

# **Supreme Court of Queensland**

**Annual Report 2013 – 14**





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

31 October 2014

Queen Elizabeth II Courts of Law  
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The Honourable Jarrod Bleijie MP  
Attorney-General and Minister for Justice  
Level 18, State Law Building  
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Dear Mr Attorney

I enclose my report, under s 19(1) of the *Supreme Court of Queensland Act 1991*, on the operation of the Supreme Court for the year ended 30 June 2014.

Yours sincerely,

**The Hon Tim Carmody  
Chief Justice**



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# **Chief Justice's Overview 2013-2014**

## ***Performance***

The following statistics relating to the court's performance over the last year have been collated on the basis of the requirements of the Commonwealth Productivity Commission in relation to its annual 'Report on Government Services'.

## ***Disposition of caseload***

### **Overall**

Both divisions of the court performed satisfactorily.

### ***Trial division***

#### **Criminal**

On the criminal side, there were 963 lodgements. The trial division ended the year with 439 outstanding cases, having disposed of 865 matters (an 89.8% clearance rate).

Of the outstanding cases, 15.3% were more than 12 months old (from date of presentation of indictment), and 6.4% more than 24 months old. Some cases take this long due to appeals and rehearings.

#### **Civil**

On the civil side, there were 3215 lodgements. The trial division ended the year with 2637 outstanding matters, having disposed of 3599 matters (a 111.9% clearance rate).

Of the outstanding matters, 28.6% were more than 12 months old, and 7.9% more than 24 months old.

### ***Court of Appeal division***

The Court of Appeal division disposed of 372 criminal appeals this year (349 last year), with a clearance rate of 101.4%. As of 30 June, 201 criminal appeals awaited disposition (208 last year).

The Court of Appeal also disposed of 275 civil appeals (283 last year), with a clearance rate of 104.2%, leaving 84 outstanding at the end of the year (114 last year).

### ***Rules Committee***

The Rules Committee met regularly throughout the year. It comprises: Chief Justice, Justice Muir (Chair), Justice Douglas, Justice Dalton, Judge Robin QC, Judge McGill SC, Magistrate Springer, Magistrate Ryan and the Executive Director, Supreme District and Land Courts Service.

## ***Continuing judicial development***

The Judges conducted their 19<sup>th</sup> Annual Seminar in Brisbane on 12 & 13 August 2013 at the Queen Elizabeth II Courts of Law. Regional Judges were present in addition to those based in Brisbane. Topics covered included “Proportionality” (Justice Kiefel of the High Court of Australia), “Decision trails in jury trials” (Professor Clough), “Social media and jury trials” (Professors Johnston, Keyser and Pearson), “The future of law reporting in Queensland” (Mr John McKenna QC), “Canon law and its intersection with local law” (Mr Patrick Mullins), “Recent cases of general interest” (Mr Walter Sofronoff SG QC, Ms Elizabeth Wilson QC, Ms Susan Brown QC), “Surveillance warrants” (Forrest J of the Family Court of Australia, and Boddice J), and “The jury selection process and questioning of jurors” (Fryberg J and Mr Marcus Leonard). Presentations of general interest were made by Mr Philip Bacon “The dealer and the artist” and Mr Sean Dorney “PNG and Fiji”.

The 2013 Supreme Court Oration was delivered in the Banco Court on 19 September 2013 by the President of the High Court of Ireland, Mr Justice Nicholas Kearns, on the subject: “Judicial independence in times of financial cholera – lessons from the Irish experience”.

## ***The Queen Elizabeth II Courts of Law***

Since 1998, potential jurors have viewed a film informing them in a hopefully interesting way of the nature of the role they may undertake. Legislative and procedural changes warranted revision of that film. A new film has been produced, and has been in use since early August 2013.

This film should regularly be reviewed, perhaps every 10 years or so.

## ***Chief Justice’s calendar***

Apart from the time allotted to the fulfilment of administrative and official responsibilities, Chief Justice de Jersey sat in the various jurisdictions of the court both in and out of Brisbane: Court of Appeal (9 weeks), the Criminal Court (3 weeks), Civil sittings (4 weeks), Applications (7 weeks), Cairns (2 weeks), and Bundaberg (1 week).

An important part of the Chief Justice’s role is meeting with Judges and practitioners in court centres around the State. The Supreme Court sits in 11 centres in addition to Brisbane. The Chief Justice endeavoured to visit and sit at centres outside Brisbane biennially.

He attended various regional functions in the course of the year throughout the State.

## ***International aspects***

On 14 February 2014, the Chief Justice and Justice Byrne AO RFD met with the Chief Justice of Papua New Guinea, the Hon Sir Salamo Injia Kt in Brisbane to further discuss the Memorandum of Understanding on Judicial Cooperation between the Supreme and National Courts of Papua New Guinea, and the Supreme Court of Queensland.

## ***Judicial appointments***

Mr Philip Michael Hugh Morrison QC was appointed a Judge of the Supreme Court and a Judge of Appeal from and including 1 August 2013.

Mr David Graham Thomas was appointed a Judge of the Supreme Court from and including 16 September 2013, to serve for three years as President of the Queensland Civil and Administrative Tribunal, in anticipation of the conclusion of the term as President of Justice Alan Wilson.

Justice Martin was appointed as President (part-time) of the Industrial Court of Queensland with effect from 1 December 2013.

Justice Boddice and Justice Dalton were appointed as members of the Mental Health Court for the period 14 February 2014 to 13 February 2017 and Justice Boddice was appointed as President of the court for that period.

## ***Judicial retirements***

Justice George Fryberg retired from the court with effect from 29 November 2013.

Justice Margaret Wilson resigned from the court with effect from 11 April 2014.

The Hon Paul de Jersey AC resigned as Chief Justice and as a Judge of the court on 8 July 2014, in anticipation of his commencing duty as Governor of Queensland from 29 July 2014.

## ***Recognition***

In the 2014 Australia Day Honours List, Justice Gotterson was admitted as an Officer in the General Division of the Order of Australia, “for distinguished service to the judiciary and to the law, to legal education, administration and professional standards through a range of senior roles, and to the community of Queensland”.

## ***Personal***

On 30 August 2013 Mr Aladin Rahemtula OAM retired from the position of Supreme Court Librarian, a position he had occupied from 1987 following his service as Deputy Librarian from 1983. In all, Mr Rahemtula contributed a remarkable 30 years of dedicated and effective service to the library, the courts, the legal profession, and the wider community. His exemplary work has been recognised in many honours and awards, notably including the Medal of the Order of Australia (General Division) for services to librarianship awarded in 2011. The numerous initiatives during Mr Rahemtula’s stewardship of the Library include the introduction of extensive on-line legal information services, a popular school’s program for student visitors to the courts, the Supreme Court history program and repository of Queensland legal history materials, and the establishment of the Sir Harry Gibbs Legal Heritage Centre at the Queen Elizabeth II Courts of Law. The Chief Justice gratefully acknowledges Mr Rahemtula’s very substantial and lasting contribution.

## ***Acknowledgement***

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

# **Profile of the Supreme Court**

The Supreme Court comprises the Office of the Chief Justice and two divisions: the Court of Appeal Division and the Trial Division.

