

DISTRICT COURT OF QUEENSLAND
ANNUAL REPORT
2000-2001

(Inside front cover)

His Hon. Judge Brian Hoath and court staff appear on the cover.

This photograph demonstrates the use of technology in the courts. The person depicted as giving evidence by way of the remote witness facility is a member of the court staff.

The District Court of Queensland

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26 October 2001

The Honourable R.J. Welford MP
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Dear Attorney

Pursuant to s.130A(1) of the *District Court Act 1967*, I enclose my Report on the operation of the District Court for the year ended 30 June 2001.

Yours sincerely

Chief Judge P.M. Wolfe

TABLE OF CONTENTS

CHIEF JUDGE’S OVERVIEW	1
JUDGES OF THE DISTRICT COURT	15
ADMINISTRATIVE STAFF OF THE DISTRICT COURT	17
JUDICIAL APPOINTMENTS AND RETIREMENT	18
SPECIALIST COURTS	19
JURISDICTION AND SITTINGS OF THE DISTRICT COURT	21
THE DISTRICT COURT’S EARLY HISTORY	21
THE MODERN DISTRICT COURT	21
REGIONS	24
SOUTHPORT	24
MAROOCHYDORE	27
TOWNSVILLE	29
CAIRNS	31
ROCKHAMPTON	32
BEENLEIGH	34
IPSWICH	36
CIRCUIT CENTRES	44
REMOTE CIRCUITS.....	45
CRIMINAL JURISDICTION	46
CRIMINAL LISTING TASKFORCE.....	47
LONG TRIALS	47
DISPOSITION OF CRIMINAL MATTERS	49
USE OF TECHNOLOGY IN CRIMINAL TRIALS	53
CIVIL JURISDICTION	53
DISPOSITION OF CIVIL CASES	54
APPELLATE JURISDICTION	59
APPLICATIONS COURT	62
DECISION ON THE PAPERS.....	64
THE PLANNING AND ENVIRONMENT COURT	66
THE HEALTH PRACTITIONERS TRIBUNAL	68
CHILDRENS COURT	70
COMMITTEES	71
ABORIGINAL AND TORRES STRAIT ISLANDER.....	71
CIVIL PROCEDURE.....	71
CONFERENCES AND JUDICIAL EDUCATION	71
CRIMINAL LAW	71
SALARIES AND ENTITLEMENTS.....	71
ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE REPORT	72
CONFERENCES AND JUDICIAL EDUCATION COMMITTEE REPORT.....	74

CIVIL PROCEDURE COMMITTEE REPORT	75
CRIMINAL LAW COMMITTEE REPORT	76
ESSENTIAL SERVICES	77
CRIMINAL REGISTRY OPERATIONS.....	77
CHANGES TO LEGISLATION	77
PROCEDURAL CHANGES.....	78
CRIMINAL REGISTER SYSTEM (CRS).....	78
RENOVATIONS	79
REVIEWS	79
STATE PENALTIES ENFORCEMENT REGISTRY	79
CIVIL REGISTRY OPERATIONS.....	80
STAFFING	81
ENDING PROCEEDINGS EARLY	82
UNREPRESENTED LITIGANTS.....	82
CONSENT ORDERS	83
FILING BY POST	84
FILE STORAGE.....	84
FILINGS	84
FUNDS IN COURT	86
COSTS ASSESSMENT	87
ALTERNATIVE DISPUTE RESOLUTION	88
REVIEW	89
PRACTICE DIRECTIONS.....	90
THE COURT LIBRARY.....	91
CLIENT SERVICES	93
COLLECTION MANAGEMENT	94
CONCLUSION	95
STATE REPORTING BUREAU	97
APPENDIX 1	98
OBITUARY - JUDGE VINCENT FINN.....	98
APPENDIX 2	100
OBITUARY – JUDGE FRED MCGUIRE AO	100

Chief Judge's Overview

Introduction

This report demonstrates the commendable performance of the District Court during the year under review. The court was able to discharge its function of delivering justice according to law throughout Queensland because of the dedication of the judges to their office. This year the report again reflects my concern and that of the judges that the court is not as accessible as it should be to the public and those who need its services.

In this overview I am constrained, as I was last year, to draw attention to resource issues which during the year under report have prevented the court from discharging its functions as effectively as would otherwise be possible. The sub-standard condition of some courthouses is of grave concern – especially in Brisbane and Ipswich. Again it is necessary to state that the court's judicial, registry, administrative and support resources are under enormous pressure.

Many of the judges prepared parts of this report. I commend the reports of the various judges' committees which were prepared by the convenors of those committees, and express my gratitude to those convenors for their unflagging support and assistance to me in the administration of the court during the year under review. Each report demonstrates the work undertaken by the judges in improving the court and advancing public trust and confidence in the court. The 12 judges who are based permanently in the seven major centres outside Brisbane prepared the reports on the operations of their courts in the regions. These reports provide valuable insight into the conditions particular to those regions and the outlying districts which are served by the regional judges.

The court's judicial and other resources are deployed to a considerable extent in discharging functions other than those for which provision is made under the *District Court Act 1967*. These are the ancillary courts and the tribunal which are constituted by judges of this court and which are supported by this court's administrative resources. The judges who have undertaken special responsibility for these entities have prepared reports on their operations. They are Judge Quirk who prepared the report on the Planning and Environment Court, Judge Robertson, the President of the Childrens Court who prepared that report and Judge O'Brien who prepared the report on the activities of the Health Practitioners Tribunal.

The District Court fills a unique role in the administration of justice in this State as it is the busiest trial court. It serves a State which is significantly decentralised and so the court relies heavily on judicial resources from Brisbane to manage its criminal and civil workload in rural and outback Queensland and in many parts of regional Queensland.

The judges of the District Court must administer justice according to law in all districts throughout the State. Accused persons are committed for trial or sentence to the district within which the offence was allegedly committed. Citizens in Queensland have the right and obligation to act as jurors in their communities and the relevant communities have a right to have the trials of offences alleged to have been committed there conducted in that community in the manner in which the law provides.

Despite the increasing pressure of lack of resources on most aspects of the court's work, there is no intention of reducing the number of places to which the judges travel on circuit, albeit that the majority of judges are away on circuit for between 10-12 weeks each year and accordingly may suffer some personal inconvenience as a result. The judges do not consider their personal convenience is a factor to be taken into account in determining whether the District Court should continue to provide justice to all Queenslanders. Indeed in the past few years we have increased our circuit load.

This court is not afraid to make changes and improvements which enhance the justice system. Indeed, as is shown by the examples I have given in this overview, modern technology which can improve services to the community, and reduce the cost of dispute resolution and determination, is actively and enthusiastically embraced by the judges and court staff. It is undoubtedly regrettable that the court struggles to dispense justice in buildings and chambers which, as individual reports from each centre vividly illustrate, often lack basic equipment and amenities and are, in some instances, unsafe or even dangerous.

Often, major improvements could be affected for little cost – photocopiers, printers, and secretarial assistance would significantly enhance many courts. Others, like Brisbane and Ipswich, require major refurbishment or structural improvements to become decent and safe, let alone comfortable, working environments.

This report shows the court is, in adverse circumstances, functioning as efficiently as it can manage, and coming as close as it is able to discharge its obligations to the people of Queensland. Continuing disregard for its pressing needs must, however, carry the

increasing risk that its ability to do so will be strained to the point where deterioration is inevitable.

I am confident that the resource problem rests with the Executive Government. However I must express the court's gratitude to the Hon the Attorney-General for his work in securing the allocation of \$1.2 m in the recent State Budget for technology in the higher courts. I must stress however that my criticisms relating to lack of resources are not critical of the Director-General, Dr. Ken Levy, his predecessor, Ms. Jane Macdonnell or their staff. Each has done as much as is possible to obtain appropriate funding and has properly applied what has been made available.

It is appropriate to express the judges' gratitude to those members of the community who have performed their civic duty as jurors, always with a deep appreciation of the importance of their role to ensure the delivery of justice according to law. Their task is made even more arduous by the absence of proper facilities in various courthouses not least the Law Courts Complex in Brisbane. Additional resources for jury management and debriefing of both jurors and court staff after particularly harrowing criminal trials are urgently needed.

Performance

This court is the busiest trial court in Queensland. It again performed very well. In Brisbane, during 2000/2001 approximately 4275 indictments and transmitted summary offences against 4037 defendants before the higher courts were registered on the Criminal Register System (which registers and processes the criminal records of the higher courts in Brisbane). Of these 3,813 matters or almost 90% of all matters registered for the higher courts in Brisbane were for the District Court.

In Brisbane in its criminal jurisdiction the court began the year with 915 active outstanding cases and ended the year with 844, having disposed of 3425 matters. The number of matters disposed of by the court increased by 10.1% compared to 1999/2000. The dedication of the judges of the Criminal Listing Taskforce ensured that dispositions remained efficient. In Brisbane 79.2% of these criminal matters were disposed of within six months of presentation of indictment. This does not compare as favourably with last year (84%) or 1998-1999 (81%). However the number of undisposed matters fell by 13.3% compared to last year.

This year the court also disposed of 670 criminal matters in Southport, 885 in Cairns, 521 in Beenleigh, 503 in Ipswich, 479 in Maroochydore, 459 in Townsville and 245 in Rockhampton. Many others were disposed of in the circuit centres, including 193 in Toowoomba. These figures do not include the matters dealt with by judges of the Childrens Court of Queensland.

A considerable number of minor matters, albeit constituting indictable offences, continue to clog the system as the Chief Judge reported last year. These should be dealt with summarily. Again the court does not have the resources to spend on jury trials for matters which could appropriately be dealt with by the magistrates.

The decrease in the number of civil matters going to trial should not be understood as meaning a drop in the work of the court. More cases are managed by the judges than in the past, and the complexity of many civil matters has increased. In civil the court in Brisbane began the year under report with 136 cases awaiting a hearing and ended the year with only 101. The number of cases outstanding at the end of the year 1998-1999 and 1999-2000 were respectively 369 and 136. Indeed as with the previous year, for the last six months of the reporting period all matters which had been entered for hearing were offered a date for trial at the first callover. These figures do not include the matters dealt with by judges of the court sitting as judges of the Planning and Environment Court or constituting the Health Practitioners Tribunal.

In the course of the year in Brisbane 408 civil cases were entered for trial (compared with 515 in 1999-2000 and 931 in 1998-1999), in Southport 90 were entered (137 in 1999-2000 and 221 in 1998-1999) and 77 in Maroochydore (116 in 1999-2000 and 103 in 1998-1999).

There is every indication that this downward trend has levelled. In Brisbane there were 800 more claims filed than the previous year, an increase of 23%. The decrease in matters entered for trial results no doubt from the successful implementation of active case management by the judges. The Uniform Civil Procedure Rules are also having the more desirable effect of litigators resolving issues prior to trial without need for the court's intervention. Alternative Dispute Resolution mechanisms and those contained in the statutes covering motor vehicle and work-related personal injury claims are also adding in matters resolving prior to trial as well as prior to court proceedings being instituted.

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

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

At the appellate level the court in Brisbane disposed of 213 appeals from the Magistrates Courts and other tribunals. The case management of appeals with a system of reviews of outstanding s222 *Justice Act* appeals is now a predominant feature of the management of appeals. In total some 131 appeals were reviewed with 63 dealt with at review and the remainder adjourned to definite hearing dates. Overall the court's appellate work has decreased to 351 appeals determined during the year at the major centres throughout Queensland, compared with 488 and 403 in 1999-2000 and 1998-1999 respectively. It is still not possible to ascertain easily the number of appeals heard throughout Queensland.

Comparative Performance

The District Court has performed creditably well when viewed against other comparable Australian courts. The Report on Government Services 2001, released 31 January 2001 by the Steering Committee for the Review of Commonwealth/State Service Provision, allows this comparison to be made. However it must be stressed that while considering the Steering Committee's report one should also account for the important differences in the jurisdictions exercised by each of these State courts. The Commonwealth statistics do not take these matters into account. The District Court of Queensland has a greater equitable jurisdiction than other District or County Courts, although its monetary jurisdiction is less than most others. This court also has a wider appellate jurisdiction than those in other States. Nor is the vast difference in the types of criminal matters dealt with by each court brought to bear in the comparisons set out in that report.

That report indicates that in 1999-00 this court disposed of 92% of its criminal cases within 12 months (74% within 6 months), by contrast with the District/County Courts of South Australia (92% within 12 months), Victoria (83%), Western Australia (76%) and New South Wales (69%).

In that year on the civil side of the court's work, this court disposed of 43% of its cases within 12 months (30% within 6 months). This compares unfavourably with South

Australia (58%) but favourably with the other States (Vic, NSW, WA) all having 12 month figures in the 40th percentile bracket. This is explained partly by jurisdictional differences and partly by this court's continuing inability for want of sufficient resources in technology and personnel, to track civil cases adequately from commencement to readiness for trial. Nonetheless litigants experience minimal delay from readiness for trial to hearing and judgment.

Listing of Cases and Case Management

There would be a large backlog in the criminal lists in Brisbane if the District Court judges, especially the Criminal Listing Taskforce, did not continually monitor the lists and case-manage problem, lengthy or complex cases. Indeed, one reason why a Taskforce judge or another judge conducts the daily reviews and mentions is to enable any party experiencing problems in having a case ready for trial or sentence to mention their difficulty before the judge. Accordingly, where possible and appropriate, the list was re-arranged to suit the convenience of a party. Convenience of the Office of the Director of Public Prosecutions or its resource issues are not the only, nor the first concerns in determining the administration of the running list. One of the prime objects of efficient listing is to ensure, in the best interests of the community, that trials are conducted as soon as is reasonably possible. The rights of an accused person facing serious charges, especially the right to stand trial as soon as is reasonably possible, must also be respected.

At the District Court Judges' pre-Easter Annual Conference, it was decided that statistics concerning the appearance of self-represented litigants should be kept and recorded henceforth. Arrangements are being made to give the judges access to these statistics if and when they become available.

Structural and Administrative Resources

Improvements

A long overdue upgrade to the work environments of the registry and the court administration staff was commenced this year. It will be completed and reported on in the next financial year.

The Gold Coast Arts Centre has lent a small part of its collection to the District Court at Southport in order to improve the court environment for the judges. Six works now hang on the walls of the Judges' Common Room – a vast improvement to the facilities.

An audio visual system was installed in court 12 in the Law Courts Complex. The system provides sound enhancement and includes a link to the State Reporting Bureau and the phone conferencing facilities.

The *Evidence Act* was amended in 1989 to allow the reception of evidence from special witnesses to be given by closed circuit television. Inadequate equipment has on occasion had significant consequences: most notably in a trial in the Gladstone circuit court where an indecent dealing trial miscarried. The Office of the Director of Public Prosecutions has stated that it will actively pursue the least stressful means of testimony for vulnerable witnesses. It estimates that 20% of all trials will have applications for evidence via CCTV. There is only one courtroom allocated to the District Court in Brisbane which has the capacity to take evidence from witnesses outside the courthouse, although a few others may take evidence from the remote witness room in the courthouse. The implementation of these systems is largely due to the endeavours of the Court Administrator, Ms Bronwyn Jolly, and the Sheriff, Mr Neil Hansen.

Closed circuit television systems were installed and are at the time of writing, now operational at Southport, Rockhampton, Beenleigh, Maroochydore and Ipswich. There are still no CCTV facilities available at Cairns and Townsville.

The Litigation Support System was used in the trial of *R. v. Dexter*, which lasted 12 weeks. Without this software and support the trial would have taken at least 6 months. The court does not have ready access to this system. In this case the system and an operator were provided by the Office of the Commonwealth Director of Public Prosecutions.

Some Deficiencies

Despite the growth of the court's work, the number of staff in the court's registry and listing areas has remained static through a lack of resources. These officers are under enormous pressure in continuing to provide a reasonable service to the profession, the judges, the jurors and members of the public.

The Law Courts Complex houses the District Court in Brisbane, which operates from both the 'old' and 'new' buildings. One part of the complex, the 'old' District Court building is now 30 years old. Little has been done over its lifetime to improve its amenities, functionality or appearance. The jury rooms are claustrophobic, shabby and depressing. The public toilets are inadequate and many still do not contain basic facilities such as needle

disposal units. In some respects, the building does not meet modern workplace health and safety standards. The Options Study completed in July 2000 concluded that the building does not satisfy current building and access standards, workplace standards and public expectations. Court staff are forced to use public toilet facilities – a situation that may be embarrassing at best, and a potential threat to their safety at least. Conscientious members of our community – jurors and court staff alike – should not be expected to do their public duty or carry out their daily work in such shabby or demeaning surroundings.

Too few courtrooms in Brisbane and in other centres are properly equipped. Some lack voice enhancers, modern equipment for the taking of evidence by telephone, have insufficient capacity for the taking of remote witness evidence or are not equipped with basic tools such as document enhancers. The running of power generators in the Law Courts Complex has the potential to cause huge disruptions to the work of the courts. Testing of the generators this year caused computer networks to become unavailable and rendered video courts inoperable. Fuses were blown on five pieces of equipment and damage occurred to seven transformers in the videoconferencing facilities. Urgent resolution of the problem is required as it can only be managed in its current state if the testing is planned in advance. The court's systems are not protected in the event of unexpected power surges.

