

Supreme Court of Queensland

Annual Report 1997-1998

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THE CHIEF JUSTICE'S OVERVIEW



The Honourable Paul de Jersey, appointed Chief Justice 17 February 1998

Mission

The timeless mission of the Supreme Court is to deliver justice according to law. From experience, one may add that this should occur as quickly and as inexpensively as reasonably possible. This must be a court the community respects, not only for its undoubted probity, but also for its up-to-date efficiency; and, above all, as a court of authority. The immediate challenge is how to fulfil that charter in particular historical times - and now, especially how further to reduce delay and expense, how to maximise our use of the available technology, how more actively to foster diversity of talent within the profession and how to inform the public more effectively about what the court does.

Change

When appointed Chief Justice on 17 February 1998, I knew, on the basis of thirteen years' judicial experience on this court, that I assumed the leadership of a court with a system finely balanced and carefully crafted. I was then, and remain, of the view that the operation of the court will be improved through subtle refinement; through steady change rather than radical reformation. Desirable refinement should obviously be directed towards further reducing the deleterious effects of the persistent problems of delay and expense. Important avenues for further refinement rest in more active case management and the enthusiastic exploitation of modern technology.

Performance this year

Both divisions of the court performed efficiently. The Court of Appeal continued to dispose satisfactorily of its caseload. There is, however, need for further financial resources to ensure the proper maintenance and development of its computer systems, which are essential to efficient operation.

The Trial Division maintained the effective disposition of its work. On the criminal side, 92% of cases were determined within twelve months of commencement, 55% within three months. This year, the Trial Division disposed of 523 criminal cases.

On the civil side, the performance of the Trial Division improved substantially if not dramatically. The average time lapse between entry for trial and trial decreased from eighteen months in 1996-97 to only four months this year. As at 30 June 1998, there were 147 civil cases awaiting trial, compared with 258 twelve months earlier. This favourable trend is continuing. The Supervised Case List, designed to ensure the active management of the more difficult and time-consuming civil cases, has been used more productively this year.

Consultation

A substantial consultative and administrative effort underpins that efficient operation: judicial competence and dedication are not alone sufficient.

The judges met regularly throughout the year, both formally and informally, to discuss matters relevant to the discharge of their judicial responsibilities. Those meetings included a comprehensive seminar at Easter time. Significantly, and worthy of mention here, the judges then, of their own initiative, adopted a protocol requiring the delivery of reserved judgments, in all but exceptional cases, within three months after the conclusion of hearings. It should be noted that the judges took that position well before recent publicity about events relating to delay in giving judgment by a member of the Supreme Court of New South Wales. Our judges have been astute in their adherence to the protocol.

I have, as Chief Justice, adopted an active role on various court committees, including the Rules Committee (to which the Uniform Rules of Court project has been committed by statute) and others relating to the Courts Modernisation Project, the Courts Governance Project and Information Technology Planning. I have established a Chief Justice's Consultative Committee designed to foster beneficial links between the court and the private profession. Other judges assist valuably on such committees. I have also consulted regularly with the Chief Judge of the District Court and the Chief Stipendiary Magistrate - and heads of other jurisdictions throughout Australia and New Zealand, through the Chief Justices' Council.

As is customary, other judges have participated in many useful judicial and professional endeavours within Queensland, nationally and internationally. This has enhanced their own performance and consequently that of the court also.'

Perceptions

Actual performance of the court aside, the judges are concerned to enhance public perceptions of the court. To that end I believe we must be prepared to explain various court initiatives to the public - and this has been occurring. I am committed, with the judges, to a progressive presentation of the court, in order to inform the public more effectively and generally lift confidence in the institution.

As part of this, albeit a subordinate part, I wish to improve the physical presentation of the Law Courts Complex occupied by the Supreme Court. This will include improving the fabric of the Registry areas in particular, and the Banco Court, which is, in many respects and to many visitors, the 'public face' of the institution. We are currently exploring the possibility of locating the Supreme Court Library's nationally significant 'rare books' collection, together with interesting items of judicial memorabilia, outside the Banco Court, in an appropriately furnished area accessible to the public whose heritage it is. There is real need for substantial expenditure on the fabric of the court to secure appropriate maintenance and refurbishment, and I will be pressing for this expenditure. I should add in this context that the opening of the new courthouse in Rockhampton this year was an exciting, if overdue, development. I used that opportunity, when accepting from the Premier the key to the new building, to reaffirm publicly the basal significance of judicial independence, as can be seen from my remarks which form part of the appendix to this report.

Technology

We remain strongly committed to the optimal use of modern technology, and need additional financial resources to ensure that. I also emphasise particularly that the judgments of the court must be made available, as soon as possible and preferably free of charge to the public, on the Internet. The Supreme Court of Queensland is alone among Australian courts in the absence of its judgments in that electronic format. This should be rectified urgently, but while protecting the already financially under-resourced Supreme Court Library. (The library currently depends on revenue from the sale of unreported judgments in hard copy form.)

Supreme Court Library

Library finances have been insecure for far too long. It is very much in the public interest that this valuable, irreplaceable public resource be secured with guaranteed funding from the Department of Justice and Attorney-General. Can this not be done, at long last, and as a matter of priority?

Jurisdiction

There is one other matter I wish to highlight at the outset. It relates to the court's criminal jurisdiction. Precious judicial resources are being unnecessarily consumed in the disposition in this court of comparatively minor drug matters which - as ultimate penalty illustrates - could be dealt with perfectly adequately in the District and Magistrates Courts. The Supreme Court should in my view retain jurisdiction in relation to drug crime, but only with respect to its more serious manifestations: major importation, production and trafficking cases. Steps should be taken to revise the court's jurisdiction to remove the less serious drug crime into the lower courts. The governing criterion is maximum public use of this particular court's expertise. The point has been made repeatedly over many years now. The Parliament should finally address it, in the public interest.

Conclusion

While commending to the reader all of what follows - and it is comprehensive and detailed - I wish to acknowledge at once the court's dependence on the dedication of the judges and the administrative and Registry staffs. I sincerely thank them all.

STRUCTURE, JUDGES AND JURISDICTION

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

There were a number of changes in the composition of the court this year, relating to Chief Justice and President, and the appointment of two judges to the Trial Division.

Chief Justice:

The Honourable John Murtagh Macrossan, AC, resigned 16 February 1998

The Honourable Paul de Jersey, appointed 17 February 1998

Judges of the Court of Appeal

President: The Honourable Gerald Edward Fitzgerald, AC, resigned 30 June 1998

Judges of Appeal:

The Honourable Geoffrey Lance Davies

The Honourable Bruce Harvey McPherson, CBE

The Honourable Cecil William Pincus

Judges of the Trial Division:

The Honourable Martin Patrick Moynihan (Senior Judge Administrator)

The Honourable Alan George Demack (Central Judge, Rockhampton)

The Honourable James Burrows Thomas, AM

The Honourable Tom Farquhar Shepherdson

The Honourable Glen Norman Williams

The Honourable Desmond Keith Derrington

The Honourable Brian William Ambrose

The Honourable John Alfred Dowsett

The Honourable William Charles Lee

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 George Jones (Far Northern Judge, Cairns, appointed 2 October 1997)

The Honourable Richard Noel Chesterman RFD (appointed 17 March 1998)

Tribunal appointments

President, Industrial Court	The Honourable Paul de Jersey, then The Honourable Glen Norman Williams (appointed 5 March 1998)
Mental Health Tribunal	The Honourable John Alfred Dowsett
Medical Assessment Tribunal	The Honourable Henry George Fryberg
Chair, Law Reform Commission	The Honourable Paul de Jersey (1996 to 19 March 1998) The Honourable John Daniel Murray Muir (appointed 19 March 1998)
Land Appeal Court	The Honourable John Daniel Murray Muir Southern District) The Honourable Alan George Demack (Central District) The Honourable Kieran Anthony Cullinane (Northern District)

Judges of the Supreme Court

Chief Justice

The Chief Justice sits in the Court of Appeal and, when he does so, presides. The Chief Justice also sits in the Trial Division to hear matters in criminal, civil and chambers jurisdictions. The Chief Justice's court calendar is now gazetted at his instance. It is structured on his sitting in court 60% of the time, which is allocated evenly between the Trial Division and Court of Appeal. The balance of this time is taken up with administrative and other official duties.

The Chief Justice periodically visits and sits in Cairns, Townsville, Rockhampton and the various circuit centres. He takes the opportunity provided by these occasions to meet and consult with members of the regional law associations and civic representatives.

Court of Appeal

The Court of Appeal hears appeals from judgments or orders of the court in the Trial Division. The names of the judges sitting as the Court of Appeal from day to day have, in recent months, been published in the daily Law List, and this will continue. The Court of Appeal has additional jurisdiction conferred on it by Queensland and Commonwealth legislation. In the exercise of that jurisdiction the Court may hear appeals from decisions of judges of the District Court and Magistrates. There may be an appeal to the High Court of Australia from a decision of the Court of Appeal, but only if special leave is obtained from the High Court - and that has only rarely been granted.

The Court of Appeal admits persons to practise as barristers and solicitors.

Trial Division

Judges of the Trial Division sit in criminal and civil jurisdictions, in chambers jurisdiction, and as members of various other courts and tribunals. Trial Division judges travel on circuit, sitting in criminal, civil and chambers jurisdiction at Mount Isa, Longreach, Roma, Toowoomba, Mackay, Bundaberg and Maryborough. They may occasionally assist in Rockhampton, Townsville or Cairns - if, for example, the resident judge would be subject to a conflict of interest.

There were during this year 15 Trial Division judges based in Brisbane and one in each of Rockhampton, Townsville and Cairns.

Trial Division judges also sit regularly in the Court of Appeal and preside over or constitute the Industrial Court, the Mental Health Tribunal, the Medical Assessment Tribunal and the Land Appeal Courts for the Southern, Central and Northern Districts.

Judges sitting in criminal jurisdiction deal with the more serious criminal offences: murder, attempted murder, manslaughter and a range of drug offences under both Commonwealth and State laws. In many Supreme Court cases of drug offences under State law, however, the imposed penalty falls well within the ordinary sentencing limit of District or Magistrates Courts. This involves an unwarranted consumption of the resources of this Court, a matter highlighted in the Chief Justice's Overview section

of this report.

In civil jurisdiction, Trial Division judges deal with cases in which \$250 000 or more is involved; in chambers jurisdiction, they deal with a wide range of matters of varying degrees of urgency and complexity. A number of Acts confer exclusive jurisdiction on the Supreme Court which is exercised by the Trial Division: examples are the *Corporations Law* and the *Judicial Review Act*.

Trials and hearings in the Trial Division are conducted by a single judge. Criminal trials are conducted before a judge and a jury of twelve. Civil trials are most often conducted before a judge without a jury, but in rare cases (for example, defamation claims) a jury of four may be involved.

Judges decide individual cases brought before them impartially according to law and so administer justice; each judge swears on appointment to do equal justice to all according to law. In deciding cases, judges apply the law as laid down by Parliament or as developed by the courts in a principled manner in accordance with judicial method. Judges apply the law to the facts they find on the evidence put before them by the parties after hearing submissions from the parties.

Judges sit in public and conduct proceedings according to rules designed to ensure fairness, so that each party has adequate opportunity to know and to meet the case against that party. Outcomes may have substantial consequences for parties: court orders may lead to imprisonment, they may have profound financial implications and may be enforced by seizure of property.

Judges publish reasons for their decisions so that the basis on which cases are decided is apparent. Principles are expressed and applied in judgment, so as to provide a certain and predictable basis upon which members of the community may order their affairs and approach the resolution of disputes, and so that errors may be corrected on appeal.

Judicial work is not restricted to sitting in court. Other necessary activities include:

- the management of lists, groups of cases or particular cases
- researching and writing judgments
- keeping abreast of sometimes wide-ranging and rapidly developing changes in statute and case law
- preparing for coming sittings (criminal, civil, chambers, Court of Appeal or tribunals) and for circuits.

As a consequence of statutory provisions, judges chair or are members of bodies such as the Queensland Law Reform Commission and the Supreme Court Library Committee.

In addition, judges participate in:

- a number of educative activities designed to assist them in more effectively carrying out their duties
- work related to developing the rules of court and practice directions
- court-related activities (for example, serving on committees to assess the impact of proposed legislation or administrative matters)
- preparing and delivering papers; adjudicating at student moots.

Like many other members of the public, judges participate in community affairs as members of councils or boards of universities, hospitals and other public educational and charitable institutions, and deliver occasional speeches or addresses.

There is provision in the court calendar for sitting in court to hear cases and, to a limited extent, for administration and judgment-writing. There is no specific provision in the calendar for the various other activities mentioned, which have to be arranged around rostered activities.

A large part of the time during which judges are not sitting in court is necessarily devoted to keeping abreast of the sometimes profound changes being effected in areas of law by a large volume of legislation and case law generated by Parliament and judicial decisions.

