



CHAMBERS OF THE CHIEF JUSTICE
SUPREME COURT
BRISBANE

FROM CHIEF JUSTICE PAUL de JERSEY

30 September 2003

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 2003.

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

This report contains a detailed account of the operation of the Supreme Court in the year ended 30 June 2003. It has been prepared in consultation with the President of the Court of Appeal, the Senior Judge Administrator, and the Judges of the divisions of the court. I trust the report may be read as an assurance of continuing effective performance by the State's highest court.

In this introduction, I draw attention to two topics of substantial concern.

1. Unacceptable limitation on the financial resources executive government provides to the court continues to prevent our achieving a manner of operation compatible with contemporary expectations. The Hon the Attorney General has made clear his support for the courts' being furnished with up-to-date technology, in particular, and I express appreciation for his efforts in the course of the budgetary process. What follows is a list of initiatives which should be developed, but presently cannot, for lack of adequate resources:
 - a. eCourts: courtrooms equipped (cabling, furniture, layout, electrical supply etc) to facilitate the electronic management of documents and evidence in substantial trials, necessary to render Queensland competitive with other jurisdictions in attracting large scale commercial litigation in particular (est. cost \$400,000 2003-4, \$250,000 2004-5);
 - b. eFiling: a facility for the electronic filing of documents – the norm in Singapore and other places, improving service and reducing costs to litigants through avoiding the need for physical attendance at court to file documents – and to complement the existing eSearch facility (\$300,000 2003-4, \$200,000 2004-5);
 - c. business process re-engineering: simplification and automation of Registry business processes (relating, for example, to cost assessment, probate,

generating of orders, management of cases etc), with consequent cost efficiencies (est. cost \$250,000 2003-4, \$26,000 2004-05);

- d. roll-out of the Queensland Jury Computer System to the 30 regional Supreme and District Court centres, where most aspects of jury administration are still handled manually, covering updating of jury questionnaires, balloting, summoning, attendance update, juror payment etc (\$230,000 2003-4, \$116,000 2004-5);
 - e. implementation of the Soden Report on Registry restructuring (2001), referred to in previous reports (2000-1 p2, 2001-2 p5), aimed at introducing contemporary managerial methods and standards, and involving long-overdue staff reclassifications (cost not calculable pending position upgrades);
 - f. replacement of long-term external information technology consultants with permanent IT staff, involving creating two additional positions to complement the current Supreme and District Courts IT establishment of (only) three personnel (\$130,000 2003-4);
 - g. addressing security issues including installing airport type x-ray scanners at entry points;
 - h. establishing and maintaining adequate levels of staff training and development (cost presently difficult to estimate);
 - i. retaining a media liaison/public affairs officer for the Supreme and District Courts, the lack of which distinguishes the Supreme Court from comparable courts nationally; there is broad consensus within the higher courts, and the media, that such a position would prove beneficial (\$60,000 pa);
 - j. appropriate upgrading of secretarial staff for Supreme and District Court Judges, the Court Administrator and the Principal Registrar (cost currently approx \$54,000 pa);
 - k. creating a position of policy and planning officer for the higher courts (\$60,000 pa);
 - l. meeting costs associated with a possible new Supreme Court circuit to Southport, recognizing reasonable Gold Coast community expectations (costs presently difficult to estimate).
2. Particular interest focused this year on the state of the Supreme and District courthouses in Brisbane. The court commissioned a workplace health and safety audit of the higher courts complex. The auditor's summary dated 11 June 2003 of "the most significant issues" he identified is an attachment to this overview. (It should be recorded the results of the air quality testing were satisfactory.) I am pleased to acknowledge the commitment of the Director-General of the Department of Justice and Attorney-General to the rectification of these deficiencies. I am myself committed to continual professional monitoring of the state of the buildings with full disclosure of the results to interested parties. Additional financial resources must be made available as necessary to keep the courthouses in appropriate condition.

I have in recent reports drawn attention to the lack of assured funds for the adequate maintenance of courthouses State-wide. This problem is long-standing. The Trial Division report for 1994-1995 stated:

"A matter of growing concern is the failure by the government to budget sufficient funds to maintain the Supreme Court building and

its furnishings. The building is one of the major public buildings of Queensland and it should be maintained to reflect that standing. This has not been done in recent years and it is now necessary for a comprehensive maintenance program to be developed and funded before the physical appearance of the complex deteriorates to an unacceptable standard."

That passage related to the courthouse at Brisbane. Given its age, similar issues are arising in respect of the courthouse at Townsville. Such work as has since been carried out in Brisbane has been driven by safety considerations: for example, the resurfacing of the court building, the risk of collapse of the courtyard sails etc. The most recent audit brings the saga up-to-date in its continuing sorry state.

Performance

Disposition of caseload

The court's performance over the last year may 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	2000-01	2001-02	2002-03
A. Criminal				
< 6 months	90%	83%	81%	89%
6-12 months	8%	16%	17%	10%
> 12 months	2%	1%	2%	1%
B. Civil				
< 6 months	55%	51%	55%	56%
6-12 months	30%	40%	35.5%	37%
> 12 months	15%	9%	9.5%	7%
Trial Division				
	Benchmark	2000-01	2001-02	2002-03
A. Criminal				
< 6 months	80%	78.5%	74.5%	65.4%
6-12 months	15%	15.8%	19.9%	23.9%
> 12 months	*5%	5.6%	5.6%	10.7%
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.

† Data not available because of resource limitations.

In this last year, on the criminal side in Brisbane, the Trial Division, having begun the year with 169 active outstanding cases, ended the year with 181, having disposed of 469 incoming matters.

On the civil side at Brisbane, having begun the year with 28 cases awaiting a hearing, as by trial, the Trial Division ended the year with 63, having over the year disposed of 259 incoming matters. It is interesting to compare that position with the performance levels in previous years. The number of cases outstanding at the end of years 1997-8, 1998-9, 1999-2000, 2000-1 and 2001-2 were respectively 147, 143, 83, 56 and 28.

The position remained this year that cases ready for trial in the civil jurisdiction, save those expected to take a substantial period, could be allotted trial dates within no more than 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 and criminal jurisdictions. Details appear in the Trial Division report below.

The Court of Appeal division disposed this year of 360 criminal appeals; compared with previous years – 1998-9 (383), 1999-2000 (356), 2000-1 (321), 2001-2 (338). As at the end of the year, 145 criminal appeals awaited disposition – compared with 2001-2 (154). The Court of Appeal also disposed of 256 civil appeals – compared with 2001-2 (239), leaving 104 outstanding as at the end of the year – compared with 2001-2 (136).

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

New initiatives

The Commercial List was established pursuant to practice direction as from 1 May 2002, to ensure the optimal judicial management of urgent commercial cases likely to last five days or less. The List has since operated effectively, under the direction of Mr Justice Muir and Mr Justice Chesterman. 23 cases have passed through the List since its inception. As at the end of the year, six matters were listed for trial, with another 12 passing through interlocutory stages.

Rules Committee

The Rules Committee, chaired by Justice Williams and including, from the Supreme Court, Mr Justice Muir, Justice Wilson and me, 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. Its primary role is to monitor the operation of the Uniform Civil Procedure Rules. The Committee received regular suggestions from the Judges and members of the profession and the public concerning their more effective implementation and 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*" (s 118C(2)(a) *Supreme Court of Queensland Act 1991*). The Committee has now embarked upon that task, with the assistance of personnel made available by the Director-General of the Department of Justice and Attorney-General, Dr Levy.

Other monitoring mechanisms

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 18 September 2002 for the discussion of matters of current importance in the courts and to 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 11 September 2002 and 26 March 2003.

Practice Directions

In the course of the year two practice directions were issued, Disposal of charges of summary offences (5/02) and Civil applications in Court of Appeal (6/02). They cover matters designed to streamline the operation of the court.

Continuing judicial education

Nine Judges of the court attended the Supreme and Federal Court Judges' Annual Conference in January in Adelaide, and over the period 19 to 23 January participated in presentations on a range of subjects, including professional development, communication with jurors, improving the interface between the judiciary and the executive, and a presentation by Professor Margaret Somerville from the McGill Centre for Medicine, Ethics and Law in Montreal, Canada entitled "creating and ending human life in post-modern societies: new challenges for ethics and law". The conference received reports from the Judicial Conference of Australia and the Australian Institute of Judicial Administration.

The Judges held their 9th Annual Easter Seminar on 23 and 24 April 2003. Presenters included Professor John Saunders, Dr Toni Makkai and Ms Boni Robertson ("Alcohol and illicit drugs: alternatives to imprisonment"), Professor John Farrar ("Corporate governance and the Judges"), Professor Amin Saikal ("Islam and the West: containing the rage"), Associate Professor Des Butler and Mr Phil Dickie ("Subjudice, contempt and prejudicial pre-trial publicity"), Mr Peter Wellington MP, Dr Ken Levy, Ms Anne Fussell and me ("Interaction between the judiciary and the legislature, the executive and the media") and Dr Nadja Alexander ("The black letter law of mediation").

Chief Justice's calendar

Apart from the 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 (13 weeks), the criminal court (two weeks), civil (three weeks), applications (four weeks), Maryborough (one week), Mackay (one week) and Cairns/Thursday Island (one week).

I attended and spoke at numerous conferences and public events. Many of the addresses delivered may be read on the court's webpage: www.courts.qld.gov.au.

I reaffirm my commitment to visiting regional court centres.

On 23-25 August 2001, accompanied by my wife, I attended the Central Queensland Law Association's Annual Conference at Yeppoon, and from 5-6 October 2002, the North Queensland Law Association Annual Conference at Townsville.

From 30 September to 2 October 2002, I sat in court on Thursday Island, and consulted with a variety of community groups with endeavours relevant to the work of the courts: the Torres Shire Council, the Island Coordinating Council and Torres Strait Regional Authority, the Regional Justice Negotiation Team, Justices of the Peace and representatives of womens and family welfare groups. This was the first time the State Chief Justice had been present on Thursday Island in that official capacity.

In the course of the year I attended events hosted by District Law Associations at Mackay (8 August 2002), Maryborough (25 February 2003), the Gold Coast (14 March 2003) and Toowoomba (10 May 2003).

I attended with my wife, as in every year, the Annual Law Symposium hosted by the Queensland Law Society and the Bar Association of Queensland, held at Surfers Paradise, 7-

8 March 2003. A number of Judges participated in this important endeavour, including presenting papers. The Symposium Committee allowed booth space to the Supreme Court Registry, for the display of initiatives in technology. This was staffed by Registry officers led by the Principal Registrar, and enthusiastically received by practitioners.

The Central Queensland profession held a service on 12 July 2002 at St Joseph's Cathedral, Rockhampton, to mark, in accordance with tradition, the commencement of the 2002 law year. I was honoured to attend and address that service.

As guest of the Northern Territory Law Society, I attended, on 3 February 2003 in Darwin, and on 5 February 2003 in Alice Springs, opening of the legal year services and functions, at which I delivered addresses and had the opportunity of exchanges with Territorian Judges and lawyers.

I attended the 5th Worldwide Common Law Judiciary Conference in Sydney in the week commencing 7 April 2003 and the 13th Commonwealth Law Conference in Melbourne in the week commencing 14 April 2003.

The Courthouses

Brisbane

In March 2003 an interview room on the second floor of the Supreme Courthouse, readily accessible to courtrooms within both the Supreme Court and the District Court, was converted for use exclusively by children involved in court proceedings, whether as complainant or other witness, or accompanying parents. The room is known as the "Chill Zone". Generously furnished by PACT (Protect All Children Today), the room includes a television set, settee and other good quality modern furniture, together with attractive decoration of appeal to young people. The object is to render the experience of children necessarily attending the courts less traumatic.

Preservation of the State's judicial heritage

The Supreme Court Library in conjunction with the Supreme Court History Program continued to assemble displays relevant to the history and working of the court. On 28 February 2003 Mr C E K Hampson AO RFD QC delivered an address in the Banco Court to mark the opening of an exhibition entitled: "Shaping Queensland: the Douglas, Lilley and Macrossan families and their contribution to law, politics and society".

The Judges express gratitude to the Douglas families for their generosity in providing the court, on indefinite loan, with Sir William Dargie's portrait of the late Mr Justice J A Douglas, a Judge of this court from 1965 to 1984, and the father of Mr Justice R R Douglas RFD (1999 to 2002); and by way of donation, an Arthur Murch portrait of Mr Justice E A Douglas, a Judge of the court from 1929 to 1947, and uncle of J A Douglas. The provision of the works was acknowledged at a reception held at the Supreme Court on 22 April 2003 in the presence of members of the Douglas families.

Other public outreach

On Queensland Day, Friday 6 June 2003, the court hosted tours of the courthouse for members of the public. These tours were begun in the year 2001 at the instance of the Principal Registrar Mr Toogood, and have occurred every year since. They were again popular, to the extent that some 380 people joined eight tours held through the course of the day, and the participants not only explored the more interesting aspects of the courthouse itself, but also had the opportunity to sit in on actual court proceedings, and were treated to interesting commentary from court staff. I was pleased to be able personally to welcome visitors to the court on this occasion.

The traditional opening of the law year church service, held in Brisbane on Monday 15 July 2002, took place for the first time in The Salvation Army Brisbane City Temple. The courts

and the profession were honoured by the attendance of His Excellency the Governor of Queensland and Mrs Arnison.

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

The court's webpage, hosted by the Supreme Court Library, continues to be a focus of public and professional attention, registering over 602,326 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 and links to other relevant sites.

The page includes up-to-date information on the time taken to dispose of cases within the court, gauged against the Judges' self-imposed goals, and (since 18 September 2000) details of expenditure on Judges' jurisprudential and other court or officially relevant travel.

Other use of the Courthouse

The Brisbane Courthouse is used for many other events when not required for court sittings.

On 19th July 2002 the Rt Hon Sir Harry Gibbs GCMG AC KBE, former Judge of this court and former Chief Justice of the High Court of Australia, delivered an oration in the Banco Court on the subject: "The Queensland Criminal Code: from Italy to Zanzibar", and opened the Supreme Court Library's Exhibition on that subject. The oration was attended by approximately 440 people, including some 200 distinguished delegates of the XVIth Congress of the International Academy of Comparative Law which had taken place at the University of Queensland over the preceding week. Those present at the oration and following reception included the Hon Professor Guy Canivet, Chief Justice of France, and also notably, three former Chief Justices of the High Court of Australia: in addition to Sir Harry Gibbs, the Hon Sir Anthony Mason AC KBE and the Hon Sir Gerard Brennan AC KBE.

On 12 August 2002 the Chief Magistrate chaired a well-attended seminar in the Banco Court on the subject "Indigenous people and the law – cultural inclusion". Its focus was the then recently established Murrii Court (within the Magistrates Court). The Magistrates Court and the GUMURRII Centre, Griffith University, jointly sponsored the seminar.

On 31 October 2002 in the Banco Court the Hon W Gummow AC, Justice of the High Court of Australia, delivered the annual W A Lee Equity Lecture on the subject: "Equity: too successful?". The lecture was convened by the Queensland Community Foundation. Approximately 270 people attended.

Further diversity in usage of the Banco court was illustrated on 8 November 2002, when Mr Roger Traves, barrister, delivered a paper on the subject: "The gentleman's game: was it really cricket? From the birth of cricket to Bradman: gamesmanship and skulduggery in the early years". Comment on the paper was delivered by Mr Ian Healy, former Australian wicket keeper. The Hon Justice Callinan of the High Court of Australia introduced both speakers. Approximately 180 member of the profession and the public attended the event, organised by the Supreme Court History Program. Those attending included a number of English tourists present in Brisbane for the Australia-England test match.

On 18 November 2002 on level 2 of the courthouse, the Sporting Wheelies and Disabled Association launched its 25th Anniversary Photographic Exhibition entitled: "The Ability to Make a Difference".

On Saturday 29 March 2003 the Supreme Court History Program hosted a conference in the Banco Court on the subject: "Queensland's Contribution to the High Court". A group of eminent speakers and commentators explored, before an audience of more than 100, the contribution to the work of the High Court of Justices of Queensland origin, Sir Samuel Griffith, Sir Charles Powers, Sir William Webb, Sir Harry Gibbs, Sir Gerard Brennan and Justice Ian Callinan. A gallery of portraits of those Judges has been hung in the Rare Books precinct. I was on 24 June 2003 pleased to welcome Chief Justice Gleeson of the High Court of Australia to view the gallery in this the centenary year of the High Court.

On 12 June 2003 the court conducted, in the presence of His Excellency the Governor of Queensland, a ceremonial sittings in the Banco Court to mark the centenary of the Bar Association of Queensland. The President of the Bar Association, Mr Glenn Martin SC, then presented me with a rare legal book, "Regiam Majestatem", of 17th century Scottish origin, to be held by the Library on indefinite loan.

The role of the Supreme Court Library

I gratefully acknowledge the valuable work accomplished by the Supreme Court Library in mounting historical exhibitions to complement such events. The Rare Books Room, opened in February 2000, which houses the Library's nationally significant collection of 135 volumes (including work by Bracton, Littleton, Coke, Bacon, Selden, Hale, Plowden, Justinian and Blackstone), and the replica of the QGSY Lucinda Smoking Room opened in 2001, form the nucleus of public displays which attract many visitors to the courthouse. Since the year 2000, the Library has curated six major exhibitions in that precinct, and a number of smaller displays associated with special court occasions such as valedictories and swearing in ceremonies. The Supreme Court History Program has twice convened one day major conferences, and a series of evening lectures. The aggregation of these initiatives has promoted a more lively public awareness of the role of the judicial arm of government, and this was particularly evident through the guided tours conducted on Queensland Day.