## **Judges of the Supreme Court**

*(listed in order of seniority)*

### **Office of the Chief Justice**

The Honourable Paul de Jersey AC (resigned as and from 8 July 2014)

### **Court of Appeal Division**

#### **President**

The Honourable Margaret Anne McMurdo AC

#### **Judges of Appeal**

The Honourable Justice Catherine Ena Holmes  
The Honourable Justice John Daniel Murray Muir  
The Honourable Justice Hugh Barron Fraser  
The Honourable Justice Robert William Gotterson AO  
The Honourable Justice Philip Michael Hugh Morrison (appointed 8 August 2013)

### **Trial Division**

#### **Senior Judge Administrator**

The Honourable John Harris Byrne, AO RFD

#### **Trial Division judges**

The Honourable Justice Henry George Fryberg (retired as and from 29 November 2013)  
The Honourable Justice Margaret Anne Wilson (resigned as and from 14 April 2014)  
The Honourable Justice Roslyn Gay Atkinson  
The Honourable Justice Debra Ann Mullins  
The Honourable Justice Anthe Ioanna Philippides  
The Honourable Justice Philip Donald McMurdo  
The Honourable Justice James Sholto Douglas  
The Honourable Justice Ann Majella Lyons  
The Honourable Justice Alfred Martin Daubney  
The Honourable Justice Glenn Charles Martin AM  
The Honourable Justice Duncan Vincent Cook McMeekin (Central Judge)  
The Honourable Justice Peter David Talbot Applegarth  
The Honourable Justice Peter James Lyons  
The Honourable Justice Alan Muir Wilson  
The Honourable Justice David Kim Boddice  
The Honourable Justice Jean Hazel Dalton  
The Honourable Justice David Octavius Joseph North (Northern Judge)  
The Honourable Justice James Dawson Henry (Far Northern Judge)  
The Honourable Justice David John Sandford Jackson

The Honourable Justice David Graham Thomas (appointed 16 September 2013)  
The Honourable Justice Peter James Flanagan (appointed 27 June 2014)

## ***Other appointments***

### **Mental Health Court**

The Honourable David Kim Boddice (appointed President from 14 February 2014)  
The Honourable Jean Hazel Dalton (appointed 14 February 2014)

### **Land Appeal Court**

The Honourable Peter James Lyons (*Southern District*)  
The Honourable David Octavius Joseph North (*Northern District*)  
The Honourable James Dawson Henry (*Far Northern District*)

### **Industrial Court**

The Honourable Glenn Charles Martin AM (part-time President from 1 December 2013)

# Court of Appeal Division

## Governance

### Organisational structure

The Court of Appeal hears appeals:<sup>1</sup>

- in criminal and civil matters from the Trial Division of the Supreme Court of Queensland;
- in criminal and civil matters from the District Court of Queensland;
- from the Planning and Environment Court;
- from the Land Appeal Court; and
- from other tribunals, principally the Queensland Civil and Administrative Tribunal (QCAT).

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

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

- the Hon Justice Catherine Ena Holmes;
- the Hon Justice John Daniel Murray Muir;
- the Hon Justice Hugh Barron Fraser;
- the Hon Justice Robert William Gotterson AO; and
- the Hon Justice Philip Hugh Morrison, appointed on 1 August 2013.

The Court of Appeal sat as a bench of three judges for 43 weeks during the year, one more than last year. The President and the judges of appeal together sat 205 individual judge weeks<sup>2</sup> this year, compared to 197 weeks last year.

The Chief Justice sat in the Court of Appeal for 9 weeks this year compared to 11 last year.

Trial Division judges sat in the Court of Appeal for 77 individual judge weeks this year compared to 73 weeks last year.

It remains desirable for the Chief Justice and the Trial Division judges to sit regularly in the Court of Appeal. The Court benefits from their experience, especially in trial work and sentencing, and could not dispose of its workload as efficiently without this assistance.

The senior deputy registrar (appeals), Mr Jason Schubert was transferred on 27 February 2014 and Mr Peter O'Sullivan commenced as acting senior deputy registrar (appeals) on 17 March

<sup>1</sup> Including applications and references.

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

2014. The President and appeals registry staff continue to work together with the judges of appeal to ensure the determination of urgent appeals in a timely fashion. The following categories of matters were again heard expeditiously this year:

- appeals concerning short custodial sentences;
- appeals by the Attorney-General of Queensland or the Commonwealth Director of Public Prosecutions against sentences where respondents have been released into the community;
- matters involving children;
- appeals against interlocutory decisions so that the determination of the principal action is not unnecessarily delayed pending appeal;
- pressing commercial disputes which have been dealt with expeditiously in the Trial Division's commercial list; and
- other matters where urgency is demonstrated.

The senior deputy registrar (appeals) continued to identify at an early stage matters which were complex or where delay would be a particular concern. These were case managed by the President or a judge of appeal to ensure timely disposition.

The President and the judges of appeal valued the high level of service provided by Mr Schubert, Mr O'Sullivan and appeal registry staff, all of whom, despite the challenges faced, continued to diligently serve the public, the profession and the judges.

The President and the judges of appeal also valued the commitment and support given to the court by the Executive Director of the Supreme, District and Land Courts Service, Ms Julie Steel and her staff.

In hearings where security was an issue, assigned protective service officers assisted the court. The President and the judges of appeal thank the Building Services Co-ordinator, Mr Brian Hayman and the protective service officers for their assistance.

## ***Human resourcing issues***

It is pleasing to note that, unlike last year, there have been no major delays in the receipt of Auscript transcripts for the preparation of appeal record books. The quality of the transcripts, however, remains variable, and like last year is often poor. Sometimes matters are transcribed incorrectly or not at all. Inappropriate paragraphing is common. When the accuracy of a portion of transcript is critical to a ground of appeal, it is often necessary for the judges to check the transcript against the original recording. Transcripts of appeal hearings are sometimes delivered outside the timelines time set by Auscript. These manifest transcript problems can delay the timely delivery of judgments.

There have been challenges for appeals registry staff this reporting year.

The major challenge has been the upheaval caused by the constant transfer of staff as part of the whole of registry staff rotation policy. Some valuable and experienced staff members have been lost to the appeals registry. It is time consuming and stressful for the few core appeals registry staff to continuously train new members, only to have them rotated again after a short period. If the number of experienced staff is reduced and the high staff turnover continues, the

appeals registry will be unable to function efficiently and the timely disposition of the work of the Court of Appeal may be detrimentally affected.

Self-represented litigants, some of whom are demanding, placed a heavy burden on staff, especially during leave periods when positions were not back-filled. A whole of registry project has been initiated to better assist and manage self-represented litigants. It is hoped that this will result in positive developments for the litigants, staff and the court in the next financial year.

A review of the structure of the Court of Appeal Registry Team and the Adjudications Team is presently underway to consider whether there should be an amalgamation. It is imperative that the judges of appeal are closely consulted during this review process.

## **Performance**

### **Disposal of work**

This year 631 matters were commenced in the Court of Appeal (367 criminal matters and 264 civil matters), down slightly from the 660 matters commenced last year (376 criminal matters and 284 civil matters). There are 308 active matters, a decrease from 322 last year. The Court finalised 647 matters, an increase from the 632 matters finalised last year. See appendix 1, table 1.

The Court's clearance rate of criminal matters improved noticeably to 101.40% from 92.82% last year. The Court's clearance rate in civil matters also increased to 104.20%, from 99.65% last year. Overall, 94.43% of Court of Appeal matters were finalised within 12 months of lodgement. See appendix 1, table 2. In most matters not finalised within 12 months of lodgement, the court offered parties hearing dates during the year and the delay was occasioned at the request of one or both parties. Some delay in criminal matters was caused by the Legal Aid Queensland (LAQ) external review process pertaining to applications to LAQ where aid has been refused.

The median time for the delivery of reserved judgments in criminal matters was 35 days. In civil matters it was 46 days. Overall, the median time between hearing and delivery of reserved judgments was 38 days, comparable to 39 days last reporting year. See appendix 1, table 5.

### **Origin of appeals**

The filings from the Trial Division decreased slightly this year; in civil matters from 154 to 151 and in criminal matters from 93 to 85. Filings from the District Court also decreased slightly this year in civil matters from 72 to 67 but increased marginally in criminal matters from 281 to 282. Planning and Environment Court filings, however, increased from 5 to 9. Applications and appeals, principally from the Queensland Civil and Administrative Tribunal (QCAT), decreased significantly this reporting year from 53 to 37. See appendix 1, table 6.

The filings of general civil appeals decreased this year from 139 to 125. The filings of civil applications also decreased this year from 128 to 110. The filings of sentence applications increased marginally from 160 to 161 whereas the filings of conviction only appeals fell from 79 to 71. The filings of combined conviction and sentence appeals fell significantly from 56 to 39. Filings of sentence appeals brought by the Queensland Attorney-General and the

Commonwealth Director of Public Prosecutions increased significantly this year to 16 compared to 7 in 2012-2013 and 10 in 2011-2012. See appendix 1, table 7.

