QUEENSLAND LEGAL YEARBOOK
2012

Editors
John McKenna QC
Helen Jeffcoat
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Introduction

For each of the past seven years (2005–2011), a Supreme Court History Program Yearbook has been published by the Queensland Supreme Court Library. The Yearbook was a joint initiative of Michael White QC, the founding convenor of the Supreme Court History Program, and Aladin Rahemtula OAM, the Supreme Court Librarian. Its purpose was to publish a collection of scholarly articles of relevance to Queensland’s legal history and to record a range of information concerning notable legal events of the year. In these ambitions, the Yearbook has achieved all that could have been desired. Not only has it added substantially to our knowledge of Queensland’s legal history, it has helped to generate a broader interest in legal history within the courts, the profession and the universities.

This year, however, has been one of significant change for the Library. The most obvious changes have arisen from the opening of the new Queen Elizabeth II Courts of Law in Brisbane. This complex has provided the Library with remarkable new premises, which include a dedicated legal history centre (the Sir Harry Gibbs Legal Heritage Centre), an internal 120 seat lecture theatre, together with access to a larger 250 seat lecture venue in the new Banco Court. With the benefit of these facilities, the Library is now able to perform more effectively its critical role within the Queensland legal system. As well as providing the State with its most comprehensive law library and legal information service, the Supreme Court Library is now better equipped to perform its various facilitative and educative roles — hosting public lectures, encouraging legal and historical research, facilitating public and student visits to the courts and fostering closer ties between the judiciary, the legal profession and the law schools.

The changes of 2012 were not confined to the fabric of the Library. There was also a change in leadership, as both Michael White QC and Aladin Rahemtula OAM made arrangements to retire from their key roles. For their successors, the challenge has been to build upon their achievements and consider what more can be done to meet the evolving needs of Queensland’s judiciary and legal profession. For the Yearbook, the outcome of this review has been a change of emphasis and a change in content — changes which are reflected in its new title.

The primary purpose of the Queensland Legal Yearbook is to provide a permanent and convenient reference source which records the key events of the year in the Queensland legal system. This system has many interlocking and moving parts. There is the constitutional process, with general elections and changes in government. There is the work of the legislature and the executive, with their continuing efforts to effect legal change and reform. There is also the work of the judiciary and the legal profession, as they seek to resolve a multitude of individual disputes justly and efficiently. Critical roles are also served by the universities (through the staff and students of the State’s seven law schools), the various professional associations (including the Queensland Law Society and the Bar Association of Queensland), the legal publishers (including the Incorporated Council of Law Reporting for the State
of Queensland) and the engines of law reform (particularly the Queensland Law Reform Commission).

The Queensland Legal Yearbook will seek to capture the key movements in this intricate system every year. It will commence with a brief overview of the year (the Legal Year in Review and Queensland Legal Statistics); provide a record of the key speeches, lectures and ceremonial occasions in the Queensland Courts during the year; publish tributes to important legal figures who died during the course of the year; provide reviews of the most significant legal works published in the year; as well as providing a record of the key figures in the judiciary, profession and law schools of Queensland. The Yearbook will also continue to publish specially commissioned essays concerning Queensland’s legal system. For the 2012 Yearbook, the focus of the essays is upon the genesis, design and features of the new Queen Elizabeth II Courts of Law.

A work of this kind requires the careful attention and dedication of a large number of supporters. The Supreme Court Library wishes to express its gratitude to all the contributors to this volume, to the executive of the Library’s History and Publication Committee (including Justice Fraser, Justice Martin, John McKenna QC, Thomas Bradley and Jonathan Horton) and to the Deputy Librarian, Helen Jeffcoat, and her assistants, who were responsible for its production.

The Supreme Court Library is also grateful for the generous support for the Yearbook from the Bar Association of Queensland and the Queensland Law Society.

