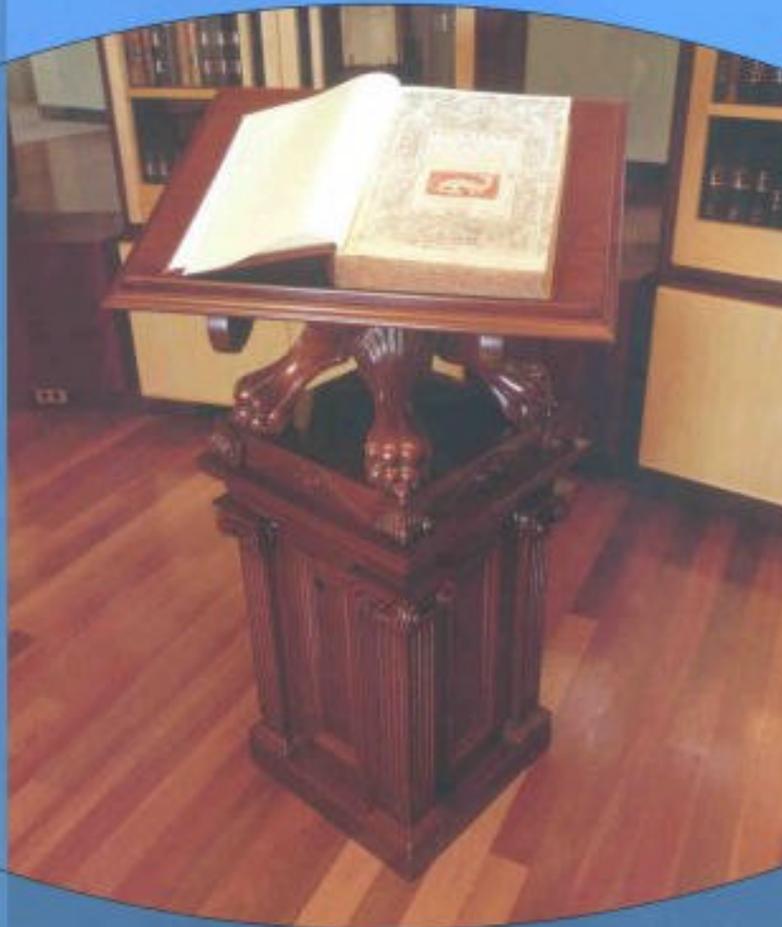


# DISTRICT COURT OF QUEENSLAND ANNUAL REPORT 1999-2000



## District Court of Queensland

Annual Report 1999-2000



The District Court of Queensland

Law Courts Complex  
304 George Street  
BRISBANE Q 4000

PO Box 167  
BRISBANE ALBERT STREET 4002

[www.courts.qld.gov.au](http://www.courts.qld.gov.au)

Registry:

Phone: (07) 324 79261

Fax: (07) 324 75387

CHAMBERS OF THE CHIEF JUDGE  
DISTRICT COURT  
BRISBANE

October 2000

The Honourable Matt Foley MLA  
Attorney-General and Minister for Justice  
and Minister for the Arts  
18<sup>th</sup> Floor  
State Law Building  
Cnr George and Ann Streets  
BRISBANE QUEENSLAND 4000

Dear Attorney

Pursuant to s.130A(1) of the *District Court Act 1967*, I enclose my Report on the operation of the District Court for the year ended 30 June 2000.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P.M. Wolfe', is written over a light grey rectangular background.

Chief Judge P.M. Wolfe

# TABLE OF CONTENTS

|                                                              |           |
|--------------------------------------------------------------|-----------|
| <b>CHIEF JUDGE'S OVERVIEW</b> .....                          | <b>1</b>  |
| INTRODUCTION .....                                           | 1         |
| OTHER INITIATIVES .....                                      | 9         |
| <b>JUDGES OF THE DISTRICT COURT</b> .....                    | <b>15</b> |
| APPOINTMENTS AND RETIREMENTS.....                            | 17        |
| SPECIALIST COURTS .....                                      | 19        |
| <b>JURISDICTION AND SITTINGS OF THE DISTRICT COURT</b> ..... | <b>21</b> |
| REGIONAL COURTS AND CIRCUIT SITTINGS .....                   | 21        |
| REGIONAL COURTS .....                                        | 22        |
| MAROOCHYDORE .....                                           | 22        |
| SOUTHPORT .....                                              | 23        |
| ROCKHAMPTON.....                                             | 24        |
| TOWNSVILLE.....                                              | 24        |
| CAIRNS .....                                                 | 25        |
| IPSWICH.....                                                 | 25        |
| BEENLEIGH .....                                              | 25        |
| <b>CRIMINAL JURISDICTION</b> .....                           | <b>30</b> |
| CRIMINAL CASE MANAGEMENT .....                               | 30        |
| DISPOSITION OF CRIMINAL MATTERS .....                        | 31        |
| <b>CIVIL JURISDICTION</b> .....                              | <b>35</b> |
| CASE MANAGEMENT.....                                         | 35        |
| UNIFORM CIVIL PROCEDURE RULES.....                           | 35        |
| PRACTICE DIRECTIONS .....                                    | 36        |
| DISPOSITION OF CIVIL CASES.....                              | 37        |
| <b>APPELLATE JURISDICTION</b> .....                          | <b>41</b> |
| <b>APPLICATIONS COURT</b> .....                              | <b>44</b> |
| <b>THE PLANNING AND ENVIRONMENT COURT</b> .....              | <b>47</b> |
| <b>THE HEALTH PRACTITIONERS TRIBUNAL</b> .....               | <b>49</b> |
| <b>CHILDREN'S COURT</b> .....                                | <b>51</b> |
| <b>COMMITTEES</b> .....                                      | <b>52</b> |
| ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE .....        | 52        |
| CIVIL PROCEDURE.....                                         | 52        |
| CONFERENCES AND JUDICIAL EDUCATION.....                      | 52        |
| CRIMINAL LAW .....                                           | 52        |
| CRIMINAL LISTING TASKFORCE .....                             | 52        |
| PUBLICATIONS AND COMMUNITY AWARENESS.....                    | 53        |
| SALARIES AND ENTITLEMENTS .....                              | 53        |
| CRIMINAL LAW COMMITTEE.....                                  | 53        |

|                                                       |           |
|-------------------------------------------------------|-----------|
| ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE ..... | 54        |
| CONFERENCES AND JUDICIAL EDUCATION COMMITTEE .....    | 54        |
| <b>ESSENTIAL SERVICES .....</b>                       | <b>55</b> |
| THE REGISTRAR AND THE REGISTRY IN BRISBANE .....      | 55        |
| ALTERNATIVE DISPUTE RESOLUTION .....                  | 56        |
| PRACTICES AND PROCEDURES .....                        | 57        |
| APPLICATIONS AND REVIEWS (FORMERLY CHAMBERS).....     | 58        |
| ENDING PROCEEDINGS EARLY .....                        | 59        |
| COURT FILES.....                                      | 59        |
| FUNDS IN COURT.....                                   | 59        |
| <b>CRIMINAL REGISTRY.....</b>                         | <b>61</b> |
| JURY AND COURT ROOM MANAGEMENT .....                  | 61        |
| TECHNOLOGY .....                                      | 62        |
| <b>REGISTRARS' CONFERENCE.....</b>                    | <b>66</b> |
| <b>THE SUPREME COURT LIBRARY.....</b>                 | <b>66</b> |
| <b>STATE REPORTING BUREAU .....</b>                   | <b>72</b> |
| <b>APPENDIX 1 .....</b>                               | <b>73</b> |
| ADMINISTRATIVE STAFF OF THE DISTRICT COURT.....       | 73        |
| <b>APPENDIX 2 .....</b>                               | <b>75</b> |
| REGISTRARS OF THE DISTRICT COURT - BRISBANE .....     | 75        |

# Chief Judge's Overview

## Introduction

This report covers for the most part the first year of my administration of the court. It confirms that the District Court's disposition of its case load is efficient. It demonstrates the continuing dedication of the judges to the delivery of justice according to law. This report, which is truly that of the court as a whole, shows this in some detail.

It also reflects my concern, and that of the judges, that the court is not as accessible as it should be to the public and those who need its services. The judges are strongly committed to ensuring that all people in Queensland, not least those in the outback and in the rural and regional areas, enjoy ready access to the court.

This overview contains my assessment of the operations of the court and my evaluation of its current processes and resources. Accordingly it summarises factors underpinning the court's commendable level of performance and, identifies those which impede the court's delivery of its services to all parts of Queensland as efficiently as the court would wish. It also provides me with an opportunity to recognise publicly the contribution made by the judges to the efficiency of the court.

The District Court is under-resourced. Its judicial resources are stretched as are its registries, administrative and support resources. Many of its courthouses are dilapidated and ill-equipped to meet the demands of modern criminal and civil trials or the reasonable expectations of the public who use these buildings. Jury accommodation in Brisbane and in many circuit centres requires upgrading. In Brisbane only six of the ten District Court jury rooms are conveniently placed near the courtroom. Two of the jury rooms have inadequate facilities.

In Brisbane where the majority of judges are based and where the bulk of the court's work is done, the court operates out of the Law Courts Complex which is in need of redevelopment and certainly of immediate considerable refurbishment. Parts of it appear not to comply with current standards imposed under workplace, health and safety statutory regimes. These public buildings are sub-standard and do not provide proper facilities for the numbers of people who use, visit or work in the courts. Only little or basic provision is made for the growing number of children who accompany adults to the courts. The

obscenity of an infant being held by the mother standing in the dock cannot be tolerated in this century. This has occurred, apparently, because these mothers awaiting sentence could not afford babysitting, did not have the help of a supporting adult and there are no conveniently placed childcare facilities. Courts must be designed to allow for those infants and children who are taken to the courts by litigants or their supporters.

Three of the Brisbane judges remain isolated from the court with chambers and two civil courtrooms in Tank Street, some distance from the Law Courts Complex where they spend a great deal of their time presiding over criminal trials.

The Ipswich Courthouse continues to pose a real threat to the safety of judges and also court staff. In the regional centres where 11 of the court's 35 judges are based, the regional judges must also perform without adequate registry or secretarial resources.

The growth in the court's business over the past three years, recent increases in the court's jurisdiction and the increasing complexity of matters before the court continue to place pressure on the court. Available judicial resources will not be sufficient to meet the court's growing workload in the regional, rural and outback centres, as well as in Brisbane.

The court still lacks the resources to undertake the appropriate statistical analysis that is essential for the rigorous evaluation of its procedures and resources. Until such proper tools are in place the court cannot have confidence that it is managing court resources efficiently, that it is able to satisfy essential conditions required to justify funding and importantly that it is being properly accountable. Accordingly it is still not possible to ascertain with utmost confidence the length of trials or the number of matters filed, heard and determined throughout the State.

### **Improvements**

On a positive note the new Gladstone courthouse was opened on 11 July 1999 providing the Gladstone community with modern court facilities. During the year under report renovations began on the Maryborough courthouse with the installation of a lift for disabled people and seating in the jury assembly area. Plans are being developed for renovations of the Mt. Isa courthouse.

Further, the executive government allocated \$1.5M funding for the technological upgrading for the higher courts. The District Court is beginning to catch up with the court systems of other States.

The District Court is the trial court for almost all trials involving children as witnesses. Six of the Brisbane trial courtrooms were fitted with sophisticated voice amplification facilities, essential for the conduct of most trials involving children as witnesses. In Brisbane there was only one courtroom equipped to protect children or other vulnerable witnesses by enabling them to give evidence from outside the courtroom by remote video-link. A second trial courtroom equipped with those facilities was commissioned after 1 July 2000.

The judges' access to library facilities has improved. By February 2000 some of the judges had been provided with internet connections and could communicate by e-mail. Almost one third of the judges – the 11 regional judges – were unable to do so until recently. These facilities should have been in place long ago.

### **Performance**

The court again performed very well. This court is the busiest trial court in Queensland. In Brisbane, during 1999/2000 approximately 4,181 indictments and transmitted summary offences against 3,824 defendants were registered on the Criminal Register System (which registers and processes the criminal records of the courts in Brisbane). Of these 3,542 matters were for the District Court in Brisbane.

In Brisbane in its criminal jurisdiction the court began the year with 857 active outstanding cases and ended the year with 974, having disposed of 3,111 matters. The dedication of the judges of the Criminal Listing Taskforce ensured that the disposition rates remained efficient. It was pleasing that in Brisbane 84% of these criminal matters were disposed of within six months of commencement (up from 81% in the year 1998-1999).

This year the court also disposed of 1039 criminal matters in Southport, 900 in Cairns, 554 in Beenleigh, 449 in Ipswich, 424 in Maroochydore, 414 in Townsville and 332 in Rockhampton. Many others were disposed of in the circuit centres, including 161 in Toowoomba. These figures do not include the matters dealt with by judges of the court sitting as judges of the Children's Court of Queensland.

However many minor matters, albeit constituting indictable offences, are clogging the system. These can and should be dealt with summarily. The court does not have the resources to spend on jury trials for matters which could appropriately be dealt with by the magistrates.

In civil the court in Brisbane began the year under report with 369 cases awaiting a hearing and ended the year with only 136. The number of cases outstanding at the end of the year 1997-1998 and 1998-1999 were respectively, 262 and 254. Indeed, for the last six months of the reporting period all matters which had been entered for hearing were offered a date for trial at the first callover. These figures do not include the matters dealt with by judges of the court sitting as judges of the Planning and Environment Court or constituting the Health Practitioners Tribunal.

In the course of the year in Brisbane 515 civil cases were entered for trial (compared with 931 in 1998-1999 and 1050 in 1997-1998), in Southport 137 were entered (221 in 1998-1999, 245 in 1997-1998) and 116 in Maroochydore (103 in 1998-1999, 148 in 1997-1998).

There has been a marked decrease in the number of claims (plaints) filed. The causes of the decrease appear to be firstly an increase in the matters which are actively managed by the judges. Secondly the Uniform Civil Procedure Rules are having the desired effect of more litigators resolving issues prior to trial without court intervention. Finally the court's Alternative Dispute Resolution mechanisms and those contained in statutes covering motor vehicle and work-related personal injury claims are resolving matters prior to court proceedings being instituted or prior to trial.

However the court lacks the capacity to track and monitor efficiently the progress of cases from the commencement of the point of readiness for trial. Appropriate staff and technological resources are not yet available.

Apart from its trial work a considerable part of the court's work consists of its considerable appellate load and its applications (formerly chambers) load.

At the appellate level the court in Brisbane disposed of 213 appeals. The court determined 118 criminal and 62 civil appeals from Magistrates Courts as well as 33 appeals from other tribunals or boards such as the Queensland Building Tribunal. The court's appellate work has increased with 462 appeals determined during the year at the major centres throughout

Queensland, compared with 403 and 311 in 1998-1999 and 1997-1998 respectively. It is still not possible to ascertain easily the number of appeals heard throughout Queensland.

#### *Comparative Performance*

The District Court has performed well when viewed against other comparable Australian courts. The Report on Government Services 2000, released in February 2000 by the Steering Committee for the Review of Commonwealth/State Service Provision, allows this comparison to be made. In that period, this court disposed of 93% of its criminal cases within 12 months (70% within 6 months), by contrast with the District/County Courts of South Australia (95% within 12 months), Victoria (80%), Western Australia (79%) and New South Wales (67%).