COURT OF APPEAL DIVISION

Workload

During 1997-98, 744 matters were commenced in the Court of Appeal compared with 830 in the previous year. This decrease is almost certainly attributable to the *Courts Reform Amendment Act 1997*, effective from 1 August 1997, which diverted to the District Court appeals from the Magistrates Court which previously came to the Court of Appeal. An application for leave to appeal may be made from a District Court decision to the Court of Appeal, pursuant to s.118 of the *District Court Act*.

During the year, 563 matters were heard and a further 178 matters withdrawn, disposing of a total of 741 matters.

Table 1 Annual caseload, criminal matters

Number of cases	1995-96	1996-97	1997-98
At start of year	78	164	109
Commenced during year	572	582	457
Disposed of during year	410	511	354
Undisposed of at end of year	164	109	110

Table 2 Annual caseload, civil matters

Number of cases	1995-96	1996-97	1997-98
At start of year	173	156	150
Filed during year	295	248	287
Cases heard	201	214	209
Cases unheard at end of year	156	150	152

Note: In this and other tables on civil caseloads, matters dealt with in chambers are not included.

Table 3 Annual caseload, summary

Number of cases	1995-96	1996-97	1997-98
At start of year	251	320	259
Filed	867	730	744
Heard	611	725	563
Judgments delivered	625	507	563
Cases unheard at end of year	320	259	262
Judgments outstanding at end of year	67	58	26

During the year 53% of criminal matters were disposed of in less than three months, and 97% were disposed of within twelve months; 77% of civil matters were disposed of within twelve months.

Table 4 Age of disposed cases*

Time for disposition	Percentage disposed of	
	Criminal	Civil
<3 months	53%	26%
3-6 months	37%	10%
6-12 months	7%	41%
>12 months	3%	23%

* This table includes where judgment was delivered *ex tempore* or a reserved judgment.

Table 5 below shows the court in which matters filed were commenced. As noted above, the number of criminal matters commenced in the Magistrates Court fell due to the introduction of the *Courts Reform Amendment Act 1997*.

Appeals filed in the civil jurisdiction of the Trial Division and District Court have increased by 16% and 22% respectively.

Table 5 Court in which matters were commenced

Court	Number of matters filed	
	1996-97	1997-98
Trial Division - civil	118	138
Trial Division - criminal	90	83
District Court - civil	90	110
District Court - criminal	336	357
Planning and Environment Court	18	18
Other - civil (case stated, tribunals etc.)	17	21
Magistrates Court - criminal	155	8
Other - criminal	1	9

The types of appeals filed during the year are shown in Table 6 below.

Table 6 Types of appeals filed

Appeal type		1995-96	1996-97	1997-98
Civil:	general	151	119	143
	personal injury	56	38	47
	applications	16	30	38
	leave applications	24	18	27
	planning and environment	17	18	20
	other	18	23	11
	interlocutory	13	2	1
Criminal:	sentence applications	307	318	238
	conviction appeals	103	88	59
	conviction and sentence appeals	61	79	66
	extensions (sentence applications)	34	31	18
	extensions (convictions appeals)	16	12	17
	extensions (conviction and sentence)	11	10	9
	sentence appeals (A-G/commonwealth DPP)	36	40	36
	other	4	10	14

The number of unrepresented litigants has remained proportionately significant, probably because of a decline in legal aid funding. This adds considerably to the court time taken to hear matters.

Table 7 Matters heard where one or both parties unrepresented

	1995-96	1996-97	1997-98
Civil	16	11	20
Criminal	99	123	74
TOTAL	115	134	94

Organisation of Work

The exercise of leave entitlements reduced the number of available Judges of Appeal to three for more than half the period of this report. Similar patterns may be expected in future years.

On 30 June 1998 the inaugural President of the Court of Appeal resigned and his successor, Justice McMurdo, commenced duties on 3 August 1998. On that date the number of Judges of Appeal was increased to five, with the appointment of Justice Thomas from the Trial Division. This should lessen somewhat the demand for Trial Division judges to assist in the Court of Appeal. The large number of appeals and the desirability for trial judges to contribute their particular broad experience will, however, still ensure that Trial Division judges continue to play a substantial role in the Court of Appeal.

The Court of Appeal sat for 42 weeks this year. This court normally sits five days during each sitting week. Usually two Trial Division judges are assigned to the Court of Appeal on a roster prepared by the Senior Judge Administrator. The Chief Justice also sits in the Court of Appeal.

When there are six judges available to sit in the Court of Appeal, each will ordinarily sit eight days in each three-week period.

The court usually hears about 15 criminal conviction appeals, 10-12 civil appeals and up to 35 criminal or civil applications in each three-week period. Trial Division Judges rostered to sit in the Court of Appeal then generally have a week out of court in which to write their judgments. The Judges of Appeal do not take judgment-writing time in that way, and will immediately begin the next three-week routine. The reading of written arguments and other material prior to hearing and the preparation of reserved judgments nevertheless remains time-consuming and demanding, requiring work at night and on weekends if space allowed during sittings periods proves insufficient.

Applications for leave to appeal and appeals against sentence are generally less complex and take less time than other appellate work, allowing more of those proceedings to be heard in a day than cases of other types. Sentence matters are nevertheless of great importance to the litigants and the community. Commonly, because of preparation work done by judges prior to hearing, judgments in sentence proceedings need not be reserved.

Table 8 Judgments, criminal matters

Judgments	1995-96	1996-97	1997-98
Outstanding at start of year	30	22	26
Reserved	147	208	159
<i>Ex tempore</i> judgments delivered	263	303	208
Reserved judgments delivered	161	204	146
Outstanding at end of year	22	26	13

Table 9 Judgments, civil matters

Judgments	1995-96	1996-97	1997-98
Outstanding at start of year	36	45	32
Reserved	153	136	161
Ex tempore judgments delivered	46	78	67
Reserved judgments delivered	155	149	142
Outstanding at end of year	45	32	13

The judges are acutely conscious of the need for timely judgment. The following table applies.

Table 10 Time between hearing and delivery of reserved judgments

	Median number of days		
Type of case	1995-96	1996-97	1997-98
Criminal cases	28	26	38
Civil cases	53	51	39
All cases	42	32	39

There was an increase in the number of High Court special leave applications made this year, as shown in Table 11 below.

Table 11 High Court special leave applications

Number of applications	1995-96	1996-97	1997-98
Filed	24	35	43
Granted	3	4	0

Refused	14	16	18
Discontinued	n/a	3	5
Unheard	5	12	20

An advantage of a permanent Court of Appeal is greater specialisation, although in this State the practice has been, and should continue to be, to assign Trial Division judges in the Court of Appeal to hear appeals in all classes of cases, both civil and criminal. The essential function which the Court of Appeal judges provide is to make available a specialist core on the appeal panels. The Trial Division judges contribute, among other attributes, substantial experience stemming from their day-to-day involvement in trials.

The established practice of delegating responsibility for case management, including preparation of the daily court lists, continued this year. The Acting Senior Deputy Registrar (Appeals) now effectively performs that task and makes most of the necessary decisions, with only occasional judicial involvement being necessary.

The *Courts Reform Amendment Act 1997* effected significant changes to the administration and management arrangements established by the *Supreme Court of Queensland Act 1991*. These changes have been implemented during the 1997-98 year. As a result, it is no longer necessary to provide the information previously furnished with relation to the Court of Appeal financing.

Registry

As noted in last year's report, the movement of the Appeals Registry to the ground level of the Supreme Court building has largely been successful and efficient. Improvements in communication, security, multi-skilling and career advancement have created better staff satisfaction and morale within the area, despite short-staffing at times through a failure to fill vacant positions. Regrettably, the Registry lacks adequate storage space for appeal records and exhibits. There is less storage space now than before the relocation. This problem needs to be addressed.

Judgments and Catchwords

The Queensland Court of Appeal is the only appellate court in Australia which does not have its judgments accessible on the Internet, free of charge through AustLII. This means that they are not cited in other courts to the same extent as judgments of other Australian courts, which tends to diminish this court's jurisprudential contribution. This situation should be remedied.

From 1 July 1997, the Supreme Court Library assumed responsibility for preparing the headnote-style catchwords of Court of Appeal judgments previously prepared within the Court. The judgments are circulated free of charge to Queensland judges and magistrates, and to the New South Wales and Victorian Courts of Appeal. The Library currently charges for the sale of these judgments to others, including the Incorporated Council of Law Reporting, to generate much-needed funding. If the Court of Appeal judgments are to be provided free of charge through AustLII, as they clearly ought to be, the

Library must receive adequate funding from other sources. These issues are currently being pursued.

Information Technology

On 5 June 1998 Queensland Law Foundation Technology Services Pty Ltd reported the results of a review of the existing information systems within the Court of Appeal, with recommendations for the Court's future (*Report to the President, Court of Appeal (Qld) on Information Technology*).

Those recommendations are summarised as follows:

- A consultant should be engaged immediately to assist the Supreme Court's Information Technology Administrator to address immediate problems and to stabilise the existing Information Technology (IT) infrastructure within the court.
- The court should plan and budget for an upgrade to the court's IT system as required by the proposed government Standard Operating Environment (SOE).
- The court should plan and budget for an upgrade to the Court of Appeal Case Management System (CAMS), including obtaining a dedicated database server.
- The court should upgrade its file server to a more robust system and it should include a mirrored hard drive to provide redundancy should a disk drive fail.
- The court should consider obtaining software such as Citrix Winframe for the judges to use to dial-in to the court's local area network.
- Judgments missing from the court's judgments database should be identified and entered into the database.
- Support for the Topic software should be sourced; conversely alternative software should be obtained which can be supported and which can provide the court with a reliable search tool.
- A 'macro' for the court's judgments should be developed which will 'tag' relevant parts of the judgment; this information can then be used in the court's database and will also be compatible with the recommendations endorsed by the Council of Chief Justices with respect to electronic appeal books.
- The court should take steps to give judges and staff desktop access to the Internet; organisations such as CITEC should be investigated to provide an appropriate firewall for the court's network.
- The court should consider making available its judgments to an organisation such as AustLII for publication on the Internet.
- The court should use an electronic appeal book in appropriate cases, using the *Final Report on Electronic Appeal Books to the Council of Chief Justices* as a guide.
- The court should consider the ongoing work of committees which are revising rules, to ensure that

any new rules provide for electronic filing.

Financial resources permitting, these recommendations will be pursued.

Court of Appeal Case Management System (CAMS)

The report of Queensland Law Foundation Technology Services Pty Ltd raises two serious issues.

Ongoing maintenance

Any information technology system requires ongoing maintenance, including modification and improvement of the system as necessary to meet the needs of the Court and Registry.

Since the Court of Appeal and Trial Division networks were merged in late 1997, there have been problems in relation to CAMS, the most serious being that there are few programmers trained in Paradox. The Acting Senior Deputy Registrar (Appeals) can resolve basic difficulties, but lacks the expertise to remedy all problems encountered. The Information Technology Support staff are aware of the problems, but lack the resources to undertake the task of maintenance and modification of CAMS. This serious deficiency needs to be remedied.

If CAMS is to perform efficiently, it must regularly be audited and enhanced.

Ongoing maintenance includes ensuring that CAMS is year 2000 compatible. CAMS was assessed by the Year 2000 Project, a Department of Justice initiative, in October 1997, as requiring further work to make it year 2000 compatible. That work must be done as a matter of priority.

Future upgrade

The question of an upgrade for CAMS was raised in the Trial Division's 1995-96 Report. Information technology systems are usually upgraded approximately every five years.

Alternatively, a different system, such as that recently developed in the High Court, could be investigated. Purchasing such a system may prove more cost efficient than an upgrade. These options are discussed fully in the report.

Proper CAMS maintenance and upgrade are critical to the efficient performance of the Court of Appeal.

Judicial computerisation

From within their Chambers and elsewhere, the Judges of Appeal have access to the Court of Appeal judgments database and the Supreme Court Library's electronic catalogue and CD-ROM network. The Associates to the Judges of Appeal, the Court of Appeal Research Officer and the Senior Deputy Registrar (Appeals) have access to the same material from their rooms in the Court of Appeal precinct. Access to the Internet (via the University of Queensland), legal resource materials and external e-mail are also available through a computer in a room in the Court of Appeal precincts, on each judge's

laptop computer and on the desktop of the Senior Deputy Registrar (Appeals).

The Queensland Law Society has made its extranet, THEMIS, available to all members of the judiciary free of charge. It provides useful legal research material, especially access to legislative reprints with historical tracking, enabling the user to find quickly the legislation applying on a particular date. It also provides secure e-mail. However, the computers provided to the Judges of Appeal had insufficient hard disk space to fully utilise this facility and difficulties are being experienced in remedying this. The Court of Appeal database on THEMIS contains rules, practice directions, guidelines and lists.