The ability of the District Court to monitor, and continually review, its own operation and effectiveness is reduced by the absence of the necessary facilities to collect representative and meaningful data. Urgent resource allocation is required for this.

Some other matters

Security

The security of court officers and others working in the courts as well as members of the public visiting the courts is the subject of assessment. The installation of video cameras in the courtyard of the Brisbane Law Courts Complex would assist in general security. From time to time jurors assemble in the courtyard and this surveillance might assist in preventing a juror being subjected to an inappropriate approach by a witness, a relative of an accused person or some other person.

In November 2000, the Chief Judge expressed concern to the Department of Corrective Services that there were insufficient correctional officers being seconded in the Law Courts Complex. This issue remains under review. The judges remain concerned about the inadequacy of their entitlements to residential security.

Pre-sentence Psychiatric/Psychological Reports

The Department of Corrective Services indicated it would not prepare psychiatric or psychological reports when directed by the court to do so as part of a pre-sentence report. These directions had been co-ordinated by the Department of Corrective Services by forwarding them to Queensland Health where these reports were then prepared by the Forensic Mental Health Unit. Queensland Health will no longer fund these reports. Nor will Corrective Services. Apparently Corrective Services' view is that the effect of s.201 of the *Corrective Services Act* and s.19(2)(f) of the *Corrective Services (Administration) Act* for the preparation or funding of psychiatric reports for a pre-sentence report is not required. However s.201 of the *Corrective Services Act* imposes an obligation on the Chief Executive, when required to do so by a court, to "cause to be prepared and submitted to that court such reports on and information with respect to a specified person as the court requires". This provision is sufficiently wide to include both psychological and psychiatric reports. The Chief Executive has the power under s.19 of the *Corrective Services (Administration) Act* 1988 to engage others to conduct any psychological or psychiatric assessment that may be necessary to ensure compliance with the obligation imposed by s.201. Further, the Director-General of the Department of Justice, Dr Ken Levy has the matter under review so that the judges may have confidence that pre-sentence report orders will be carried into effect.

The Chief Judge's commitments

The Chief Judge continued to sit in court both in Brisbane and on circuit as well as undertaking her considerable administrative load. During the year under report she sat on circuit for a total of 6 weeks in Townsville, Rockhampton, Maroochydore, Cairns, Southport and Gladstone. She was also rostered to sit for a total of 19 weeks in the civil, criminal, appellate and applications jurisdictions and in the Planning and Environment Court.

The circuits to regional centres are of particular assistance as for obvious reasons no one centre is like another. There are different cultures too and the meetings with the resident judges before the Chief Judge with local members of the profession, local Registrars and other court staff were of inestimable value in assessing resource needs for each centre. In those places the resident judge or judges have the responsibility of the daily running of the lists, and local conditions in many places affect the resource needs in those areas.

The Chief Judge attended numerous meetings during the year, on occasions with some of the judges, aimed at ensuring the most effective delivery of judicial services. Her regular meetings with the Chief Justice were of continuing value and assistance in the development of strategies for the efficient disposition of the court's business as were the regular meetings with the Chief Judges of other States. Importantly there were also meetings with the presidents and executive officers of the professional associations, with the Director of Public Prosecutions, the Public Defender, members of the Aboriginal and Torres Strait Islander Advisory Board and leaders of the many organizations involved or with a particular interest in the criminal justice system such as Legal Aid Queensland, the Queensland Aboriginal and Islander Legal Service and the Brisbane Aboriginal Legal Service. There were also special meetings or workshops convened to consider changes which might be implemented to improve the delivery of services in the criminal justice system, such as the Justice Agreement Workshop as well as the Criminal Justice Standing Committee convened by the Senior Judge Administrator. The Chief Judge also attended meetings of the Chief Justice's Focus Group, Supreme and District Courts Management Committee, the Courts IT Management Committee and the Courts Administration Committee. Regular meetings with the Director-General and other officers of the Department of Justice were extremely useful for their current discussion of matters important to the court as were those with Director-General and senior officers of other departments such as Local Government and Planning, Aboriginal and Torres Strait Islander Policy and Development, and Corrective Services.

The judges met monthly in Brisbane for their formal meetings to consider the numerous issues which impact upon the court's operation. Regional judges and judges on circuit attend through telephone link-up. The judges also meet together on a less formal basis on some other occasions for discussion of relevant matters.

Other judicial activities and court matters

In May Judge Brian Hoath accepted a commission as an Acting Judge of the County Court of Victoria enabling him to determine an appeal from a magistrate's decision in a matter involving Commonwealth taxation offences. The respondent was a judge of the County Court. Judge Hoath was requested to determine the appeal to ensure impartiality in this particularly sensitive case.

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

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

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

Court website

The District Court Calendar is gazetted for the calendar year in the second half of the previous year. This year, it has been available for the first time on the courts' website (www.courts.qld.gov.au) and all updates are published on the web within hours, as are Practice Directions and other information concerning the court's practice and procedure. Other matters relating to the operation of the court are also published on the website, including details of overseas travel expenditure by the judges from their jurisprudential allowance.

Benchbook

For some years the judges of the court together with judges of the Supreme Court have been working on a collection of suggested directions to juries in criminal trials. It has been a difficult and time-consuming project, and this year was borne largely by Judge Robertson and Judge Dick of this court with the Hon Justice Byrne and the Hon Justice Holmes of the Supreme Court. These judges have almost completed their task.

Indigenous and remote community issues

In line with the court's increasing commitment to facilitate access to the court in the remote communities, the circuits to the Cape, the Gulf and Thursday Island are increasing. So have valuable opportunities to consult with members of the Aboriginal and Torres Strait Islander Advisory Board, the Elders of some communities and other relevant Indigenous organizations with a particular interest in the criminal justice system.

The court's work in these remote communities is hampered by the lack of resources. There are still no appropriately trained court interpreters in Aboriginal and Torres Strait Islander

languages. Despite the Chief Judge's requests last year and this year there is still no concrete plan for this training nor the funding to implement it. Her requests last year and this year for court-based indigenous liaison officers has also met the same fate. However the "Aboriginal English" facilitators project is an important initiative of the Department of Justice which the court supports.

As the judges had not had the benefit of a cultural awareness seminar since 1995, funding was sought for that purpose. The Director-General of the Department of Aboriginal and Torres Strait Islander Policy and Development, Ms. Marg O'Donnell and her successor, Ms. Anne Dutney have provided invaluable support for this. During the year under report the officers of that Department consulted with Judge Shanahan and his committee in designing a cultural awareness workshop for the judges.

Continuing Judicial Education

An essential part of judicial life concerns the scholarly work involved in keeping abreast of legislative change, the important decisions of appellate courts and the writings of judges, members of the profession and academics on courts and the law. The judges' conferences are an important tool in this respect. The judges held their annual pre-Easter conference on 11 and 12 April 2001. This annual conference is an essential and valuable tool for the judges, at which important papers are presented and useful discussions take place on important topics. Presenters at this year's seminar included Dr David Brereton of the Criminal Justice Commission, Professor John Dewar of Griffith University Law School, Dr Nick Martin of the Queensland Institute of Medical Research and some of the judges including Judges O'Brien, Robin, Hoath, White, Robertson, Brabazon, McGill and Shanahan.

On 10 April 2001 the conference for the judges of the Planning and Environment Court was held. The Hon. K.W. Ryan, CBE QC delivered an important paper on jurisdiction issues relating to the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth) and the *Integrated Planning Act 1997*. This conference was funded by the Department of Local Government and Planning whose contribution of \$10,000 enabled the judges to hold this conference and acquire essential works relating to planning and environmental law.

The 16th Biennial Conference of District and County Court Judges was held in Adelaide from 27 June to 1 July 2001. A majority of the judges of this court attended this important conference.

Judicial milestones

Judge Eric Pratt QC retired from the court on 20 February 2001, having been appointed to the court on 29 October 1982. He had a strong and abiding sense of justice and he served the community well with dedication and distinction. The vacancy caused by his retirement was filled by the appointment of Judge Julie Dick on 14 December 2000. On 24 May 2001 Judge Alan Wilson SC was appointed to the court, in anticipation of the impending retirement of Senior Judge Hanger.

Judge Fred McGuire AO died on 15 July 2000, only 18 months after his retirement from the court, on which he had served for 24 years. His loss was deeply felt by both judges and court staff. He was admired and loved by many. An obituary appears in Appendix 2 to this report.

In February 2002 the Northern Judge, Hon Justice Cullinane, the Chief Judge, Judge Wall QC and Judge Pack presided over the valediction in Townsville in honour of the late Judge Vincent Finn, who died on 12 December 2000. His Honour served as a District Court judge in Townsville until his retirement in 1981. An obituary appears as Appendix 1 to this report.

In March Senior Judge Hanger was honoured in a ceremony held at Southport marking his 25 years on the bench, having been appointed a judge to Townsville in 1976, the second in that city after Judge Finn (see appendix 1). In 1983 he became the first resident judge in Southport. He was commissioned a deputy chairman in 1989 and in 1993 a Senior Judge.

Visitors to the Court

On 5 March Hon. Mohamed Rasheed Ibrahim, Chief Justice of the High Court of the Maldives and Mr Abdulla Saeed, Dean of the Faculty of the Sharia'h and Law, Maldives College of Higher Education of the Republic of Maldives visited the District Court as part of a project of assistance in relation to judicial and legal training sponsored by the TC Beirne School of Law, University of Queensland. They were received by Senior Judge Trafford-Walker and visited various parts of the courts complex.

Professor Mitsuaki Usui of the Faculty of Law at the University of Tokyo visited Queensland at the beginning of June. He met with Judge Quirk and discussed issues concerning specialist courts in this jurisdiction.

Conclusion

The Chief Judge is grateful to the judges, the Court Administrator, Ms. Bronwyn Jolly, the Registrar Mr. Ken Toogood and the registry officers and court administration staff and warmly thanks each of them for their dedicated service to the court and the collegiate efforts each has made in advancing the court's important work. A list of the court's administrative staff appears after the list of the judges which follows.

Judges of the District Court

At the time of writing this report the District Court remains a bench of 35 judges. There were for some periods during the year under review, in addition to the Chief Judge, 36 judges of the District Court.

Chief Judge

Her Honour Judge Patricia Mary Wolfe

Judges

His Honour Senior Judge John Mostyn Hanger (Southport)

His Honour Judge Eric Charles Ernest Pratt, QC (to 20 February 2001)

His Honour Senior Judge Nelson Anthony Skoien

His Honour Judge Robert David Hall (Southport)

His Honour Senior Judge Gilbert Trafford-Walker

His Honour Judge Thomas Joseph Quirk

His Honour Judge Warren Howell

His Honour Judge Ian MacGregor Wylie, QC

His Honour Judge Keith Stuart Dodds (Maroochydore)

His Honour Judge Anthony Joseph Healy, QC

His Honour Judge Manus Boyce, QC

His Honour Judge Garry Spencer Forno, QC

His Honour Judge Brian James Boulton

His Honour Judge Hugh Wilfrid Harry Botting

His Honour Judge Michael John Noud

His Honour Judge Kerry John O'Brien

His Honour Judge Neil Ferguson McLauchlan, QC

His Honour Judge Philip David Robin, QC

His Honour Judge Brian Charles Hoath

His Honour Judge John Elwell Newton (Southport)

Her Honour Judge Helen O'Sullivan

His Honour Judge Peter James White (Cairns)

His Honour Judge Philip Grahame Nase (Beenleigh)

His Honour Judge John Mervyn Robertson (Maroochydore)

His Honour Judge Michael William Forde

His Honour Judge Charles James Lennox Brabazon, QC

His Honour Judge Douglas John McGill, SC

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

(Judges cont'd)

His Honour Judge Robert Douglas Pack (Townsville)

His Honour Judge Nicholas Samios

His Honour Judge Grant Thomas Britton SC
(Rockhampton)

Her Honour Judge Deborah Richards (Ipswich)

Her Honour Judge Sarah Bradley (Cairns)

His Honour Judge Michael John Shanahan

Her Honour Judge Julie Maree Dick SC

(from 14 December 2000)

His Honour Judge Alan Muir Wilson SC (Southport)

(from 24 May 2001)

Judges of the District Court

Administrative staff of the District Court

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

Court Administrator	Bronwyn Jolly
Registrar of the District Court of Queensland (Principal Registrar, Higher Courts Brisbane)	Ken Toogood
Deputy Court Administrator	Cameron Woods
Sheriff	Neil Hansen
Registrar (Cairns)	John Bingham
Registrar (Townsville)	Ray Keane
Acting Registrar (Townsville)	David McCaffrey
Registrar (Rockhampton)	Gordon Roberts
Information Technology Manager	Ian Sims
Deputy Registrars – Civil Registry	Ian Mitchell Peter McNelley Trevor Davern Ian Enright
Deputy Registrar - Criminal Registry	Peter Irvine
Chief Judge's Secretaries	Leanne Fox (part-time) Jan Daniels (part-time)
Chief Bailiff	Phil Lennon
Deputy Chief Bailiff	Ken Welsh
Criminal List Manager	Dean Williamson/Natasha Power
Civil List Manager	Angela Karageozis
Applications and Appeals List Manager	Danny Coppolecchia
Planning & Environment and Childrens Court List Manager	Joanne Willett/Tracy Dutton
Circuits List Manager	Rachel Penny (part-time)
Judges' Secretariat	Bev Morgan Laura Murase Gerri McKelson Nancye Gibson

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

Judicial Appointments and Retirement

On 14 December 2000 Her Honour Judge Dick SC was duly appointed a judge of the District Court of Queensland. On the day following her commission the judge took her Oaths of Allegiance and Office in a small ceremony before the judges of the court. On 12 March 2001 the court held a welcoming ceremony so that the wider profession and the public could congratulate Her Honour on her appointment to the court. She was admitted to the Bar in 1975 and had wide experience in her trial and appellate practice. She took silk in 1997 and in March 1998, she was appointed the first Parliamentary Criminal Justice Commissioner for the State of Queensland, a post she relinquished to join this court. Judge Dick came to the court to fill the vacancy resulting from the retirement of His Honour Judge Pratt QC on 20 February 2001.

On 24 May 2001, His Honour Judge Alan Wilson SC was appointed a judge of the District Court of Queensland. On the occasion of his swearing-in on 1 June 2001, it was noted that he came to the court with extensive experience, particularly in dispute resolution and had a distinguished career at the Bar commencing in 1983. He was appointed as Senior Counsel in 1999. He founded the Queensland Bar News. Prior to his judicial appointment, he had served with distinction as an acting judge of the District Court from July until October 1998. Judge Wilson is based at Southport. His appointment there filled the impending vacancy resulting from Senior Judge Hanger's retirement in August 2001.

On 20 February 2001, His Honour Judge Pratt QC retired from the District Court Bench, to which he had been appointed in October, 1982. Born in Melbourne in December 1931 and educated at Carey Grammar School and Queensland University (LLB 1965). His Honour first practiced at the Bar in Papua New Guinea, between 1965 and 1972, and then came to Brisbane. In PNG he had been President of the Law Society in 1970-1971, and Deputy Mayor of Port Moresby 1971-1972. After developing a wide practice in both the criminal, and civil jurisdictions mainly at the Queensland Bar, he took silk in 1980. A highlight of his time at the Bar was his brief with Mr Gerard Brennan QC (as he then was) to represent the Northern Land Council before the Aboriginal Rights Commission chaired by Mr Justice E Woodward. Over the following decade the judge was briefed extensively to represent the Council in a number of large and important matters including the Ranger Uranium Environmental Inquiry, leading negotiating teams involved in mining developments at Nabarlek, Jabaru, Jabiluka and Koongarra, and negotiating the terms of the lease back, to the Commonwealth, of the Kakadu National Park. His other particular interest was arbitration and mediation and he was an early member of the Queensland Chapter of the Institute of Arbitrators.

Judge Pratt was a hard working and quick thinking judge, known for his ability to manage a court in a dignified, but good-natured manner. His interests were wide, and his energy prodigious. Long and arduous trials never seemed to tire him. Outside the courtroom, his particular interest was penology, a subject upon which he lectured widely, often to very distinguished audiences: in October 1999 he delivered the keynote speech at the inaugural conference of the International Corrections and Prisons Association, in Budapest. In 1994 he delivered a series of lectures to the FBI National Academy Associates Conference in Montana.

Judge Pratt took a particular interest in the running of the District Court. He was chairperson of the Salaries and Entitlements Committee in 1996 and 1997, and of the Strategic Planning and Budget Committee in 1996-99.

Specialist Courts

The judges who sat in the Planning and Environment Court and Childrens Court during 2000-2001 are listed below:

Planning and Environment Court

Chief Judge Wolfe

Senior Judge Hanger

Senior Judge Skoien

Judge Dodds

Judge Quirk

Judge McLauchlan QC

Judge Robin QC

Judge Newton

Judge White

Judge Nase

Judge Robertson

Judge Brabazon QC

Judge Wall QC

Judge Pack

Judge Britton SC

Some District Court judges are commissioned to sit as Childrens Court judges. In that capacity judges have jurisdiction to sit without a jury to try a child for any offence for

which the child has been committed for trial if the child so elects (ss 49 and 72 *Juvenile Justice Act* 1992). The judges who sat in the Childrens Court during 2000-2001 are listed below.

