

SUPREME COURT ANNUAL REPORT

2001-2002



The cover photograph is of an admissions ceremony held in the Banco Court at the Supreme Courthouse, Brisbane on 9 September 2002. The technology evident within the courtroom was installed for the purposes of a major commercial trial, *Emmanuel Management Pty Ltd (in liquidation) v Fosters Brewing Group Ltd and others*, then in progress.

**The Supreme Court of Queensland
Law Courts Complex
304 George Street, Brisbane**

PO Box 167
Brisbane Albert Street 4002

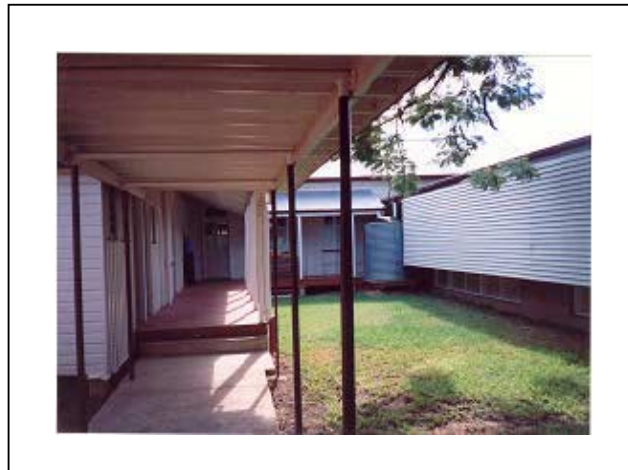
Website: www.courts.qld.gov.au

Registry: Telephone: 3247 4313
Facsimile: 3247 5316

Court Administrator: Telephone: 3247 5015
Facsimile: 3247 3186



Mt Isa
First Supreme Court Sittings 1964
Current Courthouse erected in 1932



Longreach
First Supreme Court Sittings 1922
Current Courthouse erected in 1892



Roma
First Supreme Court Sittings 1883
Current Courthouse erected in 1866

The most westerly of the 11 centres in which the Supreme Court of Queensland sits are Mt Isa, Longreach and Roma.
It is significant to acknowledge this in the “Year of the Outback”.



CHAMBERS OF THE CHIEF JUSTICE
SUPREME COURT
BRISBANE

FROM CHIEF JUSTICE PAUL de JERSEY

8 October 2002

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

Dear Attorney

I enclose my report, under s 119 of the *Supreme Court of Queensland Act 1991*, on the operation of the Supreme Court for the year ended 30 June 2002.

Yours sincerely

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

The Hon P de Jersey AC
Chief Justice

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The Chief Justice's Overview



*The Honourable Paul de Jersey AC
Chief Justice*

Introduction

Since its foundation on 7 August 1861, the Supreme Court has served the people of Queensland. Public respect for the institution remains high. That is explained by the complete accountability of the judicial arm of government, and what the people fairly perceive as the conscientious dedication of the Judges and the Court and administrative officers who provide support. The provision of this report is an example of that accountability.

The report contains a detailed analysis of the operation of the Court in the year ending 30 June 2002, prepared in consultation with the President of the Court of Appeal, the Senior Judge Administrator and the Judges of the respective Divisions. In this following “overview”, as well as setting out some detail of the discharge of my role as Chief Justice, I draw attention to particular aspects of the operation of the Court warranting public notice.

Four areas of concern bear mention in these introductory observations.

1. There is still no comprehensive plan in place for the redevelopment, or even substantial refurbishment, of the Brisbane Law Courts complex. Other aspects aside, the design and condition of the buildings would not today comply in a number of significant respects with workplace health and safety requirements and the policies underlying anti-discrimination legislation. Neither does their physical presentation suggest the open accessibility which should mark a 21st century justice system. While it is acknowledged that priority now be given to the construction of an appropriate Magistrates Courts complex, it is unacceptable that attention has not yet been given, in any definitive way, to the Supreme and District Courthouses. The contrast between, on the one hand, Brisbane courthouses, and on the other, the Commonwealth Law Courts building and higher court establishments in other States and Territories, is glaring and publicly unacceptable. There is urgent need for a plan, and the commitment of funds for its implementation.

In the hope of inspiring some executive determination in relation to the issue, the Court has this year encouraged a project by architecture students from the Queensland University of Technology in which the students are, as part of their course work, designing a new courts complex. A new complex is in the longer term the preferred option, and a public competition in relation to the design could be an interesting approach.

The inadequacy of funds available for basic courthouse maintenance remains a matter of concern. The carry-over from year to year of necessary maintenance left undone is resulting in progressive deterioration in the fabric. There is also no programme in place for the regular replacement of outdated or malfunctioning equipment.

Security issues in relation to country courthouses remain to be addressed, and notwithstanding my recommendation, the Brisbane complex still lacks basic airport-type security screening facilities.

2. The prime use of modern technology to enhance access to justice has been a consistent theme of these overviews. 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. But some major deficiencies persist.

For example, the optimal deployment of judicial resources would more effectively be secured through centralized, electronically based data collection and management, presently not possible state-wide. This means that because locally collected statistics relating to centres outside Brisbane are not instantaneously available in Brisbane via computer, reaching a broad overview of the state-wide operation of the higher courts takes longer than it should.

Another deficiency is the absence within the Brisbane courthouses of a web server dedicated to the higher courts and maintained and administered by them. To illustrate, it should in contemporary times be possible for a Judge in Brisbane to communicate via computer with lawyers in distant centres, and thereby, with maximum efficiency, manage both civil and criminal proceedings to the point of readiness for trial. The importance of such a facility cannot be overstated in a State as vast and decentralized as Queensland.

There are many other basic technological deficiencies which could be mentioned. As but one example, 15 of the 29 regional courthouses in which either the Supreme or District Courts sit lack amplification facilities in the courtroom (early twentieth century technology) for use with softly spoken witnesses. Nine of them lack polycom facilities for taking the evidence of witnesses at remote locations. The Court budget is so unreasonably tight that facilities of even that basic character cannot be provided.

3. I again, as in previous years, draw attention to the still unsatisfied need for rational redistribution of jurisdiction in relation to drug crime among the three State courts.
4. Registry re-structuring has stalled for want of adequate financial resourcing. I mention this under the later heading, "New initiatives".

Performance

Disposition of caseload

The Court's performance over the last year might usefully be analysed in the context of the time goals for disposition of the Court's caseload adopted by the Judges in April 2000 and

published on the Court's webpage. The following table provides that analysis, in context of the Court's performance over the last three years.

Table 1:

Court of Appeal Division				
	Benchmark	1999-00	2000-01	2001-02
A. Criminal				
< 6 months	90%	80%	83%	81%
6-12 months	8%	19%	16%	17%
> 12 months	2%	1%	1%	2%
B. Civil				
< 6 months	55%	54%	51%	55%
6-12 months	30%	32%	40%	35.5%
> 12 months	15%	14%	9%	9.5%
Trial Division				
	Benchmark	1999-00	2000-01	2001-02
A. Criminal				
< 6 months	80%	66%	78.5%	74.5%
6-12 months	15%	21%	15.8%	19.9%
> 12 months	*5%	12%	5.6%	5.6%
B. Civil				
< 6 months	50%	†	†	†
6-12 months	13%	†	†	†
12-18 months	7%	†	†	†
>18 months	*30%	†	†	†

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

† Currently available statistics relate to the period from entry for trial, not commencement. Resource limitations still prevent the Court's assembling these statistics, although it is expected data for the year 2002-3 will be available for next year's report.

In this last year, on the criminal side, the Trial Division, having begun the year with 158 active outstanding cases, ended the year with 100, having disposed of 503 incoming matters.

On the civil side, having begun the year with 56 cases awaiting a hearing, as by trial, the Trial Division ended the year with only 28, having over the year disposed of 297 incoming matters. It is interesting to compare that position with performance levels in previous years. The numbers of cases outstanding at the end of years 1996-7, 1997-8, 1998-9, 1999-2000 and 2000-1 were respectively 258, 147, 143, 83 and 56.

The position remained this year that cases ready for trial in the civil jurisdiction, save those expected to take a very substantial period, could be allotted trial dates within two to three months.

In addition to the trial work commitment, the Court disposed of a substantial number of matters on the applications side of its civil jurisdiction. Details appear in the Trial Division report below.

The Court of Appeal Division disposed this year of 338 criminal appeals: compared with previous years: 1997-8 (354), 1998-9 (383), 1999-2000 (356), 2000-1 (321). As at the end of the year, 149 criminal appeals awaited disposition: compared with 2000-1 (140). The Court of Appeal also disposed of 239 civil appeals: compared with 2000-1 (282), leaving 136 outstanding as at the end of the year: compared with 2000-1 (117).

In summary, in terms of the amount of work completed, and timeliness of disposition, both divisions of the Court again performed creditably, and largely within the dispositional goals set by the Court.

New initiatives

Case-flow management

The Court has in recent years been concerned that the limits of its available technology have precluded the effective tracking of the progress of civil proceedings from commencement to readiness for trial. When ready for trial, such cases have, for some years, been allotted early trial dates. The Court's computer technology has now permitted the development and installation of a "case-flow management system" to monitor the progress of civil proceedings up to the stage for readiness for trial.

The system, introduced from 1 June 2002, focuses on a requirement to file a notice of intention to defend by 30 days from the service of a claim, and the filing of a request for trial date by 180 days thereafter in defended cases. If those steps are not taken, the Registrar may, by dispatching a "Case-flow Management Intervention Notice", call on the plaintiff to show cause why the proceedings should not be "deemed resolved".

The object is to ensure that civil proceedings are progressed, efficiently utilizing the range of mechanisms set up by the Uniform Civil Procedure Rules to ensure their early disposition.

Commercial List

The *Commercial Causes Act* 1910 (now Part 18 of the *Supreme Court Act* 1995) provided for the keeping of a "commercial causes" list, designed to foster the "speedy and inexpensive determination" of matters "really at issue" between the parties to commercial disputes. The Commercial Causes List operated effectively in the late 1970's and in the 1980's, but then fell into desuetude, as the approach to the judicial management of cases generally became more active across the litigation board. In addition, in recent times, the operation of the "Supervised Case List" and the availability of comparatively very early hearing dates, reduced any perceived need to maintain a specialized list of that character.

After much consideration, it was this year determined to establish such a List, with a view to ensuring the optimal judicial management of urgent commercial cases likely to last five days or less, in the interests of parties who seek to be included in this specialized stream. The complexity of many modern commercial claims, the enormity of the financial sums often at stake, and the propensity for such claims to become "bogged down" by disclosure of documents of mountainous proportions and protracted interlocutory disputes, warranted the establishment of the Commercial List, effected by Practice Direction, as from 1 May 2002. Mr Justice Muir and Mr Justice Chesterman are the inaugural Commercial List Judges on the basis those Judges will hear both interlocutory matters and trials and hearings, but on the understanding that other Judges may be called upon to participate in hearing applications and trials as necessary.

The initiative was enthusiastically welcomed by the profession and will, it is hoped, substantially enhance the service the Court is able to provide to commercial litigants.

Benchbook

Reference was made in last year's Report to the Judges' preparation of a "benchbook", a collection of sample directions intended to assist in the preparation of summings-up delivered for the instruction of juries at criminal trials. The diverse range of subjects requiring directions, and the need for careful consideration of sometimes complex case law, demanded

considerable skill and endurance from those undertaking this work, which was this year brought to completion. The task, begun by a committee of Judges led by Mr Justice McPherson, was completed by Justice Byrne, Justice Holmes, Judge Robertson and Judge Dick. Many Judges from both the Supreme and District Courts assisted the coordinating Judges by providing draft directions. The benchbook will be published on the Courts' web-page, and thus available, not only to the Judges, but also to the Crown, defence and self-represented accused persons – as well as the public generally. It is hoped the guidance offered by the benchbook will reduce the prospect of error and, consequently, appeals.

Registry restructuring

Mention was made last year of the prospect of restructuring the Registry following a process of review directed to streamlining managerial structures, in which the Court was assisted by the Registrar of the Federal Court of Australia.

The report, endorsed by the Focus Group, emphasizes that “the structure of the Registry (should) be changed to produce outcomes rather than processes”.

So far, in partial implementation of the recommendations of the report, the position of Registrar and the Court's Registry at Brisbane have been redesignated Principal Registrar and Principal Registry respectively; the position of Principal Registrar was upgraded in September 2001; and the establishment of a new position managing the listings unit of the higher courts in Brisbane occurred in September 2001.

Available financial resources have not extended to the full implementation of the report which would ensure a modern, client-centred service. Future budgeting should seek to ensure this may occur.

Cost of litigating in the Supreme Court

The accessibility of this Court depends in part on the cost of litigating in it.

One of the “efficiency indicators” adopted by the Steering Committee for the Review of Commonwealth/State Service Provision in its Annual Report on Government Services is “expenditure less in-house revenue per lodgement” – that is, the net cost to the Court of progressing a matter from lodgement to conclusion. In the case of this Court, that cost is met by the application of the financial resources provided by Executive Government.

In the year to 30 June 2001, the Report for that year being the latest available, the national average amount applied to a criminal lodgement for Supreme Courts was \$11,038. Queensland had the lowest, at \$6,553. The amounts applicable to the Supreme Courts of New South Wales and Victoria were approximately \$13,500 and approximately \$11,500 respectively. This demonstrates, if further evidence were necessary, the lean basis on which this Court operates.

This Court expended approximately \$2,800 per civil lodgement, with the Supreme Court of New South Wales at \$4,000 and the Federal Court of Australia at \$14,000 (higher in part because of considerations relevant to the introduction of the Federal Magistrates' Service).

The average civil court fees collected per lodgement were comparatively very low in the Supreme Court of Queensland (\$444), contrasting with \$1,538 for the Supreme Court of New South Wales, \$1,260 for the Supreme Court of Victoria and \$906 for the Federal Court of Australia. The comparatively low level of court fees applicable to the Supreme Court of Queensland is considered to be a feature favouring commencing civil proceedings in this Court. But the question arises whether court fees should not be increased, provided however the additional revenue were to be dedicated to the provision of enhanced resourcing for this Court (rather than being diverted into Consolidated Revenue as is the present position). At the time of writing, an increase is proposed by the executive, but without the increased returns being dedicated to enlarging the resources available for the achievement of better services to the community.

The Rules Committee is currently examining the professional costs scales.

Major litigation

The Court conducted many major criminal and civil trials and other proceedings over the year. One criminal trial warrants special mention.

Over the period 18 February to 15 March 2002 the Central Judge, Justice Dutney, conducted the trial of *Long*, concerned with charges of arson and murder. The trial attracted substantial public interest. Owing to the attendance of many members of the public, the families of victims, and over 50 media representatives (including seven from overseas) the trial was held in the Banco Court. To facilitate dissemination of information about the progress of the trial, the Court appointed Deputy Registrar Mr Peter Irvine as a liaison officer for the Court, and maintained a webpage devoted to the trial. Other mechanisms included linking the visualiser used in the courtroom for viewing documents to television receivers for outside broadcast.

Rules Committee

The Rules Committee, chaired by Justice Williams and including, from the Supreme Court, the Chief Justice, Mr Justice Muir, Justice Wilson and the Principal Registrar, from the District Court, Judges Robin QC and McGill SC, and from the Magistrates Court, Magistrates Gribbin and Thacker, met at least fortnightly out of ordinary court hours. For their conscientious dedication, its members deserve special thanks.

In addition to monitoring the operation of the Rules, the Committee receives regular suggestions from the Judges and members of the profession and the public concerning their more effective implementation and the desirability of amendment.

Last year's report drew attention to the Rules Committee's statutory obligation to "advise the Minister about the repeal, reform or relocation of the provisions of the *Supreme Court Act 1995*" (s118C(2)(a) *Supreme Court of Queensland Act 1991*). In the absence of additional assistance, the Rules Committee found itself unable independently to discharge that responsibility. The Director-General helpfully committed additional funding to facilitate the engagement of a former member of the Court, the Hon KW Ryan CBE QC, as consultant to the Rules Committee, to carry out the work necessary to allow the Committee to discharge that responsibility, and the Committee records its gratitude to the former Judge for his willingness to assist in that regard. Indisposition prevented his carrying on with the project for a time, although he has fortunately, at the time of writing, been able to resume the commitment.

Other monitoring mechanisms

Together with the Court Administrator, the Principal Registrar and the heads of associated agencies, the Judges continually review the effectiveness of their processes. The following special approaches should be mentioned.