Before the integration of the Trial Division computer network with the Court of Appeal Division network late in 1997, the Court of Appeal judges and staff had a useful intranet e-mail system. This, and other valuable information, was lost with integration and other difficulties arose. It is hoped the Court of Appeal e-mail system will soon be restored, but this has not yet been achieved because of lack of staff. Were adequate financing available, these inadequacies could be remedied.

Web site

During the year, the Acting Senior Deputy Registrar (Appeals) ensured that the Internet web site for the Court of Appeal and the Court of Appeal information site on THEMIS were appropriately updated.

Electronic filing system

An electronic filing system has been trialled in conjunction with Legal Aid Queensland and found to be a successful proof of concept. If the system can be effectively established, it should result in substantial cost-saving for both Legal Aid Queensland and the Registry. The system is currently limited to the filing of applications. To be of real use to the profession, electronic filing needs to be extended to all material, using the Internet as a platform which would be a more readily available option than THEMIS, the present platform. It is likely that full electronic filing and electronic record books will be used in the future. The Court of Appeal must plan accordingly.

Electronic appeal books

A working party of the Council of Australian and New Zealand Chief Justices has undertaken an Electronic Appeals Project. Much more work needs to be done, but so far the following recommendations have been made:

- Courts should keep electronic copies of their own judgments.
- Courts should retain electronic transcript for a minimum of five years.
- Judgments should include paragraph numbers.
- Citations should be medium-neutral (e.g. paragraph numbers).

- Consistency should be maintained in appellate rules and practices, especially those relating to electronic appeals.
- Courts should develop consistent protocols, rules or practices concerning electronic appeals.
- There should be consistency in the preparation and production of the electronic version of judgments, and quality control mechanisms should be established by each court.
- The electronic version of transcripts should be prepared and produced in a consistent format.
- Rules of Court should allow the use of electronic material in appeal cases.
- Practice Directions, or similar, should be prepared for each court's jurisdiction which cover the arrangements for the submission of electronic material on an appeal.
- The use of a electronic appeal book (EAB) or electronic material should be considered in suitable cases. A guide for those agencies considering the use of EABs or partial EABs should be prepared.
- Courts should consider piloting the prototype electronic appeal book.
- The working party should continue in its role of providing advice to the Council of Chief Justices, with the assistance of appropriate judges and nominated personnel from the courts.
- Courts should consider the introduction of electronic filing to facilitate the movement of electronic appeal material.

The Court aims to implement these recommendations, as far as practicable.

Conclusion

The Court of Appeal Division continued to dispose of its caseload efficiently this year. To ensure this continues, the court will of course require adequate resources, especially to maintain and upgrade its necessary computer facilities, particularly CAMS.

TRIAL DIVISION

Criminal Jurisdiction

Criminal proceedings within the Trial Division commence with the presentation of an indictment: a document stating the charges brought against a named individual or individuals.

Justice Mackenzie continued this year to be the judge responsible for the management of the criminal list in Brisbane. Indictments presented in Brisbane are presented before the Criminal List judge on designated presentation days. Then and at subsequent review hearings the Criminal List judge endeavours:

- to identify as soon as possible those cases in which there is to be a plea of guilty, with a view to early finalisation;
- to ensure that cases are ready for trial on the allocated dates, and that preparation for trial is undertaken by the parties to ensure the trials will proceed efficiently.

More complex criminal cases or groups of cases may be assigned to a designated judge for management prior to trial and for trial.

The Criminal List Manager plays a vital role in the effective disposition of criminal cases in Brisbane. The Manager is responsible to the Criminal List Judge and to the criminal sittings and circuit judges for the management of the work in the criminal jurisdiction. The Manager deals with the Officer of the Director of Public Prosecutions, the Legal Aid Office, the legal representative of parties, unrepresented parties and various other agencies involved in criminal matters, with a view to the efficient disposition of the criminal work of the Trial Division.

The Central, Northern and Far Northern judges are responsible for the management of criminal jurisdiction work in their own districts. Circuits are monitored from Brisbane and by the Central Northern and Far Northern judges. The work of a particular circuit is the responsibility of the judge assigned to the circuit.

There has been continuing progress in ensuring that responsible, informed and appropriately authorised prosecution and defence representatives confer and participate in review hearings at an early stage. There is, however, still scope for improvement in this area.

Changes to the *Criminal Code*, giving judges power to make pre-trial rulings and more effectively manage criminal cases, came into operation during the review period. The changes are beneficial but requests for pre-trial rulings are increasing and impose additional administrative and 'judge time' demands. In other respects, there has been encouraging acceptance by the profession that efficient disposition of criminal cases depends on cooperation between the parties and the court. This has minimised the need for formal orders.

There are some administrative difficulties in implementing legislation that will permit Magistrates Court charges to be dealt with in conjunction with pleas of guilty in the Supreme Court. These are being addressed.

As will be seen from the following tables, 92% of criminal cases were disposed of within 12 months. Cases which take longer may be awaiting the outcome of an appeal in another case, or the trial of a co-accused, or a retrial after a jury has been discharged; there may have been a successful appeal, or a person may have absconded or be in custody in another State.

A large proportion of cases is disposed of by pleas of guilty. Any reduction in the plea rate will increase demand on the Trial Division's resources. To facilitate the effective disposition of cases when there are pleas of guilty the Division seeks to designate plea days in advance, but the late notification of the collapse of trials and competing calls for judge time restrict the Division's capacity to deal with all pleas as expeditiously as might be wished.

Relevant statistics appear below.

Table 12 Annual caseload - criminal jurisdiction, Brisbane

Number of cases*	1995-96	1996-97	1997-98
At start of year	123	155	171
Commenced during year	480	535	579
Disposed of during year+	437	527	523
Undisposed of at end of year**	155	171	159

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

+ 'Disposed of' includes trial, sentence *nolle prosequi* and no true bill.

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

Table 13 Method of disposal

Type	Number		
	1995-96	1996-97	1997-98
Trial	62	51	59
Plea of guilty	314	411	385
Other	61	65	78
TOTAL	437	527	522

Table 14 Age of cases disposed of - criminal jurisdiction, Brisbane 1997-98

Time from presentation of indictment to disposal	Cases disposed of 1 July 1997 to 30 June 1998			
	Trial (%)	Sentence (%)	Other* (%)	Total (%)
<3 months	25.5	61	46	55
3-6 months	25.5	23	24	24
6-9 months	34	9	16	12
9-12 months	7	2	4	3
>12 months	8	5	10	6**
TOTAL	100	100	100	100

* Other' includes *nolle prosequi* and no true bill

** 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, or awaiting the trial of co-offenders etc.

Table 15 Criminal jurisdiction applications, Brisbane, dealt with by chamber judges

Type of application	Number of applications		
	1995-96	1996-97	1997-98
Proceeds of crime	64	100	95
Compensation to victims of crime	22	20	20
Pre-trial bail	446	452	438
TOTAL	532	572	553

Civil Jurisdiction

Proceedings are instituted in civil jurisdiction by the filing of a writ or other initiating process - summons, notice of motion or application are the most common.

Writs initiate actions which, subject to earlier resolution, proceed to trial.

Other initiating processes usually come before a chamber judge or a registrar in the first instance and are disposed of there. Matters which cannot be dealt with in that way are placed on the list of matters destined for trial, to be allocated a hearing date.

Proceedings may be instituted in the registries in Brisbane, Rockhampton, Townsville or Cairns or in the circuit registries in Toowoomba, Roma, Longreach, Maryborough, Bundaberg, Mackay or Mount Isa.

Table 16 Initiating documents in contested matters, Brisbane

Types of document	1995-96	1996-97	1997-98
Writs	2823	2866	2870
Applications	1076	1223	1331
Originating summons	935	884	809
Motions	143	130	204
Order to show cause	12	15	4
Petition	7	2	1
TOTAL	4996	5120	5219

Table 17 Annual caseload* - civil jurisdiction, Brisbane

Number of cases entered for trial	1995-96	1996-97	1997-98
At start of year	302	300	258
Entered during year	444	265	237
Disposed of during year	446	307	348
At end of year	300	258	147

* Matters dealt with in chambers are not included in this and other tables on civil caseloads.

Table 18 Cases awaiting hearing - civil jurisdiction, Brisbane

Number of cases and days sought	At end 1995-96	At end 1996-97	At end 1997-98
Number of cases	300	258	147
Number of cases seeking more than five days	-	52	22
Total days sought	1000	915	478
Average days sought per case	3.33	3.54	3.25

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

Method of disposal	1995-96	1995-97	1997-98
Judgment	112	67	70
Settled	212	182	200
Adjourned	74	22	50
Discontinued	43	31	25
Other	5	5	3
TOTAL	446	307	348

* Includes matters placed on the civil list but not required to be formally entered for trial.

The trend identified previously of increasing originating processes, and decreasing entries for trial and disposition by trial has accelerated slightly.

Table 20 Percentage of cases disposed of within 12 months of entry for trial - civil jurisdiction, Brisbane

1995-96	1996-97	1997-98
74%	59%	65%

The average lapse of time between entry for trial and trial at 30 June 1997 was 18 months. As at 30 June 1998 it was four months. Parties prepared to accept trial dates received them at the callover immediately following entry for trial, particularly towards the end of the period. Older cases are being 'cleaned out' of the system, as is indicated both by cases awaiting trial and by the fact that those disposed are of more recent origin than in previous years.

Mediation and case appraisal

The court has power to refer proceedings to either mediation or case appraisal, to facilitate an expeditious, potentially less traumatic and relatively cheap resolution short of trial.

Mediation involves the appointment of an independent third party to facilitate an agreed resolution.

Case appraisal involves the appointment of an experienced lawyer to form a sound opinion of the likely outcome of the proceedings. A party may elect not to accept the outcome and proceed to trial.

Mediators and case appraisers must be approved. A list of those approved, with details of charges and experience, is available in the Registry.

Table 21 Approval of case appraisers and venue providers

Type	1995-96	1996-97	1997-98
Case appraisers	76	23	20
Mediators	97	30	34
Venue providers	18	3	0

During the year under review notice of intention to refer to case appraisal was sent in:

- all cases transferred to the Supervised Case List;
- all cases transferred to the Supreme Court from the District Court;
- all personal injury actions, when entered for trial.

Parties respond to notice of intention to refer by:

- notifying the court that they have resolved their dispute;
- agreeing to mediate or consenting to an order for case appraisal or mediation;
- lodging a dispute resolution plan;
- stating a basis for objecting to an order to case appraisal or mediation.

Objections are considered by a deputy registrar in conjunction with a judge, with a view to identifying which should be listed for review by a judge. Cases which, it is considered, should be reviewed are then given a review date. Many of them settle or result in consent orders before the review. All too often, however, this occurs on the day of the intended review.

Table 22 Referral notices sent and no response received

Action taken	1995-96	1996-97	1997-98
Advised of review	35	126	100
Listed for review	7	47	36

Justice Byrne was the judge responsible for the management of notices of intention to refer, review of objections and monitoring progress during the year under review.

Table 23 Notice of intention to refer to appraisal or mediation (excluding supervised cases)

Notices and outcome	1995-96	1996-97	1997-98
Notice	95	263	217
Objections	20	33	15
Matters reviewed after objection	nil	12	8

Table 24 Case appraisal orders

Appraisal orders made	1995-96	1996-97	1997-98
Orders referring to case appraisal			
• consent	18	48	36
• not consent		51	36
TOTAL	18	99	72

Table 25 Case appraisal outcomes

Outcome	1996-97	1997-98
Case appraisal certificates	59	72
Case appraisal election to proceed to trial	24	19
Outcome of election to proceed to trial		
• worse	1	0
• better	0	0
Settled after election but before judgment	5	3
Remitted to District Court	1	0

Table 26 Mediation orders

Type of order	1995-96	1996-97	1997-98
Orders referring to mediation			
• consent	17	166	195
• not consent	59	120	122
TOTAL	76	286	317

In virtually all the cases ordered to mediation this year the mediator was agreed by the parties or their legal advisers rather than designated by the court. One of five mediators was nominated in 50% of cases. The other 50% of cases were shared among 55 mediators. It is known that cases were also mediated without court order, or the matter otherwise came to the court's attention, but it is not known in how many cases this occurred.

Table 27 Mediation outcomes

Outcome	1995-96	1996-97	1997-98
Certified as settled*	15	74	154
Certified as not settled	12	110	168

* In the three years covered by this table, 110 matters were certified as not settled at mediation and certified as settled at a later date.

In too many cases, the court is notified that the parties will agree or have agreed to refer the case to mediation or appraisal, but the practitioners take no steps to implement this. Callover lists become cluttered with cases where no step to effect mediation or appraisal has been taken for unacceptable lengths of time. To deal with this, a system was established where such cases are not included in sittings callover lists. Practitioners are then notified that the matter will be reviewed by a judge to explore the reason for the delay. The outcome of this exercise is to be found in the following table.