Childrens Court

Judge Robertson (President)

Senior Judge Hanger

Senior Judge Trafford-Walker

Judge O'Brien

Judge White

Judge Nase

Judge Wall QC

Judge Pack

Judge Britton SC

Judge Richards

Judge Bradley

Judge Shanahan

Judge Healy

Judge Samios

Jurisdiction and sittings of the District Court

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

The District Court's early history

District Courts existed in Queensland prior to separation, but were not introduced into the new colony until 1865. Their number was then limited to four judges and they exercised very limited jurisdiction. These courts were abolished in 1921 and the members were given commissions as justices of the Supreme Court.

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

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

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

The Modern District Court

In the 40 years since its re-incarnation the District Court has grown in numbers and in the jurisdiction it exercises. There has been enormous growth in the responsibilities of the judges. There are 35 judges holding commissions under the *District Court Act* of 1967 and exercising extensive appellate, criminal and civil jurisdiction. The District Court is now the largest trial court in Queensland. It is the principal court in Queensland for the trial of persons charged with serious criminal offences. It deals with almost 90% of all criminal matters in Brisbane which are prosecuted on indictment. The court exercises equitable and other jurisdiction within its civil monetary limit. The court's civil jurisdiction is generally limited to matters involving \$250,000 or less. The District Court hears all appeals from the

Magistrates Courts as well as from decisions of a number of tribunals and other statutory bodies. Many of the judges are also appointed to the Planning and Environment Court and the Childrens Court of Queensland. All judges are members of the Health Practitioners Tribunal.

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

Appellate

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

Civil

The court has an extensive general jurisdiction:

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

Criminal

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

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

The Planning and Environment Court

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

Health Practitioners Tribunal

All District Court judges are members of this Tribunal which was established by the *Health Practitioners (Professional Standards) Act 1999* which came fully into force on 7 February 2000. It replaced the Medical Assessment Tribunal, a superior court of record constituted by a judge of the Supreme Court and established under the *Medical Act 1939* for the discipline of medical practitioners. The Health Practitioners Tribunal is now the ultimate disciplinary body for most health professional groups. These are medical practitioners, chiropractors, dentists, dental technicians and prosthetists, occupational therapists, optometrists, pharmacists, physiotherapists, podiatrists, psychologists and speech pathologists.

Other Appeals

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

Building Appeals

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

Childrens Court

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

Regions

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

Southport

Judiciary

There are three judges of the District Court based at Southport. At the time of writing they are Judge Hall, Judge Newton and Judge Wilson SC. Judge Wilson was appointed a judge of the District Court on 1 June 2001. However Senior Judge Hanger led the court at Southport until late April when he took long leave prior to his retirement on 11 August 2001. During the year under report Senior Judge Hanger sat as a judge of the Planning and Environment Court and of the Childrens Court, and Judge Newton also sat in the Planning and Environment Court.

Resources

Unfortunately, the District Court registry at Southport is combined with the Magistrates Court registry. This has had significant adverse consequences on the efficient functioning of the District Court. When the registries of the two courts were combined some years ago, the judges were informed that this was to be an experiment only and that no decision would be taken to permanently combine the registries without consultation with the judges. No such consultation occurred and the combined operation of the registries has resulted in inefficiencies from time to time. The judges have raised their concerns in relation to this matter on several occasions with senior departmental officers, but to no avail. It should be noted that the courthouse at Southport currently has adequate unused space available for the establishment of a separate District Court registry.

The present Registrar of the District Court at Southport is also the Registrar of the Magistrates Court at Southport and as such, is frequently required to perform duties as an Acting Magistrate. This deprives the registry of the benefits of having its most senior officer available on occasions and cannot be regarded as a satisfactory situation. The judges, for many years, have been suggesting that the position of Registrar requires the full time attention of the person appointed to the position.

The court has listing officers for both criminal and civil matters. These officers are drawn from the ranks of the combined registries and have performed extremely capably in their roles. However the Southport judges are concerned that the department favours a policy of “multi-skilling” and that just as a listing officer reaches an acceptable level of expertise, he or she is summarily moved from the position to perform another function within the registry office. This results in the judge having responsibility for listing being required to train the new listing officer in order to ensure the orderly administration of the lists. Much valuable judicial time is spent in this way.

The Southport judges are currently provided with limited secretarial support, an average of about 12 hours per week or 4 hours per judge per week during the year under review. When visiting judges are circuted at Southport and require secretarial services, this further reduces the available secretarial time to the resident judges. The current arrangements are such that no secretarial services are available until 1:00pm on any day of the week. It is extremely fortuitous that the present judges’ secretary, Ms Marie Ashworth, has substantial legal experience, including audio reporting for the State Reporting Bureau. The judges are most grateful for the assistance of Mr Ian McEwan, the Director of the State Reporting Bureau and Mr Doug Harris, the Manager of Audio-Reporting within the Bureau, in obtaining the services of Ms Ashworth who continues to carry out duties for the Bureau each morning. The judges would welcome an extension of the secretarial time available for their work, but are appreciative of the flexibility of the current arrangements. There are times when lengthy judgments require typing, and at those times the amount of secretarial assistance is manifestly inadequate.

The Courthouse

The courthouse at Southport is a somewhat curious combination of the old and the new, with the modern architecture of the recently completed extensions contrasting with the older part of the building. The courtrooms used by the resident judges are situated in new extensions and two of those courts have external windows. The third, however, has no natural light nor do the two other courtrooms in the older part of the building which are also used by the District Court. All District Court courtrooms at Southport are used for criminal and civil matters. The two courtrooms in the older part of the building are used from time to time by the Magistrates Court and by various tribunals.

During the year under report there was some remote witness capability for three of the five courtrooms used by the District Court. That facility was unreliable and requires further attention to bring it to an acceptable standard. Only one remote witness room was available for the three courtrooms with some remote witness capability. Ideally, each of the five

courtrooms should have reliable remote witness capability and a suitable remote witness room.

A mobile document enhancer was available. However, when more than one such data projection unit was needed at the same time, difficulties occurred. In such cases arrangements had to be made as to when the mobile document enhancer would be available for a particular court. It is recommended that at least two such units be available at all times for the use of the District Court judges. All courtrooms used by the District Court at Southport are now IT cabled. The three courtrooms in the new extension have voice enhancers but those in the older part of the building must rely upon a mobile audio-enhancing unit.

Caseload

As at the end of June 2001 there were 195 active criminal matters and 272 matters where bench warrants had issued because of the failure of accused persons to honour their bail obligations and appear when called upon for trial or sentence. This latter figure is of particular concern to the Southport judges who regard it as a public scandal that so many accused are failing to appear. It is clear that bail is being granted in many cases where insufficient information is obtained as to the residential status of the accused. In the 12 months to 1 April 2001, 656 matters were disposed of within 12 months of the date of presentation of the indictment. This represents 94.52% of the total number of matters coming before the court. Only 38 matters (or 5.48%) were not dealt with within this time.

The criminal list was managed by Judge Newton and largely due to the co-operation of the local profession, there is an orderly and efficient flow of cases. One problem, not unique to Southport, was the large number of late pleas of guilty. It is a waste of public funds to incur the expense of bringing in a jury panel to hear a criminal trial only to have the accused change his mind on the doorstep of the court and plead guilty on the morning of the trial. It also results in needless inconvenience to those members of the community who comprise a panel of jurors who attend court and from which juries are selected. Many complaints were received by the judges when this happened frequently during criminal sittings. It is hoped that consultation with the profession at Southport will result in fewer cases involving a late change of plea.

The statistics in respect of the civil jurisdiction at Southport show that at the end of June 2001 there were 42 civil cases awaiting hearing. As has been the experience in other jurisdictions, the civil list has declined significantly in recent times due to the success of

alternative dispute resolution procedures, either by way of mediation or, case appraisal. Judge Hall has had responsibility for the civil list for several years and was responsible for the smooth operation of the list, despite the frequent demands of Planning and Environment cases which have had to be allocated hearing dates within the civil sittings, often at very short notice. Judge Hall also dealt with the bulk of the applications which were heard at Southport each Friday. Over the 12 months to 1 April 2001, 86 civil cases were dealt with within 12 months from the date at which the parties indicated that they were ready for trial. This represented 94.51% of the total number of civil cases filed in the court. Only 5 cases (5.49% of the total) were not dealt with within this time.

Relationship with the profession

The local Bar at Southport numbers approximately 12 barristers who regularly appeared in both the criminal and civil jurisdictions. However, many cases involved counsel from Brisbane or, increasingly, from Sydney or Melbourne. It is hoped that regular consultation and liaison with the local profession, both barristers and solicitors, will result in the ongoing good relationships enjoyed between the Bench and the profession.

The judges at Southport wish to acknowledge the support given by visiting judges (usually from Brisbane) who assist with the very heavy workloads experienced at Southport. In turn, the Southport judges are happy to undertake their share of the heavy circuit load of the Brisbane judges and those judges in other provincial centres when necessary.

Maroochydore

Judiciary

Judge Dodds was the first resident judge in Maroochydore commencing in 1993 after 7½ years as the resident judge in Rockhampton. Judge Robertson became the second resident judge in August 2000 when he was transferred to the court from Brisbane. There are four magistrates based in Maroochydore.

Caseload

In the 12 months to 30 June 2001, 479 criminal matters were disposed of, 78 civil claims and 20 planning and environment appeals were finalised. The court conducted a regular applications day approximately once every fortnight on gazetted dates thus providing certainty of dates for the parties to civil disputes and the profession. The applications list is substantial, the court having dealt with 251 applications during the year. Each applications day the applications judge regularly heard up to 15 civil applications and up to 5 appeals or

applications for criminal compensation. The judges endeavour to give decisions immediately with *ex tempore* reasons, and few decisions were reserved.

There was an increasing criminal caseload, both in complexity and in the number of cases before the court. For example, the court heard a number of charges of serious environmental harm under the *Environmental Protection Act 1994*.

Both resident judges sat to constitute the Planning and Environment Court. The court dealt with an increasing number of Planning and Environment Appeals. The judges, so far as they were able so to do encouraged as many appeals as possible to be determined at Maroochydore rather than elsewhere. These appeals were heard in conjunction with gazetted civil sittings, and the judges endeavoured to allow flexibility to ensure that enough time was allowed for hearings. It may be necessary in the future to have gazetted appeal sittings depending upon the increasing workload in this jurisdiction.

The resident judges undertook some circuit work to assist to some extent by an equitable distribution of the circuit load amongst all the judges of the court. In the period January 2001 to December 2001 each resident judge had eight weeks circuit assigned. Judge Robertson continued to conduct regular sittings of the Childrens Court of Queensland in Brisbane.

Resources

At Maroochydore, the Magistrates Court Registrar is also the District Court Registrar. In the past, members of the registry staff were assigned on a rotational basis to do District Court work. In June this year a more permanent arrangement commenced with the appointment of an officer to the principal District Court support position. This was certainly a step in the right direction. The judges enjoy good working relationships with the Registrar and staff. Criminal and civil list clerks undertake all listing under the supervision of the judges. Regular callovers are held, however mentions are kept to a minimum because of the resource implications for the legal practitioners involved.

The legal profession cooperates well with the court and, although there is the usual problem of late guilty pleas, disruptions to the list are kept to a minimum because of the co-operation of solicitors and barristers.

For the last part of the year under review, the Maroochydore Office of the Director of Public Prosecutions has been significantly understaffed as a result of the promotion of the senior prosecutor to a position in Brisbane and the resignation of another prosecutor. This left only one permanent resident prosecutor, with the shortfall being covered by Brisbane. This remained the position for some considerable time. This was very unsatisfactory from a management point of view. However, the judges record their thanks to Mr Stephen Courtney and the other staff at the office for their extra effort which ensured that the criminal lists were maintained despite these difficulties. It should not occur again as it places far too much stress on remaining staff, and undermines the efficiency of the office and of the court.

Despite requests, there is still no dedicated secretarial typing assistance for the resident judges. Each judge must rely upon his own meagre typing skills or require his associate to perform the role whenever they have time. At Maroochydore this often means they stay on after normal finishing time or use some of their lunch hour.

At the end of the year under review, work commenced in courtroom 2 to install closed circuit television facilities for use in cases involving vulnerable witnesses. A witness room on the third floor has been converted into an appropriate remote witness room. The first trial using the new system will take place in July 2001.

The present courtrooms still however lack proper amplification systems for witnesses. The acoustics are poor and frequently there are difficulties hearing, particularly in the case of witnesses with naturally soft voices. The present amplification is very basic and does not work well. This is a priority of which the Department is aware.

Townsville

Judiciary

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

During the year under report, the Townsville District Court judges also sat in Charters Towers, Hughenden and Bowen. There was one Magistrate based in Bowen. The Townsville Magistrates service a wide area including Townsville, Palm Island, Hughenden,

Julia Creek, Richmond, Bowen, Ingham, Ayr and Homehill and the Bowen Magistrate also services Proserpine. Appeals from the Magistrates Courts in these centres are dealt with by the District Court judges from Townsville.

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

Caseload

The court disposed of 459 criminal matters, 27 civil claims and 8 planning and environment appeals were finalised. The court conducts regular applications approximately once every fortnight, thus providing certainty of dates for the parties to civil disputes and the profession. The judges endeavour to give decisions immediately with *ex tempore* reasons, and few decisions are reserved.

The criminal trial figure is not a realistic indication as 75% of these may have turned into sentences or *nolle prosequis*.

Approximately 10 judge weeks assistance was received from Brisbane judges. At least the same level of assistance, preferably more, is required for the forthcoming year. Early conferences between counsel and defendants from Palm Island are sometimes difficult to arrange which can affect the efficient disposition of the caseload. However, regular liaison with ATSIIL Services and the bar occurred and attempts are ongoing to resolve such difficulties including those presented by the non-appearance of the occasional defendant from Palm Island.

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

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

The Civil and Planning and Environment lists were up to date as a result of ongoing supervision and regular sittings.

Relationship with the profession

There was a local bar of 31 in private practice in Townsville and about eight employed by the Office of the Director of Public Prosecutions and Commonwealth Director of Public Prosecutions. Regular consultation occurred with the profession with a view to resolving matters of mutual concern. One positive result of this process was that Aboriginal and Torres Strait Islander Legal Services have been co-operative in identifying cases of assault occasioning bodily harm for remittal to the Magistrates Court at Palm Island.

Resources

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

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

Townsville's two District Court judges are located on another floor to that occupied by the Supreme Court judge. However there is only one out of date printer which they must share. Facilities missing include remote witness room, video conferencing facility, data projection screen, permanent or mobile audio, and scenes of crime video capability.

There is only one document enhancer between two courts.

Cairns

The workload of the District Court at Cairns stretches over an area comprising all of Cape York Peninsula and the Torres Strait stretching from the Papua New Guinea border in the north to Tully in the south. The resident judges are Judge P.J. White and Judge S. Bradley. They spend a few weeks in each year sitting outside their region. Most of their judicial work is carried out in Cairns. However, there is a District Court registry in Innisfail and currently three sittings, each of two weeks duration, are carried out there.

Approximately seven years ago the Cairns judges, then Judge Francis Daly and Judge White, began visiting the more remote places to deal with criminal sentence matters which had been formally commenced in the court at Cairns, but which originated in more remote areas of the far north, in particular, indigenous communities. The number of places visited has expanded as courthouse facilities improve. In 2000/01 judges from Cairns and Brisbane conducted circuit sittings at Thursday Island, Bamaga, Weipa, Cooktown, Lockhart River, Aurukun, Pormpuraaw and Kowanyama. These visits have produced a number of benefits, as judges may better understand the conditions and life style of the communities, and utilise the input of community justice groups which have been established in some of the communities. The communities have a greater feeling of involvement in the justice system. The very significant cost to persons otherwise required to get themselves to Cairns for court proceedings is reduced. Available court sitting time is used more efficiently. The deterrent aspect of the sentencing process appears to be more effective when carried out within the community in which the offender has offended.

The greater proportion of work carried out in the District Court in Cairns is in the criminal jurisdiction. In 2000/01, 885 criminal matters were disposed of. The number of criminal matters awaiting disposal at the end of the year reduced slightly to 285 and has reduced further to 233 as at the end of August 2001. Only eight cases awaiting hearing in the civil jurisdiction at the end of the year. All civil cases were disposed of within six months of being ready for hearing.

The far northern region has a much higher proportion of indigenous people in its population than any comparable region of Queensland. It is not surprising therefore, that a significant number of those coming before the District Court (either as accused, complainants or witnesses) are from the remote Aboriginal communities of Cape York Peninsula or from the Torres Strait Islands.