The Judges met monthly in Brisbane, throughout the year, for the consideration of a wide range of issues relevant to the operation of the Court. Other meetings were held, as necessary, for the consideration of particular matters. The Central, Northern and Far Northern Judges (based in Rockhampton, Townsville and Cairns respectively) participated in such meetings, wherever possible, by means of telephone link.

The Chief Justice's Consultative Committee, comprising the Chief Justice, the President of the Court of Appeal, the Senior Judge Administrator, together with office bearers of the professional associations, met on 2 November 2001 and 17 April 2002 for the discussion of matters of current importance in the courts and to the profession. The Court is grateful for the cooperative support of the profession.

The Focus Group, comprising the Chief Justice, the President of the Court of Appeal, the Senior Judge Administrator, the Court Administrator, the Principal Registrar and the Director of the State Reporting Bureau, with the Chief Judge an invitee, met on 6 November 2001, 6

March 2002 and 8 May 2002. The function of this group is to facilitate a continual survey of the Court's functioning by those directly responsible for its smooth and progressive operation, with special focus on broad policy direction.

Executive requests for judges to conduct commissions of enquiry

For many years the Judges of this Court have taken the view that it would be inappropriate for a serving Judge to accept a position to head a commission of inquiry conducted under the auspices of Executive Government. The rationale for that view has been the recognition that the core function of the judiciary is the determination of matters in court, by the delivery of judgments enforceable by process of law; and the fundamental importance of preserving the confidence of the public in the judiciary's discharge of that function, which could be impaired were Judges to be unnecessarily involved in the political controversy which often surrounds such inquiries. With the substantial changes which have occurred in recent years in the composition of the Supreme Court, the Chief Justice raised with the Judges, at their regular monthly meeting on 14 August 2001, whether the Court remained of this view. The Judges then reaffirmed their commitment to that position, and informed the Hon the Attorney-General.

Practice Directions

In the course of the year, the practice directions listed in Appendix 1 were issued. They cover a range of matters designed to streamline the operation of the Court.

Continuing Judicial Education

This is achieved in various ways. Four particular initiatives warrant mention.

A number of Judges of the Court (13) attended the Supreme and Federal Court Judges' Annual Conference in January in Melbourne, and over the period 21 to 24 January participated in presentations on a range of subjects, including judicial education, judicial ethics, sentencing and parole, modern investigative techniques, whether Australia should have a bill of rights, and, from a broader perspective, "the kind of society Judges are trying to serve" (speaker Mr Hugh Mackay); "current issues in health" and "resource allocation in the public health sector" (canvassing current medical issues including treatment techniques, ethics, economics and legislative control). The conference received presentations on the progress of the National Judicial College, from the Australian Judicial Conference and the Australian Institute of Judicial Administration.

The Judges held their 8th annual pre-Easter seminar on 27 and 28 March 2002. Presenters at this year's seminar included the Hon Sir Anthony Mason AC, KBE – "Aspects of Judicial Review"; Professor John Dewar and Ms Bronwyn Jerrard – "Self representing litigants"; Professor John Moorhead – "Thoughts on legislation in the post-Roman west"; Professor Michael Lupton – "The ethics and legality of using embryonic stem cells for cloning research"; Dr Geraldine Mackenzie – "Sentencing"; and Dr Frank Varghese and The Hon CW Pincus QC – "Deception".

In June 2002 a number of Judges visited Corrective Services' facilities in the Wacol precinct, including the Arthur Gorrie, Brisbane Women's, Wolston and Sir David Longland Correctional Centres. In the course of the tours, the Judges were provided with explanations of the Corrective Services' approach to many issues which impinge on the sentencing process. The Court is grateful to the Director-General of the Department of Corrective Services, Ms H Ringrose, for her assistance in organizing these tours.

The Judicial Orientation Course conducted under the auspices of the Australian Institute of Judicial Administration remained available for the assistance of newly appointed judges.

Chief Justice's calendar

Apart from time allotted to the fulfilment of my administrative and official responsibilities, I sat in the various jurisdictions of the Court, both in and out of Brisbane: Court of Appeal (11 weeks), the criminal court (7 weeks), civil (2 weeks), applications (6 weeks), Cairns (1 week), Maryborough (1 week), reflecting an increase on my sittings commitment last year.

In addition, I attended and spoke at numerous conferences and public events. Many of my addresses may be read on the Court's webpage: www.courts.qld.gov.au.

I have remained committed to visiting country court centres.

From 23-25 August 2001, accompanied by my wife, I attended the Central Queensland Law Association's annual conference at Yeppoon, and from 21 to 23 September 2001, the North Queensland Law Association's Annual Conference at Cairns.

On 20 September 2001 I presided at an admissions ceremony while sitting in Cairns. I presided at all admissions ceremonies held in Brisbane throughout the year.

On 23 October 2001, in conjunction with my participation in a Centenary of Federation ceremonial event at Wallangarra, I met in Stanthorpe with a group of approximately 30 solicitors, practising variously in Stanthorpe, Warwick, Toowoomba and Tenterfield, and visited the Stanthorpe Courthouse.

In the course of the year I attended events staged by district law associations at Toowoomba and Maryborough.

During the period 2/3 October 2001 I participated in the 17th meeting of the Council of Chief Justices of Australia and New Zealand, held on that occasion at Christchurch, New Zealand; and on 3/4 April 2002, in the 18th meeting at Fremantle.

The Courthouses

Townsville

There is a long-standing difficulty arising from accommodating officers of the Director of Public Prosecutions on level E of the Townsville Courthouse. Parts of that level are used for the purpose of jury deliberation. The jury rooms, and the corridor through which jurors pass to gain access to those rooms are proximate to the offices of the Director of Public Prosecutions. There is therefore a persisting risk of so-called jury contamination, with the prospect of the aborting of trials. The then Chief Justice approved of the Director's use of level E as long ago as October 1985, but on an expressly temporary basis. I drew the attention of the then Attorney-General to the continuing problem in October 1998, suggesting that steps should be taken to relocate the Director of Public Prosecutions' staff elsewhere than the courthouse. This will need the allocation of further financial resources for that purpose. This long-standing problem must be addressed, to remove a persisting, unacceptable risk to the integrity of the criminal justice process.

Maryborough

On 29 August 2001 I spoke at the re-opening, by the Attorney General, of the restored Maryborough Courthouse. Dating from 1878 and continuously used since, it is the only remaining courthouse designed by the colonial architect FDG Stanley. A heritage listed building, the courthouse has now been restored to its former grandeur, and concurrently lifted to new levels of efficiency – with the installation, for example, of an effective sound system and the capacity for the receipt within the courtroom of evidence given at remote locations. It is reassuring to see the Executive Government embracing a project involving the restoration of such a fine building, and ensuring that it remains dedicated to its intended use as a working courthouse. Unfortunately, during the restoration, officers of the Department of Primary Industries determined that the building need not be treated for West Indian termites.

Small infestations subsequently became apparent and are to be rectified at the expense of the Department of Primary Industries.

Preservation of the State's judicial heritage

The Court in recent years has been intent on recovering, preserving and displaying items of Queensland's legal and judicial heritage. Historical displays in the courthouses at Brisbane, Rockhampton, Townsville and Cairns have excited considerable interest among members of the legal profession and the public.

The Court was, in July 2001, the grateful recipient of the donation by the Royal Historical Society of Queensland of the "black cap" used by the Hon Mr Justice Virgil Power (1895-1914) when imposing the death sentence, now on display in the 2nd floor public corridor display cases.

Other public "outreach"

The Judges remain committed to ensuring the public understands the processes of the courts of law. The resources which may be deployed to that end are limited. One recent development illustrates that commitment.

On 11 April 2002 I launched "*Our Courts...an inside look*", a 45 page information booklet on the operation of all three State courts. In the terms of the foreword, the booklet is intended "to foster some greater insight into what courts do and the way they operate". It is provided free of charge to visitors, and regularly distributed to school students. I launched the work at an informal gathering in the Court Terrace restaurant before an audience of secondary school students.

The Principal Registrar again this year invited members of the public, on Queensland Day 6th June, to join in guided tours of the Brisbane courthouse, including sitting in on court proceedings. Approximately 160 members of the public participated in the tours this year.

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

The Court's webpage continues to be a focus of public and professional attention, registering over 700,000 "hits" for the year. It provides the profession, litigants and members of the public with a wealth of information about listings, practice directions, matters of general interest as well as links to other relevant sites.

Other use of the courthouse

The Brisbane courthouse is, in the public interest, used for other events when not required for court sittings. For example, on 4 July 2001, the Hon Judge Ralph Zulman of the South African Supreme Court of Appeal delivered an address in the Banco Court on the topic, "South African Judges and Human Rights". The address, hosted by the Supreme Court History Society, was attended by 237 people including Judges, members of the profession and the public. Justice Atkinson, whose involvement in the development of an anti-discrimination tribunal in South Africa was referred to in last year's annual report, introduced Judge Zulman.

On 5 March 2002 Ms Cherie Booth QC visited the Supreme Court, in the course of the Commonwealth Heads of Government Meeting. She delivered an address on the subject of the United Kingdom's *Human Rights Act* 1998, and formally closed the Supreme Court Library's Human Rights Exhibition.

International aspects

Visits by Judges from other jurisdictions

On 7 December 2001, a party of 18 parliamentarians from various countries of the South Pacific – Samoa, French New Caledonia, Fiji, Papua New Guinea and Australia – visited the Supreme Court at Brisbane in association with a seminar hosted by Griffith University,

focusing on such matters as judicial independence and accountability, the rule of law and the separation of powers. The visitors sat in on criminal court proceedings, met with the Judges, and held detailed discussions with three members of the Supreme Court with particular experience of courts of neighbouring countries: Mr Justice McPherson and Justice Williams (Court of Appeal of the Solomon Islands) and Mr Justice Douglas (Supreme Court of Fiji).

The Supreme Court received a number of other international visitors:

- on 6 August 2001, Sarath Nanda Silva, Chief Justice of the Supreme Court of Sri Lanka, and two other Judges of that court, Srinihal Wadugodapitiya and Shirani Bandaranayake;
- on 16 August 2001, a delegation of 20 Judges from the People's Republic of China;
- on 7 December 2001, a party of judges from the Chengdu Intermediate People's Court, Sichuan Province, People's Republic of China, including the Chief Judge of that court;
- from 12 February to 22 February 2002, His Honour Judge Maeda, of the Kobe District Court, who visited the Supreme Court and studied aspects of our procedure;
- on 14 March 2002, a delegation of 23 judicial officers from various Beijing courts, including the High Court, the First and Second Intermediate Courts, and the District and County Courts;
- on 26 April 2002, a group from the Philippines-Australia Governance Facility and GRM International, who participated in a workshop at the Supreme Court facilitated by the Key Centre for Ethics, Law Justice and Governance, Griffith University, and were addressed by Justice Byrne;
- on 3 June 2002, the Hon Justice Umesh C Banerjee, Judge of the Supreme Court of India and formerly Chief Justice of Andhra Pradesh, together with a delegation of Indian lawyers, who met Judges of the Supreme Court during a study tour hosted by the Griffith University Law School.

Assistance to other jurisdictions

During the year Mr Justice McPherson and Justice Williams sat in Honiara as members of the Court of Appeal of the Solomon Islands. They have been members of the Court of Appeal of the Solomon Islands for a number of years and continue to make their services available to sit when required.

Judicial retirement and appointment

A valedictory ceremony marking the retirement of Justice J B Thomas AM, Judge of Appeal, upon his completion of 20 years' distinguished service on this Court, was held in Brisbane on 22 March 2002. Following that retirement, Justice Jerrard was on 3 June 2002 sworn in as a Judge of Appeal.

Personal

The Queen's Birthday Honours List published on 10 June 2002 included the Senior Judge Administrator, Justice Moynihan, who was appointed an Officer in the General Division of the Order of Australia, "for service to the judiciary, particularly through the development of improved processes for the administration of justice, to the legal profession, and as a contributor to the administration of health care services through the Mater Misericordiae Hospital".

In June 2002 the Supreme Court Librarian, Mr Aladin Rahemtula, was awarded a Churchill Fellowship. He intends to utilize the fellowship to study the activities of institutions in the USA, UK and Canada engaged in the preservation of legal history.

In an immediate sense through his work in the Supreme Court Library, the people of Queensland have for many years been the beneficiaries of Mr Rahemtula's learning, wisdom and creative talents. The award of this significant fellowship is fitting recognition of a unique public contribution.

Conclusion

I warmly thank the Judges, officers of the Registry and the Court's administrative staff for another year's excellent application. Individual performance is greatly valued, as was the preparedness of all to join in what was a most effective collegial effort.



Court personnel who conducted tours on Queensland Day

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

Composition of the Court

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

Chief Justice The Honourable Paul de Jersey, AC

Court of Appeal Division

President The Honourable Margaret Anne McMurdo

Judges of Appeal

The Honourable Geoffrey Lance Davies) of the same seniority
The Honourable Bruce Harvey McPherson, CBE)
The Honourable James Burrows Thomas, AM
(retired 24 March 2002)
The Honourable Glen Norman Williams
The Honourable John Alexander Jerrard
(appointed 31 May 2002)

Trial Division

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

Tribunal Appointments

Mental Health Tribunal

The Honourable Richard Noel Chesterman

Mental Health Court

The Honourable Margaret Anne Wilson

Chair, Law Reform Commission

The Honourable John Daniel Murray Muir
until 31 December 2001, then
The Honourable Roslyn Gay Atkinson

Land Appeal Court

The Honourable Debra Ann Mullins
(Southern District)

The Honourable Peter Richard Dutney
(Central District)

The Honourable Keiran Anthony Cullinane
(Northern District)

The Honourable Stanley George Jones
(Far Northern District)



Judges of the Supreme Court

Court of Appeal Division

The Work of the Court

This year, 725 matters were commenced in the Court of Appeal (413 criminal matters and 312 civil matters), compared with 723 matters in the previous year. 577 matters (338 criminal matters and 239 civil matters) were heard and a further 120 matters (66 criminal and 54 civil matters) were withdrawn, disposing of a total of 699 matters. The workload of the Court of Appeal this reporting year was comparable to that in 2000-01 and 1999-00 and shows an increase since 1997-98 when only 563 matters were heard.

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

Number of cases	1999-00	2000-01	2001-02
<i>At start of year</i>	140	115	140
<i>Commenced during year</i>	404	401	413
<i>Cases heard</i>	356	321	338
<i>Undisposed of at end of year</i>	115*	140*	149

* Adjustment made to figures due to finalisation of data.

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

Number of cases	1999-00	2000-01	2001-02
<i>At start of year</i>	143	160	117
<i>Filed during year</i>	361	322	312
<i>Cases heard</i>	260	282	239
<i>Cases unheard at end of year</i>	160*	117*	136

* Adjustment made to figures due to finalisation of data.

Table 4: Annual caseload, summary

Number of cases	1999-00	2000-01	2001-02
<i>At start of year</i>	283	275	257
<i>Filed</i>	765	723	725
<i>Heard</i>	616	603	577
<i>Judgments delivered</i>	638	587	575
<i>Cases unheard at end of year</i>	275*	257*	285
<i>Judgments outstanding at end of year</i>	27	43	46
<i>Matters withdrawn</i>	165	147	120

* Adjustment made to figures due to finalisation of data.

No reason has been discerned for the fall for the second consecutive year in the number of matters withdrawn.

Thirty-one percent (31%) of criminal matters were disposed of in less than three months, a further 50% in more than three months but less than six months, and a further 17% in more than six months but less than twelve months, so that 98% of all criminal matters were disposed of within twelve months of filing. These figures are comparable with last year.

In the civil jurisdiction, 33% of matters were disposed of in less than three months, a further 22% in more than three months but less than six months, and a further 35.5% in more than

six months but less than twelve months, so that 90.5% of civil matters were disposed of within twelve months of filing. Again, these figures are comparable with last year.

Table 5: Age of cases disposed of*

Time for disposition (Date of filing to delivery of judgment)	Percentage disposed of			
	Criminal		Civil	
<3 months	31	[32]	33	[37.5]
3-6 months	50	[51]	22	[13.5]
6-12 months	17	[16]	35.5	[40]
>12 months	2		9.5	

* This table includes where judgment was delivered ex tempore and reserved judgments.

Last year's figures in brackets.

