

DISTRICT COURT OF QUEENSLAND
ANNUAL REPORT
2002-2003

The main cover photograph shows the George Street face of the District Court side of the Law Courts Complex, Brisbane. This building was completed in 1981. The smaller pictures show different aspects of the entrance courtyard.

The District Court of Queensland

Law Courts Complex

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CHAMBERS OF THE CHIEF JUDGE
DISTRICT COURT
BRISBANE
QLD 4000

FROM CHIEF JUDGE P.M. WOLFE

21 October 2003

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

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 2003.

Yours sincerely

A handwritten signature in black ink, appearing to be "P.M. Wolfe", written in a cursive style.

Chief Judge P.M. Wolfe

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Chief Judge's Overview



Her Honour Chief Judge PM Wolfe

Introduction

This is the seventh annual report on the activities and organization of the District Court of Queensland and contains a detailed analysis of the operation of the court in the year ending 30 June 2003.

The report covers a year of sustained performance and was prepared in consultation with the judges, in particular with the convenors of the judges' committees. The regional judges have reported on the operations of the court in Cairns, Townsville, Rockhampton, Southport, Maroochydore, Ipswich and Beenleigh where they are based. The judges with particular responsibility for the court's specialist courts and tribunals have also reported on their activities: Judge Quirk on the Planning and Environment Court and Judge O'Brien on the Childrens Court of Queensland of which he is President and on the activities of the Health Practitioners Tribunal.

In this overview, as in years past, I draw attention to particular concerns involving scant financial resources.

Scarcity of human and infrastructure resources continues to hamper the higher courts despite their important initiatives and strategic changes to systems and modes of operation over recent years.

Human Resources

The people who work in the court -- in the registry, administration and support services -- are special. They reflect the enduring purpose and responsibilities of the court. They must be competent, professional, ethical and committed. They must both support and appear to support independent and impartial processes and decision making. They understand the importance of consistency across the court. Yet for some years they have been deprived, for budgetary reasons, of professional development and training.

Their responsibilities are numerous and varied. They are the public face of the court. They process court orders, make directions, enter default judgements, preside over enforcement hearings, facilitate the enforcement of court orders, make arrangements for jurors, enter, process and evaluate the data involving the court's criminal, civil and appellate records and deal with self represented litigants, the media and the public. In addition, they work with the judges on the complex task of listing and case management - not only of criminal, civil and appeal matters but also matters before the Childrens Court of Queensland, the Planning and Environment Court and the Health Practitioners Tribunal.

Nonetheless, they are facing increasing pressure as staff are not replaced, again owing to budgetary constraints.

Infrastructure - Brisbane

The efficiency of court buildings and facilities impacts significantly upon the level and quality of court services as well as the efficacy and effectiveness of court and registry staff.

There is still no complete plan for the total redevelopment or, at the very least, refurbishment, of the Law Courts Complex. Piecemeal allocations of funding do not allow for a proper long-term approach to building and courtroom planning. There is still no considered plan in place for the regular replacement of obsolete or damaged equipment and technology in courtrooms.

In June 2003 a Workplace Health and Safety Audit was conducted of the Law Courts Complex identifying numerous non-compliant aspects of the complex. These include dim lighting in many areas and insufficient ventilation. The report highlighted a litany of outstanding problems which include worn carpets in the Supreme Court Library, higher courts registry and bailiffs areas, unsuitable desks for IT staff, a general lack of exit signs, many instances of exposed and unsecured cords across walkways, broken chairs in use, outdated taps and generally an unsatisfactory level of ventilation of toilets throughout the Law Courts Complex. Toilet facilities for staff are located in public areas, posing a potential security risk.

Infrastructure - Regional Centres

Of the 35 District Court judges, 12 are based in regional centres, reflecting the court's significantly decentralised nature. Judges in the regional centres continue to work in insecure

environments and with outmoded facilities. The regional centres are often the last to benefit, if at all, from new equipment and technologies. The core condition of many regional courthouses, especially those at Townsville and Ipswich, has not been adequately addressed. At Beenleigh there is a pressing need for a second jury courtroom having regard to the criminal workload there, which is equivalent to almost 16.5% of that in Brisbane.

In July 2002 the Regional Judges Committee voiced its concerns, not for the first time, about a number of issues affecting regional centres. These include inadequate administrative support and the fact that no security officers are on duty after hours in the regional courthouses lacking modern metal scanners or detectors and mail scanning facilities. Judges and court staff are left vulnerable. In many cases photocopying and facsimile equipment is outmoded or shared by the judges with registry staff and typically located remotely from the judges' chambers. There are no scanners.

The Civil Information Management System (CIMS) and the Criminal Register System (CRS) are at the heart of the court's case management and the registry records and processes. In Brisbane, Cairns, Townsville and Rockhampton, all criminal, civil, appeal, applications and Planning and Environment and Childrens Court matters filed in the court are now recorded on these systems.

Throughout the year the court made concerted efforts for the roll-out of these systems to other major centres outside Brisbane – consistently with the executive government's 'Smart State', 'Building Queensland Regions' and 'Safer and More Supportive Communities' priorities. However the court in Southport, Maroochydore, Ipswich and Beenleigh does not have access to the important CRS database, despite the court's efforts to effect rollout and estimates that the cost would be less than \$5,000 for each centre. These centres, at which 7 judges are based, have a total criminal caseload equivalent to approximately 75% of Brisbane's.

The plan for the CIMS rollout to Southport and Maroochydore which, apart from Brisbane, have the heaviest civil and Planning and Environment workloads, is being implemented. Litigants and their lawyers will then be able to access the court in those places using some of the Ecourts initiatives.

Further, the problems I raised in last year's report continue to impede the performance of registry functions in Southport, Maroochydore, Ipswich and Beenleigh as in those places resources and staff must be shared with the Magistrates Court registries. Maroochydore, Southport and Ipswich have no separate dedicated District Court registries. In those centres, the District Court registry is physically located within the Magistrates Court registry and files are stored in the same compactor. Without a separate area for the maintenance and filing of District Court matters, potential exists for confusion and injustice.

In Southport, Maroochydore, Beenleigh and Ipswich the District Court Registrar also performs the role of Registrar of the Magistrates Court and in Maroochydore and Southport, the sixth largest city in Australia, the District Court/Magistrates Court Registrar sat for much of the year as an Acting Magistrate. Busy regional centres need permanent officers and staff in these important positions.

In summary, concrete plans with appropriate regard to the court's core values of independence and impartiality, and its practices and procedures, must be made for the benefit of the higher courts' registry and administrative staff. It is unacceptable that finances have not been allocated for the implementation or establishment of the following:

- the 2001 Soden Report on registry restructuring to effect the reclassification of registry staff positions which is long overdue
- establishing and maintaining adequate numbers of registry staff
- professional development and training of registry, administrative and support staff
- the appointment of an adequate number of permanent staff to the Supreme and District Courts IT section
- the appointment of a media liaison officer for the higher courts
- the appointment of adequate, appropriately qualified secretaries for the judges, the Court Administrator and the Principal Registrar
- the rollout of the Queensland Jury Computer System to the higher courts' regional and circuit centres
- the rollout of the Criminal Register System (CRS) to the regional centres of Southport, Maroochydore, Ipswich and Beenleigh
- the eFiling facility for the electronic filing of documents
- equipping courtrooms for eCourts use
- improvement of security in the regional courthouses
- separate District Court registries in dedicated areas with dedicated staff in Southport, Maroochydore, Ipswich and Beenleigh
- a plan for the redevelopment or substantial refurbishment of the Law Courts Complex.