Many people from such communities do not speak or understand English very well and in fact carry out their everyday communications within their families and communities in their native language. There are a number of different native languages involved. There is significant need to improve access to and understanding of the criminal justice system for such people. Firstly, this would involve a more extensive use of interpreters. It is anticipated that there are people who have sufficient competence in English and in the various native languages to have the potential to be engaged to assist the court on a casual basis when needed. However, such people would need to undertake training in what is required of a court interpreter.

In addition, it is felt that an Aboriginal Liaison Officer needs to be appointed to assist all of the courts and in particular to assist indigenous people who need to deal with the courts to understand the process. In November 2000, at the instigation of Judge Bradley and the Legal Aid Office, the Cairns Youth Services Group was established. This is an informal group of participants in the juvenile justice area which meets on a bi-monthly basis. The Group has grown in strength and numbers and has resulted in a number of initiatives being taken which has increased the efficiency of the Childrens Court and the District Court in Cairns and the Cairns magistrates when dealing with juvenile offenders.

In May 2001 a Criminal Justice Consultative Group was established which meets regularly, and works to improve the efficiency of the criminal justice system in Cairns.

Finally, the Cairns judges wish to acknowledge the assistance of the Registrar Mr John Bingham and his staff and the co-operation of the legal profession in the Far North.

Rockhampton

Judiciary

During the whole of the 2000/2001 year, Judge Britton SC was the resident judge in Rockhampton. During the year, Judge Britton sat in crime for nineteen weeks, in civil for eight weeks and in the applications court for 10 days. In addition, a visiting judge sat in crime for four weeks and in civil for one week.

Caseload

The work disposed of by the District Court in Rockhampton is set out in this report at Table 5 (criminal), Table 14A (civil) and Table 17 (appellate).

Judge Britton throughout the year sat also as a judge of the Planning and Environment Court, as well as a judge of the Childrens Court of Queensland. Planning and Environment Court matters were dealt with in respect of applications on application days, and in respect of lengthier matters, during civil sittings.

Judge Britton also performed circuit work consisting of the following:

- Emerald/Clermont – four weeks
- Gladstone – two weeks
- Mt Isa/Cloncurry – two weeks

In October 2000, Judge Britton sat in crime in Brisbane for two weeks.

The Courthouse

The courthouse is first class. It is housed in the Virgil Power Court Building which was opened in April 1998. All necessary courtroom facilities including voice enhancers, remote witness room, closed circuit television and visualiser are available.

Resources

There is a separate registry for the District Court and Supreme Court combined, although it is located physically within the Magistrates Court registry. There are registry staff who work exclusively for the District Court and Supreme Court, although there is a cashier who is common to the District Court, Supreme Court and Magistrates Court. Rockhampton, like Townsville and Cairns is fortunate in that the Registrar of the Supreme Court and District Court there, is not the Magistrates Court Registrar and consequently is devoted to higher court duties. Secretarial support is provided but on the basis that it is shared between the Supreme Court judge, District Court judge and the Registrar. A facsimile machine and photocopiers are available although they are located remote from the chambers of the judges.

So far as the criminal work is concerned, it does not seem to require intensive management by the resident judge. It appears that the defence and prosecution are as a matter of course conducting early discussions which, in most cases, appear to be fruitful, reducing the number of matters in which there is a late plea or a late change of indictment resulting in adjournment or a late *nolle prosequi*.

Relationship with the profession

In Rockhampton there is a local private bar the size of which varies, although it is generally in the order of ten barristers. There is regular informal consultation and liaison between Judge Britton and the local bar, as well as the local solicitors.

Beenleigh

The District Court at Beenleigh is physically located within the Southern District Court complex at Beenleigh.

Judiciary

The first judge to sit at Beenleigh was Judge O'Brien. His Honour was formally welcomed at the opening of the court on 30 January, 1998. Judge O'Brien presided at the first sittings

on 2 February, 1998. Judge Nase was appointed to Beenleigh in early 1999, after Judge O'Brien took up duties in Brisbane. The resident District Court judge is also a judge of the Planning and Environment Court and the Childrens Court of Queensland.

Until the creation of a District Courts district of Beenleigh a core of three magistrates sat permanently in the court complex. On any one day up to five magistrates sit in the court complex. In addition, the Drug Court trial in South East Queensland is based in Beenleigh. An area on the first floor of the building was modified for use as a District Court and a set of judge's chambers were built for the first judge.

The Region

The location of a District Court at Beenleigh has allowed a significant proportion of criminal matters to be diverted from Brisbane to Beenleigh. The community serviced by the District Court at Beenleigh is a large one. The boundaries extend south to Tamborine, west to Jimboomba, east to the Coral Sea (including part of South Stradbroke Island) and north to the Kuraby/Underwood area of Brisbane.

The Courthouse

The structure of the existing court building and the available space did not lend itself readily to adaptation to meet the basic requirements of a District Court. Although considerable ingenuity was invested in the design, substantial deficiencies soon emerged. During 1998 both the Law Society and the Bar Association complained of deficiencies in the courtroom. In March 1998 Judge O'Brien reluctantly discharged a jury after the design problems lead to a mistrial. Since then, some remedial work has been undertaken, however the court's structures still have a number of shortcomings. The proximity of the witness box to the dock is a constant cause of concern; the absence of a second jury room means that juries are commonly accommodated in the jury assembly area when trials overlap; and the courtroom itself is undersized with limited public access. On the positive side, the acoustics in the courtroom are good, and facilities now exist for receiving the evidence of certain vulnerable witnesses by video-link from an adjoining room.

Resources

When the new District of Beenleigh was established, the Area Manager for the Magistrates Courts Service, Mr. Lonergan, was appointed Registrar of the District Court. Mr. Lonergan exercises a valuable supervisory role over the registry. Most of the day-to-day registry functions for the District Court are carried out by the Deputy Registrar and a clerical assistant who are housed in a room on the same level as the courtroom. Originally the

Deputy Registrar was given a desk in the general Magistrates Court Registry. The present arrangements represent a considerable improvement on that position and offer distinct advantages of efficiency and access both for the court and for the legal profession.

An initial allocation for a basic library was advanced by the Government, however no funding was made available for updating the Law Reports purchased. This has now been rectified and hard copies of the Commonwealth Law Reports, Australian Criminal Reports and Queensland Reports are available.

There is a small branch of the Office of the Director of Public Prosecutions in Beenleigh. In light of the flow of the criminal work through Beenleigh (almost 20% of the Brisbane level) consideration could be given to increasing the staff of qualified prosecutors.

A relatively high volume of criminal work is dealt with at Beenleigh. Notwithstanding that, morale of the court and registry staff is high, and the work performed by the court and registry is carried out with a high level of professionalism and dedication.

Ipswich

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

Ipswich is a busy court with three resident magistrates. The Family Court Magistrate visits one day a fortnight, with hearings as required, and the Drug Court operates one day a week. In addition, the Magistrates at Gatton and Toogoolawah both commit matters to the Ipswich District Court. Since 1998, Her Honour Judge Deborah Richards has been the resident District Court judge at Ipswich.

The court dealt with 503 criminal matters during the year. Sentences accounted for more than three-quarters of these matters. The majority of criminal matters at Ipswich involve property offences.

The Courthouse

The location of the regional District Court in Ipswich is in the Magistrates courthouse. The building is not suitable for a permanent District Court. Problems include a lack of security, no private access to the judges' area and no holding cells below the new courtroom, which results in prisoners being walked to the courtroom through public areas.

There is no secretarial support at Ipswich and no fax machine or photocopier dedicated to District Court use. Currently the court is being equipped with a remote witness room to enhance evidence given by young or disadvantaged witnesses. However, the installation of that equipment has highlighted the problems with the current accommodation. There are two courtrooms used by the District Court in the Ipswich courthouse. The new courtroom has no close and suitable room in which to locate the equipment required for a remote witness. The old courtroom has a suitable room nearby however, the location of the dock in that courtroom poses a significant security problem for the judge and the judge's associate. In late 2000 a judge's associate narrowly escaped injury from an accused person in that courtroom.

The acoustics in both courtrooms used by the District Court are poor, consequently witnesses often need voice enhancement. The court currently uses an outdated portable microphone and speaker, which suffers from significant acoustic feedback. More sophisticated equipment is needed. The problem is exacerbated for visiting judges using the old court room as it is located above the holding cells for the courthouse and noises from disgruntled prisoners can often be heard in the courtroom. There is no visualiser and no closed circuit television (CCTV) facility currently available at Ipswich.

Resources

The District Court registry is currently located within the Magistrates Court registry. This causes a number of problems for the efficient running of the court, as there is no separate area for the maintenance and filing of the District Court work. There is space available to establish a separate District Court registry next to the Magistrates Court and it is hoped that funds will soon be available to enable that to occur.

The staff in the registry are hard-working, however, they are in a constant state of flux due to turnover and secondment of staff. At this stage there is no permanent Registrar, with that position currently vacant.

Following representations made by Judge Richards and the Chief Judge, the District Court at Ipswich has now taken the criminal listing function from the Director of Public Prosecutions Office. Previously the separation of the criminal and civil listing officers had led to inefficiencies that have been largely overcome by this change. The list clerk now has an overview of all the District Court lists and is able to coordinate the civil and criminal lists. Her role involves direct consultation with the resident judge and she now has the time to provide essential information to the court to enhance the prompt disposal of matters before the court. It is a change that was long overdue and most welcome.

Caseload

The Ipswich District Court has a busy criminal list served by both the Brisbane and Ipswich criminal bar. The region's legal community boasts some 22 law firms whose hardworking solicitors work closely with the court to ensure that the list runs as smoothly as possible. Lack of staff in the Ipswich Office of the Director of Public Prosecutions means that there are, at times, problems encountered in preparation of matters on the list and availability of prosecutors. The staff that is there work very hard, but as the one prosecutor appears before the resident judge for many weeks at a time there is very little time for advance preparation.

The criminal list requires active management by the resident judge. Monthly callovers result in trials and sentences being identified and trial reviews cull matters from the trial list further. However, trials still collapse on occasion, wasting valuable resources and inconveniencing those summonsed to perform jury service.

By contrast to the criminal list the civil list is small with very few trials. The resident judge hears applications once a month, and this incorporates criminal compensation claims and 222 Appeals from the Magistrates Court.

Most civil matters settle before being entered for trial.

Community Liaison

In order to improve public trust and confidence in the District Court, Judge Richards met with representatives of the local legal community. In March 2001 the judge hosted a meeting with the legal community and representatives from Ipswich City Council, including the Mayor Councillor John Nugent. The aim of the meeting was to appreciate the objectives of the Council's "Safe City" program. Meetings are held regularly between the local members of the legal profession and the judges to enhance the court's disposition rate.

The local newspaper, the *Queensland Times*, reports the outcomes of matters before the court. Judge Richards addressed two educational conferences organised through local high schools, firstly the West Moreton Anglican College during its Youth Forum, on the topic of the law's response to the changing role of the family in society. In May 2001 she provided the keynote address to the 3rd Annual Conference of the District's Year 11 Legal Studies students, organised by Bundamba High School, and attended by over 200 students from the district's State and private schools. The focus of Judge Richards' address was on the challenges confronting the legal community in the domain of criminal law in the new millennium.

Regional Judges of the District Court

*His Honour Judge A.M. Wilson SC, His Honour Judge J.E. Newton
and His Honour Judge R.D. Hall*

His Honour Senior Judge J.M. Hanger

His Honour Judge K.S. Dodds and His Honour Judge J.M. Robertson

His Honour Judge C.F. Wall QC and His Honour Judge R.D. Pack

His Honour Judge P.J. White and Her Honour Judge S. Bradley

His Honour Judge G.T. Britton SC

His Honour Judge P.G. Nase

Her Honour Judge D. Richards

Circuit Centres

Before commencing a circuit, many judges conduct callovers of the circuit list from Brisbane or the relevant home centre. These callovers are sometimes conducted by telephone. In other cases, the judge's associate will, well before the circuit, consult with the relevant prosecutor and with the Registrar of the circuit centre. The efficacy of this system depends largely upon the registry support available in the relevant circuit centre. These practices resolve many matters and ensure that the trial list proceeds efficiently as the court might arrange.

However, judges are reporting increasing difficulties in maintaining an efficient list on circuit as in some cases the prosecutor does not arrive at the circuit until the first day of the circuit. Consequently the prosecution does not begin to interview witnesses or confer with defence counsel until the first day of circuit.

A list of the 34 centres (excluding those with a resident judge) to which the court travelled on circuit during 2000-2001 appears below:-

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

Remote Circuits

Circuits to remote Aboriginal and Torres Strait Islander communities have become a regular part of the court's calendared sittings. The circuits involve the disposal of sentence matters as none of the courthouses in the remote communities has facilities for a jury. Many of the courtrooms are too small for jury trials. During some circuits to remote communities, the judges had the opportunity of meeting with Elders and community representatives. These meetings confirmed that there are forensic, social and economic advantages in having offenders dealt with in their own community. These circuits had an educative and deterrent impact in that the community can see at first hand the penalties imposed for various offences rather than simply hearing of the penalty imposed in a remote town hundreds of kilometres away from their daily lives.

The circuits performed in 2000/2001 were:

- 28-31 August 2000 – the Gulf Circuit at Mornington Island, Doomadgee and Normanton
- 12-14 September 2000 – Lockhart River and Cooktown
- 2-6 October 2000 – the Cape Circuit at Weipa, Aurukun and Pormpuraaw
- 6-8 November 2000 – Thursday Island and Bamaga
- 26-30 March 2001 – the Cape Circuit at Weipa, Aurukun, Pormpuraaw and Kowanyama
- 14-18 May 2001 – the Gulf Circuit at Mornington Island, Doomadgee, Normanton and Mount Isa
- 21-25 May 2001 – Thursday Island and Bamaga

Circuits to remote communities are expected to increase owing to the volume of work in the Gulf and Cape circuits. The lack of appropriately trained interpreters means that in some cases the court has, with the agreement of all parties, relied on the interpretative skills of the Elders.

Criminal Jurisdiction

The District Court is the principal trial court for persons charged with serious criminal offences under the Criminal Code. The maximum penalty for some of these offences is life imprisonment. The District Court also exercises extensive federal jurisdiction trying persons charged with Commonwealth offences including corporate and taxation offences punishable by up to 14 years imprisonment. Most trials (except murder, attempted murder, manslaughter and serious drug offences) are conducted in the District Court (s 61 *District Court Act 1967*).

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

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

In Brisbane, up to 5 trials are listed to commence before each judge who will be presiding over criminal trials in a particular week. Not infrequently there are between 7 and 10 judges sitting in crime in Brisbane. By reason of the nature of the offences dealt with by the District Court, child witnesses, such as complainants in sex offence cases, often appear in trials. These cases are given high priority. It cannot be stated too often that young children's evidence may be easily corrupted by the passage of time. This court has a duty to

ensure that the interests of both the community and the defendant are dealt with in criminal trials as expeditiously as is reasonable.

The judges continue to be impressed by the conscientious manner in which jurors discharge all of their onerous obligations.

Criminal Listing Taskforce

During the year the Brisbane list consisted of 3813 indictments and transmitted summary offence matters. This represents almost 90% of all such matters before the higher courts in Brisbane. For almost three years the judges of the Criminal Listing Taskforce have managed the criminal list in Brisbane, with the assistance of the District Court Criminal Listing Manager, Mr Dean Williamson and Ms Natasha Power. The Taskforce judges are:

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

Long Trials

During the year the court conducted a number of criminal trials exceeding 10 days in length, one of three weeks, one of five and over 12 weeks. These involved charges ranging from fraud, official corruption, forgery, misappropriation and deprivation of liberty. These complex and lengthy trials required great commitment by the court and all concerned.

The brief in the prosecution of *R. v. Dexter* comprised some 5000 documents and about 40 lever arch folders and several boxes of documents. A proposal to use Litigation Support System as a court presentation tool during the trial was made at a pre-trial mention of the matter one month prior to the original trial listing last year and an in-court demonstration of Litigation Support System was conducted for the trial judge, Judge Samios and the accused, who at that stage was unrepresented. Defence counsel subsequently agreed to the use of Litigation Support System during the trial. Litigation Support System was loaded onto defence counsel's computer and some instruction provided to defence counsel. Litigation Support System was later loaded onto Judge Samios' computer.

The exhibits proposed to be tendered during the prosecution case were barcoded and almost all were imaged onto the Litigation Support System. The physical exhibits were brought over to court and were tendered for identification. For the most part, the original exhibits remained on a large trolley parked behind the prosecution but they were able to be accessed quickly if necessary. Witnesses identified and gave evidence referring to the electronic image of the document, which saved an enormous amount of time.

The Commonwealth Director of Public Prosecutions provided an operator for Litigation Support System. The operator used the search screen to bring up images of exhibits on the monitors at the request of counsel or the judge who would simply quote the barcode number of the particular document. That number was inserted in the search screen and the document brought up very quickly. The bailiff operated the data projector and until he pressed the button the image would be on the monitors but not on the projector screen. The witness could identify the document and if there were no objections it could then be displayed on the large screen. The bailiff was also able to switch off the witness monitor so that only counsel and the judge could see the image if necessary, although that feature was not used in this trial.