Table 28 Follow-up of outstanding mediation and appraisals

Review notices and outcomes	1997-98
Notice of intention to review outstanding mediation or appraisal	161
Resolved before review	123
Listed for review	39

Directions given to finalise outcome	39
--------------------------------------	----

This table refers only to cases where an order for mediation was made or filed. It does not cover the orders outstanding at the end of the period. The table reflects an undesirable situation which will be kept under review.

Supervised case list

Practices and procedures in respect of the supervised case list were consolidated in Practice Direction 15 of 1996. Cases are placed on the supervised case list when:

- estimated hearing time is in excess of five days; or
- a case (or group of cases) is identified as imposing a greater than normal demand on resources (because of length of hearing time, complexity of issues, multiplicity of parties etc.).

Cases on the list are managed to effect the just and timely resolution of the case with the minimum necessary commitment of resources by court and litigants. Longer or more demanding cases can expect a higher degree of supervision.

Cases are managed by the development of a dispute resolution plan and timetable specifically adapted to the dispute. The plan provides for a timely exchange of structured information and selected dispute resolution techniques.

The procedures and processes facilitating the resolution of actions include:

- settlement conference between practitioners and their clients (many cases are settled in this way without any court involvement);
- conference between practitioners to agree on procedures and identify areas of difference which will have to be resolved by a judge;
- interlocutory applications, particularly for an injunction pending trial (the great majority of such cases go no further than this application irrespective of outcome);
- summary judgment application (the great majority of such cases go no further than this application irrespective of outcome);
- summons to construe a document or statute;
- mediation;
- case appraisal;
- offer to settle;

- reference to an expert;

- trial of separate issues;
- appointment of an arbitrator;
- full trial.

Table 29 Supervised Case List activity

Number of cases	1995-96	1996-97	1997-98
At start of year	41	86	127
<ul style="list-style-type: none"> • Single supervised cases • Group supervised cases 	n/a n/a	61 25	78 89
Listed during year	59	91	120
<ul style="list-style-type: none"> • pursuant to paragraph 10 of Practice Direction 13 of 1995 • pursuant to direction of a chamber judge • pursuant to practitioner request 	n/a n/a n/a	17 30 44	17 8 95
Reviewed	n/a	266	272
Disposed of during year	39	50	82
Tried to judgment:-	4	7	18
<ul style="list-style-type: none"> • after an unsuccessful case appraisal • after an unsuccessful mediation 			1 10
Disposed of without trial			64
<ul style="list-style-type: none"> • settled at mediation, mediator's certificate filed • mediation ordered but settled before mediation conducted • case appraised and case appraiser's certificate filed • case appraisal ordered, no case appraiser's certificate filed • otherwise/discontinued:- <ul style="list-style-type: none"> • taken off the supervised case list because of e.g. inactivity, insolvency, bankruptcy • actions remitted to the District Court • set down for trial but settled before trial started • settled after an unsuccessful mediation but before trial dates allocated • settled at trial • settled where no ADR process ordered • unsuccessful case appraisal, allocated trial dates but settled before trial commenced • unsuccessful mediation, allocated trial dates but settled before trial commenced 	0 4 4 4 - n/a n/a n/a n/a n/a n/a n/a n/a	12 8 2 4 17 n/a n/a n/a n/a n/a n/a n/a	15 2 0 3 44 6 1 9 6 4 11 4 3
Cases on Supervised Case List at 30 June	61	127	165
<ul style="list-style-type: none"> • single supervised cases • group supervised cases 	- -	77 50	78 87

The number of cases on the supervised case list:

- have increased 30% from 1996-97;
- have increased 170% from 1995-96.

Listings (1997-98):

- have increased 32% from 1996-97;
- have increased 103% from 1995-96.

Reviews (1997-98):

- have increased 2% from 1996-97.

The number of cases disposed of:

- has increased 64% from 1996-97;
- has increased 110% from 1995-96.

Cases or groups on the list may be assigned to specific judges for management. In longer or more complex supervised cases, endeavours are made to identify the trial judge in advance and have that judge deal with interlocutory matters, reviews and directions. Directions are given for indexed bundles of documents, chronologies, expert reports, witness lists, schedules, outlines and the like to be prepared and exchanged. Copies may be required to be lodged for the trial judge in advance of the trial.

The use of CD-ROM and real-time reporting sometimes facilitates the trial of such cases.

The Supervised Case List Manager is crucial to the effective functioning of the list. She assists practitioners in the development of dispute resolution plans, liaises with the Senior Judge Administrator, the judges responsible for managing particular cases or groups, the legal profession, litigants in person, the deputy registrar responsible for Alternative Dispute Resolution matters, the Civil List Manager and Chamber List Officer and the State Reporting Bureau to facilitate the management and disposition of cases on the list.

Cases other than Supervised Cases

The court does not actively manage those cases which are not on the Supervised Case List save in exceptional circumstances, mainly because of resource constraints and competing priorities. It is, however, always open to a party not satisfied with the progress of a case to obtain and enforce directions designed to effect a speedy resolution.

Once a case is entered for trial it is placed on the list of cases awaiting trial dates. From there it progresses to a sittings callover list to be allocated a trial date. Matters not required to be entered for trial, such as lengthy chamber matters, may also be placed on these lists. Trial dates for the majority of cases are allocated at civil callovers, although in exceptional circumstances trial dates may be directly allocated.

Generally speaking, callovers to allocate hearing dates are held on a Friday about four weeks before the commencement of the sittings to be called over. At the callover, a judge seeks information from the representatives of the parties as to readiness for trial, the reliability of estimates of trial length, assurance that the case is ready for trial and other relevant matters.

Expectations of adjournments and settlements after matters have been set down for trial, but before the trial date is reached, are accommodated by set-down rates which relate to the number of judge-days available for new and part-heard cases.

The objective is, on the one hand, to avoid having more cases seeking to proceed on a given day than there are judges available and, on the other hand, to make maximum use of the judge-time available for the sittings. The latter consideration tends to yield to the former because, if there are more cases to proceed than there are judges available, parties whose cases cannot be dealt with incur costs and suffer disappointed expectations. Any time that becomes available to a judge is used for other judicial work.

Table 30 Callover outcomes

At callover	1997-98
Cases taking up available dates at first callover after entry	54%
Cases where no appearances for plaintiff at callover	11%
Cases where no appearances for defendant	4%
Cases adjourned to next callover	1%
Post-callover	
Cases set down at initial callover then settled	64%
Cases set down then adjourned because parties not ready	10%
Cases adjourned because no judge available	5%
Cases taking available dates at first callover which proceed to trial	21%

At the last three callovers this year all the cases on the list of cases awaiting trial were called over and the great majority were offered trial dates. The Civil List Manager is the officer in the Registry responsible for this aspect of the court's business.

Chambers jurisdiction

The use of the term ‘chambers’ is a well-established anachronism. It referred to matters which judges heard in their private chambers, as distinct from in open court. By virtue of s.261 of the *Supreme Court Act 1995*, however, opposed chamber applications are deemed adjourned into open court unless all parties consent to the matter being heard in chambers.

Judges sitting in chambers deal with matters commenced other than by writ (originating applications) and applications in pending actions (interlocutory applications).

There are two judges sitting in chambers for most weeks of the year, and occasionally three. A chamber judge sits during the court vacation and is available 24 hours a day, 7 days a week. Court Security (telephone 3247 4771 or 3247 4775) will facilitate contact with the associate of the on-call judge.

The efficient conduct of chamber business depends on reliable time estimates by practitioners and early notification to the Chamber List Officer of any change in time estimates. Informative outlines of argument (Practice Direction 12 of 1995) and competent presentation of submissions assist greatly.

Chamber applications may result in the final determination of a matter or be a step in an ongoing matter. Appendix 1 provides a breakdown of chamber applications in terms of various categories.

Matters which are too long or too complex to be dealt with by a chamber judge or which are not reached because of the chamber’s workload may be placed on the civil list to be allocated a hearing date at a callover.

Many urgent and complex matters are dealt with in chambers and time must be taken to consider and write judgments. The chamber workload is diverse, variable and unpredictable. It is therefore difficult to develop and implement reliable indicators of workloads or performance and to plan for the disposition of chamber work.

Chamber judges deal with applications in criminal matters: for example, for bail, for the confiscation of the profits of crime, for authorisation of the installation of listening devices and for compensation for victims of crime.

There has been some easing of the pressure on the chamber list during the year under review. The reasons for this are unclear but may reflect such factors as increased use of supervised case list management, the early availability of trial dates and greater recourse to techniques such as mediation and case appraisal.

Table 31 Process returnable before a chamber judge or registrar

Matter	1995-96	1996-97	1997-98
Originating process other than writs	2173	2254	2332
Interlocutory applications	2317	2595	2606
TOTAL	4490	4849	4938

Cross-vesting scheme

The *Jurisdiction of Courts (Cross-Vesting) Act 1987* is part of a statutory scheme with the aim of establishing a system of cross-vesting of jurisdiction between Australian courts without detracting from the existing jurisdiction of any court. Table 32 shows activity under that Act.

Table 32 Number of cases cross-vested

Originating and receiving courts	To Supreme Court of Queensland			From Supreme Court of Queensland		
	1995-96	1996-97	1997-98	1995-96	1996-97	1997-98
Federal	2	8	9	2	5	4
Supreme - NSW	7	7	4	2	0	1
Supreme - Vic.	2	1	3	0	3	0
Supreme - SA	1	0	0	1	0	0
Supreme - WA	0	2	0	0	1	0
Supreme - ACT	1	0	0	0	0	0
Supreme - Tas.	0	1	0	3	0	0
Family Court	1	2	5	0	1	0
TOTAL	14	21	21	8	10	5

Judicial Review Act

The *Judicial Review Act 1991* provides for the review, on questions of law, of certain administrative decisions and for the reform of procedures relating to judicial review at common law. In other words, it expanded the circumstances in which administrative decisions could be challenged. Table 33 lists activity under the Act dealt with by the court.

Table 33 Judicial Review Act

Type of matter and result	1995-96	1996-97	1997-98
Applications	78	61	72
Orders made	108	121	111
Referred to Civil List	28	38	26

Registrars Chambers Jurisdiction

Corporations Law

Registrars (the term includes deputy registrars) in Brisbane continued to exercise the power under the *Corporations Law* and the *Corporations (Queensland) Rules 1993* to hear specific applications.

The bulk of the matters dealt with related to the winding up of companies either on the ground of insolvency or on the other grounds permitted under the *Corporations Law*.

Other hearings conducted by the registrar concerned the reinstatement of companies, the granting of leave to proceed against companies in liquidation, the approval for companies to reduce their capital and the ordering of the issue of summonses pursuant to Sections 596A and 596B of the *Corporations Law* for the examination of persons about the affairs of companies.

The number of matters dealt with by registrars in the year under review is reflected in Table 34.

Table 34 Applications heard by registrars and results

Result of application	1995-96	1996-97	1997-98
Order	715	811	853
Adjourned	441	549	590
Dismissed	159	190	181
Referred to judge	79	95	80
TOTAL	1394	1645	1704

The delegation of these matters to the registrar has the effect of making judges more freely available for the hearing of matters of greater difficulty.

Judgment by default

A party served with a writ must take steps to enter an appearance. If the party fails to do so within the specified time the plaintiff may seek judgment in default of appearance.

The number of judgments in default of appearance has continued to increase during the last twelve months.

Table 35 Judgment by default

	1995-96	1996-97	1997-98
Applications	292	379	448

Judgment entered	194	259	312
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Hearings for judgments by default are heard between 9.00 a.m. and 4.00 p.m. Approximately 30% are heard during the morning, thus avoiding the afternoon peak times at the Registry. Filing by post is permitted for applications for judgment by default.

Mutual Recognition (Qld) Act 1992

The Registry has significant responsibilities under the *Mutual Recognition (Qld) Act 1992*. This Act simplifies the process whereby barristers and solicitors registered in other jurisdictions can become eligible to practise in Queensland.

Guidelines under section 39(1) of the Act for recognition in Queensland are readily available from the Registry (*Supreme Court Brochure Series no. 2*).

Almost 30% of admissions as barristers and solicitors are now dealt with under the *Mutual Recognition Act* provisions. This is slightly less than last year's figure of almost 35% of admissions.

Table 36 Types of admissions 1997-98

	1995-96	1996-97	1997-98
Admission as barristers			
• under the Queensland Admission Rules	73	68	83
• under the <i>Mutual Recognition Act</i>	67	42	58
Admission as solicitors			
• under the Queensland Admission Rules	389	352	350
• under the <i>Mutual Recognition Act</i>	149	127	138

Reciprocal arrangements agreed to by Chief Justices provide for the Registrar to administer to Queensland practitioners oaths of allegiance and of office for admission to other jurisdictions.

This saves considerable time and expense for Queensland practitioners, avoiding the need for them to travel interstate to appear before the court for admission.