In that year on the civil side of the court's work, this court disposed of 44% of its cases within 12 months (25% within 6 months). This compares unfavourably with Western Australia (75%) but favourably with New South Wales (49%) and Victoria (41%). This is explained partly by jurisdictional differences and partly by this court's continuing inability, for want of sufficient resources in technology and personnel, to track civil cases adequately from commencement to readiness for trial. Nonetheless litigants experience minimal delay from readiness for trial to hearing and judgment.

#### **The Chief Judge's commitments**

The Chief Judge maintained her commitment to sit in court both in Brisbane and on circuit. During the year under report she sat on circuit for a total of six weeks in three of the busiest regional centres, Cairns, Southport and Maroochydore and in one of the biggest circuit centres, Mackay. Apart from her considerable administrative load, she also sat in Brisbane for a total of 17 weeks in the civil, criminal and applications (chambers) jurisdiction and in the Planning and Environment Court.

By visiting centres outside Brisbane the Chief Judge had the opportunity to monitor court performance and assess needs in those areas. Those occasions were also useful opportunities to exchange views with the local legal profession and the local community. Last year, the Chief Judge together with the Honourable the Attorney-General and the Chief Stipendiary Magistrate, was privileged to have the opportunity to address the Aboriginal and Torres Strait Islander communities in Bamaga during the course of community consultations involving the community justice centre which was in the process of construction. On 28 April 2000 together with the Chief Justice of Queensland, the President of the Court of Appeal and the Chief Stipendiary Magistrate, the Chief Judge represented the District Court at the opening by the Honourable the Attorney-General of the new Community Justice Centres at Kowanyama and Bamaga. These visits to these remote

places where District Court judges travel on circuit were an important opportunity to recognise publicly the court's commitment to the delivery of justice to all Queenslanders.

Working to ensure the most effective delivery of judicial service depends on the co-operative support of the legal profession. The Chief Judge with some of the judges met during the year for discussion of issues relevant to the optimal delivery of legal services with the presidents and executive officers of the professional associations, the Director of Public Prosecutions and the Public Defender.

In the course of the year the Chief Judge issued a number of Practice Directions which are identified later in the report, covering diverse subject matters in its criminal and civil jurisdictions.

### **The court's operation outside Brisbane**

The judges of the court are strongly committed to ensuring that people in outback, rural and regional Queensland continue to enjoy their ready access to the court despite this court's increasing and additional workloads.

There are resident judges in the regional centres of Cairns, Townsville, Rockhampton, Maroochydore, Southport, Ipswich and Beenleigh. The resident judges operate the court in each centre. Considerable additional assistance from the Brisbane judges is essential to assist with the orderly disposition of the caseloads in most of these centres. Not only a growing workload but insufficient judicial resources mean that in most regional centres the resident judges alone cannot dispose of the region's workload. During the year Southport required 37 weeks of assistance from other judges, Maroochydore required 29 weeks and Ipswich and Cairns each required 17 weeks.

The regional judges labour under difficult circumstances. None had access to a full-time secretary except the two Cairns judges who share with the Supreme Court's Far Northern judge and the three Southport judges had spasmodic access to a part-time secretary.

The efficient disposition of the court's business in some regional centres is exacerbated by there being no registry staff designated solely for the District Court Registry. In those centres Magistrates Court staff deal with District Court matters and sometimes the registrar of the District Court is not only also the registrar of the Magistrates Court but regularly sits

as an Acting Magistrate. This is a curious arrangement. Judges must deal with their registrar on a regular basis, and those judges hear all appeals from the Magistrates.

One cannot underestimate the importance of giving regional judges sufficient opportunity to sit in Brisbane. It is also beneficial to the court that Brisbane judges experience other court centres and that practitioners in those centres experience the approaches of other judges. Most regional judges currently sit in Brisbane for at least two weeks each year. The Chief Judge would prefer that they sat in Brisbane for at least four weeks annually in order to foster collegiate spirit of the court. At the time of writing there were still two regional judges sitting alone without the support of another judge of the higher courts. That figure was reduced by the transfer of a judge from Brisbane to Maroochydore on 28 August 2000.

### **Courts Modernisation Project**

The court is anxious to see how the Courts Modernisation Project will assist the District Court. Nothing has been delivered so far. The court requires a fully integrated and secure Statewide criminal listing system. It is important that an evaluation be made of the Criminal Register System which is used in Brisbane, whether that system might be improved and that the system most suitable for the co-ordination throughout the State of the multitude of criminal lists in the registries throughout the State, be identified and implemented.

### **Judicial Resources**

The court cannot trim its judicial functions. The court is bound to hear and determine cases brought within its jurisdiction. A sufficient number of judges is critical to the orderly disposal of the court's business throughout the State.

The allocation of judicial resources to the rural, regional and outback centres will soon have a serious effect on the disposal rate of cases in Brisbane. In the calendar year 2000 circuit requirements meant that there are only 548 weeks allocated to the criminal side of the court's business in Brisbane, whereas in 1999 there were 599 weeks.

During the calendar year 1998 there were 35 judges (including 11 regional judges) on the court as now. Also in 1998 there were six acting judges in Brisbane. They provided 91 weeks of judge sitting time. This is the equivalent of the annual judge sitting time of more than two judge years. This was the equivalent of 37 judges on the court. In 1999, three acting judges contributed 40 judge sitting weeks in Ipswich (about one judge-sitting year).

This was the equivalent of 36 judges on the court. In 2000, two acting judges contributed 10 judge sitting weeks (almost one quarter of a judge year) in Ipswich.

However the number of judge-weeks available for the dispatch of the court's business is decreasing. In the calendar year 1998 there were 1576 judge-weeks available in the calendar year 1999 there were 1437 and in 2000 there were 1436 available weeks. The judge-weeks available for the court's business in Brisbane have also been reduced from 1124 in the calendar year 1998, to 963 in 1999 and 1002 in 2000 as appears from the tables following this overview. The Brisbane judges' circuits to outback, regional and rural Queensland have increased.

Delays and backlogs are steadily increasing in some circuit and regional centres despite the best efforts of the court. The number of weeks in which judges went on circuit to outback, rural and regional Queensland increased from 237 weeks in the calendar year 1998 to 362 weeks in the calendar year 2000. In 1998 the average time spent away on circuit was 6.4 weeks. In 2000 available judicial resources were reduced by 126 weeks of long leave entitlements being taken, but the only additional judicial resources provided were an acting judge for 10 weeks. Thus in the calendar year 2000 the average time spent away on circuit was 11.46 weeks for Brisbane judges and 7.73 weeks for regional judges.

The circuit commitment of the Brisbane judges has increased enormously, from an average of 7.57 weeks in 1998 to 11.46 weeks in 2000. Some judges spend up to 17 weeks on circuit. In the calendar year 2000 the Brisbane judges were allocated at least 12 weeks each circuit, some more. This increase has placed the judges under increasing stress with the considerable difficulties involved in working extensive periods away from chambers and the personal dislocation resulting from the lengthy periods away from home.

| Year | Weeks on circuit during year* |                             |                             |
|------|-------------------------------|-----------------------------|-----------------------------|
|      | Average per judge             | Average for Brisbane judges | Average for regional judges |
| 1998 | 6.4                           | 7.57                        | 3.63                        |
| 1999 | 8.5                           | 10.29                       | 4.9                         |
| 2000 | 10.34                         | 11.46                       | 7.73                        |

\* The weeks contributed by the acting judges are taken into account in the calculations.

The costs of circuits are high. A significant amount of this court's financial resources, as well as its judicial resources are spent on servicing the court's increasing circuit load, despite the Brisbane court being under-resourced both financially and judicially. A saving on circuit expenses has now been made by placing another permanent judge in Maroochydore. Southport also needs another permanent judge and this would alleviate the need for Brisbane judges to provide support in Southport and to service centres comparatively close to Southport such as Warwick, Stanthorpe, Beenleigh and Ipswich.

### **Positive Initiatives**

#### *Criminal Listing Taskforce*

Early in the year under report the Chief Judge instituted a Criminal Listing Taskforce with Judge Brian Hoath as its Director. He, Judge Kerry O'Brien, Judge John Robertson and Judge Michael Shanahan, with the Chief Judge, have shared the load of Brisbane's criminal listing and case management. The taskforce undertakes the setting down of all matters at the general callovers, the juvenile callovers, the breach callovers and the Commonwealth callovers as well as dealing with the daily mentions and reviews of matters set down for trial. Dates for sentences and trial dates are allocated as well as dates for the hearing of pre-trial applications by a taskforce member at the daily mentions. Through the hard work of the Taskforce a creditable rate of disposition has been maintained, despite there being less judge time available in Brisbane for the determination of criminal matters in the later part of the year under report.

### **Other Initiatives**

#### *Court webpage (www.courts.qld.gov.au)*

The court maintains a comprehensive webpage which provides details of the composition and operation of the court. Judgments of the District Court and of the Planning and Environment Court are posted on the webpage soon after delivery. The judges have considered the criticisms raised through the Australian Institute of Judicial Administration 1998 report "Courts and the Public". They are concerned to develop pro-active ways to meet the challenges offered by that report in striving to make the court more accessible to the public and to those who need to use its services. The webpage facilitates that process.

Details of expenditure on overseas travel by judges during the year under report have been posted on the court's webpage.

### *Monitoring the jury system*

The judges are determined to monitor and refine the processes of the court. Juries are an integral part of the criminal side of this court's business and they account for a significant proportion of the court's budget. A survey of 491 jurors was undertaken following the Chief Justice's authorization on 21 October 1999, pursuant to s 70(9) of the *Jury Act* 1995.

These jurors were surveyed on their level of satisfaction with notices and information, the quality of court services and facilities, their experience of the empanelment process and such other matters as the usefulness of the judge's summing up and the potential stress impact of trials on jurors. The results indicated some areas where with adequate resources the court could improve things for the jurors. The judges appreciate the personal cost to jurors that the interruption jury service causes to their personal and business lives. The survey results are available on the court webpage (Court webpage - [www.courts.qld.gov.au](http://www.courts.qld.gov.au)).

Following this survey and having regard to its results and the results of an earlier, more comprehensive survey of New Zealand jurors, Judge Michael Shanahan conducted a seminar for the judges on 'Managing the Criminal Jury'.

The court owes much to the Director-General, Ms. Jane Macdonnell for her acute understanding of the court's resource problems and her unstinting efforts to alleviate them within budgetary constraints. I also express my gratitude for her implementing systems whereby the judges of the higher courts are consulted and informed on planning and proposed infrastructure improvements. This was especially evident with the recent technological improvements to the courtrooms, the consultation with the Brisbane Law Courts Complex Option Study and facilitation of the Courts Administration Committee.

### **Continuing Judicial Education**

During the year the judges participated in many processes of continuing judicial education, both individually and collegially, including by overseas travel using the jurisprudential allowance. It has been many years since the judges of this court were provided with cultural awareness training. It is most important that they be given the opportunity to do so in the near future.

There had been a deal of publicity last year concerning the treatment of children as witnesses in the courts. A Four Corners programme elicited some controversy. There was some positive response to the concerns of the judges, members of the profession and the

public with the higher courts in Brisbane received some funding for remote witness rooms and voice enhancers.

Thus the District Court Judges' Third Annual Pre-Easter Conference on 19-20 April 2000 began with an open session on "Children as Witnesses". The session was held in the Banco Court with the approval and in the presence of the Chief Justice of Queensland, the Honourable Paul de Jersey AC. The judges, judicial officers of other courts, the Honourable the Attorney-General, members of the professions, public servants and some interested members of the public also attended. This session was advertised on the court webpage.

Some of the practical aspects, as well as the law, concerning children as witnesses, especially in criminal trials was examined. Judge John Robertson, President of the Children's Court and two experienced judges from other States, Judge Toni Kennedy (WA) and Judge David Jones (Vic) presented papers on how their courts handle this issue. The Director of the Queensland Law Reform Commission, Mrs Penny Cooper also spoke about the Commission's then forthcoming report.

There was a demonstration of the operation of the video court and remote witness room in the Law Courts Complex at the conclusion the speeches.

Presenters at other sessions of the pre-Easter conference included the Hon. Justice Thomas, Judge Pratt Q.C., Judge Robin Q.C. and Judge O'Brien, Ms Lindy Willmott (QUT), Associate Professor Kathy Daly (Griffith University), Mr Gerard Palk, Mr David Bancroft, Mr Ian Deardon and Mr Paul Hopgood. At the Planning and Environment Court Judges' conference also held in the pre-Easter period, presenters included Senior Judge Skoien, Judge Newton, Judge Brabazon, Mr Stafford Hopewell (Department of Planning and Local Government) and Ms Rosanne Meurling.

Two other seminars for the judges were held throughout the year. Judge O'Brien and Judge Brabazon presented papers on criminal compensation and Judge Michael Shanahan (as previously mentioned) presented a paper on the management of criminal juries. These papers have been of practical assistance to the judges.

In September 1999 the judges participated in a presentation by forensic scientists from the John Tonge Centre for Forensic Sciences in the Banco Court, covering a range of topics, particularly DNA profiling.

### **Conclusion**

I again thank my colleagues, the judges, for their support for me and their untiring dedication to the court during my first year in office. Without their support and commitment my role as Chief Judge would be most difficult. That they have worked so hard and so efficiently despite the resource obstacles to which I have referred, is testament to their commitment to the people of Queensland.

The work of the court is best discharged through a collegiate approach. This applies not only within the District Court but also between the various courts. The leadership provided by the Honourable Paul de Jersey AC, Chief Justice of Queensland is warmly acknowledged as is the wise advice of the Senior Judge Administrator, the Honourable Justice Moynihan.

The Court Administrator, Ms Bronwyn Jolly and her dedicated staff have provided unstinting, selfless service to the court and to each of the judges. I am especially grateful to Ms Jolly for her untiring assistance during the year. The Registrar, Mr Ken Toogood, and his staff, the bailiffs and other people who contribute to the complex administration of a busy trial court have each enhanced the efficiency of the court. I am grateful to them all.

**AVAILABLE JUDGE-WEEKS 1998, 1999, 2000**

| 1998                      | Queensland | Brisbane | Regions |
|---------------------------|------------|----------|---------|
| Weeks p.a.*               | 1576       | 1124     | 448     |
| Circuits p.a.             | 237        | 197      | 40      |
| Average weeks per judge** | 42.59      | 42.23    | 40.72   |
| % of circuit weeks p.a.   | 15.03%     | 17.53%   | 8.92%   |

| 1999                      | Queensland | Brisbane | Regions |
|---------------------------|------------|----------|---------|
| Weeks p.a.*               | 1437       | 963      | 474     |
| Circuits p.a.             | 306        | 247      | 59      |
| Average weeks per judge** | 39.91      | 40.12    | 39.95   |
| % of circuit weeks p.a.   | 21.29%     | 25.65%   | 12.45%  |

| 2000                      | Queensland | Brisbane | Regions |
|---------------------------|------------|----------|---------|
| Weeks p.a.*               | 1436       | 1002     | 434     |
| Circuits p.a.             | 362        | 275      | 87      |
| Average weeks per judge** | 38.58      | 41.75    | 38.58   |
| % of circuit weeks p.a.   | 25.20%     | 27.45%   | 20.05%  |

\* These are the total number of judge-weeks available for the court's business each year, after taking into account vacation, long leave and special (including maternity) leave. In 1998, there were 213 weeks and in 1999, 78 weeks of long leave. In 2000 there were 126 weeks of special and long leave.