The Litigation Support System operator brought up images of the exhibits during examination in chief for the prosecutor, for defence counsel during cross-examination and for Judge Samios during his summing-up. If defence counsel requested it, any document to be tendered as part of the defence case was imaged onto the system so that it could be brought up on the screen during the defence case.

The jury had details of and copies of the significant exhibits said to go to proof of elements of the offences. This jury book contained schedules for each count and the barcodes of the significant documents for that count so that the jury could go to the original exhibits during their deliberations, and importantly were able more easily to follow complex evidence during the course of the trial.

The 62 day trial involved 48 charges made up of wilful false promise, dishonest inducement and false pretences offences. During the trial more than 5000 exhibits, many of which comprised numerous documents totalling in excess of 20,000 pages, were tendered. The jury spent 12 days and 11 nights deliberating before reaching a verdict.

Disposition of criminal matters

Table 1 shows the time taken between presentation of an indictment and disposal of cases. The figures this year represent the continuing high level of achievement in disposal of matters in the District Court. This standard is reflected state wide with up to 78% of matters being resolved within 6 months of indictment presentation.

Table 1: Age of cases disposed of – criminal jurisdiction – major centres 2000/2001

Percentage disposed of					
Time for disposition	Brisbane	Townsville	Cairns	Rockhampton	Southport
<3 months	61%	46.4%	54.3%	52.2%	63%
3-6 months	18.2%	14.4%	22.5%	18%	19.4%
6-9 months	7.5%	9.6%	9.6%	6.9%	9.1%
9-12 months	4.3%	12.4%	7.1%	10.2%	4.5%
>12 months	9%	17.2%	6.5%	12.7%	4%
TOTAL	100%	100%	100%	100%	100%

Percentage disposed of				
Time for disposition	Ipswich	Maroochydore	Beenleigh	Toowoomba
<3 months	53.7%	80%	44%	97.9%
3-6 months	17.7%	11.5%	23.3%	2.1%
6-9 months	12.5%	5.2%	18.8%	0%
9-12 months	8.9%	.6%	6.5%	0%
>12 months	7.2%	2.7%	7.4%	0%
TOTAL	100%	100%	100%	100%

Although this satisfactory disposition rate was achieved, the court still had another significant workload this year. In Brisbane, there were 915 criminal cases at the start of the year. The number of cases awaiting trial or sentence at the end of the year was 844.

Table 2: Annual case load – criminal jurisdiction, Brisbane

Number of cases ¹	1998-99	1999-00	2000-01
At start of year	1035	857	915
Presented during year	3562	3230	3368
Disposed of during year ²	3737	3111	3425
Undisposed ³	862	974	844

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

Table 3: Annual case load – criminal jurisdiction, Townsville

Number of cases	1998-99	1999-00	2000-01
At start of year	153	171	223
Presented during year	556	454	459
Disposed of during year	524	414	459
Undisposed	171	223	209

Table 4: Annual case load – criminal jurisdiction, Cairns

Number of cases	1998-99	1999-00	2000-01
At start of year	293	312	299
Presented during year	1005	880	880
Disposed of during year	875	900	885
Undisposed	312	299	285

¹ In this table and others in this report referring to a criminal case, the term 'case' means a person on an indictment.

² 'Disposed of' includes trial, sentence, nolle prosequi and no true bill.

³ Figures may not add up because of breaches and bench warrants issued and executed.

Table 5: Annual case load – criminal jurisdiction, Rockhampton

Number of cases	1998-99	1999-00	2000-01
At start of year	90	84	104
Presented during year	309	349	261
Disposed of during year	308	332	245
Undisposed	84	104	114

Table 6: Annual case load – criminal jurisdiction, Southport

Number of cases	1998-99	1999-00	2000-01
At start of year	158	210	190
Presented during year	812	1065	702
Disposed of during year	732	1039	670
Undisposed	210	190	195

Table 7: Annual case load – criminal jurisdiction, Maroochydore

Number of cases	1998-99	1999-00	2000-01
At start of year	63	51	62
Presented during year	369	432	467
Disposed of during year	370	424	479
Undisposed	51	62	46

Table 8: Annual case load – criminal jurisdiction, Ipswich

Number of cases	1998-99	1999-00	2000-01
At start of year	86	121	168
Presented during year	532	482	435
Disposed of during year	486	449	503
Undisposed	121	168	99

Table 9: Annual case load – criminal jurisdiction, Beenleigh

Number of cases	1998-99	1999-00	2000-01
At start of year	86	150	192
Presented during year	576	593	558
Disposed of during year	505	554	521
Undisposed	150	192	212

Table 10: Annual case load – criminal jurisdiction, Toowoomba

Number of cases	1998-99	1999-00	2000-01
At start of year	9	8	24
Presented during year	244	178	181
Disposed of during year	252	161	193
Undisposed	8	24	13

Table 11: Annual case load – criminal jurisdiction, Maryborough

Number of cases	1998-99	1999-00	2000-01
At start of year	N/A	N/A	93
Presented during year	N/A	N/A	110
Disposed of during year	N/A	N/A	93
Undisposed	N/A	N/A	108

Table 12: Annual case load – criminal jurisdiction, Mackay

Number of cases	1998-99	1999-00	2000-01
At start of year	N/A	N/A	38
Presented during year	N/A	N/A	40
Disposed of during year	N/A	N/A	58
Undisposed	N/A	N/A	20

Use of Technology in Criminal Trials

Remote Witness Evidence

There is only one court room allocated to the District Court in Brisbane which is equipped to receive evidence from witnesses outside the court building. Due to the number of trials that have the possibility of requiring remote witness evidence, there was a need for a versatile solution to allow judges to remain in their trial court and take remote evidence when required. During this year five of the six older courts were wired to allow for a mobile trolley to be brought into the court with a single video conferencing unit attached. This allows any of the courts to link to a remote witness room in the courts complex. This flexible approach to remote witness evidence has been well accepted by the judiciary and the legal profession, and there is a need to modify all criminal courts to allow for this type of evidence.

Prosecutors now make application for remote evidence in respect of all juvenile witnesses under 12 years of age. This practice will require all major centres to have remote witness capability in the near future. Video courts were installed in Rockhampton and Southport this year, and other centres will have some form of remote witness capability installed next year.

Civil Jurisdiction

The District Court's civil jurisdiction is set out in s 68 of the *District Court Act 1967*. The court has jurisdiction in civil actions and matters for up to \$250,000. Where parties to an action consent in writing, the District Court's monetary jurisdiction may be unlimited. With the relevant consent, the District Court has jurisdiction in any matter which might be brought in the Supreme Court (s 72 of the *District Court Act 1967*).

Civil proceedings were instituted by the filing of a claim or originating application. The number of claims has increased as appears in Table 13.

Unless otherwise resolved, actions proceeded to trial. There continued to be a significant rate of settlement of actions after the allocation of trial dates.

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

Table 13: Originating proceedings

Types of document	1998-99	1999-00	2000-01
Claims	3623	3368	4169
Originating applications	511	584	544
Total	4134	3952	4713

Disposition of civil cases

The number of active cases at the start of the year in Brisbane and major centres was 271. 722 new matters were entered for trial during the year, and 767 matters were disposed of. A total of 226 cases had not been determined by the end of the year under review.

In Brisbane there were 101 civil cases which had been entered for trial but not determined by the end of the year, noticeably lower than at the end of the previous two years.

Table 14: Annual case load – civil jurisdiction, Brisbane

Number of cases	1998-99	1999-00	2000-01
At start of year	254	369	136
Entered for trial during year	931	515	408
Disposed of during year	816	748	443
Undisposed at end of year	369	136	101

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

Table 14A: Annual case load – civil jurisdiction, major centres

Number of cases	Townsville			Cairns			Rockhampton		
	98-99	99-00	00-01	98-99	99-00	00-01	98-99	99-00	00-01
At start of year	20	16	9	21	34	16	15	28	10
Entered for trial during year	38	29	22	80	50	31	53	27	18
Disposed of during year	42	36	27	67	68	39	40	45	22
Undisposed of end of year	16	9	4	34	16	8	28	10	6

Table 14B: Annual case load – civil jurisdiction, major centres

Number of cases	Southport			Ipswich			Maroochydore		
	98-99	99-00	00-01	98-99	99-00	00-01	98-99	99-00	00-01
At start of year	106	81	43	31	8	2	72	33	30
Entered for trial during year	221	137	90	31	17	4	103	116	77
Disposed of during year	246	176	91	54	23	4	142	119	78
Undisposed of end of year	81	43	42	8	2	2	33	30	29

Table 14C(cont.): Annual case load – civil jurisdiction, major centres

Number of cases	Toowoomba			Beenleigh		
	98-99	99-00	00-01	98-99	99-00	00-01
At start of year	34	39	1	0	0	2
Entered for trial during year	75	41	33	9	10	16
Disposed of during year	70	79	26	9	8	13
Undisposed of end of year	39	1	8	0	2	5

Table 14D(cont.): Annual case load – civil jurisdiction, major centres

Number of cases	Maryborough			Mackay		
	98-99	99-00	00-01	98-99	99-00	00-01
At start of year	N/A	N/A	9	N/A	N/A	13
Entered for trial during year	N/A	N/A	12	N/A	N/A	11
Disposed of during year	N/A	N/A	7	N/A	N/A	17
Undisposed of end of year	N/A	N/A	14	N/A	N/A	7

In Brisbane, 99.5% of civil matters were finalised within 9 months from entry of trial. The 9 month disposition rate for other major centres ranged from 87.4% (Townsville), 86.6% (Cairns), 100% (Rockhampton), 85.8% (Southport), to 99% (Maroochydore).

In Brisbane, where the greater number of civil matters are dealt with, 91.9% of civil matters were finalised within 6 months. Table 15 shows the age of cases finalised in Brisbane and major centres.

Table 15: Percentage disposition of civil cases within 12 months of entry for trial, major centres 2000-01

Percentage disposed of					
Time for disposition	Brisbane	Townsville	Cairns	Rockhampton	Southport
<3 months	39.8%	31.2%	67.3%	66.7%	36.4%
3-6 months	52.1%	50%	15.4%	33.3%	37.3%
6-9 months	7.6%	6.2%	3.9%	0%	12.1%
9-12 months	0.2%	3.1%	1.9%	0%	5.7%
>12 months	0.2%	9.4%	11.5%	0%	8.5%
TOTAL	100%	100%	100%	100%	100%

Table 15(cont.): Percentage disposition of civil cases within 12 months of entry for trial, major centres 2000-01

Percentage disposed of				
Time for disposition	Ipswich	Maroochydore	Toowoomba	Beenleigh
<3 months	40%	35.6%	71.4%	41%
3-6 months	20%	43.4%	25%	51%
6-9 months	40%	20%	3.6%	6.2%
9-12 months	0%	1%	0%	0%
>12 months	0%	0%	0%	1.8%
TOTAL	100%	100%	100%	100%

In the major centres an average of 96.5% of matters were finalised within 12 months of entry for trial.

Table 16: Proportion of cases disposed of within 12 months of entry for trial – civil jurisdiction, major centres

Centre	1998-99	1999-00	2000-01
Brisbane	98%	99%	99.8%
Townsville	93%	89%	90.5%
Cairns	100%	99%	88.5%
Rockhampton	95%	96%	100%
Southport	95%	93%	91.5%
Ipswich	91%	100%	100%
Maroochydore	97%	97%	100%
Toowoomba	90%	92%	100%
Beenleigh	98%	98%	98.2%

Appellate Jurisdiction

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

The number of appeals determined in Brisbane has remained static. Of the 213 appeals filed in Brisbane during the year under review, 84 involved civil matters.

The number of appeals in major centres is shown in Table 17. Many of the appeals involved complex issues of law. Accordingly, most civil appeals are now set down on the civil callover list to be allocated a date for hearing.

In May, 2001, Practice Direction 5 of 2001 was introduced regarding appeals to the District Court. This practice direction superseded Practice Direction 4 of 1997 and should serve to provide a convenient system of case management of all appeals to the District Court. One significant change under the new practice direction is the enhancement of the powers of the Registrar to achieve optimum use of resources. A copy of the practice direction is available on the Court's website.

Case management of appeals to the District Court continued with a system of reviews of outstanding section 222 *Justices Act* appeals being conducted in late October and early November 2000 and in May 2001.

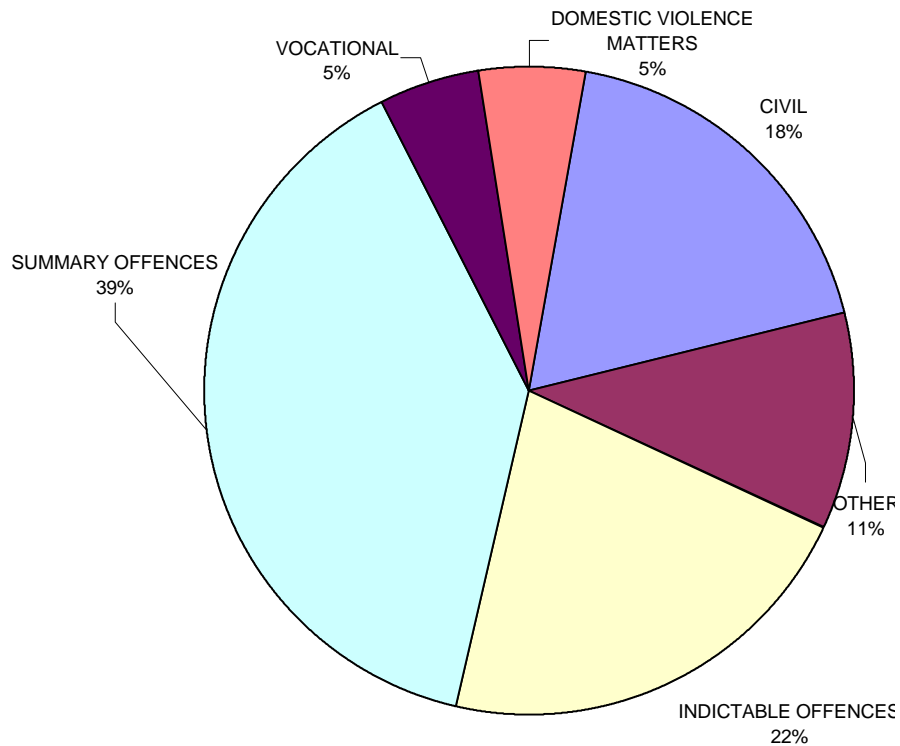
These reviews were again conducted by Judge Hoath who successfully undertook previous reviews in 1998 and 1999. The review in 2000 contributed to a significant reduction in the number of appeals to be heard by the District Court. Significantly, of approximately 74 appeals reviewed, 40 appeals were dealt with at this review. The remaining 34 appeals being adjourned to definite hearing dates.

The review in 2001 also contributed to a reduction in the number of appeals to be heard by the District Court. Significantly, of approximately 57 appeals reviewed, 23 appeals were dealt with at this review. The remaining 34 appeals being adjourned to definite hearing dates.

Table 17: Appeals heard 2000-01

Centre	1998-99	1999-00	2000-01
Brisbane	149	213	213
Cairns	59	66	34
Townsville	29	11	17
Southport	62	60	35
Maryborough	6	6	3
Rockhampton	12	8	3
Maroochydore	6	26	18
Toowoomba	20	8	8
Other	29	90	20
TOTAL	403	462	351

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



1. The criminal appeals include appeals from the Magistrates Court under s 222 of the *Justices Act 1886*, being appeals from decisions made in relation to indictable and summary offences and domestic violence orders.
2. Other appeals include appeals from various boards governing professional registration of some health professional providers and boards governing the registration of other professionals like architects and engineers.

Applications Court

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

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

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

The number of applications filed at the major centres and some circuit centres this year and in recent years is set out in Table 18. The substantial reduction which was notable in the number of applications heard, particularly in Brisbane, after the commencement of the Uniform Civil Procedure Rules, has been maintained. The reduction is much less marked than in the previous year. At other centres the change has been more variable, reflecting the smaller sample size.

Overall the pattern is that the earlier reduction has been essentially preserved. The matter is slightly complicated by the fact that the volume of litigation overall in the District Court has been decreasing somewhat in recent years, as noted elsewhere, and this has produced a

flow on effect in the number of interlocutory applications. Recent figures show that this trend has recently changed, with the number of filings in the District Court picking up again, and that might be expected to lead to an increase in interlocutory applications in the future.

Another factor which may be associated with a reduction in the number of applications is that, as matters come to be processed through the court more speedily than in the past, there is less cause for those interlocutory disputes which were really the product of excessive delay.

One area where the number of applications appears to be increasing is in the case of applications for compensation by victims of crime, either under the *Criminal Code* or under the *Criminal Offence Victims Act 1995*. The impression is that the number of such applications is steadily increasing. To some extent this is a reflection of the increase over recent years in the number of criminal matters being dealt with by the District Court; it is unclear whether it reflects a greater propensity for the victims of crime to make such applications.