Table 6: Judgments, criminal matters

Judgments	1999-00	2000-01	2001-02
Outstanding at start of year	19	10	19
Reserved	141	127	134
Ex tempore judgments delivered	215	194	205
Reserved judgments delivered	150	118	145
Outstanding at end of year	10	19	8

Table 7: Judgments, civil matters

Judgments	1999-00	2000-01	2001-02
Outstanding at start of year	20	17	24
Reserved	148	159	150
Ex tempore judgments delivered	112	123	89
Reserved judgments delivered	151	152	136
Outstanding at end of year	17	24	38

The number of outstanding judgments in criminal matters has more than halved since last year. In civil matters the number has increased slightly. This is referable to delay in filling the vacancy caused by the resignation of Justice Thomas as a Judge of Appeal effective from 22 March. Matters were listed on the understanding that Justice Thomas would be promptly replaced but Justice Jerrard was not appointed a Judge of Appeal until early June. To meet this, some Judges sat in allocated judgment writing time, and Trial Division Judges sat additionally.

The Court is committed to the prompt delivery of reserved judgements.

Table 8: Time between hearing and delivery of reserved judgments

Type of case	Median number of days		
	1999-00	2000-01	2001-02
Criminal cases	28	23	25
Civil cases	38	33	33
All cases	34	29	28

Table 9 below shows the Court in which matters filed were commenced. It is generally comparable with the statistics for the last two years.

Table 9: Court in which matters were commenced

Court	Number of matters filed		
	1999-00	2000-01	2001-02
<i>Trial Division – civil</i>	188*	156*	158*
<i>Trial Division – criminal</i>	89*	100*	94*
<i>District Court – civil</i>	150	126	119
<i>District Court – criminal</i>	341	296	319
<i>Planning and Environment Court</i>	14	26	25
<i>Other – civil (cases stated, tribunals etc)</i>	9	14	10
<i>Magistrates Court – criminal</i>	0	0	0
<i>Other – criminal</i>	1	5	0

* These statistics include circuit court matters.

The types of appeals filed during the year are shown in Table 10 below.

Table 10: Types of appeals filed

Appeal type	1999-00	2000-01	2001-02
Civil			
• <i>general including personal injury</i>	216	174	176
• <i>applications</i>	139*	47	61
• <i>leave applications</i>	-	85	59
• <i>planning and environment</i>	-	10	1
• <i>other</i>	6	6	15
Criminal			
• <i>sentence applications</i>	192	162	191
• <i>conviction appeals</i>	73	78	58
• <i>conviction and sentence appeals</i>	47	62	61
• <i>extensions (sentence applications)</i>	11	24	27
• <i>extensions (convictions appeals)</i>	15	14	18
• <i>extensions (conviction and sentence)</i>	7	13	9
• <i>sentence appeals (A-G/C wth DPP)</i>	42	23	35
• <i>other</i>	17	25**	14**

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

** Includes criminal s 118 extensions and s 118 applications.

There has been a significant increase in the number of sentence appeals brought by the Attorney-General or the Commonwealth Director of Public Prosecutions since last year, although less than in 1999-00.

The number of sentence applications brought by offenders has increased but remains just below the 1999-00 figure.

Unrepresented litigants

The number of unrepresented litigants shown in Table 11 below has increased over the previous two years. They are now involved in 32.24% of criminal matters and 35.56% of civil matters, significantly higher than before the Trial Division; it places additional strains on the Court of Appeal judges, registry and staff.

A matter involving an unrepresented litigant tends to take longer to hear and determine because often the standard of preparation and presentation is poor and the litigants may be unable to articulate clearly the real points of the case. In addition, the outlines of argument of unrepresented litigants are often filed late; sometimes they are not served on the respondent resulting in adjournments, wasted court time and unnecessary costs.

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

Unrepresented litigants also continue to place a heavy burden on registry staff. They require more time, attention and support, invariably supplied by the registry staff, despite the helpful and detailed information sheets available to self-represented litigants. Registry correspondence on the files of unrepresented litigants is approximately three times the norm. The Senior Deputy Registrar (Appeals) is often required to apply "case management" to matters involving unrepresented litigants. Sometimes unrepresented litigants can find it difficult to accept the need to comply with court processes. As noted in the last annual report, the Australian Institute of Judicial Administration's report *Litigants in Person Management Plans: Issues for Courts and Tribunals* raises the need for court staff to be given qualified immunity in respect of assistance to litigants in person with information, services and rules governing unauthorised practice of law.¹ That report also raises the need for properly staffed information desks and permanent advice centres.²

These issues remain unaddressed.

During 1999-00, the Judges of the Court of Appeal, with the assistance of the Bar Association and the Law Society, established a pro bono scheme to represent appellants convicted of murder or manslaughter who had been refused legal aid. This year the Court has once again not been required to call on the scheme as much as anticipated because Legal Aid Queensland continues to adopt a more generous approach to the granting of legal aid in these matters. The Judges of Appeal commend that approach which continues to enhance the quality of the criminal justice system in Queensland. The Court of Appeal is grateful to the barristers who have agreed to take part in the pro bono scheme whose names appear below.

Court of Appeal Pro Bono List (as at 30 June 2002):

<i>David Boddice</i>	<i>John Griffin QC</i>	<i>Alan MacSporran</i>
<i>Martin Burns</i>	<i>Milton Griffin SC</i>	<i>Terry Martin SC</i>
<i>Peter Callaghan</i>	<i>Tony Glynn SC</i>	<i>Frank Martin (Toowoomba)</i>
<i>Ralph Devlin</i>	<i>Mark Johnson</i>	<i>Peter Nolan</i>
<i>Stuart Durward SC (Townsville)</i>	<i>Stephen Keim</i>	<i>Tony Rafter</i>
<i>Bradley Farr</i>	<i>Tony Kimmins</i>	<i>Peter Richards</i>
<i>Paul Gaffney</i>	<i>Gary Long</i>	<i>Tim Ryan</i>
<i>Terry Gardiner</i>	<i>Kelly Macgroarty</i>	<i>Barry Thomas</i>

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

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

Table 11: Matters heard where one or both parties unrepresented

Type of matter	1999-00	2000-01	2001-02
<i>Civil</i>	68	82	85
<i>Criminal</i>	89	78	109
TOTAL	157	160	194

Organisation of the Work

The exercise of accrued leave entitlements by Judges of Appeal again reduced the number of available Judges of Appeal for significant periods during the year. Similar patterns of leave must be expected and planned for in future years.

The Court of Appeal has continued to rely on regular assistance from the Chief Justice, who sat for eleven weeks this year, compared to 15 weeks both last year and in 1999-00, and the Trial Division Judges who provided 85 individual judge weeks compared to 91 judge weeks last year and 71 judge weeks in 1999-00.³ The Chief Justice usually sits at least two or three days in each week when he sits in the Court of Appeal, although this necessarily depends on his other commitments. It remains desirable for Trial Division Judges to contribute their particular experience to the Court of Appeal. Most Trial Division Judges will sit on the Court of Appeal for at least one three week period each year; some Trial Division Judges sit more often. The Trial Division Judges are allocated to the Court of Appeal by the Senior Judge Administrator. The Trial Division Judges continue to play a substantial role in the disposal of the work of the Court of Appeal. Without their assistance the five permanent Judges of Appeal could not cope with the Court's workload. They would be unable to sit five days each week, benchmarks would not be met and a substantial backlog of cases would soon develop, to the detriment of the Queensland public.

The workload of the Court of Appeal, combined with the inevitable and necessary leave requirements of the Judges of Appeal, demonstrates the need for at least one additional Judge of Appeal. Whilst the assistance of the Trial Division Judges is invaluable, the special contribution of a separate Court of Appeal is consistency and specialisation; this is best fostered by having an additional permanent member of the Court of Appeal.

The Court of Appeal sat for 43 weeks during the year. As in the past two years, some Judges of Appeal heard appeals during the Court's 2 week winter vacation and will take compensating leave at other times during the year.

Ordinarily, a Court of Appeal comprises three Judges. The Judges of Appeal usually sit for five court days in each two week period and Trial Division Judges ten court days in each four week period.⁴ This provides time to prepare the appeals, including reading the appeal record books and written outlines, and, sufficient judgment writing time to meet the Court's benchmarks. The Judges lecture, address or attend conferences, seminars and workshops for the benefit of the Court, the profession and the public. These addresses may be viewed on the Queensland Courts website www.courts.qld.gov.au.

In addition to the five unallocated days in each two week period the Judges of Appeal were allocated four weeks and two days for judgment writing during the year.

The President continued to delegate responsibility to the Senior Deputy Registrar (Appeals) for case management, and preparation of the daily court list. Ms Robyn Hill this year continued as Senior Deputy Registrar (Appeals) until 3 December 2001 when she

³ The Annual Reports in 1999-00 and 2000-01 recorded the number of weeks during the year when Trial Division judges were made available to sit in the Court of Appeal, not the number of individual judge weeks.

⁴ This includes the judgment writing week allocated to Trial Division judges on completion of their Court of Appeal sittings.

commenced acting in another position. That position has subsequently been undertaken in an acting capacity by Mr Neville Greig.

The President managed those matters where one or both parties have consistently failed to meet time guidelines or where judicial intervention was otherwise necessary.

Registry

The Judges of Appeal acknowledge the service provided to the Court by the appeals registry staff. It was especially pleasing that administrative assistant, Mr Cliff Olsen, received an Australian Day Achievement Medallion for his outstanding service.

Last year this report noted that the difficult working conditions for staff in the Court of Appeal registry had been remedied by registry refurbishment. Unfortunately the problem has re-emerged. Each year, the primary court files, which must be stored in the Court of Appeal registry, pending disposition of appeals, increase in size and the current storage facility in the appeals registry is insufficient and staff are forced to store them in unsafe areas, including on top of cabinets and on the floor. (Refer to section on File Storage problems - the Court generally).

Judgments and Catchwords

The Court of Appeal judgments have been available free of charge on the Internet through AUSTLII since November 1998. Court of Appeal judgments from 2000 onwards are also available on the Internet through the Queensland Judgments site www.courts.qld.gov.au/qjudgment/ca.htm. Reserved judgments are available on the day of delivery and ex tempore judgments are published as soon as they have been corrected or, in matters of significant public interest, on the day of hearing. The Director, State Reporting Bureau, Mr Ian McEwan and staff of the Bureau assist in the timely publication of ex tempore judgments. The Court's information technology staff plan to extend this service to the publication of pre-2000 judgments of the Court of Appeal.

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

The Court of Appeal Research Officer provides judgments to the media upon request and, under the supervision of the judges, prepares and distributes to the media and other interested parties summaries of important Court of Appeal judgments.

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

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

Information Technology

Court of Appeal Case Management System (CAMS)

CAMS has operated satisfactorily during this reporting year although there have been continuing problems. Adequate funding for its maintenance and refinement in the next financial year is essential to maintain the efficient performance of the Court of Appeal.

Electronic filing and appeal books

The redeveloped CAMS has the capacity for expansion to permit future electronic filing. The Court remains cognisant of the recommendations of the Working Party of the Council of Australian and New Zealand Chief Justices' Electronic Appeals Project and intends, in appropriate cases and if adequate funding can be secured to pilot a prototype electronic appeal book. The President and the Senior Deputy Registrar (Appeals) continue to monitor the position in other jurisdictions, and actively encourage the filing and conduct of electronic appeals in appropriate cases. The most suitable cases will be those where the proceedings before the primary court were conducted electronically; such a case has not yet come before the Court of Appeal.

Audio and video link

During the year some criminal and civil applications and appeals have been heard by the audio and video link equipment installed in the Court of Appeal. More use of this equipment has not been made because correctional centres outside the Brisbane metropolitan area either do not have video link equipment⁵ or have not made it available for the hearing of appeals and applications. The use of this equipment would save the Department of Corrective Services the cost of escorting unrepresented litigants in custody from distant parts of the State and would provide greater security. Litigants in custody would benefit from avoiding disruption to rehabilitative programs.

The use of audio and video link in the Court of Appeal continues to provide affordable access to justice for litigants outside Brisbane.

In civil matters, litigants usually utilize video facilities at local TAFE colleges at their own expense.

The Judges' Library

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

Court of Appeal Sitings, Townsville

The Court of Appeal's second sittings in Townsville was held from 27 to 31 May 2002.

The Court heard thirteen appeals (ten criminal and three civil). Another matter which was not formally before the Court was mentioned on three occasions.

The Northern Judge (Justice Cullinane), the Far Northern Judge (Justice Jones), two Judges of Appeal (Justice Williams and the President) took part in the sittings.

The sittings primarily comprised criminal matters involving the Director of Public Prosecutions (DPP) and Legal Aid Queensland (LAQ). The DPP, Mrs Leanne Clare, appeared in eight criminal matters with Townsville prosecutors from the DPP Townsville office appearing in two matters. Mrs Clare and a Townsville prosecutor were assisted by junior counsel from Townsville in two matters and in all instances they were instructed by a DPP officer from Townsville. An LAQ specialist appellate advocate from Brisbane appeared in three matters and counsel from Townsville and Cairns were briefed in the other LAQ matters. All counsel in the legal aid matters were instructed by an officer from LAQ Brisbane. Two applicants (co-accused) instructed a Townsville firm of solicitors and Townsville counsel. Another appellant was represented by Townsville counsel on a pro bono basis, assisted by a law student. Two further applicants were self-represented.

⁵ Video link equipment is installed in correctional centres located in Townsville and Rockhampton.

In the civil matters, four Brisbane barristers appeared in different matters and one Cairns barrister appeared in two matters. Three civil litigants were represented by Cairns solicitors, two by Townsville solicitors, one as a town agent, and a solicitor from the Crown Solicitor in Brisbane instructed in one matter.

The sittings were again well received by the legal practitioners and citizens of North Queensland. They provided another opportunity for the North Queensland legal profession to appear before or observe the Court of Appeal and for law students at James Cook University to observe its work. Some of the judges presided at the James Cook University Moot Competition finals during the week. Self-represented litigants also took the opportunity to appear before the Court of Appeal without incurring the expense of travelling to Brisbane.

The Judges of the Court of Appeal hope to conduct a further sittings in North Queensland in 2003, either in Townsville or Cairns. This will, as always, be dependent on the provision of sufficient funding to the Court to conduct the sittings and sufficient work to justify its cost.

The retirement of Justice James Burrows Thomas, AM

Justice Thomas, AM was appointed to the Court of Appeal Division on 30 July 1998. He had then been a Supreme Court judge for over 17 years. He retired on 22 March 2002 after more than 20 years dedicated service to the Supreme Court and the people of Queensland

Justice John Alexander Jerrard

Justice Jerrard, formerly a judge of the Family Court of Australia, was appointed to fill the vacancy created by the retirement of Justice Thomas. His Honour was sworn in at a ceremony in the Banco Court to welcome him on 3 June 2002.

Appeals from the Court of Appeal to the High Court

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

Applications for special leave

Civil	22	<i>(8 granted and 14 refused)</i>
Criminal	11	<i>(2 granted and 9 refused)</i>
Total	33	

Appeals

Civil	3	<i>(0 allowed and 3 dismissed)</i>
Criminal	4	<i>(2 allowed and 2 dismissed)</i>
Total	7	

These statistics confirm that the Court of Appeal is effectively the final appellate court for Queensland. Of the 577 matters heard by the Court of Appeal this reporting year, only 7 or 1.21% resulted in appeals to the High Court, 2 or 0.34% of which were successful.

Conclusion

The Court of Appeal's level of performance was maintained notwithstanding delay in appointment following the resignation of Justice Thomas. For the Court of Appeal to continue to operate efficiently and meet benchmarks, it is essential in future that vacancies be filled promptly.

The exercise of leave entitlements by Judges of Appeal and the continued workload of the Court of Appeal Judges demonstrate an additional Judge of Appeal is required if the Court is to maintain or improve its present efficiency. This would have the added benefit to the legal profession and litigants of greater consistency.

The Court cannot perform effectively without the assistance of a properly resourced registry. The Court of Appeal and its registry will need continued adequate resources and funding to maintain and refine the redeveloped CAMS and to pilot, in appropriate cases, the electronic filing of appeals, the preparation of electronic appeal record books and the hearing of electronic appeals. Careful planning is also required as to the best management of unrepresented litigants, both in the registry and in court.