Material in this volume may be cited as [2012] QLY.
**Queensland Legal Year in Review**  
**2012**

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<tr>
<th>Date</th>
<th>Event Description</th>
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<tbody>
<tr>
<td>1 January</td>
<td>John de Groot commenced to serve as President of the Queensland Law Society, with Annette Bradfield as Deputy President.</td>
</tr>
<tr>
<td>26 January</td>
<td>Australia Day honours were awarded to Professor Michael Lavarch AO (Executive Dean of the QUT Law School), Michael Baumann AM (Federal Magistrate) and David Russell AM, QC (of the Queensland Bar).</td>
</tr>
<tr>
<td>30 January</td>
<td>Justice Margaret Wilson served as an additional Judge of Appeal (to 23 March), whilst Justice Catherine Holmes served as Commissioner in the Floods Commission of Inquiry. Judge Kerry O’Brien of the District Court, in turn, commenced a period of service as an Acting Judge of the Supreme Court (to 20 April).</td>
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<td>30 January</td>
<td>Professor Gerard Carney was appointed Dean of the TC Beirne School of Law at The University of Queensland.</td>
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<tr>
<td>17 February</td>
<td>The <em>Domestic and Family Violence Protection Act 2012</em> (Qld) was enacted. This statute provided a major revision of the previous 1989 legislation.</td>
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<tr>
<td>29 February</td>
<td>In <em>Wotton v State of Queensland</em> [2012] 246 CLR 1, which concerned an aboriginal man who had been convicted for his part in a riot on Palm Island, the High Court found that the statutory restrictions upon his giving interviews whilst on parole did not involve any impermissible fetter on the freedom of political communication.</td>
</tr>
<tr>
<td>1 March</td>
<td>Mallesons Stephen Jaques, one of Australia’s largest law firms, integrated with King and Wood, one of China’s largest law firms, adopting the name King &amp; Wood Mallesons.</td>
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<td>2 March</td>
<td>The Bar Association of Queensland Annual Conference was held on the Gold Coast. The opening address was given by Justice Kiefel of the High Court of Australia on the subject of ‘Practice at the Bar — What Has Changed and What Remains the Same’. This paper is reproduced at [2012] QLY 83</td>
</tr>
<tr>
<td>5 March</td>
<td>In <em>McLindon v Electoral Commission of Queensland</em> [2012] QSC 44, the Court declined to restrain the Electoral Commission from distributing ballot papers in the forthcoming State election which referred to the ‘Australian Party’ rather than ‘Katter’s Australian Party (Queensland Division)’. The proceedings were resumed on 7 March to deal with issues concerning the constitutional validity of the <em>Electoral Act 1992</em> (Qld), with these issues being referred for immediate hearing by the Court of Appeal. This aspect</td>
</tr>
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of the proceeding was dismissed the following day, with reasons delivered shortly afterwards: [2012] QCA 48.

16 March Justice Catherine Holmes delivered the Final Report of the Queensland Floods Commission of Inquiry, which concerned the causes and consequences of the flooding disaster in Queensland in 2010/2011.


24 March The Queensland State Election was held, resulting in a change of government. The former Premier (Ms Anna Bligh, Australian Labor Party) was succeeded by Mr Campbell Newman (Liberal National Party). The former Attorney-General (Mr Cameron Dick) was succeeded by Mr Jarrod Bleijie. No challenges to this election were heard by the Court.

28 March In BBH v The Queen (2012) 286 ALR 89, the High Court by a majority dismissed an appeal from the Court of Appeal concerning the proper use of propensity evidence in criminal proceedings concerning the sexual abuse of children.

30 March The 50th annual Queensland Law Society Symposium was held at the Brisbane Convention and Exhibition Centre. The opening address by the Chief Justice appears at [2012] QLY 90.

20 April In R v Maloney [2013] 1 Qd R 32, the Court of Appeal rejected the contention that State liquor restrictions on Palm Island were inconsistent with the provisions of the Racial Discrimination Act 1975 (Cth). This decision was later affirmed by the High Court: (2013) 298 ALR 398.

22 April Justice Richard Chesterman AO RFD resigned as a Judge of the Supreme Court and a Judge of Appeal. A valedictory ceremony was held on 20 April, the text of which appears at [2012] QLY 296.


27 April Robert Gotterson QC was appointed a Judge of the Supreme Court and a Judge of Appeal. His Honour was sworn in at a ceremony in the Banco Court on 2 May, the text of which appears at [2012] QLY 304.

28 April Local Government elections were held in Queensland, together with a by-election for the State seat of South Brisbane, which had been vacated by the resignation from Parliament of the former Premier, Ms Anna Bligh. The Local Government elections resulted in three court challenges: Day v Electoral Commission of Queensland [2012] QSC 270; Bero v Electoral Commission of Queensland [2013] 1 Qd R 403; and Elisala v Electoral Commission of Queensland [2012] QSC 273.

