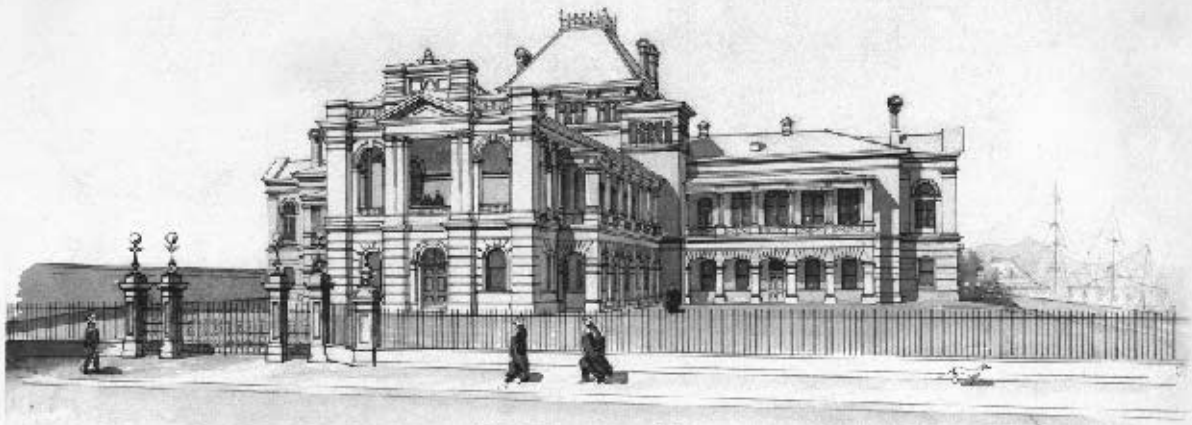
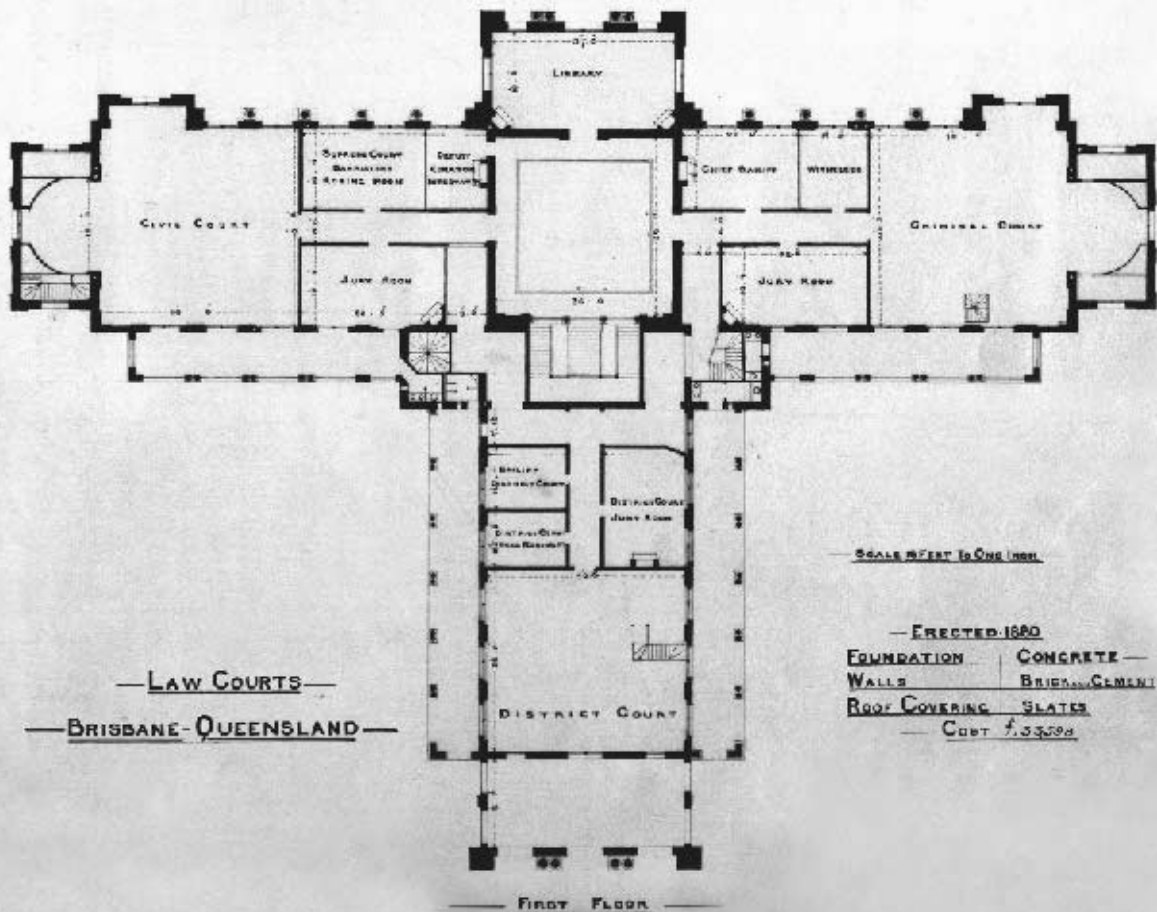


District Court Annual Report 2001-2002



— PERSPECTIVE VIEW —



The front cover shows the perspective view from George Street and the plan of the first floor of the "old" Law Courts, Brisbane, an imposing edifice designed by the Colonial Architect, F.D.G. Stanley, and erected in 1880 for the Supreme Court of Queensland and the District Court, Brisbane.

The Law Courts then contained a courtroom, jury room and Judges' robing room for District Courts as well as the Supreme Court's courtrooms and Judges' chambers and the Library.

As the Supreme Court expanded and with the abolition of District Courts in 1921, only the Supreme Court was housed in the Law Courts building until the building was extensively damaged by fire in 1968 and subsequently demolished.

The present Law Courts Complex was built on the site in two stages in 1970 and 1981, and with the District Courts having been reconstituted in 1959, the District Court has been located there since 1984.

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

Registry:

Phone: (07) 324 79261

Fax: (07) 324 75387

17 October 2002

The Honourable R.J. Welford MP
Attorney-General and Minister for Justice
18th Floor
State Law Building
Cnr George and Ann Streets
BRISBANE QUEENSLAND 4000

Dear Attorney

Pursuant to s.130A(1) of the *District Court of Queensland Act 1967*, I enclose my Report on the operation of the District Court of Queensland for the year ended 30 June 2002.

Yours sincerely

Chief Judge P.M. Wolfe

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Chief Judge's Overview

Introduction

This is the sixth annual report dealing with the organization and operation of the District Court of Queensland. It demonstrates that the conscientious dedication of the Judges to the delivery of justice according to law and strong support from administrative and registry officers, has again resulted in the Court performing creditably in the year under review.

It is convenient to mention here that this report also marks the Court's transition from District Courts, a series of courts based at various districts when first established in Queensland in 1866, to the unified District Court of Queensland, so named on 6 June 2002 by the *Constitution of Queensland 2001*. Importantly, the *Constitution of Queensland Act 2001* acknowledges the District Court of Queensland as the *Constitution Act 1867* had not.

There has been a District Court operating in the State of Queensland for approximately 98 years in total. The first two Judges were appointed in 1866 pursuant to the *District Courts Act* of 1858 which came into force in Queensland in 1859. District Court Judges sat in Brisbane and at circuit courts throughout the State from 1867 until 1921 when the District Courts were abolished by the *Supreme Court Act 1921*. When it was apparent that the District Courts were vital to the functioning of the justice system in Queensland, the *District Courts Act* of 1958 was passed, coming into force on 10 April 1959. The 1958 Act was replaced by the *District Courts Act 1967*. This Act, as amended from time to time and now called the *District Court of Queensland Act 1967*, remains in force. A list of the Registrars of the Court from 1866 to the present appears later in this report.

During the year under report the Court made considerable progress in implementing a number of initiatives which, incrementally, will enhance the accessibility and quality of court services to the Queensland community. With the continued support from the Attorney-General and the profession's ongoing interest and participation, improvements to the manner in which the District Court of Queensland delivers justice will be far reaching.

Whether these improvements can be sustained will depend largely upon the level of available resources. Accordingly, it may be noted that the Report on Government Services 2002, released in January 2002 by the Steering Committee for Review of Commonwealth/State Service Provision shows that the District Court of Queensland had the lowest share, compared with all other District and County Courts in Australia, of criminal and civil court administration expenditure less in-house revenue.

Many of the Judges prepared parts of this report. I express my gratitude to each of them. The convenors and the other members of the various Judges' committees and the Criminal Listing Taskforce provided support and inestimable assistance to me in the administration of the Court during the year under review. I commend the committee reports which were prepared by the convenors of those committees. The members of these committees are elected by the Judges annually, the committee system being one of the mechanisms employed in advancing the Court

through effective collegiate effort. There are also the reports covering the operations of the Court in the seven major centres outside Brisbane where 12 Judges are based. The resident Judges' reports on the operations of their courts in Cairns, Townsville, Rockhampton, Southport, Maroochydore, Ipswich and Beenleigh provide valuable insight into the conditions particular to those regions and the outlying districts which they serve.

Judges of the District Court also constitute ancillary courts and a tribunal, and the Court's resources are deployed to a considerable extent in discharging their functions. The Judges with special responsibility for these entities during the year under review have prepared reports on their operations. They are Judge Quirk who prepared the report on the Planning and Environment Court, Judge Robertson, the President of the Childrens Court of Queensland who prepared that report and Judge O'Brien who prepared the report on the activities of the Health Practitioners Tribunal.

Resource Issues

Once again I must draw attention, as was done in the 4th and 5th Annual Reports, to the resource shortages affecting the effective and efficient discharge of the District Court's function and giving rise to the concern that the Court is not as accessible as it should be to the public and those who need its services. The Court's judicial, registry, administrative and support services continue to operate under extreme pressure. The current state of courthouses, technological deficiencies and dual registries require special mention.

Courthouses

The sub-standard condition of some courthouses, lack of proper security and inadequate equipment remains of grave concern. They are ill maintained and ill equipped to meet the demands of jury trials, modern litigation and the reasonable demands of the public who use these buildings. In some places court staff endure a poor work environment. Despite the provision of an estimate of the funds required this year for the present maintenance of State owned courthouses, the amount so allocated was grossly under that estimation.

There is still no complete plan in place for redevelopment, or even the substantial refurbishment of the buildings comprising the Law Courts Complex in Brisbane where the Supreme and District Courts are housed and where the bulk of this Court's work is done. While this year's refurbishment of the offices of the Court's Brisbane Registry and listing staff and of 11 of the jury rooms in the Law Courts Complex is a welcome response to earlier requests, it is obvious that improvements are required throughout the whole complex. In many respects all buildings in the complex are not in keeping with current workplace health and safety standards and the policies underlying anti-discrimination legislation. The 'old' District Court building in the complex imposes a particularly sombre and oppressive environment. The complex has no airport-type security screening facilities. The insufficiency of toilet facilities located in a secure environment poses a security risk for court staff. Personal security remains at real risk in some of the

regional and country courthouses especially at Ipswich where there is no secure access to the Judges' area and prisoners are walked through public areas to gain access to a courtroom. Although the construction of an appropriate Magistrates Courts complex is a priority, the neglect of the Supreme and District Court courthouses is unacceptable, especially when compared with the courthouses of other States and the Commonwealth.

There is no programme in place for the regular replacement of outdated or malfunctioning equipment used by the Supreme and District Courts. The District Court is the trial court for most trials involving children as witnesses and acoustics are poor in many courtrooms. Some have mobile voice enhancers but these are less than satisfactory as they allow feedback and can be frightening for witnesses. Few courtrooms are cabled for permanent audio, which permits clearer voice enhancement throughout the courtroom.

Many of the courthouses used by the Higher Courts lack polycom facilities for taking by telephone the evidence of witnesses at remote locations, and even fewer have the telephone integrated with the courtroom's cabled sound system. Some courtrooms are without CCTV remote witness facilities or those facilities are not in proper working order. Not all have access to document enhancers. Few courtrooms are equipped with data projection equipment or IT cabling.

Technology

The Court lacks the necessary technological resources for statistical analysis and for carrying on its core business throughout this vast State in a manner more responsive to current needs. For example Beenleigh has the Court's third largest criminal case load. Nonetheless it has only one courtroom suitable for jury trials and it is undersized and deficient in design. To reduce the probability of an unacceptable backlog developing, matters are transferred to Brisbane for trial where possible. This task is made unnecessarily complex because Beenleigh has no access to the computerised criminal register system in use in Brisbane. A reduction in the size of the Beenleigh district and consequential increase in the Brisbane district and the Southport district (where there are five courtrooms and three Judges) might provide the cheapest solution.

With resources limited, it is especially important that their disposition be determined on the basis of careful mutual understandings between the Courts and the Department of Justice and Attorney-General. Fortunately, that level of understanding is developing, although some major deficiencies persist. Thus the optimal deployment of judicial resources would be more effectively secured through centralised, electronically based data collection and management, presently not possible statewide. As statistics collected at centres outside Brisbane are not instantaneously available in Brisbane via computer it takes longer than is efficient to obtain a broad overview of the statewide operation of the Higher Courts.

Another deficiency is the absence in Brisbane courthouses of a web server dedicated to the Higher Courts and maintained and administered by them. This is important for the electronic conduct of the Court's core business. In these times it should be possible for a Judge in Brisbane to communicate via the Internet with

lawyers in distant centres and so with maximum efficiency manage both civil and criminal proceedings to the point of readiness for trial. Such a facility is essential for the modern court to provide access to justice to all those in regional, outback and other remote parts of Queensland.

Dual Registries

Unlike Brisbane, Cairns, Townsville and Rockhampton, the registries at some of the Court's regional centres and at all its circuit centres are staffed by officers seconded from the Magistrates Courts' service. In Brisbane the Principal Registrar, Mr Ken Toogood leads the Deputy Registrars, the Sheriff and other officers in the complex work of the Higher Courts' registries. The Registry of the District Court is integral to its core function. The responsibilities of District Court Registry officers include processing the orders of the Court, entering default judgments, presiding over enforcement hearings, facilitating the enforcement of court orders, making arrangements for jurors, entering, processing and evaluating the data involving the Court's criminal, civil and appellate records. They also make arrangements for, and undertake the complexity of listing and case flow management, not only of criminal, civil and appeal matters, but also matters before the Childrens Court of Queensland, the Planning and Environment Court and the Health Practitioners Tribunal.

It is important that the Judges may work with their Registrar on a regular basis in supporting and progressing initiatives and the reviews that monitor and improve the Court's processes and procedures. The efficient disposition of the Court's business in the regional centres at Southport where there are three resident Judges, Maroochydore (two Judges) and Ipswich and Beenleigh (one Judge each) is hampered by the fusion of the District Court registry with the Magistrates Courts registries in those centres. In Southport, Maroochydore, Ipswich and Beenleigh, the Registry shares most of its resources, including staff, with the Magistrates Court. In some places, such as Ipswich, the District Court Registry is physically located within the Magistrates Court Registry. This leads to confusion and the risk of an injustice being done as there is no separate area for the maintenance and filing of the District Court matters. The problem is compounded at some centres where the Registrar of the District Court is not only also the Registrar of the Magistrates Court but sits regularly as an Acting Magistrate. These regions require permanent or consistent staffing levels constituted by those intending to proceed through the Higher Courts' career path.

The people whom the Court serves in these busy regions are entitled to expect a consistently high level of service from the Court at these centres. Further, there would be little difficulty in providing for physically separate District Court registries in the regions. Obviously the District Court does not have the resources to train all Magistrates' Courts personnel who may spend some time, albeit short, in a District Court registry, in the administrative procedures involved in District Court criminal and civil matters, applications and appeals and in Planning and Environment Court, and Childrens Court of Queensland matters – all of which come within the purview of a District Court Registrar. However some problems would be alleviated if the authority of the Principal Registrar over all registries throughout the State were to be entrenched.

Performance

Disposition of Criminal Caseload

This Court is the busiest trial court in Queensland. In Brisbane during 2001/2002, 4246 indictments and transmitted summary offences against 3987 defendants were registered on the Criminal Register System (which registers and processes the Higher Court's criminal records in Brisbane). Of these 3621 matters, or 85.28% of the total, were before the District Court. This is fewer than last year (3813) but more than in 1999/2000 (3542).

In Brisbane in its criminal jurisdiction, the Court began the year with 844 active outstanding cases and disposed of 3,027 matters. The number of active undisposed matters as at 30 June 2002 fell to 795, 49 less than last year.

This year the Court also disposed of 867 criminal matters in Cairns, 614 in Southport, 582 in Townsville, 561 in Beenleigh, 544 in Ipswich, 363 in Maroochydore, and 217 in Rockhampton. Many others were disposed of in the circuit centres, including 326 in Maryborough, 174 in Bundaberg, 171 in Toowoomba and 147 in Mackay. These figures do not include the matters dealt with by Judges of the Court sitting as Judges of the Childrens Court of Queensland.

The number of active matters undisposed more than 12 months after presentation of the indictment has also fallen significantly in Brisbane to 112 matters, largely as a result of the system implemented by Judge Hoath, the Director of the Criminal Listing Taskforce. As at 1 July 2001 there were 172 matters undisposed of after 12 months and 205 as at 1 July 2000.

Principally the Judges of the Criminal Listing Taskforce and the Chief Judge with the ongoing support of the Listings Director and the District Court Criminal List Manager undertook the management of the criminal caseload in Brisbane. An increase in the number of pre-trial applications pursuant to s.592A of the *Criminal Code* resulted in the early resolution of preliminary issues of law and the more efficient disposition of matters awaiting trial. Of the matters involving a s.592A hearing, 60% did not proceed to trial but were determined by guilty plea or a nolle prosequi.

The listing Judges experienced an increase in the number of trials requiring delistment 10 days or less before the date on which the trial had been listed to commence. Many were delisted when the Crown presented a nolle prosequi or the accused decided to plead guilty. There were relatively few applications for adjournments.

The Court's listing practices aim to ascertain quickly which matters will be resolved by pleas of guilty and which matters will proceed to trial and to ensure the latter are ready to proceed on the allocated trial date. It seems lack of resources in the Office of the Director of Public Prosecutions and insufficient Legal Aid funding prevents experienced counsel being involved at an early stage, thus hampering earlier resolution. Late notification that matters will no longer be prosecuted or defended wastes court resources and leave valuable court and judge time under utilized.

Nonetheless, careful case management by the listing Judges and the Judges to whom long trials were allocated, together with the listing managers, and the efforts of prosecution and defence representatives have ensured that no backlog developed. In Brisbane there was a 25% decrease in the number of new trials and retrials since 1997. The proportion of sentences to trials has also increased.

Disposition of Civil Caseload

During the year under review an increasing number of new matters, 4949, were filed in the Court, but requests for trial dates have not increased.

In civil, in Brisbane, the Court disposed of 362 matters having begun the year under report with 101 cases awaiting a hearing and ended the year with 114. The number of cases outstanding at the end of the year 1999-2000 and 2000-2001 were respectively, 136 and 101. All matters which had been entered for hearing were offered a date for trial at the first call over after entry for trial. Outside Brisbane the Court disposed of 99 civil matters in Southport, 87 in Maroochydore, 39 in Maryborough, 27 in Mackay, 18 in Townsville and 17 in Cairns.

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 375 civil cases were entered for trial (compared with 515 in 1999-2000 and 408 in 2000-2001), 83 in Maroochydore (116 in 1999-2000, 77 in 2000-2001) 80 in Southport (137 in 1999-2000, 90 in 2000-2001), 27 in Maryborough (12 in 2000-2001), 24 in Mackay (11 in 2000-2001), 17 in Townsville and 15 in Cairns.

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.

Appeals

An initiative to reduce the backlog of appeals in Brisbane was extremely successful. There were 227 undisposed appeals in Brisbane as at 1 October 2001. By 30 June 2002 the number of undisposed appeals had been reduced to 65. This creditable result was due to concerted management by the Appeals Listing Judges, Judge Robin QC and Judge McGill SC, and Deputy Registrar Ian Mitchell and Deputy Registrar Peter McNelley who also relied upon the significant enhancement of the Registrar's power to make directions and list Registrar's references under Practice Direction No 5 of 2001.

The District Court hears all appeals from the Magistrates Courts, including criminal appeals pursuant to s.222 of the *Justices Act* 1886, as well as appeals from a number of tribunals and bodies such as the Queensland Building Tribunal. The decision of the Director of Public Prosecutions, despite funding problems, to continue to act in the s.222 appeals is commendable.

During the year under report the Court determined 312 appeals at major centres throughout the State, including 131 appeals in Brisbane, 47 in Cairns, 43 in Southport, 21 in Maroochydore and 20 in Ipswich.

Comparative Performance

The District Court has performed well when viewed against other comparable Australian courts. The Report on Government Services 2002, released in January 2002 by the Steering Committee for the Review of Commonwealth/State Service Provision, allows this comparison to be made. In respect of the year to 30 June 2001, the Steering Committee reports that in that period this Court disposed of 92% of its criminal cases within 12 months (74% within 6 months), in contrast with the District/County Courts of South Australia (75% within 6 months, 92% within 12 months), Victoria (60% within 6 months, 83% within 12 months), Western Australia (62% within 6 months, 76% within 12 months) and New South Wales (41% within 6 months, 69% within 12 months).