Trial Division

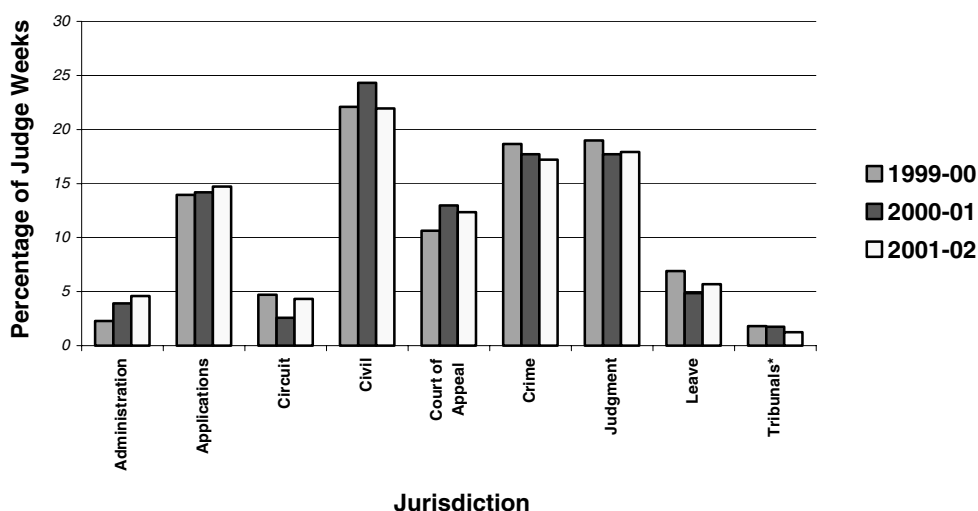
Organisation of the work

Information about the Trial Division and its working, forms etc. is available on the Court web site www.courts.qld.gov.au.

This section deals largely with the work in Brisbane. The position in other centres is dealt with under the relevant court district – Southern, Central, Northern and Far Northern.

Categories of work are allocated in accordance with the calendar which is released on a six month basis and altered from 3–5 times in the period of its currency to reflect changing circumstances.

Table 12: Trial Division Judge Allocation Brisbane 2001-2002



Criminal Jurisdiction - Brisbane

In July 2001 Justice Holmes assumed responsibility for the management of criminal trial listing in Brisbane from Mr Justice Mackenzie. This entails supervision of cases in which indictments have been presented in the Supreme Court. The aim is to:

- ascertain as quickly as possible which matters will be resolved by way of pleas of guilty and which matters will proceed to trial;
- establish and encourage the resolution of matters in issue between the Crown and the defence such as the provision of evidentiary material, the refinement of charges and the clarification of the facts relied on by the prosecution;
- ensure expeditious resolution of preliminary issues of law by use of the procedure under s 592A of the *Criminal Code*; and
- ensure readiness to proceed on a given trial date expeditiously with the minimum necessary commitment of resources.

These aims continue to be hampered by an apparent lack of resources in the Office of the Director of Public Prosecutions, particularly in the availability of prosecutors appointed sufficiently early to deal with pre-trial issues. From time to time delays occur in provision of evidence where analysis by the John Tonge Centre is required. The low level of legal aid

funding on occasions has impacted on the efficient and proper resolution of criminal matters in as much as the benefits of experienced defence counsel are not always available.

Notwithstanding those difficulties the statistics indicate that matters are progressing satisfactorily through the system and credit for this must be given to efforts of the Court, the listing managers, staff in the Office of the Director of Public Prosecutions, and defendants' legal representatives.

Table 13: Annual caseload – criminal jurisdiction, Brisbane

Number of cases*	1999-00	2000-01	2001-02
<i>At start of year</i>	203	185	158
<i>Commenced during year</i>	594	578	445
<i>Disposed of during year†</i>	603	601	503
<i>Undisposed of at end of year**</i>	186	158	100

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

† "Disposed of" includes trial, sentence, nolle prosequi and no true bill.

** Figures may not reconcile because of breaches and bench warrants issued and executed.

Table 14: Method of disposal

Type	Number		
	1999-90	2000-01	2001-02
<i>Trial</i>	47	43	48
<i>Plea of guilty</i>	460	475	397
<i>Other*</i>	96	83	58
TOTAL	603	601	503

* "Other" includes nolle prosequi and no true bill.

Table 15: Age of cases disposed of – criminal jurisdiction, Brisbane 2001-02

Time from presentation of indictment to disposal	Cases disposed of 1 July 2001 to 30 June 2002			
	Trial (%)	Sentence (%)	Other* (%)	Total (%)
<i><3 months</i>	18.8	52.6	55.2	49.7
<i>3-6 months</i>	31.2	25.7	13.8	24.8
<i>6-9 months</i>	27.1	12.6	13.8	14.1
<i>9-12 months</i>	12.5	5.3	3.4	5.8
<i>>12 months*</i>	10.4	3.8	13.8	5.6
TOTAL	100	100	100	100

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

Table 16: Criminal jurisdiction applications, Brisbane, in the Applications jurisdiction

Type of application	Number of applications		
	1999-00	2000-01	2001-02
<i>Proceeds of crime</i>	92	88	57
<i>Compensation to victims of crime</i>	32	42	38
<i>Pre-trial bail</i>	481	574	395
TOTAL	605	704	490

Orders are regularly sought by State and Commonwealth bodies under various statutory provisions to facilitate the investigation of serious crime.

The statutory enactments under which such orders may be sought contain provisions prohibiting the publication of information about the names of persons, the order and other matters and impose penalties where the provisions are breached.

In the year under review, 77 such applications were made to Judges in Brisbane under the various legislative enactments. These applications are usually dealt with in the applications jurisdiction.

Civil Jurisdiction - Brisbane

This section deals with the work in Brisbane. Other centres are dealt with elsewhere under the relevant district.

Much important civil jurisdiction work is dealt with in the applications jurisdiction.

Organisation of the work

Cases identified as potentially making a greater than normal demand on resources are dealt with under PD 6 of 2000 – Supervised Case List. The Senior Judge Administrator or a designated Managing Judge is responsible for cases on that list. Cases with an appropriate commercial element are dealt with under PD 3 of 2002 – Commercial List. Mr Justice Muir and Mr Justice Chesterman are responsible for cases on that list. Cases not on either list are regarded as on the civil list. Obtaining trial dates for other cases is dealt with by PD 4 of 2000 – Setting Trial Dates – Civil Jurisdiction – Brisbane.

The Senior Judge in a civil sittings week is responsible for the sittings save where there is a designated trial judge.

Cases identified as not making satisfactory progress to resolution are dealt with under PD 4 of 2002 – Caseflow Management – Civil Jurisdiction.

Hearing dates for applications and trial dates may be obtained electronically.

Practice directions and other information, including about electronic set down may be found on the Court web site (www.courts.qld.gov.au). For those not choosing this option a callover of matters seeking trial dates is held regularly throughout the year.

The *Uniform Civil Procedure Rules*, 1999 Chapter 9 – Ending Proceedings Early and Other Processes, is designed to end proceedings early with the minimum necessary commitment of resources by the Court and parties. Many of the procedures developed earlier by the Court are now a condition precedent to the commencement of litigation (eg in personal injury cases) as a consequence of statutory intervention.

The Court is less involved in these matters because of the statutory provisions referred to, and because insurers and efficient practitioners undertake these processes without court intervention. It is impossible to say how many cases are resolved by informal mediation.

The Court continues to exercise its power under the *Supreme Court Act 1991* to approve mediators and case appraisers and to refer proceedings to either mediation or case appraisal to facilitate an expeditious, potentially less traumatic and relatively cheap resolution short of a trial. In almost all cases the identity of a court appointed mediator or case appraiser is agreed.

Unresolved interlocutory issues are frequently advanced as a reason for mediation not being embarked on at an early stage. Pursuit of these issues, before mediation, often has the outcome that the parties (or their legal advisers) become entrenched in adversarial positions and costs become an impediment to a consensual resolution. The Court deals with this in appropriate cases by a referring order providing that interlocutory disputes are to be referred to the mediator before any application is referred to the Court. The mediator can resolve the dispute or determine whether it constitutes an impediment to the mediation proceeding. If it is necessary to resolve the dispute, directions providing for a streamlined procedure based on rr 442-448 of the *Uniform Civil Procedure Rules* which deal with the exchange of correspondence instead of affidavit evidence are provided.

The practice of allocating hearing dates to cases irrespective of whether or not mediation or case appraisal has been completed has continued in the year under review thereby speeding up the ADR process as well as providing an earlier trial date (if it is necessary).

Justice Byrne was again this year the judge responsible for the management and monitoring of court involvement in mediation and appraising.

Mediation and Case Appraisal

Alternate Dispute Resolution is a process now being employed in many jurisdictions to resolve disputes between parties without the need for litigation, or protracted litigation in a court.

Alternate Dispute Resolution can exist in a number of forms. *The Uniform Civil Procedure Rules* provide alternate dispute resolution by mediation or case appraisal.

Mediation is the facilitation of an agreed resolution of a dispute with the assistance of an independent third party.

Case Appraisal is a process in which an experienced lawyer forms a sound opinion of the likely outcome of proceedings. If a party does not accept a case appraiser's opinion, that party may elect to proceed to trial.

As at 30 June 2002, there are 253 approved mediators and 159 approved case appraisers.

Table 17: Approval of case appraisers, mediators and venue providers

Type	1999-00	2000-01	2001-02
<i>Case appraisers</i>	8	13	6
<i>Mediators</i>	23	24	21

Table 18: Consent orders to ADR by the parties

Consent order to ADR (by parties)	1999-00	2000-01	2001-02
<i>After notice of intention to refer</i>	16	16	22
<i>Without notice</i>	211	243	262
TOTAL	227	259	284

Table 19: Notice of intention to refer to appraisal or mediation

Notices and outcome	1999-00	2000-01	2001-02
<i>Notice</i>	43	37	112
<i>Objections</i>	5	7	18
<i>Matters reviewed after objection</i>	2	2	2

Note: As these figures show more often than not the notice of objections satisfies the Court that there should not be a referral.

Table 20: Case appraisal orders

Appraisal orders made	1999-00	2000-01	2001-02
<i>Orders referring to case appraisal:</i>			
• <i>consent</i>	13	5	12
• <i>not consent</i>	16	6	3
TOTAL	29	11	15

Table 21: Case appraisal outcomes

Outcome	1999-00	2000-01	2001-02
<i>Case appraisal certificates</i>	24	9	16
<i>Case appraisal election to proceed to trial</i>	3	1	5
<i>Outcome of election to proceed to trial:</i>			
• <i>worse</i>	2	0	0
• <i>better</i>	0	0	0
<i>Settled after election but before judgment</i>	2	1	2
<i>Remitted to District Court</i>	0	0	0
TOTAL	27	10	21

Table 22: Mediation orders

Type of order	1999-00	2000-01	2001-02
<i>Orders referring to mediation:</i>			
• consent	214	253	270
• not consent	81	74	64
TOTAL	295	327	334

Table 23: Mediation outcomes

Outcome	1999-00	2000-01	2001-02
<i>Certified as settled</i>	184	207	255
<i>Certified as not settled</i>	96	93	122

Proceedings in the Trial Division are instigated by a claim or originating application. They are resolved by agreement or by court process culminating with a trial.

Table 24: Initiating documents in contested matters, Brisbane

Types of document	1999-00	2000-01	2001-02
<i>Claims</i>	1,825	2,098	2,235
<i>Originating applications</i>	3,200	3,388	2,446*
TOTAL	5,025	5,486	4,681

* This figure adopts new counting rules for this category.

Table 25: Annual caseload* - civil jurisdiction, Brisbane

Request for trial dates filed	1999-00	2000-01	2001-02
<i>At start of year</i>	143	83	56
<i>Application for trial date</i>	291	242	269
<i>Disposed of during year</i>	352	269	297
<i>At end of year</i>	83	56	28

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

Table 26: Method of disposal of cases* - civil jurisdiction, Brisbane

Method of disposal	1999-00	2000-01	2001-02
<i>Judgment</i>	109	79	113
<i>Settled</i>	166	119	125
<i>Vacated</i>	11	28	18
<i>Discontinued</i>	11	6	5
<i>Other</i>	54	26	2
TOTAL	351	258	263

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

Table 27: Percentage of cases disposed of within 12 months of application for trial date – Civil Jurisdiction, Brisbane

1999-00	2000-01	2001-02
92%	94.80%	97.75%

The Court now has the capacity to monitor the progress of cases from inception to resolution against specified time lines and to intervene when cases are not making satisfactory progress; see PD 4 of 2002. Previously intervention depended on a party making an application for intervention, or for a trial date.

Table 28: Cases awaiting hearing – Civil Jurisdiction, Brisbane

Number of cases and days sought	At end 1999-00	At end 2000-01	At end 2001-02
<i>Number of cases</i>	83	56	28
<i>Number of those cases seeking more than five days</i>	19	20	8
<i>Total days sought</i>	279	274	233
<i>Average days sought per case</i>	3.36	4.89	8.32

Cases awaiting a hearing may be allocated a date directly, electronically or at a callover.

Table 29: Case allocated trial dates

[The allocation of trial dates is provided for by the Rules and dealt with by PD 4 of 2000].

Direct set down, electronic set down	1999-00	2000-01	2001-02
<i>Cases allocated hearing dates electronically</i>	<i>N/A*</i>	<i>N/A*</i>	<i>28%</i>
At callover	1999-00	2000-01	2001-02
<i>Cases taking up available dates at first callover after application for trial date</i>	<i>53%</i>	<i>56%</i>	<i>87%</i>
<i>Cases where no appearances for plaintiff at callover</i>	<i>2%</i>	<i>7%</i>	<i>14%</i>
<i>Cases where no appearances for defendant at callovers</i>	<i>4%</i>	<i>8%</i>	<i>14.5%</i>
<i>Cases adjourned to next callover</i>	<i>26%</i>	<i>25%</i>	<i>16%</i>

* *Electronic setdown not available previous years.*

Table 30: Deposition of cases after trial date allocated

After hearing dates allocated	1999-00	2000-01	2001-02
<i>Cases set down and settled before trial</i>	<i>53%</i>	<i>51%</i>	<i>42%</i>
<i>Cases set down then date vacated because parties not in a position to proceed</i>	<i>11%</i>	<i>12%</i>	<i>16%</i>
<i>Cases adjourned because no judge available</i>	<i>2%</i>	<i>3%</i>	<i>2%</i>
<i>Cases taking available dates at first callover which proceed to trial and determinations</i>	<i>36%</i>	<i>34%</i>	<i>31%</i>

The issue of the Court being notified of the resolution of cases too late to redeploy the judge time continues to be a concern.

Supervised Case List

The Supervised Case List is constituted by PD 6 of 2000 and managed in terms of that Practice Direction.

Table 31: Supervised Case List activity

Number of cases	1999-00	2000-01	2001-02
At start of year:	78	104	130
<ul style="list-style-type: none"> • <i>single supervised cases</i> • <i>group supervised cases</i> 	72 6	77 27	91 39
Listed during year:	79	87	77
<ul style="list-style-type: none"> • <i>identified more than five days sought for hearing or complex</i> • <i>pursuant to direction of a judge</i> • <i>pursuant to practitioner request</i> 	5 25 49	21 32 34	18 28 31
Reviewed:	299	353	310
Disposed of during year:	69	59	103
Tried to judgment:	16	12	20
<ul style="list-style-type: none"> • <i>after an unsuccessful case appraisal</i> • <i>after an unsuccessful mediation</i> 	- 7	- 4	- 2
Disposed of without trial:	53	47	76
<ul style="list-style-type: none"> • <i>settled at mediation, mediator's certificate filed</i> • <i>mediation ordered but settled before mediation conducted</i> • <i>case appraised and certificate filed</i> • <i>case appraisal ordered, no case appraiser's certificate filed otherwise/discontinued</i> • <i>taken off the supervised case list because of eg inactivity, insolvency, bankruptcy</i> • <i>actions remitted to the District Court</i> • <i>set down for trial but settled before trial started</i> • <i>settled after an unsuccessful mediation but before trial dated allocated</i> • <i>settled at trial</i> • <i>settled where no ADR process ordered</i> • <i>unsuccessful case appraisal, allocated trial dates but settled before trial commenced</i> • <i>unsuccessful mediation, allocated trial dates but settled before trial commenced</i> 	9 2 - - 5 - 3 6 8 16 1 3	8 1 - - 11 - 12 2 4 9 - -	9 1 1 1 18 - 13 4 10 17 - 2
Cases on Supervised Case List as at 30 June:	112	131	112
<ul style="list-style-type: none"> • <i>single supervised cases</i> • <i>group supervised cases</i> 	80 32	92 39	70 42

Commercial List

Practice Direction No 3 of 2002 issued by the Chief Justice on 26 March 2002 established a commercial list for the Supreme Court of Queensland.

The purpose of establishing a commercial list is to effect the expeditious resolution of commercial matters limited to cases of five days or less with an element of commercial urgency. The commercial list commenced on 1 May 2002.

The inaugural commercial list judges, Mr Justice Muir and Mr Justice Chesterman, regulate and oversee orderly and timely processes with regard to the initial placement of matters on to the commercial list through to trial or disposition.