International aspects

Visits by Judges of other jurisdictions

The court was honoured on 1 July 2002, at the commencement of this reporting period, by the visit of the Hon Sir Arnold Amet, Chief Justice of Papua New Guinea.

The Supreme Court received a number of other international visitors:

- On 12 December 2002, a delegation of five judicial officers from various Shanghai courts, including the Intermediate People's Court, the High People's Court and the Shanghai People's Procuratorate;
- From 10 February to 14 February 2003 His Honour Judge Yasushi Handa of the Tokyo High Court, visited the Supreme Court and studied aspects of its procedures;
- On 6 March 2003 a delegation of court administrators and lawyers from Shanghai.

Assistance to other jurisdictions

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

Judicial appointment

Justice Philip McMurdo was on 3 March 2003 sworn in as a Judge of the Supreme Court, to sit in the Trial Division, following the vacancy arising from the death of Mr Justice Douglas.

Personal

The Hon Mr Justice R R Douglas RFD died on 26 November 2002 while in office. His Honour had served with distinction as a member of the court from 17 June 1999. I record the appreciation of the judiciary for our former colleague's contribution, and our profound sympathy for Mrs Jennifer Douglas and her children. A valedictory ceremony was held in the Banco Court on 9 December 2002.

The Australia Day Honours List published on 26 January 2003 included Justice Davies, Judge of Appeal, who was appointed an Officer in the General Division of the Order of

Australia, “for service to the judiciary and to the legal profession, particularly in the areas of reform of legal procedure and the history of criminal trial procedure”.

On 11 November 2002 Justice White was commissioned into the Royal Australian Naval Reserve, with the rank of Commander. She will be involved in *Defence Force Discipline Act* matters. Justice White was a member of the Naval Reserve in the late 1960's and lectured cadets at the Naval College at Jervis Bay on international law.

Conclusion

I thank the Judges, officers of the Registry and the court's administrative staff for another year's application. Individual performances are greatly valued, as was the preparedness of all to join in what was an effective collegial effort.



MEMORANDUM

TO: Mr David Groth
A/ Court Administrator, Higher Courts

FROM: David Calder
HR Consultant

SUBJECT: Workplace Health and Safety Audit

DATE: 11 June 2003

As requested, I have now completed a Workplace Health and Safety Audit of the Higher Courts complex, results of which are attached for your information.

The most significant issues identified as part of this audit are as follows:

1) Air Conditioning

It was quite apparent from the site inspection that some maintenance is required in the air-conditioning. Rust and general deterioration is evident in a number of places on the air-conditioning ducts located on the roof of the complex.

Only the ground floor of the Supreme Court has been tested. QBuild are currently systematically testing each level of the complex. The tests results should be available in the next few weeks.

QBuild's report addressed issues in relation to the ground floor only. QBuild has concluded that the recorded conditions ie air flows and air temperatures "are considered reasonable for office air-conditioning". However the report does refer to three options that may assist with the adjustment of flows to achieve required design flows. QBuild has only provided approximate costings for one option with costings for the other options to be provided urgently.

QBuild are currently testing air-flows and air temperatures for all floors and will provide a report as soon as the testing has been completed.

QBuild has also been requested to arrange for "air quality" tests to be conducted and the Department is awaiting confirmation of when this testing is to commence.

2) Toilet Exhausts

There are four ventilators (fans) for the complex's toilets on the roof but only two are operating. QBuild advised that a decision was made some years ago to disengage two fans.

Approval has been provided to recommission the disused fans and QBuild will undertake this work as soon as possible.

The exposed metal ductwork at roof level has corroded and as a result outside air is leaking into the exhaust airflow and reducing the amount drawn from the toilets.

Replacement of this corroded ductwork has been approved and QBuild will undertake this work as soon as possible.

3) Electrical Fittings and Equipment

Power boards / double adaptors are used extensively across the complex. In some locations, including Judges chambers, normal cords and power boards are intertwined with extension cords in or near walkways, close to or under employee's desks all of which could cause injury.

QBuild has been contacted to provide a quote for the installation of power points to eliminate as much as possible the use of extension cords and power boards.

A large number of electrical items have not been tested in the "Test and Tag" program that took place towards the end of 2002. Those items are itemised in the attached report.

Mr Craig Mason, QBuild electrician, has been provided with a copy of the outstanding items and will arrange for the testing and tagging to be done urgently.

4) Security

There would appear to be a major flaw in the security to the Supreme Court Registry on the ground floor. Despite the presence of several security personnel at one end of this area and the use of a numeric key pad on the entrance door closest to the security personnel, a door at the other end of the Registry counter (George Street end) is unlocked and unsupervised.

Approval has been provided to install a numeric keypad at this entrance and installation will commence as soon as possible.

5) Other issues

Rodent Problem

Several staff members raised the issue of rats in the building. Staff reported either having seen rats or sighted evidence of their presence. QBuild were contacted to arrange for inspections and quotes to address this issue. Those quotes are attached for your information. All suppliers are from the QBuild's Preferred Supplier List.

Approval has been provided to engage Amalgamated Pest Control to undertake the baiting program. The Department is awaiting confirmation of a commencement date.

Lighting

I would recommend that QBuild also conduct some lighting tests. Some employees complained about the level of lighting and it was noticeable in some offices.

Approval has been provided to upgrade the lighting levels to the corridors and chambers in the District Court in levels one and two.

QBuild has been requested to undertake testing of the lighting levels within the areas concerned.

Attachments

Attachment A comprises the list of issues derived from the audit that need investigation.

Attachment B is QBuild's Report on the air-conditioning in the Higher Courts Complex.

Attachment C contains a number of quotes in relation to a "Rodent Baiting Program" for the Higher Courts Complex.

David Calder
HR Consultant
Human Resource Management Services

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, AO)
The Honourable Bruce Harvey McPherson, CBE) of the same seniority
The Honourable Glen Norman Williams
The Honourable John Alexander Jerrard

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
(died 26/11/2002)
The Honourable Peter Richard Dutney
(Central Judge, Rockhampton)
The Honourable Debra Ann Mullins
The Honourable Catherine Ena Holmes
The Honourable Anthe Ioanna Philippides
The Honourable Philip Donald McMurdo
(appointed 27 February 2003)

Tribunal Appointments

Mental Health Court

The Honourable Margaret Anne Wilson

Chair, Law Reform Commission

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

Workload

This year, 774 matters were commenced in the Court of Appeal (475 criminal and 299 civil), compared with 725 the previous year. Six hundred and sixteen matters (616) (360 criminal and 256 civil) were heard and a further 199 (124 criminal and 75 civil) withdrawn, disposing of a total of 815 matters. The workload of the Court of Appeal shows a steady increase in the matters filed, heard and completed over the last three years. Despite that increase, the number of judgments undelivered and cases unheard at the end of the reporting period has fallen.

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

Number of cases	2000-01	2001-02	2002-03
At start of year	115	140	154
Filed during year	401	413	475
Cases heard	321	338	360
Cases unheard at end of year	140*	154*	145

* Adjustment made due to finalisation of data

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

Number of cases	2000-01	2001-02	2002-03
At start of year	160	117	136
Filed during year	322	312	299
Cases heard	282	239	256
Cases unheard at end of year	117*	136	104

* Adjustment made due to finalisation of data

Table 4: Annual caseload, summary

Number of cases	2000-01	2001-02	2002-03
At start of year	275	257	290
Filed during the year	723	725	774
Cases heard	603	577	616
Judgments delivered	587	575	620
Cases unheard at end of year	257*	285	249
Judgments outstanding at end of year	43	46	40
Matters withdrawn	147	120	199

* Adjustment made due to finalisation of data

The reason for the significant increase in the number of criminal matters withdrawn may be that speedy preparation of record books in criminal matters has enabled Legal Aid Queensland to give earlier consideration to the merits of cases.

Forty-two percent (42%) of criminal matters were disposed of in less than three months, a further 47% in more than three months but less than six months, and a further 10% in more than six months but less than 12 months, so that 99% of all criminal matters were disposed of within 12 months of filing. These figures show an improvement, even on last year's results, and satisfy all benchmarks adopted by the court.

In the civil jurisdiction, 29% of matters were disposed of in less than three months, a further 27% in more than three months but less than six months, and a further 37% in more than six months but less than 12 months, so that 93% of civil matters were disposed of within 12 months of filing. Again, these figures improve even on last year's and exceed each benchmark adopted by the court.

Table 5: Age of disposed cases

Time for disposition (Date of filing to delivery of judgment)	Percentage disposed of	
	Criminal	Civil
<3 months	42 (31)	29 (33)
3-6 months	47 (50)	27 (22)
6-12 months	10 (17)	37 (35.5)
>12 months	1 (2)	7 (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	2000-01	2001-02	2002- 03
Outstanding at start of year	10	19	6
Reserved	127	134	129
Ex tempore judgments delivered	194	205	231
Reserved judgments delivered	118	145	127
Outstanding at end of year	19	6*	9

* Adjustment made due to finalisation of data

Table 7: Judgments, civil matters

Judgments	2000-01	2001-02	2002- 03
Outstanding at start of year	17	24	38
Reserved	159	150	150
Ex tempore judgments delivered	123	89	108
Reserved judgments delivered	152	136	154
Outstanding at end of year	24	38	31

The number of undelivered judgments at the end of the year in criminal matters is slightly higher than last year but remains in single figures. In civil matters, the number has fallen slightly. Overall, the number of undelivered judgments at the end of the year and the time taken to deliver them is less than in the preceding two years.

Table 8: Time between hearing and delivery of reserved judgments

Type of case	Median number of days		
	2000-01	2001-02	2002- 03
Criminal cases	23	25	17
Civil cases	33	33	41
All cases	29	28	24

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		
	2000-01	2001-02	2002- 03
Trial division – civil	156*	158*	167*
Trial division – criminal	100*	94*	108
District Court – civil	126	119	105
District Court – criminal	296	319	364
Planning and Environment Court	26	25	17
Other – civil (cases stated, tribunals etc)	14	10	10
Magistrates Court – criminal	0	0	0
Other – criminal	5	0	3

* 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	2000-01	2001-02	2002- 03
Civil			
General including Personal Injury	174	176	187
Applications	47	61	65
Leave applications	85	59	40
Planning and Environment	10	1	7
Other	6	15	0
Criminal			
Sentence applications	162	191	225
Conviction appeals	78	58	85
Conviction and sentence appeals	62	61	59
Extensions (sentence applications)	24	27	26
Extensions (conviction appeals)	14	18	12
Extensions (conviction and sentence)	13	9	6
Sentence appeals (A-G/Cwth DPP)	23	35	45
Other	25**	14**	17**

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 District Court Act 1967 (Qld) extensions and s 118 applications.

The significant increase in the number of sentence appeals brought by the Attorney-General or the Commonwealth Director of Public Prosecutions over the last three years has continued.

The number of sentence applications brought by offenders has also steadily increased over the last three years.

Unrepresented litigants

The number of unrepresented litigants shown in Table 11 below has again increased over those of the previous two years. Unrepresented litigants are now involved in 29.16% of

criminal matters and 39.06% of civil matters, significantly higher than in matters 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 with resulting 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. Sometimes unrepresented litigants can find it difficult to accept the need to comply with court processes. The President and the Senior Deputy Registrar (Appeals) are often required to manage cases involving unrepresented litigants both in and out of court.

As noted in the last two annual reports, 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 and services and from rules governing unauthorised practice of law.¹ While the Strategic Policy section of the Department of Justice is now reviewing its indemnity policy, this does not address the issue of qualified statutory immunity for registry staff providing assistance for self-representing litigants. The AIJA report also raises the need for properly staffed information desks and permanent advice centres.² These issues presently remain unaddressed.

During 1999-2000, 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 scheme has been extended to juveniles and those under an apparent disability. Once again, the court has not been required to call on the scheme as much as anticipated because Legal Aid Queensland continues to adopt a generous approach to the granting of legal aid in these matters. The Judges of Appeal commend that approach which enhances the quality of the criminal justice system in Queensland. The Court of Appeal thanks Legal Aid Queensland and the public spirited barristers who have agreed to take part in the pro bono scheme and whose names appear below.

Court of Appeal Pro Bono List (as at 30 June 2003):

David Boddice SC	John Griffin QC	Alan MacSporran
Martin Burns	Milton Griffin SC	Terry Martin SC
Peter Callaghan	Tony Glynn SC	Frank Martin (Toowoomba)
Ralph Devlin	Mark Johnson	Peter Nolan
Stuart Durward SC (Townsville)	Stephen Keim	Tony Rafter

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.

Bradley Farr	Tony Kimmins	Peter Richards
Paul Gaffney	Gary Long	Tim Ryan
Terry Gardiner	Kelly Macgroarty	Barry Thomas

Table 11: Matters heard where one or both parties unrepresented

	2000-01	2001-02	2002- 03
Civil	82	85	100
Criminal	78	109	105
TOTAL	160	194	205

Organisation of 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 President and the Judges of Appeal collectively sat 174 weeks this year, compared to 158 weeks last year and 157 weeks in 2000/2001.³

The Court of Appeal has continued to rely on regular assistance from the Chief Justice, who sat for 13 weeks this year, compared to 11 weeks last year and 15 weeks in 2000-2001, and the Trial Division Judges who provided 81 individual judge weeks compared to 85 judge weeks last year and 91 judge weeks in 2000/2001.⁴ The Chief Justice usually sits at least two and sometimes three days in each week 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 an essential 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 Court of Appeal sat for 45 weeks during the year. As in the past two years, some Judges of Appeal sat during the court's two week winter vacation and will take compensating leave at other times during the year.

Ordinarily, a Court of Appeal comprises three Judges. The President and 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.⁵ This allows some time to prepare the appeals, including reading the records book and written outlines, and judgment writing time. Judges who sit in the Court of Appeal invariably work outside their regular hours to meet the court's adopted benchmarks. The Judges lecture, address or attend conferences, seminars and workshops for their continuing professional development and for the benefit of the court, the profession and the public. Many of the Judges' addresses may be viewed on the Queensland Court's site www.courts.qld.gov.au.

³ These figures have not been included in previous Annuals Reports.

⁴ The Annual Reports in 1999/2000 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.

⁵ This includes the judgment writing week allocated to Trial Division judges on completion of their Court of Appeal sittings.

In addition to the five unallocated days in each two week period the President and the Judges of Appeal were collectively allocated 20 weeks and three days for judgment writing during the year.

The President continued to delegate responsibility to the Acting Senior Deputy Registrar (Appeals) for case management, including preparation of the daily court list. Mr Neville Greig continued in his role as Acting Senior Deputy Registrar (Appeals) throughout the year. It is expected a permanent appointment to this role will be made shortly.

The President, and in her absence other Judges of Appeal, managed those matters where one or both parties consistently failed to meet time guidelines or where judicial intervention was otherwise necessary.

The need for an additional Judge of Appeal

The workload of the Court of Appeal, combined with leave requirements of the Judges of Appeal and the continued fall in the number of judge weeks supplied by Trial Division Judges over the past three years demonstrate 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 would be enhanced by an additional permanent member of the Court of Appeal.

Registry

The President and the Judges of Appeal acknowledge the service provided to the court by the appeals registry staff.

Last year this report noted the difficult working conditions for registry staff caused by file storage problems; it was hoped to improve the registry's client service area and create more work space. A complete reorganisation of the registry has not been possible. The provision of additional filing cabinets has resulted in a limited reorganisation which has given some relief from the cramped and sometimes unsafe storage of files, but more must be done.

With the changing services required of the registry, it is expected that a reorganisation of staff duties will be undertaken in the near future to more efficiently serve the public and the judges.

During the year this court's preparation of civil record books was standardized with other appellate courts throughout Australia, in that civil record books are all now the responsibility of the appellants. The registry continues to monitor the quality of the record books. This development has progressed without difficulty.

Another improvement to efficiency made during the year was the introduction of indexation of documents in civil applications where there are no appeal books.

The registry staff continue to work closely with the President and the Judges of Appeal in the administration of the Court of Appeal.

Judgments and catchwords

The Court of Appeal judgments from November 1998 have been available free of charge on the Internet through AUSTLII since that time. Court of Appeal civil judgments from 1992 onwards are now available on the Internet through the Queensland Judgments site www.courts.qld.gov.au/qjudgment/ca.htm and it is anticipated that criminal judgments from 1992 will be available by early 2004. The extension of the electronic publication of Court of Appeal judgments was coordinated by the Research Officer and the Supreme Court Library. 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 court hopes to soon publish all *ex tempore* judgments in criminal

matters on the court website on the day of hearing. The Director, State Reporting Bureau, Mr Ian McEwan and his staff assist in the timely publication of *ex tempore* judgments. Coversheets are now provided for *ex tempore* judgments as well as reserved judgments to assist in computerised searching of judgments.

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

In the absence of a court media officer, 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 helpful brief outlines of judgments delivered in the Court of Appeal which are published on the Queensland Court's site www.courts.qld.gov.au. Copies are widely distributed to interested Queensland Judges, Magistrates, and others, including the Law Society and the Bar Association. These outlines are also published in *Proctor*, the journal of the Queensland Law Society Inc.