In that year on the civil side of the Court's work, this Court disposed of 43% of its cases within 12 months (30% within 6 months). This compares with South Australia (30% within 6 months), with Victoria (23%), Western Australia (25%) and New South Wales (17%). The difference explained partly by jurisdictional differences. Nonetheless litigants experience minimal delay from readiness for trial to hearing and judgment. In Brisbane, almost all matters were offered trial dates at the first callover held after requesting a trial date.

Circuit Centres

The Court is bound to hear and determine cases brought within its jurisdiction. The allocation of judicial resources to the rural, regional and outback centres was increased to assist in the orderly disposal of the court's business throughout the State. The Court continued to ensure that regional, rural and remote parts of Queensland were provided with the opportunity to have matters heard and decided in a timely fashion in the 34 circuit centres in which its Judges sat. The number of weeks circuit by the Brisbane Judges increased. The Brisbane Judges were rostered to spend more time on circuit in the 2002 calendar year than in the previous year (252 weeks; 225 weeks respectively).

New Initiatives

Registry Restructuring

The Registries of the Supreme and District Courts have undergone some restructuring following a process of review directed at streamlining managerial structures. The review was assisted by the Registrar of the Federal Court of Australia and the report endorsed by the Chief Justice's Focus Group. The particular recommendations have resulted in the position of the Registrar and the Court's Registry in Brisbane having been redesignated Principal Registrar and Principal Registry respectively. The position of Principal Registrar was upgraded and a new position managing the listings unit of the Higher Courts established in September 2001.

Technological Developments in Court Processes

The District Court is committed to the improvement of its practices and procedures, its delivery standards and outcomes. Consistent with this goal, this year the Court implemented a number of technological developments in the way that matters are managed and listed for hearing in the civil and criminal jurisdictions.

ECourts

The Court is delivering more of its services on-line. In January 2002 the Higher Courts, with funding through a special Treasury allocation of approximately \$1 million, embarked upon the eCourts initiative aimed at delivering a range of the Court's services via the Internet. The project has involved the complex, difficult work of upgrading the core infrastructure to provide a solid base for long term e-business. This involves redeveloping and migrating core systems to contemporary platforms such as Microsoft.NET and ensuring that the Court's external systems are logical extensions of its internal systems so that the same data is never entered twice nor held in more than one location. Consequently any information the Court chooses to display to those outside the Court will be delivered from its internal case management systems. This system will support eListings, eChambers, eSearching and eCourtroom. These services are profiled on the Court's webpage (www.courts.qld.gov.au).

Eventually Judges will be able to receive submissions and affidavit evidence and make orders as if the parties were in an ordinary courtroom using this approach. The eChambers project is developing with input from Judge Wilson SC, who will conduct the first hearing from Southport. eChambers will be a virtual courtroom, eSearching will allow the public to search the Registry on-line, eCourtroom will support technology in the courtroom and eListing will allow parties to set down matters for hearing electronically.

Meanwhile the Judges have achieved much in the delivery of court services without requiring the personal attendance of parties and witnesses in the courtroom, by the use of telephone, email and facsimile.

On the civil side, Judge Robin QC conducted the Court's first civil eCourt hearing involving the interlocutory steps and management of a matter by email. The parties' legal representatives communicated directly with the Judge and the Judge delivered his orders and reasons by email.

On the criminal side, Judge Richards has begun the implementation of an e-listing system in Ipswich, which she devised. It is hoped the enthusiastic response from one firm and Legal Aid Ipswich will be emulated across Queensland.

In Brisbane, the civil callover list is published on the Court's website, and parties are able to list matters for trial by email to the Civil List Manager. Similarly applications are filed and listed by email.

Benchbook

This year, the Judges of the Higher Courts completed the compilation of sample directions to assist in the preparation of the Judges' summings-up which are delivered for the instruction of juries in criminal trials. The Judges had resolved in 1996 to pursue the implementation of a benchbook, this endeavour being enshrined in the Court's strategic plan in 1998. In 1999 the Judges of the Supreme Court decided to take steps to produce a trial bench book for the Higher Courts with Judge Robertson at the Chief Justice's request coordinating the input from the Judges of the District Court.

Led by Mr Justice McPherson a committee of Judges began work on the benchbook which was completed this year by Justice Byrne, Justice Holmes, Judge Robertson and Judge Dick SC, with many other Judges from the Supreme and District Courts having provided draft directions. The benchbook will be published on the Courts webpage so that it is available to litigators and the public.

Practice Directions

During the year, the Practice Directions listed in the chapter on Essential Services were issued. They are intended to streamline the operation of the Court.

Continuing Judicial Education

An essential part of judicial life concerns the scholarly work involved in keeping abreast of legislative change, the important decisions of appellate courts and the writings of Judges, members of the profession and academics on courts and the law and attending and delivering papers at seminars. The Judges' conferences are an important tool in this respect.

On 6 February 2002 the Chief Judge and Judge Quirk took part in the inauguration session of the Pacific Island Judges' Symposium on Environmental Law and Sustainable Development in Brisbane, which was sponsored by the Commonwealth Secretariat, South Pacific Regional Environment Programme, and the United Nations Environment Programme for the Chief Justices of the Pacific Island Nation States and hosted by the Premier's Department. Judge Quirk presented the inaugural address, "Some Thoughts from the Coalface", in respect of contemporary developments in environmental law and the role of the courts in promoting the rule of law in the area of sustainable development. The Honourable Judge Christopher Weeramantry, the former Vice-President of The International Court of Justice, gave the keynote address.

The Standing Committee of Attorneys-General has agreed in principle to the establishment of a National Judicial College of Australia. This is in recognition of the importance of the 900 or so Judges and Magistrates in Australia undergoing nationally consistent training in order to respond to our changing and increasingly diverse society and the consequent developments in judicial responsibilities.

The Judges held their 7th Annual Pre-Easter Conference on 27 and 28 March 2002. Presenters at this year's seminar included Sir Gerard Brennan AC, KBE, who facilitated the session on judicial ethics; Major-General Michael Keating AO, (ret'd)

and Captain Gavin Keating (SAS) - "Aspects of leadership, training and scholarship in the Australian Defence Force"; Dr Todd Wakefield - "Children's ability to give a reliable account of past events and factors affecting that ability"; Ms Alison Hunter and Ms Alex Andrews - "Front End Electronic Monitoring"; and Mr Ron Ashton - "The Impact of September 11 and the HIH collapse on insurance litigation". Senior Judge Skoien, Judge Robin QC, Judge O'Brien, Judge Brabazon QC, Judge McGill SC and Judge Wilson SC led discussions and also presented papers on important topics.



His Honour Judge AM Wilson SC, Sir Gerard Brennan AC, KBE, Her Honour Chief Judge PM Wolfe, His Honour Senior Judge NA Skoien – 7th Annual Pre-Easter Conference, March 2002

The Planning and Environment Court Judges held their annual conference on 26 March 2002. The Honourable Justice Paul Stein AM of the New South Wales Court of Appeal gave the keynote address on "The potential advantages and disadvantages of involving non-judicial personnel in the decision-making processes of planning and environment courts". Dr Ted Campbell and Judge Quirk spoke on the amendments to the *Integrated Planning Act 1997* effected by the *Integrated Planning & Other Legislation Act 2001*. I record the Judges' gratitude to the Director-General for the Department of Local Government and Planning's allocation of \$10,000 to the Court to enable this conference to be held and for the Judges' Planning and Environment law libraries.

The Judges attended many other conferences. Judge Dodds, Judge Richards and Judge Shanahan participated in the AIJA Annual Conference on Indigenous Cultural Awareness in Alice Springs.

On 11 and 12 October 2001 in Brisbane, 24 Judges of the District Court and one Supreme Court Judge attended the Aboriginal and Torres Strait Islander Justice Workshop for the Judges. The Judges of the Court's Aboriginal and Torres Strait Islander Committee developed the program and conducted the workshop in conjunction with officers of the Department of Aboriginal and Torres Strait Islander Policy. The Workshop program focused specifically on the day-to-day issues Judges face in the courts when dealing with Aboriginal and Torres Strait Islander peoples from urban, rural and remote communities. The program covered cultural identity and difference, Indigenous peoples' experience of the legal system, communication in court and in Indigenous communities, customary law, understanding violence and its effects, sentencing options and the promotion of community involvement in the justice system, particularly through community justice groups.

Indigenous and remote communities

In line with the Court's increasing commitment to facilitate access to the Court in the remote communities, the circuits to the Cape, the Gulf and Thursday Island are increasing. So have valuable opportunities to consult with members of the Aboriginal and Torres Strait Islander Advisory Board, the Elders of some communities and other relevant Indigenous organizations with a particular interest in the criminal justice system. During the year under review, Judge Shanahan met with representatives of the Napranum Community Justice Group and various Elders in Weipa, with the local council and a representative of the community justice groups in Aurukun and in Kowanyama, as did Judge Bradley in Aurukun, Pormpuraaw and Weipa. In Cairns the Chief Judge met with representatives of the Cairns & District Aboriginal & Torres Strait Islanders Corporation for Women.

However circuits to the remote communities are hindered by the lack of appropriately trained court interpreters in Aboriginal and Torres Strait Islander languages and court-based Indigenous liaison officers.

Library

The Supreme Court Librarian, Aladin Rahemtula, who was awarded a Churchill Fellowship in June 2002, and his team of dedicated reference support staff provide the Judges with current information on legal issues, and other insightful reading material as well as invaluable research assistance. The Librarian and his staff prepared and mounted the "Human Rights in the 21st Century" exhibition outside the Banco Court in the Law Courts Complex. These displays are integral to the courts extending their role into the community.

Chief Judge's calendar

As well as the time allotted to administrative responsibilities, I continued to sit in the District Court's civil, criminal, appellate and applications jurisdictions this year, as well as travelling to various regional and circuit centres. During the year under report, I sat on circuit in Townsville, Maroochydore, Cairns, Rockhampton and

Mackay, as well as for a total of 19 weeks in the civil, criminal, appellate, and applications jurisdictions, in the Planning and Environment Court and in the Health Practitioners Tribunal. While on circuit, I met with local registry officers and other court staff and with members of the local profession in Rockhampton, Townsville, Maroochydore, Cairns and Mackay.

In addition to conferences and public events, I attended numerous meetings during the year, often with some of the Judges, aimed at ensuring the most effective delivery of judicial services. Regular meetings were held with the Chief Justice, the Attorney-General and Director-General of the Department of Justice and Attorney-General, the Court Administrator, the Principal Registrar and listings managers, as well as with the Bar Association and the Queensland Law Society, the Director of Public Prosecutions and the Public Defender and leaders of the many organizations involved or with a particular interest in the criminal justice system such as Legal Aid Queensland. I also attended meetings of the Chief Justice's Focus Group, the Supreme and District Courts Management Committee, the Courts IT Management Committee and the Courts Administration Committee and meetings with Directors-General and senior officers of the Departments of Local Government and Planning, Aboriginal and Torres Strait Islander Policy and Development, and Corrective Services, and participated in the meetings of the Council of Chief Judges of Australia and New Zealand.

Other judicial activities and court matters

The Judges met monthly in Brisbane for their formal meetings to consider the numerous and wide-ranging issues which impact upon the Court's operation. Regional Judges and Judges on circuit attend through telephone link-up. Together with the Court Administrator, the Principal Registrar and other registry and administrative officers, the Judges constantly review and update the Court's processes. Members of the various Judges' committees also met regularly either in Brisbane or by telephone link-up.

Judge Robin QC and Judge McGill SC are members of the Rules Committee established under the *Supreme Court of Queensland Act 1991* which monitors the operation of the Uniform Civil Procedure Rules and formulates proposed amendments. Their commitment to this important committee is substantial.

Senior Judge Skoien is the court's representative on the Judicial Conference of Australia. He is an executive committee member of the Governing Council. The work undertaken by the Judicial Conference of Australia is invaluable to all Judges.

The Chief Judge remains a statutory member of the Supreme Court Library Committee. This organization provides a vital service to the Judges and the legal communities of Queensland and is particularly important to regional and circuit Judges for the ease of access it provides to up to date legal materials.

Judge Shanahan is the Supreme and District Courts' representative on the Australian Institute of Judicial Administration's Indigenous Cultural Awareness Committee. This committee has been involved in cultural awareness training for the judiciary in Australia for more than a decade. The committee comprises representatives from the judiciary in each State and Territory and the Federal Court

and a number of Indigenous members. It meets approximately every six weeks by telephone link-up to exchange reports on initiatives in each jurisdiction aimed at strengthening the judiciary's understanding of Indigenous issues.

Court website

The District Court Calendar is gazetted for the calendar year in the second half of the previous year. It is available on the courts' website (www.courts.qld.gov.au) and all updates are published on the web within hours, as are listings, practice directions and other relevant information concerning the court's practice and procedure.

Visitors to the Court

The Judges' commitment to improving public understanding of the processes of the courts was demonstrated by their participation in the conduct and coordination of school visits to the courts.

The Principal Registrar again invited members of the public to a guided tour of the Law Courts Complex as part of the Queensland Day celebrations on 6 June 2002.

On 16 August 2001 a delegation of 20 Judges from the People's Republic of China visited the Court and the Court hosted Japanese visiting Judge Masahiro Maeda from Kobe District Court on 12 February 2002. A delegation of 23 Beijing High Court Judges attended the Brisbane Supreme and District Courts on 14 March 2002. Mr Hiroshi Tazawa, a Japanese Public Prosecutor interested in Queensland's approach to life imprisonment, attended numerous criminal trials during the week commencing 8 April 2002. His visit was followed by that of Japanese Judge Takayoshi Iwai during late May 2002.

Maryborough Court House Refurbishment

In August 2001, the Chief Judge attended the official opening of the restored Maryborough Courthouse. It is now graced with watercolours of the courthouse donated by the former Solicitor-General, Brigadier Thomas Parslow QC, RFD, ED and his brother, James. Their paintings show the heritage-listed Maryborough Courthouse at different times.

The painting by Brigadier Parslow was executed freehand in 1938 when he was a clerk in what was then the Court of Petty Sessions (now the Magistrates Court). It shows the courthouse from the Wharf Street perspective. The government offices that were built adjacent to the courthouse in 1940 later blocked this view.

Judge Forno QC conveyed the paintings to Maryborough on his circuit there in April 2002. Brigadier Parslow's painting has been installed in the courtroom, and Mr James Parslow's painting in the Judge's Chambers.

Judicial milestone

Senior Judge Hanger retired on 11 August 2001 after 25 years on the Court, from 1976 as a resident Judge at Townsville and from 1983 as the first resident Judge in Southport.

Conclusion

This report demonstrates the dedication of the Judges to their office and their commitment to the people of Queensland, through their contribution to the Court's commendable performance this year, despite the resource obstacles to which I have referred. I warmly thank the Judges for their contribution which has advanced public trust and confidence in the Court during the year under review. I congratulate the Judges too for their contribution to the compilation of this report.

The Judges are most grateful to the Court Administrator, Ms Bronwyn Jerrard, for the sterling service she has provided with her staff to the Court and to each of the Judges. The Principal Registrar, Mr Ken Toogood, and his staff have been unstinting in their assistance and valuable work in the complex administration of the Court. Each has supported the Judges in progressing the continuing reviews and initiatives necessary for monitoring the Court's processes.

Judges of the District Court

At the time of writing this report the District Court remains a bench of 35 Judges. There was a short period during the year under review, in addition to the Chief Judge, 36 Judges of the District Court.

Chief Judge

Her Honour Chief Judge Patricia Mary Wolfe

Judges

His Honour Senior Judge John Mostyn Hanger (Southport) (to 11 August 2001)

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, QC

His Honour Judge Keith Stuart Dodds (Maroochydore)

His Honour Judge Anthony Joseph Healy, QC

His Honour Judge Manus Boyce, QC

His Honour Judge Garry Spencer Forno, QC

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, QC

His Honour Judge Philip David Robin, QC

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 (Maroochydore)

His Honour Judge Michael William Forde

His Honour Judge Charles James Lennox Brabazon, QC

His Honour Judge Douglas John McGill, SC

His Honour Judge Clive Frederick Wall, RFD, QC (Townsville)

(Judges cont'd)

His Honour Judge Robert Douglas Pack
(Townsville)

His Honour Judge Nicholas Samios

His Honour Judge Grant Thomas Britton SC
(Rockhampton)

Her Honour Judge Deborah Richards (Ipswich)

Her Honour Judge Sarah Bradley (Cairns)

His Honour Judge Michael John Shanahan

Her Honour Judge Julie Maree Dick SC

His Honour Judge Alan Muir Wilson SC
(Southport)



Judges of the District Court

Retirement of Senior Judge Hanger

Senior Judge John Mostyn Hanger was appointed a Judge of District Courts on 8 March 1976.

He was associate to his father, the then Chief Justice of Queensland, Sir Mostyn Hanger KBE for three years prior to his admission to the Bar in 1962. There he developed a busy practice which he relinquished in March 1970 when he accepted an appointment as a magistrate in Hong Kong, holding this appointment for six years until returning to take up his appointment as the junior Judge in Townsville in 1976 where he was to sit until 1983. He became the senior Townsville Judge in 1981. In 1984, he became the first resident Judge at Southport. He was commissioned a deputy chairman in 1989 and a Senior Judge in 1993.

Senior Judge Hanger left a lasting and beneficial mark on the regional communities he served with dedication and admirable thoroughness. In Southport he crafted a system of callovers in crime and civil matters so that Southport's increasingly busy lists were accommodated. He was also a Judge of the Childrens Court of Queensland and the Planning and Environment Court.

On 8 March 2001, members of the Queensland judiciary and the local profession gathered at the Southport Courthouse for a ceremony to mark his 25 years as a Judge of the District Court of Queensland.

Senior Judge Hanger retired on 11 August 2001.

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 Jerrard
Principal Registrar, Brisbane	Ken Toogood
Deputy Court Administrator	Cameron Woods
Sheriff	Neil Hansen
Registrar (Cairns)	John Bingham
Registrar (Townsville)	Ray Keane/Alan Cook
Registrar (Rockhampton)	Gordon Roberts
Information Technology Manager	Ian Sims
Deputy Registrars – Civil Registry	Ian Mitchell
	Peter McNelley
	Trevor Davern
	Ian Enright
Deputy Registrar - Criminal Registry	Peter Irvine
Chief Judge's Secretaries	Leanne Fox
	Jan Daniels
	Kim Donkin
Chief Bailiff	Phil Lennon
Deputy Chief Bailiff	Ken Welsh
Listings Director	Kate Bannerman
Criminal List Manager	Natasha Power/Tracy Dutton
Assistant Criminal List Manager	Brendan Manttan/ Stephen Goldsworthy
Civil List Manager	Danny Coppolecchia
Applications and Appeals List Manager	Pat Gould
Planning & Environment and Childrens Court List Manager	Jeff Hobson/Jo Stonebridge
Circuits List Manager	Rachel Penny
Judges' Secretariat	Bev Morgan
	Laura Murase
	Gerri McKelson
	Nancye Gibson

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



Cameron Woods (Deputy Court Administrator), Her Honour Chief Judge PM Wolfe, Ken Toogood (Principal Registrar)



*Back Row: Denise Seizovic, Kim Donkin, Joan Barr, Madonna Flynn, Joanne Willett, Jenny Turner
Front Row: Katie Grady, Cameron Woods, Her Honour Chief Judge PM Wolfe, Jan Daniels, Dianne Hastie*

Specialist Courts

The Judges who sat in the Planning and Environment Court and Childrens Court during 2001-2002 are listed below:

Planning and Environment Court

Chief Judge Wolfe

Senior Judge Skoien

Judge Quirk

Judge Dodds

Judge McLauchlan QC

Judge Robin QC

Judge Newton

Judge White

Judge Nase

Judge Robertson

Judge Brabazon QC

Judge Wall QC

Judge Pack

Judge Britton SC

Judge Wilson SC

Some District Court Judges are commissioned to sit as Childrens 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 Childrens Court during 2001-2002 are listed below.

Childrens Court

Judge Robertson (President)

Senior Judge Trafford-Walker

Judge Healy QC

Judge O'Brien

Judge White

Judge Nase

Judge Wall QC

Judge Pack

Judge Samios

Judge Britton SC

Judge Richards

Judge Bradley

Judge Shanahan

Judge Dick SC

Jurisdiction and sittings of the District Court

To appreciate the extent of the Court's current caseload and the Court's importance to Queensland, it is useful to compare the Court's early history with its present jurisdiction including that of the specialist courts and tribunals which operate under the aegis of the District Court.

The District Court's early history

District Courts existed in Queensland prior to separation, but the *District Courts Act* of 1858 did not come into force in Queensland until 1859 but they were not established until 1866 with the appointment of the first Judges of the courts. Their number was then limited to four Judges and they exercised very limited jurisdiction. These courts were abolished in 1921 and the members were given commissions as justices of the Supreme Court.