Performance

Disposition of Criminal Caseload

In Brisbane, Cairns, Townsville and Rockhampton, which use the Criminal Registry System (CRS), the court adopted a new and more rigorous methodology.

During 2002/2003, 76.9% of all criminal matters in Brisbane were disposed of within 6 months. The court in Brisbane began the year with 766 active outstanding cases and disposed of 2713 matters. The number of active undisposed matters as at 30 June 2003 increased by 41 to 836. However, there were only 136 matters or 7.7% of active matters, which were still undisposed of more than 12 months after presentation of the indictment, whereas in the previous year 8.7% of

active matters were undisposed of after 12 months and 9% were undisposed of as at 1 July 2001. The system supervised by Judge Hoath, Director of the Criminal Listing Taskforce, ensures that the court is appraised at the earliest opportunity as to what course matters will take and that matters are dealt with promptly.

This year the court also disposed of 589 criminal matters in Townsville, 574 in Beenleigh, 549 in Southport, 548 in Cairns, 531 in Ipswich, 502 in Maroochydore and 175 in Rockhampton. Many others were disposed of in the circuit centres, including 339 in Maryborough, 173 in Mackay, 162 in Toowoomba and 136 in Bundaberg. These figures do not include the matters dealt with by judges of the court sitting as judges of the Childrens Court of Queensland.

Management of the criminal caseload in Brisbane is primarily the responsibility of the judges of the Criminal Listing Taskforce and the Chief Judge, with the ongoing support of the Listings Director and the District Court Criminal List Manager. During the year under review, there was a significant increase in the proportion of guilty pleas to trials to 91.5%, with 60% of the guilty pleas being sentenced within 3 months of presentation of the indictment.

An increase in the number of pre-trial applications in Brisbane pursuant to s.592A of the *Criminal Code* resulted in the early resolution of preliminary issues of law and the more efficient disposition of matters awaiting trial.

Matters are given s.592A hearing dates if requested by the parties or if it appears to the listing judge that preparation for hearing will focus the parties earlier on the real issues in dispute. Better prepared cases mean cases can be presented more quickly and succinctly, improving the pace of litigation and reducing use of judicial resources and the cost of litigation. During the year under review in Brisbane 128 matters were given s.592A hearing dates. A considerable proportion resulted in a plea or nolle prosequi before the hearing date was reached. Of the matters given s.592A hearing dates, 70% were finally determined as at 30 June 2003, with 12% of them by trial. Of those that underwent the s.592A hearing, 53% did not proceed to trial but were determined by guilty plea, stay of indictment or nolle prosequi.

Disposition of Civil Caseload

During the 2002-2003 year, 3519 new matters were filed in the court.

In Brisbane, Townsville, Cairns, Rockhampton, Mackay, Maryborough and Bundaberg, all civil cases were disposed of within 12 months of entry for trial and in Maroochydore 98.4% of civil case were disposed of within 12 months. In Brisbane, 53% were disposed of within 3 months. Other major centres were equally efficient, such as Townsville (52.9% within 3 months), Cairns (59.1%), Rockhampton (50%), Maroochydore (59.8%), Southport (27.5%, 76.8% within 6 months).

At the start of the year under review, there were 114 matters before the court in Brisbane. An additional 352 matters were entered for trial, and a total of 394 matters were disposed of during the year. There were only 72 civil matters undisposed of at 30 June 2003, down from 114 in 2001-2002 and 101 in 2000-2001.

Outside Brisbane the court disposed of 69 civil matters in Southport, 62 in Maroochydore, 22 in Cairns, 17 in Townsville and 13 in Mackay. 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.

Planning and Environment Court

There was a 21% increase in the number of new matters lodged in the Brisbane Planning and Environment division, with 412 in 2002-2003 compared with 324 in 2001-2002 and 332 in 2000-2001. In Brisbane, more matters were disposed of in the year under review than in 2001-2002, at 296 and 272 respectively. Southport also demonstrated a rise in both respects, with 39 new matters (up from 23 in 2001-2002) and 45 matters disposed of in total (up from 12 in 2001-2002). In Maroochydore, there were 24 new cases and 36 disposals.

In the Brisbane Planning and Environment division in 2002-2003, 24.7% of matters were disposed of in less than 3 months, 48.3% within 6 months and 68.2% within a year. In Townsville the disposal rate was 28.6% within 3 months and 71.5% within 6 months, in Cairns 12.5% and 31.3% respectively, in Southport 38.5% and 46.2% and in Maroochydore 24.7% and 48.3%. This is the first year in which such statistics have been available.

Appeals

The District Court hears all appeals from the Magistrates Courts, including criminal appeals pursuant to s.222 of the *Justices Act 1886*. It also determines appeals from a number of tribunals and bodies such as the Queensland Building Tribunal.

Practice Direction 5 of 2001 provides a convenient platform for the case management of appeals in the Brisbane registry. A key feature of the practice direction is an enhancement of the powers of the registrar to make directions and to list a registrar's reference before a judge if a party fails to comply with the direction.

In 2002-2003 the District Court heard a total 261 appeals at major centres throughout the State, including 105 appeals in Brisbane, 50 in Townsville, 43 in Southport, 17 in Maroochydore and 14 in Ipswich.

Comparative Performance

The District Court of Queensland has performed well compared with other District and County Courts. Such comparison is facilitated by the Report on Government Services 2003, released

in January 2003 by the Steering Committee for the Review of Commonwealth/State Service Provision. This report records that during the year ending 30 June 2002, this court disposed of 80.1% of its criminal cases within 6 months (92.7% within 12 months), in contrast with the District/County Courts of South Australia (67.2% within 6 months, 89.4% within 12 months), Victoria (58.9% within 6 months, 84.8% within 12 months), Western Australia (61.6% within 6 months, 74.4% within 12 months) and New South Wales (74.9% within 6 months, 92.7% within 12 months).

In the civil jurisdiction litigants experienced minimal delay from readiness for trial to hearing and judgment in comparison with other States in the year 2001-2002. This court disposed of 62.5% of its cases within 12 months (39.4% within 6 months). This compares with South Australia (31.5% within 6 months), Victoria (23%), Western Australia (29.4%) and New South Wales (19.5%). In Brisbane, trial dates were offered to nearly all parties at the first callover at which the matter was listed.

The Report on Government Services 2003 uses expenditure less income (excluding fines) per finalisation as the efficiency indicator. In the District Court criminal jurisdiction in 2001-2002, the Queensland District Court had the lowest expenditure at \$2123, compared with the highest in South Australia of \$7710, and a national average relating to all District and County Courts of \$4227. Per civil finalisation, Queensland had a lower expenditure less income per finalisation than South Australia (\$4182) and Western Australia, but higher than New South Wales (\$316).

In the criminal jurisdiction in 2001-2002, the Queensland District Court's court administration expenditure was the lowest of all states at 21.8%, compared with 37.4% for Victoria. In civil, the expenditure was comparable with other states.

Circuit Centres

This year, the court maintained its commitment to spending sufficient time in circuit centres to ensure that regional, rural and remote parts of Queensland were provided with the opportunity to have matters heard and decided in a timely fashion. This calendar year the District Court judges were allocated a total of 333 weeks on circuit.

New Initiatives

Technological developments in court processes

The old wireless network link between the Law Courts Complex and the State Law Building was increasingly unreliable, failing on as much as a weekly basis. This greatly impeded productivity in the Law Courts Complex. However plans are in place to replace soon the wireless network with more reliable, faster and cost-effective fibre-optic link.

