Innisfail.

The Bureau also offers real-time ("CAT") reporting which provides immediate access to transcripts in electronic form. The recorded proceedings are simultaneously translated into text on computer screens in the courtroom with the facility for the Judge and counsel to make annotations in the unedited electronic transcript.

The Bureau's provision of an accurate and timely recording and transcript of proceedings is critical to the courts' capacity to work efficiently in the administration of justice. Any reduction in the service provided by the Bureau will reduce the Trial Division's capacity to do so.

The Bureau is in the process of implementing a state-of-the-art digital recording and transcription system for all Queensland courts and tribunals. The court looks forward to taking advantage of this technology to further enhance the efficiency and effectiveness of the functioning of the court.

Supreme Court Library

This year the Library has continued to develop the range of information service, publishing and community outreach programs initiated in recent years. This range of activities demonstrates the diversity of challenges and opportunities embraced by the Library in the face of rapidly evolving technology and changing user needs. Successes to date may be attributed to an enterprising and innovative spirit which has flourished with the benefit of secure funding, generous support from the court, practitioners and the Department of Justice, and enthusiastic staff. In particular, the genuine interest and patronage of members of the court, the legal profession and the wider community has been pivotal to Library achievements.

Since 1999 the Library has secured donations, sponsorships and special grants valued at over \$500,000. This year, with the assistance of key partnerships, the Library was able to initiate a series of significant projects including: comprehensive review of courts' website (with

assistance of the Incorporated Council of Law Reporting (“ICLR”)); enhancement of collection resources (with assistance of the Faculty of Law at Queensland University of Technology (“QUT”) and ICLR); *Women in the Law in Queensland* publication (with assistance of Department of Justice, the University of Queensland “UQ”, and the Faculties of Law at QUT and Griffith University); legal heritage digitisation (with assistance of ICLR and Allens Arthur Robinson); *Shakespeare and the Law Exhibition 2006* (with major sponsorship from Konica & QLS Grants Committee).

The Library realises the maximum benefit of these special contributions by continuing to pursue alternative strategies to minimise operating expenses, including the regular review of collections and services to assess relevancy and cost effectiveness. One such review addressed the judicial current awareness service, which this year circularised 2,342 items on subjects as diverse as law, politics, history, philosophy, science and technology. A survey found that 90% of those receiving the service rated its usefulness highly and all respondents wished to retain the service.

Information services and online initiatives

This year approximately 1,200,000 information requests were serviced via the Library’s information gateways which include the courts’ website, the Judicial Virtual Library, the online catalogue and the intranets accessible from the public information kiosks within the Brisbane, Townsville and Rockhampton courthouse libraries. In particular, the courts’ website remains a popular information access point for practitioners and members of the wider community. Freely available resources and services include: over 11,000 full text Queensland judgments and selected sentencing remarks; the courts’ calendar; judicial articles and speeches; Uniform Civil Procedure Rules Bulletin; forms and legislation; and other material relating to court procedure.

This year the Library assisted the courts in publishing the Equal Treatment Bench Book online, and also launched a free daily law list email service, which now boasts approximately 1,300 subscribers. Continuing feedback is positive and users have requested additional judgment alerting and value added services. These are being considered as part of a comprehensive review of the courts’ website which was substantially progressed this year following the provision of special funding by the ICLR. In addition to implementing best practice standards pertaining to design, navigation and accessibility, the Library will be working closely with the court and other organisations such as the ICLR to improve the scope and currency of information available on the website.

Collection development and access strategies

Collection development and access management was a priority this year. A major review of the core research collection in Brisbane was undertaken with a view to weeding out duplicate titles which are no longer required, and directing available funds to updating superseded volumes and enhancing available information resources. An upgrade of libraries in regional centres was also completed, with 30% of the total books and subscriptions budget committed to these collections.

The Library is exploring alternative strategies to substantially improve the depth and diversity of legal research information available to the judiciary and profession. Such strategies include a partnership with QUT Faculty of Law to relocate its Pacific legal collection to the Library where it will be maintained and made accessible to Judges, practitioners, students and the public. In addition, with special funding provided by the ICLR, opportunities to expand online collections are being explored, including the purchase of e-archives of historical law reports, treatises and trials.