Administrative assistance and support is provided to the commercial list judges by the Commercial List Manager in the Supreme Court registry in Brisbane. Contact with the Commercial List Manager can be made by e-mail (comcausemanager@justice.qld.gov.au), fax ((07) 3247 5316) or by telephone ((07) 3247 4301).

Table 32: Commercial list (for period 1 May – 30 June 2002)

	2001-02
<i>Matters ordered to be placed on commercial list</i>	6
<i>Matters disposed of or resolved*</i>	3
<i>Matters on commercial list as at 30.06.02</i>	3

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

Caseflow Management

Caseflow Management is a process whereby proceedings instituted in the Court are tracked and monitored by the Court to facilitate a just and timely resolution of the dispute between the parties.

Practice Direction No 4 of 2002 – Caseflow Management was issued on 14 May 2002. It can be accessed on the Court's website www.courts.qld.gov.au. Caseflow management in the civil jurisdiction of the Supreme Court of Queensland in Brisbane commenced on 1 June 2002.

The Practice Direction indicates it was issued to establish

“a system to facilitate the just and timely disposition of proceedings, with the minimum necessary commitment of resources by the Court and litigants, by monitoring the progress of individual proceedings against predetermined timelines, and intervening when a proceeding is not progressing satisfactorily.”

In the year under review, the system had not been operating for sufficient time to allow any analysis of the progress of individual proceedings against the predetermined timelines.

The table below indicates the number of claims filed in the Supreme Court in Brisbane during June 2002 subject to the Caseflow Management regime put in place by the Practice Direction.

Table 33: Caseflow management

	2001-02
<i>Claims filed</i>	197

Applications Jurisdiction

This is an important aspect of the Court's jurisdiction facilitating the efficient progress of litigation. Many hearings finally dispose of matters.

Matters dealt with in the applications jurisdiction are originating applications which may involve the Court's civil or criminal jurisdiction. Applications made in a matter commenced by a claim or an originating application (referred to as interlocutory applications) are also dealt with in this jurisdiction. There are usually two and occasionally three judges listed in this jurisdiction.

The Court aims to determine a matter on the first return date or to make orders progressing it to a conclusion if that cannot be done. An interlocutory hearing in the applications jurisdiction allows an overall review of a matter to occur.

Table 34: Applications jurisdiction workload

Matter	1999-00	2000-01	2001-02
<i>Number of matters heard by judges in the applications court</i>	5,788	5,390	3,347*

* This figure adopts new counting rules for this category.

Applications online

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

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

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

The available dates and times are accessible on the Court's website. Applicants can select a date on the request form before forwarding it by fax or email to the Applications List Manager. Dates are not allocated until the Applications List Manager confirms the allocation by faxing a sealed copy of the application to the applicant. Electronic allocation means there is no personal attendance required at the registry with consequent costs savings.

Table 35: Applications on line

Applications on line	1999-00	2000-01	2001-02
<i>Number of applications</i>	N/A	N/A	38

Cross-vesting

Various courts (including the Supreme Court) can transfer proceedings to other courts pursuant to the *Jurisdiction of Courts (Cross-vesting) Act 1987*.

As the table below shows, proceedings continue to be transferred to and from the Supreme Court.

Table 36: Number of cases cross-vested from Federal and State Supreme Courts

To Supreme Court of Queensland			From Supreme Court of Queensland		
1999-00	2000-01	2001-02	1999-00	2000-01	2001-02
6	4	5	7	2	8

Judicial Review

The *Judicial Review Act* 1991 provides for court review of administrative decisions in certain circumstances.

Table 37: Judicial Review Act

Type of matter and result	1999-00	2000-01	2001-02
<i>Applications*</i>	94	117	130
<i>Orders made</i>	149	185	116
<i>Referred to Civil List</i>	23	8	0

* Matters not referred to the civil list are disposed of by judge sitting in applications jurisdiction.

Hearings on the Papers

Rules 487–498 of the *Uniform Civil Procedure Rules* enable an application to be determined by a judge without the need for oral hearing. The application with affidavit material is filed with written submissions and a draft order. When the decision is given, the Registrar forwards to the solicitors for each party a copy of the order and reasons for decision as required by the rules.

It is disappointing to note that practitioners are not availing themselves of this service more frequently.

Table 38: Decision on papers without an oral hearing

Outcome	1999-00	2000-01	2001-02
<i>Applications filed</i>	46	61	50
<i>Orders made on the papers</i>	28	39	39
<i>Oral hearing required</i>	N/A	5	0

Registrar's Court Jurisdiction

Registrars (the term includes Deputy Registrars) have the power to hear various contested and uncontested applications and to make orders.

This includes the following matters under the *Corporations Act* 2001:

- winding up of companies;
- reinstatement of companies;
- remuneration of office holders;
- issuing of summonses to persons for their examination in relation to the affairs of a company;

- giving leave to bring proceedings against companies in liquidation;
- the investment of surplus funds of a company in liquidation;
- the inspection of books of a company by creditors or contributories.

Table 39: Corporations law applications heard by a Registrar and results – Brisbane

Result of application	1999-00	2000-01	2001-02
<i>Order made in determination of application</i>	575	573	590
<i>Adjourned</i>	593	563	545
<i>Dismissed</i>	211	262	206
<i>Referred to judge</i>	89	48	50
TOTAL	1,468	1,446	1,391

As in previous years the majority of matters heard by a registrar were the winding up of companies (generally in insolvency).

Judgment by default

The Registrar's powers under the *Uniform Civil Procedure Rules* allows the Registrar to give default judgments for liquidated demands, damages to be assessed and recovery of possession of land. These types of claims for which default judgment may be given are provided for under rr 283-286 of the Rules.

Table 40: Judgment by default

	1999-00	2000-01	2001-02
<i>Applications</i>	467	536	522
<i>Judgments entered</i>	328	362	348

Consent orders

Since the commencement of the *Uniform Civil Procedure Rules* (r 666), the Registrar (including Deputy Registrars) has had the power to give judgment or make another order if the parties consent in writing and the Registrar considers it appropriate.

Practice Direction 3 of 2001 (Applications Jurisdiction) was introduced last year to support this provision of the rules.

Since the issue of the practice direction, the number of orders made by Registrars has increased substantially.

Table 41: Consents under Rule 666 dealt with by a Registrar

	1999-00	2000-01	2001-02
<i>Number of applications considered</i>	N/A	200	583
<i>Orders made</i>	N/A	175	528
<i>Refused</i>	N/A	25	55

The advantages of a Registrar's dealing with these matters include:

- more complex applications can be dealt with by the judges more expeditiously;
- costs savings to litigants;
- greater use of the expertise of the Registrars.

Funds in court

As at 30 June 2002, there were 38 accounts relating to Supreme Court matters credited to the Court Sutors Fund Account Brisbane, totalling \$4,678,029.

Regulation 30 (1) of the *Court Funds Regulation* 1999 requires that a list be made of accounts which have not been dealt with during the previous six years other than under continuous investment or by payment of interest. Three accounts 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 \$8,624 to the Consolidated Revenue Fund.

Admissions to Practice

Eight admission days were conducted this year in Brisbane all presided over by the Chief Justice. Judges of Appeal and from the Trial Division sit with the Chief Justice to constitute the Court of three. In total 583 applicants were admitted by the Court of Appeal this year to the rolls as either barristers or solicitors. Due to the large numbers admitted it was necessary for 22 individual ceremonies to be held.

The admissions ceremony conducted on 29 January 2002 broke yet again the record set the previous year. On that day the Court heard applications for 206 solicitors, which was the largest contingent of solicitors in the last 11 years to be admitted on the one day. Seven separate ceremonies were listed that day. Of the 206 applicants admitted that day, 115 were female applicants.

Most applicants for admission obtain the certificate from the admissions board and their applications proceed unhindered. In a small number of cases the board opposes the applications or gives qualified certificates which require the Court to determine some applications. The Court acknowledges the valuable work done by the members and staff of the Barristers' and Solicitors' Admission Boards in assisting the Court in the consideration of applications for admission. A large amount of work goes into each admission ceremony and the Court also acknowledges the effort and commitment of the Registrar's staff.

Admissions ceremonies are also conducted in Rockhampton, Townsville and Cairns for applicants who hold clear certificates. At those centres a single Judge constitutes the Court.

Admission to Practice – Mutual Recognition

The Principal Registrar in Brisbane is empowered under the guidelines issued by the Judges for the *Mutual Recognition (Qld) Act* 1992 and the *Trans-Tasman Mutual Recognition (Qld) Act* 1999 to admit barristers and solicitors from other Australian States and New Zealand.

Those Acts provide for the recognition of uniform standards in occupations and callings in all Australian States, Territories and New Zealand. The Acts have particular application to barristers and solicitors registered in other Australian jurisdictions and New Zealand making them eligible to practice in Queensland with a simplified process for registration in the State. 288 applications under mutual recognition were dealt with by the Principal Registrar this year. During this period one matter went on appeal to the Administrative Appeals Tribunal against the Registrar's decision to refuse a grant of registration. That matter is yet to be determined.

Table 42: Admissions

Admission as barristers	1999-00	2000-01	2001-02
• <i>under the Queensland Admission Rules</i>	96	70	68
• <i>under the Mutual Recognition Act</i>	74	63	75
• <i>under the Trans-Tasman Mutual Recognition Act</i>	0	2	1

Admission as solicitors	1999-00	2000-01	2001-02
• <i>under the Queensland Admission Rules</i>	371	419	515
• <i>under the Mutual Recognition Act</i>	253	179	204
• <i>under the Trans-Tasman Mutual Recognition Act</i>	13	14	8

As part of the reciprocal arrangements with Chief Justices of other jurisdictions, the Principal Registrar administers oaths and affirmations to Queensland practitioners admitted or intending to be admitted by other Australian Courts. Approximately 155 oaths or affirmations were taken or made before the Principal Registrar in chambers during the year.

Non-contentious estate matters

During the year a continual review was made of the estate administration section of the Supreme Court registry. A new procedure implemented under the review is the way grants of administration are bound. An *attabind* machine has been purchased which enables up to six grants to be bound at one time thus improving the efficiency of the registry in the issue of the grants.

The list of requisitions most commonly issued on applications for a grant of administration has also been reviewed and updated to minimize the number of requisition issued.

The Queensland Law Reform Commission is currently considering whether it is necessary to reseal grants of administration issued from other States. If all States agree to recognize grants made in the other jurisdictions then there will no need to apply to reseal such grants.

Table 43: Probate workload

New processes lodged	1999-00	2000-01	2001-02
<i>Letters of administration and/or with the will</i>	351	345	368
<i>Probate</i>	2,671	2,851*	2,902
<i>Reseals</i>	91	109	94
<i>Elections</i>	128	184	135
<i>Orders to administer</i>	403	443	489
TOTAL	3,644	3,932*	3,988

* An error occurred in printing of last year's figures.

Assessment of costs

The costs assessment section located in the Brisbane Registry of the Supreme Court presently comprises 2.5 full-time assessing Registrars responsible for the assessment of all costs statements filed in the Brisbane Higher Courts Registry, all Court of Appeal matters and matters transferred by order from other registries for costs assessment. To assess costs, a registrar must be approved by the Chief Justice. The duties of assessing registrars include

conducting assessment hearings, making directions about the conduct of the assessment process and delivering written reasons for decisions made at the assessment hearing, if a party makes an application for a reconsideration.

The number of costs assessments lodged and applications for reconsideration has increased since last year. The number of cost assessments settled has increased significantly.

Written responses to applications for consideration 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 three-month period after the application has been filed. This is consistent with the current protocol adopted by the Judges of the Supreme Court for the delivery of reserved judgments.

Table 44: Reconsideration applications (R 741)

	1999-00	2000-01	2001-02
<i>Reserved as at 1 July</i>	4	5	4
<i>Number of applications for reconsideration filed</i>	15	15	18
<i>Disposed of < 3 months</i>	10	9	11
<i>Disposed of > 3 months</i>	0	0	5
<i>Otherwise disposed of*</i>	0	2	2
<i>Outstanding as at 30 June</i>	5	4	4

* eg settled or withdrawn.

An application for costs to be assessed must be filed and be accompanied by a costs statement. A directions hearing is held. If the party liable for the costs does not file a notice of objection and does not attend the directions hearing the assessing registrar may proceed to a default assessment. If the matter is contested, directions are given and a date fixed for hearing the contested assessment.

Table 45 below identifies the number of costs statements lodged and how they are disposed of upon directions hearing appointments.

Table 45: Assessment directions hearings

Type of case	1999-00	2000-01	2001-02
<i>Settled</i>	76	37	105
<i>Adjourned</i>	68	67	63
<i>Default allowance</i>	84	58	74
<i>Assessment date given</i>	249	241	206
TOTAL	477	403	448

Table 46 represents the disposal of costs statements after the directions hearing appointment has occurred, and an assessment hearing date has been allocated.

Table 46: Result of cases set for assessment

Result of case	1999-00	2000-01	2001-02
<i>Adjourned</i>	15	29	24
<i>Settled</i>	104	95	139
<i>Assessed</i>	120	74	91
TOTAL	239	198	254

Numerous costs assessments for standard costs filed each year are settled prior to determination.

Of the 448 cost assessments lodged this year 105 settled before a directions hearing and 139 settled after the directions hearing either before or during the assessment. This accounts for almost 60%. Practitioners would offer a better service to clients if closer scrutiny to assessment accounts were undertaken at an earlier stage and additional costs thereby avoided.

The remainder of the matters proceed to a full assessment or a default assessment.

In many cases the issue of costs can be resolved between the parties without an assessment of the costs.

From figures disclosed during the period 21 August 2001 to 24 June 2002 only, the following schedule of settlement statistics has been compiled⁶.

- (1) The greatest amounts arrived at by way of agreed reduction between parties:

\$71 064.89 (43.45% reduction)

\$69 808.91 (28.52% reduction)

\$66 790.97 (22.13% reduction)

- (2) Indemnity costs⁷:

- lowest % reduction of a costs statement as delivered -1.31%

- highest % reduction of a costs statement as delivered - 43.45%

- (3) Standard costs⁸

- lowest % reduction of a costs statement as delivered - 0.11%

- highest % reduction of a costs statement as delivered -76.37%

- (4) Average % reduction across 46 cost statements - 34.07%

- (5) In 36 of the 46 costs settlements (i.e. 78.26% of the costs statements) the % reduction was 24% or greater.

An agreement to the reduction of costs is an acknowledgement, to some degree, that not all of the claimed costs should have appeared in the costs statement. The statistics suggest that a significant proportion of costs statements will contain claims that the party entitled to costs will be unable or unwilling to seek to sustain. Substantial costs savings may be possible where costs unable to be maintained are excluded from costs statements, at the point of preparation⁹. For example, during the period for which the statistics were kept, two costs

⁶ Although there have been numerous costs statements that have not proceeded to assessment because of settlement the registrar has only been advised of settlement figures for 46 matters.

⁷ Rule 704 UCPR.

⁸ Rule 703 UCPR

⁹ This will be dependent upon the volume of claims that would comprise the % reduction in a costs statement.

statements, in separate proceedings, included claims for the amounts of \$65,904.40 and \$27,135.80 for the preparation (drafting and typing) of the costs statements alone.

A great deal of comment has occurred during the year on the future handling of costs assessments and in particular those costs known as “indemnity costs”. The Court is concerned to ensure that any reform to the area of costs assessments that impacts on the Registry is properly and fully resourced.

The Districts

There are 18 judges in the Southern District (centred in Brisbane) where the principal registry of the Court is located. Toowoomba, Roma and Maryborough circuits are in the Southern District. The Central Judge is based in Rockhampton with a registrar. The Mackay, Bundaberg and Longreach circuits are in the Central District. The Northern Judge and registry are in Townsville and the Far Northern Judge and the Mt Isa circuit are in the Far Northern District.

Brisbane based judges support the other districts and the judges from other districts support each other as the workload requires.

Southern District Centres

The Brisbane based Judges serviced the Southern District centres.