In April 2003 approval was obtained to install network points and new computers in the circuit and regional centres in Bundaberg, Mackay, Mount Isa, Toowoomba, Ipswich, Southport and

Maroochydore. It is increasingly important to have access to the network while on circuit in order to remain accessible. Email is often the first point of contact for court staff, barristers and solicitors trying to reach associates, who spend much of their time in court.

Standard Operating Environment

During the 2002-2003 financial year, the court pursued a range of projects relating to both core technology infrastructure and on-line service delivery. This included planning for the implementation of a Standard Operating Environment ("SOE"), and the launch of new on-line services. In May 2003, work began deploying Windows XP throughout the higher courts. In June 2003, new hardware was purchased for the judges and new desktop computers were purchased for registry staff. These are being rolled out at the time of writing. When the roll-out is completed, Windows XP will become the standard operating environment for every staff member and judge. These should result in increased security and reduce the operational costs of maintaining and supporting the court's IT environment.

CIMS

During the year, the Civil Information Management System (CIMS), was migrated onto a new Microsoft SQL Server database platform to increase CIMS' scale and reliability. In January 2003 the pilot project to consolidate the four separate CIMS (Civil Information Management System) databases in Cairns, Rockhampton, Townsville and Brisbane was completed. This has greatly improved information management and facilitates consistency of process and statistical analysis of performance throughout the State. This system will soon be implemented in Southport and Maroochydore.

This year the court will examine whether existing resources will allow CIMS' replacement by a better system to support the progressive release of the court's business on-line. What is needed is a case management application designed to run over the World Wide Web. This would provide litigants and their legal representatives with access to files and court services 24 hours a day 7 days a week and would also lay a foundation for the implementation of electronic filing over the longer term.

eCourt Services

Between October 2002 and January 2003 a range of on-line services were progressively released by the court. These services expanded access to court services saving money and time for parties in civil proceedings. These services are accessible through eCourts on the court web site (www.courts.qld.gov.au) and include the following:

eSearching was implemented by May 2003. It allows litigants or their legal representatives to search court files at any time, day or night, to confirm party names and contact details, obtain contact details for lawyers representing the parties, confirm key dates, or view a list of documents that have been lodged with the registry. Previously this information was only

available on weekdays during the registry opening hours by personally undertaking an over the counter search.

eListing enables lawyers to request trial dates or hearing dates on-line so that they can avoid the time and inconvenience of physical attendance at a court callover. During 2002-2003 about 12% of matters were listed using the electronic listing method. Parties may contact the civil list manager by email to obtain a listing date for a trial or hearing prior to the callover date. The parties not only save the cost of personal attendance but also have a better choice of hearing date. The system of electronic lodgements of applications introduced in June 2002 continues to give the option 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 website (www.courts.qld.gov.au). These developments set a new standard in the access and delivery of justice.

eChambers has been in constant use this year. It is an on-line collaborative forum that operates like a bulletin board for a single case in civil proceedings. It is designed to facilitate a fast, cost effective resolution of interlocutory disputes and to assist with non-contentious procedural matters. This is a secure forum, accessible only to the parties, the judge and authorised court officers via password. It allows the parties or the judge to post notices, submissions, draft orders and other documents or commentary in relation to the status of the matter. Automatic email alerts ensure that all users are notified when any document or notice is posted on the bulletin board.

eCourtroom In an age of increasingly complex trials with great amounts of documentary evidence, the higher courts are likely to become increasingly reliant on the electronic support facilitated by e-courtroom. Any case with more than 500 documents disclosed is a potential candidate for an electronic trial, where documents can be scanned and thereafter referred to and accessed via computer. Of course, courtrooms must be specially equipped with the appropriate technology in order to conduct an electronic hearing. To date, only the Banco Court in Brisbane has that capability.

The District Court calendar is now available in a browser-based format on eCourts. The eCourt calendars are integrated into the courts' main database, and are updated automatically with each new calendar release. The facility has been developed to allow users to change view between the Supreme and District courts, or to select specific date ranges, jurisdictions and locations.

Buildings

During the year under report, construction began on the new courthouse at Mackay. It will provide three courtrooms for the higher courts. Construction of the new building is expected to be completed by the end of this year and refurbishment of the old building by mid-2004.

Significantly, the new courthouse will include an inside/outside area dedicated for the use of children visiting the court.

The special needs of children visiting the courts, whether as witnesses or accompanying their parents, are being recognised in a tangible form. Many proceedings, especially criminal proceedings in the District Court, involve children as complainants or as other witnesses. Earlier this year a witness room on level 2 of the Law Courts Complex was converted into a waiting room for children and named *The Chill Zone*. Having regard to the vulnerability and particular needs of child witnesses, they now have a safe place to wait. The room was generously furnished by Protect All Children Today (PACT) with a sofa and other fresh, modern furniture, colour television and video/DVD player.

Funding was allocated for much needed painting, lighting and floor covering for the secure parts of two floors of the old District Court building in the Law Courts Complex.

CCTV installations

Courtrooms throughout the State have received, or will soon receive, technology upgrades so that they are better equipped to facilitate the manner of hearings and special witnesses.

In February 2003, CCTV installation was completed at Beenleigh, Maroochydore, Maryborough, Rockhampton, Ipswich, Southport and Gladstone and work had begun in two of the courtrooms in the Law Courts Complex, with upgrades planned for courthouses at Townsville, Bundaberg, Cairns, Gympie, Kingaroy and Toowoomba. CCTV installation was complemented by audio enhancement of the courtrooms.

Practice Directions

The purpose of Practice Direction No 3 of 2002, issued on 12 September 2002 in relation to the disposal of charges of summary offences pursuant to sections 651 and 652 of the *Criminal Code*, is to specify administrative requirements designed to streamline the transmission of summary offences to the District Court, by refining earlier procedures that had applied.

Continuing judicial education

Senior Judge Skoien, a member of the Governing Council of the Judicial Conference of Australia, was part of the organization of the JCA Colloquium in 2003. Senior Judge Trafford-Walker was instrumental in instituting the 15th South Pacific Judicial Conference and Pacific Legal Convention in Madang, Papua New Guinea in June 2003. This important endeavour will allow Australian judges and lawyers to assist, in practical ways, their counterparts in the near Pacific nation states.

Judge Shanahan represents the higher courts at the AIJA's Jury Research Seminars which aim to encourage coordination of effort and cooperative initiatives relating to research projects on

juries. Judge Wilson SC delivered a presentation on behalf of the District Court of Queensland at the 3rd AIJA Technology for Justice Conference 20-22 October 2002, at which I also spoke.

In June this year the judges of the District Court of Queensland held the 2003 Biennial Conference of the District and County Court Judges of Australia. This important judicial meeting was attended by judges from New Zealand as well as judges from all Australian District and County Courts. The Chief Justice opened the conference. Hon Justice IDF Callinan AC of the High Court of Australia gave the keynote address, *Does Literature Influence the Law?*

Other judges who presented papers included the Hon Justice Bruce McPherson CBE of the Court of Appeal: *The Art of Judgment Writing*; Hon Justice Heerey of the Federal Court: *Language, Culture and Aesthetics: Their influence on the internal psychology of decision-making*; and judges from participating courts including Judge John Robertson (Queensland), Judge Wisbey (Western Australia), Judge Malcolm Robertson (South Australia), Judge Sidis (New South Wales) and Judge Strong (Victoria).