Although filings were down slightly from the previous year, the Court of Appeal disposed of 647 matters compared to 632 last year. During the reporting period there were 37 applications for special leave to appeal from the Court of Appeal to the High Court of Australia of which 2 were granted.<sup>3</sup> See appendix 1, table 10. The High Court delivered judgment in 2 appeals from the Court of Appeal this reporting year; both were dismissed.<sup>4</sup> See appendix 1, table 11.

## **Other highlights**

Highlights for the Court of Appeal this reporting year included:

- the Court of Appeal's northern sittings for 2014 held in Townsville from Monday 16 June to Friday 20 June. Five judges participated: the President and Justices Muir and Gotterson from Brisbane, Justice North from Townsville and Justice Henry from Cairns. It was Justice Muir's last northern sittings as he retires at the end of 2014. The Court heard:
  - three appeals against conviction;
  - one appeal against conviction and sentence;
  - one sentence application;
  - two applications for leave to appeal under s 118 *District Court of Queensland Act* 1967 (criminal);
  - one application for an extension of time for leave to appeal under s 118 (criminal);
  - one general civil appeal.

A total of 11 barristers participated in the sittings (five or 36% from Brisbane and seven or 64% from Townsville). Of the 16 appearances by barristers, only one (6%) was female. Four parties were represented by Legal Aid and two were self-represented

All participating judges attended the Far North Queensland Law Association welcome function on Tuesday 17 June and the North Queensland Bar Association dinner on Wednesday 18 June. On Thursday 19 June, judges participated in a presentation at James Cook University.

The public, the legal profession, the President and the judges of appeal remained aware of the under-representation of women at the Bar in Queensland.<sup>5</sup>

This year, women counsel appeared in 11.85% of all Court of Appeal appearances, although they comprised 21.44% membership of the Bar with practising certificates.<sup>6</sup> Disappointingly, this has fallen noticeably from 14.6% last year.

<sup>3</sup> *Thiess v Collector of Customs & Ors* [2013] HCATrans 239 and *Henderson v State of Queensland* [2014] HCATrans 102.

<sup>4</sup> *BCM v The Queen* [2013] HCA 48; (2013) 88 ALJR 101 and *Thiess v Collector of Customs & Ors* [2014] HCA 12; (2014) 88 ALJR 514.

<sup>5</sup> See, for example, Kirby J 'The Future of Appellate Advocacy' (2006) 27 *Aust Bar Review* 141 at 155-159; Hunter, Prof R 'Discrimination Against Women Barristers: Evidence from a Study of Court Appearances and Briefing Practices' (March 2005) 12 *International Journal of the Legal Profession* 3.

Women counsel appeared in 16.2% of criminal matters compared to 20.8% last year and in only 7.2% of civil matters compared to 8.5% last year.

The profession urgently needs to adopt measures to redress this concerning regression.

## ***Self-represented litigants***

Self-represented litigants generally place additional burdens on appeals registry and court staff as well as the judges.

The number of self-represented litigants in cases where judgment was delivered in the Court of Appeal this reporting year has increased from 106 in 2012-2013 to 122 (23.24%) but is slightly lower than the 127 cases involving self-represented litigants in 2011-2012. At least one party was self-represented in 45 civil matters (18.6%) in which judgment was delivered this reporting year (compared to 31 last year and 46 in 2011-2012). At least one party was self-represented in 77 criminal matters (27.21%) in which judgment was delivered in this reporting year (compared to 75 last year and 81 in 2011-2012). See appendix 1, table 8.

Many matters involving self-represented litigants are finalised before the hearing. This reporting year 211 matters involving self-represented litigants (32%) were finalised. This includes cases where judgment was delivered. Of this figure, 109 civil appeals (39.64%) and 102 criminal appeals (27.42%) were finalised involving self-represented litigants. See appendix 1, table 9.<sup>7</sup>

Queensland Public Interest Law Clearing House (QPILCH) and its Self-Represented Service (Court of Appeal) (SRSCA) again provided valuable assistance with self-represented litigants.

- SRSCA received 27 applications for assistance from potential and current litigants in civil appellate matters. Of these, 14 concerned potential appeals and 13 current appeals.
- Of the current appeals, 10 were appellants and three were respondents. Two were assessed as having arguable merit. The remaining 11 litigants were advised their matters had poor prospects of success and that they should discontinue them. Four accepted that advice and four continued their appeals but were ultimately unsuccessful. The outcome of the other five is unknown.
- Of the 14 potential appeals, one was assessed as having arguable merit. The remaining 13 applicants were advised that their matters had poor prospects of success and should not commence an appeal. Of those, nine accepted that advice and did not commence an appeal; one commenced an appeal which was later dismissed; one commenced an appeal which was later discontinued with SRSCA's assistance; and the remaining two are yet to be finalised.
- The President and the judges of appeal thank QPILCH, its director, Tony Woodyatt, SRSCA's solicitor, Iain McCowie, and SRSCA's paralegal, Stephen Grace. Their invaluable service is viewed by other Australian jurisdictions as a model to be emulated. SRSCA assists not only self-represented litigants but also appeals registry and court staff, the judges and, indirectly, the broader community.

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<sup>6</sup> As at 4 August 2014.

<sup>7</sup> These figures are calculated by the Research Officer. Prior to the 2011-2012 annual report, they were calculated on a different basis.

The Court of Appeal criminal law pro bono scheme, first established in 1999-2000, continued to operate this year. With the assistance of the Bar Association of Queensland and the Queensland Law Society, the scheme provided unrepresented appellants convicted of murder or manslaughter, juveniles, and those under an apparent legal disability, with legal representation for their appeals. This year 18 appellants were assisted, a 100% increase since last year when nine appellants were assisted. The President and the judges of appeal thank the public-spirited barristers listed in appendix 2, particularly those called on during this reporting year.

Other legal practitioners also appeared pro bono for parties in the Court of Appeal in both civil and criminal matters. The President and the judges of appeal also thank them for their assistance.

During 2012, the Criminal Matters Legal Clinic (CMLC) initiated a project involving the University of Queensland and its advanced undergraduate students, with the assistance of Caxton Legal Centre and the support of Legal Aid Queensland and the Court of Appeal. In this reporting year the project, which operates in the second half of the calendar year, assisted six unrepresented clients in the preparation of outlines of argument in their appeals to the Court of Appeal. CMLC reported that the students found their experience educational and enjoyable. The Court thanks the CMLC for its assistance.

Self-represented litigants had some success this year. A total of 17% of self-represented criminal appellants (compared to 10.3% last year) and 9% of self-represented civil litigants, (compared to 16% last year) were successful in their appeals. Overall, 13.9% of self-represented litigants were successful. These figures continue to suggest a need for increased legal aid funding at appellate level.

## ***Technology and infrastructure***

This year the court heard 44 matters where at least one party appeared by video link, a significant increase from 31 last year. The Court also heard a number of matters where at least one party appeared by telephone link. The quality of these links remained variable. Problems continued again this year through sub-standard facilities at the other end of links, including in regional courts and correctional centres.

The senior deputy registrar (appeals) and his staff continued to provide record books in searchable electronic form to judges and parties.

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

The President and the judges of appeal, whether in court, in chambers, or remotely, accessed computers for legal research, electronic record books and electronic transcripts of appeal hearings.

One appeal, compared to two last year, was prepared and conducted electronically:

- *R v De Figueiredo.*<sup>8</sup>

All Court of Appeal judgments delivered during this year were again available free of charge on the internet through:

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<sup>8</sup>

[2013] QCA 303.

- AustLII; and
- the Supreme Court Library website which includes:
  - a link to a database maintained by the Supreme Court Library containing selected High Court and intermediate appellate court judgments relating to the Criminal Codes of Queensland, Western Australia, Tasmania and the Northern Territory; and
  - a link to a database of civil appellate decisions of general interest to Australian intermediate appellate courts maintained on the New South Wales Court of Appeal web page but to which all intermediate appellate courts contribute.

The Court's research officer, Mr Bruce Godfrey, coordinated the publication of these judgments, ensuring compliance with profuse and sometimes complex legislative naming prohibitions.

- Mr Godfrey arranged hard copies and electronic links to the judgments for all major Brisbane media outlets.
- He prepared judgment outlines which were:
  - published on the Supreme Court Library website;
  - distributed to interested Queensland judicial officers, the Queensland Law Society, and the Bar Association of Queensland; and
  - published in *Proctor*, the Queensland Law Society journal.