Research and publishing

In preceding years the Library has published two major works, *Sir Samuel Griffith: the law and the Constitution* and *Queensland Judges on the High Court*. However, in 2004 the Library commenced its most significant research and publication project to date, *Women in the Law in Queensland*.

This ambitious project is being undertaken to commemorate the centenary of the enactment of the *Legal Practitioners Act 1905*, which enabled women to be admitted as barristers and solicitors for the first time in Queensland and aims to collect and publish biographical and statistical material highlighting the invaluable contribution of women in the law in Queensland. The 800 page volume, to be launched in November 2005, will feature profiles of 52 prominent women, historical and contemporary commentary on the topic, and statistics collected and made available for the first time. This work, which will provide an invaluable resource for future researchers and which will also inform the general public, would not have been possible without the sponsorship and special funding provided through partnerships with a number of organisations including the Department of Justice, UQ and the Faculties of Law at QUT and Griffith University.

Additional publishing projects undertaken include *Table Talk of the Selden Society in Queensland: Papers delivered at the Annual General Meeting of the Selden Society in Brisbane 1989-2004* and the first oral history volume *Shared Vision: Recollections of the life and achievements of an inaugural Queensland Churchill Fellow, Dr Brian Wilson*. In 2006 the Library will publish the second oral history volume addressing the achievements of Mr O’Keeffe, former President of the QLS.

Community outreach and schools program

This year approximately 7,500 students visited the court as part of the Schools Program, taking advantage of the variety of activities offered including: legal research seminars; tours of the Rare Books Precinct and historical displays; viewing cases; and “Talk to a Judge”. Further enhancement of the schools online booking facilities is underway to enable more automated administration of the increasing number of participating schools.

In addition, many visitors to the court enjoyed the variety of exhibitions curated in the Rare Books Precinct including *Shaping Queensland: Power and Hart Families, Porcelain and Stone* fine art exhibition and memorial displays to commemorate the lives of Sir Walter Campbell AC QC and Sir Dormer Andrews. These visitors included 35 Chief Justices and senior Judges who met in the ceremonial Banco Court as part of the 11th Conference of Chief Justices of Asia and the Pacific.

In the coming year the first regional legal heritage display facilities will be launched to coincide with the inaugural Supreme Court History Program lecture in Cairns, to be delivered by Emeritus Professor Geoffrey Bolton AO. These activities are being funded with the generous financial support of members of the Cairns legal profession.

Digitising Queensland’s legal heritage

As mentioned, a portion of the special grant provided by the ICLR has been committed to a series of programs to digitise and compile Queensland legal history records, with the goal of making these widely available via online databases. Initiatives currently underway include the early Queensland cases project, which aims to summarise previously unreported early Queensland cases. In addition, the Library is sponsoring a project by well-known Townsville historian, Dr Dorothy Gibson-Wilde, to compile an online register of legal practitioners and law firms in North Queensland between 1861 and 1961. In the coming year a major initiative will be the digitisation and archiving of a significant donation of historically significant 19th century opinion books by Allens Arthur Robinson.

The Library has also continued its oral history program, which this year recorded in digital format five interviews with prominent members of the legal profession. The program has been extended to regional centres to coincide with the launch of the Supreme Court History Program in Cairns, Rockhampton and Townsville.

Supreme Court Library Committee

The Library's governing Committee comprises representatives from each stakeholder group including Judges, barristers, solicitors and the Department of Justice, thereby ensuring that Library users are directly responsible for collection development, service initiatives and resource allocation. This year Ms Ulla Zeller was welcomed as a member, representing the Attorney-General, following the resignation of Mr Rod Newton. In addition, one of the long serving representatives of the Bar, Mr Pat Keane QC, now Justice Keane, resigned following his elevation to the Bench. The Committee has since welcomed the appointment of Mr John McKenna SC to this vacancy. However, Justice Keane returned to the Committee as Acting Chair during a leave of absence by the current Chair, Justice Mackenzie.