The range of lecturers also included Professor Roland Sussex who presented the paper entitled: *What did you say? Intercultural Communication and the Language of the Law*; Dr Lloyd Davis: *The Good and the Bard: Shakespeare and the Law*; Professor Nick Martin: *Predictable Words: Criminality, Genetics and Culpability*; Professor David Saunders: *A Bubble to Kill For: The Rule of Conscience or the Rule of Law?*; Dr Tod Wakefield: *Incriminating Words: Childish Prattle*; Professor Wayne Hudson: *Sentences and the Law: Religious Citizenship* and Tracey Cain: *The Media v the Courts*.

The success of this important and stimulating conference was due particularly to the endeavours of the Judges' Conference and Judicial Education Committee, especially Judge Wilson SC and the convenor, Judge Dodds.

Indigenous and remote Communities

Throughout the year, the Aboriginal and Torres Strait Islander Committee has been active in meeting with officers of the Department of Aboriginal and Torres Strait Islander Policy (DATSIP) to discuss training issues for the Community Justice Groups as to their role in the sentencing process. Pursuant to this end, a seminar was conducted in Mount Isa in February this year, attended by Community Justice Groups representatives from Mt Isa, Doomadgee, Normanton and Mornington Island. Judge Forde contributed, presenting a paper, and Judge Nase also attended. Following positive feedback from the agencies involved, further training sessions are planned for Toowoomba and Cairns later this year.

Particular issues of concern subsist and have been raised by the committee in previous reports. These include the need for appropriately trained interpreters in indigenous languages in court proceedings, especially in remote communities, and the lack of funding for the appointment of a

court based Indigenous Liaison Officer. Judge Bradley has prepared a draft protocol for the assistance of judges dealing with Aboriginal or Torres Strait Islander communities whilst on circuit.

Library

The Supreme Court Library is the primary information service for the Higher Courts. It is administered by the Library Committee under the *Supreme Court Library Act 1968*. The Chief Judge is a statutory member of the Committee, which meets regularly.

The Library provides electronic and print source material, research assistance, information retrieval training, indexes and judgments publications and current awareness services. These resources are also available to members of the legal profession and, with some restrictions, to the public. The judges particularly rely on the excellent services and up-to-date information provided by the Supreme Court Librarian, Aladin Rahemtula, and his staff.

Chief Judge's calendar

During the year, apart from the time allotted to my administrative responsibilities, I sat in Brisbane in the criminal court (10 weeks), in the civil, planning and environment and applications courts (7 weeks) and for 1 week each in the courts at Southport, Rockhampton, Maroochydore, Townsville and Cairns. As always, these circuits were of great practical assistance and allowed me to discuss regional issues of importance with the resident judges. I also wish to acknowledge my gratitude to Senior Judge Skoien for assuming the duties of Acting Chief Judge while I was on leave of absence for 9 weeks.

Aside from monthly judges' meetings, conferences and public events, I regularly met with the Chief Justice, the Attorney-General, the Director-General of the Department of Justice and Attorney-General, the Court Administrator, the Principal Registrar, listings managers, and Higher Courts IT staff. I also attended meetings of the Council of Chief Judges, the Chief Justice's Focus Group and the Higher Courts IT Steering Committee. These were of particular value in evaluating legal trends and developments in court processes and administration, and in developing strategies for the most efficient disposition of judicial services.

At various times during the year I met with leaders of many organisations principally involved in the justice system such as Legal Aid Queensland, the Queensland Bar Association, the Queensland Law Society, Protect All Children Today (PACT), the Director of Public Prosecutions and the Public Defender. It is necessary to keep fully apprised of the important activities and services performed by these institutions, as well as any perceived new trends in the legal system.

Other judicial activities

Throughout the year, the judges maintained formal monthly meetings, which were attended by circuit and regional judges and judges on circuit via telephone link-up. These meetings ensure that judges are able to consider both general and specific issues facing the court and regularly review and update court processes. Many of the judges made an outstanding contribution to the court, the development of the law and the community. The administration of the court has been strengthened by the wise counsel of the judges as well as the advice arising from regular judges' meetings, judges' conferences and the judges' committee system. These all work towards increasing each judge's participation in the due administration of the court and importantly, in collegiality among the judges. The members of these committees are elected by the judges annually, the committee system being one of the mechanisms employed in advancing the court through effective collegiate effort.

Those who made a particular contribution include Judge Robin QC and Judge McGill SC, who are members of the Rules Committee constituted under the *Supreme Court of Queensland Act* 1991, which produced draft rules in December 2002 relating to the calling of expert witnesses on civil proceedings; Judge O'Sullivan who is the Queensland judicial member of the National Child Sexual Assault Committee; Judge Robertson, who is the regional convenor for all Queensland judicial officers of the National Judicial College of Australia and who was a member of the Supreme and District Courts Benchbook committee, of which Judge Shanahan and Judge Dick SC are also members.

Visitors to the Court

As in the past, a great number of school groups paid visits to the Law Courts Complex this year, attending court sessions and at times meeting with judges. These visits greatly contribute to a better public understanding the courts.

The District Court received a number of international visitors. These included:

- During July, August and September 2002 the court welcomed Alexandra Zilker, a German student of judicial studies. She was seconded to a number of judges as part of the Wahlstation Program, and attended a range of District Court sittings including criminal trials, sentences and mentions as well as applications. The focus of her research was on Australian administrative and criminal law.
- In August 2002, Judge Walther Gottwald, Professor of Law and Judge of the Court of Appeal of Lower Saxony met the judges to discuss the use of expert evidence in the European system.
- In February 2003 Judge Yasushi Handa from the Tokyo High Court, pursuant to the Supreme Court of Japan's Overseas Training and Research Program for Japanese

Judges, spent several days meeting with judges and observing criminal trials and listings, as part of his research.

Judicial milestones

In August 2002, Judge John Robinson retired as President of the Childrens Court of Queensland. He administered this court for three years and implemented a number of innovative practices and procedures. Importantly Judge Robertson oversaw the recommendations for changes which have resulted in the recent amendments to the legislation governing that court. Judge O'Brien has been the President of the Childrens Court since August 2002.

Judge William Murray Grant-Taylor, a former Chairman of the District Court, died on 30 December 2002. The judge was appointed to the court in 1959 when it was reconstituted and, from May 1971 to his retirement in 1984, presided over the court with wisdom and unfailing courtesy during a period of vast expansion. A fuller obituary appears in Appendix 1 to this report. I record the judges' utmost respect and appreciation for his contribution and our sympathy for Mrs Joan Grant-Taylor and their children.

Judges and former judges of the court were among the recipients of the Centenary Awards early this year. These included former Chairmen and Chief Judges of the court Judge Leonard Lindsay Byth (1984-1988), the Hon Justice John Helman (1988-1994) and Judge John Patrick Shanahan AO RFD ED (1994-1999).

Conclusion

The Court Administrator, Mr David Groth, the Deputy Court Administrator, Mr Cameron Woods and their staff have given dedicated service to the court and the judges throughout the year. The judges are especially grateful to the Principal Registrar, Mr Ken Toogood, the Deputy Registrars and other officers and staff of the registry for their tireless support and assistance in advancing the court's important work. I record my warm appreciation for the four years of unswerving service to the judges and the court by the former Court Administrator, Ms Bronwyn Jerrard.

I also express my gratitude to the judges for their unstinting assistance in the administration of the court. Their contribution has been central to the court's commendable performance and each has advanced public trust and confidence in the court.