\*\* There are 35 permanent judges. In the calendar year 1998 there were 6 acting judges in Brisbane contributing the equivalent of two judge years; in 1999 there were 3 acting judges in Ipswich contributing the equivalent of one judge year, and in 2000 two acting judges contributed 10 weeks at Ipswich.

## Judges of the District Court

During the year under review there were, in addition to the Chief Judge, 34 judges of the District Court of Queensland.

### Chief Judge

Her Honour Judge Patricia Mary Wolfe

### Judges

His Honour Senior Judge John Mostyn Hanger  
(Southport)

His Honour Judge Eric Charles Ernest Pratt, Q.C.

His Honour Senior Judge Nelson Anthony Skoien

His Honour Judge Robert David Hall (Southport)

His Honour Senior Judge Gilbert Trafford-Walker

His Honour Judge Thomas Joseph Quirk

His Honour Judge Warren Howell

His Honour Judge Ian MacGregor Wylie, Q.C.

His Honour Judge Keith Stuart Dodds (Maroochydore)

His Honour Judge Anthony Joseph Healy, Q.C.

His Honour Judge Manus Boyce, Q.C.

His Honour Judge Garry Spencer Forno, Q.C.

His Honour Judge Brian James Boulton

His Honour Judge Hugh Wilfrid Harry Botting

His Honour Judge Michael John Noud

His Honour Judge Kerry John O'Brien

His Honour Judge Neil Ferguson McLauchlan, Q.C.

His Honour Judge Philip David Robin, Q.C.

His Honour Judge Brian Charles Hoath

His Honour Judge John Elwell Newton (Southport)

Her Honour Judge Helen O'Sullivan

His Honour Judge Peter James White (Cairns)

His Honour Judge Philip Grahame Nase (Beenleigh)

His Honour Judge John Mervyn Robertson

His Honour Judge Michael William Forde

His Honour Judge Charles James Lennox Brabazon,  
Q.C.

His Honour Judge Douglas John McGill, S.C.

His Honour Judge Clive Frederick Wall, R.F.D., Q.C.  
(Townsville)

His Honour Judge Robert Douglas Pack (Townsville)

**Judges (cont.)**

His Honour Judge Nicholas Samios

His Honour Judge Grant Thomas Britton S.C.  
(Rockhampton)

Her Honour Judge Deborah Richards (Ipswich)

Her Honour Judge Sarah Bradley (Cairns)

His Honour Judge Michael John Shanahan



*Judges of the District Court*

## **Appointments and Retirements**

In the Annual Report for the previous year, the contribution of the former Chief Judge, His Honour J P Shanahan, was warmly acknowledged. His retirement on 9 August 1999 brought to an end his five years as Chief Judge of the District Court. It also marked the end of 27 years on the District Court Bench.

On 10 August 1999, Her Honour Judge Wolfe was sworn in as Chief Judge of the District Court. Her Honour Judge Wolfe has served on the District Court since 1995. Prior to judicial appointment, she was a barrister practising mainly in civil matters, and had served as the Deputy Commissioner of the Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct (1988-1989) and Chairperson of the Committee of Review into Land Policy and Administration in Queensland (1990), and as a Hearing Commissioner of the Human Rights and Equal Opportunity Commission (Commonwealth) (1992-1995).

On 19 August 1999, His Honour Judge M J Shanahan was appointed a judge of the District Court. On the occasion of his swearing in on 23 August 1999, it was noted that he came to the court with prodigious experience in the criminal law and wide administrative experience in the criminal justice system, especially through his role as Public Defender at Legal Aid Queensland. He was admitted as a barrister in 1977. Prior to his judicial appointment, he had served with distinction as an acting judge of the District Court from August until December 1998.

### **Acting Judges**

Because of the absence of Her Honour Judge Richards on maternity leave, acting judges were appointed to Ipswich.

Ms Leanne Clare, recently appointed to be the Director of Public Prosecutions, was appointed to act as a Judge of the District Court from 1 July 1999 to 11 August 1999 and from 3 February 2000 to 31 March 2000. Ms Clare has worked with the Director of Public Prosecutions since 1986. She has specialised in appeal work since 1995.

Ms Catherine Holmes was appointed an acting judge from 12 August 1999 to 12 November 1999. She was appointed a judge of the Supreme Court on 16 March 2000. The Honourable Justice Holmes has been a barrister since 1984, specialising in administrative law, civil litigation and criminal law.

Mr Milton Griffin SC was appointed an acting judge from 15 November 1999 to 14 January 2000. He had been previously commissioned as an acting judge of this court from 12 October 1992 to 29 November 1992. Mr Griffin SC has a diverse and active practice at the Bar.

## **Specialist Courts**

The judges who sat in the Planning and Environment Court and Children's Court during 1999-2000 are listed below:

### **Planning and Environment Court**

Chief Judge Wolfe  
Senior Judge Hanger  
Senior Judge Skoien  
Judge Dodds  
Judge Quirk  
Judge McLauchlan Q.C.  
Judge Robin Q.C.  
Judge Newton  
Judge White  
Judge Nase  
Judge Brabazon Q.C.  
Judge Wall Q.C.  
Judge Pack  
Judge Britton S.C.

Some District Court judges are commissioned to sit as Children's Court judges. In that capacity judges have jurisdiction to sit without a jury to try a child for any offence for which the child has been committed for trial if the child so elects (ss 49 and 72 *Juvenile Justice Act* 1992). The judges who sat in the Children's Court during 1999-2000 are listed below.

### **Children's Court**

Judge Robertson (President)  
Senior Judge Hanger  
Senior Judge Trafford-Walker  
Judge O'Brien  
Judge White  
Judge Nase  
Judge Wall Q.C.  
Judge Pack  
Judge Britton S.C.  
Judge Richards  
Judge Bradley

Judge Shanahan (from 22 October 1999)

Judge Healy (from 26 May 2000)

Judge Samios (from 26 May 2000)

## **Jurisdiction and sittings of the District Court**

The District Court of Queensland is constituted under the *District Court Act 1967*. It is the principal court in Queensland for the trial of persons charged with serious criminal offences. The court's civil jurisdiction, including the equitable jurisdiction, is generally limited to matters involving \$250,000 or less. The District Court hears all appeals from the Magistrates Courts as well as from decisions of a number of tribunals and other statutory bodies.

Judges of the District Court sit in its criminal and civil jurisdiction. Some sit in the Planning and Environment Court, the Children's Court and in the Health Practitioners Tribunal.

The court sits in a number of locations. Judges are based in Brisbane, Cairns, Townsville, Rockhampton, Maroochydore, Beenleigh, Southport and Ipswich. Judges also travel on circuit to other centres throughout the State. At those centres judges rely on registry support as is available from staff of the Magistrates Court service.

Judges were allocated to the various jurisdictions, centres and circuits based on the volume of work which was anticipated. At the start of the 1999-2000 year, it was calculated that demands would be met by allocating 221 judge weeks to circuits in places where there was no resident judge, 344 judge weeks to Brisbane criminal sittings, 136 judge weeks to Brisbane civil sittings, 63 weeks to the Planning and Environment Court, 50 weeks to Applications Court (formerly Chambers) and Appeals, and 11 weeks to the Children's Court. Judges also travelled to regional centres where there are resident judges. This work is not reflected in those figures.

### **Regional Courts and Circuit Sittings**

The District Court of Queensland exercises its jurisdiction throughout Queensland.

The majority of the judges are based in Brisbane. Eleven judges are based permanently in other major or regional centres at Cairns, Townsville, Rockhampton, Maroochydore, Southport, Ipswich and Beenleigh. The regional judges deal with matters in those centres and, if the amount of work at their centre permits, travel to circuit centres within their general region. They also travel to Brisbane to preside there for a few weeks throughout a year. This provides an opportunity for discussion with other judges. It provides some

counter to the inevitable effect of isolation by exposing the judge to peer influence. Brisbane judges also travelled fairly extensively throughout Queensland to the circuit and regional centres. At the regional centres they assist with local lists and expose the regional profession to the reasonable demands of other judges.

All regional centres continued to manage heavy workloads. Despite heavy criminal workloads, few courthouses are equipped for taking vulnerable witnesses' evidence from a location outside the courtroom. The details of these workloads are set out later in this report. Some required considerable assistance from the judges based in Brisbane.

The size and decentralisation of Queensland has the consequence that there is significant work for the District Court spread throughout the state. Judge time required to attend to this makes it impracticable to base all judges in one centre to travel throughout the state. However, basing a lone judge at a centre imposes an isolation upon the judge which is more significant than if two or more judges are based at that centre. Moreover, if two or more judges are based at a centre, duplication of resources and the provision of secretarial services may be reduced and both the judicial and administrative workload may be shared by the judges. With sufficient judges based in a centre, the circuit workload may be shared more equitably amongst the judges.

## **Regional Courts**

### **Maroochydore**

District Court judges first sat at Maroochydore on circuit in October 1990. The amount of work at Maroochydore increased. Judge Keith Dodds took up residence at Maroochydore in September 1993, sitting at Maroochydore and also attending at some circuit centres in the region.

The amount of work at Maroochydore increased rapidly, so that by 1995 other judges were visiting to assist, and by 1996, the Maroochydore judge remained at Maroochydore throughout the year, increasingly assisted by visiting judges.

In September 2000, Judge John Robertson was also based at Maroochydore. Both judges will work at Maroochydore and will travel to some circuit centres in the region, to an extent relieving Brisbane based judges of some of their circuit load. The increasing workload at Maroochydore alone, however, will continue to require some assistance from visiting judges.

Maroochydore is a busy District Court. For the 12 months ended June 2000 its throughput of civil work was the third highest in the state behind Brisbane and Southport, with 82 per cent of matters disposed of within six months of the parties indicating a matter was ready for trial and in excess of 96 per cent of matters disposed of within 12 months of that indication.

In the criminal jurisdiction, whilst there were more matters dealt with at other regional centres, such as Southport where three judges are based, Cairns where there are two and Beenleigh and Ipswich, Maroochydore disposed of in excess of 92 per cent of criminal matters within six months of presentation of indictment and in excess of 97 per cent within 12 months of presentment.

Registrars at Maroochydore have done everything within their power to provide a first class District Court Registry and administration. The registry is, however, a large Magistrates Court registry. As the Registrar is required to do, staff are rotated into and out of District Court duties, with a consequence that experienced administrative staff, capable of relieving the judge of some administrative load, come and go. It would be of considerable benefit if these administrative staff could form the nucleus of a dedicated, permanent District Court registry.

Secretarial assistance has never been available to the judge based at Maroochydore. The judge's associate therefore performs this role. It is not, however, part of the associate's job description and work must be done whenever time permits or outside normal public service hours. Some secretarial assistance is required.

In Maroochydore there were 43 weeks of criminal sittings during the year, disposing of 424 cases. The number of cases awaiting disposal at the end of the year increased to 62.

There was a further decline in the number of civil cases entered for trial during the year resulting in only 30 cases awaiting hearing at the end of the year.

## **Southport**

There are three judges based at Southport – Senior Judge Hanger and Judge Hall and Judge Newton. After Brisbane, Southport has the greatest criminal and civil workload of any centre. Senior Judge Hanger took long leave during part of the year as did Judge Hall.

During their absence a number of judges, including the Chief Judge, travelled to Southport to conduct civil and criminal sittings. In Southport there were 84 weeks of criminal sittings during the year, disposing of 1039 cases. The number of cases awaiting disposal at the end of the year decreased to 190.

There was a further decline in the number of civil cases entered for trial during the year resulting in only 43 cases awaiting hearing at the end of the year.

## **Rockhampton**

Judge Britton is the regional judge.

In Rockhampton, there were 28 weeks of criminal sittings during the year. 46.4% of matters presented were disposed of within three months and a further 23.5% within six months. Of the 349 cases presented during the year, 332 were disposed of in 2000. The number of cases awaiting disposal at the end of the year increased to 104.

In Rockhampton there has been a significant reduction in the number of civil matters applying to be set down. This probably reflects the use of settlement conferences. In the civil jurisdiction, only 10 cases were awaiting hearing at the end of the year.

## **Townsville**

There are two judges based at Townsville – Judge Wall and Judge Pack. A number of judges travelled to Townsville to conduct civil and criminal sittings. In Townsville there were 50 weeks of criminal sittings during the year, disposing of 414 cases. 454 cases were presented for trial during the year, the number of cases awaiting disposal at the end of the year increased to 223.

Taking into account 8 weeks when the Brisbane judges conducted sittings in Townsville, approximately 56% of the working year in Townsville was devoted to crime. The two Townsville based judges divided their workload evenly between Townsville crime on the one hand (51%) and Townsville civil and northern district planning and environment work on the other hand (49%). Much of the planning and environment work in the northern district (Sarina to Cardwell) is dealt with by the Townsville based judges but on occasions they are unable to service properly Mackay because of other commitments. The balance of their year was devoted to circuit commitments in Charters Towers, Hughenden, Bowen, Mackay and Brisbane.

There was a further decline in the number of civil cases entered for trial during the year resulting in only 9 cases awaiting hearing at the end of the year.

## **Cairns**

There are two judges based at Cairns – Judge White and Judge Bradley. Judge White took long leave during part of the year and during his absence a number of judges travelled to Cairns to conduct civil, planning and environment and criminal sittings. In Cairns there were 51 weeks of criminal sittings during the year, disposing of 900 cases. With 880 cases being presented for trial during the year, the number of cases awaiting disposal at the end of the year increased to 299.

There was a further decline in the number of civil cases entered for trial during the year resulting in only 16 cases awaiting hearing at the end of the year.

## **Ipswich**

Judge Richards is the regional judge.

In Ipswich there were 33 weeks of criminal sittings during the year. 54.6% of matters presented were disposed of within three months and 24.5% within 6 months. The tables which follow show that there has been a decrease in the number of indictments presented.

In Ipswich there has been a significant reduction in the number of civil matters applying to be set down. This probably reflects the use of settlement conferences. In the civil jurisdiction only 2 cases were awaiting hearing at the end of the year.

## **Beenleigh**

Judge Nase is the regional judge.

The Beenleigh District has a very heavy workload of criminal cases (approximately 20% of the Brisbane workload). Workloads in the civil and planning and environment jurisdictions are relatively small. The community served by the court is a large one. The boundaries extend south to Tamborine, west to Jimboomba, east to the Coral Sea (including part of South Stradbroke Island) and north to the Kuraby-Underwood area. Rural, semi-rural and urban areas lie within the District.

Physically the District Court was grafted onto an existing Magistrates complex. Beenleigh has a small registry operating out of the general Magistrates Court registry. There is a basic library for the court. Unfortunately Beenleigh was not included in the first issue of Compaq laptop computers to the judges. Any necessary legal research can be undertaken at the Supreme Court Library in Brisbane. Despite these difficulties the court's staff work hard to deliver justice to the community.

In Beenleigh, there were 35 weeks of criminal sittings during the year. 63.4% were dealt with within 3 months and a further 20.4% within 6 months. The tables which follow show that there has been an increase in the number of indictments presented.