1 May Allens Arthur Robinson, one of Australia’s largest law firms, formed an alliance with Linklaters LLP, a large London-based international firm, and changed its name to Allens.
10 May Judge Walter Tutt retired as a Judge of the District Court of Queensland at the mandatory retirement age of 70. A profile of Judge Tutt appears at [2012] QLY 384. Proceedings to determine Judge Tutt’s statutory pension entitlements were later heard by the Court of Appeal: Tutt v State of Queensland [2013] QCA 59.

18 May The Parliament of Queensland and Other Acts Amendment Act 2012 (Qld) came into force. This statute introduced minor modifications to the title of Parliamentary Secretaries and to the Committee system.

18 May The Seventh Annual Sir Harry Gibbs Law Dinner was held at Emmanuel College, University of Queensland, at which Justice Susan Kiefel presented a paper ‘Reasons for Judgment: Objects and Observations’. The paper is reproduced at [2012] QLY 95.

30 May The Second Annual Supreme Court Oration was given in the Banco Court by former Chief Justice of the High Court, the Hon. Murray Gleeson AC. The paper, which examines the legacy of Donoghue v Stevenson, is published at [2012] QLY 101.

7 June The Fourth Annual Current Legal Issues Seminar Series commenced with a lecture in the Banco Court by Professor Barbara McDonald entitled ‘An Action for (Serious) Invasion of Privacy’. The text of this lecture appears at [2012] QLY 110.

11 June Queen’s Birthday honours were awarded to Justice John Dowsett AM (of the Federal Court) and Professor Doug Jones AM (solicitor).

15 June The Annual Meeting of the Queensland Chapter of the Selden Society was held for the last time in the Supreme Court Judges Conference Room of the Supreme and District Courts Complex. The paper presented by former Justice James Thomas AM, entitled ‘Judicial Biography: Almost An Oxymoron’, appears in The Idea of Legal History: A Tribute in Honour of Dr Michael White QC.

15 June After 11 years of service, Dr Michael White QC retired as Convenor of the Supreme Court Library History Programme and Convenor of the Queensland Chapter of the Selden Society. He was succeeded in both roles by John McKenna SC.

22 June In Owen v Menzies [2012] QCA 170, the Court of Appeal considered the status and jurisdiction of QCAT as a ‘court of a State’ and rejected the contention that State laws against vilification of homosexuals created an impermissible fetter on the freedom of political communication. Special leave to appeal to the High Court was refused: [2013] HCA Trans 13.


27 June The Civil Partnerships and Other Legislation Amendment Act 2012 (Qld) was enacted. This statute sought to reverse aspects of the Civil Partnerships Act 2011 (Qld), which had created a legal relationship akin to marriage.
1 July  Tim Carmody SC was appointed to conduct a commission of inquiry into Queensland’s child protection system. Kathryn McMillan SC, Michael Copley SC, Michael Woodford, Aaron Simpson and Ryan Haddrick served as counsel assisting. The final report of the commission was presented on 1 July 2013.

3 July  A Supreme Court jury found Massimo (Max) Sica guilty of murdering three siblings from the Singh family in April 2003. On 5 July 2012, Mr Sica was given a life sentence with a non-parole period of 35 years: [2012] QSC 184. The trial, which lasted 77 days, attracted extensive public attention. An appeal against both conviction and sentence was dismissed: [2013] QCA 247.


9 July  The annual service for the opening of the Law Year was held in Brisbane at the Salvation Army Brisbane City Temple.

19 July  The Criminal Law (Two Strike Child Sex Offenders) Amendment Act 2012 (Qld) was enacted. This was the first of a series of measures introduced by the new State Government to impose mandatory minimum sentences for a range of offences. See also Criminal Law Amendment Act 2012 (Qld), Penalties and Sentences and other Legislation Amendment Act 2012 (Qld) and Weapons and Other Legislation Amendment Act 2012 (Qld).

2 August  The name of the new Brisbane Supreme and District Court complex was announced as the ‘Queen Elizabeth II Courts of Law’. In advance of the official opening, a number of conferences were held in the new court complex. These included a meeting of the Council of Chief Justices of Australia and New Zealand, a meeting of the Council of Chief Judges of District and County Courts of Australia and New Zealand and the annual meeting of the Consultative Council of Australian Law Reporting.