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 Chief Judge Patricia Mary Wolfe
Judges	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)
	His Honour Judge Robert Douglas Pack (Townsville)
	His Honour Judge Nicholas Samios
	His Honour Judge Grant Thomas Britton SC (Rockhampton)
	Her Honour Judge Deborah Richards (Ipswich)
	Her Honour Judge Sarah Bradley (Cairns)
	His Honour Judge Michael John Shanahan
	Her Honour Judge Julie Maree Dick SC
	His Honour Judge Alan Muir Wilson SC (Southport)



Judges of the District Court

Administrative staff of the District Court

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

Court Administrator	Bronwyn Jerrard (to 4 July 2002) David Groth (acting from 5 August 2002)
Principal Registrar, Brisbane	Ken Toogood
Deputy Court Administrator	Cameron Woods
Sheriff	Neil Hansen
Registrar (Cairns)	John Bingham
Registrar (Townsville)	Michael Goldsack (19 August 2002-6 May 2003)
Registrar (Rockhampton)	Gordon Roberts
Information Technology Manager	Ian Sims
Deputy Registrars – Civil Registry	Ian Mitchell Peter McNelley (to 30 September 2002) Trevor Davern (to 30 September 2002) Ian Enright
Deputy Registrar - Criminal Registry	Peter Irvine
Chief Judge's Secretaries	Jan Daniels (part-time) Kim Donkin (part-time to 25 March 2003) Maryanne Nottingham (part-time from 27 May 2003)
Chief Bailiff	Phil Lennon
Deputy Chief Bailiff	Ken Welsh
Listings Director	Kate Bannerman
Criminal List Manager	Tracy Dutton
Assistant Criminal List Manager	Stephen Goldsworthy (to 29 November 2002) Amy Critchley (from 2 December 2002)
Civil List Manager	Danny Coppolecchia
Applications and Appeals List Manager	Pat Gould
Planning and Environment and Childrens Court List Manager	Jo Stonebridge
Circuits List Manager	Rachel Penny (part-time)
Judges' Secretariat	Bev Morgan Laura Murase Nancye Gibson Annette Cameron (from 24 February 2003)

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



Jan Daniels, Maryanne Nottingham, Her Honour Chief Judge PM Wolfe, Holly Blattman



*Jenny Turner, Lynette Forrest, Katrina Davis, Joan Barr
Madonna Flynn, David Groth, Cameron Woods*

Specialist Courts

The judges who sat in the Planning and Environment Court and Childrens Court during 2002-2003 are listed below:

Planning and Environment Court

Chief Judge Wolfe
Senior Judge Skoien
Judge Quirk
Judge Dodds
Judge McLauchlan QC
Judge Robin QC
Judge Newton
Judge White
Judge Nase
Judge Robertson
Judge Brabazon QC
Judge Wall QC
Judge Pack
Judge Britton SC
Judge Wilson SC

Some District Court judges are commissioned to sit as Childrens Court judges. In that capacity judges have jurisdiction to sit without a jury to try a child for any offence for which the child has been committed for trial if the child so elects (ss 49 and 72 *Juvenile Justice Act 1992*). The judges who sat in the Childrens Court during 2002-2003 are listed below:

Childrens Court

Judge O'Brien (President)
Senior Judge Trafford-Walker
Judge Healy QC
Judge White
Judge Nase
Judge Robertson
Judge Wall QC
Judge Pack
Judge Samios
Judge Britton SC
Judge Richards
Judge Bradley
Judge Shanahan
Judge Dick SC

Jurisdiction and sittings of the District Court

During the year under review there were 35 judges holding commissions under the *District Court Act 1967* and exercising extensive appellate, criminal and civil jurisdiction. The District Court is 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

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

Health Practitioners Tribunal

All District Court judges are members of this Tribunal which was established by the *Health Practitioners (Professional Standards) Act* 1999. The Health Practitioners Tribunal hears appeals from disciplinary tribunals in respect of most health professional groups, medical practitioners, chiropractors, dentists, dental technicians and prosthetists, occupational therapists, optometrists, pharmacists, physiotherapists, podiatrists, psychologists and speech pathologists.

Other Appeals

The District Court also hears appeals from other professional disciplinary bodies. The relevant professions include teachers, nurses and engineers, as well as appeals under the *Associations Incorporation Act* 1981, the *Children Services Tribunal Act* 2000, 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

Judge Hall

Judge Newton

Judge Wilson SC

The resident Judges carried out the bulk of their judicial work in Southport and each of them performed circuit work at centres throughout Queensland, including Beenleigh, Bundaberg and Kingaroy. Other judges on circuit assisted with the Southport lists.

Courthouse

The Southport courthouse has five courtrooms allocated for use by the District Court. One of the older courtrooms contains "remote witness" facilities. Generally the courtrooms are attractive and functional. They do require improved facilities for evidence to be taken from remote witnesses by telephone, as occurs not infrequently.

Caseload: Criminal Jurisdiction

Number of cases	2002-2003
At start of year	199
Presented during year	573
Disposed of during year	549
Undisposed	223

Judge Newton has responsibility for the criminal lists, and conducts callovers each 6-8 weeks. The court is busy, and there has been a reduction in the number of 'guilty' pleas and an increase in the number of trials, placing heavy demands upon the lists. Without the assistance of visiting judges the criminal jurisdiction would be unmanageable but, even as things stand, the growth in the population of the Gold Coast is likely to increase pressure. The efficient conduct of the criminal lists is also, it must be said, impeded by understaffing and lack of resources in both the local DPP and LAO offices. These problems are further expounded below.

Caseload: Civil Jurisdiction

Number of cases	2002-2003
At start of year	23
Entered for trial during year	69
Disposed of during year	69
Undisposed	23

Judge Alan Wilson SC supervises the civil lists and in the current calendar year has conducted five callovers. The number of civil matters outstanding is not large and parties ready for trial are usually able to obtain a trial date at the first callover after a Request is filed. It appears the decline in the number of civil matters going to trial has now levelled out. Any increase in the volume of civil work will create pressure for more civil sittings.

Caseload: Applications and Appeals

Number of cases	2002-2003
Appeals filed	43
Applications dealt with	492

No statistics are kept of the number of Appeals or Applications pending or outstanding at the beginning or end of the relevant period, but all applications are dealt with at weekly Application days and promptly disposed, and appeals are reviewed and supervised at both Criminal and Civil callovers.

Caseload: Planning and Environment Jurisdiction

Number of cases	2002-2003
At start of year	30
Entered for trial during year	39
Disposed of during year	45
Undisposed	24

Judge Newton and Judge Alan Wilson SC hold commissions in the Planning and Environment Court. The work of this court is important to the Gold Coast which is now the sixth largest city in Australia, and the second fastest in terms of growth. Long trials in the jurisdiction (up to eight weeks) impose pressure upon the court in meeting the demands of the jurisdiction and its heavy criminal caseload (as well as civil caseload).

Local Profession

There are currently about 20 members of the Southport Bar. As signified earlier, however, particular problems have arisen in the criminal jurisdiction as a consequence of difficulties in the local office of the Director of Public Prosecutions. Senior staff continue to leave that office and almost inevitably their replacements struggle under a want of experience. The criminal lists are very busy and, while it is clear the local DPP does its best to manage its heavy workload there are recurring problems with trials being adjourned for a variety of reasons – a failure to confirm the availability of witnesses before matters are set down at criminal callovers; prosecutors apparently struggling with the problems created by the late allocation of matters for trial; and, “briefing out” matters to the private Bar at times which appear to be too late.