Information technology

Court of Appeal Case Management System (CAMS)

A new version has been developed which addresses many but not all of the problems noted in last year's report. It is currently undergoing acceptance testing and is expected to be implemented shortly. Some delays have occurred as a result of an upgrade to the court's network operating system to Windows XP. As some problems will remain unresolved, further funding will be essential to address these matters and to provide for the system to be maintained and refined. CAMS is an essential tool to ensure 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. The President and the Acting Senior Deputy Registrar (Appeals) continue to monitor the position here and in other jurisdictions. The most suitable case for an electronic appeal may be one where the proceedings before the primary court were conducted electronically. The court looks forward to the introduction of an efficient electronic filing system and to the conduct of electronic appeals in appropriate cases. It was expected that this year both issues would have progressed. The registry had planned for the introduction of electronic lodgment and consequential processing of indexes for the civil record books, however this has been frustrated by lack of funds.

It is impossible to make significant progress on this issue without a carefully planned and adequately funded approach. Whilst we have the plans we do not have the funding and Queensland is lagging behind other jurisdictions in this field.

Audio and video link

During the year 15 applications and appeals (seven sentence applications, two appeals against conviction, one appeal against conviction and sentence, three extension of time applications

and two civil appeals) were heard by video link and four by telephone link. Greater use of this equipment should be made in the future as parties become more familiar with its significant advantages. Audio and video conferencing is often very cost effective and convenient for parties. It saves the Department of Corrective Services the cost of escorting unrepresented litigants in custody from distant parts of the State and provides greater security. Litigants in custody also benefit from avoiding disruption to their rehabilitative programs.

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

The Judges' library

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

Court of Appeal sittings, Cairns

The Court of Appeal sat in Cairns from 26-29 May 2003. The court heard 14 matters (four criminal compensation appeals or applications, two civil and eight criminal appeals or applications).

The President, Justice Davies, the Northern Judge (Justice Cullinane), and the Far Northern Judge (Justice Jones) took part in the sittings. The court dealt mainly with criminal matters involving the Director of Public Prosecutions (DPP) and Legal Aid Queensland (LAQ). The DPP, Mrs Leanne Clare, appeared in three criminal matters, with a prosecutor from the DPP Cairns office appearing in the remaining matters and in all instances they were instructed by a DPP officer from Cairns. The Public Defender Mr Brian Devereaux from LAQ Brisbane appeared in three matters and Cairns barristers appeared in another four criminal matters; in all cases they were instructed by a specialist appellate solicitor from LAQ Brisbane. A self-representing appellant appeared in one appeal against conviction and sentence. Brisbane senior and junior counsel instructed by Brisbane solicitors appeared in the criminal compensation matters.

In one civil appeal, Brisbane senior and junior counsel instructed by Cairns solicitors appeared for the appellants and a Townsville senior counsel and a Cairns junior counsel instructed by an Atherton firm of solicitors appeared for the respondents. In the remaining civil matter, a Townsville barrister instructed by Mission Beach solicitors appeared for the appellants, and a Bowen barrister instructed by Ayr solicitors appeared for the respondents.

Ex tempore judgments were given in nine matters, judgment was reserved in four matters and one matter was adjourned.

The sittings were again enthusiastically 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 Cairns law students to observe the court's work. The judges met with leaders of the North Queensland community at a morning tea before the commencement of the sittings and with members of the Far North Queensland Law Association at an informal evening function during the sittings. Importantly, the sittings gave the people of far north Queensland an opportunity to observe the Court of Appeal within their own community.

The Judges of the Court of Appeal hope to conduct a further sittings in North Queensland in 2004, 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 enough work to justify its cost.

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	16	(5 granted and 11 refused)
Criminal	20	(3 granted and 17 refused)
Total	36	

Appeals

Civil	5	(2 allowed and 3 dismissed)
Criminal	1	(1 dismissed)
Total	6	

These statistics again confirm that the Court of Appeal is effectively the final appellate court for Queensland. Of the 616 matters heard by the Court of Appeal this reporting year, only six or 0.97% resulted in appeals to the High Court, two or 0.32% of which were successful.

Conclusion

The Court of Appeal's level of performance has improved further.

The steady increase in workload over recent years, the regular exercise of leave entitlements by Judges of Appeal and the fall in the number of judge weeks provided by the Trial Division demonstrate an additional Judge of Appeal is required if the court is to maintain or improve upon its present high level of efficiency. This would have the added benefit to the legal profession and litigants of greater consistency in the court's decisions.

The court cannot perform effectively without the assistance of a properly resourced registry. The Court of Appeal and its registry will continue to require adequate resources and funding to maintain and refine 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

Information about the organisation of the Trial Division, its working, calendar, electronic set down, practice directions, forms etc is published on the court website (www.courts.qld.gov.au).

Organisation of the work

The court operates in the Far Northern, Northern, Central and Southern districts. This reflects the decentralised nature of the State, its dispersed population and geographical area.

More than two-thirds of the Trial Division workload is dealt with in Brisbane. Approximately 90% of the balance is spread among Rockhampton, Mackay, Townsville and Cairns. What is left, approximately 5%, is spread among Toowoomba, Roma, Maryborough, Bundaberg, Longreach and Mt Isa.

The Southern District is centred on Brisbane where 15 of the 18 Trial Division Judges, the Principal Registrar, the Sheriff and the Court Administrator are based. It includes the Toowoomba, Maryborough and Roma circuits.

The Central District is centred on Rockhampton where there is a resident Judge, a Registrar and other staff. It includes the Bundaberg and Longreach circuits.

The Northern District is centred on Townsville where there is a resident Judge, a Registrar and other staff. It includes the Mackay circuit which is shared with the Central Judge.

The Far Northern District is centred on Cairns where there is a resident Judge, a Registrar and other staff. It includes the Mt Isa circuit.

Where necessary, Brisbane based Judges support the work of the Judges in other Districts. Judges resident outside Brisbane sit in the Court of Appeal on a regular basis, and less regularly in Brisbane for trial work (an aspect on which the Chief Justice has previously commented).

Further detail of the work in the Far Northern, Northern and Central Districts is found under those headings later in this report.

The offices of the Court Administrator, the Principal Registrar and the Sheriff, the State Reporting Bureau and the Supreme Court Library, together with the Courts Division of the Department of Justice and Attorney-General, provide essential support for the work of the Trial Division.

The Senior Judge Administrator is responsible for the work of the court in the Trial Division.

In the Southern District, designated Judges are responsible for the conduct of the criminal, commercial and supervised lists. The Far Northern, Northern and Central Judges are responsible for the management of the work in those Districts.

The work of the Trial Division is the conduct and trial of matters commenced by indictment (criminal), or claim or originating application (civil). It also includes interlocutory applications, that is applications in pending matters commenced by claim, originating application or indictment.

The work of the Trial Division is carried out by a Judge sitting alone. Criminal trials are conducted by a Judge with a jury; jury trials are rare in civil cases.

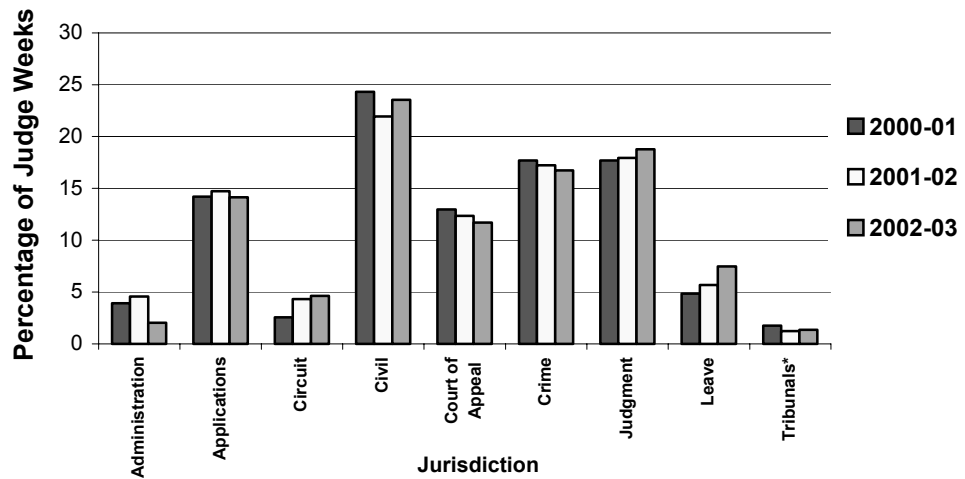
The work of the Trial Division is organised in terms of the following categories:

- Applications
- Circuit
- Civil

- Court of Appeal
- Tribunals
- Judgments

Work is allocated under these categories in accordance with a six month calendar released approximately three months before the commencement of the period to which it relates, and adjusted when necessary from time to time to the conclusion of the period to which it relates to reflect changing circumstances.

Table 12: Trial Division Judge Allocation Brisbane 2002-2003



Criminal jurisdiction – Brisbane

Justice Holmes was the Judge in charge of the criminal list in the period under review.

Previous reports have referred to difficulties in the management of the Criminal List, emphasizing the need for the appointment of a prosecutor responsible for the case at an early stage. The benefit is prosecutors can familiarise themselves with the cases and oversee their expeditious disposition with the minimum necessary commitment of resources. Problems have in this respect continued during the period under review.

An emerging problem is an apparent lack of sufficient liaison between the Queensland Police Service and the Office of the Director of Public Prosecutions. Prosecution evidence is furnished late or witnesses unavailable on the trial date. Because of this trials are adjourned, often at the last minute, and there is no time to call on other cases ready to proceed.

While it is impossible to eliminate late adjournments, factors identified in the preceding paragraph contributed to an unsatisfactory adjournment rate of 18% of cases listed for trial. To counteract this trend the court “over-lists”; more cases are set down than there are Judges available to hear, in anticipation of cases not proceeding despite the managing Judge having been told they are ready.

Changes in the system for the collection, collation and analysis of data about the criminal jurisdiction workload have produced more accurate and useful statistics. Consequently, however, some figures for 2002-03 year are not comparable or reconcilable with figures collected under the previous system. Figures for 2001-02 and 2000-01 years have therefore been omitted.

Table 13: Annual caseload – criminal jurisdiction, Brisbane

Number of cases*	2000-01	2001-02	2002-03
At start of year	N/A	N/A	169
Commenced during year	N/A	N/A	478
Disposed of during year†	N/A	N/A	469
Undisposed of at end of year**	N/A	N/A	181

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

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

** When a bench warrant is issued the case is treated as inactive. When the warrant has been executed the case is restored to the active category as a case for disposition. This may lead to apparent anomalies in tables such as this when they are compared with more detailed data.

Table 14: Method of disposal

Method	Number		
	2000-01	2001-02	2002-03
Trial	43	48	51
Plea of guilty	475	397	345
Other*	83	58	73
TOTAL	601	503	469

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

Table 15: Age of cases disposed of – criminal jurisdiction, Brisbane 2002-2003

Time from presentation of indictment to disposal	Cases disposed of 1 July 2002 to 30 June 2003			
	Trial (%)	Sentence (%)	Other* (%)	Total (%)
<3 months	9.8%	42%	37%	37.7%
3-6 months	17.7%	27.8%	34.3%	27.7%
6-9 months	29.4%	14.5%	13.7%	16%
9-12 months	15.7%	7.5%	4.1%	7.9%
>12 months*	27.5%	8.1%	11%	10.7%
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.

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

These applications are usually dealt with in the applications jurisdiction. Applications dealt with by a judge sitting in criminal jurisdiction at trial are not included in the date below.

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

Type of application	Number of applications		
	2000-01	2001-02	2002-03
Proceeds of crime	88	57	84
Compensation to victims of crime	42	38	18
Pre-trial bail	574	395	307
Forfeiture of Property	29	54	43
TOTAL	733	544	452

Civil jurisdiction - Brisbane

The Uniform Civil Procedure Rules 1999 provide the framework for the conduct of civil litigation in all Queensland courts. Monitoring the Rules and securing any desirable streamlining are the responsibility of the Rules Committee.

The operation of the Rules in the Trial Division is supported by a number of Practice Directions:

PD 3 of 2002 – Commercial List

PD 4 of 2002 – Case Flow Management – civil jurisdiction

PD 4 of 2000 – Setting Trial Dates – civil jurisdiction – Brisbane

PD 6 of 2000 – Supervised Case List

Table 17: Initiating documents in contested matters, Brisbane

Types of document	2000-01	2001-02	2002-03
Claims	2,098	2,235	1,846
Originating applications	3,388	2,446*	2,218
TOTAL	5,486	4,681	4,064

* This figure adopts new counting rules for this category.

Table 18: Annual caseload* - civil jurisdiction, Brisbane

Request for trial dates filed	2000-01	2001-02	2002-03
At start of year	83	56	28
Application for trial date	242	269	294
Disposed of during year	269	297	259
At end of year	56	28	63

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

Table 19: Method of disposal of cases* - civil jurisdiction, Brisbane

Method of disposal	2000-01	2001-02	2002-03
Judgment	79	113	110
Settled	119	125	97
Vacated	28	18	9
Discontinued	6	5	9
Other	26	2	5
TOTAL	258	263	259

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

Table 20: Percentage of cases disposed of within 12 months of application for trial date – civil jurisdiction, Brisbane

2000-01	2001-02	2002-03
94.80%	97.75%	97.31%

The allocation of trial dates is dealt with by the Uniform Civil Procedure Rules and by PD 4 of 2000. Hearing dates may be allocated directly, electronically or at a call over. The Listings Directorate, dealt with later in this report, is responsible to the Judges for listing arrangements.

Table 21: Cases awaiting hearing – civil jurisdiction, Brisbane

Number of cases and days sought	At end 2000-01	At end 2001-02	At end 2002-03
Number of cases	56	28	63
Number of those cases seeking more than five days	20	8	18
Total days sought	274	233	293
Average days sought per case	4.89	8.32	4.65

Table 22: Cases allocated trial dates

Direct set down, electronic set down	2000-01	2001-02	2002-03
Cases allocated hearing dates electronically	N/A*	28%	25%
Cases taking up available dates at first callover after application for trial date**	56%	87%	67%
Cases where no appearances for plaintiff at callover	7%	14%	5%
Cases where no appearances for defendant at callovers	8%	14.5%	5%
Cases adjourned to next callover	25%	16%	26%

Electronic setdown not available previous years

** Cases are only placed on the call over list when they are certified as ready for trial.

Table 23: Disposition of cases after trial date allocated

After hearing dates allocated	2000-01	2001-02	2002-03
Cases set down and settled before trial	51%	42%	38%
Cases set down then date vacated because parties not in a position to proceed	12%	16%	19%
Cases adjourned because no judge available	3%	2%	4%
Cases taking available dates at first callover which proceed to trial and determinations	34%	31%	33%

Listings Directorate

The report on the restructuring of the Registry referred to in last year's annual report recommended a dedicated unit to provide Registry services for listings (the Listings Directorate) and the creation of a new managerial position (the Listings Coordinator): Ms Kate Bannerman (kate-bannerman@justice.qld.gov.au). Those particular recommendations have been implemented.

The Listings Directorate is responsible for listings arrangements for the Supreme and District Courts and some other courts and Tribunals constituted by Judges of those courts.

The next step in the implementation of these listings recommendations is the development of a dedicated space to accommodate the Directorate.

The officers of the Listings Directorate with responsibilities for the work of the Trial Division, in addition to the Listings Coordinator, are:

- the applications list manager ApnManager@justice.qld.gov.au
- the civil list manager CivilListManager@justice.qld.gov.au
- the commercial list manager comcausemanager@justice.qld.gov.au
- the criminal list manager SC-CrimListManager@justice.qld.gov.au
- the supervised case list manager supcasemanager@justice.qld.gov.au

Mediation and Case Appraisal

The Alternate Dispute Resolution (ADR) process is an integral part of the process of resolving matters before trial. The Uniform Civil Procedure Rules provide for the ADR process by either mediation or case appraisal. Justice Byrne continued as the judge responsible for monitoring responses to notification of intention to refer to ADR.

Mediations can be conducted by court approved mediators, or non-court approved mediators with the consent of the parties.

Case appraisals can only be conducted by court approved case appraisers. A case appraiser must be either a barrister or solicitor of at least five years standing.

Currently, there are more than 250 court approved mediators and more than 140 court approved case appraisers.

The names of court approved mediators and case appraisers and their particulars can be accessed on the court's website (www.courts.qld.gov.au)

Table 24 : Approval of case appraisers, mediators and venue providers

	2000-01	2001-02	2002-03
Case Appraisers	13	6	3
Mediators	24	21	13

Table 25: Consent Orders to ADR by the parties

Consent order to ADR (by parties)	2000-01	2001-02	2002-03
After notice of intention to refer	16	22	19
Without notice	243	262	246
TOTAL	259	284	245

Table 26: Notice of intention to refer to appraisal or mediation

Notices and outcome	2000-01	2001-02	2002-03
Notice	37	112	41
Objections	7	18	13
Matters reviewed after objection	2	2	3

Table 27: Case appraisal orders

Appraisal orders made	2000-01	2001-02	2002-03
Orders referring to case appraisal:			
• Consent	5	12	7
• Not consent	6	3	3
TOTAL	11	15	10

Table 28: Case appraisal outcomes

Outcome	2000-01	2001-02	2002-03
Case appraisal certificates	9	16	9
Case appraisal election to proceed to trial	1	5	1
Outcome of election to proceed to trial:			
• worse	0	0	0
• better	0	0	0
Settled after election but before judgment	1	2	0
Remitted to District Court	0	0	0

Table 29: Mediation orders

Type of order	2000-01	2001-02	2002-03
Orders referring to mediation			
• consent	253	270	258
• not consent	74	64	47
TOTAL	327	334	305

Table 30: Mediation outcomes

Outcome	2000-01	2001-02	2002-03
Certified as settled	207	255	314
Certified as not settled	93	122	150

Commercial List

The commercial list was established by PD 3 of 2002. Mr Justice Muir and Mr Justice Chesterman are the commercial list Judges. The primary object of the list is to ensure the speedy determination of commercial matters requiring prompt resolution. Since the list's inception some 23 proceedings have been disposed of by settlement or trial. In the year ended 30 June 2003, 34 matters were placed on the list.