### *Circuits*

Apart from the centres where the court primarily sits using resident judges – Brisbane, Cairns, Townsville, Rockhampton, Maroochydore, Southport, Ipswich and Beenleigh – the judges visit those other centres throughout the State to ensure the expeditious dispositions of caseloads. Those other centres visited this year are set out in the table below.

It is possible and desirable that judges of the court sometimes visit centres more remote from the places they reside. One of the Cairns judges, Judge Bradley has conducted criminal sittings on Thursday Island, Bamaga, Mornington Island, Doomadgee, Kowanyama and Lockhart River. Such initiatives reach back some years when Judge Francis Daly and Judge Peter White sat regularly on Thursday Island.

During any one week of the court year, between two and eight judges were on circuit in rural centres and in regional centres which also have a resident judge. Judges were allocated to circuit centres according to the estimated need for criminal and civil sittings in each location. Circuit arrangements were reviewed and adjusted during the year in response to increases and decreases in the caseload.

Most circuit centres were visited this year. In some smaller circuit centres, such as Emerald and Clermont the sittings are combined. This year, for the first time since March 1998, the District Court conducted a criminal sittings at Clermont.

As part of a 2 week circuit to Mount Isa last year, the District Court sat in two Aboriginal communities, Mornington Island and Doomadgee, and also Normanton. This initiative to sit at these centres is becoming an integral part of the work of this court. Her Honour Judge

Bradley also sat at Kowanyama, Aurukun, Weipa, Thursday Island and Bamaga. His Honour Judge White also travelled on circuit to Thursday Island.

The court is forging important links with Elders of these communities and circuits to these communities will become a regular part of this court's calendared sittings. The commitment of these judges and their scholarly and empathetic approach are an important part of the District Court's administration of justice to all Queenslanders.

The lack of appropriately trained interpreters remains a matter of considerable concern to this court. The need for these interpreters for Aboriginal and Torres Strait Islander accused persons remains high, particularly in remote communities.

The Judges' Aboriginal and Torres Strait Islander Committee has advised that there is also a need for a court-based Indigenous liaison officer, or at the very least, an urgent assessment of that need.

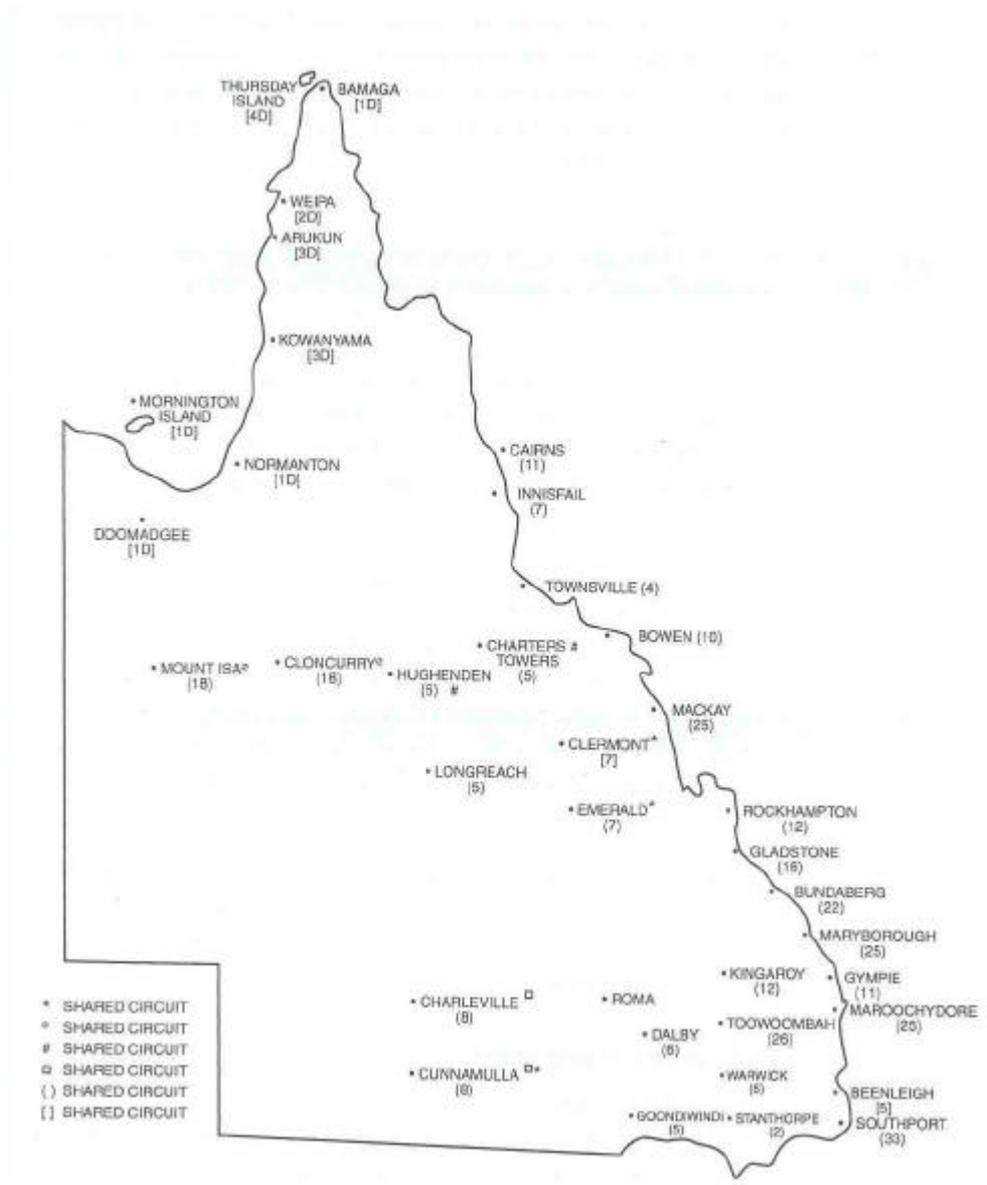


*The District Court sat in the Innisfail Court House for 5 weeks on circuit sittings.*

A list of the centres (excluding those with a resident judge) to which the court travelled on circuit during 1999-2000 appears below:-

|                 |                   |
|-----------------|-------------------|
| Aurukun         | Kingaroy          |
| Bowen           | Kowanyama         |
| Bundaberg       | Longreach         |
| Charleville     | Mackay            |
| Charters Towers | Maryborough       |
| Clermont        | Mornington Island |
| Cloncurry       | Mount Isa         |
| Cunnamulla      | Normanton         |
| Dalby           | Pormpuraaw        |
| Doomadgee       | Roma              |
| Emerald         | Stanthorpe        |
| Gladstone       | Toowoomba         |
| Goondiwindi     | Thursday Island   |
| Gympie          | Warwick           |
| Hughenden       | Weipa             |
| Innisfail       |                   |

Centres visited by Judges of the District Court 1999-2000



## **Criminal Jurisdiction**

The District Court is the principal trial court for persons charged with serious criminal offences under the Criminal Code. The maximum penalty for some of these offences is life imprisonment. The District Court also exercises extensive federal jurisdiction to try persons for Commonwealth offences including corporate and taxation offences punishable by up to 14 years imprisonment.

Most trials before a judge and jury (except murder, attempted murder, manslaughter and serious drug offences) are conducted in the District Court (s 61 *District Court Act*).

The *District Court Act 1967* (s 63) provides that trials in the District Court must be tried by a judge and jury. As was mentioned in the Annual Report for 1997-1998, jury duty is the price of citizenship in a democracy such as ours. The judges continue to be impressed by the conscientious manner in which jurors discharge all of their onerous obligations.

In July 1997 sections 651 and 652 of the Criminal Code came into operation giving the District Court and the Supreme Court power to deal with summary offences in certain cases. This has resulted in the creation of large numbers of extra files annually. Many of these require more work to process than the indictable offences, because the provisions of section 652 have not been complied with when the court deals with the matter. The total number of applications granted by the Magistrates Court was 535, which resulted in 1388 summary offences being dealt with during the year at Brisbane by the District Court.

During the year the court conducted a number of criminal trials exceeding 10 days in length. Two exceeded three weeks. Charges ranged from fraud, official corruption, forgery, misappropriation and deprivation of liberty. These complex and lengthy trials required great commitment by the court and the jurors.

## **Criminal case management**

### **Criminal Taskforce update**

The members of the taskforce are the Chief Judge, Judge Hoath, Judge O'Brien, Judge Robertson and Judge Shanahan. The task force aims to maintain an efficient criminal list system. Judge Hoath is the head mentions Judge. The task force aims for consistency between judges at mentions and is assisted by the Criminal List Manager on practice and procedures at mentions to assist in this process.

## Disposition of criminal matters

Table 1 shows the time taken between presentation of an indictment and disposal of cases.

The court again this year achieved a satisfactory disposition rate, with over 80% of matters disposed of within 6 months of presentation of an indictment. This figure of 80% is reflective of Brisbane and other major centres.

**Table 1: Age of cases disposed of – criminal jurisdiction – major centres 1999/2000**

| Percentage disposed of |             |             |             |             |             |
|------------------------|-------------|-------------|-------------|-------------|-------------|
| Time for disposition   | Brisbane    | Townsville  | Cairns      | Rockhampton | Southport   |
| <3 months              | 63.9%       | 50.5%       | 57.6%       | 46.4%       | 59.3%       |
| 3-6 months             | 20.1%       | 14.2%       | 23.0%       | 23.5%       | 21.6%       |
| 6-9 months             | 6.8%        | 8.2%        | 10.0%       | 13.0%       | 10.3%       |
| 9-12 months            | 3.4%        | 9.7%        | 5.3%        | 9.0%        | 3.3%        |
| >12 months             | 5.8%        | 17.4%       | 4.1%        | 8.1%        | 5.5%        |
| <b>TOTAL</b>           | <b>100%</b> | <b>100%</b> | <b>100%</b> | <b>100%</b> | <b>100%</b> |

| Percentage disposed of |             |              |             |             |
|------------------------|-------------|--------------|-------------|-------------|
| Time for disposition   | Ipswich     | Maroochydore | Beenleigh   | Toowoomba   |
| <3 months              | 54.6%       | 73.8%        | 63.4%       | 83.2%       |
| 3-6 months             | 24.5%       | 13.9%        | 20.4%       | 14.9%       |
| 6-9 months             | 9.3%        | 7.8%         | 12.3%       | 1.9%        |
| 9-12 months            | 7.6%        | 2.1%         | 3.2%        | 0%          |
| >12 months             | 4.0%        | 2.4%         | 0.7%        | 0%          |
| <b>TOTAL</b>           | <b>100%</b> | <b>100%</b>  | <b>100%</b> | <b>100%</b> |

Although this satisfactory disposition rate was achieved, the court still had another significant workload this year. In Brisbane, there were 857 criminal cases at the start of the year. The number of cases awaiting trial or sentence at the end of the year was 974.

**Table 2: Annual case load – criminal jurisdiction, Brisbane**

| Number of cases <sup>1</sup>         | 1997-98 | 1998-99 | 1999-00 |
|--------------------------------------|---------|---------|---------|
| At start of year                     | 1061    | 1035    | 857     |
| Presented during year                | 3768    | 3562    | 3230    |
| Disposed of during year <sup>2</sup> | 3806    | 3737    | 3111    |
| Undisposed <sup>3</sup>              | 1067    | 862     | 974     |

The number of cases disposed of during the year increased in most regional centres compared with the previous year. This is shown in Tables 3 to 10 below.

**Table 3: Annual case load – criminal jurisdiction, Townsville**

| Number of cases         | 1997-98 | 1998-99 | 1999-00 |
|-------------------------|---------|---------|---------|
| At start of year        | 59      | 153     | 171     |
| Presented during year   | 415     | 556     | 454     |
| Disposed of during year | 307     | 524     | 414     |
| Undisposed              | 153     | 171     | 223     |

**Table 4: Annual case load – criminal jurisdiction, Cairns**

| Number of cases         | 1997-98 | 1998-99 | 1999-00 |
|-------------------------|---------|---------|---------|
| At start of year        | 116     | 293     | 312     |
| Presented during year   | 792     | 1005    | 880     |
| Disposed of during year | 590     | 875     | 900     |
| Undisposed              | 293     | 312     | 299     |

---

<sup>1</sup> In this table and others in this report referring to a criminal case, the term ‘case’ means a person on an indictment.

<sup>2</sup> ‘Disposed of’ includes trial, sentence, nolle prosequi and no true bill.

<sup>3</sup> Figures may not add up because of breaches and bench warrants issued and executed.

**Table 5: Annual case load – criminal jurisdiction, Rockhampton**

| Number of cases         | 1997-98 | 1998-99 | 1999-00 |
|-------------------------|---------|---------|---------|
| At start of year        | 34      | 90      | 84      |
| Presented during year   | 340     | 309     | 349     |
| Disposed of during year | 277     | 308     | 332     |
| Undisposed              | 90      | 84      | 104     |

**Table 6: Annual case load – criminal jurisdiction, Southport**

| Number of cases         | 1997-98 | 1998-99 | 1999-00 |
|-------------------------|---------|---------|---------|
| At start of year        | 228     | 158     | 210     |
| Presented during year   | 588     | 812     | 1065    |
| Disposed of during year | 633     | 732     | 1039    |
| Undisposed              | 158     | 210     | 190     |

**Table 7: Annual case load – criminal jurisdiction, Maroochydore**

| Number of cases         | 1997-98 | 1998-99 | 1999-00 |
|-------------------------|---------|---------|---------|
| At start of year        | 109     | 63      | 51      |
| Presented during year   | 321     | 369     | 432     |
| Disposed of during year | 330     | 370     | 424     |
| Undisposed              | 63      | 51      | 62      |

**Table 8: Annual case load – criminal jurisdiction, Ipswich**

| Number of cases         | 1997-98 | 1998-99 | 1999-00 |
|-------------------------|---------|---------|---------|
| At start of year        | 82      | 86      | 121     |
| Presented during year   | 369     | 532     | 482     |
| Disposed of during year | 351     | 486     | 449     |
| Undisposed              | 86      | 121     | 168     |

**Table 9: Annual case load – criminal jurisdiction, Beenleigh**

NB: Figures for 1997-98 are for the period February-June only

| Number of cases         | 1997-98 | 1998-99 | 1999-00 |
|-------------------------|---------|---------|---------|
| At start of year        | 37      | 86      | 150     |
| Presented during year   | 236     | 576     | 593     |
| Disposed of during year | 165     | 505     | 554     |
| Undisposed              | 86      | 150     | 192     |

**Table 10: Annual case load – criminal jurisdiction, Toowoomba**

| Number of cases         | 1997-98 | 1998-99 | 1999-00 |
|-------------------------|---------|---------|---------|
| At start of year        | 1       | 9       | 8       |
| Presented during year   | 239     | 244     | 178     |
| Disposed of during year | 223     | 252     | 161     |
| Undisposed              | 9       | 8       | 24      |

## **Civil Jurisdiction**

The District Court's civil jurisdiction is set out in s 68 of the *District Court Act*. The court has jurisdiction in civil actions and matters for up to \$250,000. Where parties to an action consent in writing, the District Court's monetary jurisdiction may be unlimited. With the relevant consent, the District Court has jurisdiction in any matter which might be brought in the Supreme Court (s 72 of the *District Court Act*).