During the year, the President and judges of appeal were again assisted by the well-resourced judges' library.

## ***Future directions and challenges***

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

- maintain the Court of Appeal's timely disposition of matters according to law. The Court can meet this core goal only with a continued high level of assistance from the Chief Justice and the judges of the Trial Division. The Court must also continue to be provided with sufficient resources to ensure:
  - the appeals registry has sufficient numbers of trained staff and staff turnover is kept to manageable levels;
  - the ageing Court of Appeal Case Management System (CAMS) is maintained and refined. CAMS is in need of enhancement and is at risk of collapse. It has not had technical support for many years. Its statistical reports often require time-consuming manual checks and the use of inefficient and duplicitous 'satellite' systems to support its listing functions. It is unable to communicate with other court systems such as QCivil or QWIC. CAMS is not supported by documented manuals and desktop procedures. There is a risk to the court's efficient operation in the event of collapse. The replacement or redevelopment of CAMS should be expedited with priority;
  - best practice in the development of electronic filing and document management, including outlines of argument with hyperlinks to relevant cases and transcript;

- best practice in developing electronic appeal record books and in conducting electronic appeals;
- functional video and audio links between the Court of Appeal and regional courts, correctional and other facilities; and
- a properly resourced and current judges' library;
- develop and refine best practice in the management of self-represented litigants, both in the registry and in the Court of Appeal;
- work with appeals registry and court staff to ensure that the courtrooms used by the Court of Appeal function optimally for the benefit of the public, the profession, other court users and the judges of appeal, particularly in eliminating auditory problems; and
- provide a sittings during 2015 in north Queensland.

These goals cannot be achieved without the proper resourcing of those agencies on which the Court of Appeal depends for its efficient performance, namely:

- Court administration and particularly the appeals registry;
- The Director of Public Prosecutions (Queensland);
- Legal Aid Queensland;
- QPILCH and the Self-Representation Service (Court of Appeal); and
- The Supreme Court Library.

It is also critical that Auscript provides an accurate and timely court reporting service.

## Appendix 1

**Table 1: Annual caseload: number of cases**

	Lodged	Heard	Finalised*	Active (including reserved judgments not yet delivered)
Criminal	367	283	372	205
Civil	264	242	275	103
Total	631	525	647	308

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

**Table 2: Performance indicators**

	Clearance Rate	% finalised within 12mths	% finalised >12mths old	% finalised >24mths old	% Active >12mths old	% Active >24mths old
Criminal	101.40%	90.26%	9.74%	0.00%	4.80%	0.00%
Civil	104.20%	98.60%	1.40%	0.00%	3.50%	0.00%
Total	102.50%	94.43%	5.57%	0.00%	4.15%	0.00%

**Table 3: Judgments, criminal matters**

Judgments	2011-12	2012-13	2013-14
Outstanding at start of year	32	26	27
Reserved	229	194	215
<i>Ex tempore</i> judgments delivered	70	56	64
Reserved judgments delivered	235	193	215
Outstanding at end of year	26	27	32

**Table 4: Judgments, civil matters**

Judgments	2011-12	2012-13	2013-14
Outstanding at start of year	31	16	25
Reserved	158	166	155
<i>Ex tempore</i> judgments delivered	59	78	86
Reserved judgments delivered	173	157	153
Outstanding at end of year	16	25	27

**Table 5: Time between hearing and delivery of reserved judgments**

Type of cases	Median number of days		
	2011-12	2012-13	2013-14
Criminal cases	25	30	35
Civil cases	44	53	46
All cases	32	39	38

**Table 6: Court in which matters were commenced**

Court	Number of matters filed		
	2011-12	2012-13	2013-14
Trial division - civil	174*	154*	151*
Trial division - criminal	85*	93*	85*
District court - civil	48	72	67
District court - criminal	304	281**	282
Planning and Environment Court	18	5	9
Other - civil (cases stated, QCAT, tribunals etc)	30	53	37
Magistrates Court - criminal	1	1	0
Other - criminal	1	0	0

**Table 7: Types of appeals filed**

Appeal type	2011-12	2012-13	2013-14
<b>Civil</b>			
general including personal injury applications	135	139	125
leave applications	104	128*	110
planning and environment	11	10	15
other	14	6	9
	6	11	5
<b>Criminal</b>			
sentence applications	150	160**	161
conviction appeals	94	79	71
conviction and sentence appeals	47	56	39
extensions (sentence applications)	23	18	35
extensions (conviction appeals)	15	13	11
extensions (conviction and sentence)	21	10	7
sentence appeals(A-G/Cth DPP)	10	7	16
other	31	32	27

\* In last year's report this was recorded as 118. The change is due to continual validation of the case management database and correction as required.

\*\* In last year's report this was recorded as 161. The change is due to continual validation of the case management database and correction as required.

**Table 8: Matters determined where one or both parties self-represented\***

Number of cases	2011-12	2012-13	2013-14
Civil	46	31	45
Criminal	81	75	77
<b>TOTAL</b>	127	106	122

\* The above table represents final outcomes from the Court of Appeal, ie judgments delivered. In some matters there is more than one outcome. For example, when there are multiple parties in criminal matters, each party has a separate outcome, despite only one QCA number being allocated for the overall decision

**Table 9: Matters finalised where one or both parties self-represented\***

Number of cases	2011-12	2012-13	2013-14
Civil	89	116	109
Criminal	89	98	102
<b>TOTAL</b>	<b>178</b>	<b>214</b>	<b>211</b>

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

**Table 10: Applications for special leave to appeal to the High Court of Australia**

	Criminal		Civil	
	2013 - 2014		2013 - 2014	
Granted	0	Granted	2 <sup>9</sup>	
Refused	11	Refused		24

**Table 11: Appeals from the Court of Appeal to the High Court of Australia**

	Criminal		Civil	
	2013 - 2014		2013 - 2014	
Allowed	0	Allowed	0	
Dismissed	1	Dismissed		1

<sup>9</sup>

Note that the High Court of Australia has listed *Henderson v State of Queensland* [2013] QCA 82 as a criminal matter. It is a proceeds of crime application that for the purposes of this report has been treated as a civil matter. Special leave was granted on 16 May 2014. At the time of 30 June 2014, the matter had not been listed for hearing before the High Court of Australia.

## **Appendix 2**

### **Court of appeal pro bono list for 2013-2014**

Martin Burns QC	John Griffin QC	Alan MacSporran QC
Michael J Byrne QC	Simon Hamlyn-Harris	Frank Martin (Toowoomba)
Peter Callaghan SC	Carl Heaton QC	Kerri Mellifont QC
Craig Chowdhury	Andrew Hoare	Peter Mylne
Jeffrey Clarke (R'Ton)	Jeffrey Hunter QC	Peter Nolan
Anthony W Collins (Tville)	Mark Johnson	Gerard O'Driscoll
Michael Copley QC	Stephen Keim SC	Colin Reid
Graeme Crow QC (R'ton)	David Kent QC	Peter Richards
Patrick Cullinane (Mackay)	Tony Kimmens	Soraya Ryan QC*
Peter Davis QC	Simon Lewis	Tim Ryan
Ralph Devlin QC	Dennis Lynch	Joshua Trevino (Cairns)
Tracy Fantin (Cairns)	Gregory Lynham (Tville)	Bret Walker QC
Tony Glynn QC	Eoin Mac Giolla Ri	Neville Weston
Mark Green	Donald MacKenzie	Elizabeth Wilson QC

\* Appointed silk 14 November 2013.

## **Trial division**

### ***The work of the trial division***

The trial division resolves matters commenced by indictment (in criminal cases), claim or originating application (in civil proceedings) by trial, hearing or consensus.

The Senior Judge Administrator is responsible for the administration of the trial division.

Criminal trials are usually heard with a jury. Civil cases are almost always determined by judge alone.

Criminal trials mainly concern murder, manslaughter and more serious drug offences.

In its civil jurisdiction, the court deals with a wide range of cases, including contests about commercial matters, building and engineering contracts, wills and estates, conveyancing and insurance.