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 phone (07) 3247 4301.

The Registry accepts facsimile and e-mail copies of documents for filing in commercial list matters reducing costs for attendances to file. Applications, where appropriate, are dealt with on the papers without the need for formal attendance.

Table 31: Commercial list (for period 1 May – 30 June 2002)

	2000-2001	2001-02	2002-03
Matters ordered to be placed on commercial list	N/A	6	34
Matters disposed of or resolved*	N/A	3	20
Matters on commercial list as at 30.06.02	N/A	3	17

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

Supervised Case List

The Supervised Case List is constituted by PD 6 of 2000 and managed in terms of that Practice Direction. Justice Moynihan continued as the judge in charge of the list. The Supervised List Manager is responsible to the Supervised List Judge for the management of the list. Much of the business of the Supervised List, including the making of directions orders, is conducted by e-mail without the need for appearances.

Table 32: Supervised Case List activity

Number of cases	2000-01	2001-02	2002-03
At start of year:	104	130	112
• Single supervised cases	77	91	70
• group supervised cases	27	39	42
Listed during year:	87	77	70
• identified more than five days sought for hearing or complex	21	18	3
• pursuant to direction of a judge	32	28	18
• pursuant to practitioner request	34	31	49
Reviewed	353	310	197
Disposed of during year	59	103	89
Tried to judgment:	12	20	17
• after an unsuccessful case appraisal	-	-	-
• after an unsuccessful mediation	4	2	3
Disposed of without trial:	47	76	51
• settled at mediation, mediator's certificate filed	8	9	12
• mediation ordered but settled before mediation conducted	1	1	2
• case appraised and certificate filed	-	1	1
• case appraisal ordered, no case appraiser's certificate filed otherwise/discontinued	-	1	-
• taken off the supervised case list because of eg inactivity, insolvency, bankruptcy	11	18	4
• actions remitted to the District Court	-	-	1
• set down for trial but settled before trial started	12	13	9
• settled after an unsuccessful mediation but before trial dated allocated	2	4	1
• settled at trial	4	10	4
• settled where no ADR process ordered	9	17	16
• unsuccessful case appraisal, allocated trial dates but settled before trial commenced	-	-	-
• unsuccessful mediation, allocated trial dates but settled before trial commenced	-	2	1
Cases on Supervised Case List as at 30 June:	131	112	127
• single supervised cases	92	70	73
• group supervised cases	39	42	54

Caseflow management

Caseflow management of proceedings in the civil jurisdiction of the court in Brisbane commenced on 1 June 2002.

The process is regulated by PD No 4 of 2002 and can be accessed on the court's website (www.courts.qld.gov.au).

The purpose of the practice direction is 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 pre-determined timelines, and intervening when a proceeding is not proceeding satisfactorily.”

This table indicates the number of claims filed in the Supreme Court in Brisbane:

Table 33: Claims filed

Caseflow management	2001-02*	2002-03
Claims filed	197	1,870

* 1-30 June 2002

The monitoring of civil proceedings in Brisbane, for caseflow purposes, commences with the filing by the plaintiff of an affidavit of service of the claim on one or more of the defendants or by the filing of a notice of intention to defend by one or more of the defendants. The process continues until a request for trial date has been filed indicating the proceeding is ready to be set down for trial.

Table 34: Caseflow monitoring documents

	2001-02*	2002-03
Affidavits of service filed *†	7	236
Notice of intention to defend filed *†	8	614

* Notice is given

† If more than one filed, file is only counted once

The caseflow process allows for intervention by the court where the parties do not meet pre-determined timelines. Warning notices are sent to the parties or their legal representatives requiring cause to be shown why the proceeding should not be deemed resolved.

A large number of warning notices were generated in the year under review. In a majority of instances, cause was shown and time for compliance was extended to allow the proceeding to progress. Recent statutory amendments have had the effect of slowing up proceedings involving personal injury claims due to difficulties with parties obtaining medical appointments and reports. Practitioners have also had to adjust to meet new procedures now that the management of cases is “court driven” rather than “practitioner driven”. The following table shows the number of notices generated 1 July 2002 – 30 June 2003 on claims filed 1 July 2002 – 30 June 2003 and the manner of disposition.

Table 35: Notices generated

Notices generated	Sent	Not sent	Total
CFM 1 – Warning Notice -No Default Judgment filed	80	136	216
CFM 2 – Warning Notice – No Request for Trial Date filed	400	138	538
CFM 3 – Deemed Resolved Notice -No Default Judgment filed	8	69	77
CFM 2 – Deemed Resolved Notice – No Request for Trial Date filed	21	115	136
TOTAL	509	458	967

Parties or their legal practitioners are now required to progress proceedings to meet time lines prescribed by the Uniform Civil Procedure Rules rather than allow them to stagnate and, in effect, clog up the court system.

There were 217 (11.6%) default judgments filed on the claims lodged in the Brisbane registry in the period 1 July 2002 to 30 June 2003.

There were 139 (7.4%) notices of discontinuance filed on those claims.

The number of claims deemed resolved due to no default judgment or request for trial date being filed was 29 (1.5%).

The number of claims moving through the case management process as defended matters was 614 (33%).

The number of claims lodged which, as at 30 June 2003, had only a claim document filed was 800 (42.7%).

There were 51 (2.7%) matters finalised by a decision other than a default judgment.

Applications jurisdiction

The applications jurisdiction covers a wide range of matters under the court's civil and criminal jurisdictions inherent and statutory. It deals with originating applications and applications in pending matters (interlocutory applications).

The court endeavours to list two Judges, occasionally three, in the applications jurisdiction, and an applications Judge is available seven days a week, 24 hours a day, to deal with urgent matters.

The hearing time for matters in the applications jurisdiction is generally limited to approximately two hours, although in appropriate cases and "Judge-time" permitting, arrangements are made through the Applications List Manager for a longer period.

Table 36: Applications jurisdiction workload

Applications on line	2000-01	2001-02	2002-03
Number of matters heard by judges in the Applications court	5,390	3,347	4,285

Applications online

Some court applications may be set down for hearing electronically. 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 cost savings.

Table 37: Applications on line

Applications on line	2000-01	2001-02	2002-03
Number of applications	N/A	38	24

Cross-Vesting

The *Jurisdiction of Courts (Cross-Vesting) Act* 1987 allows courts throughout Australia (including the Supreme Court of Queensland) to transfer proceedings to other courts. The table below shows activity under that Act.

Table 38: Number of cases cross-vested from Federal and State Supreme Courts

To Supreme Court of Queensland			From Supreme Court of Queensland		
2000-01	2001-02	2002-03	2000-01	2001-02	2002-03
4	5	9	2	8	5

Judicial Review

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

Table 39: Judicial Review Act

Type of matter and result	2000-01	2001-02	2002-03
Applications*	117	130	106
Orders made	185	116	83
Referred to civil list	8	0	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 an 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 the reasons for decision, as required by the Rules.

Table 40: Decision on papers without an oral hearing

Outcome	2000-01	2001-02	2002-03
Applications filed	61	50	31
Orders made on the papers	39	39	19
Oral hearing required	5	0	0

Registrar's Court jurisdiction

Registrars (including Deputy Registrars) have the power to hear and determine specific categories of matter, including these 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 41: Corporations law applications heard by a Registrar and results – Brisbane

Result of application	2000-01	2001-02	2002-03
Order made in determination of application	573	590	497
Adjourned	563	545	552
Dismissed	262	206	224
Referred to judge	48	50	45
TOTAL	1,446	1,391	1,338

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

Judgment by default

The Uniform Civil Procedure Rules allow the Registrar to give default judgments for liquidated demands, damages to be assessed and recovery of possession of land.

Table 42: Judgment by default

	2000-01	2001-02	2002-03
Applications	536	522	403
Judgments entered	362	348	282

Consent orders

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

practitioners to utilise this rule (r 666), which reduces costs and frees judges to do other work.

The number of consent orders has increased, as shown by the table below, but the complexity of the orders sought to be dealt with by the Registrar has also increased.

Table 43: Consents under Rule 666 dealt with by a Registrar

	2000-01	2001-02	2002-03
Number of applications considered	200	583	628
Orders made	175	528	550
Refused	25	55	78

Corporations Act

This year marks the tenth anniversary of the exercise by the Registrar (including a Deputy Registrar) of jurisdiction relating to corporations.

The ability of a Registrar to undertake this role has not only seen cost savings to parties by having matters dealt with in a specialist court, but has allowed for the freeing up of judges to concentrate on more complicated matters within the applications jurisdiction. This has benefited stakeholders involved in corporations matters, and the Registrars themselves through utilization of their skills.

Corporations matters are currently governed by the *Corporations Act* 2001. Examples of applications the Registrars hear are:

- winding up of companies
- appointment of provisional liquidators
- reinstatement of companies
- leave to bring proceedings against companies in liquidation
- issuing of summons to persons for their examination regarding the affairs of a company

Table 44 Corporations Act applications heard by registrars and results - Brisbane

Result of Application	2000-01	2001-02	2002-03
Order made in determination of application	573	590	497
Adjourned	563	545	552
Dismissed	262	206	244
Referred to judge	48	50	45
TOTAL	1446	1391	1338

Judgment by default

The *Uniform Civil Procedure Rules* authorize the Registrar to give judgment by default for various claims including:

- liquidated demands
- damages to be assessed
- recovery of possession of land
- detention of goods.

Admission to practice

The Registrar is responsible for maintaining the rolls for Solicitors and Barristers. This involves entering the names of new solicitors and barristers, removing the names of practitioners ordered to be removed by the court or ordered to be struck off by the Solicitors' Complaints Tribunal and pursuant to Rule 76 of the Solicitors' Admission Rules 1968 (failing to make conditional admission absolute). The rolls are available for public search upon payment of the prescribed fee.

Eight admission days were conducted in Brisbane this year. Judges of Appeal and Trial Division Judges sat with the Chief Justice to constitute the court of three to hear applications for admission. In total 78 barristers and 525 solicitors were admitted by the court this year.

Admission ceremonies were also conducted in Rockhampton, Townsville and Cairns for applicants who held clear certificates issued by the Solicitors' or Barristers' Board. At those centres a single Judge sat to constitute the court. Most applicants for admission obtained the certificate from the admission board and their applications proceed unhindered. In a small number of cases the board opposed the application or gave qualified certificates, which required the court to determine the application after receiving submissions from the applicant and the relevant Board.

Admission to practice – Mutual Recognition

The Mutual Recognition (Qld) Act 1992 provides for the recognition of uniform standards in occupation and callings in all Australian states and territories. The Act has particular applications to legal practitioners. The Principal Registrar in Brisbane is empowered under the guidelines issued by the judges to admit barristers and solicitors from other Australian states. Prior to 1 May 2003 the Principal Registrar in Brisbane was also empowered under the guidelines issued by the judges for the *Trans-Tasman Mutual Recognition (Qld) Act 1999* to admit barristers and solicitors from New Zealand. That act mirrored the mutual recognition principle established in the *Mutual Recognition (Qld) Act 1992* and applied the mutual recognition principle to New Zealand practitioners seeking to practice in Queensland. The legislation expired during the year and since that time New Zealand practitioners are no longer able to seek registration to practice in Queensland. The matter referred to in last year's report on appeal to the Administrative Appeals Tribunal against the Registrar's decision to refuse a grant of registration is yet to be determined.

Three hundred and seventy one applications under mutual recognition were dealt with by the Principal Registrar this year.

Table 45: Admissions

Admission as barristers	2000-01	2001-02	2002-03
• Under the Queensland Admission Rules	70	68	78
• Under the Mutual Recognition Act	63	75	116
• Under the Trans-Tasman Mutual Recognition Act	2	1	1

Admission as solicitors	2000-01	2001-02	2002-03
• Under the Queensland Admission Rules	419	515	525
• Under the Mutual Recognition Act	179	204	243
• Under the Trans-Tasman Mutual Recognition Act	14	8	11

In accordance with reciprocal arrangements with other jurisdictions, the Principal Registrar is empowered by the Chief Justices of those jurisdictions to administer oaths and affirmations in Queensland for practitioners admitted or intending to be admitted by other Australian courts. Approximately 130 oaths or affirmations were taken or made before the Principal Registrar in chambers during the year.

During the year the Principal Registrar removed nine practitioners from the Queensland Rolls pursuant to either Rule 76 of the Solicitors Admission Rules 1968 or the orders and findings of the Solicitors' Complaints Tribunal.

Non-contentious estate matters

In the last two years the number of applications for probate and letters of administration has increased substantially, placing additional demands on registry staff. A number of organisations, such as banks and superannuation funds, require executors/administrators to obtain grants from the court. There has also been a notable increase in the complexity of many applications for probate. On many of the more difficult applications the Registrar now calls for submissions so that an informed decision can be made.

On occasions requisitions are issued to practitioners on applications for grants of administration. To assist practitioners to avoid requisitions, a list of requisitions most commonly issued is published and available on the court's website.

The Probate Deputy Registrar is continually liaising with practitioners to assist in the orderly issuing of grants of probate. The Probate Deputy Registrar also speaks at conferences to apprise practitioners of relevant court practice.

Table 46: Probate workload

New processes lodged	2000-01	2001-02	2002-03
Letters of administration (with or without the Will)	345	368	396
Probate	2,851	2,902	3,211
Reseal of grants	109	94	99
Elections	184	135	177
Order to administer	443	489	476
TOTAL	3,932	3,988	4,359

Probate Survey

A client satisfaction survey was conducted of clients who lodged applications for grants of administration at the Brisbane, Rockhampton, Townsville and Cairns registries.

It was used to obtain information about registry procedures, information availability and service standards. All responses were returned to the Brisbane registry for analysis, and the results revealed 91% of clients statewide were satisfied with the overall probate service whilst 85% were satisfied with the turn around times for grants.

It is of particular significance to note that registry figures indicate that on average 93.5% of grants in estate matters were granted in the first instance within four business days of application being lodged.

An extract of the survey results are contained in the appendix.

Assessment of costs

Procedure

When a litigant has been ordered to pay the costs of another litigant the Uniform Civil Procedure Rules allow the party entitled to the costs to recover agreed or assessed costs. To have costs assessed a party must file and serve a costs statement which contains a list of each component of work performed by the party's solicitors or, where no solicitors are employed, all outlays made by the litigant.

The party liable for the costs has the opportunity to object, by notice, to any of the claims in the costs statement.

To resolve any issues that may be raised by a notice of objection a Registrar is appointed to conduct an assessment of the costs. This procedure involves the parties' attendance at a directions hearing before the Registrar to ensure all procedural matters have been complied with prior to the allocation of a date for the assessment.

Table 47 shows the outcomes of the directions hearings conducted by the Registrar. The total figure represents the number of costs statements dealt with at directions hearings in a given year. It may vary from the number of costs statements filed in a particular year for the reason that some of the adjourned costs statements may require a second directions hearing before being allocated an assessment hearing date.

Quite frequently costs are resolved between the parties without the need for an assessment. As can be seen from the table, the number of settlements this year has declined. However the relationship which the number of settlements bears to the total number of matters dealt with by the Registrar at directions hearings in 2003, at 15.63%, is only marginally less than the median settlement rate (16.31%) for preceding years.

The table also shows an upward trend in recent years with respect to the summary assessment of costs statements. A default assessment occurs in circumstances where the party liable for the costs does not provide any notice of objection to the claims in a costs statement, and does not appear at the appointed time and date for the directions hearing. In such a situation the Registrar is empowered to deal with the costs statement otherwise than by a formal assessment at which the parties make oral submissions. Because the default assessment is conducted in the absence of the parties, there can be a substantial saving in costs.

Table 47: Assessment directions hearings

Result	2000-01	2001-02	2002-03
Settled	37	105	68
Adjourned	67	63	68
Default allowance	58	74	84
Assessment date given	241	206	215
TOTAL	403	448	435

Although a costs statement may have been allocated a date for assessment the parties still have the opportunity to reach an agreement in relation to the costs before the assessment hearing takes place. Table 48 demonstrates that this year fewer litigants opted for an agreed result than in previous years. This has had an effect upon the numbers of costs statements assessed by the Registrar. There has been a steady increase in numbers over recent years.

Table 48: Results of cases set for assessment

Result	2000-01	2001-02	2002-03
Adjourned	29	24	30
Settled	95	139	97
Assessed	74	91	96
TOTAL	198	254	223

After an assessment by the Registrar a party who is dissatisfied with the result can, by notice of objection, seek to have the Registrar re-consider the decisions made at the assessment. Table 49 discloses that the numbers of such applications over recent years have been reasonably steady, but this does not comprise a large percentage of the total number of assessments for which dates for assessment have been allocated (see Table 48). This year 18.75% of assessments were the subject of applications for re-consideration.