Taxation of costs

Taxation is the process by which a court officer, known as a taxing officer, determines:

- (1) in the case of litigation, the extent of the costs liability of the unsuccessful party to the successful

party; and

- (2) in the case of work performed by a solicitor, the extent of the costs liability of the solicitor's client to the solicitor.

In both instances, the taxing officer's task is to consider items of charge in a bill of costs, and, after having heard the submissions of the parties to the taxation, to determine the reasonable costs to be paid.

For the parties to litigation the right to tax the costs of the litigation derives from the Supreme Court Rules and orders of the court.

A client's right to tax the bill of costs of the solicitor who has performed work for the client derives from the *Legal Practitioners Act 1995* (s.7).

The parties to litigation and the clients of solicitors have had the right to have the taxing officer of the Supreme Court scrutinise a bill of costs at a taxation proceeding since 1867. However, when the *Civil Justice Reform Act 1998* took effect on 1 July 1998, the clients of solicitors lost their right to tax bills of solicitors' costs before the taxing officer. Since that date, any proceeding by a client, to establish the extent of the client's liability to the solicitor for costs, has had to be taken in the Solicitors Complaints Tribunal.

The taxing officer will, however, continue to tax bills of costs of the parties to litigation when directed by the Supreme Court Rules or an order of the court.

The following table shows the number of solicitors' and clients' bills which were filed (and the action taken upon those bills) by clients of solicitors for taxation in the Central Registry at Brisbane during the period of this report.

Table 37 Taxation - solicitors' and clients' bills

	1997-98
Filed	189
Taxed	16
Settled	113
Assessed	8
Adjourned	8
To be taxed	19

Of the 189 bills which were filed, 25 could not be dealt with by the taxing officer because there was no jurisdiction. The reasons were as listed below:

- in 14 cases there was a costs agreement between the solicitor and the client;
- in three cases the bill of costs had been filed in the incorrect court;
- in three cases the solicitor had filed the bill for taxation without the authority of the client or an order of the court to do so;
- in two cases the taxation was sought by a third part liable to pay the solicitor's costs, but without an order of the court referring the bill for taxation (a requirement of the *Legal Practitioners Act 1995*;

- in two cases the solicitor's retainer was disputed by the client;
- one bill of costs was not filed within the statutory one-month period from its receipt by the client.

The bills which were filed related to the costs being sought by 90 different firms of solicitors.

During the period of this report 629 bills of costs (both solicitor and client, and party and party), were filed in the court for taxation.

Not all of the bills filed proceeded to taxation. Table 38 demonstrates that a significant number of those bills were disposed of at or before the directions hearing, either by settlement or by default allowance.

Table 38 Taxation directions hearings (O.91 r.42)

Type of case	1995-96	1996-97	1997-98
Settled	122	116	115
Adjourned	155	184	225
Default allowance	89	88	89
Taxation date given	293	331	337
TOTAL	659	719	766

For 1997-98, of the 337 bills of costs which were given a date for taxation, 35% settled as indicated below.

Table 39 Result of cases set for taxation

Result of case	1995-96	1996-97	1997-98
Adjourned	36	34	55
Settled	105	150	121
Taxed	149	174	136
TOTAL	290	358	312

Probate

The probate area of the Registry has again had an efficient year, with all time frames for examination of applications and delivery of engrossments being met despite a 12% increase in the number of applications lodged.

In August 1997, Mr Dan Hovey, Deputy Registrar of the probate section for 6½ years, retired from office.

Table 40 Probate workload

New processes lodged	1995-96	1996-97	1997-98
Letters of administration and letters of administration with the will	292	234	341
Probate	1940	2313	2517
Reseals	63	75	84
Elections	223	167	167
Orders to administer	491	467	441
TOTAL	3009	3256	3550

During the year under review a survey of practitioners in the Brisbane area was conducted to assist in evaluating the registry's probate service.

The survey showed a high level of satisfaction with the overall service, with 53% of respondents rating it as excellent and 45% as satisfactory. Detailed responses to the survey are contained in Appendix 2.

Rules of court and practice directions

The judges of the court have responsibility for making rules of court and issuing practice directions. Among other things, these are used to prescribe the legal arrangements and sittings of the court, regulate matters of practice and procedure in the court and registry and, when necessary, prescribe the various forms to be used for proceedings of the court. A list of rules and practice directions made during the year follows.

Rules of court

	Gazetted
<i>Supreme Court Amendment Rule</i> Amendments to scale of fees and costs	29 August 1997
<i>Court Rules Amendment Rule</i> Amendments to barristers' admission rules Amendments to rules of the Supreme Court	1 September 1997
<i>Supreme Court Arrangements</i> Legal arrangements - first half of 1998 law year	12 December 1997
<i>Supreme Court - Solicitors' Admission Amendment</i> Amendment to solicitors' admission rules Amendment to fee structure	10 March 1988
<i>Supreme Court Arrangements</i>	5 June 1998

Legal arrangements - second half of 1998 law year

Practice directions

Number	Description	Date issued
22/97	Remittal of actions to District Courts	21 August 1997
10/98	Notice of change of address - supersedes PD 5/1986	4 March 1998
19/98	Interest on default judgments	29 May 1998

Central District

The Central District came into being when the *Supreme Court Act* of 1895 received assent on 19 December 1895. The boundaries of the Central District are described in Schedule 1 to the *Supreme Court Act 1995*. Although only Rockhampton and Longreach are within those boundaries, the arrangements for the dispatch of business have included the Circuit Court at Mackay and Bundaberg within the responsibility of the Central Judge (ss. 286 and 287 of the *Supreme Court Act 1995*).

The most significant event in the Central District this year was the opening of the Virgil Power Building in Rockhampton by the Honourable the Premier on 6 April 1998. The building houses the Supreme Court, the District Court and the Magistrates Court. The courts are served by an integrated registry. Before the official opening ceremony, a ceremonial sitting, presided over by the Chief Justice, was held in the old Supreme Court room. In the course of that sitting, the Central Judge, Justice Demack, recalled the use of the old building by the Supreme Court. His remarks are included as an appendix to this report.

In Rockhampton, criminal matters have generally been disposed of at the sittings to which the accused person was committed, except where delays were caused by applications to the Mental Health Tribunal. As noted in the report last year, a build-up of civil matters awaiting trial has occurred. This is being dealt with by increasing the number of weeks allocated to civil sittings. Justice Demack has presided at all the Rockhampton sittings.

In Mackay, criminal matters have been disposed of at the sittings to which the accused person was committed. For civil matters, it has generally been possible to offer a date for trial at the first callover following the entry for trial. The Mackay sittings have been presided over by Justice Demack, except for one sittings presided over by the Northern Judge, Justice Cullinane.

Justice Demack presided at one sittings of the Bundaberg Circuit Court. There have been no sittings at Longreach during the year.

Caseloads for all courts in the Central District are shown in the following tables:

Table 41 Rockhampton criminal

Number of cases	1995-96	1996-97	1997-98
At start of year	2	0	8
Commenced during year	36	53	49
Disposed of during year	38	45	54
Undisposed of at end of year	0	8	3

Table 42 Rockhampton civil

Number of cases	1995-96	1996-97	1997-98
At start of year	16	24	46
Entered during year	64	70	82
Disposed of during year	56	48	67
At end of year	24	46	61

Table 43 Mackay criminal

Number of cases	1995-96	1996-97	1997-98
At start of year	2	1	2
Commenced during year	16	9	10
Disposed of during year	17	8	11
Undisposed of at end of year	1	2	1

Table 44 Mackay civil

Number of cases	1995-96	1996-97	1997-98
At start of year	29	29	23
Entered during year	66	67	66
Disposed of during year	66	73	61
At end of year	29	23	28

Table 45 Bundaberg criminal

Number of cases	1995-96	1996-97	1997-98
At start of year	6	16	5
Commenced during year	30	25	26

Disposed of during year	20	36	19
Undisposed of at end of year	16	5	12

Table 46 Bundaberg civil

Number of cases	1995-96	1996-97	1997-98
At start of year	6	1	2
Entered during year	3	7	5
Disposed of during year	8	6	4
At end of year	1	2	3

Table 47 Longreach criminal

Number of cases	1995-96	1996-97	1997-98
At start of year	0	0	1
Commenced during year	0	1	2
Disposed of during year	0	1	1
Undisposed of at end of year	0	0	2

Table 48 Longreach civil

Number of cases	1995-96	1996-97	1997-98
At start of year	0	0	0
Entered during year	0	0	0
Disposed of during year	0	0	0
At end of year	0	0	0

Northern District

The Northern Judge, Justice Cullinane, sat during 44 weeks of the year. There were 17 weeks of criminal sittings, 14 weeks of civil sittings, 3 weeks each of Court of Appeal and Cairns circuit, 2 weeks Mackay circuit and 1 week in which the Land Appeal Court sat on 1 day only, with the balance of the week allocated to civil sittings. In addition 4 weeks were allocated to judgment-writing, although some of this time was also allocated to civil sittings. A judge from Brisbane spent 3 weeks in Townsville hearing cases which the Northern Judge was unable to hear.

A result of the creation of the Far Northern District (see 'Far Northern District' below) and the appointment of the Far Northern Judge in October was that the Northern Judge only spent three weeks

in Cairns compared with eight weeks in previous years.

While the number of cases tried remained similar to the previous two years, there was an increase in the number of cases settled after being set down for trial, as the following table shows.

Table 49 Cases disposed of and cases settled after set down for trial

Results of cases	1995-96	1996-97	1997-98
Weeks of civil sittings	27	18	17
Cases tried	23	23	24
Settled on day or eve of trial	37	29	43

Whether as a result of legislative changes or a move towards alternative dispute resolution, there was a marked decline in the number of cases entered for trial during the year. Only 39 cases were conferenced by the Registrar in pre-trial review - a reduction of over 50% on previous years - as is shown in Table 50.

Table 50 Results of cases entered for trial during the year

Results of cases	1995-96	1996-97	1997-98
Settled after conference appointed but prior to conference	3	4	1
Settled at conference	6	5	2
Settled within 14 days after conference	1	1	0
Settled more than 14 days after conference	10	7	5
Settled on day or eve of trial	14	11	12
Tried	12	4	0
Remitted to District Court	1	3	0
Removed from trial list	1	1	1
Awaiting trial	40	44	18
TOTAL	88	80	39

Table 51 Townsville criminal

Number of cases	1995-96	1996-97	1997-98
At start of year	17	5	24
Presented for trial during year	65	69	72
Disposed of during year	76	49	82
At end of year	5	24	15

Table 52 Townsville civil

Number of cases	1995-96	1996-97	1997-98
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At start of year	51	45	55
Entered for trial during year	106	95	67
Disposed of during year	112	85	89
At end of year	44	55	33

Far Northern District

The Supreme Court's Far Northern District was established pursuant to Part 12 of the *Courts Reform Amendment Act 1997*, which amended the *Supreme Court Act 1995*, and became law on 1 September 1997.

The legislation provides for a Far Northern Judge and court, equipped with its own registry and staff, including a Sheriff and Registrar.

The first Far Northern Judge, Justice Stanley Jones, was appointed to office on 2 October, 1997. His sitting time has been spent in Cairns (21 weeks), Brisbane (4 weeks) and Mount Isa (1 week) with 3 weeks allowed for judgment-writing.

The statistics in Tables 53-56 include cases disposed of by other judges before the appointment of Justice Jones.

Table 53 Cairns criminal

Number of cases	1995-96	1996-97	1997-98
At start of year	23	29	30
Presented for trial during year	106	110	143
Disposed of during year	97	108	119
At end of year	29	30	55

Table 54 Cairns civil

Number of cases	1995-96	1996-97	1997-98
At start of year	11	14	32
Entered for trial during year	50	54	42
Disposed of during year	47	36	64
At end of year	14	32	10

Table 55 Mount Isa criminal

Number of cases	1995-96	1996-97	1997-98
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At start of year	1	4	10
Presented for trial during year	3	11	14
Disposed of during year	0	5	16
At end of year	4	10	8

Table 56 Mount Isa civil

Number of cases	1995-96	1996-97	1997-98
At start of year	3	1	6
Entered for trial during year	10	10	21
Disposed of during year	12	5	15
At end of year	1	6	12

* Brisbane-based judges sat in Townsville and Cairns, as did the Northern Judge. Brisbane judges conducted Mount Isa circuits.

Southern District circuits

The Southern District circuits are conducted by Brisbane-based judges.

Whilst the circuits for these centres are planned on the court calendar, it is not unusual for scheduled circuits to be cancelled or shortened if there are insufficient cases. It is also not unusual for additional circuits to be added if the number of cases justifies this. The Division attempts to be flexible in such matters so that equal service can be given to all centres.

Annual caseloads for each centre are shown in the tables below.