Trial division judges also sit on the Court of Appeal and the Land Appeal Court. Two judges serve on the Mental Health Court. Some judges act as members of bodies such as the Queensland Law Reform Commission. Many are involved with groups that have a responsibility for implementing procedures to improve the administration of justice, including the Rules Committee. A judge is President of the Queensland Civil and Administrative Tribunal.

### ***The structure of the trial division***

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

Seventeen of the 20 trial division judges are based in Brisbane in the southern region. That region includes Toowoomba, Maryborough and Roma.

The Central Judge resides in Rockhampton, where he presides at civil and criminal sittings. He also conducts sittings in Bundaberg, Longreach and Mackay.

The Northern Judge resides in Townsville. His region encompasses Mt Isa and Mackay.

The Far Northern Judge resides in Cairns.

In Townsville, Rockhampton and Cairns, a registrar and support staff assist the judges.

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

Information about the organisation and practices of the trial division, including its calendars, law lists, fact sheets, Practice Directions, and reasons for judgment, are published on the Queensland Courts website: [www.courts.qld.gov.au](http://www.courts.qld.gov.au).

## ***Developments***

The composition of the trial division was affected by these changes:

Justice David Thomas – appointed 17 September 2013

Justice George Fryberg – retired 28 November 2013

Justice Margaret Wilson – resigned 11 April 2014

Justice Peter Flanagan – appointed 27 June 2014

More than two months elapsed between the resignation of Justice Margaret Wilson and the appointment of Justice Flanagan to replace her. The delay adversely affected disposition of workload.

Other significant developments are mentioned later on.

## ***Criminal jurisdiction***

This year saw an 8.5% increase in finalisations by trial: from 59 defendants last year to 64.

The average length of a trial in 2013-14 decreased to 5.5 days.

Criminal lodgments increased by 14.8%, from 839 in 2012-13 to 963. In Brisbane, there was an increase of 9.8% (64 defendants). There was a 55.8% increase at Cairns (24 defendants); and a 60.4% increase at Townsville (32 defendants).

There was a 12.9% decrease in finalisations, down from 993 during 2012-13 to 865.

The across-the-State clearance rate was 89.8% (down from 118.4% during 2012-13).

As at 30 June 2014, there were 439 active pending matters (an increase of 27.2%).

The number of active pending matters older than 12 months and less than 24 months decreased by 30.4%: from 56 to 39.

The percentage of active pending cases older than 24 months decreased by seven cases, from 10.1% in 2012-13 to 6.4%.

Reasons for delay in finalising trials include unavailability of witnesses, late provision of scientific evidence or telephone transcript evidence, retrials and late referrals to the Mental Health Court. Reasons for the delay in finalising sentences include delay in obtaining pre-sentence psychological or psychiatric reports and drug testing results.

## Summary of activity on criminal list - by location

Centre	Number of defendants <sup>(1)</sup>			Clearance Rate <sup>(2)</sup>	Backlog Indicator <sup>(3)</sup>	
	Lodged	Finalised	Active		% > 12 mths	% > 24 mths
<b>Main centres</b>						
Brisbane	717	620	354	86.5%	16.9%	6.8%
Cairns	67	62	12	92.5%	0.0%	0.0%
Rockhampton	52	56	18	107.7%	0.0%	0.0%
Townsville	85	68	33	80.0%	9.1%	9.1%
<b>Main centre Totals</b>	<b>921</b>	<b>806</b>	<b>417</b>	<b>87.5%</b>	<b>15.3%</b>	<b>6.4%</b>
<b>Regional centres</b>						
Bundaberg	2	9	10	450.0%	30.0%	0.0%
Longreach	-	-	-	0.0%	0.0%	0.0%
Mackay	21	17	4	81.0%	25.0%	25.0%
Maryborough	3	8	1	266.7%	0.0%	0.0%
Mount Isa	8	10	1	125.0%	0.0%	0.0%
Roma	-	-	1	0.0%	0.0%	0.0%
Toowoomba	8	15	5	187.5%	0.0%	0.0%
<b>Regional centre Totals</b>	<b>42</b>	<b>59</b>	<b>22</b>	<b>140.5%</b>	<b>18.2%</b>	<b>4.5%</b>
<b>State Total</b>	<b>963</b>	<b>865</b>	<b>439</b>	<b>89.8%</b>	<b>15.3%</b>	<b>6.4%</b>

### Notes:

- (1) Defendant: As defined by the RoGS rule: A 'defendant' is defined as 'one defendant; with one or more charges; and with all charges having the same date of registration'. Defendants with outstanding bench warrants and defendants with secondary charges such as breaches of court orders are excluded. Also excluded are defendants who have been committed to the District Court and are awaiting presentation of indictment.
- (2) Clearance Rate: Finalisations/Lodgments
- (3) Backlog Indicator: the number active defendants with proceedings older than the specified time.

## Criminal jurisdiction — Brisbane

The efficient disposition of workload in the criminal jurisdiction was enhanced last year by Practice Direction 6 of 2013 which related to the management of longer and complex criminal trials. This initiative was further developed in February 2014 by Practice Direction 4 of 2014. This practice direction incorporated all previous practice directions relating to the management of the criminal jurisdiction. Additional directions specifically applicable to Brisbane are contained in Practice Direction 5 of 2014. These practice directions set out the procedures to be adopted in matters such as pre-trial applications, applications for interpreters, procedures for pre-recording evidence of affected child witnesses, and administrative requirements to streamline the transmission of summary charges

Practice Direction 5 has ensured that written submissions in support of pre-trial applications are filed in a timely way. This has led to the early resolution of some of the simpler applications prior to hearing. When these applications do proceed, however, they often occupy 3 to 5 days and relate to complex pre-trial evidentiary issues

## Civil jurisdiction

Lodgments decreased this year by 301 (8.6%), from 3516 in 2012-13 to 3215.

Finalisations decreased this year by 361, from 3960 during 2012-13 to 3599 (a decrease of 9.1%).

The clearance rate accordingly decreased from 112.6% in 2012-13 to 111.9%.

There was a decrease of 417 (13.7%) in active pending matters (2637 at 30 June 2014, down from 3054 last year).

The number of cases older than 12 months and less than 24 months decreased from 595 as at 30 June 2013 to 546 (a decrease of 8.2%).

Cases more than 24 months old decreased by 99 in 2013-14, and stood at 209 cases.

Many claims are dealt with by registrars, which is one reason why a decrease in lodgments does not result in a corresponding reduction in judicial workloads.

## Summary of activity on civil list - by location

Centre	RoGS civil files			Clearance Rate <sup>(3)</sup>	Backlog Indicator <sup>(4)</sup>	
	Lodged	Finalised	Active		% > 12 mths	% > 24 mths
<b>Main centres</b>						
Brisbane	2,846	3,201	2,328	112.5%	28.8%	7.8%
Cairns	96	113	60	117.7%	20.0%	8.3%
Rockhampton	79	75	71	94.9%	21.1%	4.2%
Townsville	126	144	125	114.3%	36.0%	12.8%
<b>Main centre Totals</b>	<b>3,147</b>	<b>3,533</b>	<b>2,584</b>	<b>112.3%</b>	<b>28.8%</b>	<b>8.0%</b>
<b>Regional centres</b>						
Bundaberg	7	7	8	100.0%	25.0%	12.5%
Longreach	-	-	-	0.0%	0.0%	0.0%
Mackay	47	51	38	108.5%	23.7%	5.3%
Maryborough	4	1	2	25.0%	0.0%	0.0%
Mount Isa	-	-	-	0.0%	0.0%	0.0%
Roma	-	-	-	0.0%	0.0%	0.0%
Toowoomba	10	7	5	70.0%	20.0%	0.0%
<b>Regional centre Totals</b>	<b>68</b>	<b>66</b>	<b>53</b>	<b>97.1%</b>	<b>22.6%</b>	<b>5.7%</b>
<b>State Total</b>	<b>3,215</b>	<b>3,599</b>	<b>2,637</b>	<b>111.9%</b>	<b>28.6%</b>	<b>7.9%</b>

### Notes:

- (1) The RoGS unit of measurement for the civil jurisdiction is a case. Secondary processes such as interlocutory applications are excluded.
- (2) The trial division also deals with matters which, for reporting purposes, have been grouped as non-RoGS civil, non-RoGS criminal and probate. RoGS files include claims in the majority of originating applications. Non-RoGS civil includes such proceedings as admission as a legal practitioner and appointment as a case appraiser.
- (3) Clearance Rate: Finalisations/Lodgments
- (4) Backlog Indicator: the number active defendants with proceedings older than the specified time.