The District Court was re-established in Queensland in 1958. In introducing the Bill the then Attorney-General said:

One of the objects of the District Court is to facilitate the administration of justice in the locality where it is required - speedily, effectively, and without any unnecessary cost. With the great growth of litigation, particularly that resulting from the modern development in the use of motor vehicles, speedy justice cannot be obtained under our system.

When the *District Courts Act* of 1958 came into force in 1959 the Court's jurisdiction was limited to £1,500, or £2,500 in the case of actions arising out of a motor vehicle accident. Its criminal jurisdiction was limited to indictable matters where the maximum sentence was 7 years imprisonment. The number of Judges was limited to four.

The 1958 Act was replaced by the *District Courts Act* 1967 which, as amended from time to time, remains in force. It is now called the *District Court of Queensland Act* 1967. In 1997 the court's name was changed to the District Court and then to the District Court of Queensland, so named on 6 June 2002 by the *Constitution of Queensland* 2001. The *Constitution of Queensland Act* 2001 acknowledges the District Court of Queensland as the *Constitution Act* 1867 had not.

During the two periods of the existence of the District Court there have been 14 Registrars of the Court at Brisbane. Their names appear below.

Registrars of the District Court

Brisbane

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 -

The Modern District Court

In the 44 years since its re-incarnation the District Court has grown in numbers and in the jurisdiction it exercises. There has been enormous growth in the responsibilities of the Judges. There are 35 Judges holding commissions under the *District Court of Queensland Act* of 1967 and exercising extensive appellate, criminal and civil jurisdiction. The District Court is now the largest trial court in Queensland. It is the principal court in Queensland for the trial of persons charged with serious criminal offences. It deals with more than 85% of all criminal matters in Brisbane which are prosecuted on indictment. The Court exercises equitable and other jurisdiction within its civil monetary limit. The Court's civil 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. Many of the Judges are also appointed to the Planning and Environment Court and the Childrens Court of Queensland. All Judges are members of the Health Practitioners Tribunal.

The general jurisdiction of the District Court of Queensland is as follows:

Appellate

This Court now hears and determines all appeals from the Magistrates Courts – this is a wider jurisdiction than that exercised by any other District or County Court in Australia or New Zealand.

Civil

The Court has an extensive general jurisdiction:

- all personal claims and any equitable claim or demand up to the monetary limit of \$250,000;
- any claim (without monetary limit) referred to the Court by the Supreme Court for assessment;
- any claim where the parties consent to increase the monetary jurisdiction of the Court;
- actions to enforce by delivery of possession any mortgage;
- actions to grant relief from mistake and for rectification;
- actions seeking declarations and consequential orders arising from partnership disputes;
- administration of estates where the estate does not exceed in value the monetary limit of the Court;
- family provision pursuant to the *Succession Act* 1981;
- construction of deeds and other documents.

Criminal

In practice the Court deals with all indictable matters other than homicides and serious drug offences. The Court regularly conducts trials involving:

- more than 24 offences attracting a maximum penalty of life imprisonment;
- offences under the *Corporations Law* and against Federal and State revenue laws. These may involve many millions of dollars;
- major trials involving public figures such as a former premier, several former Ministers of the Crown, and a former police commissioner.

The Planning and Environment Court

The Court was constituted in 1990 by the *Local Government (Planning and Environment) Act*, repealing the Local Government Court. The *Integrated Planning Act* came into effect in March 1998. The Court has unlimited monetary jurisdiction, and exercises jurisdiction over all planning and like appeals in the State. This Court is constituted by a District Court Judge appointed to it. Matters are often complex, involving many millions of dollars. The Court's decisions often have significant economic, health or lifestyle impact on large communities throughout the State.

Health Practitioners Tribunal

All District Court Judges are members of this Tribunal which was established by the *Health Practitioners (Professional Standards) Act*. The Health Practitioners Tribunal hears appeals from disciplinary tribunals in respect of most health professional groups, medical practitioners, chiropractors, dentists, dental technicians and prosthetists, occupational therapists, optometrists, pharmacists, physiotherapists, podiatrists, psychologists and speech pathologists.

Other Appeals

The District Court also hears appeals from other professional disciplinary bodies. The relevant professions include teachers, nurses and engineers, as well as appeals under the *Associations Incorporation Act 1981*, the *Children's Commissioner and Children's Services Appeals Tribunal Act 1996*, and several other Acts.

Building Appeals

The District Court hears all appeals from the Queensland Building Tribunal.

Childrens Court

The District Court Judges appointed to the Childrens Court of Queensland determine some of the serious criminal charges brought against children. They also provide speedy access for the hearing of bail applications and sentence reviews, especially for young children being held on remand.

Regions

Throughout the law year the Court sits in Brisbane and the regional centres where some Judges are based. The regional centres are located at Cairns, Townsville, Rockhampton, Maroochydore, Southport, Beenleigh and Ipswich. Judges also travel on circuit to other centres throughout the State. At most circuit centres and at some regional centres the Judges rely on such registry support as is available from staff of the Magistrates Court service.

Southport

The Southport District Court services the Gold Coast and surrounding region, its geographic net extending from Beenleigh to the north to the Queensland/NSW border in the south, and as far west as Beaudesert. The region has a permanent population of 478,418 as well as a large itinerant population.

Judiciary

Southport is home to three resident Judges, Judge Hall, Judge Newton and Judge Wilson SC. Judges Newton and Wilson SC hold commissions in the Planning and Environment Court and Judge Newton also holds a Childrens Court commission. Judge Newton has considerable administrative duties. He is responsible for the management of the criminal, civil and Planning and Environment lists and was responsible for the production of the draft calendar for 2003.

Caseload

Long trials in both the criminal and the planning and environment jurisdictions were conducted at Southport. The assistance of visiting Judges helped meet the needs of the busy Southport list. Judge Newton had responsibility for the civil and criminal lists.

Registry

Despite the heavy caseload serviced by the Southport branch of the Court, the registry remains a three-staff-member adjunct to the local Magistrates Court registry. As last year's report showed, this matter has for some years been a source of serious concern for the Judges who hold the strong view that the present system of a "fused" registry is entirely unsatisfactory, and the Court will not operate to its full efficiency until a separate District Court registry is established.

Technology

During the year under review the Court has continued to use basic courtroom technology for the conduct of long and complex trials which required extensive use

of these systems so that Judges, jurors, witnesses and counsel could view large numbers of documents on computer screens.

Maroochydore

The Maroochydore District Court district includes Maroochydore, Caloundra, Nambour and Noosa.

Judiciary

There are two resident Judges in Maroochydore, Judge Dodds and Judge Robertson. Both Judges exercise criminal, civil and planning and environment jurisdiction. Both are occupied at Maroochydore for the greater part of the year. Both, however, travel to other areas on circuit. They usually do most, if not all, of the circuit work at Gympie and Kingaroy. They sometimes do circuit work in centres elsewhere.

Courthouse

The Court building at Maroochydore contains three District Courts and three sets of Judges' chambers. Thus, there are facilities to locate another resident Judge at Maroochydore. The present spare chambers is used by Judges from elsewhere in Queensland who come to Maroochydore to assist and by members of other courts or tribunals who sometimes work in Maroochydore. The latter may make use of a spare courtroom.

The courtrooms at Maroochydore are modern and work reasonably well. Two of them have direct dedicated access from courtroom to jury room and are used as jury courtrooms. In the other courtroom, jurors must utilise public or secure areas to move between the courtroom and the jury room.

One of the two-jury courtrooms has been fitted with video and audio equipment to allow disadvantaged persons, particularly children, to give evidence in a room remote from the courtroom. Another remote and private room in the courthouse has been provided with the necessary equipment for the person to give evidence.

The other jury courtroom has recently been fitted with equipment to overcome difficulties in hearing softly spoken witnesses and difficulties experienced by members of the public in the rear of the court hearing proceedings. This problem is common to the three courtrooms.

The courtrooms and jury rooms are otherwise adequately provided with equipment with one exception. There is only one piece of equipment which allows documents, including photographs, to be viewed by all the participants in a trial at the one time (a visualiser). Use of this equipment results in a large saving of time, particularly in jury trials when each juror must see the document. If two or more Judges are conducting trials and wish to make use of the visualiser, either the visualiser or the Judges must move between courtrooms.

There is a need to outfit all courts similarly, particularly the jury courts, with all the equipment described above.

Registry

Maroochydore District Court registry and Maroochydore Magistrates Court registry occupy the same registry space. Staff are involuntarily rotated into and out of working within the District Court part of the registry. There are two level AO4 Deputy Registrar Magistrates Court officers in the registry who at present rotate into the District Court registry work as the officer in charge of it. Typically, two other registry officers assist that officer. This system has been working well.

The Registrar of the Magistrates Court is also the Registrar of the District Court. The Registrar is quite often absent working as an acting magistrate. When that occurs, the next senior registry officer acts as Registrar.

There remains an ongoing issue of a lack of secretarial support for the Judges. It has been raised previously on a number of occasions, but continues to be ignored. At Maroochydore in the past and still, the Judge's associate must type letters and reserved judgments for the Judge. The alternatives are the Judge type this material himself or herself, or in the case of reserved judgments, read them out at length in the courtroom, where they are recorded by the State Reporting Bureau. This is in contrast to publishing the judgment by providing an already typed set of reasons for judgment to the parties. Reading the reasons for judgment in full in court is time-consuming and time-wasting. It involves time spent writing the judgment and then reading it out in full in court. If the associate does the typing, she or he may be required to use lunch or before or after work hours to attend to it. It is not part of an associate's job description and, in centres where secretarial assistance is available for Judges, associates do not do it.

The Local Profession

There are a number of barristers resident in chambers in Maroochydore (the local Bar). Numbers fluctuate a little, but there has been a core of six for some time. Solicitors practicing on the Sunshine Coast and in the surrounding area have an active local association.

Both Judges at Maroochydore have a policy of assisting members of the media so far as it is possible to do so. Associates are instructed to respond to requests for assistance with information, transcripts and documents and to refer any other request to the Judges.

The Judges share a facsimile machine between them, but do not have a photocopier. If photocopying is required, associates either journey downstairs to the registry or to the State Reporting Bureau offices.

Caseload

Maroochydore is a busy court centre. In the year under review, 42 weeks were set aside for criminal work, of which 28 involved the resident Judges and 14 weeks Judges on circuit. Sixteen weeks were set aside for civil and planning and environment work. Of the criminal work, over 80 percent of trial matters and 90 percent of matters with a plea of guilty are usually disposed of within six months of presentation of the indictment. There are always some matters which, because of

difficulties encountered by the prosecution or the defence, require a longer period before disposal. Of civil work, usually 98 percent of matters are disposed of within nine months of the parties indicating they are ready for trial. Most of them are disposed of within six months of that date. Maroochydore is the third busiest centre in the State by numbers of civil cases disposed of, after Brisbane and Southport.

In the criminal jurisdiction, there continues to be an intractable problem with last moment changes of position by prosecution or defence. It is variously due to late notification by the prosecution that it will not proceed with a charge against a defendant or that it will proceed with a different charge, and/or late notification by a defendant or a defendant's legal adviser that a matter listed as a trial will be a plea of guilty. Sometimes, the latter occurs after discussion between the prosecution and the defence and/or by the prosecution changing the charge/s to be proceeded upon, sometimes not. Contributing factors plainly are late preparation, on the prosecution side, by a person with responsibility for the charge and able to make decisions about the charge, and on the defence side, late conferencing with the person charged. The Judges hold callovers of criminal matters in which indictments have been presented about four weeks prior to commencement of the sittings in criminal jurisdiction at which matters are set down for trial in weekly lists in consecutive order.

Sometimes trial reviews are held closer to the commencement of the work. However, experience has shown these are largely a waste of time. The senior registry officer working in the District Court adopts the role of a listing officer monitoring the lists of matters set down for trial or sentence. In a significant number of cases, however, on the day before or on the day of trial, there is an alteration in the prosecution position varying from preferring a different charge to abandoning the prosecution or an alteration in the defence position resulting in a plea of guilty. It is often too late to arrange for the next listed trial, resulting in a jury panel attending the court needlessly.

The civil work listing experience is similar. The great bulk of civil trials settle with the parties compromising their positions. The Judges hold callovers of matters which are indicated to be ready for trial and set matters down for trial for the number of days parties indicate will be required. Matters are set down for trial in a number one or primary trial position and others as reserve trials on that day or those days. Here also, the District Court registry officers monitor the lists of matters set down for trial. The majority of matters settle either before the trial day or on the morning of the trial.

Townsville

Judiciary

Judge Wall QC and Judge Pack are resident in Townsville. In addition, the Northern Judge (a Supreme Court Judge) as well as six Magistrates are resident in Townsville.

The Townsville based Judges conduct regular circuits to Bowen, Charters Towers and Hughenden and sit regularly at various centres in the northern district to hear appeals in the Planning and Environment Court.

Both Townsville Judges are also Judges of the Childrens Court and the Planning and Environment Court, and in those Courts service the area from Sarina to Cardwell and Townsville to Mt Isa.

Caseload

With assistance from Judges circuiting from Brisbane, the criminal list in Townsville has stabilised to an extent. Considerable assistance was received from Brisbane Judges. It is important that this assistance continue. The Judges manage the list in consultation with the local legal profession and the Director of Public Prosecutions. Late pleas of guilty are becoming less frequent as a result of case management by the Judges assisted by the Deputy Registrar.

The civil, planning and environment and appeals lists are in hand and hearings take place expeditiously.

The Court disposed of 582 criminal matters, 18 civil claims and 12 planning and environment appeals were finalised. The Court conducts a regular applications court approximately once every fortnight, thus providing certainty of dates for the parties to civil disputes and the profession. The Judges endeavour to give decisions immediately with *ex tempore* reasons, and few decisions are reserved.

Regular callovers were held. Sentences were set down on allocated sentence days. Trials were listed in two-week blocks. A review of matters on the trial lists was held on each preceding Tuesday at which an indication is given of whether matters were still trials or had become sentences. Those that have become sentences are then dealt with during the sittings before trials commence.

This required and receives ongoing management by the Judges. Defence conferences with clients were and are often not held early enough leading to the listing of matters as trials when in fact they are sentences. The resources of the Office of the Director of Public Prosecutions apparently do not allow for early meaningful discussions between prosecution and defence with a view to resolving, sooner rather than later, particular matters as sentences.

The civil and planning and environment lists were up to date as a result of ongoing supervision and regular sittings.

The Local Profession

There was a local bar of 30 in private practice in Townsville and about nine employed by the Office of the Director of Public Prosecutions and Commonwealth Director of Public Prosecutions. Regular consultation occurred with the profession with a view to resolving matters of mutual concern, the Aboriginal and Torres Strait Islander Legal Services being particularly co-operative.

Resources

There is a Registry for the Supreme Court and the District Court separate from the Magistrates Court. The Deputy Registrar acts as the criminal listing officer in consultation with the Judges. Likewise there is a civil and Planning and Environment listing clerk.

The Townsville courthouse does not have a remote witness room, video conferencing facility, data projection screen, permanent or mobile audio, nor scenes of crime video capability. There is only one document enhancer between two courts. Improved IT and courtroom facilities such as voice enhancers, remote witness room and closed circuit television have been requested.

Secretarial support is provided by Registry staff and the Judges' associates. To date this has proved sufficient.

Townsville's two District Court Judges are located on a different floor from that occupied by the Supreme Court Judge. However there is only one out of date printer which they must share.

Cairns

Cairns is the main District Court regional centre for far north Queensland. The region stretches from the Papua New Guinea border in the north to Cardwell in the south, a distance of 1100 kilometres.

Judiciary

The resident Judges are Judge White and Judge Bradley. The bulk of the judicial work is carried out in Cairns. Both of the Cairns Judges carry out circuit work outside the region for a few weeks each year. Judges from Brisbane visit the far northern region each year, sitting for a few weeks as necessary.

The Cairns Judges sit at Innisfail for three sittings of two weeks duration each year. This level of service appears to be adequate to cope with criminal and civil work generated in the Innisfail district and it is anticipated that District Court sittings at Innisfail will continue at the same level for the foreseeable future.

The far northern region has a much higher proportion of indigenous people in its population than any comparable region of Queensland. It is not surprising therefore that a significant number of those coming before the District Court (either as accused, complainants, or witnesses) are from the remote Aboriginal communities of Cape York Peninsula or from the Torres Strait Islands. District Court Judges have continued to visit such remote communities to deal with criminal sentence matters. In 2001/02 Judges from Cairns and Brisbane conducted circuit sittings at Thursday Island, Bamaga, Weipa, Cooktown, Lockhart River, Aurukun, Pormpuraaw and Kowanyama. These visits have produced a number of benefits, as Judges better understand the conditions and lifestyle of the communities, and utilize the input of community justice groups which have been

established in some of the communities. The communities have a greater feeling of involvement in the justice system. The very significant cost to persons otherwise required to get themselves to Cairns for court proceedings is reduced. Available court sitting time is used more efficiently.

The deterrent aspect of the sentencing process appears to be more effective when carried out within the community in which the offender has offended. The benefit of these visits has been enhanced by the upgrading of court facilities in a number of remote communities in recent years. The most recent was the opening of a fine new community justice centre building in Pormpuraaw in May 2002. Judge White represented the District Court at its official opening.

In the previous annual report the need for the appointment and training of interpreters in Aboriginal languages was identified. Also the need for the appointment of an Aboriginal Liaison Officer to assist all courts was identified. Such needs have yet to be met and the Cairns Judges consider the need to be no less pressing.

The Cairns Youth Services Group and the Criminal Justice Consultative Group continue to meet periodically with Judge Bradley, making an effective contribution to the work of the Court.

Caseload

The great proportion of work carried out in the District Court in Cairns is in the criminal jurisdiction. The caseload for the year is very similar to the previous year. 867 cases were disposed of and 261 were awaiting hearing as at 30 June 2002. The Judges conduct a callover of cases awaiting hearing approximately every three months with a view to listing cases for a block of approximate 8-10 sitting weeks. Invariably some cases are not ready for hearing for various reasons, but during the last year every case nominated as being ready for hearing at a callover has been offered a hearing during the following three months. In the criminal jurisdiction approximately 80% of cases were disposed of within 6 months of commencement and more than 90% within 12 months of commencement. The Cairns Judges would be able to dispose of every case within six months if the parties were able to make themselves ready. However, for a variety of reasons there is always a small percentage of cases which are not ready for a prompt hearing in spite of the willingness of the Court to deal with them.

Efficient use of court time continues to be undermined by cases being allocated hearing time and then not proceeding at the last minute, when it is too late to arrange alternative work. One of the main causes arises out of the size of the region. Many litigants, accused and witnesses reside long distances from their lawyers. Travel can be difficult and expensive. It is only when they come face to face with their lawyers immediately before the hearing that the lawyers are able to make an informed judgment about the likely outcome. The case is then able to be resolved. Nevertheless the criminal work is generally under control with most cases being disposed of reasonably promptly and existing judicial resources are adequate.

Civil work in the District Court in Cairns has declined in recent years with the vast majority of cases settling before trial. All civil cases were disposed of within 12 months of a request for hearing.

Judge White is a Judge of the Planning and Environment Court and deals with most of the work of that court originating in Cairns. The work in this jurisdiction requires only a modest allocation of judicial time and all cases are disposed of within six months of the parties indicating a readiness for hearing.

Registry

The Court registry serves both the District and Supreme Courts in Cairns. The Judges wish to acknowledge and thank the Registrar, Mr John Bingham, and his staff for their industry and assistance.

Rockhampton

Judiciary

Judge Britton SC is the Rockhampton based Judge of the District Court of Queensland. During the 2001-2002 year Judge Britton presided over 19 weeks of criminal sittings as well as 7 weeks of civil sittings in Rockhampton. There were 10 application days.

Visiting Judges also sat in Rockhampton for 10 weeks in crime and 2 weeks in civil.

Judge Britton also sat as a Judge of the Planning and Environment Court and as a Judge of the Childrens Court of Queensland.

In addition, Judge Britton undertook circuits to Emerald, Mackay, Maroochydore and Toowoomba and also sat in Brisbane.

Resources

There is a combined registry for the Supreme Court and District Court. It is located physically within the Magistrates Court registry but has its own staff separate from the Magistrates Court. The Registrar, Mr Gordon Roberts, has held his position for over 30 years and his duties are devoted exclusively to these two Courts. The Registrar undertakes the responsibility for listing. Secretarial assistance is provided on the basis that the secretary is shared between the Central Judge, the District Court Judge and the Registrar but the secretary also has some registry duties.

Facsimile and photocopying machines are available for judicial use but are located remote from Judges' chambers although on the same floor within the office of the Registrar and secretary. Courtrooms are equipped with all necessary facilities and there is a remote witness room with closed circuit television which is used when required.

Workload

The volume of civil actions which are litigated to judgment has continued to decline reflecting the success of Alternative Dispute Resolution procedures.

The backlog in the criminal area has been reduced significantly thanks to the efforts of the Rockhampton staff of the Director of Public Prosecutions and Rockhampton defence lawyers and the high level of cooperation between them as well as the increase in visiting Judges. It is envisaged however that there will still be a need for visiting Judges in future years if the list is to be maintained at a manageable level.