3 August  The Queen Elizabeth II Courts of Law was opened by Her Excellency the Governor of Queensland (Ms Penelope Wensley AC) at a ceremony held in the foyer of the new court complex. The new Sir Harry Gibbs Legal Heritage Centre on the ground floor of the complex was also opened. A record of the opening ceremony was published in a work edited by Justice Glenn Martin: A New Courthouse (SCQL, 2012).

4 August  The opening of the new court complex was followed by the Supreme Court of Queensland Seminar, in which five papers were given by eminent international judges. The papers given in this seminar were published in a work edited by Justice Glenn Martin: A New Courthouse (SCQL, 2012).

7 August  In RCB (as litigation guardian of EKV, CEV, CIV and LRV) v The Honourable Justice Forrest (2012) 292 ALR 617, the High Court dismissed proceedings arising from a widely reported international child custody dispute heard by
the Family Court in Brisbane. A litigation guardian, on behalf of the children, sought to establish in separate proceedings before the High Court that the children had been denied procedural fairness. This contention was rejected.

13 August David O’Connell was appointed as a Magistrate (to be based at Mackay) and as Coroner for Central Queensland.

14 August The Criminal Law (False Evidence Before Parliament) Amendment Act 2012 (Qld) came into force. It reintroduced the previously repealed s 57 of the Criminal Code, to make it an offence to knowingly give false evidence to Parliament or one of its committees.

23 August The Eighth Gibbs Oration was presented at the Gibbs Room of the Inns of Court, Brisbane. Dr Susan Priest presented a paper entitled ‘The Griffith Court, the Fourth Attorney-General and the “Strike of 1905”’. The paper appears at [2012] QLY 137.

24 August In Patel v R (2012) 290 ALR 189, the High Court quashed the convictions for manslaughter and unlawfully doing grievous bodily harm of a former surgeon at the Bundaberg Base Hospital (Dr Jayant Patel) and ordered a new trial. The events at Bundaberg Base Hospital received widespread publicity in the Queensland Public Hospitals Commission of Inquiry, in subsequent proceedings to extradite Dr Patel from Canada and in the 58 day trial of Dr Patel in the Supreme Court.

27 August Court hearings commenced in the Queen Elizabeth II Courts of Law.

29 August The Public Service and Other Legislation Amendment Act 2012 (Qld) came into force. This legislation sought to change the legal framework for employment in the Queensland public service, and became the subject of an unsuccessful constitutional challenge.

3 September The first admissions ceremony for legal practitioners was held in the Banco Court of the Queen Elizabeth II Courts of Law.

7 September In Workcover Queensland v Amaca Pty Ltd [2012] QCA 240, the Court of Appeal considered the assignability of a cause of action in tort for damages for personal injury.

10 September The Attorney-General requested the Coroner to re-open the inquest into the deaths of two nurses, Lorraine Wilson and Wendy Evans. These deaths had been a subject of public concern, since the remains of these two women were found at Murphy’s Creek, near Toowoomba, in 1976. An initial inquest had found the women to have been murdered by a person or persons unknown. The reopened inquest was finalised by the delivery or written findings on 28 June 2013, which identified one of the persons believed to be involved in the murders.

12 September The Eighth Richard Cooper Memorial Lecture was presented at the Commonwealth Law Courts, Brisbane. Mr David Taylor spoke on the subject of ‘The Business of Maritime Law’. The paper appears at [2012] QLY 150.

14 September  Daniel O’Connor was appointed Deputy President of the Queensland Industrial Relations Commission. Mr O’Connor had formerly served as the Chief Executive Officer of the Bar Association of Queensland (1994–2012). Gary Black and Melinda Knight were also appointed Commissioners.

1 October  Freehills, one of Australia’s largest law firms, merged with Herbert Smith LLP, a large London-based international firm, adopting the name Herbert Smith Freehills.

1 October  Macrossans, a Brisbane-based law firm, merged with the national firm TressCox Lawyers.

3 October  The Attorney-General announced that Queensland would not support the proposed national legal profession reforms.

8 October  Justice William Gummow AC of the High Court of Australia (1995–2012) retired from the Court upon reaching the statutory retirement age of 70.