## Civil jurisdiction—Brisbane

### **Case flow management**

This year has seen the consolidation of the implementation of Practice Direction No 17 of 2012. The efficient management of civil cases in this way has continued to be important to the preparation of cases with a view to their being finalised by settlement or trial.

There has been a steady increase in the number of civil cases finalised over the number of cases filed. The clearance rate remains in excess of 100%.

### **Commercial list**

The commercial list provides for the prompt hearing and determination of proceedings involving issues of a commercial character, where the estimated length of the trial is 10 days or fewer (save in exceptional cases). The commercial list judges are Justice Philip McMurdo and Justice Jackson.

A case is placed on the list if a commercial list judge considers that it is appropriate for inclusion, having regard to its nature and its issues, whether there are circumstances of urgency and the parties' estimates of the length of the trial. A party wishing to have a case placed on the list, files (usually by email) an application and supporting material, which includes a statement of relevant considerations. Usually, the judges alternate on a monthly basis to hear these listing applications. The judge who places a case on the list retains the management of it, including the hearing of any contested interlocutory applications, and conducts the trial. Dates for trial will be allocated by that judge at a point when it is clear that the remaining interlocutory steps should be completed by those dates.

The commercial list judges endeavour to provide early hearing dates for substantial interlocutory disputes and trials. Priority is accorded to commercial cases in the calendars for these judges.

Practitioners are encouraged to propose directions for the conduct of their cases which recognise the particular importance of expedition in the resolution of commercial disputes. Alternative dispute resolution in this list will be facilitated by the court but not with the effect of significantly delaying the progress of the case towards a final hearing.

As at 30 June 2014, there were 57 cases on the list, 71 cases being added during the year and 64 being removed from the list, of which 18 were disposed of by an adjudication or final order. There were 213 review hearings.

### **Supervised case list and SRL supervised case list**

The supervised case list provides for the judicial management of civil cases where the hearing is estimated to take more than five days or where supervision is warranted because of considerations such as the complexity of the issues or the number of parties.

This year saw the introduction of Practice Direction 10 of 2014, which established the supervised case list for cases where one or more of the parties is a self-represented litigant (*SRL supervised case list*).

The two lists are managed together: this year by Justice Peter Lyons and Justice Boddice.

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

Cases in which a party is or becomes self-represented are also placed on the SRL supervised case list at the initiative of the court. However, that does not ordinarily occur until at least one party has filed a defence, or otherwise taken a step in the proceeding to oppose the granting of relief sought by another party. There are a broad range of civil cases on this list.

The object of supervision is to effect a just and timely resolution of these disputes with the minimum commitment of resources by the court and litigants – saving time and reducing costs. It is also intended that self-represented litigants take those steps they need to take, before their matter is set down for trial.

In previous years, statistical information about the supervised case list was obtained from a spreadsheet maintained by court registry staff. Maintenance of the spreadsheet required considerable work; but recent experience has been that the spreadsheet is of little utility. Moreover, substantial difficulties have emerged about its reliability. This year, the reporting is based upon records maintained in QCivil, and cannot be compared to information in previous reports.

As at 30 June 2013, there were 74 active cases on the supervised case list. In the course of the 12 months to 30 June 2013, 116 cases were added to the lists, including those on the SRL supervised case list. In that period, 89 cases went off the list. Of those, 36 were determined by adjudication, 3 resulted in a default judgment, for 23 a settlement was recorded, for another 22 cases a notice of discontinuance was filed, 4 were deemed finalised, and 1 was removed from the list by order. As at 30 June 2014, there were 101 active cases on these lists. This number is affected by the inclusion of the 21 matters on the SRL supervised case list. Although the number of matters settled or discontinued is lower than in the previous year, it is significant, particularly in the context of the total number of matters on the list.

A total of 391 reviews were conducted in the 12 month period (not all requiring appearances).

The Judges conducting the reviews typically seek to ensure that all issues in the case are identified by the pleadings; to ensure that substantial efforts are made to resolve the case, or, so far as possible, issues within the case; to maximise the efficiency and utility of expert evidence at trial; and to see that matters on this list are only given trial dates when there is a high likelihood that the trial will be able to start on the allocated date, and be completed within the estimated time.

## **Trial division districts**

### ***Southern District***

Brisbane based judges conduct the southern district circuits (Maryborough, Toowoomba and Roma). These circuits are managed by Justice Philippides through regular callovers.

The court sat in Toowoomba for three weeks in the second half of 2013 and two weeks in the first half of 2014. In addition to dealing with numerous sentences, one murder trial and three attempted murder trials were heard. In respect of a fourth attempted murder matter, the Crown accepted a plea to a lesser charge. The court also sat in Maryborough for two weeks in the second half of 2013 and three weeks in the first half of 2014. One murder trial, sentences and a judicial review matter were heard.

### ***Central District***

The Central Judge, Justice McMeekin, is responsible for the work of the court in Rockhampton, Bundaberg and Longreach and shares the work of the Mackay region with the Northern Judge.

As in previous years, there has been no need to attend in Longreach. The Central Judge conducted civil sittings in Rockhampton for eleven weeks, criminal sittings in Rockhampton for ten weeks, and sittings involving both crime and civil work in Mackay for four weeks and Bundaberg for five weeks. He sat in Brisbane for three weeks in the Court of Appeal.

Overall there has been an approximate 57% increase in the number of criminal lodgments in Rockhampton compared to the previous year. Bundaberg experienced a decrease in lodgments by a surprising 81%. There were three trials held in each centre. All related to homicides. The clearance rates for each centre have been satisfying at 107% (Rockhampton) and 450% (Bundaberg). In addition to trials, there were 42 pleas of guilty in Rockhampton and 6 in Bundaberg. The vast bulk of the pleas were to offences against the *Drugs Misuse Act 1986*.

The numbers of civil cases lodged in Rockhampton increased by 14.5% to 79 with 20 matters finalised by adjudication, a small decline on the previous year. Much of the work in the registry is in the probate field, with a near 13% increase in lodgments to 655. This compares to a 2.4% increase in the State as a whole. Bundaberg had 7 lodgments compared to 6 the previous year, with one decided by adjudication. For the moment, civil work has all but disappeared from the Bundaberg circuit. This probably reflects both the jurisdictional changes introduced in 2010 and the prevalence of alternative dispute resolution.

For Mackay, where the work is shared with the Northern Judge, there were 47 lodgments with 15 adjudications – a modest increase in work from 2013. The clearance rate was 108.5%.

Application days were held in Rockhampton, on an approximately six weekly basis with the number of matters heard still at a fraction of the numbers of three years ago. A continuing feature is the increasing number of self-represented applicants.

In addition to the work of the court, the Central Judge is involved in a variety of activities related to the legal life of the Central District. Each year, the local senior students from Rockhampton and the surrounding district contest debates with a controversial legal theme. The Central Judge, along with other resident judicial officers (at least usually), adjudicates. The debaters are assisted by local lawyers.

The Central Judge, as usual, attended the annual law dinner held in Mackay and the annual law conferences held in Rockhampton and Bundaberg. The latter conference was held, this year, at Heron Island. The Central Judge is usually invited, and was on each of these occasions, to speak to the attendees on matters of topical legal interest.

Again a welcome feature of practice in the area is the influx of young practitioners. Ten practitioners holding a connection to Central Queensland were admitted to the profession in Rockhampton during the year and the bulk of those have continued to practise in the region.

### **Northern District**

The Northern Judge, Justice North, is responsible for the work of the court in Townsville. His Honour shares the work in Mackay with the Central Judge and the work in Mount Isa with the Far Northern Judge.