Problems also appear to arise because of the absence, in courts away from Southport, of senior staff with power to make decisions. None of these remarks are intended, or should be taken, as any criticism of the present staff of the Southport DPP who, to the Judges’ observation, are hampered by an insufficiency of staff, and resources, at all levels.

Technology and Resources

Some of the newer section of the building has been plagued with air-conditioning breakdowns. None of the windows in that section can be opened and in sunny weather the Judges' Chambers become, effectively, uninhabitable. Major works were undertaken last summer which, it will be hoped, will ameliorate the problem.

The Southport Judges have willingly embraced Information Technology but have been limited in their ability to use it for the benefit of the local profession and citizens by recurring problems with access to software in Brisbane (via Citrix) which is very unreliable. They have also been very keen to embrace and implement CIMS and CRS but notwithstanding those systems have now been rolled out to Cairns, Townsville and Rockhampton, CRS has not yet been introduced at Southport although CIMS was introduced at the time of reporting. Judge Wilson's efforts to implement e-Chambers and e-Courts at Southport have been frustrated by the absence of technology which is available to the District Court in Brisbane, Cairns, Rockhampton and Townsville. In early April 2003 the Higher Courts IT Steering Committee resolved to introduce this at Southport and Maroochydore but at the date of writing this report that has not occurred.

Registry

Despite the size and population of the area within the jurisdiction of the Southport District Court the court has no Registry staff of its own. Members of the local Magistrates Court staff are simply transferred to District Court duties. As every report in recent years has mentioned:

- a) The District Court Registry was fused with the Magistrates Court Registry some years ago. The Judges were told the change would be for a trial period only, and would not become permanent without further consultation with them. That did not occur.
- b) The Judges continue to hold the view that a separate District Court Registry is vital to the proper functioning of the court, which will never operate to its full efficiency until that occurs.
- c) There is abundant empty space in the Southport courthouse for a separate District Court Registry.
- d) Within the past 18 months several Departmental officers have visited to discuss a separate Registry with the Judges, and this point has been pressed with them.
- e) It has never been suggested to the Judges, by any member of the Department, that their views are erroneous or wrong. Nor has any reason been advanced why a separate Registry could not, or will not be established. This exacerbates the Judges' disappointment, and concerns about this continuing, serious defect in the conduct of Southport District Court.

Other Matters

Applications days, traditionally held on Fridays, were changed (after consultation with the local profession) to Mondays, and the change has worked beneficially.

Maroochydore

Judiciary

Judge Dodds

Judge Robertson

At the present time there are two Judges who are located in the courthouse at Maroochydore, Judge Dodds and Judge Robertson. These Judges deal with the bulk of the criminal, civil, and planning and environment court work at Maroochydore. Judge Robertson also deals with Childrens Court work. Both Judges also deal with the bulk of the work at the circuit centres of Gympie and Kingaroy. On occasions they circuit to other areas.

The amount of work at Maroochydore is such that Brisbane Judges are required to assist with the work. For instance during the 2003 calendar year other Judges will have provided about 15 additional Judge weeks.

Courthouse

The District Court at Maroochydore is located on the top of the court building. There are three courtrooms and three Judge's chambers. One of the courtrooms is fitted with audio-visual equipment so that special witnesses such as young children may give evidence from a secure room remote from the courtroom. The secure room is also located on the top floor of the building. Two of the three courtrooms are suited to jury trials with direct access from the courtroom to jury room. The other involves jury movement from court to jury room using public corridors or secure corridors provided for the Judges. Because of constraints in the building design this cannot be easily altered. There is also a reasonably large and secure area for jury assembly on the top floor together with a modest library. No conference room or common room for the Judges is provided in the building.

Caseload

The District Court at Maroochydore is a very busy court. It undertakes a significant work load:

Caseload: Criminal Jurisdiction

Number of cases	2002-2003
At start of year	50
Presented during year	477
Disposed of during year	502
Undisposed	18

Caseload: Civil Jurisdiction

Number of cases	2002-2003
At start of year	25
Entered for trial during year	59
Disposed of during year	62
Undisposed	22

Caseload: Applications and Appeals

Number of cases	2002-2003
Appeals filed	17
Applications dealt with	179

Caseload: Planning and Environment Jurisdiction

Number of cases	2002-2003
At start of year	36
Entered for trial during year	24
Disposed of during year	36
Undisclosed	24

Local Profession

There is an active local bar at Maroochydore. At the present time there are seven barristers who appear regularly in the District Court. There are at least three other barristers with chambers on the Sunshine Coast who are rarely, if ever, seen at court.

The Director of Public Prosecutions maintains an office at Maroochydore. At the time of writing the staff of this office are responsible for prosecutions in other centres as well as Maroochydore, namely Gympie, Maryborough, Bundaberg and on some occasions Kingaroy. To do all this work there is one senior crown prosecutor, two crown prosecutors and four legal assistants and other support staff. They discharge a heavy work load as efficiently as their resources allow. A position of legal practice manager has been unfilled in the Maroochydore office for about two years.

Townsville**Judiciary**

Judge Wall QC

Judge Pack

Judge Wall QC was on circuit for 12 weeks and sat in Southport, Gladstone, Rockhampton, Brisbane, Charters Towers/Hughenden and Bowen. Judge Pack was on circuit for 11 weeks and sat in Beenleigh, Southport, Brisbane, Mackay, Charters Towers/Hughenden and Bowen. In addition, we received assistance for 15 weeks from Brisbane Judges.

Courthouse

There are five courtrooms. Amplification remains an issue. Closed Circuit Television facilities are yet to be installed.

Caseload

Callovers are held approximately every four months. Trial reviews are held a week or two before the sittings.

Caseload: Criminal Jurisdiction

Number of cases	2002-2003
At start of year	211
Presented during year	596
Disposed of during year	589
Undisposed	145

Caseload: Civil Jurisdiction

Number of cases	2002-2003
At start of year	3
Entered for trial during year	22
Disposed of during year	17
Undisposed	8

Caseload: Applications and Appeals

Number of cases	2002-2003
Appeals filed	17
Applications dealt with	209

Caseload: Planning and Environment Jurisdiction

Number of cases	2002-2003
At start of year	23
Entered for trial during year	6
Disposed of during year	7
Undisposed	22

The Local Profession

Approximately 30 members of the local bar. Difficulty of inexperience arises from staffing numbers in the local Office of DPP.

Technology

Within chambers, Judges are still using an outdated, temperamental photocopier despite repeated requests for updated equipment.

Cairns**Judiciary**

Judge White
Judge Bradley

Judge White and Judge Bradley are the resident District Court Judges in Cairns which centre is also served by the Far Northern Judge (Supreme Court) and five Magistrates. Both judges hold commissions as Childrens Court Judges and Judge White is a Judge of the Planning and Environment Court. Whilst the bulk of the judicial work is carried out in Cairns and the Cairns region, including Innisfail and Cape York, both of the Cairns Judges carry out circuit work outside the region for a few weeks each year and during the 2002/2003 year visiting Judges

from Brisbane sat for 12 Judge weeks in the region, including the Cape and Thursday Island/Bamaga circuits.

The Cairns Judges continue to sit in Innisfail for a total of six weeks each year to deal with both criminal and civil matters arising from the Innisfail District.

In 2002/2003 Judges dealt with sentences in the Cooktown, Lockhart River, Weipa, Aurukun, Pormpuraaw, Bamaga and Kowanyama communities on Cape York Peninsula and on Thursday Island in the Torres Strait. The members of those communities and, in particular, the members of the Community Justice Groups in those communities welcome the District Court and on most occasions Judges are able to take the opportunity to meet with influential community members during those visits. Holding court in indigenous communities means that it is much more practicable for the Community Justice Groups to have input into the sentencing process as envisaged by recent amendments to the *Penalties and Sentences Act* and the *Juvenile Justice Act*.