10 October  David Jackson QC was appointed a Judge of the Supreme Court of Queensland. Justice Jackson was sworn in at a ceremonial sitting in the Banco Court, the text of which appears at [2012] QLY 310.

11 October  Ian Callinan QC and Professor Nicholas Aroney were appointed by the Attorney-General to review the Crime and Misconduct Act 2001 (Qld). Their report was delivered on 28 March 2013.

12 October  Terrence Gardener was appointed as a Magistrate, to be based at Southport.

18 October  The final Current Legal Issues lecture for 2012 was presented in the Banco Court by Professor Bryan Horrigan. The lecture was entitled ‘New Directions in how Legislators, Courts and Legal Practitioners Approach Unconscionable Conduct and Good Faith.’ A copy of this paper appears at [2012] QLY 171.

21 October  The Attorney-General requested the Coroner to conduct an inquest into the death of Matthew Fuller, who was electrocuted whilst installing home insulation in October 2009. This death was a matter of public interest, because it occurred during the rapid rollout of a Commonwealth-funded initiative to encourage the installation of home insulation with a view to averting the consequences of the global financial crisis. This inquest was finalised by findings made on 4 July 2013.

1 November  Alexander Horneman-Wren SC was appointed a Judge of the District Court, and was then appointed Deputy President of the Queensland Civil and Administrative Tribunal. A profile of Judge Horneman-Wren appears at [2012] QLY 383.
2 November In *Anderson v Australian Securities and Investments Commission* [2012] QCA 301, the Court of Appeal considered whether a defendant to proceedings for a pecuniary penalty was entitled to decline to plead on the basis of a privilege against self incrimination and the consequences of taking such a course.

13 November The Chief Justice appointed Jenny Deyell Hogan, Philip Andrew Looney and Dean Patrick Morzone to the rank of Senior Counsel.

13 November In *R v Verrall* [2013] 1 Qd R 587, the Court of Appeal considered the appeal rights of a criminal defendant who was not permitted to withdraw a plea of guilty. Special leave to appeal to the High Court was refused: [2013] HCASL 62.

13 November In *R v Robinson* [2012] QCA 309, the Court of Appeal dismissed an appeal against the conviction for dishonest use of position by a prominent member of the Aboriginal and Torres Straits Islander Commission.

14 November Gillian Brown and Rosalind Williams were named Queensland Women Lawyers of the Year by the Women Lawyers Association of Queensland. Kelly Roggenkamp was awarded the Agnes McWhinney Medal.


16 November In *Palmer v McIver* [2012] QSC 385, the Court declined to make interlocutory orders sought by a prominent Queensland businessman (Clive Palmer) arising from a decision to suspend him from membership of the Liberal National Party. Mr Palmer later resigned from the party.

20 November The Attorney-General for the Commonwealth announced the decision to appoint Justice Patrick Keane, then Chief Justice of the Federal Court of Australia, to be a Justice of the High Court of Australia effective from March 2013.

21 November The Annual General Meeting of the Bar Association of Queensland was held. Roger Traves SC and Peter Davis SC were re-elected as President and Vice-President respectively.

23 November Robyn Martin was appointed Chief Executive Officer of the Bar Association of Queensland, for a term commencing in 2013.

28 November The *Federal Circuit Court of Australia Legislation Amendment Act 2012* (Cth) came into force. This legislation facilitated a change in the name and structure of the Federal Magistrates Court to the Federal Circuit Court, which was to take effect in 2013.

28 November A ceremony was held at the Commonwealth Courts complex in Tank Street, Brisbane, to unveil a plaque marking the nearby birthplace of Lord Atkin. A photograph of the plaque and a record of the speeches given on that occasion appear at [2012] QLY 247.

1 December The Queensland Law Reform Commission issued a Discussion Paper concerning a proposed revision of the *Trusts Act 1973* (Qld) (WP 70).
6 December Judge Grant Britton retired as a Judge of the District Court of Queensland upon reaching the statutory retirement age of 70. A profile of Judge Britton appears at [2012] QLY 384.

11 December The Judicial Misbehaviour and Incapacity (Parliamentary Commission) Act 2012 (Cth) came into force. This statute provides a legislative framework for the Commonwealth Parliament to refer complaints about federal judicial officers to a Commission of Inquiry for investigation. Related legislation, the Courts Legislation (Judicial Complaints) Act 2012 (Cth), also came into force.