In Townsville, the Northern Judge conducted criminal sittings for sixteen weeks, civil sittings for eight weeks and sat on circuit in Mackay for eight weeks and in Mt Isa for two weeks. He also sat in the Court of Appeal for three weeks in Brisbane and sat with the Court of Appeal in its circuit to North Queensland for one week in June. In addition, the Northern Judge sat in applications jurisdiction on every Tuesday and Thursday morning during all sittings weeks in Townsville.

A significant event for the court in Townsville was the discovery of asbestos in some of the fittings and fixtures in all courtrooms which resulted in the forced closure of the courthouse in October so that affected fixtures and fittings could be removed and temporary fittings installed. When confronted with this challenge, the Registrar, Robyn Wegner, and her team promptly put in place arrangements so that the work of the court could continue notwithstanding. A criminal trial that had been listed to start in Townsville was conducted in Cairns where the Northern Judge presided. With the assistance and ready co-operation of his Honour Justice Tree and Registrar Mr Greg Johannessen, separate arrangements enabled the Northern Judge to conduct a civil sittings in the Family Court of Australia Townsville court complex.

The year saw a significant increase in the number of criminal lodgments in Townsville compared to the previous year (60.4%). This resulted in a reduction of the clearance rate to 80% notwithstanding that there was a 4.6% increase in the finalisation figure.

Civil lodgments decreased slightly by 5.3% and the clearance rate was 114.3%. Probate lodgments continued to grow (641), though a small increase over the previous year.

The Central Judge in his report has reported upon the Mackay sittings and work. For Mount Isa, the work of the court, as it has been for some years, is primarily in the criminal jurisdiction. Notwithstanding a 300% increase in lodgments, the circuits conducted by the Northern and Far Northern Judges resulted in a 125% clearance rate.

During the June sittings of the Court of Appeal in Townsville, the Northern Judge and the President of the Court of Appeal visited Palm Island, meeting with civic and community leaders and inspecting facilities including the courthouse. This visit was a valuable opportunity to better understand that community and how the community leaders and public officials there plan to address that community's social needs.

The Northern Judge continued the court's involvement with the profession and its professional development. In November 2013, he attended the Queensland Law Society's 6<sup>th</sup> Annual North Queensland Symposium and assisted with a seminar on professional ethics. In May 2014, he attended the North Queensland Law Association's Conference held in Cairns.

The Northern Judge also presided at admission ceremonies throughout the year. In all, 35 practitioners were admitted (26 of whom were women), most of whom had made arrangements to further their careers in northern or regional Queensland.

### ***Far Northern District***

The Far Northern Judge, Justice Henry, sat in Cairns for 17 weeks in the civil jurisdiction and 18 weeks in the criminal jurisdiction. He circuited to Brisbane for three weeks in the Court of Appeal, Townsville for one week for the annual Court of Appeal regional circuit and Mt Isa for two weeks. He had six judgment writing weeks.

In Cairns, application days are conducted fortnightly and application mornings are conducted every Wednesday and Friday, ensuring parties in applications can have their matters disposed of promptly.

This year, the number of matters lodged in the criminal jurisdiction increased to 67, compared to 43 in the previous year. This increase was not surprising. The number of lodgments the previous year had been unusually low. In the civil jurisdiction, lodgments increased to 96 compared to 84 in the previous year. The clearance rates were 92.5% in the criminal jurisdiction and 117.7% in the civil jurisdiction. These clearance rates had the consequence that there were no significant backlogs and parties were allocated hearing dates as soon as they were ready to proceed.

In conjunction with the Bar Association of Queensland and Queensland Law Society, the court coordinated the Cairns Judiciary 2013/14 CPD Series, a series of three professional development sessions delivered to the local profession by Cairns' resident Supreme Court and District Court judges. Justice Henry also delivered professional papers to the Legalwise CPD Conference, Bar Association Annual Conference and North Qld Law Association Conference. In February, he was a presenter at the Bar Association's advocacy training conference conducted at Port Moresby for Papua New Guinea's public prosecutors and legal aid lawyers. The court also coordinated a work experience program under which meritorious local secondary school legal students of Aboriginal and Torres Strait Islander background were provided with work experience as Judges' Associates.

During the year, the Supreme Court Library in Cairns underwent renovation as part of a modernisation project designed to make the library more user friendly in the electronic era. Changes included the provision of three new computers with access to an array of paid legal research sites. The modernised library was opened in April by Justice Fraser, Chair of the Supreme Court Library Committee.

During the year, 28 new practitioners were admitted. Most took up positions in the far north having completed law degrees at the Cairns campus of James Cook University. The court's links with legal education were maintained by Justice Henry's membership of James Cook University Pro Vice Chancellor External Advisory Committee and Law School External Advisory Committee and the court's support of the law student mooting competition. Justice Henry was also guest speaker at the James Cook University law students' annual ball.

## **Executive Director's overview**

The role of the Office of the Executive Director of the Supreme District and Land Courts Service includes the coordination and oversight of registry administration and the provision of judicial support services for the Supreme Court throughout the State.

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

Ms Steel has been appointed Vice President of Court Network, having been a Board member for three years prior. She is an ex-officio member of the Incorporated Council of Law Reporting and of the Legal Practitioners Admissions Board, and also regularly attends meetings of the Rules Committee.

### **Registry services**

Court registries are responsible for:

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

Permanent Supreme Court registries are located at Brisbane, Rockhampton, Townsville, and Cairns. A further 11 centres are visited on circuit and the local Magistrates Court registry generally performs the registry role in those centres.

Registrars within the permanent registries have the responsibility of determining certain applications without the necessity for judicial involvement. These applications include probate, letters of administration, winding up orders and default judgments.

The online *eSearch* facility was used significantly during 2013-14, with in excess of 1,800,000 online searches conducted during the financial year.

### **Registry workloads**

Following the trend of recent years, civil lodgments decreased across the state again during 2013-14, down by 8.6% when compared with 2012-13. In the Brisbane registry, there was a decrease of 10.1%.

In the criminal jurisdiction, lodgments increased by 14.8% across the state during the year. There was an increase of 9.8% in criminal lodgments in Brisbane.

The analysis around criminal trials that was commenced during 2011-12 continued for the 2013-14 financial year and showed that 87 Supreme Court trials proceeded this year compared to 78 for the previous year. The average length of trials decreased from 10.5 days

during 2012-13 to 5.5 days, resulting in a decrease in juror empanelment days and overall jury costs.

Succession law applications continued to rise, albeit slightly, during 2013-14 when 9,444 applications were received, an increase of 2.4% from the previous year.

## **Reform and renewal**

*The Government's commitment to reform and renewal has enabled the registry to participate in, and commence implementing a number of initiatives during the year.*

### **Online juror questionnaire**

Since April 2014, prospective jurors for Brisbane sittings have been offered an option of completing jury questionnaire responses using an online interactive form that is submitted electronically and received by the registry for actioning. The online format reduces the number of questions that each potential juror may need to consider if prior questions are answered in certain ways. It is expected that the online form will be offered to all potential jurors in Queensland during 2014-15.

### **Online search and copy requests**

During May 2014, an online interactive form was provided for clients wishing to search and/or obtain copies of material contained on civil files held in Brisbane. The process, which is supported by an electronic payment process, will be expanded to criminal files and then throughout Queensland.

### **Electronic subpoenas**

The potential benefit to parties requesting subpoenas by an online electronic request form was identified by registry staff during a workshop. Whilst an arrangement is in place with the Office of the Director of Public Prosecutions in Brisbane for requests to be made by email, no other agency or person enjoys this arrangement. The first step is the development of an online interactive request form for criminal proceedings to be made available to those wishing to request a subpoena. It is hoped that this can be offered to parties in Brisbane criminal proceedings during the first quarter of 2014-15.

### **Court Network volunteers**

As always, the volunteers of Court Network are to be commended for the invaluable contribution they provide to the courts each year. They receive extensive initial training, regular continuing education and ongoing supervision. The Networkers offer in-court support, explain court process and procedure, and provide emotional support to any court user whether applicant, respondent/defendant, victims, witnesses or family/friends. They also provide court-users with a safe place in the courthouse. Through its volunteers, statewide freecall number and website, Court Network can refer to and receive referrals from community agencies and government departments which can provide continuity of care to court users as they navigate their way through the judicial system.