The Local Profession

The number of barristers in private practice resident in Rockhampton remains at about 10. There is frequent consultation between Judge Britton and visiting Judges and the local profession.

Beenleigh

The present Court building was opened as a Magistrates Court Complex on 30 March 1987.

Judiciary

The first resident Judge to sit at Beenleigh was Judge O'Brien, who was formally welcomed at the opening of the Court on 30 January, 1998. Judge O'Brien presided at the first sittings on 2 February, 1998. Judge Nase was appointed to Beenleigh in early 1999, after Judge O'Brien took up duties in Brisbane. Judge Nase is also a Judge of the Planning and Environment Court and the Childrens Court of Queensland.

The Courthouse

The court building now contains six (6) working Magistrates Courts and one District Court. The structure of the existing court building and the available spaces in it did not lend itself readily to adaptation to meet the basic requirements of a District Court. Although considerable ingenuity was invested in the design, substantial deficiencies soon emerged. During 1998 both the Law Society and the Bar Association complained of deficiencies in the courtroom. The main problems are the proximity of the witness box to the dock; the absence of a second jury room which means that juries are commonly accommodated in the jury assembly area when trials overlap; and the courtroom itself is undersized with limited public access. On the positive side, the acoustics in the courtroom are good, and facilities now exist for receiving the evidence of children and other vulnerable witnesses by video-link from an adjoining room.

The Region

The location of a District Court at Beenleigh has allowed a significant proportion of criminal matters to be diverted from Brisbane to Beenleigh. The community serviced by the District Court at Beenleigh 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 of Brisbane.

Registry

When the new District of Beenleigh was established, the Area Manager for the Magistrates Courts Service, Mr. Lonergan, was appointed Registrar of the District Court. Mr. Lonergan exercises a valuable supervisory role over the registry. Most of the day-to-day registry functions for the District Court are carried out by the Deputy Registrar and a clerical assistant who are housed in a room on the same level as the courtroom. Originally the Deputy Registrar was given a desk in the general Magistrates Court Registry. The present arrangements represent a considerable improvement on that position and offer distinct advantages of efficiency and access both for the Court and for the legal profession. Some work still remains to be done in order to fit out the rooms with a laser printer and other equipment.

Library

An initial allocation for a basic library was advanced by the government and a number of law reports were purchased. Unfortunately the law reports purchased have not been kept up to date.

The Local Profession

The bulk of the work at Beenleigh is criminal. There is a small branch of the Office of the Director of Public Prosecutions. The Director's office has a critical role to play in the efficient conduct of criminal work. There is no local bar. Most of the criminal work is handled by locally-based solicitors or the legal aid office. There is a heavy demand on the available court time and it is necessary for the resident Judge to closely supervise the criminal list.

Needs

The most pressing needs are:

1. Another courtroom in the building in which criminal trials can be conducted. The volume of new criminal matters is 16.5% of the Brisbane volume. One courtroom equipped to do criminal trials is insufficient to deal with the current and future work loads at Beenleigh. Inevitably a backlog of criminal trials will develop over time.
2. Suitable accommodation for a visiting Judge is required. In the year under review, visiting Judges sat at Beenleigh for a total of 13 weeks.

For 5 of those weeks the resident Judges was absent on long leave or circuit, so his chambers could be used. For 8 weeks no suitable accommodation was available for the visiting Judges.

3. Computer access to a criminal database system is required by the Registry. It would be advantageous if the system could be coordinated with the current system in use in Brisbane. This would allow a more easy transfer of matters between Beenleigh and Brisbane. A criminal database would greatly enhance the efficiency of the listing functions carried out within the Registry.
4. There is still some work to be done at the Registry occupied by the Deputy Registrar. A laser printer and network connections for computers are required.
5. The Library needs to be kept up to date.

Conclusion

The Beenleigh Court is a busy one. Any report should recognise the dedication, competence and work skills of the Registrar, Mr Lonergan, the Deputy Registrar (and presently the Acting Deputy Registrar) and Mr Anderson, the bailiff, which are essential to the proper running of the Court.

Ipswich

The Ipswich District Court was established as a regional Court in 1994 and covers a broad area that incorporates the communities of Gatton, Laidley, Rosewood, Esk, Kilcoy, Boonah and Ipswich, extending from Jimna in the North, to Boonah in the south, across to Helidon in the east, and Gales in the west.

Ipswich is a busy court with three resident magistrates. The Family Court Magistrate visits one day a fortnight, with hearings as required, and the Drug Court operates one day a week. In addition, the Magistrates at Gatton and Toogoolawah both commit matters to the Ipswich District Court.

Judiciary

Since 1998, Judge Deborah Richards has been the resident District Court Judge at Ipswich.

Region

Department of Local Government projections estimated that the annual population growth rate for the region during the past decade has averaged approximately 1.5%, and that this growth rate is projected to continue over the next 25-year

period¹. Ipswich, the major town, styles itself as a “Smart City”. It is home to a community-based Internet provider and the University of Queensland has a campus there.

The Courthouse

The location of the regional District Court in Ipswich is in the Magistrates Courthouse. The building is not suitable for a permanent District Court. Problems include a lack of security, no private access to the Judges’ area and no holding cells below the new courtroom. There are two District Court courtrooms. The older courtroom has the dock located in close proximity to the Judge, the Judge’s Associate and the prosecutor. In the past an Associate was almost injured when a television was pushed over towards the Associate by an accused person. Investigations have been made into relocating the dock to a more suitable position but to date nothing has been done. The new courtroom has no direct access to holding cells. Prisoners being brought from or taken into custody must go through the public areas of the Court to gain access to the courtroom. On occasions all the public in the corridors have had to be removed to allow safe transition from the holding cells to the courtroom. On sentence days there is sometimes delays caused by this problem.

There is no secretarial support for the Judge at Ipswich. Essential secretarial services are obtained by courier from staff in Brisbane. This creates enormous difficulties when there is a need for urgent preparation of judgments.

The Court this year has been equipped with a remote witness room to enhance evidence given by young or disadvantaged witnesses. However, the installation of that equipment has highlighted the problems with the current accommodation. There are two courtrooms used by the District Court in the Ipswich courthouse. The new courtroom has no close and suitable room in which to locate the equipment required for a remote witness. The old courtroom has a suitable room nearby however, the location of the dock in that courtroom poses a significant security problem for the Judge and the Judge’s Associate. In addition this lack of facility can prove unsatisfactory when a visiting Judge is using the old courtroom only to be disrupted when the remote witness facilities are requested in a trial being conducted in the new courtroom.

The acoustics in both District Court courtrooms are poor, consequently witnesses often need voice enhancement. The Court currently uses an outdated portable microphone and speaker, which suffers from significant acoustic feedback. More sophisticated machinery is needed. The problem is exacerbated for visiting Judges using the old courtroom as it is located above the holding cells for the courthouse and noises from disgruntled prisoners can often be heard in the courtroom.

There is no visualiser and no closed circuit television (CCTV) facility currently available at Ipswich.

¹ Department of Premier and Cabinet, Regional Communities web site: http://www.dcilgps.qld.gov.au/regcomm/seqw_main.html, accessed 29/5/01.

Registry

The District Court registry is currently located within the Magistrates Court registry. This causes a number of problems for the efficient running of the Court, as there is no separate area for the maintenance and filing of the District Court work. There is space available to establish a separate District Court registry next to the Magistrates Court. This would cause minimum inconvenience to the public.

It has now been a number of months since the District Court has taken over the criminal listing function from the Director of Public Prosecutions. The difficulties this has caused have been largely overcome by this change. The list clerk now has an overview of all the District Court lists and is able to coordinate the civil and criminal lists. Her role involves direct consultation with the resident Judge and she now has the time to provide essential information to the Judge to enhance the prompt disposal of matters before the Court.

The Local Profession

The Ipswich District Court has a busy criminal list served by both the Brisbane and Ipswich criminal bar. The region's legal community boasts some 22 law firms whose solicitors work closely with the Court to ensure that the list runs as smoothly as possible. Lack of staff in the Director of Public Prosecutions' Office means that there are, at times, problems encountered in preparation of matters on the list and availability of prosecutors. The staff that are there work very hard. This year an additional prosecutor has been appearing before the resident Judge which has proved a vast improvement in the resolution of matters than in previous years when there was just the one prosecutor appearing before the Judge. However whether or not this remains a permanent arrangement is yet to be decided.

Criminal Jurisdiction

The Court dealt with 549 matters in the year under review. Sentences accounted for 407 of these matters, with 60% being finalised within 3 months of being committed to the Court. These were 42 trials, with 58% being finalised within 6 months of being committed to the Court for hearing. The Court carries forward some 52 active matters. The majority of matters heard in the District Court are property offences. Sentencing of offenders particularly juvenile offenders in the Court has seen increased usage of community conferencing before sentencing occurs. This involves the offender meeting the victim of his/her crime and listening to the effect the crime has had on the victim. Agreement is then reached as to the best way to deal with the offence. That is taken into account on sentencing. There has been significant positive feedback from the use of community conferencing from all parties involved.

Civil Listing Management

The Criminal list requires active management by the resident Judge. Monthly callovers result in trials and sentences being identified and trial reviews cull matters

from the trial list further. However, trials still collapse on occasion, wasting valuable resources and inconveniencing those summonsed to perform jury service.

Electronic Listing

The introduction of an e-listing system to the District Court at Ipswich has proved to be an efficient and successful initiative. The system involves the use of basic e-mail and was first instituted at the callover of February 2002 after extensive consultation by Judge Richards with the profession and the Director of Public Prosecutions. Presently the e-list procedure applies to new indictments to be presented at each callover.

In this system a list of sitting dates, trial review dates, callover dates and bulk sentence dates are made available to all practitioners. The list is forwarded to those who appear regularly in the Ipswich District Court via e-mail and is made available free of charge to all practitioners from the List Clerk in the District Court Registry.

The Ipswich Office of the Director of Public Prosecutions forwards a copy of all indictments to the relevant legal practitioners so that they are received no later than 8 working days prior to the callover. The list clerk e-mails a copy of the callover list to all practitioners who have provided e-mail addresses. The practitioner then e-mails the list clerk with advice that the matter can be dealt with as a trial or a sentence. The format of the e-mail is provided to the practitioner and reflects the information requirements of the Court. The e-mail sent to the list clerk is then automatically forwarded to the Director of Public Prosecutions, the Judge and the Associate. If the Court cannot accommodate the preferred listing requirements of the matter an alternative date will be allocated to the matter. Confirmation of the list date is sent after the Director of Public Prosecutions has been given a chance to comment on the date. An e-listed matter has the same status as a matter listed at a previous callover.

A number of legal firms in Ipswich have taken up the challenge. They have indicated that it takes very little effort and they usually get their preferred dates for trials and sentences. The system has been refined to ensure that there are no mentions or trial reviews on the day of the callover. This is to ensure that practitioners using the e-listing system do not have to appear in court on other mentions on that day.

It is hoped that the Court will be able to extend the e-listing system to other mentions and adjournment applications during the next year. It is estimated that the time spent in court on callover day has been cut in half with the introduction of e-listing. In addition the benefit to the Court of being able to analyse and arrange the list outside court is immeasurable.

Civil Jurisdiction

In contrast to the criminal list the civil list is small with very few trials. The resident Judge hears Court applications once a month, and this incorporates criminal

compensation claims and s.222 appeals from the Magistrates Court. Most civil matters settle before being entered for trial.

The Local Profession and Community Liaison

During the year Judge Richards invited representatives of the local legal community to meet with her. In particular the Judge hosted a meeting with the legal community inviting suggestions regarding the e-listing system scheduled to begin. The Judge met regularly with the legal community to ensure the Court was in a position to monitor and improve the listing practices in the Court. In addition the Judge addressed students from Bundamba State High School in the precincts of the Court. The topics raised included the role of the Court within the community, procedural aspects and the different legal career opportunities available within the profession.

Circuit Centres

A list of the 34 centres (excluding those with a resident Judge) to which the Court travelled on circuit during 2001-2002 appears below:-

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

Remote Circuits

Circuits to remote Aboriginal and Torres Strait Islander communities continue to form an important part of the Court's calendared sittings. The circuits involve sentence matters only, as facilities do not exist in the communities for jury trials. The circuits have an educative and deterrent aspect as the community can see at first hand the penalties imposed for various offences. The circuits also allow the Judges to meet with elders, community representatives and community justice groups.

The organisation of the circuits requires intensive administrative and coordination effort on the part of the Judges and associates.

During 2001/2002 the following circuits were conducted at remote communities:

- 23-25 July 2001 – Lockhart River and Cooktown.
- 15-18 October 2001 – the Cape circuit at Weipa, Aurukun, Pormpuraaw and Kowanyama.
- 29-30 October 2001 – the Gulf circuit at Mornington Island.
- 29-31 October 2001 – Thursday Island and Bamaga
- 18-21 March 2002 – the Cape circuit at Weipa, Aurukun, Pormpuraaw and Kowanyama.
- 13-16 May 2002 – the Gulf circuit at Mornington Island, Doomadgee and Normanton.
- 13-16 May 2002 – Thursday Island and Bamaga.

The lack of appropriately trained interpreters in some circuits continues to present a problem.

Facilities at Thursday Island, which is also visited regularly by the Magistrates, are substandard. The courtroom and the registry are housed in the front section of a building, the rear of which contains government offices. There is limited internal waiting room for accused persons, victims, witnesses, supporters, other members of the public and legal advisers. On court days, the verandah is teeming with people. The verandah is open to all weathers. There are no waiting rooms for victims of domestic violence, witnesses or children, no separate interview rooms for defence counsel and solicitors to interview clients, nor for prosecutors and DPP legal officers to interview witnesses. Interviews are conducted on the verandah, where there is no privacy. Similarly, there are no rooms available for officers of the Department of Families, Youth and Community Care, and the Department of Community Corrections to talk to clients on court days. Interviews are conducted on the verandah. There are too few public toilets. There is only one male and one female toilet for the staff, judicial officers and the general public who have access via the registry office. This is a security issue, as is the fact that the Judge's/Magistrate's chambers are accessible to the public and that there is no separate room available for the court reporter.

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 trying persons charged with Commonwealth offences including corporate and taxation offences punishable by up to 14 years imprisonment. Most trials (except murder, attempted murder, manslaughter and serious drug offences) are conducted in the District Court (s. 61 *District Court of Queensland Act 1967*).

After an indictment is presented a Judge allocates a date for trial of the matter. Regard is had to the number of Judges available to preside over criminal trials from time to time, counsels' and witnesses' availability and the type of matter involved. Frequently, when the trial date is given, the parties are also advised of the trial review date. The trial review occurs about 10 days before the start of the week in which the trial is listed to start. The Court is then advised of the name of the prosecutor and the defence is expected to confirm that defence counsel has conferred with the accused. Both parties are then to advise a Judge that the trial is ready to proceed in all respects. If there is a problem the matter will be reviewed continuously to the morning of the trial unless it is appropriate that the trial dates are vacated.

Many of the cases are reviewed or managed by the Judges before the review date, to ensure that the Office of the Director of Public Prosecutions has provided the defence with witness' statements and particulars and that the defence has considered whether a s. 592A hearing is required. Before the trial review date, the parties in all cases are expected to raise any foreseeable problems as they arise. In Brisbane, Southport and some other centres the Court conducts a "running list". That is the only way this court can deal appropriately and expeditiously with its criminal workload having regard to the effect on the list of "late" pleas and *nolle prosequis*.

In Brisbane, up to 5 trials are listed to commence before each Judge who will be presiding over criminal trials in a particular week. Not infrequently there are between 7 and 10 Judges sitting in crime in Brisbane. By reason of the nature of the offences dealt with by the District Court, child witnesses, such as complainants in sex offence cases, often appear in trials. These cases are given high priority.

The Court must ensure that the interests of both the community and the defendant are dealt with in criminal trials as expeditiously as is reasonable. The Judges continue to be impressed by the conscientious manner in which jurors discharge all of their onerous obligations.

Criminal Listing Taskforce

The conduct of the Court's criminal list in Brisbane is undertaken by the Chief Judge and the Judges of the Criminal Listing Taskforce, with the assistance of the Listings Director, Ms Kate Bannerman and the District Court Criminal List Manager, Ms Tracey Dutton. The Taskforce Judges are:

Director: Judge Hoath
Members: Judge O'Brien
Judge Shanahan
Judge Dick SC

Callovers were held at least monthly throughout the year in Brisbane, providing a framework for the efficient disposition of matters on the criminal list. Up to 200 indictments were presented at any one callover, and each was allocated a date for trial, sentence, or further mention.

Daily mentions are conducted by the listing Judge and reviews of matters set down for trial are routinely conducted 10 days prior to the commencement of trials. The increase in s.592A pre-trial applications has led to the earlier settlement of issues and the more efficacious movement through the list of matters awaiting trial. Of the matters where a s.592A hearing is held, 60% do not proceed to trial. However, problems have arisen recently in maintaining a sufficient number of trials for the Judges sitting in crime. These are attributable to a number of factors which could be avoided if the parties conducted thorough preparation at an early stage.

The Criminal Listings Taskforce dealt with this situation by over-loading the court lists by setting down up to five trials per Judge each week in the expectation that many of the matters set down for trial would not proceed. This usually proved to be the case with comparatively few trials not being reached. However there is still a significant number of trials not proceeding on the due date where the court is not apprised until the review date or a few days before the trial is due to start that it will not proceed because the accused has decided to plead guilty or the prosecution will be entering a *nolle prosequi*. There were relatively few applications for adjournments.

In spite of this, careful case management and listing systems has ensured no backlog developed. In Brisbane there has been a 25% decrease in the number of new matters and retrials since 1997. The number of matters awaiting trial or sentence at the end of June was down to about 795. There are now fewer matters which are more than 12 months old. The proportion of sentences to trials has also increased. The Criminal Listing Taskforce's particular efforts over the last few years to reduce the Brisbane backlog has succeeded.

Disposition of criminal matters

Table 1 shows the time taken between presentation of an indictment and disposal of cases which has improved since last year. Statewide an average of 80% of matters were resolved within 6 months of indictment presentation.

Table 1: Age of cases disposed of – criminal jurisdiction – major centres 2001/2002

Percentage disposed of						
Time for disposition	Brisbane	Townsville	Cairns	Rockhampton	Southport	Ipswich
<3 months	61.1%	50.3%	51.2%	47.9%	59%	64.2%
3-6 months	18.3%	15.6%	27.6%	11.1%	18.5%	23%
6-9 months	8.2%	13.3%	8.2%	6.9%	8.5%	6.4%
9-12 months	3.7%	8.9%	4.1%	9.7%	6.6%	1.5%
>12 months	8.7%	11.9%	8.9%	24.4%	7.4%	4.9%
TOTAL	100%	100%	100%	100%	100%	100%

Percentage disposed of						
Time for disposition	Maroochydore	Beenleigh	Toowoomba	Mackay	Maryborough	Bundaberg
<3 months	77.1%	49.2%	78.9%	76.2%	77%	66.7%
3-6 months	12.4%	23%	13.4%	8.9%	15%	26.4%
6-9 months	4.4%	12.1%	1.8%	8.2%	4.3%	4.6%
9-12 months	1.1%	7.7%	4.7%	2.7%	1.2%	0%
>12 months	5%	8%	1.2%	3.4%	2.5%	2.3%
TOTAL	100%	100%	100%	100%	100%	100%

In Brisbane, there were 844 criminal cases at the start of the year. The number of cases awaiting trial or sentence at the end of the year was 795.

Table 2: Annual case load – criminal jurisdiction, Brisbane

Number of cases²	1999-2000	2000-2001	2001-2002
At start of year	857	915	844
Presented during year	3230	3368	2983
Disposed of during year ³	3111	3425	3027
Undisposed ⁴	974	844	795

The discrepancy between undisposed in 1999/2000 and at the start of the following year relates to the number of bench warrants, and breach matters dealt with in Brisbane.

² In this table and others in this report referring to a criminal case, the term ‘case’ means a person on an indictment.

³ ‘Disposed of’ includes trial, sentence, nolle prosequi and no true bill.

⁴ Figures may not add up because of breaches and bench warrants issued and executed.