Table 47: Toowoomba criminal

Number of cases	1999-00	2000-01	2001-02
<i>At start of year</i>	5	3	4
<i>Presented for trial during year</i>	23	15	15
<i>Disposed of during year</i>	26	14	15
<i>At end of year</i>	3	4	4

Table 48: Toowoomba civil

Number of cases	1999-00	2000-01	2001-02
<i>At start of year</i>	0	9	1
<i>Entered for trial during year</i>	12	5	9
<i>Disposed of during year</i>	3	13	8
<i>At end of year</i>	9	1	2

Table 49: Roma criminal

Number of cases	1999-00	2000-01	2001-02
<i>At start of year</i>	1	0	0
<i>Presented for trial during year</i>	4	3	1
<i>Disposed of during year</i>	4	3	0
<i>At end of year</i>	0	0	1

Table 50: Roma civil

Number of cases	1999-00	2000-01	2001-02
<i>At start of year</i>	0	0	0
<i>Entered for trial during year</i>	1	0	0
<i>Disposed of during year</i>	1	0	0
<i>At end of year</i>	0	0	0

Table 51: Maryborough criminal

Number of cases	1999-00	2000-01	2001-02
<i>At start of year</i>	0	4	0
<i>Presented for trial during year</i>	30	6	10
<i>Disposed of during year</i>	26	10	7
<i>At end of year</i>	4	0	3

Table 52: Maryborough civil

Number of cases	1999-00	2000-01	2001-02
<i>At start of year</i>	3	2	0
<i>Entered for trial during year</i>	9	4	4
<i>Disposed of during year</i>	10	6	1
<i>At end of year</i>	2	0	3

Central District

Justice Dutney, the Central Judge, exercises responsibility for the work of the Court in Rockhampton and in the circuit courts at Mackay, Bundaberg and Longreach.

Detailed statistics for each of the centres for which the Central Judge is responsible are set out below.

The establishment of permanent regional Supreme Court judges is unique to Queensland within the Australian legal system. Their importance to the overall administration of justice in Queensland is often overlooked. There is usually a cost saving to the parties in civil cases and to the public purse in criminal cases when matters are disposed of in the area in which they are generated and the local community is involved.

Some indication of the volume of work actually carried out, beyond the bald statistics published in the tables below, can be gleaned from the fact that the Central Judge presided over 14 civil trials which proceeded to the completion of a full hearing and judgment during the year under review. Of these, six trials lasted four days or longer. Five appeals were generated as a result of these trials, two of which have been heard but are still awaiting decision.

In the Criminal jurisdiction the Central Judge presided over five criminal trials involving eight accused which resulted in jury verdicts. Two of the trials extended over periods of four weeks or longer. Four accused appealed against conviction. One appeal was allowed and three refused.

The number of trials listed in the last two paragraphs excludes civil matters where a trial commenced but the action settled prior to judgment, applications, judicial review applications and criminal matters disposed of by way of pleas of guilty.

In total the Central Judge sat for 21 weeks in Rockhampton, seven weeks in Mackay, two weeks in Bundaberg, four weeks in Townsville and five weeks in Brisbane. The Central judge did not sit in the Court of Appeal during the year under review.

Apart from the Central Judge, the Northern Judge sat for four weeks in Mackay, Mr Justice Mackenzie sat for three weeks in Mackay and Justice Mullins sat for two weeks in Bundaberg. No sittings were required in Longreach during the year. In Rockhampton and in each of the circuit centres civil matters are usually given a hearing date for the next sittings after a request for trial dates is filed. All judgments have been delivered within three months of hearing. Apart from matters awaiting a hearing in the Mental Health Court, matters in which related charges are awaiting committal or where the accused is not in a position to proceed, all criminal matters are now dealt with at the next or the next but one sittings of the Court following committal.

The delays in Bundaberg in relation to criminal matters referred to in last year's report have been addressed by increasing the length of each sittings to two weeks.

Table 53: Rockhampton criminal

Number of cases	1999-00	2000-01	2001-02
<i>At start of year</i>	5	4	3
<i>Commenced during year</i>	60	59	55
<i>Disposed of during year</i>	61	60	50
<i>At end of year</i>	4	3	8

Table 54: Rockhampton civil

Number of cases	1999-00	2000-01	2001-02
<i>At start of year</i>	22	8	6
<i>Entered during year</i>	43	39	23
<i>Disposed of during year</i>	57	41	26
<i>At end of year</i>	8	6	3

Table 55: Mackay criminal

Number of cases	1999-00	2000-01	2001-02
<i>At start of year</i>	5	1	0
<i>Commenced during year</i>	26	20	19
<i>Disposed of during year</i>	30	21	17
<i>At end of year</i>	1	0	2

Table 56: Mackay civil

Number of cases	1999-00	2000-01	2001-02
<i>At start of year</i>	31	10	4
<i>Entered during year</i>	57	34	29
<i>Disposed of during year</i>	78	40	26
<i>At end of year</i>	10	4	7

Table 57: Bundaberg criminal

Number of cases	1999-00	2000-01	2001-02
<i>At start of year</i>	0	0*	10
<i>Commenced during year</i>	28*	29*	36
<i>Disposed of during year</i>	28*	19*	44
<i>At end of year</i>	0*	10*	2

* Adjusted figures from last report.

Table 58: Bundaberg civil

Number of cases	1999-00	2000-01	2001-02
<i>At start of year</i>	4	0	0
<i>Entered during year</i>	2	0	3
<i>Disposed of during year</i>	6	0	3
<i>At end of year</i>	0	0	0

Table 59: Longreach criminal

Number of cases	1999-00	2000-01	2001-02
<i>At start of year</i>	1	0	0
<i>Commenced during year</i>	0	0	0
<i>Disposed of during year</i>	1	0	0
<i>At end of year</i>	0	0	0

Table 60: Longreach civil

Number of cases	1999-00	2000-01	2001-02
<i>At start of year</i>	0	1	0
<i>Entered during year</i>	1	0	0
<i>Disposed of during year</i>	0	1	0
<i>At end of year</i>	1	0	0

Northern District

The Northern Judge, Justice Cullinane, sat principally in Townsville during the year. Circuits took place to Mackay and Cairns as well as attendance in Brisbane for the Court of Appeal. He also sat on the Court of Appeal during its sittings in Townsville in May. The Northern Judge is the Chair of the Northern Land Appeal Court which heard and disposed of two appeals during the year.

Criminal cases awaiting hearing in Townsville have decreased over the year.

The number of civil cases has reduced from that of last year and the civil list remains up to date with almost all cases being offered a hearing date at each sittings.

Table 61: Townsville criminal

Number of cases	1999-00	2000-01	2001-02
<i>At start of year</i>	9	13	8
<i>Presented for trial during year</i>	56	68	61
<i>Disposed of during year</i>	54	73	68
<i>At end of year</i>	11	8	1

Table 62: Townsville civil

Number of cases	1999-00	2000-01	2001-02
<i>At start of year</i>	22	8	16
<i>Entered for trial during year</i>	25	42	30
<i>Disposed of during year</i>	39	34	36
<i>At end of year</i>	8	16	10

On 23 July 2001, Mr Ray Keane retired as Registrar of the Northern District after more than 43 years of dedicated service to the Courts. A valediction in his honour was held on 3 September in the Supreme Court in Townsville.



Justice K A Cullinane and Mr Justice R R Douglas

Members of the legal profession and the public were invited to attend a tree-planting ceremony which took place on Friday 3 May 2002 in the grounds of the Law Courts (Walker Street frontage). The subject tree is a variety of mango known as the “R J Douglas” mango. It was first grown at Rosebank, the home of Mr Justice R J Douglas (Northern Judge of the Supreme Court from 1923 to 1957), who had a reputation as an amateur botanist. It was planted in the late Judge’s honour by his grandson, Mr Justice R R Douglas of the Queensland Supreme Court.

Far Northern District

The Far Northern Judge, Justice Jones, received assistance throughout the year with circuits from the Chief Justice, Justice Cullinane, Justice Byrne and Mr Justice Muir, whose combined sitting time exceeded nine weeks. The provision of additional judge time in Cairns being gazetted in advance permitted more orderly listing of trials.

The workload in the Far Northern District appears to have stabilised and the backlog of matters awaiting trial has reduced. However, the applications list has required increased allocation of time throughout the year.

One highlight of the year was the first ever ecumenical church service in Cairns to mark the opening of the Law Year. This occasion was enthusiastically received by members of the profession and the community at large. The Bishop of Cairns, the Most Reverend James Foley, presided in the company of Bishop Arthur Malcolm and Bishop George Tung Yep. The Honourable Justice Alistair Nicholson, the Chief Justice of the Family Court of Australia, was a special guest at the service.

Interaction between the Court and the law students at the Cairns campus of James Cook University continues through the students’ use of the Court’s library facilities and through continued social and sporting activities.

The Court premises have been used for an advocacy workshop conducted by the Honourable Justice Dowsett of the Federal Court.

The sitting time for the Far Northern Judge has been spent in Cairns (29 weeks), Brisbane (three weeks), Townsville (one week) and Mount Isa (two weeks) with eight weeks allocated for judgment writing.

Table 63: Cairns criminal

Number of cases	1999-00	2000-01	2001-02
<i>At start of year</i>	55	47	60
<i>Presented for trial during year</i>	137	141	104
<i>Disposed of during year</i>	143	128	134
<i>At end of year</i>	47	60	30

Table 64: Cairns civil

Number of cases	1999-00	2000-01	2001-02
<i>At start of year</i>	16	14	16
<i>Entered for trial during year</i>	60	40	32
<i>Disposed of during year</i>	62	38	40
<i>At end of year</i>	14	16	8

Table 65: Mount Isa criminal

Number of cases	1999-00	2000-01	2001-02
<i>At start of year</i>	0	0	0
<i>Presented for trial during year</i>	10	4	5
<i>Disposed of during year</i>	10	4	5
<i>At end of year</i>	0	0	0

Table 66: Mount Isa civil

Number of cases	1999-00	2000-01	2001-02
<i>At start of year</i>	3	3	0
<i>Entered for trial during year</i>	4	1	0
<i>Disposed of during year</i>	4	4	0
<i>At end of year</i>	3	0	0

Tribunals

Mental Health Tribunal

Last year's report contained an overview of the work of the Mental Health Tribunal. It was constituted under the *Mental Health Act 1974* to determine questions of sanity at the time of an alleged offence and fitness for trial, as well as to hear appeals from the Patient Review Tribunals and to determine applications to remove patients regulated by that Act out of the State.

The Mental Health Tribunal, constituted by Mr Justice Chesterman, assisted by Dr A Dodds and Dr JF Wood, continued to perform those functions until 28 February 2002, when it was replaced by the Mental Health Court on the commencement of relevant provisions of the *Mental Health Act 2000*.

During the period from 1 July 2001 to 28 February 2002 the Mental Health Tribunal dealt with 219 matters. The following table shows the breakdown:

Table 67: Matters dealt with by the Mental Health Tribunal

Type of Matter	1999-00	2000-01	2001-02
References by:			
• <i>Director of Mental Health</i>	159	163	156
• <i>Director of Public Prosecutions</i>	4	7	4
• <i>Patient or legal adviser</i>	67	60	45
• <i>Courts of law</i>	2	1	3
Appeals against the Patient Review Tribunals	6	3	4
Applications to inquire into detention			1
Applications for removal from Queensland to:			
• <i>Australian Capital Territory</i>	-	-	-
• <i>Victoria</i>	1	1	2
• <i>New Zealand</i>	1	-	-
• <i>South Australia</i>	2	1	1
• <i>Tasmania</i>	1	-	-
• <i>Sweden</i>	1	-	-
• <i>New South Wales</i>	-	6	3
• <i>Europe</i>	-	1	-
TOTAL	244	243	219

The result of matters dealt with are shown in the following table:

Table 68: Results of matters dealt with by the Mental Health Tribunal

Findings of the Mental Health Tribunal	1999-00	2000-01	2001-02
References:			
• <i>unsoundness of mind</i>	139	124	104
• <i>not of unsound mind and fit for trial</i>	44	44	43
• <i>not of unsound mind but of diminished responsibility and fit for trial</i>	7	3	3
• <i>not of unsound mind, not of diminished responsibility and fit for trial</i>	-	3	-
• <i>not of unsound mind and unfit for trial</i>	4	10	-
• <i>facts in dispute and fit for trial</i>	9	16	-
• <i>facts in dispute and unfit for trial</i>	2	6	-
• <i>references struck out</i>	27	25	32
Appeals against the Patient Review Tribunals:			
• <i>dismissed</i>	4	3	4
• <i>upheld</i>	2	-	-
Applications to inquire into detention:			
▪ <i>adjourned to a date to be fixed</i>	N/A	N/A	1
Applications for removal from Queensland:			
▪ <i>granted</i>	6	4	6
▪ <i>refused/withdrawn</i>	-	5	-
TOTAL	244	243	219

As at 30 June 2002 there was one outstanding matter to be heard by the former Mental Health Tribunal (which is continued under a transitional provision for the purpose of disposing of certain matters).

The Mental Health Court

The functions of the Mental Health Court are to decide references of the mental condition of persons, to hear appeals from the Mental Health Review Tribunal, and to investigate the detention of patients in authorised mental health services.

Justice Wilson was appointed as the constituting judge of the Mental Health Court for the three-year period commencing on 28 February 2002. She is assisted by two psychiatrists drawn from a panel of psychiatrists appointed as assisting psychiatrists under the *Mental Health Act 2000*. The panel consists of Associate Professor D A Grant, Associate Professor J M Lawrence and Dr J F Wood.

The Mental Health Court sat on 3 April 2002 when 20 matters were called over. Five of them were disposed of at the callover and another seven were disposed of during the subsequent sittings in May.

In the fortnight commencing 20 May 2002, the Mental Health Court sat on nine days, when 74 matters came before it.

Table 69: Matters heard by the Mental Health Court 28 February – 30 June 2002

Type of Matter	2001-02
References by:	
• <i>Director of Mental Health</i>	47
• <i>Director of Public Prosecutions</i>	4
• <i>Patient or legal adviser</i>	19
• <i>Court of law</i>	3
• <i>Attorney-General</i>	1
Appeals against the Mental Health Review Tribunal:	-
TOTAL	74

Those matters were disposed of as follows:

Table 70: Matters disposed of by the Mental Health Court 28 February – 30 June 2002

Findings and orders of the Mental Health Court	2001-02
References:	
• <i>unsoundness of mind (forensic order)</i>	20
• <i>unsoundness of mind (no forensic order)</i>	4
• <i>not of unsound mind and fit for trial</i>	12
• <i>not of unsound mind, not of diminished responsibility and fit for trial</i>	1
• <i>not of unsound mind and unfit for trial (unfitness not permanent)</i>	3
• <i>not of unsound mind and unfit for trial (unfitness permanent and forensic order made)</i>	2
• <i>not of unsound mind and unfit for trial (unfitness permanent and no forensic order made)</i>	1
• <i>facts in dispute (reasonable doubt) and fit for trial</i>	5
• <i>reference withdrawn</i>	16
TOTAL	64

* includes four matters where two decisions were made.

Reserved judgments as at 30 June 2002 were as follows:

Table 71: Decisions reserved by the Mental Health Court as at 30 June 2002

Type of Matter	2001-02
<i>References</i>	3
TOTAL	3

Matters adjourned from the May sittings were as follows:

Table 72: Matters adjourned by the Mental Health Court and awaiting hearing as at 30 June 2002

Type of Matter	2001-02
<i>References</i>	12
TOTAL	12

Matters awaiting hearing

As at 30 June 2002 there were 140 matters awaiting hearing in the Mental Health Court. Of those, 82 were commenced under the *Mental Health Act 1974* and were pending when the Mental Health Court replaced the Mental Health Tribunal. The remaining 58 were commenced under the *Mental Health Act 2000*.

Table 73: Matters awaiting hearing by the Mental Health Court as at 30 June 2002

Type of Matter	2001-02
References by:	
• <i>Director of Mental Health</i>	80
• <i>Director of Public Prosecutions</i>	4
• <i>Patient or legal adviser</i>	41
• <i>Court of law</i>	3
• <i>Attorney-General</i>	4
Appeals against the Mental Health Review Tribunal:	8
Applications to inquire into detention:	-
TOTAL	140

The amount of time that could be allocated to Mental Health Court sittings in the four months under review was limited by the demands of the mainstream of the Supreme Court's work. Six weeks have been allocated for this purpose in the Trial Division calendar for the second half of the calendar year 2002.

The Mental Health Court intends sitting in centres outside Brisbane, such as Townsville and Cairns, when this is warranted by the volume and/or complexity of cases involving patients in those centres.

With the encouragement of the Chief Justice, arrangements are being made with the Supreme Court Library to include information relating to the Mental Health Court on the Queensland Court's web page (www.courts.qld.gov.au). It is expected that this material will be accessible before the end of 2002.