Court Network provides two core services within the Brisbane Supreme and District Courts. The first is the Information and Justice of the Peace service based at the Information Kiosk on the ground floor. This program saw 8,982 court users assisted during 2013-14 and has assisted 46,728 since the service commenced in 2007.

The second program is the ‘Networker’ program where Volunteers provide support, non-legal information and referral services to court users by way of outreach and through incoming referrals from various services, departments and individuals. During the year, 3,850 court users were assisted in Brisbane, 638 in Townsville and a further 467 in Cairns. The service has assisted 30,442 court users in Queensland since commencing.

Additionally, through funding from Victim Assist Queensland, Court Network established a Victim Support Unit (VSU) operating in Brisbane and Ipswich during the year. It is a 3-year pilot project which offers a coordinated victim-based non-legal court support service within the Brisbane and Ipswich Courts. The purpose of the unit is to increase front-line court support services and provide cross-jurisdictional support for victims of crime, as well as develop and maintain stakeholder relationships. Since September 2013, the VSU has received nine referrals for assistance in the Brisbane Supreme Court, 10 referrals in the Brisbane District Court and 38 referrals in the Ipswich District Court. Of these 57 referrals, the VSU was able to provide much needed support to over 70 victims, witnesses and family/friends of victims.

## **Acknowledgements**

The ongoing enthusiasm, commitment and professionalism of registry staff in discharging their duties are without doubt, some of the most significant assets of the court. Workloads are managed as efficiently as possible and the many challenges and changes that arise are embraced.

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

# Supreme Court of Queensland Library

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

The library maintains print collections in eight provincial courthouses in addition to the main library collection in Brisbane at the QEII Courts of Law. In 2013-14 our combined print collection totaled 59,567 items, with the library purchasing 161 new monographs and maintaining subscriptions to 630 print journals, legislation services and law reports series. For members of the judiciary their statewide desktop access to an expanding collection of online resources available via the library's Judicial Virtual Library (JVL) is their most comprehensive, current and reliable source of legal information. In 2013-14 the library catalogue listed 435 online resources (96 of which were licensed resources), which enabled access to more than 64,361 online full text titles.

During 2013-14 the library continued to lead negotiations for subscription renewals on behalf of the courts. In 2013 the library secured for the Queensland judiciary a three year trial of all the Thomson Reuters ProView eBook and eSubscription content. In late 2013 the library negotiated a similar agreement with LexisNexis to access its LN Red digital loose-leaf collection including key titles such as Carter's Criminal Law of Queensland, Cross on Evidence and Civil Procedure Queensland. These trials of ProView and LN Red publications are important for the library as they offer a cost effective and low risk extended opportunity to explore the feasibility of replacing all or some print loose-leaf subscriptions with electronic versions accessed on mobile devices such as tablet and laptop computers and updated automatically from the internet. The full range of touch screen capabilities of these ePublications will be available to judges with tablet PCs (either their own or those progressively provided to them as part of the courts laptop replacement project), although they will also function satisfactorily on laptop and desktop PCs.

As the publishing arm of the Queensland courts, the library has maintained its commitment to prioritising the publication of full text judgments from Queensland courts and tribunals. Most decisions are published online within an hour of being handed down, making the SCLQ website the primary and most current and authoritative access point for Queensland case law. In 2013-14 the library published 2,434 new decisions from Queensland courts and tribunals, including 388 judgments from the Court of Appeal and 315 from the Trial Division of the Supreme Court. This increased the total number of full text Queensland decisions available from the library website to 28,577.

During 2013-14 the library's Information Services team continued to assist the judiciary and legal profession with navigating available legal research tools within the library's print and online collections. The team responded to a total of 9493 information enquiries, comprising 3835 reference, 173 research and 5485 document delivery requests. A total of 11,750 documents were supplied in response to these queries.

Our websites now comprise the primary means of accessing our information resources and services for the majority of our customers. In 2013-14 more than 6.4 million page views were recorded from the SCLQ website, JVL and library catalogue combined. Consistent with their growing importance as a service delivery platform, the library's websites underwent significant change and development during the year. The main library public website received a makeover, in terms of both structure and look and feel, with a total rebranding and review of the information architecture. Simultaneously a new legal heritage subsite was created to provide statewide access to all aspects of the library's legal heritage program. As part of the redevelopment of the library's main public website a new CaseLaw section was created to provide a central access point for Queensland decisions, with improved search and browse options. Additional research tools, including the Criminal Codes Appellate Decisions Database, Queensland Legal Indices (subscription service), and the Uniform Civil Procedure Rules Bulletin are available via the CaseLaw Plus tab. CaseLaw services recorded more than 2.5 million page views over the year.

The most significant addition to the library's suite of services in 2013-14 was the Queensland Sentencing Information Service (QSIS). From 1 July 2013 total responsibility for provision and maintenance of this service was transferred to the library from the Department of Justice and Attorney-General (DJAG). Provisioning this new service without any additional funding from the department created a significant challenge for the library, since a service costing well over half a million dollars a year to run needed to be funded from within the library's existing resources. Nevertheless the transition of QSIS to SCLQ control was seamless, without service interruptions. In its first year at SCLQ usage of the service grew by 57%, with the number of times it was accessed increasing from 233,528 in 2012-13 to 366,248 in 2013-14. QSIS is relied upon by prosecutions, defence and the judiciary to promote consistency and fairness in sentencing criminal offenders.

Completion of the modernisation of Cairns Courthouse Library (an initiative of Far North Queensland resident judge The Honourable Justice J D Henry) was achieved in February 2014, with a public opening on 7 April 2014. Installation in the Cairns, Rockhampton and Townsville courthouses of upgraded multifunction copying devices and replacement 'kiosk' public access PCs offering a wide range of online legal resources was completed a month later.

Looking forward to 2014-15, there will be a renewed focus by the Library on providing a high level of support to Queensland's busy judges. This will include expansion of access to the 'go anywhere' electronic versions of popular legal loose-leaf publications designed to be downloaded to tablets and other mobile devices, as well as training and support in identifying, locating and making more effective and efficient use of the range of print, electronic and online resources available to the judiciary. A particular challenge for the library will be securing an adequate and reliable income stream from government administered funding sources to enable it to continue to meet its statutory obligations in terms of service provision.

# Supreme Court Judges' Associates 2014

	<b>Judge</b>	<b>Associate</b>
Chief Justice	The Honourable Paul de Jersey AC	Freya Douglas
<b>Court of Appeal</b>		
President	The Honourable Justice Margaret McMurdo AC	Ben Grant
	The Honourable Justice Holmes	Jessica Dale
	The Honourable Justice Muir	Sarah Slater
	The Honourable Justice Fraser	Carl Tessmann
	The Honourable Justice Gotterson AO	San-Joe Tan
	The Honourable Justice Morrison	Michelle Delport
<b>Trial Division</b>		
Senior Judge Administrator	The Honourable Justice Byrne AO, RFD	Lucy Munt
	The Honourable Justice Fryberg	Timothy Lee
	The Honourable Justice Margaret Wilson	Mei Ying Barnes
	The Honourable Justice Atkinson	Jessica Thrower
	The Honourable Justice Mullins	Peter Sams
	The Honourable Justice Philippides	Emily Vale
	The Honourable Justice Philip McMurdo	Alison Black
	The Honourable Justice Douglas	Eleanor Atkins
	The Honourable Justice Ann Lyons	Alice Taylor
	The Honourable Justice Daubney	Lucinda Brabazon
	The Honourable Justice Martin AM	Harrison Tait
	The Honourable Justice Applegarth	Joshua McGeechan
	The Honourable Justice Peter Lyons	Isabella Kelly

The Honourable Justice Alan Wilson	Jessica Bland
The Honourable Justice Boddice	Benjamin Scarrabelotti
The Honourable Justice Dalton	Isabel Leeds
The Honourable Justice Jackson	Bianca Kabel
The Honourable Justice Thomas	Mindy Booker

**Regional**

Central Judge	The Honourable Justice McMeekin	Stephanie Flower
Northern Judge	The Honourable Justice North	Rayarna Richey
Far Northern Judge	The Honourable Justice Henry	Erin Priest