Civil proceedings were instituted by the filing of a claim or originating application. Unless earlier resolved, actions proceeded to trial. There continued to be a significant rate of settlement of actions after the allocation of trial dates.

Some matters were disposed of by judges dealing with interlocutory applications in actions commenced by claims.

## **Case management**

Certain initiatives implemented in the civil listing area of the District Court saw a reduction in the number of matters awaiting hearing from 325 in July 1999 to approximately 138 at the end of June 2000.

Case management of trials by the Chief Judge reduced the number of matters on the list. In the latter part of 1999 the methods used included a concentrated effort at callovers to set down a higher number of cases involving personal injuries claims. Another technique was the allocation of certain matters to judges to review and supervise to achieve maximum use of judicial resources.

## **Uniform Civil Procedure Rules**

The introduction of the Uniform Civil Procedure Rules to the Queensland Courts on the 1<sup>st</sup> of July 1999, saw a single rules regime in all three levels of State courts. The changes introduced by the Uniform Civil Procedure Rules brought about a departure from the practice and procedure in place under the previous District Court Rules.

To assist both litigants and practitioners to understand and apply the new procedures applicable to the District Court, court staff participated in seminars held shortly after the introduction of the new rules.

The District Court Registry in Brisbane strived to achieve consistency in application of the Rules to ensure that similar practices were in place to those applied by all higher courts' registries throughout the State.

## Practice Directions

To provide for a smooth transition from the 'old' to 'new' rules and forms, a number of Practice Directions were issued by the Chief Judge. These Practice Directions were similar in content to those issued by the Chief Justice of Queensland. Of particular assistance to practitioners was the introduction of a transitional Practice Direction to allow for a 3 month period of relaxation of requirements for filing of documents, where it could be shown to a registrar that reasonable efforts had been made to comply with the new rules.

### Practice Directions and other matters

| Number | Description                                                                      | Date Issued        |
|--------|----------------------------------------------------------------------------------|--------------------|
| 6/99   | Rules 977 & 981 Court records<br>(Uniform Civil Procedure Rules 1999)            | 10 September, 1999 |
| 7/99   | Audience before judges – Articled clerks<br>(Uniform Civil Procedure Rules 1999) | 10 September, 1999 |
| 8/99   | Court Holidays - (Uniform Civil<br>Procedure Rules 1999)                         | 9 November, 1999   |
| 9/99   | Property Law Act Sect. 289                                                       | 23 December, 1999  |
| 1/2000 | Taking evidence by telephone                                                     | 21 February, 2000  |

### Other matters of interest

| Description                                                                                                                                              | Gazetted                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| District Court Arrangements<br>Legal Arrangements - 2000 law year                                                                                        | 26 November, 1999                                   |
| District Court<br>Amendment of Court fees<br>Justice Legislation (Variation of Fees and Costs)<br>Regulation 2000<br>Subordinate Legislation 2000 No. 66 | 20 April, 2000                                      |
| Court Fees - G.S.T.<br>Exemption under Division 81<br>A New Tax System (Goods and Services Tax) Act<br>1999                                              | Determination Federal<br>Treasurer<br>1 March, 2000 |

## Disposition of civil cases

The number of active cases at the start of the year in Brisbane and major centres was 608. 942 new matters were entered for trial during the year, and 1302 matters were disposed of. A total of 214 cases had not been determined by the end of the year under review.

In Brisbane there were 136 civil cases which had not been determined by the end of the year, somewhat lower than at the end of the previous two years.

**Table 11: Annual case load – civil jurisdiction, Brisbane**

| Number of cases               | 1997-98 | 1998-99 | 1999-00 |
|-------------------------------|---------|---------|---------|
| At start of year              | 262     | 254     | 369     |
| Entered for trial during year | 1050    | 931     | 515     |
| Disposed of during year       | 1058    | 816     | 748     |
| Undisposed at end of year     | 254     | 369     | 136     |

The annual caseload for each of the major centres outside Brisbane is shown in Table 12 below.

**Table 12A: Annual case load – civil jurisdiction, major centres<sup>1</sup>**

| Number of cases               | Townsville |       |       | Cairns |       |       | Rockhampton |       |       |
|-------------------------------|------------|-------|-------|--------|-------|-------|-------------|-------|-------|
|                               | 97-98      | 98-99 | 99-00 | 97-98  | 98-99 | 99-00 | 97-98       | 98-99 | 99-00 |
| At start of year              | 17         | 20    | 16    | 20     | 21    | 34    | 14          | 15    | 28    |
| Entered for trial during year | 66         | 38    | 29    | 75     | 80    | 50    | 58          | 53    | 27    |
| Disposed of during year       | 63         | 42    | 36    | 74     | 67    | 68    | 57          | 40    | 45    |
| Undisposed of end of year     | 20         | 16    | 9     | 21     | 34    | 16    | 15          | 28    | 10    |

---

<sup>1</sup> There were no civil matters during the 5 months a resident judge was located in Beenleigh in 1997-98.

**Table 12B: Annual case load – civil jurisdiction, major centres<sup>1</sup>**

| Number of cases               | Southport |       |       | Ipswich |       |       | Maroochydore |       |       |
|-------------------------------|-----------|-------|-------|---------|-------|-------|--------------|-------|-------|
|                               | 97-98     | 98-99 | 99-00 | 97-98   | 98-99 | 99-00 | 97-98        | 98-99 | 99-00 |
| At start of year              | 139       | 106   | 81    | 16      | 31    | 8     | 30           | 72    | 33    |
| Entered for trial during year | 245       | 221   | 137   | 55      | 31    | 17    | 148          | 103   | 116   |
| Disposed of during year       | 278       | 246   | 176   | 40      | 54    | 23    | 106          | 142   | 119   |
| Undisposed of end of year     | 106       | 81    | 43    | 31      | 8     | 2     | 72           | 33    | 30    |

**Table 12C(cont.): Annual case load – civil jurisdiction, major centres**

| Number of cases               | Toowoomba |       |       | Beenleigh |       |
|-------------------------------|-----------|-------|-------|-----------|-------|
|                               | 97-98     | 98-99 | 99-00 | 98-99     | 99-00 |
| At start of year              | 29        | 34    | 39    | 0         | 0     |
| Entered for trial during year | 98        | 75    | 41    | 9         | 10    |
| Disposed of during year       | 93        | 70    | 79    | 9         | 8     |
| Undisposed of end of year     | 34        | 39    | 1     | 0         | 2     |

In Brisbane, 99% of civil matters were finalised within nine months of entry for trial. The 9 month disposition rate for other major centres ranged from 88.9% (Townsville), 94.1%

---

<sup>1</sup> There were no civil matters during the 5 months a resident judge was located in Beenleigh in 1997-98.

<sup>1</sup> There were no civil matters during the 5 months a resident judge was located in Beenleigh in 1997-98.

(Cairns), 82.3% (Rockhampton), 82.4% (Southport) to 90.7% (Maroochydore). In Brisbane, where the greater number of civil matters are dealt with 91.7% of civil matters were finalised within six months. Table 13 shows the age of cases finalised in Brisbane and major centres. Across all major centres over 96% of civil matters were finalised within twelve months of entry for trial (Table 13).

**Table 13: Percentage disposition of civil cases within 12 months of entry for trial, major centres 1999-00**

| Percentage disposed of |             |             |             |             |             |
|------------------------|-------------|-------------|-------------|-------------|-------------|
| Time for disposition   | Brisbane    | Townsville  | Cairns      | Rockhampton | Southport   |
| <3 months              | 40.6%       | 25%         | 54.4%       | 37.8%       | 21.0%       |
| 3-6 months             | 51.1%       | 47.2%       | 29.4%       | 37.8%       | 39.8%       |
| 6-9 months             | 7.3%        | 16.7%       | 10.3%       | 6.7%        | 21.6%       |
| 9-12 months            | 0.7%        | 0%          | 4.4%        | 13.3%       | 10.8%       |
| >12 months             | 0.3         | 11.1%       | 1.5%        | 4.4%        | 6.8%        |
| <b>TOTAL</b>           | <b>100%</b> | <b>100%</b> | <b>100%</b> | <b>100%</b> | <b>100%</b> |

**Table 13(cont.): Percentage disposition of civil cases within 12 months of entry for trial, major centres 1999-00**

| Percentage disposed of |             |              |             |             |
|------------------------|-------------|--------------|-------------|-------------|
| Time for disposition   | Ipswich     | Maroochydore | Toowoomba   | Beenleigh   |
| <3 months              | 47.8%       | 52.9%        | 46.8%       | 41.0%       |
| 3-6 months             | 26.1%       | 29.4%        | 25.3%       | 50.5%       |
| 6-9 months             | 21.7%       | 8.4%         | 14.0%       | 6.5%        |
| 9-12 months            | 4.4%        | 5.9%         | 6.3%        | 0.5%        |
| >12 months             | 0%          | 3.4%         | 7.6%        | 1.7%        |
| <b>TOTAL</b>           | <b>100%</b> | <b>100%</b>  | <b>100%</b> | <b>100%</b> |

**Table 14: Proportion of cases disposed of within 12 months of entry for trial – civil jurisdiction, major centres**

| Centre       | 1997-98 | 1998-99 | 1999-00 |
|--------------|---------|---------|---------|
| Brisbane     | 99%     | 98%     | 99%     |
| Townsville   | 90%     | 93%     | 89%     |
| Cairns       | 97%     | 100%    | 99%     |
| Rockhampton  | 96%     | 95%     | 96%     |
| Southport    | 97%     | 95%     | 93%     |
| Ipswich      | 100%    | 91%     | 100%    |
| Maroochydore | 100%    | 97%     | 97%     |
| Toowoomba    | 100%    | 90%     | 92%     |
| Beenleigh    | N/A     | 98%     | 98%     |

## Appellate Jurisdiction

The court's appellate jurisdiction is increasing and is conferred on the court by a broad range of legislation.

Of the 213 appeals filed during the year under review, 85 involved civil or non-criminal or quasi-criminal proceedings.

The court hears all criminal and civil appeals from Magistrates Courts. It also determines appeals from decisions of various tribunals and other statutory bodies. Many, but not the most complex, are criminal appeals under Section 222 of the *Justices Act* 1886.

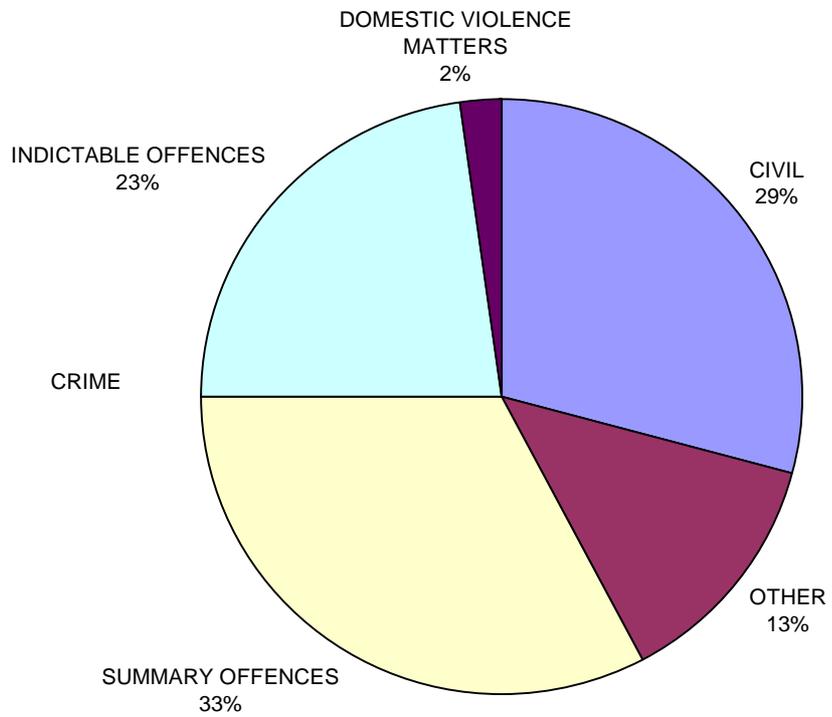
The number of appeals in major centres is shown in Table 15. Many of the appeals involved complex issues of law and there has been a significant increase in this workload across the State. Accordingly, most civil appeals are now set down on the civil callover list to be allocated a date for hearing.

Another key initiative in the case management of appeals at Brisbane was the process of reviewing all outstanding appeals under Section 222 of the *Justices Act* 1886 in November/December 1999. The review by a Judge of the District Court contributed to a reduction in the number of appeals to be heard by the District Court, Brisbane. Significantly, of approximately 94 appeals reviewed in 1999, 52 appeals were completed as at the end of 1999. The majority of the remaining appeals from the review were disposed of in the early part of 2000.

**Table 15: Appeals heard 1999-00**

| Centre       | 1997-98    | 1998-99    | 1999-00    |
|--------------|------------|------------|------------|
| Brisbane     | 150        | 149        | 187        |
| Cairns       | 81         | 59         | 66         |
| Townsville   | 20         | 29         | 11         |
| Southport    | 14         | 62         | 60         |
| Maryborough  | 12         | 6          | 6          |
| Rockhampton  | 10         | 12         | 8          |
| Maroochydore | 7          | 6          | 26         |
| Toowoomba    | 5          | 20         | 8          |
| Other        | 12         | 29         | 90         |
| <b>TOTAL</b> | <b>311</b> | <b>403</b> | <b>462</b> |

The following table reflects the trend in filing and hearing of appeals for the District Court, Brisbane.



1. The criminal appeals include appeals from the Magistrates Court under s 222 of the *Justices Act*, being appeals from decisions made in relation to indictable and summary offences and domestic violence orders.
2. Other appeals include appeals from various boards governing professional registration of some health professional providers and boards governing the registration of other professionals like architects and engineers.

## Applications Court

On 1 July 2000 the Uniform Civil Procedure Rules came into operation, replacing the District Court Rules 1968, which were repealed. This change appears to have had a substantial effect on the number of matters which were dealt with in what was called “chambers”. At this time the concept of a judge sitting “in chambers” was abolished by s 128 of the *Supreme Court Act* 1991, introduced by s 24 of the *Civil Justice Reform Act* 1998. Now all proceedings occur in court although in appropriate circumstances the public can be excluded from the court.

There had been a practice reaching back for several centuries for a judge to sit alone in chambers to exercise jurisdiction in interlocutory matters involving points of practice, and the practice was followed in the District Court in accordance with s 69(3) of the *District Court Act* 1967 and r 332 of the former rules. For many years it has been the practice for one judge to sit in chambers in Brisbane each week to deal with “chamber matters” and appeals, except for those cases where a matter was so substantial that it was appropriate for it to be put on the civil list.

Under the Uniform Civil Procedure Rules, applications are listed to come before the court in accordance with Part 1 of Chapter 13, but the organization of an applications list is dealt with by administrative arrangement within the registry.

During 1999-2000, there was ordinarily one judge listed to hear applications each week in Brisbane. These were either originating applications or applications in proceedings, and typically one day per week would be occupied principally with hearing appeals. In other places, where there are resident judges, regular application days are listed; at other places applications are heard by circuit judges by arrangement with the registry, or heard at places where there are resident judges. Some applications were heard and determined by telephone.