Table 57 Toowoomba criminal

Number of cases	1995-96	1996-97	1997-98
At start of year	4	3	7
Presented for trial during year	20	22	22
Disposed of during year	21	18	23
At end of year	3	7	0

Table 58 Toowoomba civil

Number of cases	1995-96	1996-97	1997-98
At start of year	10	11	3
Presented for trial during year	19	13	22
Disposed of during year	18	21	22
At end of year	11	3	3

Table 59 Roma criminal

Number of cases	1995-96	1996-97	1997-98
At start of year	1	3	0
Presented for trial during year	4	4	0
Disposed of during year	2	7	0
At end of year	3	0	0

Table 60 Roma civil

Number of cases	1995-96	1996-97	1997-98
At start of year	0	0	0
Entered for trial during year	2	2	0
Disposed of during year	2	2	0
At end of year	0	0	0

Table 61 Maryborough criminal

Number of cases	1995-96	1996-97	1997-98
At start of year	2	10	3
Presented for trial during year	15	19	13
Disposed of during year	7	26	16
At end of year	10	3	0

Table 62 Maryborough civil

Number of cases	1995-96	1996-97	1997-98
At start of year	0	7	7
Entered for trial during year	9	13	11
Disposed of during year	2	13	15
At end of year	7	7	3

Tribunals

Mental Health Tribunal

The Mental Health Tribunal is constituted under the *Mental Health Act 1974* with powers under the *Commissions of Inquiries Act 1950*. It consists of a judge of the Supreme Court (Justice Dowsett this year) who is assisted by two psychiatrists. Proceedings before the Mental Health Tribunal are deemed to be judicial proceedings and are conducted in open court.

The primary functions of the tribunal are:

- to determine whether a patient was of unsound mind at the time of an alleged offence
- to determine whether a patient was suffering from diminished responsibility at the time of an alleged murder
- to decide whether a patient is fit for trial.

There are other, less important functions which absorb little of the tribunal's time.

Proceedings in the tribunal combine both adversarial and inquisitorial aspects. In particular, almost all expert evidence is obtained at the instigation of the tribunal, with the result that expert witnesses are seen to be free of partisan interest. Further, all parties have the opportunity to consider the expert reports well in advance and to discuss them with the witnesses.

A comparison of the totals for the last three years (Table 63 below) might suggest that, although the work of the tribunal continues to increase, the rate of increase is reducing. The more relevant figure, however, is the total of the matters which appear under the first two headings, references by the various authorities and appeals. The other two items, s.45 applications and s.70 applications, involve very little work, and there are few of them. The total number of references and appeals appears to have increased by a little over 10 per cent.

Table 63 Matters dealt with by the Mental Health Tribunal

Findings of the Mental Health Tribunal	1995-96	1996-97	1997-98
References:			
• Director of Mental Health	95	120	120
• Director of Public Prosecutions	6	2	1
• patient or legal adviser	43	37	56
• courts of law	1	1	2
Appeals against the Patient Review Tribunals	6	7	6
Section 45 application for removal of patient from Queensland to:	-	-	1
• Australian Capital Territory	-	-	1
• Victoria	-	1	1
• New Zealand	1	2	2
Section 70 application for order to visit and examine patient	-	2	-
TOTAL	152	172	189

Table 64 Results of matters dealt with by the Mental Health Tribunal

Findings of the Mental Health Tribunal	1995-96	1996-97	1997-98
References:			
• unsoundness of mind	75	96	112
• not of unsound mind and fit for trial	42	29	31
• not of unsound mind but of diminished responsibility and fit for trial	-	1	-
• not of unsound mind and unfit for trial	1	2	8
• facts in dispute and fit for trial	9	17	13
• facts in dispute and unfit for trial	1	4	2
• reference struck out			
Appeals:			
• dismissed	5	7	6
• upheld	1	-	-
Section 45 applications for removal granted	-	1	4
TOTAL	151	166	189

The last report referred to steps taken to streamline the work of the Tribunal. These steps have been successful. In effect, the parties are now asked to indicate in advance whether or not any of the expert witnesses are required for cross-examination. Although figures are not available, this appears to have reduced substantially the amount of expert witness time consumed in attending for cross-examination. The time actually spent under cross-examination has also been dramatically reduced.

There have been further amendments to the legislation since last year. Without giving a detailed explanation of what has occurred, it is sufficient to say that, in many cases, the Tribunal will now have to examine the factual basis of a diagnosis of mental illness to ascertain the extent to which the condition may have been caused or contributed to by the use of drugs or alcohol. It is not yet clear how this will affect the amount of time required by the Tribunal for its business.

Medical Assessment Tribunal

The Medical Assessment Tribunal is a superior Court of Record created under s.33(1) of the *Medical Act 1939* 'for the better control and discipline of medical practitioners (including specialists) and for the better determination of matters having a medical element ...'. The Tribunal is constituted by a judge of the Supreme Court sitting with two medical practitioners as assessors. Justice Fryberg constituted the Tribunal this year.

At the beginning of the year, seven matters were pending in the Tribunal. Of these, six were awaiting hearing and judgment was reserved in the other matter. During the year a further 17 matters were instituted in the Tribunal. In addition, three applications were made for a judge to state a case pursuant to s.43 of the Act, all arising from the one proceeding. The type of matters commenced during the year is shown in Table 65 below.

Table 65 New matters instituted in the Medical Assessment Tribunal

Nature of proceedings	Section of Act	Number of cases
Investigate matters respecting the administration of the Medical Act, the medical profession, or the practice of medicine or any other matter considered to require investigation in the public interest, on a reference by the Governor-in-Council	s.6	nil
Investigate the conduct or qualifications of any medical practitioner on reference from the Medical Board of Queensland	s.36	nil
Hear appeals from determinations of the Board to refuse a person's application for registration, to remove a practitioner's name from the register or to impose conditions upon a practitioner's registration	ss.18B, 21, 30M, 31D	nil
Hear applications for review of orders of the Board suspending a practitioner or imposing conditions upon a practitioner's registration	s.32	4
Hear charges made against practitioners by the Board alleging disqualification from practice, conviction of an indictable offence, or misconduct in a professional respect	s.37	9
Hear cases of suspension for protection of life or health on reference from the Board	s.20	2
Hear motions for a person to be dealt with for contempt of the Tribunal	s.33	1
TOTAL		17

Hearings during the year consumed 19 sitting days, including two non-scheduled sitting days, as compared with 22 sitting days last year. In addition, the judge continued to sit without assessors to give directions from time to time. The number of cases coming before the Tribunal now requires regular callovers to be held and directions given. Considerable time - weeks rather than days - was also required for the preparation of reserved judgments and stated cases.

During the year, delays in obtaining dates for hearing were substantial (up to 10 months), and this problem may be expected to continue. Primarily, the delays are caused by the increases in complexity and number of charges brought by the Board; in the year under review, a difficulty through appointing assessors at relatively short notice was also a contributing factor. Twelve of the 13 matters outstanding at the end of the year were unheard.

Table 66 Annual caseload - Medical Assessment Tribunal

	1995-96	1996-97	1997-98
At start of year	3	6	7*
Commenced during year	13	12	17
Disposed of during year	10	11	11
At end of year	6	7	13

* Includes a case which has been heard and judgment was reserved

For a variety of reasons, the list will always contain some pending cases, but at present the number is excessive. Although an additional sitting was held in January 1998, the beneficial effect was lost when it was found to be impossible to schedule another sitting before the end of the period under review. This was due in part to the commitments of the judge to other Supreme Court business and in part to the unavailability of both assessors when the judge was available. In June 1997, the Medical Board proposed to Queensland Health that s.33 of the Act be amended in a way which would have improved flexibility in the appointment of assessors. The court also drew attention to the need for amendment of s.33 in its report last year (see Annual Report 1997 p.50). Unfortunately, no action has been taken, and the problem referred to is continuing.

Throughout the year, the assessors continued to play an important role in the operation of the tribunal. The problem relating to their fees referred to in last year's report has been dealt with administratively.

In previous years, the court has also drawn attention to the inefficient nature of the process by which appeals are brought from the tribunal. The process has been criticised by appellate courts (see *Brisbane City Council v. Valuer-General* (1978) 140 CLR 41; *Medical Board of Queensland v. Cooke* [1992] 2 Qd R 608; *Eckersley v. Medical Board of Queensland*, unreported CA 147/95, 20 December 1996). It is a process prone to cause procedural problems for the Court of Appeal and it is demanding on the time of the judge constituting the tribunal. The court again requests that Parliament replace the existing process with an ordinary right of appeal limited to matters of law. This does not derogate from the appellant's substantive rights, and is a more modern process. It is used in other jurisdictions (for example, appeals from the Planning and Environment Court). There are a number of other aspects of the tribunal's jurisdiction and powers under the Act to which the tribunal has referred in cases during the year as needing legislative attention.

Industrial Court

In accordance with the provisions of s.253 of the *Workplace Relations Act 1997*, the office of the President of the Industrial Court of Queensland is occupied by a Judge of the Supreme Court of Queensland. Justice de Jersey filled the position until his appointment as Chief Justice, when Justice Williams was appointed.

The Industrial Court has appellate jurisdiction on the grounds of error of law or excess or want of jurisdiction over decisions of the Queensland Industrial Relations Commission. It can also give leave to appeal from such decisions to a Full Bench of the Industrial Relations Commission on other grounds if the matter is of such importance that an appeal should be brought in the public interest. It also has appellate jurisdiction in respect of decisions of Industrial Magistrates (principally with respect to orders for payment of wages and other entitlements and under the *Workcover Queensland Act 1996* and the *Workplace Health and Safety Act 1995*) and from decisions of the Industrial Registrar. The President, together with two Industrial Commissioners, exercises the jurisdiction of the Full Industrial Court.

During 1997-98, 90 matters were filed during the year. This represents an 11% increase in the total number of applications over the number filed during 1996-97.

Table 67 Applications filed

Category	1995-96	1996-97	1997-98
Applications for directions	-	-	1
Appeals against decisions of Industrial Magistrates	34	31	43
Appeals against decisions of the Industrial Relations Commission	47	33	32
Stay of order	4	4	1
Applications for leave to appeal to a Full Bench of the Industrial Relations Commission	4	7	5
Order for performance of industrial organisation rules	-	1	1
Appeals against decisions of the Industrial Registrar	-	-	3
Case stated by Industrial Relations Commission	-	1	1
Application for orders of reinstatement	-	-	2
Application for orders - other	-	4	1
TOTAL	89	81	90

Land Appeal Court

The Land Appeal Court hears appeals from decisions of the Land Court and, in such cases, consists of a Judge of the Supreme Court and any two of the members of the Land Court other than the member who pronounced the decision appealed against. These appeals arise mainly in compensation rating and valuation cases.

The Land Appeal Court also has jurisdiction to hear appeals from decisions of the Queensland Biological Control Authority under the *Biological Control Act 1987*, from determinations of the Minister made under s.29(7) of the *Foreign Ownership of Land Register Act 1988*, from decisions of the Land Tribunal established for the purposes of the *Aboriginal Land Act 1991* and from decisions of the Land Tribunal established for the purposes of the *Torres Strait Islander Land Act 1991*.

In addition, the Land Appeal Court has jurisdiction to hear matters referred to under Part V of the *Foreign Ownership of Land Register Act 1988*. Questions of law arising in proceedings before the Land Tribunals mentioned above may also be referred to the Land Appeal Court for decision.

There are Southern, Central, Northern and Far Northern Land Appeal courts.

Table 68 Appeals to the Land Appeal Court

Appeals to the Land Appeal Court	1995-96	1996-97	1997-98
Number of appeals lodged:			
• Northern	3*	2	6
• Central	-	-	-
• Southern	7	10	14
Nature of appeals:			
• Compensation (<i>Acquisition of Land Act</i>)	7	5	8
• Costs (<i>Acquisition of Land Act</i>)	-	-	4
• Valuation (<i>Valuation of Land Act</i>)	3	6	5
• Categorisation (<i>City of Brisbane Act</i>)	-	-	1
• Categorisation (<i>Land Act</i>)	-	1	-
• Jurisdiction (<i>Land Act</i>)	-	-	1
• Land Tax (<i>Land Tax Act</i>)	-	-	-1
• From decision of Land Tribunal (<i>Aboriginal Land Act</i>)	-	-	-
Number of sitting days allocated:			
• Northern	nil	1	5
• Central	nil	nil	nil
• Southern	23+	4	10

* Two appeals (appeal and cross-appeal) transferred to Southern District

+ Includes five days for appeals transferred from Northern District

ADMINISTRATIVE SUPPORT

Office of the Court Administrator

The offices of the Court Administrator, Registrar and Sheriff provide administrative support to the Supreme Court throughout the state. The administrative support strategy has focused on the following matters during the year under review.

Human resource management

Staff training in skills required to deal effectively with clients continued during the year. Fifty-seven staff from Brisbane, Townsville and Rockhampton undertook a specialist client service skills workshop designed and presented by a consultant.