Conclusion

The mission of the Library is to serve the "judiciary and the legal profession in the administration of justice in Queensland", a mission which has not been rendered obsolete by advances in information technology or the Internet. Rather the Library is exploiting these tools to develop more sophisticated information services which benefit the court, practitioners and the wider community. This is the key component of the Library's strategic direction for 2005-10.

As part of this strategy, the Library will be focusing on: enhancing value-added services via online gateways; streamlining access to diverse electronic resources; expanding the publication of court information on the courts' website; and adopting new technology which assists in delivering services more effectively. The goal is to consolidate existing disparate gateways to create a cohesive and competitive information service. It is proposed that electronic training facilities within the Library be substantially improved to support this focus on web-based services, and the Library is discussing opportunities for this development with a major sponsor.

Once again, the success of these endeavours will rely upon the collaborative efforts of the Library's key stakeholders, the court, the legal profession and the Department of Justice, and on the ongoing close partnerships with key organisations such as the Bar Association of Queensland, Queensland Law Society and the ICLR.

APPENDIX

Sir Harry Talbot (Bill) Gibbs

Eulogy delivered by Williams JA
at Memorial Service
St Stephens Uniting Church, Sydney
11 July 2005

I was privileged in January 1962 to be the first associate actually appointed by Sir Harry Gibbs after his appointment as a judge of the Supreme Court of Queensland on 1 June 1961. I came to the position with a good academic record but with little or no knowledge of how the law worked in practice or how a trial should be conducted. The ensuing twelve months was a tremendous learning experience and one of the most rewarding years in my life. I know that my successors as associates to Sir Harry, both while he was on the Supreme Court of Queensland and then on the High Court of Australia, many of whom are here today, would agree that what they experienced during their term of office significantly impacted on their careers in the law.

While Sir Harry is probably best remembered for his years on the High Court it must be said that he also excelled as a trial judge. Over the years I never once saw him become flustered at any unexpected occurrence during a trial. He was always in firm control of his court and even difficult, complex criminal trials ran smoothly. There were always short, but precise and detailed, rulings on issues raised during a trial. In Queensland he has been regarded as a model for trial judges.

In Queensland he was regarded as a trail blazer. He was one of the first, his friend Tom Matthews was the other, to graduate with First Class Honours in law from the University of Queensland. His admission to the Bar set the precedent that an Honour's graduate did not have to pay any fees. He was the first undergraduate of the University of Queensland Law School to be appointed to the Supreme Court of Queensland. He was also the first graduate of Law School to be appointed to the High Court.

Though in later life he was regarded by some as austere and very conservative, that was not indicative of his true personality. When he was appointed Chief Justice of the High Court in January 1981 David Jackson and I organised his other associates to prepare a volume recording his life to that date. The original is with the Gibbs family, but a copy is in the Queensland Supreme Court library. Amongst other things we were able to obtain copies of articles he had written for *Semper Floreat* and *Galmahra* during his student days. He was very active in Student Union affairs and many of his writings would be regarded as radical even by modern standards. As an aspiring constitutional lawyer he noted that the constitution of the University Women's Club did not restrict membership to females. In consequence on or about 1 July 1937 he and a number of other students, primarily law undergraduates, invaded the annual general meeting of that club and disrupted it. The consequence was that a Special general meeting was called which passed an amendment to the Constitution providing that "no man may become a member of the Women's Club."

Though he could not generally be described as a wild man during those days it is also interesting to note that the Brisbane Telegraph in July 1938 carried a lead story of how four male students from Emmanuel College and four female students from Women's College had been marooned overnight on Moreton Bay after their dinghy developed engine trouble. On

board, amongst others, were Bill Gibbs and Muriel Dunn, who subsequently became Lady Gibbs. They married in Brisbane on 17 November 1944 during his period of war service.