On 14 June 2002 Justice Wilson addressed the Royal Australian and New Zealand College of Psychiatrists Queensland Branch — Forensic Section. A copy of her address *Psychiatrists and the Mental Health Court* is available on the Internet at www.courts.qld.gov.au/publications/articles/speeches/2002/Wilson140602.pdf

Justice Wilson also attended a seminar on the *Mental Health Act 2000* arranged by the University of Queensland TC Beirne School of Law on 23 March 2002, and the National

Forensic Mental Health Forum on the Treatment and Rehabilitation of Mentally Ill People who Commit Violent Offences, held in Brisbane on 29 May 2002.

Justice Wilson attended a meeting of the Mental Health Court Reference Group (a committee chaired by the Director of Mental Health and having representation, both clinical and forensic, from the Mental Health Unit of Queensland Health, the Director of Public Prosecutions, Legal Aid Queensland, the Mental Health Review Tribunal, consumer groups and victim support groups) on 24 June 2002.

Justice Wilson also met with the Registrar of the Mental Health Court, counsel who appear regularly for the Director of Mental Health, the Director of Public Prosecutions and Legal Aid Queensland and a representative of the Mental Health Unit of Queensland Health to discuss listing procedures and other matters of general application to the Court's processes. It is intended that such meetings be held several times a year.

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

Land Appeal Court

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

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

There are Southern, Central, Northern and Far Northern Land Appeal Courts. Justice Mullins has been appointed for the Southern District for 2001 to 2003. The Central, Northern and Far Northern Judges hold appointments for the Land Appeal Court in their respective Districts.

Table 74: Appeals to the Land Appeal Court

Appeals to the Land Appeal Court	1999-00	2000-01	2001-02
Number of appeals lodged:			
• <i>Far Northern</i>	0	0	0
• <i>Northern</i>	2	1	3
• <i>Central</i>	0	2	0
• <i>Southern</i>	14	7	3
Nature of appeals:			
• <i>Compensation (Acquisition of Land Act)</i>	5	6	2
• <i>Valuation (Valuation of Land Act)</i>	10	2	4
• <i>Costs (Acquisition of Land Act)</i>	1	1	0
• <i>Jurisdiction (Soil Conservation Act)</i>	0	1	0
Number of sitting days allocated:			
• <i>Far Northern</i>	0	0	0
• <i>Northern</i>	5	3	3
• <i>Central</i>	0	0	1
• <i>Southern</i>	10	10	10

Administrative Support

Office of the Court Administrator

The offices of the Court Administrator, Registrar and Sheriff provide administrative support to the Supreme Court of Queensland.

The Court Administrator, Ms Bronwyn Jerrard, in the year under review was responsible for budget management and administrative operations. Administrative staff undertake duties designed to ensure the smooth, efficient and effective operation of the Supreme Court and to achieve particular projects suggested by the judiciary.



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 Raheemtula (Supreme Court Librarian)

Organisational Structure

During 2001-02, 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. Various officers had been performing these roles on a temporary basis prior to the positions being advertised and filled on a permanent basis.

Achievements

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.

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 by the Chief Justice on 11 April 2002. This booklet is particularly aimed at school students and other visitors of the Court to provide them with a greater appreciation of the work and structure of the Court. The publication is available on the Court's website (www.courts.qld.gov.au)

In conjunction with the Court, the Human Resource Services Branch of the Department of Justice commenced a review of the employment conditions of permanent and casual bailiffs

in early 2002. The provision of uniforms to bailiffs in Brisbane and the pro-rata allocation of uniforms to casual bailiffs, particularly in regional centres, are part of the review.

Professional development

Court staff participated in various conferences and training courses relating to court, registry and administrative operations.

The Court Administrator, Ms Bronwyn Jerrard, is a member of the Australian Institute of Judicial Administration (AIJA). This membership is important in ensuring that the Court is abreast of continuing changes in judicial administration as well as emerging trends.

The Principal Registrar, Mr Ken Toogood, attended the Access to Justice Conference of the Caxton Legal Centre Inc in October 2001 and presented a paper: "Best ways to deal with the Registry", at the Queensland Law Symposium, Gold Coast in March 2002.

The Information Technology Manager, Mr Ian Sims, attended the Legal XML and Electronic Filing Conference held in Melbourne from 25-26 October 2001.

The Sheriff of Queensland, Mr Neil Hansen, attended the Marshal's Conference held in Sydney from 15-16 November 2001.

The Inter-Departmental Accounting Group Conference held on the Sunshine Coast from 21-23 November 2001 was attended by Deputy Court Administrator, Mr Cameron Woods. This conference provided an opportunity to hear and discuss the latest policy directions and system developments, current financial management trends and a valuable networking, training and information-sharing forum. Representatives from all areas involved in financial management throughout the public sector were invited to attend.

Attendance by Court staff gave opportunities to meet with representatives of other courts and tribunals and opportunities to discuss policies, procedures and other applications relevant to Queensland Courts.

It was especially pleasing that on Australia Day two Higher Courts Registrars were recognised for their outstanding service – Mr Eric Kempin, Senior Deputy Registrar Brisbane and Mr Gordon Roberts, Registrar, Higher Courts Rockhampton, both received an Australia Day Achievement Medallion.

Security

As mentioned in last year's report, the Principal Registrar has sought to increase and upgrade security for the work environment of all registry staff. A security risk evaluation was prepared for the Courts and a Steering Committee headed by the Principal Registrar is progressing recommendations made in the report. Additional funds will be needed to carry out the recommendations.

Registries

The Principal Registry of the Supreme Court of Queensland is located in Brisbane. It is the largest and busiest of the four central registries. The other centres are at Rockhampton, Townsville and Cairns. A resident Supreme Court Judge and a designated Registrar is located at those three centres. Each of the four Registrars also hold office as Registrar of the District Court, Registrar of the Planning and Environment Court and, in Brisbane, the Registrar, now referred to as the Principal Registrar, is also Registrar of the Court of Appeal.

There are seven district registries; Roma, Mt Isa, Bundaberg, Mackay, Longreach, Maryborough and Toowoomba. These centres are staffed by officers of the Magistrates Court who hold appointments under s 286(3) of the *Supreme Court Act 1995*.

The Principal Registry in Brisbane contains a number of units which handle the work of the civil, criminal and appellate jurisdictions. The Principal Registrar is supported in that role

by four Senior Deputy Registrars, all of whom are qualified solicitors of longer than five years standing, eleven Deputy Registrars and 49 administrative officers for the combined Supreme and District Court registries. In addition to carrying out court and administration duties, the Principal Registrar is also a member of the Incorporated Council of Law Reporting, Solicitors' Board, the Rules Committee and the Chief Justice's Court Focus Group. The Principal Registrar liaises closely with the Court Administrator on a variety of court interests and on many occasions performs the duties of that role during absences of the Court Administrator.

Restructure

Following the delivery of the report on the restructure of the Registry, the position of the Principal Registrar was upgraded allying that position more appropriately with similar positions in other organisations and tribunals.

The Court Administrator and Principal Registrar have been charged with responsibility for implementing the restructure of the registry, to include:

- a new professional stream to include quasi-judicial functions;
- establishment of dedicated units to provide registry services eg client, listings etc;
- new managerial positions in charge of each unit;
- new clerical positions (without supervisory responsibilities but with enhanced procedural responsibilities) and enhanced career opportunities;
- removal of registry functions from responsibility of the Court Administrator to the Principal Registrar;
- relocation of existing facilities to provide better registry services.



Back Row (L to R): *Neil Hansen, Alex Hams, Neville Fenning, Ian Mitchell, Ian Enright*
Front Row (L to R): *Peter Irvine, Neville Greig, Ken Toogood (Principal Registrar), Eric Kempin, John McNamara*
Absent: *Bob Houghton, Robyn Hill, Rod Goody, Peter McNelley*

Developments and projects

- ongoing reviews of registry practices and procedures have been conducted and refinements made to registry procedures;
- the electronic filing of applications and allocation of hearing dates was expanded from 1 March 2002 to include bail applications;
- a uniform set of filing fees to cover the Higher Courts commenced on 30 July 2001;
- case management commenced on the 1 June 2002 in the Supreme Court;
- the Supreme Court Registry counter has not yet been re-developed and is now expected to be completed in 2003. This will improve the work environment for

registry staff and the location at which client services are delivered and will cater for clients with disabilities.

- lodgement by parties of consents for the making of orders by Deputy Registrars has increased significantly as parties realise the financial benefits of not having to attend before the Court;
- a fast service point has been established at the registry counter to assist clients with certain categories of documents;
- seven Practice Directions were issued during the year, see Appendix 1.

Training

The training of registry staff, associates and secretaries has again been a high priority during the year. Many staff attended one or more than one of the following courses conducted by the Justice Skills Development Centre or in-house information sessions:

- team development;
- project and performance management;
- communication skills;
- ethics, equity and cultural awareness;
- performance, time, and stress management;
- client services;
- conflict resolution;
- computer data base and software packages;
- selection panels;
- privacy and confidentiality.

Structured training with the use of the training workbook has progressed to a point where more than half the modules have been completed and new staff are commencing the training process. New staff have been appointed as Justices of the Peace to assist in maintaining the high level of service to clients.

Planning is underway to identify training and development activities for the next twelve months. Interviews with staff will be conducted to assess gaps in skill levels and obtain feedback on training issues.

Information Services

'We will provide information sheets on a range of matters to assist you' is a statement from the Queensland Court Registries Charter.

The registry has advertised on the Court website with brochures and fact sheets concerning the registry's activities and improvements to registry services.

Brochures are well sought after in both electronic and paper version and interest in information on the Court website has been strong from the public and the legal profession. Many enquirers are now satisfied when they are told that the information they seek is available on the website and they do not seek to have a paper version of the brochure sent out.

New information sheets are being developed to answer the most frequently asked questions posed by self represented litigants.

The following is a list of some of the brochures and fact sheets available from the major court registries as at 30 June 2002, with an indication of demand at the Brisbane registry.

Table 76:

Brochure	Number issued	Number issued	Number issued
	1999-00	2000-01	2001-02
<i>Changing your name by deed poll</i>	827	617	553
<i>Guidelines for registration for Barristers' or Solicitors' Mutual Recognition Act 1992</i>	222	172	179
<i>An explanation of Supreme Court ADR processes</i>	190	308	269
<i>Supervised case list (an overview)</i>	164	253	238
<i>Applying for a grant in an estate – probate and letters of administration</i>	432	465	426
<i>Jury handbook*</i>	8,068	8,578	6,680
<i>Technology in trials in the Supreme Court</i>	228	261	251

* one supplied to each member of the community called for jury service.

“*Changing your name by deed poll*” was once again the most popular of the brochures issued by the Court.

In the year under review 1,203 applicants changed their name by deed poll through the Brisbane registry. Figures in the other centres were Rockhampton – 65; Townsville -107; and Cairns - 76 .

The slight drop in demand for some information brochures may be explained because of the increasing use of the Court’s website.

Filing by post

More and more practitioners and litigants are filing documents by post rather than personal attendance at the registry.

For a modest postal dealing fee of \$16.50 practitioners, litigants and members of the public may file any document provided for under the Rules.

This includes applying for default judgments and grants in estate matters that have been made easier and no doubt lead to a reduction of costs to the public.

There have been internal changes to the way documents lodged for filing by post are processed. The use of standard templates has resulted in clients receiving uniform advice relating to the irregularities with documents lodged for filing by post, thereby minimising any further inconvenience. Clients are encouraged to peruse the Court’s website where they can access and download the rules, forms and information sheets they require.

There has been a noticeable increase in the number of matters filed by post from the previous year.

Almost 80% of these documents pass for lodgement without the need for requisitions.

Table 77: Filing by post sets of documents

	1999-00	2000-01	2001-02
<i>Brisbane</i>	1,351	1,875	2,379
<i>Townsville</i>	445	657	839

Court's website (www.courts.qld.gov.au)

The Court's website uses the Internet to inform its clients and those interested about topics of utility and interest affecting the Courts, the legal profession and the general public.

Changes to legislation and rules affecting Court practices and procedures as well as speeches, notices and other matters of interest are notified on the "What's New" area of the website .

The Court's judgments, lawlists, rules, forms, information sheets, legal arrangements, annual reports and the like are accessible for visitors to the site to peruse, browse or download.

The website received many "hits" and "visits" during the year under review. For the period from January to June 2002, the Registry Information Brochure area of the website received approximately 3200 "visits/hits", or approximately 18 per day.

Client relations

The public face of the civil registry is the client services area located on the ground floor of the Supreme Court Complex. Two Client Relations Officers (CRO) permanently staff the counter from 9:00 am to 4:00 pm. In peak periods, up to four CRO may be allocated to the counter to ensure a satisfactory level of service is provided to clients. A diverse group of clients are served here. These range from law clerks and practitioners, to self litigants and other members of the general public.

The prime responsibility of CRO is to review documentation prior to filing to ensure compliance with Court rules and practices. CRO are responsible for listing the majority of application matters for hearing. They are also responsible for assisting clients with searches of Court records and the assessment of fees for the services provided by the Registry. A number of CRO are appointed as Justices of the Peace (Qualified), and as such both members of the legal profession, and members of the public alike seek their services regularly.

A small, but increasing number of clients of the Registry, are self-represented. This includes matters ranging from litigants conducting or defending their own actions, to clients seeking to change their name by deed poll. Limited information on courts and procedures is provided in brochure form at the Registry or on the Court's website. Where this information is insufficient, and legal advice is sought, clients are asked to consult a solicitor or community legal service.

A proposal to upgrade the client services area (counter) is under consideration. This will allow for a more ergonomically friendly service point where clients can conduct business with the registry. Plans are well underway to renovate this part of the registry.

Filings

Amendments to the *Uniform Civil Procedure Rules* in December 2001 introduced new ways of preparing documents for filing.

Rule 435 requires exhibits to an affidavit to be bound in one or more paginated books and have a certificate of exhibit bound into the front of each book. In an attempt to reduce paper the rule provides that where a document or thing has been filed in a proceeding, whether or not as an exhibit, it must not be exhibited again to further affidavits filed in the proceeding.

Table 78: Document filings recorded by CIMS in Brisbane

1999-00	2000-01	2001-02
102,451	97,196	94,289

File storage

The Registry still faces the problem of lack of storage space for court files.

A strategic plan for file management is a priority issue. A plan is being developed and expected to be finalized later in 2002.

At present about 16 years of court files are stored in the Brisbane Law Courts complex, although files older than 10 years are rarely accessed. Files consist of documents which have been lodged (filed) in the Registry by parties involved in court proceedings. During the year documents equivalent to 1,300 archival boxes were filed at Brisbane alone.

Basic information relating to each file has been retained in electronic form since 1992. Manual registers and indices exist prior to that date. Storage space anywhere in the Brisbane CBD is limited, and the Court building is no exception. As at 30 June 2002 there will be sufficient storage space for a further six months of records after the transfer of 400 archival boxes of files mentioned below.

Many older registers – some dating back to the late 1800's were transferred to Queensland State Archives during the year, and some other registers and approximately 400 archival boxes of files relating to estate and religious and charitable matters are in the process of being transferred. Storage facilities at Archives are under regular monitoring. The Chief Justice and Registry officers inspected these facilities during the year.

Following the release of last year's report the Director & State Archivist of Queensland State Archives met with the Principal Registrar to address the Court's concerns regarding future storage of files. A working group of State Archives and Registry staff was formed and a Records Retention Schedule for the Court's records is under development. The identification and classification of types of records as to their historical, precedent, public interest or other value is part of this process. Stakeholders will need to be consulted.

The prime question to be addressed in the strategic plan will ultimately be whether all documents which have been filed in the court need to be retained permanently and later archived. It is considered that some documents or classes of documents and even certain categories of files of relatively little value can be disposed of some years after the proceedings have been finalized (for example, documents relating to interlocutory applications, or supporting the winding up of companies, affidavits of service, subpoenas or in relation to categories of files, motor vehicle/personal injury actions and the like).

Permanent retention of some files and temporary retention of others for set periods will require future budgetary allocations and action to implement a strategy to accommodate the handling and storage of files in the future.

There are several options. The most likely one is off-site storage at privately operated facilities. This is a normal method of storage for most CBD offices and Government departments. However, risk factors of security and potential damage and degeneration will have to be considered, and ongoing storage costs will be incurred. No doubt a significant financial resource will have to be directed to address this problem, resources which are already limited.

Another option is to investigate the possibility of scanning less valuable documents and retain only the scanned version. Apart from the initial expense and the ongoing additional resources required, there are issues relating to the integrity of the copy, its longevity, provision of computers for public access, and compatibility with future technology. A third option is to cull files by document or category and store the remainder at Archives.

The Court acknowledges the assistance given to the Registry by the Director & State Archivist and the staff of State Archives.