The regular two monthly meeting of agencies and personnel involved in Youth Justice issues under the auspices of the Cairns Youth Services Group which is hosted by Judge Bradley continues to have a positive impact on the juvenile justice system in Cairns and in the wider Far North Queensland region.

Caseload

The volume of both criminal and civil cases coming before the court declined this year compared with 2001/2002 with 548 criminal cases being disposed of and 22 civil matters being finalised. In addition some 31 appeals were disposed of during the year and 317 applications dealt with. In the Planning and Environment Court 15 matters were finalised.

It would appear that there are a number of reasons for the decline in the number of criminal matters coming before the District Court in Cairns including an effort by the local Office of the Director of Public Prosecutions to have less serious matters finalised in the Magistrate Court and a readiness of the Queensland Police Service and the local legal profession to have matters diverted from the formal criminal justice system. However, whilst Youth Justice conferencing is being well used in Cairns, Justice Mediation for adults through the Dispute Resolution Centre is no longer available at the time of reporting.

Caseload: Criminal Jurisdiction

Number of cases	2002-2003
At start of year	106
Presented during year	630
Disposed of during year	548
Undisposed	188

Callovers are held whenever there is a need, usually four weeks prior to the sittings.

Caseload: Civil Jurisdiction

Number of cases	2002-2003
At start of year	6
Entered for trial during year	24
Disposed of during year	22
Undisposed	8

Sufficient sittings are held in civil jurisdiction.

Caseload: Applications and Appeals

Number of cases	2002-2003
Appeals filed	31
Applications dealt with	317

Caseload: Planning and Environment Jurisdiction

Number of cases	2002-2003
At start of year	18
Entered for trial during year	2
Disposed of during year	15
Undisposed	5

The Local Profession

Approximately 23 members of the local bar.

Technology and Resources

The District Court is very adequately housed in the Cairns Courthouse and has the use of four separate courtrooms. The special witness video link equipment needs upgrading. There is a voice enhancer and the court is able to share the use of a video visualiser with the Supreme Court. However, voice enhancers for each court and a second visualiser are urgently needed.

Registry

The Higher Court Registry in Cairns serves both the District and Supreme Court and the Judges would like to record their acknowledgement and thanks to the Registrar, Mr. John Bingham, and his staff for their industry and assistance.

Rockhampton**Judiciary**

Judge Britton SC

The resident Judge in Rockhampton, Judge GT Britton SC, also holds commissions in the Planning and Environment Court and the Childrens Court of Queensland. He conducted circuits in Emerald, Bowen, Toowoomba and Mackay as well sitting in Brisbane.

Courthouse

The Rockhampton courthouse constructed in 1998 has five courtrooms, three of which are regularly used by the Supreme and District Courts for both criminal and civil work. There are frequent occasions when all three courtrooms are being used at the same time. One of these rooms is set up so as to be capable of receiving evidence by closed circuit television from the remote witness room. All courtrooms are equipped with voice enhancement technology.

Caseload: Criminal Jurisdiction

Number of cases	2002-2003
At start of year	83
Presented during year	273
Disposed of during year	175
Undisposed	181

Caseload: Civil Jurisdiction

Number of cases	2002-2003
At start of year	3
Entered for trial during year	5
Disposed of during year	6
Undisposed	2

Caseload: Applications and Appeals

Number of cases	2002-2003
Appeals filed	1
Applications dealt with	149

Caseload: Planning and Environment Jurisdiction

Number of cases	2002-2003
At start of year	2
Entered for trial during year	7
Disposed of during year	2
Undisposed	7

Local Profession

There are currently nine members of the private Bar resident in Rockhampton.

There have, from time to time, been some apparent difficulties with staffing levels in the Rockhampton office of the Director of Public Prosecutions but the effect on the work of the court of these seems to have been minimised by briefing out to the private Bar as well as by the use of staff from other areas.

Technology

The current level of technology available in the Rockhampton courthouse seems to be reasonably adequate for present requirements.

Beenleigh

Judiciary

Judge Nase

The Beenleigh District was created in 1997/1998 with Judge O'Brien appointed the first resident judge. Judge Nase is currently the resident judges. From time to time other judges sit at Beenleigh.

The Beenleigh District includes the heavily populated southern suburbs of Brisbane as well as rural and semi rural areas. The practical effect of creating the new District was to divert a little under 20% of the criminal work generated in Brisbane to the Beenleigh District.

Caseload: Criminal Jurisdiction

Number of cases	2002-2003
At start of year	228
Presented during year	580
Disposed of during year	574
Undisposed	216

Caseload: Civil Jurisdiction

Number of cases	2002-2003
At start of year	6
Entered for trial during year	10
Disposed of during year	14
Undisposed	2

Caseload: Applications and Appeals

Number of cases	2002-2003
Appeals filed	7
Applications dealt with	N/A

Caseload: Planning and Environment Jurisdiction

Number of cases	2002-2003
At start of year	
Entered for trial during year	
Disposed of during year	
Undisposed	

In addition, as Judge Nase is commissioned as a Judge of the Planning and Environment Court, and the Childrens Court of Queensland, Planning and Environment Court and Childrens Court matters are dealt with at Beenleigh.

The Courthouse

The District Court was grafted onto an existing Magistrates Court complex. Unfortunately only one purpose built courtroom was constructed with provision for jury trial. There is an urgent need for a second courtroom and dedicated judges chambers. The provision of a second courtroom would promote efficiencies in the administration of the court's workload.

The existing courtroom has a video link facility to allow children and other vulnerable witnesses to give evidence from a secure room. There are unfortunately a number of design problems with the courtroom which have been described in past reports.

Other Issues

One problem this year is that the Senior Crown Prosecutor at Beenleigh was required to be absent from his acting appointment to Beenleigh for substantial periods of time. The court is indebted to the very considerable efforts by the second Crown Prosecutor, Mr McCarthy, to carry the entire workload on his shoulders. Despite Mr McCarthy's dedication and willingness to work long hours, the efficiency of the court has suffered the Senior Crown Prosecutor's absences on other duties. One consequence is that in the last six months of the year under report only 13 matters out of 38 listed for trial actually proceeded to trial. During this time the court sat for 19 weeks. The court would be greatly assisted if the DPP maintained 2 prosecutors working full time on trial matters in Beenleigh.

Ipswich

Judiciary

Judge Richards

Caseload: Criminal Jurisdiction

Number of cases	2002-2003
At start of year	52
Presented during year	536
Disposed of during year	481
Undisposed	107

Callovers are held before every sittings. This equates to at least one every six weeks. A number of matters are resolved early due to early communication.

Caseload: Civil Jurisdiction

Number of cases	2002-2003
At start of year	4
Entered for trial during year	3
Disposed of during year	5
Undisposed	2

There are sufficient sittings held in the civil jurisdiction.

Caseload: Applications and Appeals

Number of cases	2002-2003
Appeals filed	14
Applications dealt with	55

Caseload: Planning and Environment Jurisdiction

Number of cases	2002-2003
At start of year	1
Entered for trial during year	0
Disposed of during year	0
Undisposed	1

Local Profession

There are three members of the local bar. There are only two prosecutors in Ipswich and senior prosecutor has to run both the Ipswich and Toowoomba office. This leaves very junior prosecution presenting the whole sittings.

Technology

There is no visualiser for the Judge which is needed.