12 December The Annual Exchange of Christmas Greetings Ceremony was held at the Banco Court. At this ceremony, the Attorney-General announced the intention of the Government to revert to the practice of appointing Queen’s Counsel, with all existing Senior Counsel to be offered an opportunity to apply for such an appointment. The Chief Justice also launched the Supreme Court Library’s major publication for 2012, ‘Supreme Court of Queensland: A Concise History’ by John McKenna SC. Extracts from the speeches on this occasion appear at [2012] QLY 316.

13 December Hayden Stjernqvist was appointed as a Magistrate, to be based at Bowen. Stuart Shearer was appointed as a Magistrate, to be based at Emerald. Anthony Gett was appointed as a Magistrate to be based at Cairns.

13 December Richard Chesterman QC was appointed by Order in Council to conduct a commission of inquiry into the Queensland Health payroll system. The failure of this system to perform as expected was a significant public issue, imposing an expected cost estimated at $1.25 billion. Counsel assisting this inquiry were Peter Flanagan SC, Jonathan Horton and Anastasia Nicholas. The final report of the Commission was delivered on 31 July 2013.

14 December In Australian Workers’ Union of Employees, Queensland v State of Queensland [2012] QCA 353, the Court of Appeal considered the relevance of the doctrine of separation of powers under the State constitution. Special leave to appeal to the High Court was refused. [2013] HCA Trans 131.

20 December Kenneth Mackenzie QC, a retired Judge of the Supreme Court, was appointed by the Attorney-General to conduct an independent review of a case against Graham Stafford. In 1992, Mr Stafford had been convicted of the murder of Leanne Holland. In 2009, the conviction was set aside by the Court of Appeal, which (by a majority) ordered a retrial. The DPP having decided not to proceed with a further prosecution, the matter was referred to Mr Mackenzie QC for independent review.
Introduction

Queensland is served by a hierarchy of State and Federal Courts.

In the State Court system, there are three main tiers in the court hierarchy — Magistrates Courts, District Courts and Supreme Courts (in ascending order). All State judicial officers are appointed by the executive government of the State. Each court has both a criminal and a civil jurisdiction, with an associated appellate structure. The precise extent of each court’s jurisdiction is reformulated, from time to time, by legislation. In general, however, this system is designed to refer more serious matters to a higher court in the hierarchy.

The Federal Court system is primarily designed to provide specialist courts to apply federal laws. The principal courts are the Federal Court, the Family Court and the Federal Magistrates Court. All Federal judicial officers are appointed by the executive government of the Commonwealth. The Family Court is designed to deal with family law matters. The Federal Court is designed to deal with other federal matters. The Federal Magistrates Court was established more recently to deal with less serious family law and other federal matters. During 2012, legislation was enacted to rename and restructure the Federal Magistrates Court as the Federal Circuit Court (from 2013). Each of these courts has its own appellate structure. In Queensland, these courts are served by local registries, with matters primarily heard by federal judicial officers who are based within the State. For appellate and some other matters, they are assisted by visiting Federal and Family Court Judges from other States and Territories.

The High Court of Australia is the final appellate court in both the State and Federal court systems. The High Court sits primarily in Canberra, but most individual Justices are based in their home jurisdiction. At least one of the High Court Justices has conventionally been based in Queensland. Since September 2007, Justice Susan Kiefel (formerly a Judge of the Federal Court) has been the only Queensland-based Justice of the High Court. From 2013, however, Justice Kiefel will be joined by Justice Keane (formerly Chief Justice of the Federal Court).

The legal profession in Queensland is formally divided between barristers and solicitors. In practice, however, the functional division between the two branches of the legal profession is blurred, as many solicitors undertake court appearances and many barristers deal directly with clients.

Primary legal education is provided through seven Queensland universities which offer degrees in law: University of Queensland (TC Beirne School of Law), Queensland University of Technology, Griffith University, Bond University, James Cook University, University of Southern Queensland and Central Queensland University.
## Judiciary and Legal Profession

Table 1 records the numerical size of the judiciary and practising legal profession in Queensland over a five year period. For comparison purpose, State population and economic growth figures are also included. This table records an overall growth in the State’s population of about 6.5% and an overall growth in the legal profession of about 18.4%. However, the size of the judiciary remains essentially unchanged.