Table 3: Annual case load – criminal jurisdiction, Townsville

Number of cases	1999-2000	2000-2001	2001-2002
At start of year	171	223	209
Presented during year	454	459	485
Disposed of during year	414	459	582
Undisposed	223	209	108

Table 4: Annual case load – criminal jurisdiction, Cairns

Number of cases	1999-2000	2000-2001	2001-2002
At start of year	312	299	285
Presented during year	880	880	847
Disposed of during year	900	885	867
Undisposed	299	285	261

Table 5: Annual case load – criminal jurisdiction, Rockhampton

Number of cases	1999-2000	2000-2001	2001-2002
At start of year	84	104	114
Presented during year	349	261	176
Disposed of during year	332	245	217
Undisposed	104	114	78

Table 6: Annual case load – criminal jurisdiction, Southport

Number of cases	1999-2000	2000-2001	2001-2002
At start of year	210	190	195
Presented during year	1065	702	639
Disposed of during year	1039	670	614
Undisposed	190	195	199

Table 7: Annual case load – criminal jurisdiction, Maroochydore

Number of cases	1999-2000	2000-2001	2001-2002
At start of year	51	62	46
Presented during year	432	467	387
Disposed of during year	424	479	363
Undisposed	62	46	50

Table 8: Annual case load – criminal jurisdiction, Ipswich

Number of cases	1999-2000	2000-2001	2001-2002
At start of year	121	168	99
Presented during year	482	435	503
Disposed of during year	449	503	549
Undisposed	168	99	52

Table 9: Annual case load – criminal jurisdiction, Beenleigh

Number of cases	1999-2000	2000-2001	2001-2002
At start of year	150	192	212
Presented during year	593	558	613
Disposed of during year	554	521	561
Undisposed	192	212	228

Table 10: Annual case load – criminal jurisdiction, Toowoomba

Number of cases	1999-2000	2000-2001	2001-2002
At start of year	8	24	13
Presented during year	178	181	155
Disposed of during year	161	193	170
Undisposed	24	13	3

Table 11: Annual case load – criminal jurisdiction, Maryborough

Number of cases	1999-2000	2000-2001	2001-2002
At start of year	N/A	93	108
Presented during year	N/A	110	329
Disposed of during year	N/A	93	326
Undisposed	N/A	108	100

Table 12: Annual case load – criminal jurisdiction, Mackay

Number of cases	1999-2000	2000-2001	2001-2002
At start of year	N/A	38	20
Presented during year	N/A	40	162
Disposed of during year	N/A	58	149
Undisposed	N/A	20	31

Table 13: Annual case load – criminal jurisdiction, Bundaberg

Number of cases	1999-2000	2000-2001	2001-2002
At start of year	N/A	N/A	38
Presented during year	N/A	N/A	148
Disposed of during year	N/A	N/A	174
Undisposed	N/A	N/A	5

Civil Jurisdiction

The District Court's civil jurisdiction is set out in s. 68 of the *District Court of Queensland Act 1967*. 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 of Queensland Act 1967*).

Civil proceedings are instituted by the filing of a claim or originating application. The number of claims has increased slightly since 2000/2001 but more noticeably since 1999/2000.

Unless otherwise 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.

Table 14: Originating proceedings

Types of document	1999-2000	2000-2001	2001-2002
Claims	3368	4169	4322
Originating applications	584	544	627
Total	3952	4713	4949

Disposition of civil cases

The number of active cases at the start of the year in Brisbane and major centres was 226. There were 668 new matters entered for trial during the year, and 696 matters were disposed of. A total of 198 cases had not been determined by the end of the year under review.

In Brisbane there were 114 civil cases which had been entered for trial but not determined by the end of the year.

Table 15: Annual case load – civil jurisdiction, Brisbane

Number of cases	1999-2000	2000-2001	2001-2002
At start of year	369	136	101
Entered for trial during year	515	408	375
Disposed of during year	748	443	362
Undisposed at end of year	136	101	114

The civil cases which had been entered for trial but not determined by the end of the year in each of the major centres outside Brisbane is shown in the table below.

Table 15A: Annual caseload – civil jurisdiction, major centres

Number of cases	Townsville			Cairns			Rockhampton		
	99-00	00-01	01-02	99-00	00-01	01-02	99-00	00-01	01-02
At start of year	16	9	4	34	16	8	28	10	6
Entered for trial during year	29	22	17	50	31	15	27	18	9
Disposed of during year	36	27	18	68	39	17	45	22	12
Undisposed of end of year	9	4	3	16	8	6	10	6	3

Table 15B: Annual caseload – civil jurisdiction, major centres

Number of cases	Southport			Ipswich			Maroochydore		
	99-00	00-01	01-02	99-00	00-01	01-02	99-00	00-01	01-02
At start of year	81	43	42	8	2	2	33	30	29
Entered for trial during year	137	90	80	17	4	4	116	77	83
Disposed of during year	176	91	99	23	4	2	119	78	87
Undisposed of end of year	43	42	23	2	2	4	30	29	25

Table 15C: Annual caseload – civil jurisdiction, major centres

Number of cases	Toowoomba			Beenleigh			Maryborough		
	99-00	00-01	01-02	99-00	00-01	01-02	99-00	00-01	01-02
At start of year	39	1	8	0	2	4	N/A	9	14
Entered for trial during year	41	33	13	10	16	11	N/A	12	27
Disposed of during year	79	26	14	8	13	10	N/A	7	39
Undisposed of end of year	1	8	7	2	5	5	N/A	14	2

Table 15D: Annual caseload – civil jurisdiction, major centres

Number of cases	Mackay			Bundaberg		
	99-00	00-01	01-02	99-00	00-01	01-02
At start of year	N/A	13	7	N/A	N/A	1
Entered for trial during year	N/A	11	24	N/A	N/A	10
Disposed of during year	N/A	17	27	N/A	N/A	9
Undisposed of end of year	N/A	7	4	N/A	N/A	2

In Brisbane, 99.5% of civil matters were finalised within 9 months from entry of trial. The 9 month disposition rate for other major centres ranged from 94.5% (Townsville), 100% (Cairns), 91.7% (Rockhampton), 97% (Southport), to 97.7% (Maroochydore).

In Brisbane, where the greater number of civil matters are dealt with, 93.4% of civil matters were finalised within 6 months. Table 16 shows the age of cases finalised in Brisbane and major centres.

Table 16: Percentage disposition of civil cases within 12 months of entry for trial, major centres 2001-02

Percentage disposed of						
Time for disposition	Brisbane	Townsville	Cairns	Rockhampton	Southport	Ipswich
<3 months	39.5%	55.6%	62.5%	58.3%	30.3%	0%
3-6 months	53.9%	33.3%	31.2%	25%	48.5%	100%
6-9 months	6.1%	5.6%	6.3%	8.4%	18.2%	0%
9-12 months	0.5%	5.5%	0%	8.3%	1%	0%
>12 months	0%	0%	0%	0%	2%	0%
TOTAL	100%	100%	100%	100%	100%	100%

Table 16(cont.): Percentage disposition of civil cases within 12 months of entry for trial, major centres 2001-02

Percentage disposed of						
Time for disposition	Maroochydore	Beenleigh	Toowoomba	Mackay	Maryborough	Bundaberg
<3 months	70.1%	41%	42.9%	77.8%	43.3%	77.8%
3-6 months	25.3%	50.5%	50%	11.1%	48.6%	22.2%
6-9 months	2.3%	6.3%	0%	7.4%	5.4%	0%
9-12 months	0%	0.5%	0%	3.7%	0%	0%
>12 months	2.3%	1.7%	7.1%	0%	2.7%	0%
TOTAL	100%	100%	100%	100%	100%	100%

In the major centres an average of 92.2% of matters were finalised within 12 months of entry for trial.

Table 17: Proportion of cases disposed of within 12 months of entry for trial – civil jurisdiction, major centres

Centre	1999-2000	2000-01	2001-2002
Brisbane	99%	99.8%	100%
Townsville	89%	90.5%	100%
Cairns	99%	88.5%	100%
Rockhampton	96%	100%	100%
Southport	93%	91.5%	98%
Ipswich	100%	100%	100%
Maroochydore	97%	100%	97.7%
Toowoomba	92%	100%	92.9%
Beenleigh	98%	98.2%	98.3%
Mackay	N/A	N/A	100%
Maryborough	N/A	N/A	97.3%
Bundaberg	N/A	N/A	100%

Appellate Jurisdiction

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 18. Many of the appeals involved complex issues of law. Accordingly, most civil appeals are now set down on the civil callover list to be allocated a date for hearing.

Case management of appeals to the District Court continued with a system of reviews of outstanding appeals being conducted during the year.

Table 18: Appeals heard 2001-02

Centre	1999-2000	2000-2001	2001-2002
Brisbane	187*	127*	131
Cairns	66	34	47
Townsville	11	17	11
Southport	60	35	43
Maryborough	6	3	10
Rockhampton	8	3	9
Maroochydore	26	18	21
Toowoomba	8	8	6
Beenleigh	N/A	N/A	8
Ipswich	N/A	N/A	20
Mackay	N/A	N/A	6
Bundaberg	N/A	N/A	0
Other	90	20	N/A
TOTAL	436*	265*	312

* adjusted figures

Applications Court

The Uniform Civil Procedure Rules provide for a proceeding to be commenced in some circumstances by an application, and also provide for an application to be made to the Court in the course of a proceeding which will ultimately be dealt with fully at a trial or hearing. In Brisbane there is ordinarily one Judge listed to hear applications of both kinds each day. At other centres where there are permanent Judges, applications are heard on a weekly or other regular basis.

At centres which are visited by Judges on circuit applications are usually heard before usual court hours, or at some other time which is convenient in the light of the other work required during the circuit, as arranged by the particular Judge. At these centres the work associated with applications can vary considerably, but there are usually few of them so that a flexible listing system is most efficient. As well, applications from places where there is not a resident Judge can, by arrangement, be heard elsewhere, sometimes by telephone if that is convenient.

The Uniform Civil Procedure Rules introduced a provision for applications in appropriate cases to be decided without an oral hearing, on the basis of documentary material presented to the Judge. Such applications are dealt with from time to time, and are particularly useful for essentially uncontroversial matters, or where the representatives of the parties are located away from the place of hearing. In spite of these advantages, the number of such applications remains very low, indeed surprisingly low, although again this varies from day to day.

The number of applications filed at the major centres and some circuit centres this year and in recent years is set out in Table 19.

Interlocutory and originating applications were dealt with quickly and efficiently by the Court. There was no great delay for reasons associated with the Court in hearing either type of application, at any centre where there is at least one resident Judge.

Table 19: Annual applications load – major centres and some circuit centres

Centre	1999-2000	2000-2001	2001-2002
Brisbane	1669	1523	1488
Cairns	319	273	377
Southport	310	362	412
Maroochydore	209	251	277
Townsville	156	177	204
Mackay	112	71	68
Rockhampton	154	141	137
Ipswich	32	55	45
Toowoomba	41	47	46
Maryborough	62	79	92
Bundaberg	15	28	52
Gladstone	11	24	22
Gympie	13	5	6
Mt Isa	3	4	8
Dalby	2	1	4
Other	27	33	20
TOTAL	3135	3074	3258

The variation in the figures for Brisbane from previous years are explained by the increase in consent orders entered into in the Registry as shown in Table 24.

Decision on the Papers

Under Rules 487-498 of the Uniform Civil Procedure Rules an application may be made to the Court for a decision on the papers without oral hearing. The effect of these Rules is that a party may file an application and supporting material in the registry, serve the material on the other party and not be required to make oral submissions to the Court for the making of an order.

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.

Table 20 sets out the number of applications on the papers filed during the period under review as well as orders made on such applications.

On 41 of the applications an order was made as per the draft order submitted by the party or a similar order, ordered by the Judge.

Table 20: Decisions on papers

Outcome	1999-2000	2000-2001	2001-2002
Applications filed	60	58	69
Orders made on papers	37	32	41
Oral hearings required	4	3	1

The Planning and Environment Court

The Planning and Environment Court is presently constituted under the *Integrated Planning Act 1997*, having been constituted previously under the *Local Government (Planning and Environment) Act 1990*. A predecessor court, the Local Government Court was established in 1968, when the two Judges who held commissions were District Court Judges in Brisbane. Now, just under half of the District Court Judges hold commissions in the Planning and Environment Court, a majority of them resident in centres outside Brisbane. But for Ipswich, each regional centre with a resident District Court Judge has at least one Judge able to sit as the Planning and Environment Court. The Court holds sittings in other centres where District Court circuits are gazetted, such as Mackay and Kingaroy. To meet the interests and wishes of litigants and concerned local residents (who may wish to attend particular hearings) in suitable cases, where resources permit, sittings have been arranged in centres not ordinarily served by the District Court, such as Hervey Bay and Point Lookout.

For the most part, Judges of the Planning and Environment Court are engaged in the ordinary criminal and civil jurisdiction of the District Court for the bulk of their judicial work.

The Court's work under the *Integrated Planning Act* in applications relating to and appeals from local government decisions about development applications has enormous impact in the community. In respect of appeals about development approvals, which may relate to multi-million dollar projects (no monetary limit affecting the jurisdiction) the Court determines in those matters brought before it whether approvals should be granted, and upon what conditions. The Court's decisions are potentially most important to the way in which the State and local areas within it may develop.

For the purposes of the *Environmental Protection Act 1994*, "Court" means the Planning and Environment Court. The Court has jurisdiction under the *Environmental Protection Act* in various matters at first instance where urgent arrangements may need to be made where environmental offences may be committed or threatened (ss.355-357). The Court has an expanding jurisdiction in respect of environmental matters, in respect of which it also has a broad appellate function. In the appellate jurisdiction, once again, necessity may often arise to make "holding" orders until a matter is finally resolved (s.535), the Judges are empowered to appoint assessors to assist them in an appeal involving questions of special knowledge and skill (s.537).

The Planning and Environment Court has been something of a trail blazer in Queensland in modernising procedures. It has the advantage of expertise developed by specialist Judges, legal practitioners and consultants who frequently give expert evidence. The Court's guidelines for expert witnesses, which clarify their function as being to assist the Court rather than the parties engaging them, and contain provision (often reflected in court orders) for experts in a particular field to confer with a view to limiting points of difference and explaining concisely for the

Court those that remain and the reasons for them, are yet to be reflected in general rules governing proceedings in other Queensland Courts.

The Planning and Environment Court has other functions such as determining appeals in disciplinary matters involving private building certifiers under the *Building Act 1975*.

The Judges are active in keeping up to date with, indeed, being part of changes in planning and environmental law. Their annual conference held in the week before Easter and immediately preceding the annual conference of the District Court Judges provides a valuable opportunity for mutual consultation with departmental officers focussing on improvement of the legislation. There are useful exchanges of views with leading practitioners and teaching lawyers in the field. This year the leading speaker was the Honourable Justice Paul Stein AM, of the New South Wales Court of Appeal (and formerly the Land and Environment Court of New South Wales). The important purpose of broadening the Judges' perspectives is promoted by their attending conferences and symposiums which may be held outside the State, for example the Australasian Conference of Planning and Environment Courts and Tribunals, the next of which is to be held in Adelaide. One of the Judges recently attended the National CLE Environmental Law and Land Use Conference in Colorado, USA. Judge Quirk presented a paper, "Some Thoughts from the Coalface", at the Pacific Island Judges Symposium on Environmental Law & Sustainable Development held in Brisbane in February 2002.

Apart from a list manager shared with the Children's Court, the Court has no independent budget or administrative staff and relies for its infrastructure on the District Court establishment. The Court has gained respect and the reputation of being an expeditious and efficient forum in which disputes of the kind allocated to it are dealt with. This has been achieved by careful case management prior to court hearings, its own Rules of Court (supplementing the Uniform Civil Procedure Rules) which are designed to achieve efficient use of court time and efforts by the Judges to provide decisions in a timely manner. The Court has the power, successfully used on occasions, to refer suitable matters to alternative dispute resolution.

Table 21: Annual case load, Planning and Environment Court, Brisbane

Number of cases	1999 - 2000	2000 - 2001	2001 - 2002
At start of year	116	50	21
New cases – Directions	131	198	212
New cases – Consent orders	178	134	112
New cases - Total	309	332	324
Disposed – Judgments	83	74	59
Disposed – Withdrawals	123	119	89
Disposed – Consent orders	169	168	124
Disposed – Total	375	361	272
Undisposed	50	21	73

The Health Practitioners Tribunal

The Health Practitioners Tribunal was established by the *Health Practitioners (Professional Standards) Act 1999* which came into force on 11th February 2000. The Tribunal is the ultimate disciplinary body for some eleven health professional groups, those being medical practitioners, chiropractors, dentists, dental technicians and prosthetists, occupational therapists, optometrists, pharmacists, physiotherapists, podiatrists, psychologists and speech pathologists. The Tribunal also exercises an appellat jurisdiction under the Act.

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 for a particular hearing. The hearing is conducted before the constituting member who sits with assessors appointed from gazetted lists, two from a list of members of the relevant profession and one from a public list of persons of good standing in the community.

Although all questions of law and fact must be decided by the Judge, the constituting member may have regard to the views of the assessors on factual issues as the member considers appropriate.

During the year, matters referred under the Act were dealt with by Judge O'Brien with the assistance from time to time of Judge Forde and Judge Richards.

Between July 2001 and June 2002 a total of 23 matters, 15 of which were referrals and 8 of which were appeals, were filed for hearing before the Tribunal.

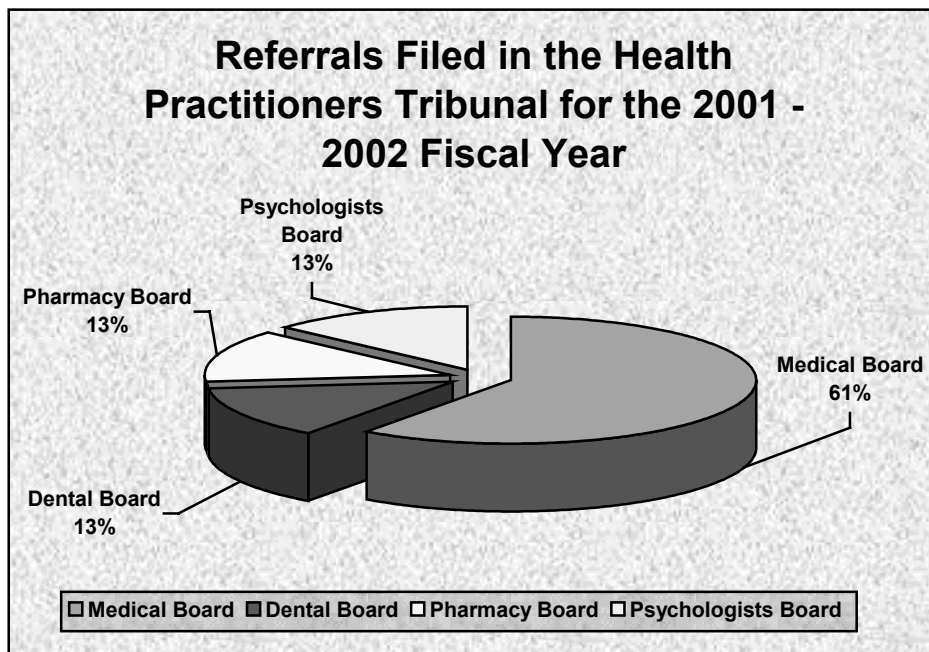
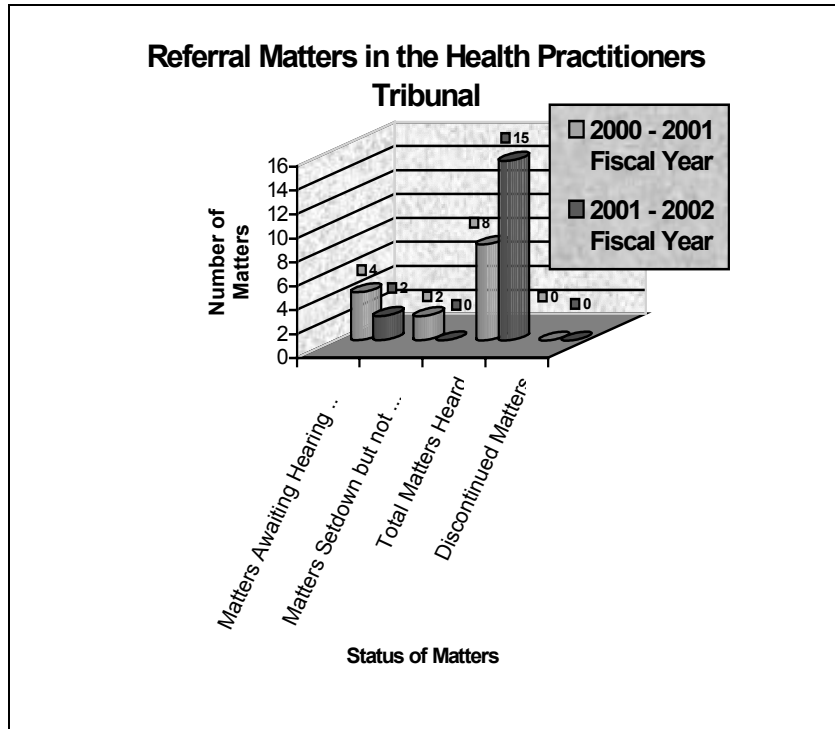
The work of the Tribunal remains a relatively new jurisdiction and this did not represent a great increase from the total number of matters filed during the preceding 12 months. However, because of the increasing number of referrals over the past 15 – 18 months, the number of actual hearings conducted by the Tribunal during the year ending 30 June 2002 was almost twice that of the preceding year. There was also a marked increase in the number of directions hearings conducted over the past year. There is every indication that the volume and complexity of work flowing to the Tribunal is likely to increase further in the future. This is particularly so as Boards other than the Medical Board of Queensland make use of the Tribunal's functions.