There has been a substantial reduction in the number of applications listed before judges this year as appears from the table. To some extent, the Uniform Civil Procedure Rules resolve matters which have previously been a cause of applications, so that the need for applications to the court has in some cases been removed. Two particular changes may be mentioned. Under the former rules, a judgment summons could be filed with the plaint, but under the new rules it is necessary to wait until a Notice of Intention to Defend has been filed which should have attached to it a defence. Therefore, a plaintiff is likely to apply for summary judgment only with the benefit of a consideration of whether the defence filed suggests that

such an application is likely to succeed. This should reduce the number of unsuccessful applications for summary judgment. There is also a requirement in Part 8 of Chapter 11, for a party, prior to bringing certain kinds of applications, usually those alleging some technical deficiency in the opponent's documents, to write to the opponent setting out details of the complaint, and giving the opponent an opportunity to reply. Sometimes the reply will persuade the potential applicant not to go ahead, and sometimes the party receiving such a letter will accede to what is sought, or there will be some compromise. The importance of this procedure, in cases where it is applicable, was emphasised by the Court of Appeal in *Meredith v Palmcamp Pty Ltd* [2000] QCA 113. This procedure is also likely to reduce the number of applications being listed, particularly applications which are uncontested.

Lack of familiarity and experience with the Uniform Civil Procedure Rules, and the absence of a body of learning as to their operation, has reduced the confidence of some legal advisors to take on disputes in interlocutory proceedings. Perhaps there is some uncertainty as to the way in which the Rules will operate or how individual judges will apply the Rules, has encouraged a spirit of compromise on the part of litigants. These factors seem to have discouraged interlocutory skirmishing. In addition, there does not seem too much exploitation of the provisions of the new rules for tactical purposes. Hopefully they are not well adapted to that purpose, but it may be that the profession is not yet sufficiently adept at using them to be able to use them in such a way.

It has been suggested that one of the factors restraining the use of interlocutory applications was the former wording of r 693(1), which said:

“Each party must pay the party's costs of an application in the proceeding, unless the court orders otherwise”.

The function of this rule was to abolish the former rule that the costs of an action included the costs of successful interlocutory applications by the party successful in the action, except where some other order as to the cost of such an application was made by the court. Unfortunately, the rule was sometimes interpreted as creating a prima facie position that there would be no order for costs about an application in a proceeding, unless the circumstances of an individual application justified a departure from that rule. In order to avoid the risk of the rule being misinterpreted in this way, it has now been amended: see Uniform Civil Procedure Rules Amendment Rule (1) 2000 s 36. It may be however that the misconception about this rule acted as some restraint on the making of applications in proceedings.

It may also be that to some extent the imposition by statute of compulsory procedures to attempt to resolve claims prior to the commencement of litigation in the case of work place injuries or motor vehicle accident

injuries, has led to some reduction overall in the incidence of litigation and this has been reflected in the reduction in the number of interlocutory applications.

Hopefully, however, the principal reason for the reduction in the number of applications is that the Uniform Civil Procedure Rules have been largely successful in their purpose of facilitating the just and expeditious resolution of the real issues in civil proceedings at a minimum of expense, no doubt because the court is facilitating this purpose by applying the rules with the objective of avoiding undue delay, expense and technicality: r 5. Hence there is less need for applications in proceedings.

**Table 16: Annual applications (chambers) load – major centres and some circuit centres**

| Centre       | 1997-98 | 1998-99 | 1999-00 |
|--------------|---------|---------|---------|
| Brisbane     | 2152    | 1952    | 1669    |
| Cairns       | 411     | 293     | 319     |
| Southport    | 345     | 469     | 310     |
| Maroochydore | 213     | 262     | 209     |
| Townsville   | 175     | 213     | 156     |
| Mackay       | 98      | 101     | 112     |
| Rockhampton  | 74      | 108     | 154     |
| Ipswich      | 56      | 61      | 32      |
| Toowoomba    | 73      | 46      | 41      |
| Maryborough  | 85      | 37      | 62      |
| Bundaberg    | 35      | 29      | 15      |
| Gladstone    | 18      | 14      | 11      |
| Gympie       | 19      | 2       | 13      |
| Mt Isa       | 17      | 16      | 3       |
| Dalby        | 17      | 40      | 2       |
| Other        | 27      | 36      | 27      |
| TOTAL        | 3854    | 4315    | 3135    |

## The Planning and Environment Court

The Planning and Environment Court was constituted in 1990 by the *Local Government (Planning and Environment) Act*, replacing the Local Government Court. In March 1998 the *Integrated Planning Act* came into effect. This court has unlimited monetary jurisdiction. It has no budget, nor any administrative staff apart from that of the District Court. However hearings of some matters commonly take many weeks. Matters are often complex, with evidence of a highly technical nature.

This court is constituted by a District Court judge appointed to sit in the Planning and Environment Court. Most of the Planning and Environment Court judges are based in Brisbane. Resident judges in Cairns, Townsville, Rockhampton, Maroochydore and Southport dealt with matters within their areas as they arose. Planning and Environment matters in other locations were dealt with according to need. The court usually sits at a location as close as possible to the site of the dispute, either in a courthouse or a community facility.

During the year there were 64 scheduled judge weeks for the Planning and Environment Court in Brisbane. Those judges who sat as judges of the Planning and Environment Court and heard matters in Brisbane were the Chief Judge, Senior Judge Skoien, Judge Quirk, Judge McLauchlan Q.C., Judge Robin Q.C. and Judge Brabazon Q.C.

In this court matters are managed to ensure that appeals are heard promptly. Issues in dispute are quickly identified and narrowed. Written reports of expert witnesses are exchanged. The court has maintained the satisfactory level of expeditious disposal of matters as in recent years.

Table 17 below shows the number of cases in Brisbane for the last three years. In Brisbane there were 116 matters at the start of the year, and 309 new matters were commenced. Matters disposed of during the year totalled 375. The number of cases which had not been finalised at the end of the year in Brisbane shows a significant change in comparison to the previous two years. This has come about due to the following contributing factors. These factors being: a decreased number of new cases coming in for the year, a significant amount of cases being withdrawn and an increase in the amount of judgments delivered.

The table below shows the number of cases in Brisbane for the last three years. In Brisbane there were 116 matters at the start of the year, and 309 new matters were commenced. Matters disposed of during the year totalled 375.

In Southport there were 24 new matters commenced during the year and 26 matters finalised. 18 of those matters were determined by way of judgment and 8 were consent orders.

The Planning and Environment Court in Townsville disposed of 19 matters, 6 by way of judgment, 11 were consent orders and 2 matters were withdrawn.

The Planning and Environment Court in Rockhampton disposed of 9 matters, 6 by way of hearing and 3 consent orders.

**Table 17: Annual case load, Planning and Environment Court, Brisbane**

| Number of cases            | 1997-98 | 1998-99 | 1999-00 |
|----------------------------|---------|---------|---------|
| At start of year           | 96      | 115     | 116     |
| New cases – Directions     | 236     | 229     | 131     |
| New cases – Consent orders | 181     | 136     | 178     |
| New cases – Total          | 417     | 365     | 309     |
| Disposed – Judgments       | 73      | 52      | 83      |
| Disposed – Withdrawals     | 144     | 113     | 123     |
| Disposed – Consent orders  | 181     | 199     | 169     |
| Disposed – Total           | 398     | 364     | 375     |
| Undisposed                 | 115     | 116     | 50      |

## The Health Practitioners Tribunal

The Health Practitioners Tribunal was established pursuant to the *Health Practitioners (Professional Standards) Act 1999*. This Act was assented to on 18 November 1999 and came fully into force on 7 February 2000. The Chief Judge is the chairperson of the Tribunal and all judges are members of the Tribunal. The Chief Judge nominates a judge of the court as the constituting member of the Tribunal from time to time.

This Tribunal is the ultimate disciplinary body for eleven health professional groups. These are the medical practitioners, chiropractors, dentists, dental technicians and prosthetists, occupational therapists, optometrists, pharmacists, physiotherapists, podiatrists, psychologists and speech psychologists.

The Health Practitioners Tribunal replaces the Medical Assessment Tribunal, a superior court of record constituted by a judge of the Supreme Court and established under the *Medical Act 1939* for the discipline of medical practitioners. The Medical Assessment Tribunal continues to hear appeals started prior to 7 February 2000. The transitional provisions of the *Health Practitioners (Professional Standards) Act* preserves the Medical Assessment Tribunal's jurisdiction for such of its matters which had not finally been dealt with by 7 February 2000 and for any appeal relating to such matters (s 400). It is anticipated that all such matters involving medical practitioners will be heard and determined by the Health Practitioners Tribunal after 2001.

Since the Tribunal was established five matters were referred to the Tribunal during the year under report. Four of the matters were referred from the Medical Board and one from the Optometrists Board. Judge Pratt Q.C. was nominated by the Chief Judge to sit as the constituting member with the assessors appointed from gazetted lists, two from the list of the relevant profession and one from the public list.

At the time of presenting this report further matters had been heard and determined. With the number of active matters and those expected to be filed within the next six months, it is expected that a considerable amount of the court's judicial resources will be spent on the Tribunal next year.

The Registrar of the District Court and his Deputy Registrar, in the short time since the Tribunal's inception, have developed and maintained a streamlined registry which is most suitable for a Tribunal which involved public and professional members and parties including such bodies as the various Boards

and the Health Rights Commission. The administration of the Tribunal is aimed at ensuring that hearings are set down and conducted with careful expedition.

While the judge sitting as the constituting member bears the ultimate responsibility for all decisions of law and fact, close attention is paid to the views of the assessors on all questions of fact and to strive for consensus. In that regard the part already being played by the assessors from the public list is deserving of special mention.

During the year under report the professional assessors assisting Judge Pratt, the constituting member, were Dr. Margaret-Anne Harris, MB BS FRACP, Dr. Morris Williams, MB BS FRACGP DipObstRCOG DRACOG (Public Panel) and Councillor Cherie Dalley.

The primary object of the Act is to protect the public and to maintain public confidence. The wisdom and energy so far displayed by several assessors from the public lists has been considerable and greatly appreciated. In all matters determined by the Tribunal at the date of reporting the Tribunal has retired after evidence and final submissions have been heard to consider all questions of fact. Soon after those decisions of fact were made, the Tribunal delivered an ex tempore judgment. Some of the Tribunal's decisions were published on the Court's webpage ([www.courts.qld.gov.au](http://www.courts.qld.gov.au)) on the day the judgment was delivered.

The Tribunal has been required to sit in Land and Resources Tribunal courtrooms, as there are insufficient courtrooms and chambers available in the Law Courts Complex for the proper conduct of the Tribunal's business.

The names of those appointed as members of the panels of assessors are available from the secretary of the Professional Conduct Review Panels, Department of Health, Queensland Health Building, 147 Charlotte Street, Brisbane.

## Children's Court

The operation of the court will be the subject of a separate report under the hand of the President.

During the year under review, the work of the court increased steadily. However most matters involving children accused of indictable offences are dealt with by the District Court, not the Children's Court. Two additional judges have been granted commissions in Brisbane to cater for the increased demand for urgent bail applications and sentence reviews. As a response to general community concern about the number of young children being held on remand, the court has continued to provide informal and speedy access to enable these matters to be dealt with expeditiously.

Use of sentencing options based on principles of restorative justice such as pre-sentence community conferencing pursuant to 119A of the *Juvenile Justice Act 1992* has increased significantly with considerable success. A number of serious matters were resolved satisfactorily from the perspective of both victim and offender, as a result of the use of such orders.

The annual conference of the Heads of Australasian Youth Courts was held in Queensland in August, and all Australian States and New Zealand were represented. The Departments of Families, Youth and Community Care and Justice and Attorney General are thanked for the financial assistance to hold the meeting, which was very successful.

## **Committees**

The membership of Committees at 30 June 2000 was as follows:-

### **Aboriginal and Torres Strait Islander Committee**

Convenor: Judge Shanahan

Members: Judge Richards

Judge Bradley

### **Civil Procedure**

Convenor: Judge Robin Q.C.

Members: Judge McGill S.C.

### **Conferences and Judicial Education**

Convenor: Judge Brabazon Q.C.

Members: Judge Newton

Judge McGill S.C.

Judge Wall Q.C.

### **Criminal Law**

Convenor: Judge Robertson

Members: Judge Botting

Judge O'Brien

Judge Shanahan

### **Criminal Listing Taskforce**

Director: Judge Hoath

Members: Judge O'Brien

Judge Robertson

Judge Shanahan

## **Publications and Community Awareness**

Members: Judge Richards  
Judge Bradley

## **Salaries and Entitlements**

Convenor: Judge Botting  
Members: Judge Robin Q.C.

Owing to the level of judicial work both in Brisbane and on circuit, some committees have had difficulty functioning effectively in a formal way. However some committees' work is especially worthy of mention such as the contribution made by the Civil Procedure Committee, both of whose members are members of the Rules Committee and Publications and Community Awareness Committee for its responses to the Parker Report. Three committees have presented these reports:-

## **Criminal Law Committee**

The members of the Criminal Law Committee met regularly throughout the year both on a formal and informal basis to discuss a wide range of topics relating to the criminal law. Much of the Committee's work, however, involved a consideration of various pieces of proposed legislation which were submitted for the courts' consideration through the Chief Judge. These included the proposed covert operatives legislation, the proposed amendments to the sentencing legislation and, most recently, the proposed amendments to the *Criminal Code and Evidence Act* arising from the report of the Task Force on Women and the Criminal Code.

Whilst it was not considered appropriate to express any particular view so far as matters of government policy were concerned, the committee did submit reports in relation to those areas of proposed legislation which impacted upon the court's operation. In particular, the committee identified potential problems and expressed certain reservations in relation to the amendments to sentencing legislation to allow consideration of the views of indigenous communities.

Apart from these matters, the committee considered other issues that were referred by individual judges, and committee members made significant contributions to a criminal law workshop which was conducted as part of the annual Easter Conference of District Court Judges.

## **Aboriginal and Torres Strait Islander Committee**

The constitution of the committee changed at the Easter Conference 2000. The committee currently consists of Judges Nase, Richards, Bradley and Shanahan (Convenor).

During the 1999/2000 year, the committee liaised with the Indigenous Advisory Council Secretariat as to the involvement of elders and community justice groups in the sentencing of offenders and the compilation of a list of appropriate community contacts.

The court through this committee provided comment on the Legislative Recognition of Torres Strait Islander Adoptions.

On 2 and 3 February 2000, with other judicial officers, the Chief Judge and Judge Bradley attended a workshop on indigenous over-representation in the criminal justice system convened by the Department of Aboriginal and Torres Strait Islander Policy and Development.

The committee initiated a submission to the Attorney-General in relation to the need for appropriately trained interpreters in Aboriginal and Torres Strait Islander languages in court proceedings, particularly in remote communities. Such a service is of vital importance in ensuring that an indigenous person facing criminal proceedings understands those proceedings. It is also a vital assistance to witnesses in those proceedings and in victims of crime also understanding the process.

The committee has also requested the appointment of a court-based Indigenous liaison officer. Such a position could ensure that Aboriginal and Torres Strait Islander accused, witnesses and victims of crime, who are to attend at court, receive assistance in understanding the court processes. It would also play a vital liaison role with the communities and community justice groups.