While the assessing Registrar endeavours to meet the court's protocol for the delivery of written responses to applications for re-consideration generally within three months, it has not always been possible in the last 12 months to reach that goal. Table 49 shows the three month period has been exceeded in 45.45% of cases. This has been largely due to the pressure of other work. For example, for the period September 2002 to January 2003, only one assessing Registrar was available to conduct assessments of costs despite a steady filing of new costs statements (directions hearings for 142 costs statements were conducted during the period).

With speculation the court may again have to deal with the assessment of costs between solicitor and client (presently, costs are only assessed between litigants) there may be the need for an evaluation of staffing levels in this area of the Registry.

Table 49: Applications for Re-consideration (R 741)

	2000-01	2001-02	2002-03
Reserved as at 1 July	5	4	4
Number of applications for re-consideration filed	15	18	18
Disposed of < 3 months	9	11	4
Disposed of > 3 months	0	5	10
Otherwise disposed of	2	2	0
Outstanding as at 30 June	4	4	8

The Districts

Southern District Circuits

The Brisbane based Judges serviced the Southern District circuits.

Table 50: Toowoomba criminal

Number of cases	2000-01	2001-02	2002-03
At start of year	3	4	4
Presented for trial during year	15	15	13
Disposed of during year	14	15	10
At end of year	4	4	7

Table 51: Toowoomba civil

Number of cases	2000-01	2001-02	2002-03
At start of year	9	1	2
Entered for trial during year	5	9	7
Disposed of during year	13	8	8
At end of year	1	2	1

Table 52: Roma criminal

Number of cases	2000-01	2001-02	2002-03
At start of year	0	0	1
Presented for trial during year	3	1	0
Disposed of during year	3	0	0
At end of year	0	1	1

Table 53: Roma civil

Number of cases	2000-01	2001-02	2002-03
At start of year	0	0	0
Entered for trial during year	0	0	0
Disposed of during year	0	0	0
At end of year	0	0	0

Table 54: Maryborough criminal

Number of cases	2000-01	2001-02	2002-03
At start of year	4	0	3
Presented for trial during year	6	10	12
Disposed of during year	10	7	13
At end of year	0	3	2

Table 55: Maryborough civil

Number of cases	2000-01	2001-02	2002-03
At start of year	2	0	3
Entered for trial during year	4	4	6
Disposed of during year	6	1	8
At end of year	0	3	1

Central District

The position of Central Judge is held by Justice Dutney who is based in Rockhampton.

The Central Judge is responsible for the work of the court in Rockhampton and the circuit courts of Mackay, Bundaberg and Longreach. The sittings at Mackay are shared with the Northern Judge.

This year the Central Judge heard seven civil trials resulting in judgment. These do not include judicial review hearings or applications given hearing dates on the civil list. This compares with fourteen trials in the previous year. The difference is explained by fewer trials proceeding in Mackay and more time required for criminal trials. Of the seven trials in which judgement was given three have been the subject of appeal. Two of those appeals have been heard. Judgment has been given in only one, where the award of damages was on appeal increased.

At the time of writing this report last year, five appeals from civil judgments were outstanding. Four have since been dismissed and one remains unheard due to inactivity on the part of the appellant.

The seven civil trials conducted in the past year involved 15 counsel of whom five were based in Central Queensland. All five were briefed by Central Queensland firms of solicitors. Of 14 firms of solicitors involved nine were locally based. Only one party to a civil trial was self-represented although a part-heard trial not included in the figures provided involves four parties including two who are self-represented. There does not yet appear to be a significant problem in the region of litigants in the court without legal representation.

The Central Judge presided over 10 criminal trials compared with five in the previous year. One trial extended over five weeks and one over three weeks. These trials involved 12 accused persons. The case against one was aborted during counsel's summing up as a result of the disclosure of inadmissible and prejudicial information by counsel for a co-accused. The more serious charge against one was withdrawn by the prosecution, following a ruling at the conclusion of the prosecution case and the accused then pleaded guilty to a less serious charge. One accused changed his plea during the course of the trial. The charge against a further accused was withdrawn, again following a ruling at the end of the prosecution case. Of the remaining eight accused, one was acquitted and seven convicted. Six of those convicted have appealed, but no appeals have been determined at the time of writing.

In total, the Central Judge sat for 27 weeks in Rockhampton, seven weeks in Mackay, four weeks in Bundaberg and one week in Longreach. The Central Judge also sat for one week in the Court of Appeal in Brisbane. Three weeks were allocated for judgment writing.

Apart from the Central Judge, the Chief Justice sat for one week in Mackay, and the Northern Judge for four weeks. In Rockhampton and Mackay, cases, both criminal and civil, are able to be heard within a few weeks of the parties being ready to proceed. In Bundaberg where the court only sits twice a year and in Longreach where it sits as required, all cases ready for trial were disposed of in the first sittings after becoming ready. There are no delays brought about by the inability of the parties to obtain hearing dates. All civil judgements have been

delivered within three months of the conclusion of the trial in accordance with the court's protocol.

Details of the number of matters processed in Rockhampton and the circuit courts are set out in the tables below.

Table 56: Rockhampton criminal

Number of cases	2000-01	2001-02	2002-03
At start of year	4	3	6
Commenced during year	59	55	46
Disposed of during year	60	50	43
At end of year	3	8	9

Table 57: Rockhampton civil

Number of cases	2000-01	2001-02	2002-03
At start of year	8	6	3
Entered during year	39	23	16
Disposed of during year	41	26	15
At end of year	6	3	4

Table 58: Mackay criminal

Number of cases	2000-01	2001-02	2002-03
At start of year	1	0	2
Commenced during year	20	19	21
Disposed of during year	21	17	22
At end of year	0	2	1

Table 59: Mackay civil

Number of cases	2000-01	2001-02	2002-03
At start of year	10	4	7
Entered during year	34	29	18
Disposed of during year	40	26	22
At end of year	4	7	3

Table 60: Bundaberg criminal

Number of cases	2000-01	2001-02	2002-03
At start of year	0*	10	2
Commenced during year	29*	36	34
Disposed of during year	19*	44	29
At end of year	10*	2	7

* Adjusted figures from last report.

Table 61: Bundaberg civil

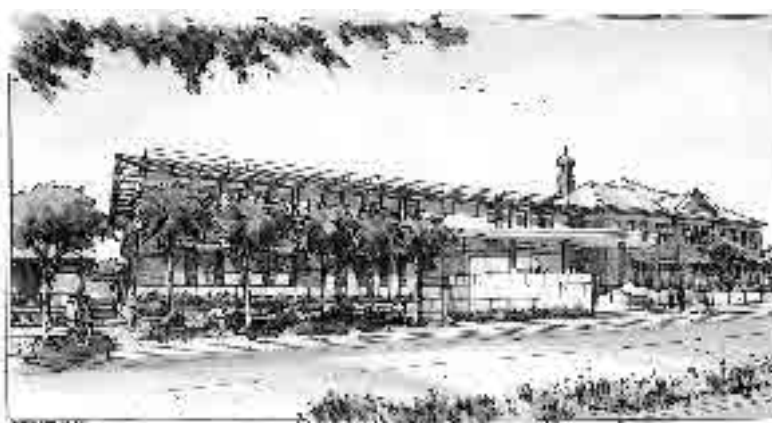
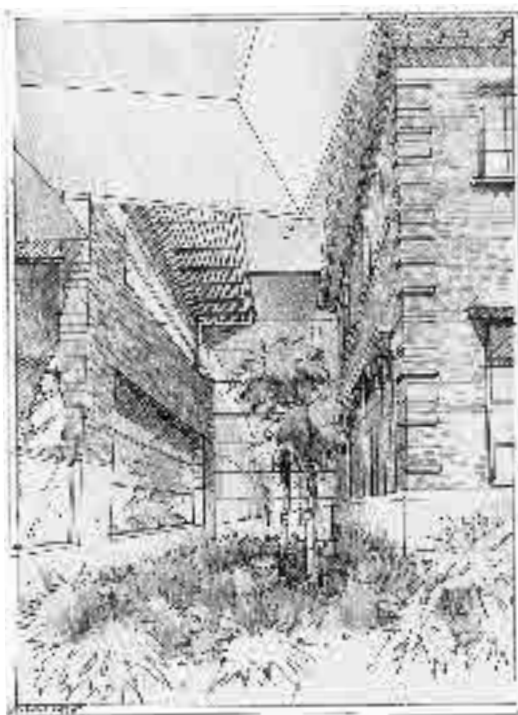
Number of cases	2000-01	2001-02	2002-03
At start of year	0	0	0
Entered during year	0	3	0
Disposed of during year	0	3	0
At end of year	0	0	0

Table 62: Longreach criminal

Number of cases	2000-01	2001-02	2002-03
At start of year	0	0	0
Commenced during year	0	0	1
Disposed of during year	0	0	0
At end of year	0	0	1

Table 63: Longreach civil

Number of cases	2000-01	2001-02	2002-03
At start of year	1	0	0
Entered during year	0	0	0
Disposed of during year	1	0	0
At end of year	0	0	0



Mackay courthouse perspectives

Northern District

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

Table 64: Townsville criminal

Number of cases	2000-01	2001-02	2002-03
At start of year	13	8	6
Presented for trial during year	68	61	48
Disposed of during year	73	68	48
At end of year	8	1	5

Table 65: Townsville civil

Number of cases	2000-01	2001-02	2002-03
At start of year	8	16	10
Entered for trial during year	42	30	24
Disposed of during year	34	36	26
At end of year	16	10	8

Far Northern District

The Far Northern Judge, Justice Jones, received assistance throughout the year with circuits from the Chief Justice and Justices Moynihan, Byrne, Cullinane and Muir. Justice Wilson also conducted a sittings of the Mental Health Court in Cairns. The additional sitting time occasioned by these visits totalled nine weeks. While in the Far Northern District, the Chief Justice conducted a sittings at Thursday Island and met with local community leaders. This was the first such visit by a Chief Justice of Queensland to the Torres Strait. Apart from being therefore an historical visit, it was also timely allowing, as it did, for discussions on the siting of the new courthouse and some social issues.

The number of cases entered for trial and disposed of during the year reflects the stabilisation of the throughput of work referred to in last year's report.

Law students of the Cairns Campus of James Cook University continue their association with the court, through the use of the court's library, and with the profession generally through social and sporting activities. The contact is much valued by the profession and the students, particularly as an aid to career prospects.

There has been a noticeable increase in the number of secondary school students seeking to attend the court on school arranged visits.

The ecumenical church service to mark the opening of the law year was broadened this year into an inter-faith service including representatives of the Jewish and Islamic faiths.

With the stabilisation of the workload in the Far Northern District, the backlog of matters awaiting trial has reduced. However the applications list continues to require substantial allocations of time throughout the year.

The sitting time for the Far Northern Judge has resulted in 31 weeks being spent in Cairns, 3 weeks in Brisbane, two weeks in Mount Isa, with eight weeks allocated for judgment writing.

Table 66: Cairns criminal

Number of cases	2000-01	2001-02	2002-03
At start of year	47	60	23
Presented for trial during year	141	104	98
Disposed of during year	128	134	87
At end of year	60	30	20

Table 67: Cairns civil

Number of cases	2000-01	2001-02	2002-03
At start of year	14	16	8
Entered for trial during year	40	32	26
Disposed of during year	38	40	22
At end of year	16	8	12

Table 68: Mount Isa criminal

Number of cases	2000-01	2001-02	2002-03
At start of year	0	0	0
Presented for trial during year	4	5	4
Disposed of during year	4	5	3
At end of year	0	0	1

Table 69: Mount Isa civil

Number of cases	2000-01	2001-02	2002-03
At start of year	3	0	0
Entered for trial during year	1	0	1
Disposed of during year	4	0	1
At end of year	0	0	0

Tribunals

The Mental Health Court

The Mental Health Court decides references into the mental condition of persons at the times of alleged offences and their fitness for trial, hears appeals from the Mental Health Review Tribunal, and investigates the detention of patients in authorized mental health services.

It is constituted by a Judge of the Supreme Court (presently Hon Justice Wilson) assisted by two psychiatrists drawn from a panel of three appointed as assisting psychiatrists under the *Mental Health Act 2000* (Dr DA Grant, Dr JM Lawrence AM and Dr JF Wood).

During this year, the Mental Health Court sat on 40 days. It usually sits four days out of every five allocated to it in the Trial Division calendar, the remaining time being used for preparation, judgment writing, administrative tasks, travel, etc.

Table 70: Matters heard by the Mental Health Court

Type of Matter	2002-03
References by:	
• Director of Mental Health	131
• Director of Public Prosecutions	5
• Patient or legal adviser	72
• Court of law	4
• Attorney-General	5
Appeals against the Mental Health Review Tribunal by:	
• Director of Mental Health	1
• Patient	15
TOTAL	233

Those matters were disposed of as follows:

Table 71: Matters disposed of by the Mental Health Court

Findings and orders of the Mental Health Court	2002-03
References:	
• unsoundness of mind (forensic order)	87
• unsoundness of mind (no forensic order)	22
• not of unsound mind and fit for trial	49
• not of unsound mind, of diminished responsibility and fit for trial	1
• not of unsound mind, not of diminished responsibility and fit for trial	3
• not of unsound mind and unfit for trial (unfitness not permanent)	3
• not of unsound mind and unfit for trial (unfitness permanent and forensic order made)	6
• not of unsound mind and unfit for trial (unfitness permanent and no forensic order made)	1
• reasonable doubt and fit for trial	23
• reasonable doubt and unfit for trial (unfitness not permanent)	2
• reasonable doubt and unfit for trial (unfitness permanent and forensic order made)	2
• reasonable doubt and unfit for trial (unfitness permanent and no forensic order made)	2
• disputed offence (alternative offence) and fit for trial	1
• dispute relating to substantially material fact and fit for trial	2
• dispute relating to substantially material fact and unfit for trial (unfitness not permanent)	1
• reference withdrawn	23
• struck out	3
TOTAL	231

* includes 24 matters where two decisions were made and two matters where three decisions were made.

Table 72: Matters disposed by the Mental Health Court

Type of Matter	2002-03
• withdrawn	12
• dismissed	3
• upheld	1
TOTAL	15

As at 30 June 2003 there was one decision reserved.

Occasionally contact between persons who have been charged with indictable offences and whose mental condition has been referred to the Mental Health Court and their legal representatives and mental health care providers is lost before the hearing date. In such cases the reference is adjourned to an abeyance list, so that it may be relisted for hearing when contact is reestablished. As at 30 June 2003 there were seven references on the abeyance list.

Otherwise six references which had been listed for hearing had been adjourned to dates to be fixed.

As at 30 June 2003 there were 161 matters pending. Most of those ready for hearing had been assigned dates in July, and the balance were proceeding through the preparation phase.

Table 73: Matters pending in the Mental Health Court as at 30 June 2003

Type of Matter	2002-03
References by:	
• Director of Mental Health	76
• Director of Public Prosecutions	4
• Patient or legal adviser	63
• Court of law	1
• Attorney-General	4
Appeals against the Mental Health Review Tribunal:	
• Patient	12
Applications to inquire into detention:	
• Patient	1
TOTAL	161

There was one appeal to the Court of Appeal, which was dismissed.

Most sittings of the Mental Health Court were held in Brisbane, although there were one-day sittings in each of Townsville, Cairns and Toowoomba.

A person whose mental condition has been referred to the Mental Health Court is required to attend the hearing unless the court decides to proceed in his or her absence. An appearance before the court can be distressing for the person, and is often costly in terms of human resources and travelling expenses. During the sittings in November 2002 video links between the Supreme Court in Brisbane and Rockhampton Hospital, Capricornia Correctional Centre, Townsville Hospital and Townsville Correctional Centre allowed such persons to participate in the hearing of references without travelling to Brisbane. They were all represented by counsel in Brisbane.

Information about the Mental Health Court has been made available on the Queensland court's website (http://www.courts.qld.gov.au/about/role_mhc.asp). Its judgments are published on the internet, subject to relevant restrictions contained in the *Mental Health Act* (<http://www.courts.qld.gov.au/qjudgment/mhc.asp>).

The Supreme Court Library was retained to catalogue a large collection of decisions of the former Mental Health Tribunal held by Legal Aid Queensland. Those decisions, together with a bound index, comprise a valuable research tool now readily accessible by the court and legal practitioners.

About 5% of the references to the Mental Health Court relate to the mental condition of persons suffering from intellectual disability rather than or in addition to mental illness. Justice Wilson attended two meetings (on 24 February and 4 June 2003) with the Acting Director of Mental Health, the Director of the High Security program at The Park – Centre for Mental Health, counsel for the Director of Mental Health, and representatives of the Director of Public Prosecutions, Legal Aid Queensland, Disability Services Queensland, the Office of the Adult Guardian, and the Mental Health Unit of Queensland Health to discuss issues relating to intellectually disabled persons who come before the Mental Health Court.

Justice Wilson also chaired a meeting of legal practitioners and registry staff to discuss listing procedures and other matters of general application to the court's processes.

While in Townsville the Mental Health Court visited the Medium Secure and High Secure Units at the Townsville Hospital, and while in Toowoomba it visited the Baillie Henderson Hospital.