To date about two-thirds of all referrals have originated from the Medical Board, however, referrals have also been heard involving psychologists, pharmacists, dentists, chiropractors and optometrists.

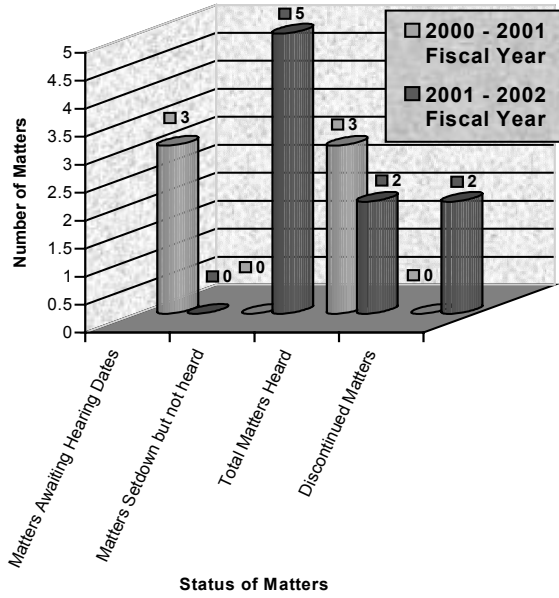
During the year it became apparent that the Act which governs the Tribunal's operations required attention in certain areas. These related primarily to the situation in which a constituting member of the Tribunal is unable to continue hearing a particular matter and to the time at which a decision of the Tribunal takes effect. These matters have been referred to the Attorney-General and Minister for Justice and to the Minister for Health and are presently receiving consideration and attention.

A matter of ongoing concern has been the lack of a suitable courtroom and chambers within the Law Courts Complex in Brisbane to accommodate sittings of the Tribunal. The Tribunal has been required to sit in rooms at 40 Tank St.

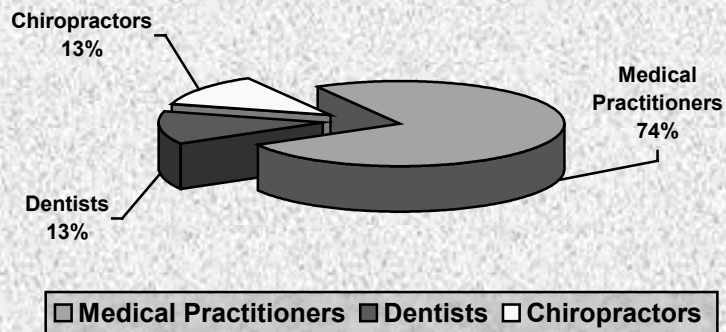
Once again the Tribunal must acknowledge the invaluable assistance provided by the Deputy Registrar, Mr Peter McNelley, and by the many assessors who have sat on the Tribunal throughout the year.



Appeal Matters in the Health Practitioners Tribunal



Appeal Matters Filed in the Health Practitioners Tribunal for the 2001 - 2002 Fiscal Year



Childrens Court

The *Juvenile Justice Bill* 2001 promises a major overhaul of the Court's jurisdiction. The "right of election" will be abolished, and young people charged with serious offences will be able to elect trial by Childrens Court Judge and jury. The concerns expressed by some Judges about young offenders in remote areas have been met by proposed amendments to the *Childrens Court Act* 1992 which, in very limited circumstances, will permit a District Court Judge who does not hold a Childrens Court commission to hear and determine matters. The Court has gradually increased use of sentencing options based on restorative justice; a trend that is likely to increase as the Government has now agreed to provide community conferencing facilities and personnel throughout the State. Judge Robertson records his thanks to the Chief Judge for her support.

A separate Annual Report of the Childrens Court of Queensland is prepared under the *Childrens Court Act* 1992. Further details on the Childrens Court can be found in that report.

Committees

The membership of Committees at 30 June 2002 was as follows:-

Aboriginal and Torres Strait Islander

Convenor: Judge Shanahan

Members: Judge Nase
Judge Richards
Judge Bradley

Civil Procedure

Convenor: Judge Robin QC

Members: Judge McGill SC
Judge Wilson SC

Conferences and Judicial Education

Convenor: Judge Dodds
Members: Senior Judge Skoien
Judge Newton
Judge White
Judge Robertson
Judge Dick SC
Judge Wilson SC

Criminal Law

Convenor: Judge O'Brien
Members: Judge Botting
Judge Newton
Judge Robertson
Judge Shanahan
Judge Dick SC

Regional Judges

Convenor: Judge Wilson SC
Members: Judge Robertson
Judge Wall QC
Judge Pack
Judge Richards
Judge Bradley

Salaries and Entitlements

Convenor: Judge Botting
Members: Judge Forno QC
Judge Robin QC

Strategic Planning and Budget

Convenor: Judge White

The Chief Judge is an ex officio member of each Committee.

These Committees have presented their reports.

Aboriginal and Torres Strait Islander Committee Report

The Aboriginal and Torres Strait Islander Committee's goals are:

- to deal with matters relating to Aboriginal and Torres Strait Islanders referred to the committee;
- to liaise with representatives of the Aboriginal and Torres Strait Islander Communities about matters affecting the Court and members of those communities, other than decisions of individual Judges;
- to recommend appropriate speakers on these topics at Judges' conferences;
- to develop and improve the relationship and understanding between the Court and the Aboriginal and Torres Strait Islander communities; and
- to keep other Judges and the community informed of such improvements and developments.

In conjunction with officers of the Department of Aboriginal and Torres Strait Islander Policy, the Committee developed and conducted an Aboriginal and Torres Strait Islander Justice Workshop for the Judges. The Workshop was held on 11 and 12 October 2001 in Brisbane. It was attended by 24 Judges of the District Court and one Supreme Court Judge.

The Workshop program was designed in consultation with the Judges and focused specifically on the day-to-day issues Judges face in the courts when dealing with Aboriginal and Torres Strait Islander peoples from urban, rural and remote communities. The program covered cultural identity and difference, indigenous peoples' experience of the legal system, communication in court and in indigenous communities, customary law, understanding violence and its effects, sentencing options and the promotion of community involvement in the justice system, particularly through community justice groups. A comprehensive workshop manual of reading material was developed and provided prior to the Workshop. Copies of the manual were provided for the Judges who were unable to attend.

The Workshop identified issues for further consideration and made various recommendations. These included consideration of draft directions for juries in Aboriginal and Torres Strait Islander cases, the identification of the need for interpreters in various cases, the development of appropriate familiarisation material on court processes for Aboriginal and Torres Strait Islander accused and witnesses and the need for ongoing liaison between DATSIP, Community Corrections and the Judges.

An evaluation report on the Workshop noted that personal and written feedback from the Judges indicated a strong sense of satisfaction with the Workshop. A number of participants indicated that further sessions on sentencing and communication and a case studies workshop would be useful.

In May 2002 the Department of Aboriginal and Torres Strait Policy provided copies of a video on strategies to determine whether an interpreter was needed in court in relation to Aboriginal and Torres Strait Islander peoples. The content of the video was an adjunct to a paper by Dr Michael Cook and published by the AIJA: "Indigenous Interpreting Issues for Courts".

In August 2001 Judge Shanahan, representing the Supreme Court and the District Court, was appointed as a member of the National AIJA Indigenous Cultural Awareness Committee convened by Judge Mary Ann Yeats of Western Australia.

The AIJA Committee organised a national conference in Alice Springs from 12-14 June 2002: "Future Directions: Courts and Indigenous Cultural Awareness". The aims of the conference were to explore the effectiveness of past cultural awareness programmes conducted or sponsored by the AIJA from both an indigenous and judicial perspective and to examine ways of strengthening the judiciary's understanding of indigenous issues and strengthening the ongoing relationship between the judiciary and the indigenous community. Judge Dodds, Judge Richards and Judge Shanahan attended the conference.

As a result of issues raised at the conference, the Judges' committee is looking at ways in which the sentencing procedure may be adapted to more closely involve the community so as to make the procedure more meaningful to Aboriginal and Torres Strait people. This may well have particular relevance to remote communities.

Members of the Committee have liaised with various people throughout the year concerning such issues as the availability of intensive correction orders in Aurukun; the standard of the Thursday Island court facilities and community-based support for diversionary sentencing approaches in remote communities.

The Committee continues to have concerns that if Community Justice Groups are to perform their statutory functions, that adequate training and resources are provided to those groups.

There are still two issues of concern raised in previous years' reports:

1. There is still a need for appropriately trained interpreters in Aboriginal and Torres Strait Islander languages in court proceedings, particularly in remote communities.
2. No funding has yet been provided for the appointment of a court based Indigenous Liaison Officer. As noted previously, 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.

Conferences and Judicial Education Committee Report

The Conferences and Judicial Education Committee of the District Court oversees expenditure from the Court's Conference and Judicial Education budget. It also assists in arranging conferences or workshops for the Judges.

During the financial year 1 July 2001 to 30 June 2002, the Judges participated in the Aboriginal and Torres Strait Islander justice workshop with indigenous people and the District Court Judges' annual two-day conference which was held in Brisbane. This conference is invariably both stimulating and useful and, in addition, provides an opportunity for the Judges, including those based outside Brisbane, to meet together.

During the same period, the committee also approved funding assisting or enabling Judges to attend the Australian Institute of Judicial Administration and Judicial Commission of New South Wales' national judicial orientation program; the Judicial Conference of Australia annual colloquium; the annual meeting of the National Child Sexual Assault Reform Committee; the Australian and New Zealand District and County Court Judges planning conference; the Australian Institute of Judicial Administration conference on indigenous cultural awareness; and the Australian Institute of Judicial Administration annual conference.

Civil Procedure Committee Report

This committee operates in an informal way, but is relatively busy. Two of the members, Judge O'Brien and Judge McGill SC, sit on the Chief Justice's Rules Committee established under s.118C of the *Supreme Court of Queensland Act 1991* to review and advise on Rules of Court generally and any law giving jurisdiction to the Supreme Court, the District Court or Magistrates Courts. The committee assists the Chief Judge and Judges generally with advice, recommendations and practical assistance regarding proposed legislation affecting the Court's work on the civil side, general practice directions, and the like. Members this year, as in former years, made presentations to the District Court Judges' Annual Conference to assist the Judges to keep abreast of relevant new developments. They have also conducted intensive case management of appeals from magistrates, both civil appeals and appeals under the *Justices Act 1886*, with considerable success in clearing the lists of appeals which, for one reason or another, have not been disposed of. Committee members have embarked on a trial of an "eCourt" (Virtual Courtroom) modelled on that in operation in the Federal Court (in which case management, for example, occurs by electronic communications). For the moment there are insufficient resources to set up the required dedicated website under the Court's control.

Criminal Law Committee Report

During the year under review, the Committee continued to provide advice to the Chief Judge on a range of issues relevant to the criminal law. These issues included procedures to be adopted in relation to s.9(2)(o) and s.9(5) and (6) of the *Penalties and Sentences Act* 1992 community justice groups, criminal compensation, *Corrective Services Act* 2000, *Juvenile Justice Bill* 2001, Queensland Law Reform Commission Report No. 55 (The Evidence of Children) and s.632(3) of the *Criminal Code*. The Committee endeavoured to inform the Chief Judge and through her, the Judges of any Court of Appeal judgment which altered the law. The Committee met regularly by telephone hook-up and communicated frequently via Judicial Virtual Library.



Members of the Criminal Law Committee July 2001 – March 2002

Back Row: Her Honour Judge JM Dick SC, His Honour Judge MJ Shanahan

Front Row: His Honour Judge JM Robertson, Her Honour Judge D Richards

Absent: His Honour Judge HWH Botting

Regional Judges Committee Report

This Committee was formed in 2001, at the instigation of the Chief Judge. Its initial members were Judge Nase, Judge Robertson, Judge Richards and Judge Wilson SC. In 2002, the annual Judges' Easter Conference elected Judge Robertson, Judge Wall QC, Judge Pack, Judge Richards, Judge Bradley and Judge Wilson SC as members, with Judge Wilson SC as convenor.

Queensland District Court Judges outside Brisbane face some challenges which are different from those confronting metropolitan Judges: a lack of facilities for training for Associates; inadequate security arrangements; inadequate or *ad hoc* arrangements for administrative and secretarial assistance; and, significant disparities in technology and computer facilities available to Judges in different centres.

The Committee has also provided a forum for regional Judges to exchange information about aspects of their work.

Administrative Support

Office of the Court Administrator

The offices of the Court Administrator, Principal Registrar and Sheriff provide administrative support to the District Court of Queensland. Registry and Court Administration staff liaise on a regular basis with managers of various sections within the Courts including the State Reporting Bureau and the Court Library.

The Court Administrator, Ms Bronwyn Jerrard, is responsible for budget management and administrative operations. Administrative staff undertake duties designed to ensure the smooth, efficient and effective operation of the District Court and to achieve particular projects to support the Judiciary.

During this year, members of the legal profession again attended the Courts for demonstrations of video conferencing, remote witness facilities and other technology available for use by parties. As new and upgraded equipment is installed within the court, it is important to ensure the profession is aware of the facilities available and attempt to reduce court time, where possible, by using this technology.

In 2001-2002, permanent appointments were made to the positions of Deputy Court Administrator and Judicial Support Officer. These two important positions assist the Court Administrator in providing administrative support to the Judiciary, preparing budget documentation and ensuring various administrative tasks are carried out as and when required.

Officers from the Department of Justice and Attorney-General's Public Affairs Branch assisted the office in producing the booklet "Our Courts...an inside look" which was launched on 11 April 2002. This booklet is particularly pitched at school students and other visitors of the Court and provides them with a greater appreciation of the work and structure of the Court. The publication is given to each visitor of the Court and is also available on the Courts website (www.courts.qld.gov.au).

Court staff participated in various conferences and training courses relating to court, registry and administrative operations. Attendance by Court staff ensured networking opportunities with representatives of other courts and tribunals and opportunities to discuss policies, procedures and other applications relevant to Queensland Courts.



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

Essential Services

The Principal Registrar and the Registry in Brisbane

Civil Registry Operations

In Brisbane, both the criminal and civil Registry of the District Court are located on the ground floor of the Law Courts Complex, 304 George Street, Brisbane. Section 35 of the *District Court of Queensland Act 1967*, states, "the District Court registry means the office of the Registrar of a District Court". There are 32 District Court districts in Queensland, some in large regional cities whilst others are in remote areas of the State. In each district there is a Registrar, who with support staff provides administrative assistance to the District Court of Queensland.

The Principal Registrar is Mr K T Toogood and he is the officer of the Court responsible to Judges for administrative aspects focusing on the efficient management of registry services.

Following the delivery of a report on restructure of the Brisbane Higher Court Registries, the position of the Registrar at Brisbane was upgraded and is now referred to as the Principal Registrar of the District Court. Legislative recognition of this would be welcomed.

Mr Toogood also holds the office of Principal Registrar of the Supreme Court, Brisbane, Registrar of the Court of Appeal Division, Registrar of the Planning and Environment Court, Registrar of the Childrens Court of Queensland and Registrar of the Health Practitioners Tribunal.

The Principal Registrar provides services to the Judiciary, the legal profession, members of the public and other users of the court system. With regard to the daily management of the Registry, the Principal Registrar must ensure that sufficient staff and other resources are available to meet client demand. This aim is achieved by deploying resources 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 criterion (both in quality and quantity of data entry work processed); that there is an ongoing process to establish new initiatives and to ensure that Registry procedures are costs effective.

Key initiatives introduced and used in the year under review of particular note were an enhancement of Brisbane registry's computer systems to allow for case management of appeals as well as innovations in the continued use of technology in listing.

Staffing and registry roles

The Principal Registrar is assisted in this task by officers under his control including Deputy Registrars, Deputy Sheriffs and other administrative staff. There are also eight administrative officers assigned to the registry.

An important component in the functions of the registry is the assignment of staff to meet client needs. In the Brisbane Civil Registry there are three Deputy Registrars and other specialist listing and administrative staff.

Staff training remains a high priority; registry staff have maintained an involvement with the Supreme Court in completing training modules of procedure and practice to enhance client service skills. The commitment and professionalism of the staff to performing assigned roles is a key factor in ensuring a high level of client service is maintained.

Enhancements to technology used in the Courts including projects completed are covered in this report under the heading "Information Technology".

Importantly, the project of 1 May 2002 improved the registry's civil information management system (CIMS) to provide for:-

- Case Management of Appeals; and
- Case management of files under the Alternate Dispute Resolution provisions of the Uniform Civil Procedure Rules 1999.

Additional training on the new systems was conducted as new processes and data entry techniques were required. Registry training is complemented by the use of the Courts web site which allows easy access to information. Using the Internet to do everyday tasks has become the way of the world. Access to information is the key to enhanced benefits for those who use the court. Registry staff are increasingly referring both practitioners and parties to information that is contained on the Courts website www.courts.qld.gov.au.

The senior Deputy Registrar, Mr Ian Mitchell, is responsible for the day to day management of the Registry and provides regular feedback to the Principal Registrar. The other two Deputy Registrars ensure that administrative tasks assigned by the Rules of Court are undertaken with minimum delay.

The assigned areas of responsibility undertaken by these Deputy Registrars included case management of appeals filed in the District Court, management of the Health Practitioners Tribunal, hearing of judgment by default applications, preparation and issuing of orders made by the Court, hearing enforcement proceedings and other tasks.

The District Court is the appellate court for all decisions from the Magistrate Court and from other tribunals. The registry is usually the first point of contact when an appeal is commenced. The Deputy Registrars monitor and facilitate the progress of each appeal from lodgement to completion, ensuring that the District Court continues to be a cost effective avenue of appeal.

In May 2001 Practice Direction 5 of 2001 which superseded Practice Direction 4 of 1997 was introduced and is available on the Courts website, (www.court.qld.gov.au). Under the former practice direction, for the period from 1998 to May 2001, the Deputy Registrar responsible for the management of appeals arranged for and listed appeals in groups to be reviewed by Judge Hoath. These reviews managed to reduce the number of outstanding appeals under Section 222 of the *Justice Act* 1886 by a series of concentrated reviews to determine the status for listing of each appeal.

Practice Direction 5 of 2001 provided a convenient foundation for a change of emphasis in the case management of appeals in the Brisbane registry. Under the new Practice Direction, the powers of the Registrar were significantly enhanced to that the Registrar may make directions and list a Registrar's reference before a Judge where a party fails to comply with the Registrar's direction. The former system of group reviews was successful but involved a high degree of allocation of resources over a short period. Listing appeals through the Registrar's reference spreads the load over a longer period to achieve optimum use of both Judicial and registry resources. Judge Robin QC and Judge McGill SC sat as the appeals listing Judges. The number of outstanding appeals was greatly reduced.

With regard to appeals, including appeals under section 222 of the *Justice Act* 1886 as at 1 October 2001 there were 227 outstanding appeals, which had been instituted since 1997 but had not been set down for hearing or determined. In June 2002, the number of appeals had been successfully reduced to 65. This was achieved by intense supervision by the Deputy Registrar involving multiple contacts either in correspondence or personal contact with representatives for both appellant and respondent. At various times during the period under review more than one of the Deputy Registrars were involved in appeals especially in the preparation of submissions for the reference on each appeal and at the hearing of the reference of each appeal before the Court.

On the first anniversary of the issue of Practice Direction 5 of 2001 on 1 May 2002 enhancements to the existing computer system available to manage registry records commenced to allow for automated electronic production of advice and direction notices to parties. The key to success of this innovation will depend on continuing the same high level of commitment and professional attitude reflected by all stakeholders.

Table 18 contains details of the appeals heard in the year under review throughout Queensland compared with previous years.

For approximately 3½ years the Registry has been providing administrative support to the Judges assigned by the Chief Judge to the Health Practitioners Tribunal which was established under the *Health Practitioners (Professional Standards) Act* 1999. The Chair of the Tribunal is the Chief Judge. Subject to that, during the year under review, Judge O'Brien conducted the listing and case management of Tribunal matters.

Deputy Registrar Peter McNelley gave assistance to Judge O'Brien with the management and listing of Tribunal proceedings. Mr McNelley was also responsible for the case management of appeals in the District Court, Brisbane.

The operation of the Tribunal has had a direct effect on registry resources, particularly with regard to the selection of panel members to assist the Judge who is the constituting member for a particular matter with the preparation of the record of hearing to be used by the Tribunal and to set up the hearing process. Every matter required considerable administration by the Deputy Registrar who, under the Act, was assigned the day to day functions given to the Registrar of the Tribunal. During the year under review, 8 appeals were filed, 15 referral notices received from boards and 5 appeals determined.

Deputy Registrar Ian Enright maintained a high level of efficiency in the preparation and issue of orders from the Brisbane Registry. The preparation of orders has been undertaken by the Registry since 1993. The Registry has set itself a level of minimum achievement of service standards for the issue of orders made by the Court. In the year under review **2819** orders were issued by the Registry. Most orders (95%) were prepared within three business days of the date of making of the order, with the remaining 5% of the total orders in a period ranging from 3 to 5 days. The management and issue of all Enforcement proceedings issued in the Registry is the other important role of a Deputy Registrar. 85 Enforcement Warrants were issued and 31 Enforcement hearings conducted.