The committee has further identified a need for further cultural awareness training for the judges.

## **Conferences and Judicial Education Committee**

The court's conference budget of \$45,000 was fully expended this year.

The most important activity was the District Court Judges Annual Pre-Easter Conference in April 2000. Two days were devoted to the District Court. In addition, separate days involved the judges of the Planning and Environment Court and the Children's Court. The District Court Conference included visiting judges from Victoria and Western Australia, who spoke at the opening session on the important topic of children as witnesses in criminal trials.

Throughout the year, funds were provided for judges to attend conferences elsewhere in Australia. All were recommended by the Committee, and approved by the Chief Judge:

- Two more recently appointed judges, Judge Richards and Judge Shanahan attended the orientation course in Sydney, organised by the Australian Institute of Judicial Administration.
- Judge Bradley attended the Restorative Justice Conference, dealing with conferencing for juvenile offenders in Brisbane.
- Judge Forde attended the AIJA Conferences on Civil Procedure in Adelaide.
- Judge Hoath attended two criminal law conferences.
- Judge Robertson attended the Australian Heads of Youth Courts Conference.
- Senior Judge Skoien attended the annual meeting of the Judicial Conference of Australia.
- Registration expenses for the AIJA's July Conference in Darwin, on court administration, were paid, on behalf of four judges.
- Judge Robin attended the AIJA and Chief Justices' Rules Conference, held in Sydney.

The conference budget is inadequate to meet the needs of the court. That is particularly so in those years which have the increased demands of biennial conferences, such as those held in Australasia for the Planning and Environment Courts, and in Australia for all District Courts.

## **Essential Services**

### **The Registrar and the Registry in Brisbane**

The Civil Registry of the District Court at Brisbane is located on the ground floor of the Law Courts Complex in George Street.

The Registrar of the District Court, Mr Ken Toogood, is responsible for the efficient running and management of the registry at Brisbane. His functions and duties include the carrying out of quasi-judicial and administrative functions. The Registrar is also responsible for service to the judiciary, the legal profession, members of the public and other users of the court system.

In managing the registry, the Registrar must take account of the staff and other resources available and deploy them in such a manner that delays with the hearing of matters in the registry are kept to a minimum; that the general data entry work in the registry is kept at an acceptable standard (both quality and quantity) and that officers are available to implement new initiatives and projects where introduced. Officers under his control including Deputy Registrars, Deputy Sheriffs and other administrative staff assist the Registrar in this task.

In Brisbane the Registrar Mr Ken Toogood is also the Registrar of the Supreme Court, of the Court of Appeal Division, and of the Planning and Environment Court.

The introduction and implementation of the *Uniform Civil Procedure Rules* 1999 on 1 July 1999 was achieved in a smooth manner. Adequate staff training and other practical initiatives were key factors, which allowed for the easy transition from the previous District Court Rules. The result being very little disruption to client services.

The Brisbane Registrar and Registrars at other centres liaise regularly by telephone and e-mail on matters regarding the Uniform Civil Procedure Rules, practices and procedures and registry services. Since the introduction of the Uniform Civil Procedure Rules and uniform forms, the registrars have strived to ensure that practices wherever possible are uniform in all District Court registries.

During the first half of this report the District Court Registry was staffed by two Deputy Registrars and other administrative staff with specialist roles in listing and client services. In February 2000 with the introduction of the Health Practitioners Tribunal to the District Court a third Deputy Registrar was assigned to implement and manage the Registry functions of the Tribunal.

As part of the duties, the Deputy Registrar is delegated by the Registrar to select assessors to assist the member of the Tribunal in hearing cases (two from the professional panel and one from the public panel).

## **Alternative Dispute Resolution**

In the District Court the process of Alternate Dispute Resolution (ADR as it is commonly known) is founded upon the provisions of Chapter 9 Part IV of the Uniform Civil Procedure Rules. Two types of ADR process are in place in the District Court.

To enable parties to agree to a resolution of their dispute, a third party called a Mediator acts as an independent person to bring the parties together to discuss issues in dispute.

A similar process is involved in case appraisal where an experienced lawyer reviews the matters in dispute the evidence of the parties and supplies a confidential opinion on the likely outcome of litigation. The parties may decide not to accept the decision or opinion of the case appraiser and may elect to proceed to trial before a Judge.

The Chief Judge is responsible for the approval of mediators and case appraisers. The Registry maintains, and has available free of charge, lists of approved mediators and case appraisers giving details of fees, experience and areas of interest to enable parties to litigation to choose the most appropriate individual. As at the 30<sup>th</sup> of June, there were 103 approved mediators and 80 approved case appraisers for the District Court.

The usefulness of ADR in case management of civil trials and other matters has become apparent over time, with ADR becoming a useful tool in the disposal of matters without the need for trial. An added benefit that flows from ADR is to allow the courts better use of judicial resources to deal with complex matters that are not suitable to the ADR process.

As at 30<sup>th</sup> June 2000, the District Court had referred approximately 579 matters to mediation or case appraisal either by order of a Judge or consent of the parties. Of these, approximately 286 settled or did not proceed to a trial hearing after mediation or appraisal. The results of many of the remainder are not known as the mediation/appraisal is yet to be held. The District Court has not adopted a compulsory referral policy to ADR under the Uniform Civil Procedure Rules to date.

## **Practices and procedures**

A number of practice directions were also issued to assist with the introduction of the new rules and forms. A number of the practice directions issued at this time have since found their way into the latest amendments to the Uniform Civil Procedure Rules. The introduction of the Uniform Civil Procedure Rules also led to a review of the forms then in use and provided uniform common forms across the 3 levels of courts. There are now 88 forms provided as approved forms for the Uniform Civil Procedure Rules applicable to the District Court. There were, prior to 1 July 1999, 119.

Forms associated with the 'new' rules exacted another change to previous practices. Format and style of the forms was another departure from the 'old'. The court's webpage ([www.courts.qld.gov.au](http://www.courts.qld.gov.au)) was used to advantage to allow access to the new rules and forms as well as bulletins, articles and updates regarding the rules.

## **Applications and Reviews (formerly Chambers)**

This part of the court's work, daily discharged by two, and sometimes three or even more Judges, continued to be extremely busy and productive, leading to the early resolution of matters or parts of matters.

During the year, a List & Appeals Manager position was created in the District Court registry Brisbane to manage the listing of applications and reviews to judges (formerly known as Chambers). The creation of this position of manager complements the position of Civil List Manager both of which assist the Chief Judge in the smooth operations and administration of the civil jurisdiction of the court.

### **Decision on papers without oral hearing**

An innovative process introduced by Chapter 13 Part 6 Rules 487 – 498 of the Uniform Civil Procedure Rules 1999 provides for a Judge to make a decision on the papers without oral hearing.

The procedure for making an application involves a draft order and written submissions in support of the application being provided at the time of filing.

The main benefit of this process is that a party may make an application to a Judge without the necessity for a barrister, solicitor or a party in person having to attend before the Judge. This in turn results in a cost saving to a client which is not available in an oral hearing.

Amendments were made to form 49 UCPR rules on 1 July 2000. These amendments should alleviate any issues in identifying applications for decisions on the papers without oral hearing at the time of presentation at the registry.

In the period 1 July 1999 to 30 June 2000 there were 59 applications filed, on which 33 of those applications an order was made as per the draft order submitted by the party or a similar order, ordered by the Judge.

## Ending Proceedings Early

**Table 18: Judgment by default**

|                  | 1997-98 | 1998-99 | 1999-2000 |
|------------------|---------|---------|-----------|
| Applications     | 448     | 467     | 536       |
| Judgment entered | 312     | 328     | 362       |

Part 1 Division 2 of the Uniform Civil Procedure Rules 1999 talks of instances where a default judgment for various claims may be entered before the Registrar. These rules are a radical departure from the “old” rules in that the Registrar now acts judicially when entering a default judgment rather than administratively as was previously the case. A new document titled “Request for Default Judgment” (Form 25) is required in all instances. The form has some variables in it which are applicable to the type of judgments sought. For example, debt or liquidated demand with or without interest, damages to be assessed, value of goods to be assessed etc. The party applying must indicate in the request the type of judgment being sought, which of the parties the judgment is sought against, the amount of costs and interest being sought. The request must be accompanied by an affidavit of service and an affidavit of debt. The need to file an affidavit of search in the Brisbane registry is no longer required. The Brisbane registry will conduct the search on the registry's database(CIMS), however, if dealing with the non-computerised registries, an affidavit of search may still be required.

## Court Files

Storage space is at a premium. Some files are physically very large which adds to the problem. Although in recent years electronic records have replaced the old leather bound registers, documents are still in paper form. Storerooms in the Brisbane Law Courts Complex are almost full and there are no other storage facilities available. Unless additional storage spaces are made available at State Archives or other suitable premises, the prospect of the destruction of court documents including complaints, indictments, depositions, planning and environment appeal matters and other legal or historical records, may become the only solution to the problem. The *Libraries and Archives Act 1988* does provide a mechanism for destruction of records.

## Funds in Court

As at the end of the year, there were 40 accounts relating to District Court matters credited to the Court Suitors Fund Account Brisbane, totalling \$1,135,948.57. Regulation 30 (1) of the *Court Funds Regulations 1999* requires that a list be made of accounts which have not been dealt with during the previous six years other than under continuous investment or by payment of interest. Six accounts in that

category were advertised and as no action was taken to recover the monies, the Registrar was ordered by the court to transfer the amount of \$29,951.18 to the Consolidated Revenue Fund.

## **Criminal Registry**

The Criminal Registry is responsible for all the administrative functions relating to criminal hearings in the higher courts in Brisbane. Additionally, the Registry acts as a secondary Registry to support the Children's Court of Queensland when a Children's Court judge sits in the George Street complex.

While the number of indictments presented to the higher courts in the last few years has been static, the court's ability to deal with summary offences, the volume of breaches and requests for material to support the growing number of applications for criminal compensation has increased the workload in the Criminal Registry.

Amendments to the *Bail Act* 1980 made during the year assisted the registry. These amendments allowed for a new procedure for the adjournment of trials from one criminal sittings to the next and limited the movement and endorsement of large numbers of indictments by the court.

The Criminal Registry is the hub of the higher courts in Brisbane as it offers support and assistance directly to the judiciary, the Criminal Listing Section, Corrective Services Commission, the legal profession, the Police Services and the public in general.

The Criminal Registry is staffed by a Deputy Registrar, two Assistant Deputy Registrars and five Administrative Officers, all of whom show a high level of commitment to the efficient functioning of the Registry.

### **Jury and court room management**

During the year the Sheriff's office issued 51,600 notices to prospective juror for the Brisbane courts and 104,075 for the remaining 30 Supreme and District Courts in Queensland. The Sheriff also issued 8,428 summonses for members of the community to attend jury service in Brisbane.

Late 1999 the Sheriff was authorized to conduct a survey of jurors pursuant to section 71(9) of the *Jury Act* 1995. The results of the initial survey of 13 districts have been published on the Queensland Courts website. The overall ratings given by members of the public, summoned to perform jury service, were well above average.

Since the results the Sheriff has, with the assistance of the Public Communications section of the Justice Department, reviewed and is presently in the final stages of introducing a new Notice to Prospective Juror form, which clearly sets out the requirements of fulfilling the role of a juror. A new Juror Handbook is also in its initial draft stage. The Brisbane courts, within the scope of improving technology in courts, have installed sound amplification systems in 8 criminal courts this year, which will assist the jurors in hearing evidence, particularly of children. Other improvements in technology in courts set out in this report will also assist jurors. It is hoped that the remaining 9 criminal courts will have sound amplification systems installed in the next financial year. Other areas yet to be addressed as a result of the survey are providing freecall access to the jury recorded message, improved seating arrangements in most centres and providing some form of counselling or stress management

## **Technology**

Technology has become a key aspect of the court's goal to advance and streamline its operations and improve the service offered to clients.

Future enhancements to the court's infrastructure will be critical in maintaining our ability to effectively address the needs of the public and the legal profession.

The allocation of \$1.5 million dollars in funding this year, to be used jointly by the Supreme Court and District Court, saw the realisation of some much needed advancements to the technology used by the court.

### **Judicial Computing Resources**

The judiciary in the past, through lack of funding, has been forced to operate with only minimal computing resources, but this year welcomed the introduction of a computer network specially designed for the judiciary's needs.

A major information technology project that commenced was the provision of laptop computers to the District Court judges and desktop computers to judges' associates to enable access to the Higher Courts Network.

The laptop computers give the judges access the Higher Courts Network through the laptop docking station, but also allow portability with access:

- through a PC network card – where network outlet is available in circuit courts

- through a built-in modem – where a telephone line is available

The laptop can also be used standalone using standard Windows applications.

Access to the Higher Courts Network is provided through Citrix “thin client” software.

Citrix provides many benefits, the main ones being:

- It gives the judges a consistent access to the Higher Courts Network and their applications and data, using a network connection or dialing, whether in any court, judges chambers, home or elsewhere
- It simplifies IT support and provides the functionality to manage setup or assistance from a central site

Applications that are provided include:

- Email – both within the Justice Department and externally
- Intranet including the Supreme Court Library’s *Judicial Virtual Library*, the Justice Department’s *Jagnet*
- Internet providing access to judicial research data including legal databases
- Microsoft Office applications
- In-house applications

At this stage the roll-out of laptop and desktop computers is over 60% complete. The majority of regional judges have been supplied with computers, where they had previously used standalone computers with dial-up facility to their own ISP facilities, and were unable to access the Higher Courts facilities.

The functionality has been taken up well by the judges and the provision of computer training with the roll-out has been very strongly utilised.

The project has provided network access to regional judges and judges working in circuit courts, where it was not available before. It has also provided many associates with their own desktop computer for the first time, with access to identical applications as the judges, enabling them to provide useful and additional support to the judges.

### **Courtroom Technology**

In addition to the provision of judicial computing resources, a programme of work has been initiated to improve the use of technology in the courtroom.

Six criminal courts in the District Court Complex have been wired with sound amplification equipment to better cater for quietly spoken and vulnerable witnesses in jury trials. The acoustics of these courtrooms has been vastly improved by this initiative.

Video and Audioconferencing equipment has been installed in one courtroom in the District Court. In addition to the ability to conduct videoconferencing to any location, this court can also cater for taking of evidence from the protected witness room, which enables vulnerable witnesses such as children to give evidence without actually being in the courtroom.

### **Scenes of Crime**

Following consultation with the Queensland Police Service, as part of the installation, consideration was given to enabling the court to display 'Scenes of Crime' data. 'Scenes of Crime' is a technology used by the Police to provide a record of crime scenes. It enables jurors to view a virtual representation of the crime scene, including the ability to pan around and navigate to other areas of the scene. The technology provides a three dimensional view and gives jurors a greater understanding of the crime scene than can be gained from viewing two dimensional photographs.

Improvements to the technology in use in the courtrooms is an issue which will be actively pursued by the court in the future.

### **Y2K**

As with many organisations in the second half of 1999, the registry participated in an awareness and preparation programs relating to Y2K issues. Resources both physical and monetary were required to ensure that registry databases were compliant and that contingency plans were in place. No difficulties were encountered in the new year.

### **Future Directions**

As part of its commitment to the improvement of technology and services offered by the court next year, further initiatives will be developed to enhance courtroom technology and registry systems.