Training was also provided for a number of staff in the use of Excel spreadsheet software and GroupWise e-mail software, in advanced word processing and in skills for supervisory staff.

Staff training is carried out where and when required and is subject to the availability of both financial and physical resources. During the year the Registrar and other staff participated in conferences in matters relating to court and registry operations. Conferences attended included the Australian Institute of Judicial Administration Conference (Sydney, September 1997), Court Administrators Conference (Sydney, September 1997), Conference of Registrars of Probates (Melbourne, October 1997 and Brisbane, June 1998) and the Information Technology for Justice Conference (Melbourne, March 1998).

Senior Staff

Judicial support

A range of judicial support initiatives are discussed in the section below on the use of technology. In addition, training in word processing software was offered to judges during the year.

Management information systems

A computer replacement program continued on a modest scale during the year. A network fax capability installed last year is now operating effectively, and e-mail links with the Department of Justice and court registries have been established. Minor enhancements to the Civil Information Management System (CIMS), which were commenced last year, have been completed but not yet implemented.

Registries

The principal Supreme Court Registry and the majority of Supreme Court Registry staff are located in Brisbane. There are registrars of the Central, Northern and Far Northern districts of the court and small staffs in Rockhampton, Townsville and Cairns. Registries at circuit centres are located at Roma, Toowoomba, Maryborough, Bundaberg, Mackay, Longreach, and Mount Isa.

Brisbane

The Registrar of the Supreme Court of Queensland is the officer responsible to the judiciary and the Court Administrator for the efficient running and management of the registry services at Brisbane. The registrar is, by appointment, also the Registrar of the Court of Appeal, of the District Court at Brisbane and of the Planning and Environment Court at Brisbane. The registrar is required to ensure that the staff required to supply registry and support services to the judges, the legal profession and members of the public is adequate in numbers and managed effectively. The registrar is supported by a staff consisting of deputy registrars and other registry and administrative staff. Regular meetings are held with all deputy registrars to discuss issues relating to introduction of new legislation and rules, registry practices and procedures, judicial support, policy and rules interpretation. Monthly meetings are conducted with administrative officers to discuss staffing issues and operational matters relating to the registry. In each of the four offices of the Brisbane court, weekly staff meetings are held with office managers.

In January 1998 a registrars' meeting was held in Brisbane. Registrars from the Rockhampton, Townsville and Cairns registries attended and discussed issues including registry practices and procedures, computerisation and jury management. Regular liaison occurs between the four registrars by telephone, but it is envisaged that the registrars will also meet in conference twice a year.

The registrar liaises regularly with the Chief Justice, the President of the Court of Appeal, the Senior Judge Administrator, the Chief Judge of the District Court and the Court Administrator to achieve the objectives of timely hearing of matters and effective management of registry functions. Staff and other resources are deployed so that delays are minimised and registry counter services and general data entry functions are of acceptable quality and quantity.

The Registry accepts documents for filing from legal practitioners and litigants who appear for themselves and maintains files in accordance with the Rules of the Court. There was a 5% increase in the volume of documentation filed in the registry.

The registrar and deputy registrars of the court perform certain judicial and administrative functions. These include applications under the *Corporations Law* and matters delegated to the registrars by legislation, including probate and administration of deceased persons' estates, public trustee applications, the perfecting of judgments and orders of the court.

During the year the registrar and staff participated substantially in the preparation of submissions to be forwarded to the judges and the office of the Attorney-General in relation to the proposed Uniform Civil Procedure Rules for the Supreme Court, District Court and Magistrates Court and the Criminal

Practice Rules consultation draft. The Registry will need to be resourced to implement and carry out the changes effected by the new rules.

Continuing a Registry initiative, further brochures were prepared to assist clients of the registry. These address most of the common concerns and questions asked of Registry staff. Brochures issued in previous years were updated in accordance with changes to rules and other legislation. During the year the series of brochures was placed on the court's web site to improve access for members of the community. The following brochures were available at 30 June 1998.

- No. 1: Changing Your Name by Deed Poll
- No. 2: Guidelines for Registration for Barristers or Solicitors - *Mutual Recognition (Qld) Act 1992*
- No. 3: An Explanation of Supreme Court ADR processes
- No. 4: Taxation of a Solicitor's Bill (Withdrawn 30 June, 1998 after amendments to the *Legal Practitioners Act 1995* which provided that solicitor and client bills of cost are no longer the responsibility of the Supreme Court Taxing Office).
- No. 5: Applying for a Grant in an Estate - Probate and Letters of Administration
- No. 6: Jury Handbook
- No. 7: Brisbane Supreme Court Registry Procedures (for those who need to attend the Registry)
- No. 8: Technology in Trials in the Supreme Court

During the year Registry staff positions were redesignated to reflect more accurately the roles of the officers.

Previous title	Current title
Senior Clerk	Registry Manager
Case Flow Management Officer	Supervised Case List Manager
Common Law Clerk	Civil List Manager, Supreme Court
Ecclesiastical Clerk	Registry Records Officer
Funds Clerk	Registry Funds Officer
Chamber List Clerk	Chamber List Officer
C.J.F. Clerk	Central Jury Co-ordinator
Clerk District Court	Registry Administration Manager
Civil List Clerk, District Court	Civil List Manager, District Court
Counter Clerk/s	Client Relations Officer/s
Senior Clerk, Appeals	Appeal Records Co-ordinator
Under Sheriff	Deputy Sheriff
Assistant Under Sheriff	Deputy Sheriff

Twenty modern workstations were installed so that the Registry can serve the court and its clients in a professional manner. With computer equipment appropriately housed, Registry staff have a safer work environment.

Funds in court

As at the end of the year there were 107 accounts credited to the Court Suitors Fund Account with a total of \$9 853 059.68. Regulation 33 of the *Court Funds Regulation 1988* requires a list to be made of accounts which have not been dealt with during the previous six years other than under continuous investment or by payment of interest. Six accounts in that category were recorded and in consequence the registrar obtained an order for the transfer of \$123 426.97 to the Consolidated Revenue Fund.

Sheriff's office

The office of Sheriff is the oldest continuous institution in English law. In Australia there have been sheriffs since the early days of settlement and in each Supreme Court of the States since proclamation. The courts of the territories also have a sheriff. The appointment of Sheriff, Deputy Sheriffs and Sheriff's Officers and their authorities and liabilities were previously provided for by the *Supreme Court Act of 1867* and the *Sheriff's Act of 1875*. Those provisions can now be found in the *Supreme Court Act 1995*. Since statehood in 1859, there have been 16 sheriffs appointed.

The present-day sheriff's role and duties include:

- management of the criminal registry functions of the courts to ensure a high standard of service delivery;
- management of the jury system, including summoning, determination of applications for excusal, ensuring adequate and secure transport and accommodation of jurors, and timely payment of jurors' fees;
- ensuring timely and efficient performance of the sheriff's and the marshal's responsibilities for execution of writs and warrants, including seizure of vessels;
- co-ordination security for trials when requested by judges, and ensuring the safe custody and welfare of prisoners to the extent required by the *Corrective Services Act*.

During the period of this report, Mr Edmund (Ed) Green retired from the office of Sheriff and Marshal after 13 years in the position and after having served 37 years in service of the Queensland courts. In 1998, Mr Green was awarded an Australia Day Achievement Medallion by the Department of Justice, in conjunction with the Australia Day Council, for his service as Sheriff. Mr Neil Hansen was appointed Sheriff and Marshal, Supreme Court, Brisbane on 17 June, 1998.

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

Admiralty

The Sheriff is also Marshal and, as such, has duties to perform in Admiralty jurisdiction under the *Admiralty Act (Commonwealth) 1998*. Four vessels were arrested by the Marshal during the year.

Execution

During the year 24 writs of execution against property (*feri-facias*) were issued, together with 182 writs of possession and one arrest warrant was issued by the Court of Appeal.

Jury management

During the year the Sheriff's Office issued 53 000 notices to prospective jurors for the Brisbane Supreme Court and 100 380 for the remaining 29 higher courts in Queensland. The office also issued 6638 summonses for jurors for Brisbane.

The benefits of the *Jury Act 1995* are now becoming obvious. A more representative cross-section of the community is being summonsed. The ability of the sheriff to grant excusals has made the system more flexible and responsive to the needs of the public.

Computer facilities were installed in the jury assembly area, enabling the deputy sheriff to quickly update the results of the jury selection process.

A video designed to give a better understanding of the jury selection process and of jury service has been produced. It is shown to those summonsed for jury service and is available for wider dissemination.

USE OF TECHNOLOGY

The court is committed to making the best use of available technology. It plans to complete the program of providing computers to judges, upgrade those which are already obsolete and expand the use of the World Wide Web and THEMIS, the Queensland Law Foundation's private on-line network. It also intends to purchase more document viewers, to enhance the Civil Information Management System (CIMS) and to integrate it and the use of the Web and THEMIS. The court intends to provide additional courtrooms with video link and video document viewing facilities, and to provide criminal and civil listing facilities in selected courtrooms. These and other developments are entirely dependent on the availability of funding and resources.

Technology in trials

During the year the Trial Division refined the use of real-time reporting and CD-ROM technology in the courtroom, and actively encouraged practitioners to take advantage of these services. Real-time reporting enables transcript to be recorded and simultaneously displayed on computers placed before the judge and counsel. CD-ROM technology allows documents intended for use during the trial to be scanned and indexed into a database which is then 'burned' onto a CD-ROM. Users can then perform fast and accurate electronic searches for particular references or documents. This alleviates the need for multiple trolleys of 'hard copy' documentation in the courtroom. To date, this technology has been allocated to long and complex civil cases with large volumes of documentation.

The use of document viewers during trials has continued to expand during the year. The use of video and telephone conferencing and video viewing of documents has also been productive, but it has been restricted by the availability of courtroom facilities, particularly in the case of video. Currently there is only one video courtroom in Brisbane. It is proposed to provide another video court, in addition to a third courtroom set up with video screens, but the necessary telephone links are not yet available. This court can be used for trials with large volumes of documentation. The provision of these facilities will allow both video and electronic documents to be displayed in the courtroom.

Computer support for judges

Trial Division judges have progressively acquired computers as funds have become available (largely from budget savings in other areas). Currently 13 of the 17 Trial Division judges in Queensland have and use notebook computers in their chambers. The notebooks can be used for research and judgment preparation by accessing the Supreme Court Library's dial-up facility and analysing transcripts with ISYS. Some judges are also taking advantage of access to the Internet and THEMIS. The daily law list is also available on THEMIS. None of the judges' notebooks is currently connected to the court's computer network, and some of the older notebooks require upgrading. The judges have progressively been undertaking various courses to enable them to make the best use of the new technology.

Court web site

The official Supreme Court web site (www.courts.qld.gov.au) was enhanced during the year, and now provides a history of the Queensland courts, biographical information on most Supreme Court judges, and links to other relevant sites such as the Queensland and Commonwealth Parliaments and High Court web sites. The site is currently being improved to incorporate the daily law list, civil callover list and a calendar of upcoming events. Judgments will also be available on the site when funding can be assured to replace the Supreme Court Library's loss of revenue from the sale of unreported judgments in hard-copy form.

Courts modernisation project

The courts modernisation project involves the provision of a comprehensive computerised criminal management system. This is intended to replace the existing criminal computer support system (Criminal Record System - CRS) which has been in place for some years. It is intended that the system will link courts throughout Queensland and ultimately be accessed by computers in courtrooms, judges' chambers and registry offices. It is expected that the first phase of the project, which involves supplying regional centres with the necessary infrastructure, will be implemented in the second half of 1999. The development and implementation of the project involves diversion of resources from other areas.

Civil Management Information System (CIMS)

CIMS, the registry caseload system, is installed in Brisbane and Townsville. and services the Supreme and District courts. It has continued to respond reliably during the year under review. A need is emerging to consider the integration of the operation of CIMS with the World Wide Web and with THEMIS, which are significant tools facilitating the courts' interface with the legal profession and the public.

Table 69 shows the increasing number of cases recorded in the database.

Table 69 Caseflow recorded by CIMS

1995-96	1996-96	1997-98
114 747	127 732	134 015

RELATED ORGANISATIONS

State Reporting Bureau

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

The Bureau also offers real-time (CAT) reporting which enables the recording of proceedings to be simultaneously translated into text on computer screens in the courtroom, with the facility for judges and counsel to make annotations in the unedited electronic transcript.

The ability of the Trial Division judges to take advantage of these and other advances will depend on their being provided with the resources and training to do so.

The Bureau's provision of an accurate and timely transcript of proceedings is critical to the Trial Division's capacity to carry out its work efficiently. Any reduction in the service provided by the Bureau would probably reduce the Trial Division's capacity to do so.