An important role undertaken in the Registry by specialist administrative officers is listing. The Civil List Manager is responsible for daily listing of civil trials, the preparation of the callover list and other duties as directed by the Chief Judge. The Applications Listings Manager is responsible for preparation and listing of applications to court.



Danny Coppolecchia, Jo Stonebridge, Kate Bannerman, Stephen Goldsworthy, Pat Gould, Tracy Dutton

In June 2001 a system of electronic lodgements of applications was introduced so that practitioners and parties might list and file applications in pending proceedings by e-mail. The policy, request form and diary overview for the applications list is available on the Courts website, www.courts.qld.gov.au

In another initiative, the callover list was made available on the Courts website prior to the callover date. This initiative has been well received and allows parties to elect to list a matter electronically by sending e-mail to the Civil List Manager instead of attending the callover in person. In the year under review 17 listings were arranged using this method. An increased use of this method will lead to cost saving.

As well as administrative tasks undertaken in the management of the Registry, one of the Deputy Registrars of the District Court at the direction of the Registrar was assigned to deal with applications under the *Corporations Act* in the Supreme Court. Deputy Registrar Ian Mitchell was also involved in other court activities. In 2002 these included the National Youth Week activities, the Launch of the Courts' Information booklet "*Our Courts- an inside look*", organising Queensland Day tours on 6 June 2002 and conducting seminars on court documents to students of the Legal Practice Course at the Queensland University of Technology.



Court personnel who conducted tours on Queensland Day

Emma Haerse, Anna Lord, Joanne Stonebridge, Vera Maccarone, Bev McCormack, Cameron Woods, Kate Bannerman, Michelle Murgatroyd, Ian Mitchell

Ending proceedings early

Chapter 9 of the Uniform Civil Procedure Rules is titled "Ending Proceeding Early", the rules under this chapter deal with Default Judgment, Summary Judgment, Discontinuance and Alternative Dispute Resolution Processes.

All of the methods allow parties, with or without the intervention of the Court, to end litigation if appropriate circumstance or agreement is reached between the parties. Default Judgment is one process that requires registry input, in particular in rules 283, 284, 285 and 286 which provide a range of situations where a Registrar may enter judgments by default if a party in certain circumstances does not file a notice of intention to defend the claim. In the Brisbane Registry a computerised data base (CIMS) allows the Registrar to search the records to ensure that a notice of intention has not been filed.

The Registrar signs a default judgment which has the effect of ending proceedings early with flow-on case management and saving benefits to litigants.

Table 22: Judgment by default

	1999-2000	2000-2001	2001-2002
Applications	536	477	591
Judgment entered	362	302	321

Figures of the number of applications to the Court for summary judgment are included in the total contained in table 18 which relates to Civil Jurisdiction section of the report.

In pending proceedings a party may under rules 303 to 312 of the Uniform Civil Procedure Rules discontinue proceedings with or without the Court's leave. In the year under review 252 notices were filed in the Registry, showing the extent of use of this process to end proceedings early.

The remaining method of ending proceedings early is Alternate Dispute Resolution which requires parties to either file a consent order in the registry or to apply to a Judge to refer proceedings to either a case appraiser or mediator.

The procedural rules for Alternate Dispute Resolution (ADR as it is commonly known) are found in Chapter 9 Part IV of the Uniform Civil Procedure Rules. Two types of ADR process are in place in the District Court. These types of ADR are mediation and case appraisal.

With mediation, the parties agree to a resolution of their dispute with the assistance of a third party called a mediator who 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. There were 120 approved mediators and 88 approved case appraisers for the District Court. The list of approved Mediators and Case appraisers is also available on the Courts website. (www.courts.qld.gov.au)

As at 30 June 2002 the District Court had referred approximately 1330 matters to mediation or case appraisal either by order of a Judge or consent of the parties. Of these, approximately 783 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.

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.

Unrepresented Litigants

Traditionally, parties in litigation appear before the Court by barrister and solicitor. However, people have a choice of appearance as a litigant in person or by barrister or solicitor or by any person allowed special leave of a Judge.

Increasingly more people are choosing to file, prepare and argue their own cases before the Court; approximately 16.4% of all parties involved in this year's filings were unrepresented litigants.

The Queensland Court Registries Charter provides that Registry staff should strive to provide members of the public with services, however staff may not give legal advice, which situation is often difficult for the client to comprehend. This has placed additional burden on the Court and its resources. The estimates of hearings and trials is effected as Judges need to explain court procedures to these persons to provide them with a grasp of the basis of the case so that the rights of the parties are in balance.

The implementation of the Uniform Civil Procedure Rules in 1999 has improved access to the Courts. The drafting of simpler forms and wider level of accessibility has assisted self-litigants, however Registry staff are subject to additional burdens as the time taken to deal with matters for self-litigants is longer. The Registry staff make every endeavour to provide procedural assistance and in this regard access to the Courts website containing Rules, forms and fees has been a vital tool.

It is estimated that the total contact time spent on self-litigants enquiries during a month may range to almost 25 hours.

In January 2002 the District Court and Planning and Environment Court Registries at Brisbane reviewed and re-issued the existing Client Service Charter which sets out matters of general procedure to enhance the level of client service provided. The service charter includes such information as registry hours, payment of fees etc.

Table 23: Decisions on papers

Outcome	1999-2000	2000-2001	2001-2002
Applications filed	60	58	69
Orders made on papers	37	32	41
Oral hearings required	4	3	1

There are other procedures in rules 487-498 of the Uniform Civil Procedure Rules where an application may be made to the Court for a decision on the papers without oral hearing. The effect of these Rules is that a party may file an application and supporting material in the Registry, serve the material on the other party and not be required to make oral submissions to the Court for the making of an order.

The main benefit of this process is that a party may make an application to a Judge without the necessity for either 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 and is one way to avoid the pressure or possibility of waiting time outside a busy applications court.

The rules also provide for a Judge to exercise a discretion to decide that the application is not suitable to be determined without oral hearing and to direct that an oral hearing is appropriate.

Since its introduction in July 1999 this process has been utilized in an efficient manner by parties and has assisted the Court in allocation of judicial resources. Continued use of these rules with other initiatives will lead to further costs saving. The table below sets out the number of applications filed during the period under review as well as orders made on such applications.

Consent Orders

In May 2001 the Chief Judge issued Practice Direction 4 of 2001 regarding the provisions of Rule 666 of the Uniform Civil Procedure Rules. The practice direction was designed to facilitate the making of consent order by the registry including by e-mail.

The e-mail address for consent orders is dc-depregconsents@justice.qld.gov.au. The practice direction also stated that parties should not proceed on the basis that when they themselves are in agreement, the need for the exercise of the judicial discretion of itself requires the application to be brought before a Judge.

Rule 666 allows the Registrar (including Deputy Registrars) to give judgment or make another order if the parties consent in writing and the Registrar considers it appropriate. The Court encourages practitioners and parties to utilise this rule where agreement has been reached between them as to the resolution of an issue or issues. A general form of consent order now exists in Form 59A to assist practitioners and parties to file a generic form of document in the registry.

Table 24: Consent Orders

	1999-2000	2000-2001	2001-2002
Number of applications considered	N/A	66	324
Orders made	N/A	57	273
Refused	N/A	9	51

The advantages of a Registrar having jurisdiction to deal with these categories include:

- Judges are freed to deal with more complex applications more expeditiously;
- Costs savings to litigants;
- Greater use of the Court staff skills and experience.

In 1999 amendments to the *Property Law Act 1974* allowed for an order to be made in the District Court about de facto arrangements and agreements. Where the parties agree to the terms of an order to be made, the option is open to the parties to file a consent under rule 666 to permit a Registrar to make an order. In the period under review 28 applications for consent order of this type were filed, with 20 orders made. This is a large increase over the previous year when 3 orders were made in applications under the *Property Law Act 1974*.

Filing by post

Rule 969 of the Uniform Civil Procedure Rules 1999 set out the requirements to file a document by post. The alternative to post is to present the documents to be filed by a personal attendance at the Registry counter. Any document that is provided for under the Rules may be filed by post with the \$16.50 being the dealing fee.

The payment of the prescribed fee is an essential element in the requirements to file by post, increasingly a degree of administrative time is spend by the registry to follow up on the postal dealing fee. Examples of the usual type of document filed are claims, notices of intention to defend and documents in support of applications for default judgment. Applications for decision on the papers without oral hearing [see chapter 13, part 6 of the Uniform Civil Procedure Rules] can also be filed by post.

Approximately 1306 sets of documents have been lodged by post through the Brisbane Registry for the District Court of which 482 sets of documents were to be filed in the Planning and Environment Court. A comparison with the figures 2000-2001 revealed a 53% increase where 695 sets of documents were presented for filing by post.

File Storage

At present about 16 years of District Court and Planning & Environment Court files are stored in the Brisbane Court building, although files older than 10 years are very rarely accessed. Basic details about each file has been retained in electronic form since 1991. Manual registers and indices exist prior to that date.

There is no abatement in the volume of paper documents being lodged. This financial year, documents were filed which fill about 400 archival boxes. Storage space anywhere in the Brisbane CBD is limited, and the Court building is no exception. There is very little storage space remaining, and the problem is one that will become critical when on-site storage areas are filled.

The Chief Judge and Registry officers inspected the State Archives facility at Runcorn during the year to gain an appreciation of the need for a strategic plan for file management both for the short and long term. Issues of retention, use of and changes in technology, off site storage, and budgetary considerations are but a few of the areas that will need exploring to achieve a sustainable records management system for the future. Registry officers are assisting in the development of the Records Management plan and Retention Schedule currently being undertaken in the Supreme Court, and it is hoped to draw from those experiences in developing such a plan for the District Court.

Table 25: Document filings recorded by CIMS

1999-2000	2000-2001	2001-2002
51,237	44,079	45,515

Since the Uniform Civil Procedure Rules was introduced, among other things, there are new ways of preparing documents for filing. For example, rule 435 requires an exhibit to be bound with an affidavit, if practicable.

As a consequence, an affidavit and 9 exhibits are now, for CIMS filing purposes, counted as 1 document and not 10 documents. In 2002 the Registrar issued a practice note on the binding of affidavits and exhibits with the aim of assisting parties and to establish uniformity of practice in the Brisbane registry. The practice note is available on the Courts web site. www.courts.qld.gov.au

Accordingly, the decrease in number does not reflect a fall in filings but merely a different method of counting as a result of the changes brought about by the Uniform Civil Procedure Rules.

Funds in Court

In circumstances where a person is required or permitted to pay or deposit money into court, the *Court Funds Regulation 1999* require that an affidavit be filed in the registry. As at the end of the year, there were 38 accounts relating to District Court matters credited to the Court Suitors Fund Account Brisbane, totalling \$763,827.92.

Where moneys in court are not been dealt with during the previous six years other than under continuous investment or by payment of interest, Regulation 30 (1) of the *Court Funds Regulation 1999* requires that a list be made of the accounts of such accounts. One account in that category were advertised and as a result of no action being taken to recover the monies the Registrar was ordered by the Court to transfer the sum of \$141.67 to the Consolidated Revenue Fund.

Cost Assessment

Assessments of costs are undertaken under the provisions of chapter 17 of the *Uniform Civil Procedure Rules 1999* by specially appointed experienced officers in the registry. The Costs Assessment Section located in the Brisbane registry of the Supreme Court, is presently comprised of 2.5 full time assessing Registrars. These officers are responsible for the assessment of all costs statements filed in both the Supreme and District Court, Brisbane registries as well as assessment relating to all Court of Appeal matters, by Statue and matters transferred by order from other registries for costs assessment. The Deputy Registrar (Assessments) is responsible in the first instance for assessing all costs statements filed in the District Court at Brisbane. Conducting assessments of costs statements for both the Supreme Court and the District Court in the one area has been found to be the most efficient use of resources.

The role of the assessing Registrar is a judicial one. Historically, a Judge of the Court performed the function of assessing costs. The current occupants of the positions of Senior Deputy Registrar (Assessments) (Mr R Houghton) and Deputy Registrar (Assessments) (Mr T Davern) are both qualified solicitors. From time to time other Deputy Registrar may fill these roles, for limited periods, during the absence of those officers. The duties of assessing Registrar include conducting assessment hearings, make directions about the conduct of the assessment process, and delivering written reasons for decisions made at the assessment hearing, if a party/s makes an application to the Registrar for a reconsideration.

Written responses to applications for reconsideration filed after an assessment hearing has occurred, can often be a time consuming process for the assessing Registrar. Every endeavour is made by the assessing Registrars to provide a written reply to applications for reconsideration within a 3 months period after the application has been filed. This is consistent with the current protocol adopted by the Judges.

In the year under review for the District Court, the number of applications for reconsideration was on a par with previous years as can be seen in table 26 below.

Table 26: Applications for reconsideration

	1999-2000	2000-2001	2001-2002
Reserved as at 1 July	0	1	1
No. of applications for reconsideration filed	6	4	4
Disposed of < 3 months	2	2	2
Disposed of > 3 months	3	2	2
Otherwise * disposed of	0	0	0
Outstanding as at 30 June	1	1	1

* eg. settled or withdrawn

Prior to proceeding to assessment hearing, each costs statement filed is allocated a directions hearing appointment before an assessing Registrar. The purpose of this appointment is principally to ensure the costs statement can be allocated an assessment hearing date.

Table 27 below identifies how costs statements are disposed of upon directions hearing appointments

Table 27: Assessment Directions Hearings

Type of case	1999-2000	2000-2001	2001-2002
Settled	55	39	51
Adjourned	60	32	30
Default Allowance	57	32	27
Assessment date given	125	100	91
TOTAL	297	203	199

Table 28 represents the disposal of costs statements after directions hearing appointment has occurred, and an assessment hearing date has been allocated.

Table 28: Result of cases set down for assessment

Result of case	1999-2000	2000-2001	2001-2002
Adjourned	13	7	5
Settled	56	46	42
Assessed	77	47	36
TOTAL	146	100	83

Table 29: Originating proceedings

Types of document	1999-2000	2000-2001	2001-2002
Applications	3368	4169	4322
Judgment entered	584	544	627
Total	3952	4713	4949

Criminal Registry Operations

The criminal registry continues to record and process all criminal matters presented in the District Court. Table 30 below shows the number of matters registered and disposed of in the year to 30 June 2002. This table shows that the number of summary matters transmitted from Magistrates Courts pursuant to Sec 652 of the Criminal Code represents a little over 13% of all matters registered.

Table 30: District Court Brisbane 2001 – 2002

Number of indictments registered	3141
Number of cases (defendants)	3003
Cases disposed	2980
Cases outstanding as at 30/6/02	766
Summary matters registered	414
Summary matters remitted back when not dealt with in District Court	166

Summary Offences – Section 651 Criminal Code

Summary offences transmitted to be dealt with pursuant to Sec 651 of the Criminal Code continue to create problems for both the Magistrate's and Higher Courts as well as the Director of Public Prosecutions who is often unaware that summary offences are to be dealt with in the Higher Court until the morning of the hearing. Consequently the crown prosecutor is often unable to offer the Court any relevant or meaningful sentencing submissions.

Following discussions with a number of Registrars of Magistrates Courts and the Director of Public Prosecutions, the deputy Registrar of the criminal registry is attempting to further streamline the transmission process so that the Director of Public Prosecutions is properly appraised of all applications to have summary offences dealt with in the District Court. This would reduce the amount of wasted effort by Magistrates Court staff by ensuring that only offences that will ultimately be dealt with are transmitted.

Fines and Compensation

The Criminal Registry processed 178 sentences in which fines totalling \$831,645.00 were imposed. This figure appears high but includes 3 fines totalling \$525,000.00 resulting from a prosecution under the Environmental Protection Act.

The Court also imposed 299 compensation orders with a combined monitory value of \$830,209.98.

During the year considerable use was made of the State Penalties Enforcement Registry (SPER) by both the Judiciary and the Criminal Registry. A total of 136 matters were referred to SPER. Table 23 below shows the number and monetary value of the matters referred.

The referral process remains labour intensive for criminal registry staff due to the manual accounting system and lack of electronic interface with SPER.

Table 31: Matters Referred to SPER

Number of outstanding fines	60
Total amount of fines	\$93,563.85
Number of outstanding compensation orders	76
Total amount of compensation	\$266,157.55

Warrants

During the year under review the District Court ordered 397 warrants issued for the arrest of offenders who failed to appear when required for criminal hearings. 84 of these were subsequently vacated and recalled after the offender surrendered to the Court prior to the execution of the warrant.

Refurbishment

In July 2001 the criminal registry underwent a long overdue refurbishment which included re-painting and re-carpeting the entire area as well as the installation of 8 work stations complete with power, phone and data cabling. The enhancements provided staff with considerably more workspace and allowed each officer designated personal space which has gone a long way to boost morale.

More recently the criminal registry also underwent a major security upgrade with the installation of high glass screens at the counter as well as a key pad lock on the main registry entrance. The very nature of the work performed in this area and the number of people attending the registry who are facing serious criminal charges or with extensive criminal backgrounds has long been of concern to staff. The installation of the glass screens allow staff to work safely without the threat of an offender or irate member of the public being able to gain easy access to the registry.

Exhibits

Attempts have been made over many years to have police collect exhibits tendered at criminal hearings once all proceedings including appeals have been concluded. Although some success has been achieved the criminal registry continues to hold a large number of old exhibits that are difficult to store. The current Police Liaison Officer in the Higher Courts has devoted considerable time and effort researching the most effective way of appraising police officers of their responsibility and ensuring the sufficient pressure is brought to bear to have the exhibits collected. That officer's extensive experience in the police service and her familiarity with the Director of Public Prosecutions and criminal court processes has assisted greatly. Staff from this registry have conducted a stocktake of all exhibits and are working to ensure that exhibits can easily be retrieved when a police officer attends to collect them and is monitoring the cataloguing of new and collected exhibits. It is envisaged that by September 2002 only current exhibits, that is ones that were tendered in 2001 and 2002 and maybe the subject of appeal proceedings, will be retained.

Information Technology

Introduction

In the year under review the District Court continued vital core infrastructure work, in addition to embarking upon new technology initiatives. Of significance was the production of an IT Action Plan, which summarises the high-level strategy, and operational objectives to be adopted by the Higher Courts in allocating its \$1.2 million CBRC allocation to implement these initiatives, over the short to medium term.

This strategy is consistent with the Queensland Government "Smart State" agenda in using technology to provide and improve its services, which are being increasingly demanded by its clients, agencies and the public.

Achievements

In an attempt to strike a balance between the need to respond to growing marketing pressure to deliver on-line services, against the need to invest in core IT infrastructure to support those services, much has been achieved this financial year:

SOE Upgrade

During November and December, new Pentium III desktop computers configured with Windows 2000 and Microsoft Office 2000 were deployed to 120 Higher Courts staff. A comprehensive training program was also carried out.

Data Cabling Upgrade

The data cabling in all Registries in the Law Courts Complex was upgraded to coincide with the SOE Upgrade.

Civil Case Management System Upgrade

During the period under review, a number of projects were completed in relation to the Civil Information Management System ("CIMS") :

- New CIMS modules for the management of Appeals Caseflow, and Alternate Dispute Resolution were implemented in the District Court registry. This was a significant case management initiative in so far as it also implemented legislative reforms, made over the past few years.

- CIMS was migrated from its legacy platform of Gupta Centura SQL Base to a Microsoft SQL Server database. This has increased the reliability of the application and has also facilitated comprehensive redundancy and backup arrangements. Importantly, the database migration has also provided the necessary platform for the Higher Courts to deliver on-line services in the future.
- CIMS was successfully deployed to the regional registries of Cairns, Townsville and Rockhampton.
- CIMS callover and court applications listings information was delivered on-line.
- Prototypes of on-line listing application forms were successfully trialed.

e-Courtroom

- As the Higher Courts work towards the establishment of an electronic courtroom facility, the initial step of defining document exchange protocols by the parties, was completed. A "Beginners Guide to Litigation Technology & Document Protocols" was produced and is available from the Courts web site.

Other Projects

A number of other projects and initiatives were also undertaken by the Information Technology department:

- The Higher Courts Criminal Registry System (CRS), previously available only in Brisbane, was deployed to the regional registries of Cairns, Townsville and Rockhampton.
- A Technology Workshop for the profession was conducted in December 2001.
- Higher Courts Online Business Survey was conducted and analysed.
- A new database was developed for the Criminal Registry to automate Registry processes in relation to the recording and management of offender details.
- Comprehensive analysis of Higher Courts criminal case management was conducted, and documented.
- The general reporting in the Civil Case Management System has been significantly improved and automated. Statistical reporting has also been improved, which among other things, has allowed the Courts to supply information on public liability claims.
- Essential templates and macros used by the Registries redeveloped, greatly improving the efficiencies in the Registries, and the capacity quickly to provide information to other agencies.