An upgrade is currently planned for the Civil Information Management System. New functionality will be added to the system to cater for better caseflow management and to introduce electronic business initiatives.

The future ability of the court to advance and improve on its technology is limited only by the funding it will achieve in the future.

## Registrars' Conference

In March 2000, some of the Registrars of the Higher Courts met in Brisbane to discuss a number of matters.

One of the major topics discussed concerned an evaluation of the Uniform Civil Procedure Rules, which had been in operation for some 9 months.

Other matters discussed that particularly related to the District Court were:

- an overview of the Health Practitioners Tribunal at which His Honour Judge Pratt of the District Court addressed the conference
- a presentation by the Deputy Registrar responsible for the management of the Health Practitioners Tribunal registry functions
- a presentation on the case management of appeals under Section 222 of the *Justices Act* 1886.
- jury management
- storage and archiving of files
- client services
- information technology and support services

The conference also afforded an opportunity for the registrars to meet with the Chief Judge of the District Court.

A number of resolutions for action to improve registry services were considered and about half have already been implemented.

## The Supreme Court Library

### Introduction

The year under review has been an exciting one for the Library, a year in which it fully realised its role as custodian of our legal heritage and gateway to digital information; acknowledging both its ties to the past and its links to the future. This dual role was demonstrated by the two most significant events of the year

– the opening of the Rare Books Room and the implementation of the Library’s new Information Management System. Though these projects were brought to fruition this year, they had their origins in the early nineties under the then Chair of the Library Committee.

The Rare Books Room provides a focus for the preservation and showcasing of our nationally significant rare books and legal memorabilia collection, and has led to the founding of the Queensland Supreme Court History Society. This society will provide a springboard for diverse activities such as the oral history project; publishing scholarly research; hosting lectures and seminars; curatorship of exhibitions and displays; and developing educational programs.

The new web-based Library Information Management System, *INNOPAC Millennium*, has broken down the walls of the Library by enabling hypertext links to websites and full-text materials to be included within the catalogue. With the new system, the Library can also provide access to its catalogue and services via the Internet. Another web-based initiative was the design and establishment of the Judicial Virtual Library (JVL), a secure intranet for the use of the judges. Other services to judges have included training in basic computing, the use of Library databases, the internet, and email.

These landmarks have encouraged the Library to consider 1999/2000 a turning point in its history, a period which will shape our direction in the coming decades.

### **Ties to the past...**

#### **Rare Books Room**

The Rare Books Room was officially opened on 11 February 2000 by His Excellency, the Governor of Queensland, Major General Peter Arnison AO. The inaugural oration was delivered by the Rt Hon Sir Harry Gibbs GCMG AC KBE. The Rare Books Room, located in the public corridor outside the Banco Court, will provide an excellent venue to display the Library’s rare books collection and other items of legal memorabilia.

#### **Queensland Supreme Court History Society**

The Queensland Supreme Court History Society has been established under the direction of the Supreme Court Library Committee to preserve and encourage interest in Queensland’s legal heritage through the following activities:

- collecting papers and memorabilia of prominent legal personalities, together with period furniture, portraits and other items relating to Queensland legal history;
- developing educational programs for students and other visitors to the courts;

- organising scholarly lectures, seminars, conferences and regular exhibitions featuring the Library's collection; and
- publishing brochures, newsletters and an annual yearbook.

The society will also support important archival activities such as the oral history project.

### **Links to the future...**

#### **Judicial Virtual Library (JVL)**

The Judicial Virtual Library, the first of its kind in Australia, was launched in May 2000. It is a secure intranet administered by the Library for the use of Supreme and District Court judges, and provides a single gateway through which the judiciary can quickly and easily access a wide variety of online information services from their desktop, regardless of their location. Court Administration will be providing regional courthouses with the necessary equipment to access to this service in the next financial year.

Currently the JVL facilitates access to the web-based publications of Butterworths, LBC and LawNow, and features hypertext links to a variety of legal and non-legal websites from Australia and overseas. One such site is *Arts and Letters Daily* which features abstracts of, and links to, a selection of intellectually stimulating full-text articles from leading international newspapers, magazines and journals. It offers a comprehensive index of links to 28 newspapers and news services, 58 quality journals dealing with 'cutting-edge' issues, 25 book review sites and 90 other miscellaneous services including reference utilities such as dictionaries and thesauri.

#### **Internet Development**

The development of the Queensland Courts (<http://www.courts.qld.gov.au>) and Library (<http://www.sclqld.org.au>) websites continued this year with the introduction of new online services including: regional lawlists; Uniform Civil Procedure Bulletin; and full text online Queensland judgments, including selected District Court judgments. District Court judges have also been invited to provide sentencing remarks for publication on the website. The Courts and Library sites have recorded approximately 353,000 and 51,000 visitors respectively this financial year.

#### **Replacement of Library Information Management System**

Following the selection of the new Library Information Management System, *INNOPAC*, in March 1999, the Library devoted considerable resources to its implementation throughout 1999/2000. Three staff were seconded to work on the project full-time for 10 months. In total, approximately 25,000 records were converted to the *INNOPAC* system, and the barcodes located on 84,000 serial items were manually

scanned and entered into the catalogue. The entry of the remaining 7,000 serial items will be completed during 2000/2001. In addition, selected staff attended a total of three weeks training for the new system.

The *INNOPAC* system, including the acquisitions, cataloguing, serials and circulations modules, is now fully implemented and operational. The *INNOPAC* catalogue was made available via the Internet in February 2000, enabling the Library's extensive collection to be searched by the wider legal community. This initiative, in conjunction with the launch of the JVL, has facilitated access to a greater range of Library resources for the judiciary in regional centres.

### **Judicial Electronic Resource Training**

The Library conducted a series of electronic resource training seminars for the judges and their associates during March and April 2000 which provided an introduction to using email, the Internet and the Library's CD-ROM databases. Course books were prepared for each topic and these have now been published on the JVL. In total, 67 hours of training were conducted, and attendance numbers of judges and associates reached 85.

### **Reader Services Division**

The number of visitors to the Brisbane Library totalled 56,745 this financial year. The Library undertook 168 research projects, completed 3,370 fax and photocopy orders, and provided 3,572 loans to the courts and profession. The fax, photocopy and research services enable judges outside the Brisbane area to utilize the Library's extensive range of resources. A knowledge database, developed to track the processes and resources utilised for major research projects, will be used to identify trends in research requests and to improve the effectiveness and efficiency of the service.

The Judicial Current Awareness Service circulated 541 articles, news clippings, speeches and Library newsletters to Supreme and District Court judges. To ensure that the Current Awareness Service continued to be useful and cost-effective, the Library conducted a qualitative and quantitative survey during September 1999. The response, which was overwhelmingly positive, confirmed that the service was relevant and appreciated.

CD-ROM database facilities were unavailable for two months this year due to difficulties encountered following year 2000 compliance. It was found that the Library's existing CD-ROM network and dial-in facility required replacement. A CD-ROM caching server was purchased enabling local access to the entire CD-ROM collection comprising approximately 78 databases. The Library is currently investigating, with Court Administration, an information technology solution which will facilitate remote access to the CD-ROM collection from the judges' chambers in Brisbane and regional centres.

In addition to these services, the Library expanded its commercial activities this year with the provision of catchwording and current awareness services to LawNow. These entrepreneurial activities generate a significant portion of the Library's income.

### **Technical Services Division**

During 1999/2000 the Library added 355 monographs and 19,673 individual serial issues (reports, legislation looseleaves, journals, papers, microfiche and CD-ROMs) to the collection. A total of 468 volumes were bound. A review of the serial collection was conducted with consideration being given to the increasing availability of information in electronic format. A number of subscriptions were consolidated, ensuring that information access is provided as effectively and efficiently as possible.

The Library received, processed and bound a total of 1540 judgments from the Supreme and District Courts. The Library also continued to produce the following three commercial index publications in print and CD-ROM format: *Queensland Legal Indexes*; *Queensland District Court Judgments Indexes*; and *Court of Appeal Sentencing Service*. It also participated in a number of joint ventures with legal publishers.

A new Library Financial Management System, *Attache*, was implemented this year. It involved the migration of the payroll system from the old system, and the automation of the ledgers, cash receipt and cash payments books, sundry debtors and invoicing functions.

The annual stocktake was deferred this year as available resources were committed to the implementation of the new Information Management System and the Rare Books Room project.

### **Plans for 2000/2001**

#### **Replacement of Library Information Management System**

Following the completion of the initial phase of the *INNOPAC* implementation project, the Library will now undertake the second phase of the project which will be completed over the next two years. This involves the enhancement of the web-based catalogue, including:

- development of the catalogue's interface design and format;
- incorporation of hypertext links within the catalogue; and
- provision of additional content such as help pages, bulletin boards and resource guides.

### **Services to the Judges**

Future development of services to the judges, including the JVL and electronic resource training, will be responsive to their needs. Proposed initiatives for the JVL include:

- provision of remote access for judges outside of the Law Courts Complex;
- streamlining and simplifying access to online legal publications;
- creation of a virtual 'bulletin board' for the use of judges;
- provision of a web-based, searchable current awareness service; and
- investigation of the feasibility of providing access to the Library's extensive CD-ROM collection via the JVL.

To enable training to be flexible and adaptable to the judges' needs, electronic resource training will be offered in chambers in 2000/2001. Training sessions will also be available for judges in regional centres. It will encompass the use of new products and services on the JVL, and the production of appropriate guides and manuals.

### **Indexing Publications and Internet Development**

In 2000/2001 the Library will investigate the feasibility of :

- producing *Queensland Legal Indexes* in a web-based format; and
- increasing coverage of indexing services to include Industrial Magistrates decisions and Assessment of Costs (taxing decisions).

In addition, the Library will conduct a comprehensive design and content review of the courts and Library websites. A key objective of this review will be the integration of the Library homepage within the courts website.

## **Conclusion**

The Library, as the primary information and research centre of the courts, has been challenged to provide services which are meaningful and relevant in the digital era. This challenge has been met by looking towards the future with the provision of innovative electronic services while simultaneously acknowledging and celebrating the past through the curatorship of the rare books and legal memorabilia collection.

## **State Reporting Bureau**

The State Reporting Bureau provides a recording and transcription service for proceedings of the District Court in Brisbane and at 30 circuit/regional locations throughout Queensland utilising computer-assisted transcription and audio recording. Reporting services are provided wherever the court sits. The District Court is responsible for 70% of the reporting services provided by the Bureau to the Higher Courts.

The Bureau has operational centres at Cairns, Townsville, Rockhampton, Maroochydore, Southport and Ipswich where District Court judges are based. Staff numbers at each of these locations range between eight and 20.

The Bureau currently uses three portable Remote Recording and Transcription Systems (RRATS) to audio record proceedings at circuit courthouses with transference of the recording via the Integrated Service Digital Network (ISDN) for transcription at a Bureau operational centre. The transcript produced at the remote transcription centre is returned via electronic modem connection to the circuit courthouse for printing, photocopying and distribution to the judge, counsel and other interested parties, within two hours of the adjournment of the court that day.

The Bureau also offers real-time (CAT) reporting which enables the recording of proceedings to be simultaneously translated into text on computer screens in the courtroom, with the facility for judges and counsel to make annotations in the unedited electronic transcript. The ability of the judges to take advantage of these and other advances will depend on their being provided with the resources and training to do so. The Bureau's provision of an accurate and timely transcript of proceedings is critical to the court's capacity to carry out its work efficiently. Any reduction in the service provided by the Bureau will probably reduce the court's capacity to do so.

# Appendix 1

## Administrative staff of the District Court

The administrative and registry staff of the District Court are essential to its operation in the performance of its functions. Those exercising supervisory roles or who work more closely with the judges in Brisbane and major centres are set out below.

|                                              |                         |
|----------------------------------------------|-------------------------|
| Court Administrator                          | Bronwyn Jolly           |
| Deputy Court Administrator                   | Sue Cawcutt             |
|                                              | Ruth French             |
|                                              | Anna Lang               |
|                                              | Elizabeth Knight        |
|                                              | Cameron Woods           |
| Registrar, Brisbane                          | Ken Toogood             |
| Sheriff                                      | Neil Hansen             |
| Registrar, Cairns                            | John Bingham            |
| Registrar, Townsville                        | Ray Keane               |
| Registrar, Rockhampton                       | Gordon Roberts          |
| Information Technology Administrator         | Les Paine               |
| Deputy Registrars, Brisbane                  | Ian Mitchell            |
|                                              | Peter McNelley          |
|                                              | Trevor Davern           |
| Deputy Registrar (Criminal Registry)         | Peter Irvine            |
| Chief Bailiff                                | Phil Lennon             |
| Deputy Chief Bailiff                         | Ken Welch               |
| Criminal List Manager                        | Dean Williamson         |
| Civil List Manager                           | Angela Karageozis       |
| Planning & Environment & Circuits List Clerk | Joanne Willett          |
| Chief Judge's Secretaries                    | Leanne Fox (part-time)  |
|                                              | Jan Daniels (part-time) |
| Judges' Secretariat                          | Noela Fulcher           |
|                                              | Laura Murase            |
|                                              | Judy Bailey             |
|                                              | Bev Morgan              |
|                                              | Gerri McKelson          |

The staff listed above are assisted by other registry, court administration staff and bailiffs.



**STAFF OF THE DISTRICT COURT OF QUEENSLAND, BRISBANE**

**Back Row** (L to R): Ken Welsh, Tony Tello, Andrew Alcock, Neil Hansen, Pat Gould, Aidan Winter, Stephen Till, Caroline Fletcher, Trevor Davern, Dennis Dowd, Sally Shaw, Debbie Gillespie.

**Second Row** (L to R): Ian Sims, Dean Williamson, Philip Lennon, Giselle Bushell, Ian Bannon, Jeff Hobson, Stephen Goldsworthy, Angela Karageozis, Gary Gooding, Leanne Fox, Mike Tatton, Barry Richardson, Gerri McKelson, George Trinder.

**Front Row** (L to R seated): Madonna Flynn, Glenda Dudley, Joan Barr, Cecile Bell, Cameron Woods, Bronwyn Jolly, Her Honour Chief Judge Wolfe, Ken Toogood, Ian Mitchell, Peter McNelley, Peter Irvine.

## Appendix 2

### Registrars of the District Court - Brisbane

There have been 14 Registrars appointed during the various periods that a District Court was established.

| <b>Name</b>            | <b>Appointed periods</b> |
|------------------------|--------------------------|
| Henry Alexander ELIOTT | 1866 - 1868              |
| Fitz-Roy SOMMERSET     | 1868 - 1873              |
| Walter Clare CARDEN    | 1873 - 1874              |
| Henry BRAMSTON         | 1874 - 1887              |
| William CAHILL         | 1887 - 1889              |
| William Henry CARVOSSO | 1889 - 1922              |
| John SHANNON           | 1959 - 1967              |
| Francis Joseph RUSSELL | 1967 - 1968              |
| William Charles BROOKS | 1969 - 1970              |
| Vincent Gerald McMAHON | 1971 - 1975              |
| John Thomas MUNRO      | 1975 - 1978              |
| Mervyn John CAMPBELL   | 1978 - 1984              |
| Robert HORE            | 1984 - 1988              |
| Kenneth Thomas TOOGOOD | 1988                     |