The Supreme Court Library

The Supreme Court Library was established primarily to act as a legal resource and information centre, and to provide legal resource material expeditiously and accurately to the courts. Library services are also provided to members of the legal profession engaged in matters before the courts and, with certain necessary restrictions, to the Queensland public.

The library is administered under the *Supreme Court Library Act 1968*. The principal collection is located in the Law Courts building in Brisbane, with subsidiary working collections adjacent to the Judges' Chambers in Brisbane and in the Magistrates Courts. Collections are also housed at regional courthouses in Toowoomba, Maroochydore, Southport, Rockhampton, Townsville, Mackay, Cairns, Mount Isa, Beenleigh and Ipswich.

Users and services

The Supreme Court Library provides a wide range of services and essential resources to the judges of the court, assisting them to discharge their functions. Services provided to the judges include:

- provision of authorities for use in the courts;

- research and reference assistance using both manual and on-line resources;
- training of judicial staff in use of the on-line catalogue, the information network, and the library collection;
- publication of guides to the library and information network;
- compilation and publication of the Court of Appeal Headnotes and Court of Appeal Sentencing Service;
- a current awareness service;
- inter-library loans for material not held in the collection.

Highlights for the year

- Two new publications were launched: the *Court of Appeal Headnotes* and *District Court Judgments Index*.
- Valuation of the library's collection was completed.
- The library's home page on the Internet was launched.
- A strategic review of the library was carried out.
- The library collection at Rockhampton was relocated to the new courthouse.
- The Court of Appeal Library was amalgamated with the Supreme Court Judges' Library.

Reader services division

The library has one of the largest legal CD-ROM collections in Australia, containing 86 different databases to which judges have remote and local access 24 hours a day. An intensive training program was initiated for the judges and their staff. This is an ongoing project which will also be provided to other library users on a cost-recovery basis. A related project of compiling helpful guides has also been commenced.

A total of 55 014 users accessed the library during this year. CD-ROM searches conducted by library users numbered 47 228. There were 728 items obtained on inter-library loans and 4691 court loans were made. The Division supplied 4691 fax and photocopy orders and completed 200 research projects on behalf of the court and the profession.

Selected articles and speeches were circulated to judges as part of the daily Judicial Current Awareness

Service; these included 802 legal articles, news clippings and speeches.

Technical services division

During 1997-98 the Technical Services Division added 358 monographs and 25 601 individual serial issues (reports, legislation looseleafs, journals, papers, microfiche and CD-ROMs) to the collection. The Librarian 'weeded' the classified collection and relocated superseded or cancelled looseleaf titles to storage.

As part of cost-cutting measures the library cancelled 170 subscriptions to law reports, journals and looseleaf services and deferred the annual stocktake of the library collection.

Funding

For a considerable period, the library has relied on income received from the Queensland Law Society Trust Account, admissions fees, the sale of judgments and, from time to time, an allocation of a grant from the Department of Justice and Attorney-General. Income from the Trust Account and admissions fees has now peaked. If, as the Government wishes, judgments are to be made available on the Internet, the library will have to seek an appropriate level of grant from consolidated revenue in order to maintain its current level of services.

Last year the Department of Justice undertook a strategic review of the Justice portfolio libraries. The report confirmed that the Supreme Court Library was administered in a cost-efficient manner and recommended 'that the sources of funding for the Supreme Court Library be secured as far as possible through Government intervention'. It further stated that the Government should guarantee that its 'contribution will not fall below a fixed amount per annum to cover uncontrollable funding fluctuations'.

As mentioned by the Chief Justice in the 'Overview' section of this report, library finances have been insecure for far too long, and it is hoped that this insecurity will be removed by the guaranteed adequate funding recommended in the strategic review.

APPENDIX 1

Remarks by Chief Justice Paul de Jersey when accepting from the Premier the key to the new Rockhampton Courthouse

It is my privilege, on behalf of the Queensland judiciary, to accept from you, Mr Premier, the key to this courthouse. Your passing the key to me symbolises the passing of this building into independent judicial control. Of course the building remains the property of the State, but it will henceforth rest within the care of the judiciary. This symbolic act thereby emphasises the independence of the judiciary from the other arms of State authority, the legislature and the executive.

It is appropriate and customary that we make reference to this fundamental principle on these occasions. When the Law Courts were opened in Brisbane on 2 September 1981, my predecessor, the Honourable Sir Charles Wanstall, said, of this ceremony (and I quote):

King James regarded himself in authoritarian terms as the embodiment of the Divine Right to dictate, but his Chief Justice, Lord Edward Coke, boldly responded to this assertion in words that have become immortal: 'Sire, you are under God and the law.' And so commenced the struggle for the independence of the Judges that was won in England in 1689, when the Act of Settlement finally established it. Today, the people of Queensland, the inheritors of that fundamental and priceless constitutional principle, will recognise in this simple ceremony its symbolic re-statement as their enduring right.

And it is a right which, I am pleased to say, this Government of Queensland does respect and promote in the interests of the people. I am honoured to accept, with gratitude, this fine courthouse, which will enure with magnificence to the benefit of the people of Rockhampton, central Queensland, and indeed the whole State.

Remarks by Justice Demack during the ceremonial sittings of the Supreme Court to mark the end of the use of the Rockhampton Supreme Court building

Many of you will feel some sadness today. For you, as for me, this courtroom has been the place where a large part of our professional lives has been experienced. From the beginning in 1887, this building has been called the Rockhampton Supreme Court House. It has discharged other functions as well, but we remember it today for its place in the life of the Supreme Court of Queensland.

As we let our minds explore the building's memories, we can hear the prison van arriving with fourteen shearers who are to be tried for conspiracy, and we can hear the angry voices that the shearers' trial raised in 1891 and thereafter. We can hear the words of comfort from the relatives and friends of hundreds of victims who have come here for justice. We can feel the despair and gloom that has entered

into the spirit of many of those who have sat in that dock. We can join in the satisfaction of those who have received the financial fruits justice accords.

But we shall specifically recall those who have sat as Supreme Court judges in this room.

Until Virgil Power was appointed as the first Central Judge in 1895, the circuit court at Rockhampton was served by Brisbane judges. First to come in 1887 was Charles Stuart Mein, a distinguished political and military figure whose career as a judge was cut short by kidney disease.

Sir Charles Lilley, a liberal and robust Chief Justice who set standards of conciseness for this Court, sat in this room three times.

George Rogers Harding, a bookish man who insisted on meticulous accuracy, presided in this room on seven occasions. Patrick Real, ever forthright and often abrupt, graced this room on three occasions. Queensland's pride, Sir Samuel Griffith, sat here twice.

Virgil Power, who served 15 years as Central Judge from 1895 to 1910, has an enduring reputation as one of the Queensland Bar's finest advocates. As judge he had a light workload which he handled with dignity and brevity.

Lionel Oscar Lukin was Central Judge from 1910 to 1922. He preferred to reside in Brisbane and travelled to Rockhampton by train to discharge his duties. This allowed him to be a member of every Full Court, where he made a substantial contribution.

Charles Jameson was a District Court Judge when that court was abolished in 1922. He then became the third Central Judge, a post he held for nine months.

James William Blair, fourth Central Judge, held that post for over two years, having previously been Northern Judge for nine months. He left Rockhampton to become Chief Justice - a remarkable descent to high office.

Frank Tenison Brennan was the fifth Central Judge, a post he held for over 22 years. At a time when judges still claimed the right to express strong opinions, he expressed more opinions more strongly than most.

Joseph Aloysius Sheehy, the sixth Central Judge, served here for 17 years, spanning the time when District Courts were re-established. He is remembered for the clarity of his directions to juries to assist in the removal of doubt.

Douglas Malcolm Campbell was the seventh Central Judge and the first Senior Counsel to be so appointed. His considerable knowledge of commercial law was used very little in Rockhampton.

Jack Lawrence Kelly was a Judge of the Supreme Court of Papua New Guinea prior to his appointment as the eighth Central Judge. Ever punctual and courteous he served here for five years.

Alan George Demack was appointed as the ninth Central Judge in January 1978 and is a little surprised but very pleased to be moving to new quarters.

To date, only two of the Central judges have ended their judicial careers in Rockhampton, Justice Power and Justice Jameson. Three moved to Brisbane and were appointed to other statutory offices within the Supreme Court: Justice Blair as Chief Justice, and both Justice Sheehy and Justice Kelly as Senior Puisne Judge. Justice Lukin spent some turbulent years in Brisbane before resigning and being appointed as the first Federal Judge in Bankruptcy, a post he held until 1943. Justice Brennan died in office in Brisbane. Justice D.M. Campbell served in Brisbane for almost 12 years before retiring.

Over the past 100 years, Brisbane judges have presided here on occasions. Records of this are not entirely reliable, but since 1978 they have been Sir Walter Campbell, James David Dunn, Peter David Connolly, Bruce Harvey McPherson, Tom Farquhar Shepherdson, Glen Norman Williams, Desmond Keith Derrington, Kevin William Ryan, Martin Patrick Moynihan, John Alfred Dowsett and John Harris Byrne.

So it is that this courtroom has been one of the significant looms upon which the tapestry of the Supreme Court of Queensland has been woven.

It should not be forgotten that the judges have been well supported by a succession of registrars, associates, court staff, bailiffs and court reporters.

While it is not possible to name all of these people, mention should be made of the men who have held the multi-functional office of Central Registrar. The Central Registrar also discharges the duties of Central Sheriff as well as those of Prothonotary and Marshall. The first was John Love Blood-Smyth, who set the pattern that so suited James William Blair. Blood-Smyth was Northern Registrar, then Central Registrar and finally the Registrar of the Supreme Court in Brisbane in 1900. He was followed by Thomas George Fraser who was succeeded in 1906 by John Reid Gair, who served until 1932. After Henry Gillies had been Acting Registrar for three years, John Shannon was appointed, the first of a succession of men some of us will recall with fondness and respect: F.J. Russell, J.P. O'Callaghan, H.E. Carr-Boyd, C.F. Christopherson, W.C. Brooke, H.R.D. Fitzpatrick and T. Carmichael. In 1972, Gordon Dennis Roberts became Central Registrar, which means that shortly he will become the longest serving of this distinguished line.

It is worth recalling that the strongest justification for the establishment of the Central Court was to make what can be called the administrative rather than the litigious resources of the Court accessible to people in Central Queensland. Chief among these were probate and bankruptcy matters, areas of the law where the work of the registrar is of prime importance. Thank you to all registrars for work well done.

Some of the older citizens in Rockhampton recall being locked up in the Court building while on jury service. A palliase upon the floor was deemed sufficient to allow a juryman's body to rest while his mind turned over the day's evidence. To all citizens who have served as jurors in this building a special word of appreciation is due. The bailiffs who have acted as jury keepers also deserve special praise. They must allay the dozens of concerns that prey upon a juror's mind without at any time having any contact which might appear in any way to influence the outcome of the trial. Thank you for performing

this mystery.

For associates, too, a timely word of thanks. Some of you have left your own record of your passing in the desk in front of the Chief Justice. All have contributed in various ways to the atmosphere in which trials have taken place. An efficient associate greatly assists in the administration of justice. I have been well served, as have the other judges.

For the court staff who keep our records in an orderly and accessible manner, no praise is too high. It is so easy to mislay documents so that meticulous work is required, but often not adequately appreciated.

For the court reporters, whose work was made more difficult in this old courtroom by every advance in technology, a simple thank you. I have no more earnest hope than that in our new court, technology will work for us, not against us.

To Mr Beazley and his members, may I say thank you for your patience as this building has creaked beyond its functional usefulness. To Mr Britton and his colleagues who leave this old courtroom with such sadness, take heart. Adaptability is the advocate's basic skill.

To you Mr Attorney may I say that, at least for a time, all of the treasures that are stored in the memories of this old room will be yours to delight in. You deserve the best wishes of all of us here present as you ponder what to do with the marvel delivered into your hands.

Chief Justice, it seems to be time to take ourselves and our memories from this place.

APPENDIX 2

Probate survey

The questions asked in the survey relevant to these tables are given in the captions.

Table 70 How would you rate the overall probate service?

	Number	%
Excellent	100	53
Satisfactory	85	45
Unsatisfactory	2	1
Other	2	1
TOTAL	189	100

Table 71 Are you or your staff satisfied with the counter waiting time for lodging applications?

	Number	%
Always	80	42
Sometimes	69	37
Never	1	1
Other	39	21
TOTAL	189	100

Table 72 How would you rate the turnaround time for grants?

	Number	%
Excellent	98	52
Satisfactory	89	47
Unsatisfactory	2	1
Other	0	0
TOTAL	189	100

Table 73 Do you consider requisitions are comprehensible?

	Number	%
Always	71	38
Mostly	114	60
Rarely	1	1
Other	3	1
TOTAL	189	100

Table 74 How would you rate the probate advice given by the registry?

	Number	%
Excellent	109	58
Satisfactory	64	34
Unsatisfactory	6	3
Other	10	5
TOTAL	189	100