His love of outdoor recreation remained with him for most of his life. Maryborough, a few hundred kilometres north of Brisbane, was the focal point of the extended Dunn family and they frequented a small seaside resort on Hervey Bay known as Point Vernon. That became what has been described as Bill Gibbs' "spiritual home" for many years. He enjoyed fishing and relaxing there at every opportunity, even during his days on the High Court. A lifelong friend, Gerald Patterson, recounted that in the early days local tradesmen could not distinguish Sir Harry from others in the clan and always referred to him as Mr Dunn. As Gerald Patterson wrote: "Whenever he crossed the Susan River (about halfway between Maryborough and Pialba) travelling eastward, his name changed to Dunn and when he crossed the Susan River travelling westbound it changed back to Gibbs again." It was at Point Vernon that Sir Harry was the real family man and enjoyed so much time with Muriel and the children. It must have been a welcome break from the rigours of the high judicial office which he attained.

Brief mention should be made of his significant war record. He enlisted in the Citizen Military Forces on 2 December 1939, and was ultimately promoted to major on 7 December 1944. He was Mentioned in Despatches for Services in the South West Pacific area between 1 April 1944 and 30 September 1944. It was after he was demobilised that his practice at the Queensland Bar flourished.

Throughout his career as a barrister and judge Sir Harry was always a defender of the rights of the individual. One of his fundamental beliefs was that the law was there to protect a citizen's basic liberties. That philosophy, first seen during his writings whilst a law student, was a recurring theme throughout his judgments. The law applied to all; judges, parliamentarians, business leaders and ordinary citizens were the same in the eyes of the law. In that regard it is interesting to note that on his swearing in as a judge of the Supreme Court of Queensland he said: "There are all too few countries in the world today where it can truly be said that public order and private liberty go hand in hand, but Australia is one country of which that can be said. It is due in no small measure to the fact that the law, both common and statute, is administered by a judiciary whose independence is beyond question." That theme was repeated in his address on being sworn in as Chief Justice of Australia; on that occasion he said: "No public institution should be immune from criticism but it would be regrettable if the courts were to lose the confidence of the people whom they serve. Of course, the courts cannot maintain that confidence unless they deserve it by their integrity, their impartiality, their scholarship, their efficiency and their strength."

For six years Sir Harry served on the Supreme Court of Queensland and for over sixteen years on the High Court, six years of those as Chief Justice. His principal judgments are to be found in volumes 122 to 162 of the Commonwealth Law Reports. I had the pleasant task of reviewing those judgments when writing the chapter on Sir Harry for the book *Queensland Judges on the High Court* published by the Supreme Court of Queensland Library. What I found remarkable was that during that sixteen year period there was hardly an area of law which had not been the subject of analysis by Sir Harry. History is often a hard judge, and the law regularly goes through cycles. It is still far too early to evaluate finally the contribution made by Sir Harry to the development of law in Australia but I am certain that when legal historians look back on the 20th century he will be regarded as one of the great Australian judges. Many people will remember Sir Harry because of his scholarship, the clarity of his legal reasoning, the help and advice he gave to students and young practitioners, and his willingness to always take a stand for what he believed to be right.

For all of those reasons he deserves to be remembered. But my lasting memory is based not so much on Sir Harry Gibbs, Chief Justice of Australia, but on Bill Gibbs, the man. Not so long ago my wife and I had lunch with Bill and Muriel in Brisbane. Afterwards we wheeled Muriel in her chair down the street to the waiting Commonwealth car. Not for the first time Bill, though obviously old and not well himself, declined my offer of assistance as he lifted Muriel into the car. GCMG, AC, Dr of Laws, Chief Justice of Australia were all irrelevant. Here was a compassionate man doing what a man had to do - helping his wife of some 60 years to enjoy the pleasures of life notwithstanding her disability. That was the true mark of a humble, compassionate man - the real Bill Gibbs.

Much has been written about the contribution made by Sir Harry Gibbs to the law and to the wellbeing of Australian society, and much will probably be written on that topic in the future. But underlying all that will be the memory of a man who was a true friend, a wise counsellor, a good husband and father, and above all a compassionate, humble man. Such thoughts will be the real reminders of Bill Gibbs.

Farewell Bill, may you rest in peace.