Kate Bannerman (Listing Director), Carly Palmer (Criminal List Manager), Theresa Roberts (Supervised Case List Manager), Mark Slaven (Applications Listings Manager), Rebekah Leicester (Civil List Manager)

Criminal Registry

The Criminal Registry in Brisbane has continued to evolve over the last twelve months and is responsible for the recording of data and results relating to all criminal matters which go not only before the Supreme Court but the District Court as well.

Enhancement of the Criminal Register System (CRS) has made navigating through CRS much more user friendly. Searching the system is now more comprehensive and accurate. Reports that previously were user generated are now batch jobs run out of hours.

The Offenders Data Base was created in the year under review and generates documents that need to be produced when an offender is sentenced, such as a verdict and judgment record, probation order or recognisance.

Table 79: Supreme Court Criminal Registry matters

	2001-02
<i>Number of indictments registered</i>	<i>544</i>
<i>Number of cases (defendants)</i>	<i>539</i>
<i>Cases disposed</i>	<i>513</i>
<i>Cases outstanding as at 30 June 2002</i>	<i>169</i>
<i>Summary matters registered</i>	<i>107</i>
<i>Summary matters remitted back when not dealt with in Supreme Court</i>	<i>29</i>

Fines and Compensation

The Criminal Registry processed 24 orders issued by the Supreme Court in which fines totalling \$29,575 were imposed.

Sheriff's Office

The office of Sheriff is the oldest continuous institution in English Law. The first Sheriff of Queensland was appointed in 1861, two years after Queensland attained its independence as a State. The appointments of Sheriff, Deputy Sheriff, Sheriff's Officers and Bailiffs and their authorities and liabilities are now provided for by the *Supreme Court Act 1995*. The

Registrars at Rockhampton, Townsville and Cairns exercise the powers and duties of the Sheriff for the Central, Northern and Far Northern Districts of the Supreme Court.

The present role and duties of the Sheriff in Brisbane include:

- the preparation and forwarding of notices to prospective jurors and questionnaires for all courts throughout Queensland;
- management of the jury selection process in Brisbane, ensuring adequate jurors are available for the criminal and civil jurisdictions of the Court, determination of applications for excusal, ensuring secure transport and accommodation of jurors, and the timely payment of jurors' fees;
- the timely payment of witness fees;
- the allocation of courts;
- management of the criminal registry functions of the Courts to ensure a high standard of service delivery;
- management of the bailiffs, to ensure a high standard of service delivery to the judiciary and courts;
- the timely and efficient enforcement of warrants, including the seizure of vessels;
- co-ordinating security for trials when requested by judges;
- ensuring the safe custody and welfare of prisoners to the extent required by the *Corrective Services Act 2000*.

Marshal

The Sheriff of Queensland is also the Marshal of the Supreme Court and performs duties in Admiralty jurisdiction under the *Admiralty Act (Commonwealth) 1998*. Two vessels were arrested by the Marshal during the year, with both vessels being sold pursuant to a court order for valuation and sale.

Jury management

This year new forms for the notice to prospective jurors, juror questionnaire and summons, and a new juror's handbook were introduced. The new forms and handbook set out in plain English the requirements of jury service and how it affects them.

The Sheriff's Office issued 41,600 notices to prospective jurors for the Brisbane Courts and 128,385 for the remaining 30 Supreme and District Courts in Queensland, for sittings of the Court occurring during the year. Summons to jurors were issued to 6,270 jurors to attend the Brisbane Courts.

During the year a criminal court had a sound reinforcement system installed. This system, which was installed last year in a District Court, greatly enhances the ability of jurors and the general public to hear the proceedings clearly. More criminal courts need to have these systems installed. This is the first courtroom in the Supreme Court at Brisbane to have an audio visual system installed. This courtroom has a projection system for police scenes of crime technology and infra-red sound system.

Bailiff's Office

The bailiffs are responsible for the day to day running of a courtroom. Under the provisions of the *Jury Act 1995*, bailiffs are in charge of the jury and are responsible for their safe keeping. In Brisbane the office is run by the Chief Bailiff, Mr Philip Lennon, assisted by his Deputy, Mr Ken Welsh, and a staff of 26.

The main duties carried out by bailiffs include:

- setting up courtrooms for daily use and managing the day to day running of the courtroom. This includes the supply and setting up of equipment such as polycoms, amplifiers and visualisers;
- instructing jurors as to the requirements of their service; supervising the jury dining area, supervising empanelled jurors, as directed by the Court, whilst the jury is considering their verdict, including any necessary overnight accommodation;
- performing registry duties and assisting other areas of the Courts as directed.

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

- 1842 days of criminal court sittings, 443 of which were for the Supreme Court;
- 843 days of civil court sittings, 495 of which were for the Supreme Court;
- 647 days in the applications court, 441 of which were for the Supreme Court;
- 29 days of Medical Assessment Tribunal sittings;
- 225 days of Planning and Environment Court sittings;
- 42 days as court orderlies;
- 89 days of administrative duties for the registry.

Bailiffs are authorised to assist the Sheriff as enforcement officers in executing the enforcement warrants issued by the Court.

Enforcement

The Sheriff and his staff are responsible for the determination of applications and the issue of enforcement warrants for the seizure and sale of property, possession of land and delivery of goods. During the year 180 enforcement warrants were issued, of which 20 were for the seizure and sale of property and 157 for the recovery of possession of land.

A large number of the enforcement warrants issued were not proceeded with at the request of the parties.

Enforcement officers enforced 62 enforcement warrants – possession of land, one enforcement warrant – seizure and sale of property, and one warrant for arrest.

Technology

Introduction

In the year under review the Supreme Court continued vital core infrastructure work with respect to technology, in addition to embarking upon new initiatives. Of significance was the production of an Information Technology Action Plan, which summarizes the high-level strategy and operational objectives to be adopted by the Higher Courts in allocating its \$1.2 million Cabinet Budget Review Committee of Queensland Treasury allocation to implement these initiatives over the short to medium term.

IT Action Plan

The IT Action Plan specified services that are to be implemented for external clients in respect of the Courts' aims.

These include:

- upgrade of computing facilities within the Registry areas of the Brisbane Law Courts complex;
- an electronic courtroom facility equipped with litigation support software for the use of litigants involved in large civil trials;
- a clearly defined development plan for the Civil Information Management System ("CIMS") and analysis of options regarding criminal management systems. An investment in these core systems will ultimately provide a more stable platform to support a broad range of e-business services for the Court in the future;
- internet facilities to provide:
 - some online registry counter searches,
 - interactive and intuitive bookings of trial dates (building upon the service that is currently available via the Court website),
 - interactive forums to support court applications and other simple hearings.

The Action Plan was approved by the Higher Courts IT Steering Committee.

Administrative support

The IT direction within the Courts is determined by the Higher Courts IT Steering Committee which meets regularly to set the IT strategy, direction and review progress of the Courts' IT projects.

Committee members:

Justice M P Moynihan AO (SJA)

Her Honour Chief Judge P M Wolfe

His Honour Judge A M Wilson SC

Mr David Schulz, Executive Director – Justice Administration

Mr Phil Argyris, Director, Information Management

Ms Bronwyn Jerrard, Court Administrator

Mr Ian McEwan, Director, State Reporting Bureau

Mr Ken Toogood, Principal Registrar

Mr Ian Sims, Higher Courts IT Manager

Achievements this year

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. The following projects were completed according to the IT Action Plan:

SOE Upgrade

During November and December, new Pentium III desktop computers configured with Windows 2000 and Microsoft Office 2000 were deployed to Higher Courts Registry staff in the Law Courts Complex. 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 Claims Caseflow and Alternate Dispute Resolution were implemented in the Supreme 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 chambers listings information was delivered on-line.
- Prototypes of on-line listing application forms were successfully trialled.

e-Courtroom

- As the Supreme Court works 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 Court's website.
- Work commenced in June in preparation for the largest civil trial to ever be heard electronically in Queensland. To facilitate this, the Banco Court will be transformed into an electronic courtroom equipped with litigation support technology. [Depicted on cover]

Other Projects

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

- 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 were 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 applications court facilities will be implemented to enable parties to exchange information such as draft orders for applications, electronically. This will negate the need for parties to attend court for simple matters;
- on-line delivery of a range of services will continue including:
 - on-line searches
 - on-line calendars and listings
 - on-line 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 Supreme Court expects to continue this trend, with the following goals being fundamental to its delivery of information technology services:

- to improve service to litigants, the legal profession and other clients by further developing electronic service delivery and electronic business;
- to improve the dissemination 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.



Back row (L to R): *Glenn Smith, Brendan Harrison, Jo Sherman, Karen Dean*
Front row (L to R): *Tony Tello, Cameron Griffiths, Kylie-Anne Waugh, Ian Sims (Information Technology Manager)*

Related Organisations

State Reporting Bureau

The State Reporting Bureau provides a recording and/or transcription service, using computer-assisted transcription (CAT) and audio recording, for proceedings of the Supreme and District Courts, Magistrates Courts and the Queensland Industrial Relations Commission. The Bureau also provides reporting services for the Medical Assessment Tribunal, Mental Health Court, Industrial Court and Land Appeal Court. In respect of the Supreme Court Trial Division, reporting services are provided in Brisbane, Cairns, Townsville and Rockhampton and the circuit centres of Mount Isa, Bundaberg, Longreach, Maryborough, Toowoomba and Roma.

The Bureau has four mobile Remote Recording and Transcription Systems (RRATS) in selected remote areas throughout Queensland. This enables the Bureau to record court proceedings by audio at centres where no staff are based, and transfer that recording via the Integrated Service Digital Network (ISDN) for transcription at a Bureau operational centre elsewhere in the State. Audio reporting staff then produce a transcript via the use of 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. RRATS was extended to Innisfail and Roma increasing to 12 the number of circuit centres that can be serviced. The Bureau regional centres in Ipswich and Cairns were brought on-line as transcription centres, increasing the number of transcription centres to six. An on-site RRATS system was successfully implemented to allow RRATS to transfer video images from the Bundaberg Court to the Maroochydore transcription centre. The addition of video to RRATS allows full monitoring of the remote centre from the transcription centre thereby providing potential for a 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 Trial Division 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 Trial Division's capacity to carry out its work efficiently. Any reduction in the service provided by the Bureau will reduce the Trial Division's capacity to do so.

The Supreme Court Library

Introduction

The year under review was a year of considerable activity for the Library, as the initiatives of the last three years have drawn increasing numbers of visitors, both physical and virtual, to the Library and the Courts. This is in accordance 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 excellent 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 2001-02

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

The Internet continues to impact upon information service provision, and the Library's priority is to develop strategies which exploit available technology – providing users with immediate access from their desktop to the latest high-quality and relevant information. An example of this strategy in action is the *Judicial Virtual Library*, a secure web-based resource 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, for a variety of reasons, print materials are still an important component of a complete legal library, in the future the *JVL* will be the primary point of contact between judges and the Library. It offers exciting opportunities for service development and delivery.

The same can be said of the Court's website which is administered by the Library and which received over 700,000 visits this year. Respondents to the Courts' Online Business Survey were complimentary and included suggestions for further improvement. Substantial 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.

Provision of high-quality services for regional users remained a key concern this year, with the commitment of 44% of the total books and subscriptions budget to collection development in regional courthouse libraries (compared to 37% in the preceding year). With consideration to the number of barristers, solicitors and judicial officers in each of the regional centres, 30% more is 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 collection, 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 the historical preservation and educational community programs.

The Supreme Court History Program, under the leadership of Dr Michael White QC (Reader, TC Beirne School of Law, University of Queensland), ensures the preservation of legal heritage through the oral history project and collection of relevant documents and memorabilia. The program holds over 20,000 items including manuscripts, photographs and

letters; has recorded and transcribed five oral history interviews with a further three pending; and has also secured memoirs from six legal personalities. Over 100 volumes, documents and items of memorabilia were donated to the program this year. In other activities, the proceedings of the conference on *Sir Samuel Walker Griffith: The Law and the Constitution* held in March 2001 will be published in the next three months. Such publications, and the regular displays in the Rare Books Precinct, Level 2 Law Courts, ensures that this important heritage is accessible to the community.

Community outreach activities involved an estimated 25,000 members of the community and school students this year, including those who attended lectures and special events, visited exhibitions or participated in the school program.

Highlights of community outreach efforts were:

- schools program: the number of participants tripled from the preceding year to 635 students taking advantage of the flexible program which incorporates legal research training and tours of the Rare Books Room Precinct and surrounding exhibition area;
- guided tours: tours of the Precinct were particularly popular for families over the Christmas holiday period and on Queensland Day;
- official closing of the Human Rights in the 21st Century exhibition by Ms Cherie Booth QC: 140 guests and media attended the grand finale to the Library's most successful exhibition to date and numerous requests have been received for an educational publication featuring the exhibition material;
- *Queensland Criminal Code: From Italy to Zanzibar*, a major exhibition to coincide with the 16th Congress of the International Academy of Comparative Law, featuring material from Australia and overseas institutions, and utilizing sponsorship of \$4,400 from the Italian Consulate, LexisNexis Butterworths and the International Academy of Comparative Law.

The Library was pleased 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 regional judiciary. 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 interest to judges. The Judicial Current Awareness Service circulated 1,500 articles during 2001-02, with 88 of those distributed electronically. Four issues of the *Newsletter* were made available in print and online.

In addition to maintaining the Court's website and the free full-text judgments service, the Library also launched its own online judgments subscription service *QLI Online* in May 2002. 1,550 Supreme and District Court judgments were processed by the Library this year.

In response to the changing nature of Library clients, working environment and service goals, a review of Client Services was commenced in 2002 in conjunction with a broader organisational investigation. Its purpose is to audit current practices and procedures, revise resource structures and operational objectives and identify key areas for future growth. New electronic systems have been implemented to enhance procedural efficiency and accessibility to information. Further analysis and strategy formulation will take place in 2002-03 with a focus 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 2001-02, 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 to minimise costs.

Upgrades to the Library's information management system, *INNOPAC*, provided enhanced search and retrieval functions and facilitated improved record management options. In 2001-02, *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 'one-stop' search point to access the exponentially increasing range of online information available.

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 growth of the collection 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.

At the request of the Court Administrator, the Library also reviewed the Judges' Library collection in 2001-02. The review identified several lapsed subscriptions and outstanding titles which were subsequently renewed to bring the collection up to date. The Library administered the purchase and processing of new materials on behalf of the Court.

Conclusion

In the coming year the Library will consolidate the advances made in 2001-02 by continuing to enhance information services and expanding educational and legal heritage preservation activities.

The development of regional courthouse library facilities are a priority. In 1999-00, 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. It has also been suggested that major exhibitions, such as *Women and the Law* and *Human Rights*, be taken on 'tour' to regional courthouse centres. This project has aroused substantial interest from the profession and educational organisations. Such a project would engender 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 becoming a focus for the preservation of legal heritage in Queensland. Activities of the Supreme Court History Program will include:

- commissioning an additional 10 oral history interviews;
- development of regional Courthouse legal heritage collections;
- researching regional Courthouse histories and publishing a multimedia educational resource on the Court's website;
- a seminar to mark the centenary of the High Court, which will be complemented by an exhibition.

The Librarian has been awarded a Churchill Fellowship to be undertaken in 2003 to study the activities of institutions in the USA, UK and Canada engaged in the preservation of legal history. Based upon this research, further recommendations will be made for the development of the Program.

As part of the educational outreach effort, the Library will also publish educational booklets, including companion catalogues to the Human Rights and Queensland Criminal Code exhibitions, and mount further exhibitions in the Precinct including *In Search of Steel Rudd*.

Further development of client services will also be undertaken including the addition of retrospective full-text judgements from 1993 onwards to 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 Court's website, access to many of these resources 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 a 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.

Appendix 1

Practice Directions

Number	Description	Date Issued
7/01	<i>Appearance by Law Clerks in the Applications Jurisdiction</i>	11 September 2001
8/01	<i>Family Provision Applications – repeal of Practice Direction 2 of 1997</i>	10 October 2001
9/01	<i>Court of Appeal practice – Amendment to Practice Direction 26 of 1999 – written outline of argument</i>	23 November 2001
1/02	<i>Civil Jury Trials</i> <i>(1) Reading of pleadings</i> <i>(2) Presentation of evidence</i>	25 March 2002
2/02	<i>Interest on Default Judgments</i>	22 March 2002
3/02	<i>Commercial List</i>	26 March 2002
4/02	<i>Caseflow Management – Civil Jurisdiction</i>	14 May 2002