There have been some further improvements effected to the Uniform Civil Procedure Rules, particularly in the drafting of many of the rules relating to summary judgment, in the Uniform Civil Procedure Amendment Rule (No. 1) 2001 (SL107/2001), which commenced on 13 July 2001. This amendment adopted a new form of words for expressing the test for when a court will give summary judgment. Summary judgment is a judgment without a full trial of the proceeding. The amendment does not, however, alter the basic rule that judgment in that way is appropriate only in a clear case, and it is unlikely that this reformulation will produce any significant change in the number of such applications which are brought, or which are successful.

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

Table 18: Annual applications (chambers) load – major centres and some circuit centres

Centre	1998-99	1999-00	2000-01
Brisbane	1952	1669	1523
Cairns	293	319	273
Southport	469	310	362
Maroochydore	262	209	251
Townsville	213	156	177
Mackay	101	112	71
Rockhampton	108	154	141
Ipswich	61	32	55
Toowoomba	46	41	47
Maryborough	37	62	79
Bundaberg	29	15	28
Gladstone	14	11	24
Gympie	2	13	5
Mt Isa	16	3	4
Dalby	40	2	1
Other	36	27	33
TOTAL	4315	3135	3074

Decision on the Papers

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

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

This process has been utilised in an efficient manner by parties and has assisted the court in allocation of judicial resources. Table 19 sets out the number of applications filed during the period under review as well as orders made on such applications.

On 32 of the applications an order was made as per the draft order submitted by the party or a similar order, ordered by the judge.

Table 19: Decisions on papers

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

The Planning and Environment Court

The Planning and Environment Court is the successor to the Local Government Court, which came into being in 1968. The court was then constituted by two District Court judges who were able to deal with all of the court's work that arose in Queensland, as well as fulfilling their general duties as District Court judges.

There are now 17 District Court judges who hold commissions in the Planning and Environment Court. Each of the regional centres of Cairns, Townsville, Rockhampton, Maroochydore, Beenleigh and Southport have resident judges commissioned to carry out the court's work.

The scope of the work with which the court must deal has widened considerably since the introduction of the *Integrated Planning Act* 1998. Within the scope of its jurisdiction there is no monetary limit in respect of the disputes, which it must resolve. Many of the cases involve projects in which many millions of dollars are at stake.

Some examples of such cases that came before the court in the past year are *Lend Lease Property Management (Australia) Pty Ltd v. Maroochy Shire Council* (involving substantial extensions to the Maroochydore Regional Shopping Centre); *CSR Limited v. Caboolture Shire Council* (a very large resource extraction project at Deception Bay); *Leighton Properties v. Noosa Shire Council* (a multi million dollar residential project at Noosa) and *Kangaroo Point Residents Association v. Brisbane City Council* (a large scale inner city residential project).

The court has no independent budget or administrative staff and relies for its infrastructure on the District Court establishment. The court has gained respect and the reputation of being an expeditious and efficient forum in which disputes of the kind allocated to it are dealt with. This has been achieved by careful case management prior to court hearings, the Rules of Court which are designed to achieve efficient use of court time and efforts by the judges to provide decisions in a timely manner. A large body of eminent town planners, architects, engineers and other specialists regularly give evidence in the court.

Usually sittings are conducted in the various District Courts throughout the State. However, where occasion and public interest demands it, the court has taken itself to other locations so that those who desire to give evidence or are simply interested in the proceedings may

have an opportunity to attend a hearing. An instance of this in the past year was a sittings conducted at the Bunya Mountains where a tourist facility which had generated a great deal of public interest was under consideration.

The judges of the court have kept abreast of current trends and developments in the building control and town planning context. Each year the judges meet in a special conference held immediately before the general conference of District Court judges. This year the conference considered topical questions and recent developments in planning law and was addressed by speakers including the Hon. K W Ryan, CBE QC, senior officers of the Department of Local Government and Town Planning and eminent members of the practicing profession.

The court was well represented at a recent Australasian Planning and Environment Court conference held at Queenstown in New Zealand where judges and tribunal members exercising comparable jurisdiction in other States and in New Zealand met to exchange views on matters of mutual interest.

The following is a statistical indication of the body of work undertaken by the court:

Table 20: Annual case load, Planning and Environment Court, Brisbane

Number of cases	1998-99	1999-00	2000-01
At start of year	115	116	50
New cases – Directions	229	131	198
New cases – Consent orders	136	178	134
New cases – Total	365	309	332
Disposed – Judgments	52	83	74
Disposed – Withdrawals	113	123	119
Disposed – Consent orders	199	169	168
Disposed – Total	364	375	361
Undisposed	115	50	21

The Health Practitioners Tribunal

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

The Chief Judge is the chairperson of the Tribunal and all judges are members of the Tribunal. The Chief Judge nominates a judge of the court as the constituting member for a particular hearing. The hearing is conducted before the constituting member who sits with assessors appointed from gazetted lists, two from a list of members of the relevant profession and one from a public list of persons of good standing in the community. Although all questions of law and fact must be decided by the judge, the constituting member may have regard to the views of the assessors on factual issues as the member considers appropriate.

During the year, matters referred under the Act were dealt with by Judge Pratt QC and, since his retirement, by Judge O'Brien. Other judges are listed to sit in the jurisdiction as required.

Throughout the year there was a steady increase in the number of matters referred to the Tribunal particularly in the latter part of the year. The transitional provisions of the Act have seen a number of matters involving medical practitioners referred to the Tribunal's predecessor, the Medical Assessment Tribunal. The number of matters so referred should continue to fall such that an increase in the volume of work flowing to the Tribunal can be anticipated in the future.

The work of the Tribunal represents a relatively new jurisdiction so far as this court is concerned and it may become necessary in the future to exercise the rule making power contained within s 258 of the Act. To the present time the progress of references to the Tribunal has been adequate through directions conferences initiated by the Tribunal under s 217 of the Act.

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

The invaluable assistance provided to the Tribunal by the Deputy Registrar, Mr. Peter McNelley should be acknowledged.

The Tribunal has now been in operation for over 15 months. Of the 21 matters filed, 13 involved medical practitioners, six involved dentists, one a pharmacist and one an optometrist. Of these, 12 have been determined and there are nine matters pending. Decisions of the Tribunal are available on the Court's website.

Childrens Court

Judge John Robertson, President of the Court, submitted the following report:

The work of this court continues to grow, although the District Court is still the court of final disposition for approximately 80% of young people charged with serious offences on indictment. At the time of writing this report, there has been some publicity in the Courier Mail concerning the Juvenile Justice Bill 2001 which is the result of a two year review of the operation of the Act by Government. If, as suggested in the media reports, the right of election is abolished, and young people will be given a right to trial by jury before a Childrens Court judge (as well as the existing right to trial by Childrens Court judge alone), the work of the court will increase dramatically. To this end, a number of judges have received commissions as Childrens Court judges. In Brisbane to date, Judges Healy QC and Samios have been given commissions; and in Southport Judge Newton has received a commission in view of the imminent retirement of Senior Judge Hanger.

During the year under review, there has been a significant increase in the use of sentence options involving concepts of restorative justice (for example, s 119A-D), with excellent results, however the statistics suggest that these options are rarely (if ever) used by judges who do not have commissions.

I record my thanks to the Chief Judge for her strong support for the court, and to the Brisbane Childrens Court judges who are so willing to hear urgent bail applications and sentence reviews at any time. As a result of their commitment, the number of telephone applications to me as President has decreased significantly.

Committees

The membership of Committees at 30 June 2001 was as follows:-

Aboriginal and Torres Strait Islander

Convenor: Judge Shanahan

Members: Judge Nase
Judge Richards
Judge Bradley

Civil Procedure

Convenor: Judge Robin QC

Members: Judge McGill SC
Judge Wilson SC

Conferences and Judicial Education

Convenor: Judge Dodds

Members: Judge Dick SC

Criminal Law

Convenor: Judge Robertson

Members: Judge Botting
Judge Richards
Judge Shanahan
Judge Dick SC

Salaries and Entitlements

Convenor: Judge Botting

Members: Judge Robin QC
Judge Wall QC

These Committees have presented their reports.

Aboriginal and Torres Strait Islander Committee Report

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

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

On 25 July 2000, the Chief Judge, Judge Pratt and Judge Shanahan and other judicial officers attended the launch of the booklet "Aboriginal English in the Courts", an initiative of the Department of Justice and Attorney-General and the Department of Aboriginal and Torres Strait Islander Policy and Development.

The Committee was consulted as to various issues of concern raised by the Indigenous Consultation Group in July and August 2000. Some of the issues raised concerned the amendments to the *Penalties and Sentences Act 1992* and *Juvenile Justice Act 1992* relating to the involvement of indigenous communities in sentencing; and the loss of funding for a program to return people to isolated communities who were released on bail in Cairns or Mount Isa.

On 29 September 2000, the Chief Judge, Judge Pratt and Judge Shanahan and other judicial officers attended part of the Justice Agreement Workshop with the Aboriginal and Torres Strait Islander Advisory Board. The aim of the Justice Agreement is to reduce the numbers of Aboriginal and Torres Strait Islander peoples coming into contact with the criminal justice system.

On 3 October 2000 the Chief Judge, Judge Robertson and Judge Shanahan and other judicial officers attended a meeting organised by the law faculty of Griffith University to consider the difficulties faced by indigenous law students in pursuing careers in law.

The Committee was involved in ongoing consultations to formulate guidelines to facilitate recently enacted amendments to the *Penalties and Sentences Act 1992* and the *Juvenile Justice Act 1992* concerning input, during the sentencing of indigenous offenders, from community justice groups and Elders. Consultation involved the Department of Attorney-General and Minister for Justice, the Department of Aboriginal and Torres Strait Islander Policy and Development, the Director of Public Prosecutions and Legal Aid Queensland.

On 26 February 2001 the Chief Judge and Judge Shanahan met with representatives of the Department of Aboriginal and Torres Strait Islander Policy and Development, the Queensland Aboriginal and Islander Legal Service, the Brisbane Aboriginal Legal Service, the Director of Public Prosecutions and Legal Aid Queensland officers to consider the issue. Practice Direction 3 of 2001 was subsequently issued.

There are still two issues of concern raised in last year's report:

- (1) There is still a need for appropriately trained interpreters in Aboriginal and Torres Strait Islander languages in court proceedings, particularly in remote communities. As noted previously, such a service is of vital importance in ensuring that an indigenous person facing criminal proceedings understands those proceedings. It is also a vital assistance to witnesses in those proceedings and in victims of crime also understanding the process. At present the court, when visiting some remote communities on circuit, must rely on the services of Elders.
- (2) The committee has sought throughout the year the appointment of a court-based Indigenous Liaison Officer. As noted previously, such a position could ensure that Aboriginal and Torres Strait Islander accused, witnesses and victims of crime, who are to attend at court, receive assistance in understanding the court processes. It would also play a vital liaison role with the communities and community justice groups. Funding for such a provision has yet to be provided.

Conferences and Judicial Education Committee Report

For most of the year, the activities of this committee were influenced by two important factors – there was a modest budget of \$45,000 for conferences and judicial education, and most of the judges said they wished to attend the Biennial Conference of District Court judges, to be held in Adelaide in June 2001. It was only towards the end of the year that the Salaries and Allowances Tribunal established an expenses of office allowance, which provided an additional allowance for judges to attend legal conferences.

Two newly appointed judges attended the established orientation course run by the Australian Institute of Judicial Administration (AIJA), in Sydney, with two others, Judges Dick and Wilson SC in attendance at the 2001 course at the time of publication. The course has proved valuable in introducing judges to a range of sensitive issues that they may have to deal with, and for which their previous experience may not have fully equipped them. The course is now an established part of the judicial calendar.

During the year several judges attended other conferences. Three went to the AIJA's conference in Darwin on judicial accountability. One attended the AIJA's Melbourne conference on justice and technology. One attended the colloquium held in Alice Springs by the Judicial Conference of Australia.

The Biennial Conference of Australasian Planning Courts and Tribunals was held in Queenstown, New Zealand. Several judges of the Planning and Environment Court attended. However, funding constraints at the time meant that each of them received no assistance from this budget. The funding was from their own jurisprudential allowances. During the year, the Department of Communication and Information, Local Government, Planning and Support contributed \$10,000 for the benefit of the Planning and Environment Court judges. That money was spent on the Easter Conference for Planning and Environment judges and also on the provision of loose leaf services, throughout Queensland, dealing with planning and environmental law.

The Committee's major responsibility was to organise the Easter conferences, both for the District Court and the Planning and Environment Court. These conferences provide an opportunity for all of the judges of each court to be present on the same occasion.

The District Court conference included these topics:

- (a) The ways in which trends in crime would impact on the criminal lists of the court. Dr David Brereton of the Criminal Justice Commission led the discussion.
- (b) Practical topics dealing with criminal work included developments in sentencing law and practice, substantive developments in the criminal law, and particular challenges in charges to the jury in certain types of cases.
- (c) Professor John Dewar, of Griffith University, led a discussion about the difficulties caused by litigants in person, and how the court might respond to them.
- (d) Sessions were devoted to the establishment of the Health Practitioners Tribunal, and developments in the application of the *Uniform Civil Procedure Rules*.
- (e) There was a lengthy discussion about certain difficulties, both legal and practical, in the application of the criminal compensation legislation.
- (f) Dr Nick Martin, of the Queensland Institute of Medical Research, spoke on *Genetics and the Law*. He highlighted some of the ways in which the rapid development in knowledge about genetics might impact on the law.

The judges of the Planning and Environment Court, on a separate day, had the benefit of several discussions:

- (a) Two legal practitioners with extensive knowledge of *The Integrated Planning Act 1998* and *The Environmental Protection Act 1994* spoke of recent development in litigation under those statutes;
- (b) The Hon. K.W. Ryan, CBE QC spoke on the constitutional questions raised by the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth) and the *Integrated Planning Act 1997*.
- (c) An officer of the Department responsible for planning matters discussed developments in intergovernmental cooperation and bilateral agreements and accreditation in respect of environment assessment of approval processes.

Civil Procedure Committee Report

The members of the Civil Procedure Committee are available to the Chief Judge to provide their views and more practical assistance (such as drafting) as required in matters including review and formulation of Practice Directions, submissions requested from the court about

proposed legislation affecting the court's work on the civil side and the like. The Committee meets informally as required. Its members are also members of the Chief Justice's Rules Committee, a statutory body which oversees the *Uniform Civil Procedure Rules* and the *Criminal Practice Rules* along its wider statutory responsibilities; they also make presentations to the District Court Judges' Annual Conference and keep the judges generally up to date with developments.

Criminal Law Committee Report

During the year, the Committee met on a number of occasions and drafted a number of submissions and letters for the assistance of the judges and the Chief Judge. The Committee is grateful to the many judges; in particular Judge Hoath, who are always available to give advice and to consider issues. Submissions were drafted in relation to s 632(3) (warnings), *R v. Hughes* [1999] 1 Qd.R. 389 (suspended sentences concurrently with probation), *R v. M, ex parte Attorney General* [1999] QCA 442 (suspended sentences and intensive correction orders); s.92(1)(b)(i) (prison and probation), s 147(1)(a) (powers on breach of suspended sentence); protocol to give effect to community justice group amendments to *Penalties and Sentences Act 1992* and *Juvenile Justice Act 1992*; allowing a court to add conditions to a suspended prison sentence; *Penalties and Sentences Amendment Act 2000* (which permitted the involvement of community justice groups in the sentencing process); *Criminal Code Amendment Bill 2000* (Women's Taskforce). Other issues considered included *Evidence (Witness Anonymity) Amendment Act 2000*; sentencing guidelines for guilty pleas; pre-sentence psychiatric reports (funding thereof); *Penalties and Sentences and Other Acts Amendment Act 2000* (No. 42 of 2000) which repealed *Morrison*; presence of Community Corrections officers in court; *Jury Amendment Bill 2000*; trials of children; sentencing and feedback from Arthur Gorrie Correctional Centre.

The Committee has been extremely active and records its thanks to the Chief Judge for her on-going support.

Essential Services

The Registrar and the Registry in Brisbane

Criminal Registry Operations

In recent years there have been a number of innovations that have enhanced the process of dealing with criminal matters in the District Court. These innovations are designed to make better use of Judicial time and also to ensure that once a matter is listed for hearing it can proceed expediently with a lessened risk of having to have it adjourned because of an unforeseen problem arising. These enhancements include changes to legislation, Practice Directions of the court, policy directives by the Director of Public Prosecutions and changes to internal procedures made by the court and criminal registry.

Changes to Legislation

The introduction of Sections 592A, 651 and 652 to the Criminal Code has had a big effect on the way District Court disposes of its work load. In the 12 months to June 2001, 79 applications under Section 592A have been listed for hearing in the District Court. Some of these applications have resulted in pleas of guilty without the necessity of commencing trial proceedings involving a jury. In other cases considerable legal argument that would have taken place after a jury had been empanelled was avoided. Consequently considerable time and expense has therefore been saved.

The District Court deals with many summary offences under Section 651 when dealing with indictable offences. This allows the court to dispose of all related offences that a person has committed in a succinct manner. This results in a saving of time by Magistrates and legal practitioners appearing for the defence, it also ensures that the results and court records of related offences are recorded and disseminated in an orderly manner. In the 12 months to June 2001, 543 applications to transmit summary offences to the Brisbane District Court were granted by Magistrates Courts.