Future Directions

In order to fulfil the vision stated in the Higher Courts IT Action Plan, ongoing upgrades to core infrastructure will continue, along with the following projects:

- The four regional CIMS databases will be merged into one consolidated database to streamline support and maintenance and to decrease ongoing costs
- On-line chambers facilities will be implemented, to enable parties to exchange information, such as draft orders for chambers applications, electronically. This will negate the need for parties to attend court for simple issues.
- On-line delivery of a range of services will continue including:-
 - online searches
 - online calendars and listings
 - online court forms for the profession and litigants
- Further development of CIMS will continue, with the following new modules planned:
 - Planning and Environment case management
 - Listings
 - Diaries
 - Resource Scheduling
 - Document Management
- Migration of legacy components of CIMS onto a more current software development platform,

Conclusion

Significant information technology advances were made in the past year. The District Court's vision is to continue this trend, with the following goals being fundamental to its delivery of information technology services:

- To continually improve service to litigants, the legal profession and other clients by striving to further the initiatives developed by the Courts in terms of electronic service delivery and electronic business.
- To improve the dissemination and open communication of information by ensuring that information is accurate, current and easily accessible to litigants, the legal profession and the general public.
- To continue to improve service delivery in regional areas to ensure that remoteness of location is not an impediment to receiving quality service.

Practice Directions

Five practice directions were issued by the Chief Judge during the year and these are available on the website www.courts.qld.gov.au.

Number	Description	Date Issued
2001/06	Interest on Default Judgments	8.8.2001
2001/07	Appearance by Law Clerks in the Applications Jurisdiction	28.9.2001
2001/08	Family Provision Applications	10.12.2001
2002/01	Interest on Default Judgments	22.3.2002
2002/02	Civil Jury Trials	10.4.2002

The Court Library

The year under review was a period of immense activity for the Library, as the initiatives of the last three years attracted increasing numbers of visitors, both physical and virtual, back to the Library and the Courts. This accorded with the intention of the judiciary to 'open up' the Courts to the community.

The enthusiastic support provided by these visitors, be they students attending research workshops in the Library, tour groups admiring the variety of attractions in the Rare Books Precinct, or online patrons accessing the Courts/Library website, strengthened the Library's commitment to providing contemporary information services and diverse community programs. This renewed vigour is evidenced by the depth and range of achievement highlighted in the following report.

Highlights of 2001/2002

Over 250,000 patron visits were recorded this year (including 'virtual' users of the online catalogue, Library website and Judicial Virtual Library), the information desk fielded 13,000 enquiries, and approximately 21,000 items were added to the Library collection.

The Internet has continued to impact upon information service provision, and the Library has prioritised the development of strategies which exploit available technology – providing users with immediate desktop access to a broader range of information resources. An example of this strategy in action is the *Judicial Virtual Library*, a secure web-based information network for the judiciary. The *JVL* currently enables Judges to access online subscriptions, public domain documents and value-added Library services whether in a regional centre, in chambers or at home. While print materials remain an integral component of a complete legal library, in the future the *JVL* will become the primary point of contact between the judiciary and the Library, offering exciting opportunities for service development and delivery.

The same can be said of the Courts website which is administered by the Library and which received over 700,000 visits in 2001/2002. Feedback from the Courts Online Business Survey was highly complimentary, providing constructive suggestions for further improvement. Subsequent enhancements are underway, not only to address issues raised in the survey but also as part of the Library's long-term commitment to develop the site in conjunction with the Courts, in order to improve community access to court information.

The Library continued to concentrate on providing high-quality information services for regional users this year, with 44% of the total books and subscriptions budget committed to collection development in regional courthouse libraries (compared to 37% in the preceding year). In view of the number of barristers, solicitors and judicial officers in each of the regional centres, 30% more was expended per member of the profession in regional centres than the amount expended per member in Brisbane.

Enhancement of the Library's web-based catalogue *INNOPAC* also ensured that regional users could effectively identify and retrieve resources available in the local print collections, and instantly access a wide range of full text online information via the 115 hypertext links now included in the catalogue records.

In addition to core information service provision, the Library has continued to develop its historical preservation and educational community outreach programs.

The Supreme Court History Program, under the leadership of Dr Michael White QC (Reader, T.C. Beirne School of Law, University of Queensland), continued its commitment to the preservation of legal heritage through the oral history project and collection of historical documents and memorabilia. Over 20,000 items, including manuscripts, photographs and letters have now been collected; five oral history interviews have been recorded and transcribed with a further three pending; and memoirs from six legal personalities have been secured. Over 100 volumes, documents and items of memorabilia were donated to the program this year. In other activities, the conference proceedings of *Sir Samuel Walker Griffith: The Law and the Constitution*, held in March 2001, have been compiled and are due for publication later in 2002. Such publications, and the regular displays in the Rare Books Precinct, Level 2 Law Courts, have been undertaken to ensure that this important legal heritage is accessible to the Queensland community.

The significance of these activities was recognised by the Winston Churchill Memorial Trust this year, which awarded a Fellowship, Mr Aladin Rahemtula, to the Librarian to study the preservation activities of legal history institutions in the USA, UK and Canada. The study will be undertaken in 2003.

Community outreach activities this year involved an estimated 25,000 school students and members of the community, including those who attended lectures and special events, visited exhibitions and participated in the schools program. A highlight was the Human Rights in the 21st Century exhibition, which was officially closed on 5 March 2002 by Ms Cherie Booth QC in the presence of 140 guests and members of the media. Since the launch of the Human Rights exhibition in October 2001, the Library has received excellent feedback from the numerous visitors to the display, including international guests, school groups and members of the public. An online interactive version of the exhibition is being prepared for publication on the Courts website to ensure its continued accessibility to a broad community audience.

Other community activities included:

- the schools program : the number of participants more than tripled from the preceding year, with 635 students taking advantage of the flexible program, which incorporates legal research training and tours of the Rare Books Precinct and surrounding exhibition area.
- guided tours of the Rare Books Precinct, which were particularly popular for families over the Christmas holiday period and on Queensland Day.

- *The Queensland Criminal Code: From Italy to Zanzibar* exhibition : a major exhibition curated to coincide with the 16th Congress of the International Academy of Comparative Law, featuring material from Australian and overseas institutions, and utilising sponsorship of \$4,400 from the Italian Consulate, LexisNexis Butterworths and the International Academy of Comparative Law.

The Library was fortunate to receive 105 distinguished visitors to the Library and Rare Books Precinct this year including:

Ms Cherie Booth QC,

Judges from Japan, the People's Republic of China and Sri Lanka,

notable academics from Australia and overseas, and

members of the diplomatic corps from the UK.

Client Services

The Client Services division is committed to providing exceptional service in the following key areas:

- Information Services (*incorporating current awareness, research and web services*);
- Reference and Document Delivery;
- Information Literacy;
- Indices and Judgments;
- Entrepreneurial Activities.

As the primary link between patrons and the Library, the Client Services division has been at the centre of increased activity this year. The perception of a restricted 'traditional' Library user group has now been broken with the arrival of school students, members of the public and virtual patrons.

Of the 250,000 client visits to the Library, approximately 200,000 utilised the web-based catalogue, public website or *Judicial Virtual Library*. Development of online resources provides a valuable opportunity for the Library to make services more readily accessible for remote users, particularly Judges at regional centres. Expansion of the *JVL* is ongoing, however a major addition will be the launch of the *Judicial Portal* later this year, featuring a subject index to a vast variety of Internet resources of relevance to the judiciary.

The judicial research service ensures that the Library's substantial print resources are also accessible to Judges regardless of their location, by providing research summaries and copies of source material. Various topical articles of legal and non-legal interest are provided as part of the Judicial Current Awareness Service, which circulated 1,500 items during 2001/2002 (88 of those were distributed

electronically). Four issues of the *Newsletter* were also published in print and online formats.

In addition to maintaining the Courts website and the ever popular free full-text judgments service, the Library also launched its own online judgments subscription service *Queensland Legal Indices (QLI) Online* in May 2002. A total of 1,550 Supreme and District Court judgments were processed by the Library this year.

In response to the changing nature of Library clientele, working environment and service goals, a review of the Client Services division was commenced in 2002, in conjunction with a broader organisational investigation. This review was initiated with a view to auditing current practices and procedures; revising resource structures and operational objectives; and identifying key areas for future growth. New electronic systems have already been implemented to enhance procedural efficiency and accessibility to information, and further analysis and strategy formulation will take place in 2002/2003, with particular emphasis on staffing and core reference materials revision.

Collection Management

The Collection Management division provides high-level resource maintenance and development in five core areas:

- Electronic Resources;
- Acquisitions and Cataloguing;
- Subscriptions and Binding;
- Stocktake;
- Valuation.

During 2001/2002, the Library continued to build its collection with the addition of 255 new monographs and 21,250 individual serial issues (reports, legislation, loose-leafs, journals, papers, microfiche and CDRoms). The ongoing task of 'weeding' the collection to ensure outdated, superseded or duplicated materials are removed was also continued.

Upgrades to the Library's information management system, *INNOPAC*, provided enhanced search and retrieval functions and facilitated improved record management options. In 2001/2002, *INNOPAC* was continually developed to provide seamless access to electronic resources available externally via the Internet. The provision of direct hypertext links enables users to utilise the Library catalogue as a central search point to access the exponentially increasing range of information available online.

A review of the Brisbane collection was also undertaken to address the current shelving space shortage. The investigation assessed the remaining available space and extrapolated requirements for collection growth in the coming five years. Immediate space shortages, which were preventing the shelving of ongoing subscriptions, were resolved and additional shelving has now been ordered. The

major task of re-locating the collection to provide space in critical areas, will commence in August 2002.

Future Directions

In the coming year the Library will consolidate the advances made in 2001/2002 by continuing to enhance information services, and expanding educational and legal heritage preservation activities.

The development of regional courthouse library facilities remains a priority for the Library. In 1999/2000, an Internet connected computer was provided for the Cairns Courthouse Library as part of a reciprocal arrangement with James Cook University. It is hoped that similar facilities can be systematically provided in other major centres to enhance access to a greater range of information resources. The Library is also pursuing the possibility of showcasing major exhibitions, such as *Women and the Law* and *Human Rights in the 21st Century*, together with a range of historical displays in regional courthouse centres. Such a project would engender broader appreciation of Queensland's legal heritage and encourage support for, and participation in, the Library's ongoing preservation activities.

Further enhancements of the Rare Books Precinct on Level 2 of the Courts building are planned. Under the continued curatorship of the Library, the Precinct is providing a focus for the preservation of legal heritage in Queensland. Activities of the Supreme Court History Program will include:

- commission of an additional 10 oral history interviews;
- development of regional courthouse legal heritage collections;
- research and publication of regional courthouse histories as a multimedia educational resource available via the Courts website;
- seminar and complimentary exhibition to mark the centenary of the High Court;
- overseas study of similar legal history programs and institutions, providing an opportunity to develop existing projects, with particular emphasis on the way intellectual and financial support is garnered from the community.

As part of the educational program, the Library will publish an increased range of resource booklets, including companion catalogues to the Human Rights and Queensland Criminal Code exhibitions. Forthcoming exhibitions in the Rare Books Precinct will include *In Search of Steel Rudd*, to be launched in 2002/2003.

Further development of client services will include the addition of retrospective full-text judgments from 1993 onwards to the QLI Online service; extension of resource links provided through the web-based catalogue *INNOPAC*; expansion of the *Judicial Virtual Library*; and redesign of the Courts/Library website, including incorporation of Mental Health Court information.

As the primary information and research centre for the Courts, the Library is committed to providing high-level information services to the judiciary and legal profession. Through the Courts website, access to many of these services has been extended to the general public. The Library has also assumed a curatorial function for the preservation of Queensland's legal heritage, and responsibility for a variety of community outreach activities within the Courts. These services have been undertaken with minimal financial commitment, utilising corporate sponsorship and charitable grants. The Library will strive to maintain and improve these initiatives in the coming year, with the support of its key funding bodies and the Courts.

State Reporting Bureau

The State Reporting Bureau provides a recording and transcription service using computer-assisted transcription (CAT) and audio recording for proceedings of the Supreme and District Courts, Magistrates Courts, Queensland Industrial Relations Commission and Royal Commissions. The Bureau also provides reporting services for the Medical Assessment Tribunal, Mental Health Court, Industrial Court and Land Appeal Court.

Reporting services are provided to the District Court in Brisbane, Cairns, Townsville, Rockhampton, Innisfail, Hughenden, Charters Towers, Bowen, Mackay, Gladstone, Bundaberg, Maryborough, Maroochydore, Gympie, Kingaroy, Emerald, Clermont, Mount Isa, Cloncurry, Longreach, Roma, Dalby, Toowoomba, Goondiwindi, Stanthorpe, Warwick, Ipswich, Southport, Charleville and Cunnamulla.

The Bureau has four mobile Remote Recording and Transcription Systems (RRATS) in remote areas throughout Queensland. This initiative enables the Bureau to audio record court proceedings at centres where no staff are based, transfer that recording via the Integrated Digital Network (ISDN) for transcription at Bureau operational centres in the State. Audio Reporting staff then produce a transcript via the use of the computer based word processing packages before transferring an electronic copy of the transcript via electronic modem connection to the circuit courthouse for output to hard copy printing, photocopying and distribution to the judiciary, counsel and other interested parties within two hours of the adjournment of the Court that day.

Portable RRATS systems have been used in Longreach, Mount Isa, Bundaberg, Gladstone, Dalby, Charleville, Cunnamulla, Beenleigh, Kingaroy and Roma with transcription at Bureau operational centres at Townsville, Maroochydore, Southport, Cairns and Ipswich. RRATS was extended to Innisfail and Roma increasing the number of circuit centres that can be serviced to twelve. The Bureau operational centres in Ipswich and Cairns were brought on-line as transcription centres increasing the number of transcription centres to five. An on-site RRATS system was successfully implemented to allow RRATS to transfer video images from the Bundaberg Court to the Maroochydore transcription centre. This further assists staff who produce the transcript by providing vision of who is speaking. The addition of video to RRATS to all systems would allow full monitoring of the remote centre from the transcription centre with a resultant reduction in travel and associated costs.

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

The ability of the District Court 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 District Court's capacity to efficiently carry out its work. Any reduction in the service provided by the Bureau is likely to reduce the District Court's capacity to do so.

Law Reform

The *Constitution of Queensland Act 2001* for the first time recognises the District Court of Queensland. This accords with the preferred way of naming the Higher Courts in Australia. Chapter 4 of the Constitution and part of Schedule 2 concern amendments to the *District Court of Queensland Act 1967*. These amendments preserve the jurisdiction of the District Court and state seniority of the Judges in order of the date of commissions as Judges of the Court.

Importantly, the new Queensland Constitution deals with the Supreme and District Courts in the same terms. It preserves the office of a Judge; provides that a Judge holds office as a Judge indefinitely during good behaviour; and that a Judge may not be removed from office except by the Governor in Council on an address of the Legislative Assembly for:

- proved misbehaviour justifying removal (which is proved only if the Legislative Assembly accepts a finding of a tribunal to this effect); or
- proved incapacity (again, only if the Legislative Assembly accepts the tribunal's finding to this effect).

The tribunal of three is to be appointed by the Legislative Assembly, and those members must be retired Supreme or Federal Court Judges.

The Constitution will also provide that Judges must be paid a salary and that the amount of a Judge's salary must not be decreased. The Judges of the District Court have submitted that the word 'salary' should be replaced by remuneration.

Consistent with the commencement of the *Constitution of Queensland Act 2001* on 6 June 2002, minor amendments to the *District Court of Queensland Act 1967* have been effected by the *Justice & Other Legislation (Miscellaneous Provisions) Bill 2002*. These amendments were developed in consultation with the Chief Judge and ensure that references to the District Court are consistent throughout

Law reform measures implemented over the past year have resulted in the jurisdiction of the District Court being altered in the interests of improved efficacy in the filing of appeals, and granting of bail, among other things. Amendments to Part 9 of the *Justices Act 1886* effectively abolish the requirement for a recognizance permitting the release from custody of applicants convicted of summary offences. To ensure that bail applications are capable of being made promptly, s.8 of the *Bail Act 1980* has also been amended to provide that either a District Court or Magistrates Court can grant bail to the appellant. Consistent with the recommendations of the Chief Judge prior to these amendments being made, a specific power in relation to making directions about the conduct of the appeal have been given to the District Court Judge granting bail.

Furthermore, all appeals will now be filed in the registry of the District Court where the appeal must be heard. To ensure that those persons in regional areas who may not be legally represented are not disadvantaged, lodging an appeal in the Magistrates Court where the order was made will be deemed to be an appeal lodged in the relevant District Court.

Other amendments include:

- providing a District Court Judge with the power to make such orders as appropriate for the conduct of the appeal; and
- providing a power for a Judge to remit a matter to the Magistrates Court for further consideration.

Some purely procedural provisions have been removed (for example s.222(2)(C)). It was considered that these provisions could be better incorporated in the Criminal Practice Rules, thereby ensuring that the District Court retains control over its own administrative processes.

Last year also saw the commencement of the *Corrective Services Act 2000* which effected a number of changes particularly relating to the release eligibility options for prisoners.

Provisions under the *State Penalties Enforcement Act 1999* now enable orders to be made for new payment options prior to default, expand the available methods of enforcement, shorten the time between default and enforcement, and restrict the making of fine option orders once a warrant has been issued.

The *Criminal Law Amendment Act 2002* was passed on 16 May 2002, containing amendments to the Criminal Code, the *Criminal Law Amendment Act 1945*, the *Jury Act 1995*, the *Penalties & Sentences Act 1992*, among other amendments introduced to protect jurors, witnesses and judicial officers against threats and reprisals. This was at least partially due to Judge Nase and other members of the Criminal Law Committee bringing to the attention to the Attorney the difficulties faced by Judges in ensuring jurors were not intimidated by employers. Amendments to the *Jury Act 1995* should ensure the protection of jurors by preventing the disclosure of their full address and prohibiting jurors from making inquiries about an accused while they are empanelled.

District Court Associates – as at 30 June 2002

Miya Isherwood, Associate to Her Honour Chief Judge P.M. Wolfe
Joseph Crowley, Associate to His Honour Senior Judge N.A. Skoien
Brendan Barry, Associate to His Honour Senior Judge G. Trafford-Walker
Mark Aberdeen, Associate to His Honour Judge R.D. Hall (Southport)
Jeremy Marshall, Associate to His Honour Judge T.J. Quirk
Ed Green, Associate to His Honour Judge W. Howell
Neville Hiscox, Associate to His Honour Judge I.McG.Wylie, QC
Kyleigh Engeman, Associate to His Honour Judge K.S. Dodds (Maroochydore)
Jeannie Donovan, Associate to His Honour Judge A.J. Healy, QC
Roland O'Regan Associate to His Honour Judge M. Boyce, QC
Scott Moran, Associate to His Honour Judge G.S. Forno, QC
Kate Jackson, Associate to His Honour Judge B.J. Boulton
Travis George, Associate to His Honour Judge H. Botting
Patrick McCafferty, Associate to His Honour Judge M.J. Noud
Michelle Christensen, Associate to His Honour Judge K.J. O'Brien
Jeremy Wolter, Associate to His Honour Judge N.F. McLauchlan, QC
Cameron Dumas, Associate to His Honour Judge P.D. Robin, QC
Liam Dollar, Associate to His Honour Judge B. Hoath
Selena Swanson, Associate to His Honour Judge J.E. Newton (Southport)
Deborah Kellie, Associate to Her Honour Judge H. O'Sullivan
Anthony Loudon, Associate to His Honour Judge P.J. White (Cairns)
Ted Besley, Associate to His Honour Judge P.G. Nase
Judy Bailey, Associate to His Honour Judge J.M. Robertson
Meg Frisby, Associate to His Honour Judge M.W. Forde
Stephanie Hack, Associate to His Honour Judge C.J.L. Brabazon, QC
Scott Malcolmson, Associate to His Honour Judge D.J. McGill, SC
Jodie Mayer, Associate to His Honour Judge C.F. Wall Q.C (Townsville)
Rowan Pack, Associate to His Honour Judge R.D. Pack (Townsville)
Joshua Fenton, Associate to His Honour Judge N. Samios
Kelly-Anne Quinn, Associate to His Honour Judge G.T. Britton, SC (Rockhampton)
Campbell MacCallum, Associate to Her Honour Judge D. Richards (Ipswich)
Sandra Camilleri, Associate to Her Honour Judge S. Bradley (Cairns)
Brendan Lyle, Associate to His Honour Judge M.J. Shanahan
Megan Caffery, Associate to Her Honour Judge J.M. Dick, SC
Martyn Hanmore, Associate to His Honour Judge A.M. Wilson, SC (Southport)

Purpose & Goals

The District Court fills a unique role in the administration of justice in Queensland. As the largest trial court of Queensland the District Court retains its strong emphasis on the following goals:

<i>Access</i>	To ensure the accessibility of the Court to the community and those who need to use its services.
<i>Case Management</i>	To discharge the Court's responsibilities in an orderly, cost effective and expeditious manner.
<i>Equality & Fairness</i>	To provide to all equal protection of the law.
<i>Independence</i>	To promote and protect the independence of the Judges of the Court.
<i>Accountability</i>	To account for the performance of the Court and its use of public funds.
<i>Professionalism</i>	To encourage excellence in the functioning of the Court.