Dr Lawrence, one of the Assisting Psychiatrists, presented a paper on "Queensland's Mental Health Court – The First Twelve Months" at the Royal Australian and New Zealand College of Psychiatrists' Annual Conference in Hobart on 13 May 2003, and again at a conference on "Partnerships in Recovery" staged by Queensland Health in Brisbane on 5 June 2003. Justice Wilson and Dr Wood, another of the Assisting Psychiatrists, joined Dr Lawrence and Dr Cassandra Griffin (the Deputy Director of the High Security Program at The Park – Centre for Mental Health) on a panel to answer questions from the floor at the latter conference.

Justice Wilson and Dr Grant and Dr Lawrence (two of the Assisting Psychiatrists) attended a Royal Australian and New Zealand College of Psychiatrists Queensland Branch – Forensic Section dinner at which Dr Edward Heffernan and Dr William Kingswell spoke on "The Public Health and Legal Implications of Amphetamine Abuse in Queensland".

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*.

Land Appeal Court

The Land Appeal Court hears appeals from decisions of the Land Court and, in such cases, comprises 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. 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 this year been the Judge appointed for the Southern District. 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	2000-01	2001-02	2002-03
Number of appeals lodged:			
• Far Northern	0	0	1
• Northern	1	3	1
• Central	2	0	0
• Southern	7	3	3
Nature of appeals:			
• Compensation (<i>Acquisition of Land Act</i>)	6	2	2
• Valuation (<i>Valuation of Land Act</i>)	2	4	1
• Costs (<i>Acquisition of Land Act</i>)	1	0	1
• Jurisdiction (<i>Soil Conservation Act</i>)	1	0	1
Number of sitting days allocated:			
• Far Northern	0	0	1
• Northern	3	3	1
• Central	0	1	0
• Southern	10	10	10

Administrative Support

Office of the Court Administrator

The offices of the Court Administrator, Principal Registrar and Sheriff provide administrative support to the court.

The Acting Court Administrator, David Groth, is responsible for budget management and the administrative operations and functions of the Higher Courts. The Court Administrator is assisted by a Deputy Court Administrator, Cameron Woods, and a small team of administrative staff, who undertake duties designed to ensure the smooth, efficient and effective operation of the court and implement particular initiatives suggested by the judiciary.



Ian McEwan (Director, State Reporting Bureau), Neil Hansen (Sheriff and Marshal), David Groth (Court Administrator), The Hon Paul de Jersey AC (Chief Justice), Ken Toogood (Principal Registrar), Phillip Lennon (Chief Bailiff), Aladin Rahemtula (Supreme Court Librarian)

Achievements

This year Queensland ran its first and second electronic trials, achieved by the Higher Courts using rudimentary equipment and within extremely tight budgetary constraints. Most Australian courts now have sophisticated facilities to support electronic trials. Many university law schools have eCourtrooms. eCourtrooms help to encourage litigants and their legal representatives to use technology to manage documentation and evidence. The cost savings for litigants are significant (up to 30% saving over the life of a normal commercial trial) particularly when lawyers embrace document management technology prior to the commencement of disclosure. eTrials also reduce court hearing and judgment preparation time (by up to 20%), thereby bringing about more cost effective use of court and judicial resources. The economic benefits of eCourts to Queensland could be significant as they have the ability to attract large-scale commercial litigation cases, which traditionally have been run through courts in New South Wales or Victoria.

As part of an increased interest in and focus on the administration of courts in regional centres, the current reporting process for managers in Brisbane was expanded to include monthly meetings of the managers of the regional registries at centres where a Judge is resident. These meetings, held by the Court Administrator and the Principal Registrar working closely together, provide a valuable opportunity to enhance the exchange of information between regional registries and the Department. This increased focus on the administration of courts in regional centres was in part the catalyst for a review of the Townsville Registry. The review report recommended:

- an appropriate staffing establishment in the Townsville registry to provide the necessary registry services to the judiciary, the profession and to the public; and
- reforms to assist the Townsville registry in delivering services more efficiently and effectively including more efficient client-focused work practices.

The need for further reviews of regional registries will be considered in the coming year.

During the year, the Department provided:

- funding for the provision of sound re-enforcement and CCTV upgrades to a number of Supreme Court centres across Queensland at a cost of \$118,000;
- Minor Works funding of \$327,000 spent on work-place health and safety issues in the various court complexes with an estimated additional \$100,000 committed in next years' Minor Works Program;
- further Minor Works funding of \$140,000 for renovations in the registry, including new carpet and paint, as part of a registry restructure;
- Maintenance funding of \$614,895 with an estimated additional \$750,000 either spent or proposed for the coming year;
- Security funding of \$50,000 to implement a number of enhancements to the security of the Brisbane Law Courts Complex including the installation of additional secured access points throughout the complex, restricted basement access, the replacement of new magnetometers to monitor access to the courts complex and the provision of a new identity card for all court personnel.
- Information technology funding for:
 - new computer hardware at a cost of \$470,000 and the roll-out of new software including a new Standard Operating Environment – Windows XP – at a cost of \$140,000;
 - the installation of a new financial management system to meet the needs of the Higher Courts – the Queensland Wide Interlinked Courts (QWIC) Financial Module (Release 4) – to be rolled out across all Higher Court locations.

A review of the employment conditions of permanent and casual bailiffs is continuing with officers of the Department's Human Resource Services Division, court staff and representatives of unions discussing those conditions. The provision of uniforms to bailiffs in Brisbane, the pro-rata allocation of uniforms to casual bailiffs particularly in regional centres, as well as other employment conditions are being considered as part of the review.

In June 2003 a comprehensive work-place health and safety audit of the Brisbane Law Courts Complex was conducted. A number of matters were identified and remedial work is underway.

Professional development

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

The Acting Court Administrator represented the Executive Director, Justice Administration, at meetings of the Australian Court Administrators Group and the Courts Administration Working Group (CAWG) in Hobart in December 2002 and in Melbourne in May 2003. The ACAG forums provide an opportunity to discuss important current and emerging issues affecting the administration of courts in Australia and to exchange information about these issues. The CAWG meetings enable the Commonwealth and State/Territory court administration services to discuss and resolve issues relating to the collection and publication of data that will assist in ongoing comparisons of the efficiency and effectiveness of court administration across Australia.

The Principal Registrar attended the 20th Australian Institute of Judicial Administration (AIJA) Annual Conference "Access to Justice – The way forward" in Brisbane from 12-14 July 2002 and presented a paper at the Queensland Law Symposium, Gold Coast, in March 2003.

The Deputy Court Administrator attended the 20th AIJA Annual Conference "Access to Justice – The way forward" and the Representing Justice Conference, in Canberra from 12-14 December 2002. The conference was an opportunity to discuss key aspects of physical, social and symbolic environments of the delivery of justice in Australia with representatives of various courts and tribunals throughout Australia.

Ian Sims, Information Technology Manager, attended the Third AIJA Technology for Justice Conference in Sydney from 21-22 October 2002.

Ashley Hill, Acting Information Technology Manager, attended the Queensland Law Society Continuing Legal Education (CLE) seminar on eCommerce in March 2003.

Attendance by senior court managers at these various conferences, seminars and presentations provide invaluable opportunities to meet with representatives from other courts and tribunals to discuss and assess policies, procedures and other applications relevant to Queensland Courts.

Security

As mentioned in the two previous annual reports, a security risk evaluation was prepared for the courts and a steering committee headed by the Principal Registrar appointed to progress the recommendations. Additional funds were secured to implement some of the recommendations. This included installation of additional secured access through the complex and implementation of a new identity card system for court personnel. New magnetometers were installed to monitor access and a new policy of security inspection of persons seeking access to the complex was introduced.

Registries

The Supreme Court has four central registries at Rockhampton, Townsville and Cairns, with the principal registry located in Brisbane. In addition, there are seven district registries at Roma, Mt Isa, Bundaberg, Mackay, Longreach, Maryborough and Toowoomba. At these district registries, officers of the Magistrates Court who hold appointments under s 286(3) of the *Supreme Court Act 1995* carry out the duties of Registrars for those centres and support Judges when they sit at those centres on circuit. Each of the Registrars at the three central registries outside Brisbane also hold office as Registrar of the District Court and Registrar of the Planning and Environment Court.

The Principal Registry in Brisbane, which comprises the civil, criminal and appellate registries and the Sheriff's office, are located in the Law Courts complex in George Street. The Principal Registrar, Mr Ken Toogood, is the 25th holder of the office of Registrar since the first holder took office in 1857. Mr Toogood also holds the offices of Principal Registrar of the District Court, Brisbane, Registrar of the Court of Appeal Division and of the Planning and Environment Court. The Principal Registrar is the officer of the court responsible for the

efficient management of registry services. In Brisbane, the Principal Registrar is supported in that role by 15 Deputy Registrars and 48 administrative officers for the combined Brisbane registries.

In addition to his workload in carrying out court and administrative duties, the Principal Registrar is also a member of the Solicitors' Admissions Board, the Incorporated Council of Law Reporting for the State of Queensland, the Rules Committee, the Chief Justice's Focus Group and was on 17 March 2003 appointed a member of the Review Committee under the *Public Libraries Act*.

The Principal Registrar liaises closely with the office of the Court Administrator on a variety of aspects of courts interest and on some occasions during the year has performed the duties of that office.



Rod Goody, Neville Fenning, Bob Houghton, Leanne McDonell, Neville Greig, Eric Kempin, Neil Hansen (Sheriff and Marshal), Ken Toogood (Principal Registrar), Robyn Wegner, Peter Irvine, Alex Hams, Ian Enright, John McNamara, Ian Mitchell

Restructure

Some funds were obtained during the year to allow for renovations in the registry to facilitate the restructuring referred to in the 2001/02 report. The purposes of the restructure are:

- to establish a new professional stream to include quasi-judicial functions;
- to establish dedicated units to provide particular registry services eg client, listings etc;
- to create new managerial positions in charge of the unit;
- to establish new clerical positions (without supervisory responsibilities but with enhanced procedural responsibilities) with enhanced career opportunities;
- to remove of registry functions from the responsibility of the Court Administrator to the Principal Registrar;
- to relocate of other existing facilities to improve registry services.

A number of steps have been taken towards the implementation of these proposals, notably the Listings Directorate. More remains to be done.

Projects

The following are the more significant projects undertaken in the Brisbane registry during the last year:

- ongoing reviews of registry practices, web site information, development of a self litigants' information sheet
- ongoing transfer of files to archives
- development of Supreme Court records retention schedule for court files
- ASAP (aligning services and priorities) whole of government review of agency fees and charges
- jury system procedures manual
- default judgment manual
- Probate client survey
- revision of Workbook Training Manual
- exhibit management
- release of higher courts job manuals to Magistrates Court staff

Staff training

To ensure registry staff are able to provide high levels of service and remain, responsive and service oriented, training courses were offered to staff. Registry staff, associates and secretaries have participated in such training programs, offered by government and non-government agencies on a variety of issues, the most popular covering:

- eCourt
- caseflow management
- ESS training
- information security
- archiving public records and QSA information standards 40 and 41
- career management and team development
- multiple project management
- communication skills
- ethics, equity and cultural awareness
- conflict resolution in client services areas
- computer data base and software packages

Registry staff have commenced the last of the prepared modules in a Training Workbook. Another module is being developed. Temporary staff have actively sought access to the training modules to develop their knowledge of the court system. Several registry staff have undertaken JP examinations to maintain high level JP services for clients.

Information Services

The Supreme Court registry continues to develop strategies to disseminate information to clients. The use of technology and the internet assists in this process. This is in keeping with the Registries' Charter which states:

“We will provide information sheets on a range of matters to assist you”.

The registry has produced many brochures and fact sheets about registry activities, services and improvements to services. They are available on the court website and at registry counters.

As clients become more computer literate and more familiar with the court's website, there is less demand for paper copies of brochures and fact sheets.

An information sheet to answer the most frequently asked questions posed by self litigants is being prepared.

The following are some of the brochures and fact sheets available from major court registries as at 30 June 2003, with an indication of demand at the Brisbane registry.

Table 75:

Brochure	Number issued 2000-01	Number issued 2001-02	Number issued 2002-03
Changing your name by Deed Poll	617	553	515
Guidelines for registration for Barristers or Solicitors- <i>Mutual Recognition (Qld) Act</i> 1992	172	179	190
An explanation of Supreme Court ADR processes	308	269	203
Supervised case list (an Overview)	253	238	239
Applying for a grant in an estate – Probate and Letters of Administration	465	426	301
Jury handbook	8578*	6680*	8036*
Technology in trials in the Supreme Court	261	251	231

* one supplied to each member of the community called for jury service in the Brisbane and Beenleigh Jury districts.

‘Changing your name by deed poll’ was once again the most popular of the brochures issued by the court.

In the year under review 1,380 applicants changed their name by deed poll through the Brisbane registry. Figures in the other centres were Rockhampton – 64; Townsville – 110; and Cairns – 102.

Increasing use of the court’s website would explain the slight drop in demand for information brochures.

Table 76: Filing by post, sets of documents

	2000-01	2001-02	2002-03
Brisbane	1,875	2,379	2345
Townsville	657	839	848

Many litigants continue to choose to file documents through the post rather than make a personal attendance at the registry.

There has been a slight decrease in the number of sets of documents filed by post during the last 12 months, with 75% of these documents passed for lodgment without requisition.

The registry has a policy of holding documents for up to three days to allow any additional money to be paid if insufficient fees are tendered, and to return documents only if they are substantially deficient in form or content. The sender is notified as soon as possible, by fax, of any problems, to minimize time limitations problems.

Courts' website (www.courts.qld.gov.au)

Much information about the court's activities and business is available on the court website; electronic set down, applications, the calendar which shows judge availability etc. This is upgraded as resources allow.

Client relations

The Supreme Court Registry in Brisbane is located on the ground floor of the Supreme Court complex and is open from 9.00 am to 4.00 pm Monday to Friday. It is staffed by two client relations officers (CRO) with another two officers available if needed.

The CRO's role is to receive documents for filing, check to ensure they comply with the rules and practices of the court, assess any fees, provide information, brochures and non legal advice. In addition, they provide assistance to the legal practitioners and their employees and an ever increasing number of legally unrepresented clients and members of the general public. The majority of CRO's are Justices of the Peace or Commissioners for Declarations, and are regularly called upon to provide services relating to those appointments.

With the introduction of eSearching through the court website, the registry has installed a computer terminal on the counter for public use to enable the clients to conduct searches of court records at no cost.

The court website also contains information covering a range of topics for the benefit of litigants and the general public.

The upgrade of the counter area referred to in previous reports has not yet been commenced but when this has been completed it will enable staff to provide a more professional service to the clients in user friendly surrounds.

Filings

The variation in the numbers of documents shown as filed can be attributed to the changes in the way affidavits and exhibits are prepared and recorded in the court's database (CIMS). Prior to the amendments to the Uniform Civil Procedure Rules each exhibit to an affidavit was recorded as a separate document, but now are attached to the affidavit and not recorded separately.

Table 77: Document filings recorded by CIMS in Brisbane

2000-01	2001-02	2002-03
97,196	94,289	87,738

eSearching

eSearching is an on-line alternative to visiting the Brisbane Higher Courts Registries to conduct searches over the counter. eSearching is now also available in the regions (Townsville, Cairns and Rockhampton). Many common searches can now be conducted over the Internet.

A large percentage of the counter searches are conducted by staff from solicitor firms who attend at the Registry specifically for this purpose. Providing the means to conduct common searches via the Internet means that, in many cases, visits to the Registry are no longer required with consequent cost savings to clients. Further, the eSearching facilities are available on a 24 hour, seven day basis, providing clients, and law firms in particular, much greater flexibility in their dealings with the courts.

The much greater efficiency of the eSearching facility has seen the volume of transactions increase significantly. While the number of counter based transactions remained relatively

stable the number of electronic party searches conducted between 1 November 2002 and 30 June 2003 was 121,000.

The eSearching facility also allows clients to view a list of the documents filed in any civil matter. That list (Document Index) is then able to be printed in a practitioners office to assist with the management of the practitioner's file.

In the period November 2002 to June 2003, the "Document Index" lists were accessed on 40,000 occasions. The popularity of the eSearching initiative is further reflected by the circumstance that nearly 30% of the searches were conducted outside normal registry hours.

Waiver of filing fees

A uniform set of filing fees to cover higher courts commenced on 30 July 2001.

A further review of filing fees in the higher courts was undertaken by the Department of Justice in accordance with the Government's Aligning Services and Priorities (ASAP) Stage 2 programme. Based on that review, a submission seeking increases in fees and charges was approved by the Cabinet Budget Review Committee on 24 June, 2002. Legislation for the new regulated fees was introduced and commenced from 1 September 2002.

The effect of that review was that fees to file an originating process in the higher courts rose to \$420 for an individual person and \$840 for anyone else (eg corporations).

The introduction of the new fees was accompanied by provisions for impecunious persons to apply to a Registrar for a fee waiver and exemption. A non-individual person is not eligible to apply for a waiver of fees. The scheme was introduced by amendment to the Uniform Civil Procedure Rules.

The registry issued an information fact sheet on how litigants should go about applying for an exemption from paying filing fees. (www.courts.qld.gov.au).

Since the amendment, 14 applications to the Registrar in Brisbane for waiver of the filing fee have been granted. The number of impecunious litigants applying is low.

\$5,880 was waived from 1 September 2002.

In addition to the successful applications, one application was adjourned to allow for the supply of further information, and one refused but successfully appealed.