One of the biggest changes to the way criminal matters are heard will occur when the concept of criminal sittings is discontinued. Since late 2000 Magistrates have ceased committing defendants to a sittings of a Higher Court instead committing them to a Higher Court to appear when notified in writing by the Director of Public Prosecutions. The Director of Public Prosecutions is required by the Criminal Code to present an indictment within 6 months of the date of committal. Several further legislative changes will be

necessary to give full effect to concept. Notably it is envisaged that the *Bail Act* 1980 will be amended so that when a person is granted bail, that bail will continue until the charge/s are finalised without the need to have it enlarged. This will lead to reduced paper work for court registries and less confusion about a defendant's custody status. The latter should assist the Corrective Services Department and the many Correctional Centres in determining whether a person should be in custody or on bail.

Practice Direction 1 of 2001 issued to ensure that summary offences to be dealt with in the District Court were transmitted in accordance with s 652 and were received in a timely manner. The Director of Public Prosecutions issued a directive to all Crown Prosecutors that except in unusual circumstances the Crown will not consent, as is required by s 651, to the court dealing with summary offences that are not directly related to the indictable offences currently being dealt with by the court.

Procedural Changes

Since January 2001 in all Higher Courts throughout Queensland both the State and Commonwealth Directors of Public Prosecutions have begun presenting indictments in a new format which was developed in the criminal registry in consultation with the Judiciary. The cover sheet of the new indictment shows the name of the defendant/s, the short charges and importantly the date on which the indictment was presented. Of equal importance, the format provides for all endorsements to be made in chronological order and in a orderly manner. The concept has been well received by all users. Changes to the *Criminal Practice Rules* which were introduced in July 1999 streamlined the process subpoenaing evidence and the perfecting of the orders of the criminal court in the form of the Verdict and Judgment Record. Some rationalisation of the forms has taken place in the last 12 months.

Criminal Register System (CRS)

In the year under report 3643 indictments, of which 543 were summary matters, against 3446 defendants of which 228 were juveniles, were presented in the Brisbane District Court and registered on CRS. Charges against 3813 defendants, of which 283 were juveniles, were completed.

During the year the court imposed 146 fines totaling \$134,204.40.

Judges and Registrars issued 543 warrants for arrest. It should be noted that, as a result of an amnesty offered by the newly set up State Penalties Enforcement Registry (SPER), no

warrants of commitment were issued from the Criminal Registry between 27 November 2000 and 30 June 2001.

In the Brisbane District Court 331 applications for criminal compensation were made which resulted in 231 orders.

Renovations

The Criminal Registry evolved in recent years from the rationalisation of the roles performed by the Supreme and District Court Sheriffs' offices. It was decided that the Criminal Registry would attend to the creating, recording and filing of all indictments and files and all paper work relating to the Supreme, District and Childrens Court of Queensland in Brisbane. As a result it was necessary to re-deploy staff to this area and an office of cobbled together second hand furniture and equipment was created over a period of time.

In June 2001 a much overdue refurbishment of the Criminal Registry took place. This involved repainting and re-carpeting the entire office, renewing all data cabling and the installation of workstations. All officers now have an individual work area fitted out with sufficient equipment to ensure an efficient working environment.

Reviews

During the second half of the year the criminal registry staff assisted staff from the listings area in reviewing all matters awaiting hearing more than 12 months old. In many cases it was found that outstanding indictments and charges had arisen through the Office of the Director of Public Prosecutions presenting a new indictment and failing to nolle the old indictment or count. Also instances came to light where matters had been transmitted from a Magistrates Court under s 652 and either arrived after the indictable offences had been dealt with or an indictment was not presented.

State Penalties Enforcement Registry

The *State Penalties Enforcement Act* of 1999 resulted in the commencement of the State Penalties Enforcement Registry (SPER) coming into existence in 2000. This will have a significant effect on the criminal registry and the Higher Courts in general and should result in the bulk of offenders paying fines and compensation as ordered by the court instead of

serving a default period of imprisonment for failing to pay the monetary penalty. The staff of the criminal registry worked closely with the State Penalties Enforcement Registry in formulating the practices and procedures necessary for court registries to transmit sufficient information for the State Penalties Enforcement Registry to be able to register the matter requiring enforcement. Part of this work involved the criminal registry setting up a pilot program whereby the Cairns, Bundaberg, Ipswich and Brisbane registries trialed the process over a one month period to ensure the effectiveness of the system. Subsequent reviews were conducted before the system was introduced to all court registries throughout the state.

Civil Registry operations

The Office of Registrar provides administrative support to the District Court of Queensland at Brisbane. The Civil Registry is located on the ground floor of the Law Courts Complex, 304 George Street, Brisbane.

The current Registrar of the District Court is Mr K T Toogood. He also holds the Office of Registrar of the Supreme Court, Brisbane, of the Court of Appeal Division and of the Planning and Environment Court. Registrars of other central registries at Rockhampton, Townsville and Cairns hold similar dual appointments as the Registrar of the District Court.

The Registrar is responsible to the Chief Judge and judges for aspects relating to court administration focusing on the efficient management of Registry services. The Registrar provides services to the Judiciary, the legal profession, members of the public and other users of the court system.

With regard to the daily management of the registry, the Registrar must ensure that sufficient staff and other resources are available to meet client demand. This aim is achieved by deploying resources in such a manner that delays with the hearing of matters in the registry are kept to a minimum; that the general data entry work in the registry is kept at an acceptable criterion (both in quality and quantity of data entry work processed); that there is an ongoing process to establish new initiatives and to ensure that Registry procedures are costs effective. The Registrar is assisted in this task by officers under his control including Deputy Registrars, Deputy Sheriffs and other administrative staff.

Staffing

In the Brisbane Civil Registry there are three Deputy Registrars and other specialist listing and administrative staff. One of the Deputy Registrars is responsible for the day to day management of the registry and provides regular feedback to the Registrar. The other Deputy Registrars ensure that administrative tasks assigned by the Rules of Court are undertaken with minimum delay.

There are eight administrative officers assigned to the registry. Staff training remains a high priority, registry staff were involved with the Supreme Court in completing training modules of procedure and practice to enhance their skills in the provision of client services.

The Deputy Registrars are responsible for the preparation and issue of orders made by the court as well as enforcement proceedings and other tasks. The Registry has set itself a level of minimum achievement of service standards for the issue of orders made by the court. In the year under review 3301 orders were issued by the registry. Most orders were prepared within three days of the date of making of the order, with the remaining 4% of the total orders within 5 to 6 days.

An important part of the registry role is listing. The Civil List Manager is responsible for daily listing of civil trials and the preparation of the callover list and other duties as directed by the Chief Judge. The Applications Manager is responsible for preparation and listing of applications to court. On 28 June 2001 a system of electronic lodgments of applications was introduced to allow clients to list and file applications in pending proceedings by e-mail. The policy, request form and diary overview for the applications list is available on the Court's website at www.courts.qld.gov.au/default . The provision of this system of listing is a key initiative in the ongoing review of case management in the registry.

Arrangements are in place with the Supreme Court Library website to have reasons for judgment with respect to the *Uniform Civil Procedure Rules* made available. The Library website is www.sclqld.org.au and is available through a link to the court's website.

Ongoing initiatives implemented in the civil listing area of the District Court saw a continued reduction in the number of matters awaiting hearing/trial from 136 in July 2000 to approximately 101 at the end of June 2001. A planned initiative is to make the callover list also available on the court's website electronically prior to the callover date to allow ease of access.

The Chief Judge continued a method of case management by allocating matters to judges to review and supervise to achieve maximum use of judicial resources.

Ending proceedings early

The Uniform Civil Procedure Rules, in particular Rules 283, 284, 285 and 286, provide a range of situations where a Registrar may enter judgments by default if a party in certain circumstances does not file a notice of intention to defend the claim. In the Brisbane Registry a computerised data base (CIMS) allows the Registrar to search the records to ensure that a notice of intention has not been filed, an affidavit of search is no longer required in the Brisbane Registry. The Registrar signs a default judgment which has the effect of ending proceedings early with flow-on case management and saving benefits to litigants.

Table 21: Judgment by default

	1998-99	1999-2000	2000-2001
Applications	467	536	477
Judgment entered	328	362	302

Unrepresented Litigants

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

Increasingly more people are choosing to file, prepare and argue their own cases before the court; approximately 4.9 % of all parties involved in this year's filings were unrepresented litigants. This situation has placed additional burden on the court and its resources. The estimates of hearings and trials is effected as judges need to explain court procedures to unrepresented litigants to provide them with a grasp of the basis of the case so that the rights of the parties are in balance.

The implementation of the *Uniform Civil Procedure Rules* in 1999 has improved access to the courts. The drafting of simpler forms and wider level of accessibility has assisted self-

litigants, however Registry staff are subject to additional burdens as the time taken to deal with matters for self-litigants is longer.

A survey was undertaken in June 2001 of District Court Registry clients which revealed a variety of matters and inquiries from self-litigants. The total contact time spent on self-litigants enquiries during this month was almost 20 working hours.

The Queensland Court Registries Charter provides that Registry staff should strive to provide members of the public with services, however these staff may not give legal advice, a situation which is often difficult for the client to comprehend. The Registry staff make every endeavour to provide procedural assistance and in this regard access to the court's website containing rules, forms and fees has been invaluable.

In January 2001 the District Court and Planning and Environment Court Registries at Brisbane issued a Client Service Charter which sets out matters of general procedure to enhance the level of client service provided.

Consent Orders

Rule 666 of the Uniform Civil Procedure Rules allows the Registrar (including Deputy Registrars) to give judgment or make another order if the parties consent in writing and the Registrar considers it appropriate. The court encourages practitioners and parties to utilise this rule where agreement has been reached between them as to the resolution of an issue or issues. Practice Direction 4 of 2001 was introduced to support this.

Table 22: Consent Orders

Numbers of applications considered	Orders made	Refused
66	57	9

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

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

Amendments to the *Property Law Act 1974* allow for an order to be made in the District Court about de facto arrangements and agreements. Where the parties agree to the terms of an order to be made, the option is open to the parties to file a consent under rule 666 to permit a Registrar to make an order. In the period under review 2 applications for consent order of this type were filed and granted.

Filing by post

Documents may be filed by a personal attendance at the registry counter either personally or parties may opt to file documents by post. Any document that is provided for under the Rules may be filed by post. Examples of the usual type of document filed are claims, notices of intention to defend and documents in support of applications for default judgment. Applications for decision on the papers without oral hearing [see chapter 13, part 6 of the *Uniform Civil Procedure Rules*] can also be filed by post. Approximately 695 sets of documents have been lodged by post through the Brisbane Registry for the District Court with 179 sets of documents being filed in the Planning and Environment Court.

File Storage

The registry still faces the problem of lack of storage space for court files in the coming years.

Documents filed in the court are still in paper form. Live court files are kept in durable plastic folders and transferred to manila envelopes and boxed when completed. Court files are considered of historical value and are kept forever. Files older than 10 years are rarely accessed. More recent files are accessed very frequently.

All files are bar-coded. They are electronically scanned whenever moved outside the storage areas. A record is kept of the last 5 movements of each file. The need for effective records management involving best use of resources and technology is a high priority considering storage space is at a premium, some files are physically very large which adds to the problem.

At present about 15 years of District Court records are stored in the Brisbane court building. These occupy 2½ kilometers of shelving space. Other occupants of the building

also have large areas of document storage. Existing storage space in the court complex is near full.

The court building was not designed for long term storage of large numbers of files. Nor is the registry sufficiently resourced to handle the preservation and maintenance needs of archived documents. Traditionally, files were relocated after about 10 years to proper off-site facilities managed by State Archives. Unfortunately relocation of further files to that body is now not available for at least another 15 years.

The short-term challenge now being faced by the Brisbane registry is what to do with the next 15 to 20 years of files, and how to adapt to this new archiving role. Many options have been and are being explored, for example:

- destruction of court records;
- converting non storage areas within the building;
- using privately operate offsite facilities;
- culling parts of some files;
- electronic records and lodgment;
- other technologies.

In the event that the statutory archiving body cannot provide an archiving service for current and future court records, consideration may need to be given to establishing a registry-operated offsite facility which can perform that function. Whatever course is taken, it would seem inevitable that substantial further resources and funding will be required.

This issue will be one of the challenges for the Brisbane registry over the coming years.

Filings

The following table deals with filing of originating proceedings in the Brisbane registry. The number of claims (previously complaints) has noticeably increased.

Table 23: Originating proceedings

Types of document	1998-99	1999-00	2000-01
Claims	3623	3368	4169
Originating applications	511	584	544
Total	4134	3952	4713

Many documents are filed in the registry each year. All filed documents are recorded on the registry data base (CIMS).

Table 24: Document filings recorded by CIMS

1998-1999	1999-2000	2000-2001
81,525	51,237	44,079

The Uniform Civil Procedure Rules introduced, among other things, new ways of preparing documents for filing. For example, Rule 435 requires an exhibit to be bound with an affidavit, if practicable.

As a consequence, an affidavit and 9 exhibits are now, for CIMS filing purposes, counted as 1 document and not 10 documents.

Accordingly, the decrease in number depicted in Table 24 does not reflect a fall in filings but merely a different method of counting as a result of the changes brought about by the Uniform Civil Procedure Rules.

Funds in Court

As at the end of the year, there were 33 accounts relating to District Court matters credited to the Court Suitors Fund Account Brisbane, totaling \$906,138.34. Regulation 30 (1) of the *Court Funds Regulation* 1999 requires that a list be made of the accounts which have not been dealt with during the previous six years other than under continuous investment or by

payment of interest. Two accounts in that category were advertised and as a result of no action being taken to recover the monies the Registrar was ordered by the court to transfer the sum of \$28,009.17 to the Consolidated Revenue Fund.

Costs Assessment

The Costs Assessment Section located in the Brisbane registry, is presently comprised of 2 full time assessing Registrars, the Senior Deputy Registrar (Assessments), and the Deputy Registrar (Assessments). The Deputy Registrar (Assessments) is responsible in the first instance for assessing all costs statements filed in the District Court at Brisbane.

The role of the assessing Registrar is a judicial one. Historically, a judge of the court performed the function of assessing costs. The current occupants of the positions of Senior Deputy Registrar (Assessments) (R Houghton) and Deputy Registrar (Assessments) (C Figg) are both qualified solicitors of longer than 5 years standing. The duties of the assessing Registrar include conducting assessment hearings, make directions about the conduct of the assessment process, and delivering written reasons for decisions made at the assessment hearing, if a party/s makes an application to the Registrar for a reconsideration.

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

Table 25: Applications for reconsideration

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

* eg. settled or withdrawn

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

Table 26 below identifies how costs statements are disposed of upon directions hearing appointments

Table 26: Assessment Directions Hearings

Type of case	1998-1999	1999-2000	2000-2001
Settled	55	39	42
Adjourned	60	32	46
Default Allowance	57	32	47
Assessment date given	125	100	91
TOTAL	297	203	226

Table 27 represents the disposal of costs statements after directions hearing appointment has occurred, and an assessment hearing date has been allocated.

Table 27: Result of cases set down for assessment

Result of case	1998-1999	1999-2000	2000-2001
Adjourned	13	7	6
Settled	56	46	38
Assessed	77	47	30
TOTAL	146	100	74

Alternative Dispute Resolution

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

Parties agree to a resolution of their dispute with the assistance of a third party called a Mediator who acts as an independent person to bring the parties together to discuss issues in dispute.

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

The Chief Judge is responsible for the approval of mediators and case appraisers. The Registry maintains, and has available free of charge, lists of approved mediators and case appraisers giving details of fees, experience and areas of interest to enable parties to litigation to choose the most appropriate individual. As at the 30th of June 2001 there were 111 approved mediators and 85 approved case appraisers for the District Court.

As at the 30th of June 2001 the District Court had referred approximately 903 matters to mediation or case appraisal either by order of a judge or consent of the parties. Of these, approximately 519 settled or did not proceed to a trial hearing after mediation or appraisal. The results of many of the remainder are not known as the mediation/appraisal is yet to be held. The District Court has not adopted a compulsory referral policy to ADR under the *Uniform Civil Procedure Rules* to date.

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

Review

One important ongoing focus of the provision of services by the registry is a continuing review of work practices in both the District Court and Planning and Environment Court Registries resulting in numerous projects being undertaken to ensure that the best work practices are in place to keep abreast with changes and developments in the administration of courts.

Practice Directions

Nine practice directions were issued by the Chief Judge during the year and these are available on the website.