<table>
<thead>
<tr>
<th>State Judiciary¹</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
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<td>Supreme Court Judges of Appeal²</td>
<td>6</td>
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<td>4.0%</td>
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| Table 1: Queensland Judiciary and Legal Profession (2008–2012) |

¹ All figures represent the number of appointments as of 30 June each year.
⁴ District Court of Queensland Annual Reports 2008–2012.
⁵ Magistrates Court of Queensland Annual Reports 2008–2012. These are full-time equivalent positions. Part time and Acting Magistrates also served.
⁶ All figures represent the number of appointments as of 30 June each year.
¹⁰ These figures, which were provided by the Bar Association of Queensland from their annual reports 2008–2012, represent the number of practising certificates on issue by the BAQ as at 30 June in each year. Figures do not include interstate members.
¹¹ These figures, which were provided by the Queensland Law Society from their annual reports 2008–2012, represent the number of practising certificates on issue by the QLS as at 30 June in each year.
Court of Appeal

The Court of Appeal is the highest appellate court within the State court system. Its principal caseload is the hearing of criminal and civil appeals from the Trial Division of the Supreme Court and the District Court. The Court usually sits as a panel of three Judges, comprising both Judges of Appeal (including the President of the Court of Appeal) and a rotation of Judges from the Trial Division of the Supreme Court (including the Chief Justice). Appeals from the Court of Appeal can only be pursued to the High Court with the special leave of the High Court.

Table 2 records the key performance indicators of the Court of Appeal over a five year period. These figures suggest that the caseload of the court, which remains relatively stable, is cleared with a high level of efficiency and unanimity. Over the last five years, the Court has generally managed an active docket of about 170-180 criminal matters and about 100 civil matters. Virtually all matters were resolved well within 12 months of lodgement. During the calendar year 2012, there were points of substantial dissent in only 13 of the 371 written judgments (3.5%). The 13 dissentients were: Justice Margaret McMurdo P (five); Justices Chesterman and White (two each); and Justices Muir, Fryberg, Peter Lyons, and Applegarth (one each).

Only four matters per year, on average, have attracted a grant of special leave to appeal from the High Court. In 2011-2012, there were only three such matters (all in the criminal jurisdiction): *BBH v The Queen* (2012) 286 ALR 89 (on appeal from [2007] QCA 348); *Perini v The Queen* [2011] HCA Trans 201 (on appeal from [2011] QCA 30); *Patel v The Queen* (2012) 290 ALR 189 (on appeal from [2011] QCA 81).

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<th>2012</th>
<th>Five Year Average</th>
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<td>337</td>
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<td>156</td>
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<td>93%</td>
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<td>266</td>
<td>256</td>
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<td>Active</td>
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<td>94</td>
<td>112</td>
<td>101</td>
<td>105</td>
<td>98</td>
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<tr>
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<td>99%</td>
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<td>4</td>
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Table 2: Court of Appeal: Lodgements, Finalisations and Appeals (2008–2012)
Supreme Court Trial Division

Within the State court system, the Trial Division of the Supreme Court generally hears only the most serious criminal matters (including homicide) and the most significant civil matters (including monetary claims which exceed the $750,000 limit upon the District Court’s jurisdiction).

In its criminal jurisdiction, the Court conventionally deals with a caseload of about 1500 new matters each year. In 2012, however, the number of criminal lodgements dropped significantly (by 30%), for no clearly explicable reason. In most years, more than 80% of criminal matters are finalised within one year. Relatively few matters are the subject of appeal (an average of about 0.6% of finalised matters).

The civil jurisdiction of the Court encompasses a diverse range of matters, from the very simple (eg undefended debt recoveries) to the very complex (eg complex commercial disputes). From 1 December 2010, the civil caseload of the Court was substantially reduced by an extension of the civil jurisdiction of the District Court (from a monetary limit of $250,000 to $750,000). Since then, the state of economic activity has further contributed to a decline in civil lodgements. With the legal consequences of the global financial crisis (2007–2008) having been largely resolved, and economic activity remaining in a subdued state, civil lodgements declined by about 24% in 2012. In the civil jurisdiction, contested judgments are more commonly the subject of appeal. On average, a notice of appeal is filed in about one-third of all contested civil cases in which formal reasons are delivered.