Unrepresented litigants

The traditional position of parties appearing before the court by barristers and solicitors is gradually changing as more and more parties are opting to file, prepare and argue their own cases before the court.

The number of persons who choose this course of action rises each year. Approximately 14% of all parties involved in the year's filings were unrepresented, although some were associated with non-contentious matters. This places additional burden on the court and its resources, and registry staff carry these burdens. To deal with unrepresented litigants at the registry takes longer, as staff need to explain court procedures.

Registry staff have a need and a duty to explain court registry processes but there is a definite distinction between the giving of assistance and the giving of legal advice. The courts Charter on service clearly states this and it has been ratified by the judiciary and Department of Justice. Persons acting for themselves at times find the distinction difficult to comprehend and this can result in stressful situations arising between the litigant and registry staff. Registry staff cannot give legal advice. Matters concerning unrepresented litigants such as disagreements with counter staff over interpretation of rules or forms have to be referred to Deputy Registrars. The registry has produced fact sheets and brochures to inform litigants acting for themselves how to deal with some particular issues. These fact sheets and

brochures are available from the registry and are also accessible on the court's website (www.courts.qld.gov.au).

In some cases, inappropriate behaviour occurs and is directed towards court staff. This caused the Registrar to have prepared a guide for registry staff in dealing with unrepresented litigants.

Under rule 15 of the Uniform Civil Procedure Rules, the Registrar has an obligation to ensure that frivolous and vexatious matters are not filed. During the year, a number of matters were referred to a judge and as a result, the Registrar was directed not to receive the documents for filing due to their frivolous or vexatious nature. During the year, upon the application of the Crown Solicitor, another person was declared a vexatious litigant pursuant to the *Vexatious Litigants Act 1981*. Currently there are 10 persons so declared.

Constant attempts by declared vexatious litigants to file documentation contrary to the provisions of the *Vexatious Litigants Act* has also placed demands on registry staff and increasingly matters involving vexatious litigants have to be handled by the Registrar and Senior Deputy Registrars.

This has caused the Registrar to take appropriate action and restrict or withdraw registry contact with declared vexatious litigants.

The Registrar has raised the issue of the need for court staff in all registries in Queensland to be accorded statutory immunity in respect of assistance to unrepresented litigants with regard to court services and advice on practice and procedure.

This is vastly different from the notion of indemnity in respect of civil proceedings brought against court staff that is available under the current policy of "Crown acceptance of Legal Liability for Actions of Crown Employees".

The President of the Court of Appeal has raised the same issue in the last two annual reports. The matter needs to be addressed.

Queensland Day tours

Registry staff, assisted by staff of the Supreme Court Library, conducted tours on Queensland Day, 6 June of the Law Courts Complex. Three hundred and eighty members of the community participated in the tours. Each tour was approximately one hour in duration. Some were addressed by the Chief Justice.

File storage

At present about 17 years of court files are stored in the Brisbane court building. Storerooms equipped for storage are full, and several spaces in the building have been adapted temporarily to house the overspill.

During the year, the documents filed will fill 900 archival boxes. Most files are finalised within the first few years, and not accessed again. Files older than 10 years are rarely accessed.

Court files consist of paper documents which have been lodged (filed) in the registry. Not all these records relate to litigation between parties; examples of other documents include applications for a grant of probate of a will, changing a name by deed poll or applications for admission as a solicitor or barrister.

During the year approximately 400 archival boxes of files relating to estate and religious and charitable matters were accepted for transfer to Queensland State Archives.

Management of public records must comply with the *Public Records Act 2002*. A strategic plan for records management is being developed. The first milestone was achieved during the year with the approval by the State Archivist of a Records Retention Schedule for court

records. The court acknowledges the assistance given to the registry by the Director and State Archivist and the staff of Queensland State Archives.

Other issues must now be addressed. These include the viability and use of available technology, assessing retention priorities and storage facilities, and investigating cost factors and budgetary requirements in order to achieve a sustainable records management system for the future.

Funds in court

As at 30 June 2003 there were 56 accounts relating to Supreme Court matters credited to the Court Suitors Fund Account Brisbane, totalling \$6,884,310.36.

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. Four accounts in that category were advertised, and with no action being taken to recover the monies, the Registrar was ordered by the court to transfer the sum of \$9,432.15 to the Consolidated Revenue Fund.

Criminal Registry – Supreme Court

Substantial improvements occurred in the criminal registry in Brisbane this period. Some have involved subtle refinements of existing processes, such as the way results are transmitted to police. Others, for example the move to Queensland Wide Interlinked Courts Financials (QWIC), are of more far reaching effect.

Table 78 shows the workload for the year to 30 June 2003.

Table 78: Supreme Court Criminal Registry matters

	2002-03
Number of indictments registered	500
Number of cases (defendants)	478
Cases disposed of	469
Cases outstanding as at 30 June 2003	181
Summary matters registered	44
Summary matters remitted back when not dealt with in Supreme Court	25

Summary offences – s 651 Criminal Code

In September 2002 the Chief Justice issued a revised practice direction, PD 5/02, with respect to the disposal of summary offences by the Supreme Court. It has had a beneficial effect on a number of agencies involved in the criminal justice process. Previously the Director of Public Prosecutions often received notification that an offender would seek to have summary offences dealt with by the Supreme Court only a short time before the hearing, without time for adequate preparation. The revised practice direction is directed towards ensuring the Director's office has time to prepare. It also avoids the double handling of files previously transmitted from a Magistrates Court to a higher court only to be returned when the Director declined to give consent to their being heard summarily in the higher court.

Fines and compensation

This year fines totalling \$49,150, involving 14 sentences, were processed in the Criminal Registry, and one order for compensation in the sum of \$170.

In the same period, as the result of directions by the court or in the discretion of the Deputy Registrar, 13 unpaid fines were referred to State Penalties Enforcement Registry (SPER) for enforcement proceedings.

Warrants

During the year the court ordered that 26 warrants issue for the arrest of offenders who failed to appear when required for criminal hearings. Six were subsequently vacated and recalled after the offender surrendered to the court prior to the execution of the warrant.

Technological enhancements

Following an analysis of QWIC financials, preparations have been made to transfer all manual accounting procedures in the Criminal Registry onto QWIC. One major benefit will be the abolition of a manual fine card system used to track fines and compensation payments. Of great benefit will be an offender's ability to pay fines and compensation at any Magistrates or higher court registry in Queensland.

Many enhancements have been made to the criminal registry's Criminal Register System (CRS), rendering it more user friendly and extending its functionality by enabling it to produce documents which result from the finalisation of a matter. This will reduce the chance of errors that can occur when documents are prepared manually.

Earlier this year the Deputy Registrar from the criminal registry undertook a six week secondment with the Integrated Justice Information Strategy Project (IJIS) to examine the benefits to be gained in having all agencies associated with the criminal justice system share common data and transmit electronically relevant information directly to agencies requiring it.

The criminal registry also participated in a pilot program for all higher courts throughout the State electronically forwarding the Verdict and Judgment Records for finalised matters directly to the Police Information Centre on a daily basis. This allows police accurately to update criminal histories in a timely manner, which in turn assists judges and prosecutors when sentencing offenders.



Presentation of 30 year service awards to court staff , 15 July 2003

Back row (L to R): Gary Gooding, Neville Greig, Bob Houghton, Neville Fenning, Rod Goody, Ian Mitchell, Pat Gould, Alex Hams, Neil Hansen, Eric Kempin, Barry Richardson, George Trinder, Alan Kinsey

Middle row (L to R): Ian Enright, Peter Irvine

Front row (L to R): Ken Toogood (Principal Registrar), The Hon Paul de Jersey AC (Chief Justice), David Groth (Court Administrator)

Sheriff's Office

The Sheriff of Queensland carries out various statutory and administrative functions for the Supreme and District Courts throughout the State. The Registrars at Cairns, Townsville and Rockhampton exercise the powers and functions of the Sheriff for the Far Northern, Northern and Central Supreme Courts.

In Brisbane, the Sheriff has continually attempted to improve the conditions under which jurors perform their important civic duty. This year Supreme Court jury rooms in Brisbane underwent refurbishment, with most of the ten jury rooms repainted and refurbished.

The courts have, for the past three years, made continual improvements in court audiovisual technology, principally through the installation of sound reinforcement (amplification) in courtrooms. Five criminal courts in Brisbane (three Supreme and two District Courts) and a District Court in Maroochydore have had sound reinforcement approved for installation, although by the end of the year two for the Brisbane Courts are yet to be completed. These systems greatly assist all court users, and particularly jurors, in hearing witnesses, video and audio evidence.

The one projection court in the Supreme Court in Brisbane, used for police Interactive Crime Scene (ICS) technology was upgraded to a full "data capable" court. This now allows prosecution and defence counsel to display computer-based evidence, and computer monitors can be placed before all court participants. The system needs to be extended to allow for individual or shared monitors for jurors. There is a need for more courtrooms equipped in this way.

The pilot of an electronic trial using the Banco Court for a long and complex trial involving a number of parties made clear the court is not equipped to deal effectively with electronic trials. If the court is to continue to deliver, expand and upgrade these services, court rooms and the Registry need to be equipped to do so.

Two Supreme courts currently have infrared sound systems. Due to the increasing need to replay into evidence surveillance type recordings via analogue or digital recordings, more courts in Brisbane require this technology. It assists jurors and other court participants to hear difficult or poorly recorded evidence and can also be used by hearing impaired persons attending court in any role.

Jury management

Under the the *Jury Act* 1995 the Sheriff delegates his powers to the Deputy Sheriffs of the Supreme Courts and Registrars of the District Courts throughout the State.

During this year the Sheriff's office in Brisbane issued 166,760 Notices to Prospective Jurors for the court sittings of the 11 Supreme and 31 District courts throughout the State.

In Brisbane 6,297 jurors received summonses to appear for jury service. Because of changes to the Act in 1995 which allowed for jurors summonsed for a jury district to be used in any court or jurisdiction for that district, the summonses for Brisbane resulted in 4,827 jurors attending at least once. Of those 2,546 were empanelled at least once in 293 trials (54 Supreme and 239 District Court). 76 trials extended beyond normal court hours and 28 juries were accommodated overnight. Two juries were accommodated for more than one night.

Statistics for jury service can practically only be given for the Brisbane court, as it is the only court with a fully computerised relational database of notices sent, summonses issued, attendances, empanelments, and payments to jurors. All other Supreme and District courts (30 courts), manually ballot for the issue of summonses (with the exception of Beenleigh, for which the task is performed in Brisbane), and maintain manual records in respect of all other aspects of jury service. The Sheriff's office in Brisbane manages the Queensland Jury

System (QJS), which, with minor modifications, could be disseminated to busy centres to assist in jury selection, attendance and payment.

A committee of Supreme and District Court Judges and the Sheriff has throughout the latter part of the year worked on producing a guide – in booklet form – to assist jurors in their deliberations. A draft of the guide, approved by both benches, has been forwarded to internal and external organisations for comment. It is anticipated the guide will be approved for use and ready for production by September 2003. This will allow the guide to be in use by jurors prior to the end of the year.

Enforcement

The Sheriff is responsible for the enforcement of court orders by certain types of warrants. During the year the Sheriff's office in Brisbane issued 143 enforcement warrants. One hundred and thirty warrants were for possession of land and 13 for seizure and sale of property. An enforcement warrant – arrest for contempt and an enforcement hearing – warrant for arrest, were received by the Sheriff for enforcement.

Pursuant to the Uniform Civil Procedure Rules, the Sheriff and appointed Deputy Sheriffs and Bailiffs are enforcement officers. Only seven of the appointed Bailiffs in Brisbane currently enforce warrants and during the year, 67 enforcement warrants were successfully enforced: 63 for possession of land, three for seizure and sale of property and one for arrest for contempt.

The Sheriff is also the Marshal of the Supreme Court of Queensland and performs the duties conferred on him by the *Admiralty Act (Commonwealth)* 1998. During the year one vessel was placed under the arrest of the Marshal and currently remains under arrest.

Bailiffs' Office

The Bailiffs play a key role in the day-to-day running of the court. Under the *Jury Act* 1995, Bailiffs are in charge of the jury and responsible for their safe keeping. Phillip Lennon, the Chief Bailiff, assisted by Deputy Chief Bailiff, Ken Welsh, organize the day-to-day allocation and training of Bailiffs for Brisbane's 32 Supreme and District Courts.

Duties carried out by the appointed permanent and casual Bailiffs include:

- setting up courtrooms for daily use and managing the day-to-day running of the courtroom;
- supplying and setting up of special equipment such as polycoms, amplifiers and document viewers;
- arranging for remote witnesses to be connected to the courts to give evidence by closed circuit television or the phone when necessary;
- instructing jurors as to the administrative requirements of their service and supervising the jury dining area;
- supervising empanelled jurors, as directed by the court, while the jury is considering its verdict, including any necessary overnight accommodation;
- performing registry duties and assisting in other areas of the courts as directed.

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

- 48 days of Court of Appeal sittings
- 3284 days of criminal court sittings, 824 in the Supreme Court Trial Division
- 1627 days of civil court sittings, 917 in the Supreme Court Trial Division
- 1316 days of applications court, 892 in the Supreme Court Trial Division
- 40 days of Mental Health Court sittings
- 100 days as court orderlies

- 263 days of administrative duties for the registry

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



**Presentation of centenary medals to court staff at Government House, Brisbane
on 30 May 2003**

Rod Travers, Ian Mitchell and Ken Toogood

Technology

During this financial year, the Supreme and District Courts have pursued a range of projects relating to both core technology infrastructure and on-line service delivery. These included planning for the implementation of a Standard Operating Environment, the purchase of new hardware for the judiciary, the migration of a legacy business application to a more contemporary database platform, and the launch of new on-line services.

Civil Case Management System (“CIMS”)

The core case management system for the civil jurisdiction, “CIMS”, was migrated off a legacy platform and onto a new Microsoft SQL Server database platform. This increased the reliability, redundancy, supportability and scalability of CIMS and also provided a more stable platform to sustain regional access and Internet service delivery.

CIMS had previously been installed in only two centres, Brisbane and Townsville, and in January 2003 it was also rolled out to registries in Cairns and Rockhampton. This has greatly improved information management and facilitates consistency of process and statistical analysis of performance throughout the State.

It is envisaged the system will be implemented in more regional centres during next year.

eCourt services

Between October 2002 and January 2003 a range of on-line services was progressively released by the higher courts. These include:

eSearching – to enable litigants or their legal representatives to search their files 24 hours a day seven days a week, to confirm party names and contact details, obtain contact details for lawyers representing the parties, confirm key dates, or view a list of documents lodged with the Registry. This information was previously only available through a physical, over the counter, search on weekdays during registry opening hours.

eListing – to enable lawyers to obtain trial dates on-line to avoid the time and inconvenience of physical attendance at a court callover.

eChambers – an on-line collaborative forum which operates like a bulletin board for a single case. It enables the parties or the court to post notices, documents or commentary in relation to the status of the matter, and also generates automatic alerts to all parties every time a new comment or document is posted. This “virtual courtroom” technology is designed to facilitate fast, cost effective resolution of interlocutory disputes and non-contentious procedural arrangements.

Each of these services benefits litigants and their lawyers in increased convenience, expanded access to court services, and reduced cost.

These services are accessible through the court web site (www.courts.qld.gov.au – click through to eCourts area).

Document management protocols and electronic trials

A trial of litigation support technology was undertaken in relation to two large civil cases. This included scanned evidence, electronic transcript, the use of software tools designed to navigate, search and analyse litigation resources, document cameras and the use of overhead projectors to display images and exhibits, flat screen monitors, a private, local area network for the litigators and secure access to the Internet from within the courtroom.

One key theme emerging from these experiences was the importance of early implementation of document management strategies. It is critical for the legal representatives of litigants to direct their mind to evidence management issues prior to the commencement of disclosure so

that evidence will be described and captured in a consistent manner. This planning brings benefits for both electronic and paper based trials.

Accordingly, a new draft Practice Direction was released early in the year to provide guidance for the consistent management of evidence in both paper based and electronic trials. The pilot of an electronic trial using the Banco Court for a long and complex trial involving a number of parties made it clear the court is not equipped to deal effectively with electronic trials. As previously mentioned, if the court is to continue to deliver, expand and upgrade these services, court rooms and the Registry need to be properly equipped to do so.

Implementation of a standard operating environment

Significant preparatory work was undertaken to plan the roll out of a standard operating environment ("SOE") for desktop software and network applications. The environment is based upon integrated technologies from Microsoft and is consistent with the SOE implemented within the Department of Justice and Attorney-General.

Early phases of the SOE were rolled out between May and June 2003 and this work will continue through the months of July, August and September 2003.

In June 2003, new laptop computers and laser printers were purchased for the Judges of the higher courts and sixty-seven new desktop computers purchased for registry staff. These will be rolled out during the months of July, August and September 2003.

Benefits to the higher courts

The SOE and the new desktop computers will bring the following benefits to the higher Courts:

- greater productivity through increased performance of desktop computers;
- economies of scale in terms of skills transfer and rotational secondments between higher court staff and Information Technology staff from the Department of Justice and Attorney-General;
- increased security; and
- reduced operational costs to maintain and support the court's IT environment.

Future plans

Over the next twelve months higher courts will approach the market to determine whether existing budget resources will sustain a replacement of the legacy civil case management system (CIMS).

This will lay a foundation to support progressive release of the court's business on-line. The core building block to support this will be a case management application designed, from the ground up, to run over the World Wide Web.