Number	Description	Date Issued
2000/02	<i>Uniform Civil Procedure Rules</i> Designation of Court Holidays – District Court Registry	22.8.2000
2000/03	Practice Directions and Notifications now Redundant	28.8.2000
2000/04	Interest on Default Judgments	23.10.1000
2001/01	Disposal of Charges of Summary Offences	27.3.2001
2001/02	District Court proceedings for damages for personal injuries arising out of motor vehicle accidents, against FAI General Insurance Company or CIC Insurance Limited: substitution of the Nominal Defendant	11.4.2001
2001/03	District Court: Criminal jurisdiction Submissions by representatives of community justice groups in the sentencing of Aboriginal or Torres Strait Islander persons. Section 9(2)(o) <i>Penalties and Sentences Act</i> 1992; Section 109(1)(g) <i>Juvenile Justice Act</i> 1992.	8.5.2001
2001/04	Applications Jurisdiction: District Court Consent orders: Rule 666 <i>Uniform Civil Procedure Rules</i> , and “abiding the order of the court”	4.5.2001
2001/05	Appeals – This Practice Direction supercedes Practice Direction 4 of 1997	4.6.2001
2001/06	Interest on Default Judgments	8.8.2001

The Court Library

The Supreme Court Library's most significant achievement during the year under review was the launch of a series of events celebrating Australia's Centenary of Federation. The focal project, funded by the Centenary of Federation Community Assistance Program and the legal profession, was the construction of a permanent exhibit featuring a full-size replica of the smoking room of the Queensland Government Steam Yacht *Lucinda*.

The reconstruction of the smoking room is a tribute to Queensland's role in the national federation process, as it was the venue for substantial drafting of what was to become the Australian Constitution. The drafting was undertaken on the Easter weekend of 1891, by a group lead by then Queensland Premier Sir Samuel Griffith and including Queensland lawyer Andrew Thynne.

The Library accurately recreated the venue of this historic event, sourcing previously undiscovered artifacts from the vessel. Particularly fascinating features of the room include reproductions of thirteen elaborately hand painted windows and hand-carved seating, and a facsimile of the draft constitution bill annotated in Griffith's hand.

The exhibit also includes an educational annex which is both visually striking and informative, featuring a collection of memorabilia from the vessel and an interactive DVD presentation illustrating the Federation story. The Library has commenced preparations for the publication of an illustrated commemorative booklet marking the importance of the *Lucinda* project in this Centenary of Federation year.

The elegance of the *Lucinda* reconstruction and associated displays has aroused substantial interest from the many visitors to the courthouse, and has further enriched our Rare Books Room precinct on Level 2. This precinct provides a stage for the Library's community outreach activities and showcases our growing collection of historical and legal memorabilia.

As part of our ongoing education program the Library curated a number of exhibitions in the Rare Books Room precinct throughout the year, including a retrospect of the life of Sir Samuel Griffith and his contribution to Federation, which coincided with the opening of the *Lucinda* exhibit in March 2001. A major display celebrating the contribution of women lawyers in Queensland was officially opened with an oration by Mrs Quentin Bryce AO. In

preparation for this exhibition the Library compiled an illustrated timeline and collated a range of statistics, which will hopefully be utilised as a foundation for further research in this field. The Library's educational program was extended this year to incorporate the provision of legal research training sessions for visiting high school groups.

The Rare Books Room precinct was also the venue for a number of special events hosted by the Supreme Court History Society, now operating for its second year. These events included the Society's inaugural conference *Sir Samuel Griffith: The Law and the Constitution*; a series of occasional lectures; and opening orations. In total, over 1,500 school students and other members of the community participated in the range of activities launched by the Library, while countless other visitors viewed the many displays of judicial and legal memorabilia.

Although the expanding variety of community activities has been a consuming occupation this year, the Library has upheld its commitment to provide relevant and innovative information services to the courts and legal profession. Our focus has been the development of 'online information gateways' through which users, regardless of their location, can locate relevant information from the Library's range of resources available in print, on CD-ROM or online. Following the installation of the new web-based catalogue *INNOPAC*, users accessing the catalogue from home or office can now follow hypertext links to full text online material such as Queensland legislation.

The new integrated courts / Library website was launched in August 2000, incorporating a revised visual design and more intuitive user interface. The website is now an integral part of the Library's services and includes features such as an online full-text database of District Court judgments, which is updated daily. Selected sentencing remarks, as requested by the judges, are also included on the site. The website has become a key contact point with the community as evidenced by the 536,381 visitors it received during 2000/2001.

The Library continued to expand the content available on the web-based Judicial Virtual Library, which is now accessible by all District Court judges in Brisbane and regional centres. Enhancements included: facilitating access to the Library's collection of over 75 CD-ROM databases; provision of a weekly current awareness service; and free access to full-text articles from over 200 international newspapers, scholarly journals and news services.

These online service initiatives are of particular benefit for our regional clientele. Judges working outside Brisbane can access a range of information resources via the JVL and members of the legal profession and wider community can utilise the courts/library website as a gateway to information. However, the transition to an entirely online Library service cannot be contemplated until the regional centres are equipped with the necessary IT infrastructure and resources. In view of this, the Library has continued to provide appropriate print resources to these courthouses (37% of the total materials budget was expended on regional libraries).

However it must be noted that the breadth of Library achievements this year was only possible due to the Government's commitment to provide appropriate funding on an annual basis until 2004. This financial security has enabled the Library to concentrate upon the revitalisation of its information services and community activities.

Client Services

The Client Services division's main areas of activity are:

- information services (including current awareness, research and website services);
- reference and document delivery;
- information literacy training;
- indices and judgments; and
- entrepreneurial activities.

During the year under review the Judicial Current Awareness Service circulated 1,050 articles, news clippings and speeches of legal and non-legal interest to the judiciary throughout Queensland. This service helps judges keep abreast of topical issues in various disciplines. In addition, seven issues of the *Supreme Court Library Newsletter* were published, informing readers of developments in Library services and activities. The Library is exploring the possibility of converting its print current awareness service to digital format, and began its investigations this year by conducting a comparative survey of electronic current awareness services produced by other court and parliamentary libraries.

The Library also continued to provide research services to District Court judges, including the collation of material for speeches and judgments.

Demand for information literacy training has increased markedly this year, and a key activity for staff at the information desk has been the instruction of clients in the use of CD-ROM and Internet resources. Assistance is also provided via telephone and email for those clients accessing Library resources from their chambers or office. Three orientation sessions were held for new judges' associates in January 2001, focussing upon utilising the range of print and electronic resources available, particularly via the Judicial Virtual Library.

In addition to administering the courts/library website, the Library offered website design as a new service to its clientele. A homepage was designed and established for the *Christian Lawyers Association*, and ongoing maintenance support is being provided. A design proposal has also been prepared for a member of the legal profession.

The Library received and processed 1,585 judgments from the Supreme and District Courts this year, and continued to produce three commercial indexing publications in print and CD-ROM format: *Queensland Legal Indexes*; *Queensland District Court Indexes*; and *Court of Appeal Sentencing Service*. As the CD-ROM product is now dated, the Library is pursuing negotiations with legal publishers for the conversion of our indexing services to a web-based format.

Collection Management

The Collection Management division's main areas of activity are:

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

During 2000/2001 the Library added 295 monographs and 21,764 individual serial issues (reports, legislation, loose-leafs, journals, papers, microfiche and CD-ROMs) to the collection. A total of 421 volumes were bound and 50 volumes were rebound.

The key activity during the preceding two years has been the implementation of the new library information management system *INNOPAC*. Following the conversion of data in 1999/2000, the goal this year has been to fully utilise the range of functions offered by the new system. This included undertaking the annual stocktake of the Library's print collection utilising a portable barcode scanner to improve efficiency.

During the year under review, the Library also completed a valuation of its Rare Books collection in compliance with the Australian Accounting Standard.

Conclusion

In the coming year, the Library will continue to host a diverse range of events within the courts, for the benefit of both the legal profession and wider community. The positive responses generated by our educational program have encouraged us to expand these activities. A major exhibition entitled *Human Rights in the 21st Century* is planned for October 2001. It is anticipated that an internationally renowned speaker will deliver the exhibition's official opening oration. Associated events will commence with a lecture entitled *South African Judges and Human Rights* delivered by Judge Ralph Zulman, of the South African Supreme Court of Appeal, in July 2001.

Other major exhibitions planned for the coming year include: *The Style of Legal Families* which will coincide with the *16th Congress of the International Academy of Comparative Law* to be held in Brisbane; and *The Supreme Court Library 1862-2002 – One Hundred and forty years of service* which will coincide with the *ALLG Law Librarians' Symposium 2002*. The Library will also mount a display illustrating the history of prominent legal families in Queensland.

The Supreme Court History Society's second annual conference will examine the legal contributions of Sir William Webb and Sir Charles Power KCMG. Two festschrifts are also planned in honour of former Chief Justices of Australia, the Rt Hon Sir Harry Gibbs GCMG AC KBE and Sir Gerard Brennan AC KBE.

In the coming year the Library will undertake a number of initiatives to further the preservation and dissemination of Queensland's legal heritage. The Rare Books Room precinct will be further developed to incorporate the prominent display of the Library's historically significant legal memorabilia collection. This includes original manuscripts

from the Hon Mr Justice McPherson CBE, and personal collections donated by the Douglas, Lilley and Woolcock families. We have also secured a Research Fellowship from a major legal publisher to enable law students to undertake research relating to Queensland's legal history, drawing upon the resources of the Library and other archival collections. Finally, an illustrated compilation of histories of Queensland's regional courthouses will be published on the courts/library website.

The Library will also continue to review its core services to incorporate emerging trends and technologies. The increasing demand for information literacy training will be met by the delivery of Electronic Resource Training Seminars and the appointment of an Information Advisor to provide customised information retrieval instruction both in the Library and via telephone/email for regional clientele.

Online services will also be a major focus. The design and layout of our online catalogue will undergo substantial revision in order to facilitate seamless access to relevant information, including the provision of direct links from the catalogue to Internet resources. The catalogue service is presently available through the Library's two online information gateways, the courts/library website and the Judicial Virtual Library. These sites will also be enhanced in the coming year with the addition of new content and improved navigation.

As the primary information and research centre for the courts, the library has sustained its commitment to provide innovative services that satisfy the information requirements of the legal profession and judiciary throughout Queensland. As evidenced by our broad ranging educational activities this year, the Library has fully embraced its role as curator of Queensland's legal heritage, ensuring both its preservation and dissemination to the community.

State Reporting Bureau

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

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

The Bureau has introduced four complete mobile Remote Recording and Transcription Systems (RRATS) which enable the Bureau to audio record court proceedings at a circuit courthouse and transfer the recording via the Integrated Digital Network (ISDN) for transcription at a Bureau regional operational centre. Audio Reporting staff then produce a transcript via the use of computer based word processing packages before transferring an electronic copy of the transcript to the remote courthouse for output to hard copy, copying and distribution to the judiciary and other clients.

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

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

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

Appendix 1

Obituary - Judge Vincent Finn

Judge Vincent Finn (a judge of this court from 1971 – 1981) died on 12 December 2000. A valedictory service was held for him on Friday, 2 February 2001.

Vince Finn was universally admired and respected: as a judge, and as a person. As a judge he had an unswerving adherence to the human right to a fair and public hearing by a competent, independent and impartial tribunal established by law. As a person his life clearly illustrated those qualities of honour, courtesy, and generosity of spirit to which we all aspire.

Vincent James Finn was born in 1918. He served his country seeing military service throughout World War II. The war interrupted his legal studies. However he rose to the rank of Lieutenant in the Artillery and saw active service in Borneo. After the war, he joined the Public Curator's Office in Brisbane and was admitted to the Bar, becoming a Crown Prosecutor in the Justice Department. In 1959 he moved to Townsville as the Northern Crown Prosecutor, a very senior position within the State Crown Law Office. As a prosecutor, Vince Finn was known throughout North Queensland for his fairness, competence and common sense. He was respected – his word was his bond.

After 13 years service as Northern Crown Prosecutor, he was appointed a judge of the District Court in 1971, succeeding the late Ralph Cormack.

Judge Finn showed his enduring commitment to the people of North Queensland by remaining as the Townsville judge until he retired from the Bench in 1981. He was followed by a further six appointments to the District Court in Townsville, until the most recent appointments of Judge Wall, and then Judge Pack whose mentor and close friend he remained all his life. Judge Finn was the only judge of the early group who remained based in Townsville to serve the North Queensland community.

He was a great friend of all judges with whom he served. He was recognised by them and by those of us who came later, as a judge who was without pretension. He was not pompous and always tolerant and helpful to young practitioners. He is remembered too with great affection by court staff in registries throughout North Queensland and the Townsville court in particular.

By his example he demonstrated that the courts are here to extend the protection of the law equally to all who are subject to their jurisdiction: to the minority as well as the majority, the disadvantaged as well as the powerful, to the sinners as well as the saints, to the politically incorrect as well as those who embrace a contemporary orthodoxy.

Appendix 2

Obituary – Judge Fred McGuire AO

His Honour Judge Frederick (“Fred”) McGuire AO died suddenly on 15 July 2000, having retired a short 18 months earlier as a District Court judge after almost 24 years on the Bench. The *Courier-Mail* (18 July 2000) described him as a man of great compassion, integrity and humanity and noted that, rarely among judges, he had the capacity to incite feelings of love, and reverence. Chief Justice Paul de Jersey called him a very effective judge, and a great Queenslander.

His Honour was born at Mt Morgan on 5 January 1929, the third son of Lebanese parents, Henry and Katherine McGuire. He was educated at schools in Mt Morgan and Rockhampton, and at the University of Queensland where he studied Arts and Law, graduating in 1952. While studying he lived at St John’s College with which he maintained a lifelong connection, serving as Chairman of its Foundation during his last six years. He shared his time as a student with august contemporaries, including Sir Gerard Brennan, John Macrossan and Pat Shanahan.

After completing Articles His Honour returned to Rockhampton and was admitted to the Bar. He spent 21 years in Chambers in Central Queensland and established a busy general practice. By the late 1960’s he was the leader of the CQ Bar. He was also active in the Rockhampton community serving, variously, as Chairman of the Rockhampton Club, President of Rockhampton Rotary, and a member of the Council of the Capricornia Institute of Advanced Education.

In 1960, he married an attractive and talented Rockhampton musician, Patricia McCarthy. The marriage was a long, and happy one; the judge was particularly proud of his wife’s musical talent and artistic nature and cherished, and valued, her ability to keep his feet on the ground. During his valedictory speech he said:

“My wife subscribes to the adage that behind every great man (I generalise, of course) there is a woman who thinks he is a blithering idiot. Patricia has been a great deflating force in my life. She has pricked any tendency to pomposity. And this I must say in retrospect has not been an altogether bad thing; it has helped me keep my feet on the ground, to stay in touch with reality. It is not that she has anything against judges, she just doesn’t think they are anything special. That

said, I can say in all honesty that she has more talent in her little finger than a row of wigged judges.”

During his service as a judge his Honour was appointed, variously, to act on the Supreme Court, and as Chief Judge of the District Court. Both his ability and courtesy were renowned. For a time, his careful, learned judgments almost single-handedly assured the viability of “Queensland Lawyer”. His judgment in the *Bayliss* case was both important, and widely quoted: years later it was referred to in a judgment of the US Supreme Court. In 1987 during the Fitzgerald enquiry, when public confidence in the Police Force had fallen to a low ebb, Judge McGuire was appointed Chairman of the Police Complaints Tribunal, a position he held until the duties of that body were taken over by the Criminal Justice Commission, in 1990. His work on the Tribunal was universally acclaimed for its fairness, and sensitivity.

His final major judicial assignment followed his appointment, in September 1993, as First President of the Childrens Court where his work was, ultimately, recognised by the award in June 2000 of the Order of Australia. As President, he assumed a pioneering role in the treatment of young Aboriginal offenders. (He had been the first judge to appoint an indigenous associate, Lionel Fraser, in 1982). In 1997 he made history by inviting an Aboriginal Elder – the late Senator Neville Bonner – to sit with him on the Bench, sentencing young offenders. Senator Bonner was too ill to attend the judge’s valedictory ceremony but sent a letter which was read to the court by Jacob George, the Acting Chair of the Indigenous Advisory Council. The Senator said:

“Judge McGuire is a man of vision ...(who) has developed a deep understanding of the special problems faced by the Aboriginal and Torres Strait Island children in the justice system. Typically, rather than just think about this, he did something about it. This recognition and understanding of the fundamental differences between traditional and western cultures in the judicial system is the measure of the man.”

Judge McGuire developed policies for, and guided the new Court through, its difficult and formative years and, in a sense, it became his personal creation.

As he said many times: “Justice is not a cloistered virtue” and, in the speech he made at his valedictory, he revealed all of those qualities which had made him so popular, and respected. He told a number of amusing stories, including some at his own expense. He revealed his learning, erudition – and modesty. His words made it clear that his long and successful life as a barrister and judge had not atrophied his ability to think in interesting and original ways or constantly consider both himself, and the work he did, with a critical

eye. Perhaps the most touching tribute he received came from a former shorthand reporter, Ms Pat McCarthy, in a letter she sent to Canon John Morgan, quoted at the judge's funeral:

“Over many years I wrote shorthand in the courts and always thanked God when assigned to Judge McGuire’s court. Why? One knew that however tough it got, one could appeal to His Honour and receive, courtesy, understanding and help – adding up to respect...I never heard him being curt to anyone, nor embarrass anyone. His Honour Judge McGuire seemed to treat everyone without exception as decent hard working people. Although we didn’t consider ourselves his equals, he always made us feel that he considered us so. He treated us as friends. His gracious manner I’ll treasure until the day I die.”