Table 3 records the key performance indicators of the Trial Division of the Supreme Court over a five year period.

<table>
<thead>
<tr>
<th></th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>Five Year Average</th>
</tr>
</thead>
<tbody>
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<td><strong>Criminal Proceedings</strong></td>
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<td>87%</td>
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<td>83%</td>
<td>75%</td>
<td>83%</td>
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<td>79%</td>
<td>76%</td>
<td>67%</td>
<td>72%</td>
<td>74%</td>
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<td>167</td>
<td>195</td>
<td>165</td>
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<td>168</td>
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*Table 3: Supreme Court Trial Division: Lodgements, Finalisations and Appeals (2008-2012)*

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15 Supreme Court Annual Reports (2008-2012).
District Court and Planning and Environment Court

Judges of the District Court may exercise five main jurisdictions. There is an appellate jurisdiction, dealing with appeals from the Magistrates Court in both criminal and civil matters. In its criminal jurisdiction, the District Court hears almost all serious criminal charges. In its civil jurisdiction, the District Court may hear many matters within a monetary limit of $750,000. There are also two main specialist jurisdictions. Judges who are specially authorised for this purpose may sit in the Planning and Environment Court (dealing primarily with town planning matters) or in the Childrens Court (dealing with a range of criminal and other matters concerning children).

Table 4 records the key performance indicators of the District Court and the Planning and Environment Court over a five year period.

In the appellate jurisdiction, the number of criminal appeals has substantially increased (about 56% more than 2008), despite the relatively steady number of criminal proceedings being commenced in the Magistrates Court. By contrast, the number of civil appeals has substantially decreased (about 33% less than 2008), reflecting the decrease in the number of civil proceedings being commenced in the Magistrates Court. These dramatic changes in caseload appear to have affected the court’s ability to resolve appellate matters within an ideal timeframe.

In the criminal jurisdiction, the number of lodgements has gradually declined over a five year period (about 23%). By contrast, in the civil jurisdiction, the number of lodgements has gradually increased over the same period (about 30%). This was to be expected, given the substantial increase in the District Court’s civil jurisdiction from 1 December 2010 (rising from a monetary limit of $250,000 to $750,000). In both jurisdictions, despite the increasing complexity of many cases, about 80% of matters are finalised within one year of lodgement. Given the sheer volume of the caseload of the District Court, only a modest and relatively stable proportion of judgments are appealed to the Court of Appeal.

In the Planning and Environment Court, the number of lodgements has also gradually declined over a five year period (about 28%). This would seem to be a reflection of the relatively low level of economic growth during this period. Perhaps because of the increasing complexity of the cases, fewer are able to be resolved within a 12 month period.
<table>
<thead>
<tr>
<th></th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
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</table>

*Table 4: District Court of Queensland: Lodgements, Finalisations and Appeals (2008–2012)*

16 District Court Annual Reports (2008-2012).
Magistrates Court

The Magistrates Court of Queensland has jurisdiction to deal with a wide range of minor criminal matters. Its criminal caseload comprises more than 95% of all criminal matters dealt with by Queensland courts. In the period to 2010, the number of criminal lodgements rose steadily with the State population. In 2011, however, these numbers substantially dropped (by about 11%). This was attributed to a change in policing practices, with an increased use of on-the-spot fines, and the significant effect on the State of major flooding (December 2010–January 2011). The criminal workload increased by only about 1% over the past year.

Prior to 1 November 2010, the Magistrates Court was also the primary court in which civil claims up to $50,000 were heard. During the 2009–2010 period, however, there was a significant refocusing of the Court’s jurisdiction. From 1 December 2009, small debt claims (up to $25,000) could be brought in the Queensland Civil and Administrative Tribunal. Then, from 1 November 2010, the civil jurisdiction of the Magistrates Court was increased substantially to $150,000. This resulted in an effective halving of the number of civil commencements (stabilising at about 30,000 per year), but an increase in the significance and complexity of the matters before the Court.

<table>
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<th>2011</th>
<th>2012</th>
<th>Five Year % Change</th>
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<td>-49%</td>
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</table>

*Table 5: Magistrates Court of Queensland: Lodgements (2008-2012)*