When complete, this will provide the court's clients, litigants and their legal representatives, with access to files and court services 24 hours a day, seven days a week, and will also provide a basis for the implementation of electronic filing in the longer term.

Related Organisations

State Reporting Bureau

The State Reporting Bureau provides recording and transcription services for the Supreme, District and Magistrates Courts, Director of Public Prosecutions (police records of interview), Industrial Court and Industrial Relations Commission. The Bureau also provides reporting services for the Medical Assessment Tribunal, Mental Health Court, Industrial Court and Land Appeal Court.

Services are provided in Brisbane and at 35 regional and circuit centres in Queensland. 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.

Transcripts of proceedings are produced by audio recording or computer-assisted transcription (CAT).

There are four mobile Remote Recording and Transcription Systems (RRATS) across regional Queensland to help maintain reporting services at remote circuit centres. RRATS enables the Bureau to make audio recordings of court proceedings at centres where no staff are based and transfer the recording via the Integrated Service Digital Network (ISDN) for transcription at Bureau operational centres throughout the State. Audio reporting staff then produce a transcript using computer based word processing packages before transferring an electronic copy of the transcript via electronic modem connection to the judiciary, counsel and other interested parties within two hours of the adjournment of the court each day.

An enhancement of the on-site RRATS system in Bundaberg allows RRATS to transfer video images from the court to the Maroochydore transcription centre.

Portable RRAT systems have been used for the recording of court proceedings at the circuit centres in Mount Isa, Cloncurry, Bundaberg, Gladstone, Dalby, Charleville, Cunnamulla, Beenleigh, Kingaroy, Roma and Innisfail.

During 2002-03 Mackay was brought on-line as a transcription centre increasing the number of RRATS transcription centres to six. The other transcription centres are located in Cairns, Townsville, Maroochydore, Southport and Ipswich.

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 Bureau provided audio reporting and transcription services for the first electronic trial in Queensland.

A technology review of State Reporting Bureau operations has been undertaken and a business case for "State of the Art Evidence, Transcription and Reporting" prepared to resolve current risks to the ongoing functioning of the courts, commissions and tribunals the Bureau supports, and to provide a long term sustainable solution with facility for improved service levels.

The ability of 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 court's capacity to work efficiently in the administration of justice. Any reduction in the service provided by the Bureau will reduce the Trial Division's capacity to do so.

The Supreme Court Library

The Library delivered flexible information services to the judiciary and legal profession and continued to surpass traditional boundaries by undertaking a diverse range of activities connecting the legal and broader communities. An increased reliance on the court's website and Judicial Virtual Library as effective gateways to information enabled the Library to service over 806,000 information requests, while providing the judiciary with access to the online services of all major Australian legal publishers and, for the first time, access to the *Westlaw* database, containing an extensive collection of international legal and news titles. In addition to delivering core information services, the Library maintained a diverse program of educational and community activity, showcasing six exhibitions in the Rare Books precinct during the year. These exhibitions were complemented by the success of the Supreme Court History Program's first scholarly publishing venture and coordination of a second biennial conference. Many of these activities were undertaken in conjunction with other legal and professional bodies highlighting the Library's commitment to integrated community projects and development.

This year, the Client Services division of the Library concentrated on improving service delivery and facilitating improved access to resources for the judiciary and profession in regional centres throughout Queensland. The courts website, re-designed and administered by the Library since 2000, continued to provide an effective platform for information dissemination, recording more than 604,192 visits this year. Many visitors utilised the popular online judgments facility which now offers more than 8,500 full-text judgments via the courts website, including this year's retrospective conversion of an additional 1,300 Court of Appeal civil judgments dating back to 1992. The Judicial Virtual Library (JVL) continued to provide a secure information network for the judges and a viable tool for the Library to deliver tailored information services to the Queensland judiciary. An increased number of eJournal titles and online reference tools was added to the JVL providing desk-top access to a purposeful collection of electronic material.

Traditional client services were also maintained, incorporating reference, research, document delivery and current awareness activity. The transition towards more efficient electronic services was evident in the 488 reference enquiries and more than 300 document delivery requests received via the courts website while the delivery of select current awareness material was also trialled in electronic format this year. In addition to providing these core services the Library readily embraced new opportunities for servicing the judiciary and the profession. Recent initiatives include the development of a cooperative purchasing arrangement for the judiciary and legal profession and publication of an Internet resources advice column in the *Queensland Bar News*.

The Library's Collection Management division also focused on improving access to information and developing collections in regional centres. The provision of an Internet-enabled PC in the Townsville courthouse library was an integral step in this process.

Townsville is the first of the libraries in major regional centres to be equipped with access to the Library's collection of online resources and services, allowing enhanced search capabilities via the online catalogue and improved access to an increased range of online material. In conjunction with this new facility, the Library undertook significant revision and development of catalogue records to provide more accurate and detailed information about the collections held in regional libraries, simultaneously streamlining collection management procedures for Library staff. A review of regional libraries provided the focus of collection development this year with the identification of lapsed subscription titles and planning for a general upgrade of superseded textbook titles held in the regional collections. These projects were undertaken in accordance with the Library's broader objective of building collections and enhancing services to the profession in regional centres throughout Queensland.

Another Library collection which recorded substantial growth this year was the Supreme Court History Program's legal heritage collection. The Library was fortunate to receive a substantial number of acquisitions over the past year with many historically significant donations including three 17th century legal books valued in excess of \$7,000; an original portrait of former Supreme Court Judge and Chair of the Library Committee, the Hon Mr Justice Edward Archibald Douglas; and an extensive collection of material relating to the Tokyo War Crimes Trials (1946-1948). The legal heritage collection now totals more than 26,560 items comprising diaries, correspondence, artwork and an assortment of legal memorabilia. The rapid expansion of this collection, combined with a steady growth in Supreme Court History Program activity over the past three years, has prompted the formation of a separate sub-committee to oversee the Program's range of preservation, collection and dissemination operations. The inaugural meeting was held on 28 November 2002.

The Supreme Court History Program also continued its publishing and research program, recording its first publishing success with the release of *Sir Samuel Griffith: the law and the constitution* in December 2002. This publication, edited by Dr Michael White QC and the Librarian, followed the inaugural conference of the same name in March 2001. A compilation of papers from the Program's second biennial conference, *Queensland's Contribution to the High Court*, which was held in March 2003, is now being prepared and is scheduled for release under the Library's own publishing imprint later this year. The conference itself was a notable achievement for the Program, featuring original and thought provoking papers from some of Australia's leading legal professionals, including the Rt Hon Sir Harry Gibbs GCMG AC KBE, the Hon Justice Ian Callinan AC and the Hon Justice Bradley Selway. Other research and publication initiatives included a booklet commemorating the 50th anniversary of the Medico-Legal Society of Queensland; a paper delivered at the Law Librarians' Symposium entitled *The Supreme Court History Program: Origins, Achievements and Future Directions*; a series of catalogues accompanying the Library's exhibitions and displays; and a dedicated website featuring illustrated histories of the regional courthouses and promoting the broader activities of the Supreme Court History Program.

Further research was undertaken for two scholarly exhibitions and four displays mounted in the Rare Books precinct in 2002-03. *The Queensland Criminal Code; From Italy to Zanzibar* exhibition was launched with an oration by Sir Harry Gibbs to coincide with the XVIth Congress of the International Academy of Comparative Law held in Brisbane in July 2002. The international theme was affirmed by a capacity audience in the Banco Court including international delegates from the Congress. The Library's second major exhibition, *Shaping Queensland: Contributions to Law, Politics and Society by the Douglas, Lilley and Macrossan Families*, was opened by Mr Cedric Hampson AO RFD QC in February 2003 and was intended as the first in a series of exhibitions examining prominent legal families in Queensland. It is anticipated that some of the Library's major exhibitions, including *Human Rights in the 21st Century* and *Shaping Queensland*, will be displayed in regional centres in the coming year.

Lighter, non-legal topics were also explored this year with an exhibition examining social aspects of cricket and the law. This exhibition was displayed in the Rare Books precinct from November 2002 to January 2003 and launched in conjunction with a topical lecture from Mr Roger Traves and commentary by Mr Ian Healy. Other activities were undertaken in conjunction with professional bodies both legal and non-legal. In June 2003, the Library mounted an exhibition to commemorate the Centenary of the Queensland Bar Association, strengthening the Library's ties with the legal profession and prompting the subsequent donation of more than 2,800 items for the Library's legal heritage collection. An earlier professional collaboration was a lecture evening held in the Banco Court in September 2002 to coincide with the Law Librarians' Symposium. A paper, entitled *Queensland Libraries: Yesterday Today & Tomorrow – Services to the Community*, was delivered by Allens Arthur

Robinson partner, Mr Ken Macdonald, preceded by an introduction from the Chief Justice titled *Queensland Law Libraries: Issues and Challenges*.

These exhibits and lecture evenings have proven a successful means of fostering integrated activity with the legal and broader communities, with exhibitions remaining a popular drawcard among the many historical exhibits featured in the Rare Books precinct. Major exhibitions were digitised and published online via the court's website this year, enabling broader dissemination and providing an enduring educational resource for schools. The Library's Schools Program, which this year hosted 1,945 students, incorporated tours of the exhibitions displayed in the Rare Books precinct as well as offering introductory legal research seminars in the Library. A number of distinguished guests also toured the Rare Books precinct, including Chief Justices and Judges from China, Japan and Papua New Guinea. More than 400 members of the general public visited the courts on Queensland Day, with tours focusing on the exhibits featured in the Rare Books precinct. These tours were again a popular Queensland Day attraction, organised and conducted in conjunction with Supreme Court Registry staff. The Library's Rare Books Room and QGSY *Lucinda* Smoking Room replica remained popular exhibits for visitors to the court.

Judicial encouragement has inspired the Library to develop innovative solutions to information service delivery and initiate programs such as community outreach, legal education and historical preservation. Exciting projects as diverse as the implementation of a web-enabled catalogue (INNOPAC), creation of a Judicial Virtual Library, re-launch of an integrated courts/Library website, construction of a visually striking Rare Books Room and accompanying robes cabinets, recreation of the elegant QGSY *Lucinda* Smoking Room, provision of multimedia educational displays, establishment of a Supreme Court History Program, and initiation of a scholarly exhibition schedule were only possible due to the invaluable guidance provided by the Chair and Library Committee. Equally, the support of the wider judiciary and members of the legal profession have been integral to these successes.

With the support of its clientele, the Library continues to fulfil its key role as the central information centre for the courts. A research quality core collection is maintained in Brisbane and a further ten working collections in regional centres. In addition, every opportunity is taken to improve access to information through viable technological solutions, particularly for the benefit of members of the judiciary and legal profession based outside Brisbane. This commitment to providing responsive and relevant information services for the judiciary and legal profession throughout Queensland is upheld by the current funding structure and constitution of the Library Committee as governing body.

The Committee, with Justice White as Chair, is constituted by representatives of the court, the profession and the government, ensuring the Library's key stakeholders are central in determining collection development, service initiatives and resource allocation. Funding for these activities is received from the Queensland Law Society Trust Account Contribution Fund; fees of the Barristers' and Solicitors' Boards; grants from the Department of Justice for Library services to the court; and income generated by the Library's own initiatives and entrepreneurial activities. With the support of its stakeholders, its independence as a statutory authority and the provision of secure and ongoing funding, the Library has been able to employ innovative approaches to provide cost-effective services without burdening the Treasury for additional funds. By contrast, other court libraries around Australia rely primarily on consolidated revenue funds and find it difficult to devote resources to developing collections, launching programs such as heritage preservation, and attracting donations from the legal community and charitable groups.

The Library Committee, and the *Supreme Court Library Act* 1968 under which it operates, have ensured a unique organisational structure remaining at the core of the Library's achievements. Proposed reforms to the legal profession have generated some uncertainty as to the security of this model – a model which has successfully served the Queensland legal

community and ensured the development of a collection which is considered one of the leading resources of its kind in Australia. The independence of the Library as a separate statutory authority must be safeguarded to ensure the continuation of diverse Library activity and achievement.

Presuming that secure and independent funding, as has been provided for legislatively in the past, is maintained throughout any reforms, the Library is looking forward to a period of exciting challenges and opportunities. An organisational review, encompassing operational and strategic aspects, is underway and will culminate in a series of reports to be made to the Committee from September 2003. These reports will detail the Library's strategic objectives and recommend a revised operational structure to best equip the Library to meet these objectives. In brief, the Library's vision for the future will focus upon:

- developing and managing a range of relevant collections, including core print and digital research resources, in addition to special Queensland legal heritage and court history photographic collections;
- improving access to these collections through value-added services;
- enhancing community outreach and student education activities;
- extending the History Program to encompass a scholarly research and publications division eg publication of a photographic work entitled "Historical courthouses of Queensland" and compilation of 'Biographical Dictionary of the Queensland Judiciary';
- participating in consortia purchasing (with other institutions and libraries), when financially beneficial, and forming buying groups with the legal community to purchase popular material direct from publishers;
- streamlining organisational procedures including financial systems, and developing more efficient valuation methodologies; investing in staff education with a view to developing higher levels of expertise in library and information management issues;
- formalising organisational policies and manuals as per the requirements of the Finance Management Standards.

A comprehensive review of the core information collection will be initiated with particular reference to the optimal balance of online and print resources, assessing changes in the publishing industry and formulating collection development policies for the future. Concurrently, the Library will develop and implement procedures and systems to facilitate the digitisation, storage, cataloguing, retrieval, sharing and long-term preservation of special collections comprising Queensland legal heritage documents and memorabilia, and court history photographs. This process has begun, with the examination of the practices and experiences of Australian and overseas libraries and archives involved in similar activity. Ultimately, the Library aims to achieve and maintain a high level of in-house expertise in the areas of record management, preservation and resource sharing for the ultimate benefit of the court and wider community.

The steadily increasing popularity of the courts/Library website and Judiciary Virtual Library over the preceding three years has affirmed the Library's intention to focus on this method of service delivery for the future. Although the improvement of alternative access points, including face-to-face information services within the Library, is also a priority, online technologies will be fully exploited to enhance access to resources regardless of their location. The key goal is to provide more sophisticated value-added services which link users to the information they require in a timely and accurate manner. Strategies will include the formulation of 'discovery' guides and online self-paced research tutorials. Information available to the public will be arranged in a more intuitive fashion and there is scope for launching an 'online classroom' to complement and expand the current schools program.

The provision of Internet-enabled PCs in the major regional centres will continue, necessitating the development of technology solutions to enable secure and easy access to

public domain and subscription resources for remote users. The Library will also explore opportunities to provide more customised online services and take advantage of emerging technologies such as wireless communication to improve the efficiency of internal IT systems.

The achievements of this year, encouraged by the leadership of Justice Margaret White and the Library Committee, the support of the Chief Justice and the judges, and the enthusiasm of the Library staff, provide a firm foundation upon which to build these visions for the future. The Committee's strength lies in its composition of representatives from the Library's three key stakeholders, namely, the court, the profession and the government. This three-fold partnership ensures that the best interest of the clientele, and therefore the Library, are always served. Equipped with this independent governance and secure funding, the Library will be empowered to provide dynamic services to the court and wider community, meeting whatever challenges and opportunities the future may bring.

APPENDIX

PROBATE SURVEY RESULTS 2003

The registry conducted surveys of clients who filed applications for Probates and Letters of Administration in the Brisbane Registry during 2003.

The survey was also held in the Cairns, Townsville and Rockhampton registries and their results have been combined with Brisbane to provide a State-wide figure.

1. How would you rate the counter waiting times for lodging applications?

	Brisbane	Rockhampton	Townsville	Cairns	State-wide
Satisfied	53.57%	55.55%	78.57%	83.34%	66.67%
Neither satisfied nor dissatisfied	35.71%	22.22%	0.00%	0.00%	21.67%
Dissatisfied	10.71%	22.22%	14.28%	16.66%	11.67%

2. How would you rate the overall probate service?

	Brisbane	Rockhampton	Townsville	Cairns	State-wide
Satisfied	94.12%	87.50%	93.33%	92.86%	91.95%
Neither satisfied nor dissatisfied	0.00%	0.00%	0.00%	0.00%	1.15%
Dissatisfied	5.88%	12.5%	6.67%	7.14%	6.90%

3. How would you rate the turnaround times for grants?

	Brisbane	Rockhampton	Townsville	Cairns	State-wide
Satisfied	92.16%	69.23%	86.67%	85.72%	85.87%
Neither satisfied nor dissatisfied	5.88%	15.38%	6.67%	7.14%	8.70%
Dissatisfied	1.96%	15.38%	6.67%	7.14%	5.43%

4. How understandable are the requisitions?

	Brisbane	Rockhampton	Townsville	Cairns	State-wide
Satisfied	89.58%	76.91%	78.57%	83.33%	87.06%
Neither satisfied nor dissatisfied	8.33%	7.69%	14.29%	16.67%	9.41%
Dissatisfied	2.08%	15.38%	7.14%	0.00%	3.53%

5. How would you rate the assistance given by the staff to assist you with probate requisitions?

	Brisbane	Rockhampton	Townsville	Cairns	State-wide
Satisfied	86.00%	92.30%	92.86%	92.30%	87.50%
Neither satisfied nor dissatisfied	8.00%	0.00%	0.00%	0.00%	5.68%
Dissatisfied	6.00%	7.69%	7.14%	7.69%	6.82%