Circuit Centres

A list of the 34 centres (excluding those with a resident judge) to which the court travelled on circuit during 2002-2003 appears below:

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

Remote Circuits

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

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

The circuits performed in 2002/2003 were:

- 29 July-2 August 2002 - the Gulf circuit at Mornington Island, Doomadgee and Normanton.
- 26-30 August 2002 - Lockhart River and Cooktown.
- 7-11 October 2002 - Thursday Island and Bamaga.
- 21-25 October 2002 - the Cape circuit at Weipa, Aurukun, Pormpuraaw and Kowanyama.
- 28 October-1 November 2002 - the Gulf circuit at Mornington Island, Doomadgee and Normanton.
- 10-14 March 2003 - Thursday Island and Bamaga.
- 24-28 March 2003 - the Cape circuit at Weipa, Aurukun, Pormpuraaw and Kowanyama.
- 28 April-2 May 2003 - the Gulf circuit at Mornington Island, Doomadgee and Normanton.
- 9-13 June 2003 - Thursday Island and Bamaga.

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

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*).

Most indictments are presented at the callovers. Either at the callover or at later mentions, the judge allocates a date for trial or sentence. 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 Southport and some other centres the court conducts a "running list". In this way the court in these centres deals with its criminal workload having regard to the effect on the list of "late" pleas and *nolle prosequis*.

In Brisbane the Criminal Listing Taskforce has responsibility for managing the criminal list. 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 were between 6 and 9 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.

Disposition of Criminal Matters

Table 1: Age of cases disposed of – criminal jurisdiction – major centres 2002-2003

Percentage disposed of						
Time for disposition	Brisbane	Townsville	Cairns	Rockhampton	Southport	Ipswich
<3 months	52.7%	45.2%	64.2%	58.3%	49.4%	81.0%
3-6 months	24.2%	36.0%	18.6%	10.9%	22.2%	13.4%
TOTAL <6 months	76.9%	81.2%	82.8%	69.1%	71.6%	94.4%
6-9 months	10.7%	4.9%	9.1%	7.4%	10.2%	4.1%
9-12 months	4.8%	4.4%	3.8%	5.7%	7.7%	0.4%
>12 months	7.7%	9.5%	4.2%	17.7%	10.6%	1.1%
TOTAL	100%	100%	100%	100%	100%	100%

Percentage disposed of						
Time for disposition	Maroochydore	Beenleigh	Toowoomba	Mackay	Maryborough	Bundaberg
<3 months	76.7%	49.3%	88.3%	47.7%	60.8%	65.4%
3-6 months	14.7%	18.8%	9.9%	31.5%	22.4%	24.3%
TOTAL <6 months	91.4%	68.1%	98.1%	79.2%	83.2%	89.7%
6-9 months	2.6%	14.5%	1.9%	6.6%	12.1%	5.9%
9-12 months	2.0%	7.0%	0.0%	1.0%	3.5%	2.2%
>12 months	4.0%	10.5%	0.0%	13.2%	1.2%	2.2%
TOTAL	100%	100%	100%	100%	100%	100%

Table 2: Annual case load – criminal jurisdiction, Brisbane

Number of cases	2000-2001	2001-2002	2002-2003
At start of year	915	844	766*
Presented during year	3368	2,983	2,826
Disposed of during year	3425	3,027	2,713
Undisposed	844	795	836

Table 3: Annual case load – criminal jurisdiction, Townsville

Number of cases	2000-2001	2001-2002	2002-2003
At start of year	223	209	211*
Presented during year	459	485	596
Disposed of during year	459	582	589
Undisposed	209	108	145

Table 4: Annual case load – criminal jurisdiction, Cairns

Number of cases	2000-2001	2001-2002	2002-2003
At start of year	299	285	106*
Presented during year	880	847	630
Disposed of during year	885	867	548
Undisposed	285	261	188

Table 5: Annual case load – criminal jurisdiction, Rockhampton

Number of cases	2000-2001	2001-2002	2002-2003
At start of year	104	114	80*
Presented during year	261	176	277
Disposed of during year	245	217	175
Undisposed	114	78	175

* Tables 2-5 above: The difference between the "Undisposed of at end of year" figure for 2001-2002 and the "At start of year" figure for 2002-2003 results from the courts adopting a new, and more rigorous, methodology.

Table 6: Annual case load – criminal jurisdiction, Southport

Number of cases	2000-2001	2001-2002	2002-2003
At start of year	190	195	199
Presented during year	702	639	573
Disposed of during year	670	614	549
Undisposed	195	199	223

Table 7: Annual case load – criminal jurisdiction, Maroochydore

Number of cases	2000-2001	2001-2002	2002-2003
At start of year	62	46	50
Presented during year	467	387	477
Disposed of during year	479	363	502
Undisposed	46	50	18

Table 8: Annual case load – criminal jurisdiction, Ipswich

Number of cases	2000-2001	2001-2002	2002-2003
At start of year	168	99	52
Presented during year	435	503	572
Disposed of during year	503	549	531
Undisposed	99	52	40

Table 9: Annual case load – criminal jurisdiction, Beenleigh

Number of cases	2000-2001	2001-2002	2002-2003
At start of year	192	209	228
Presented during year	558	613	580
Disposed of during year	521	561	574
Undisposed	212	228	216

Table 10: Annual case load – criminal jurisdiction, Toowoomba

Number of cases	2000-2001	2001-2002	2002-2003
At start of year	24	13	3
Presented during year	181	155	179
Disposed of during year	193	170	162
Undisposed	13	3	14

Table 11: Annual case load – criminal jurisdiction, Maryborough

Number of cases	2000-2001	2001-2002	2002-2003
At start of year	93	108	100
Presented during year	110	329	294
Disposed of during year	93	326	339
Undisposed	108	100	64

Table 12: Annual case load – criminal jurisdiction, Mackay

Number of cases	2000-2001	2001-2002	2002-2003
At start of year	38	20	31
Presented during year	40	162	168
Disposed of during year	58	149	173
Undisposed	20	31	26

Table 13: Annual case load – criminal jurisdiction, Bundaberg

Number of cases	2000-2001	2001-2002	2002-2003
At start of year	N/A	38	5
Presented during year	N/A	148	134
Disposed of during year	N/A	174	136
Undisposed	N/A	5	5

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 are instituted by the filing of a claim or originating application. The number of claims has increased slightly since 2000/2001 but more noticeably since 1999/2000. Unless otherwise resolved, actions proceeded to trial. There continued to be a significant rate of settlement of actions after the allocation of trial dates.

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

Table 14: Originating proceedings

Types of documents	2000-2001	2001-2002	2002-2003
Claims	4,169	4,322	2,729
Originating applications	544	627	790
Total	4,713	4,949	3,519

Disposition of civil cases

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

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

Table 15: Annual case load – civil jurisdiction, Brisbane

Number of cases	2000-2001	2001-2002	2002-2003
At start of year	136	101	114
Entered for trial during year	408	375	352
Disposed of during year	443	362	394
Undisposed at end of year	101	114	72

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

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

Number of cases	Townsville			Cairns			Rockhampton		
	00-01	01-02	02-03	00-01	01-02	02-03	00-01	01-02	02-03
At start of year	9	4	3	16	8	6	10	6	3
Entered for trial during year	22	17	22	31	15	24	18	9	5
Disposed of during year	27	18	17	39	17	22	22	12	6
Undisposed at end of year	4	3	8	8	6	8	6	3	2

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

Number of cases	Southport			Ipswich			Maroochydore		
	00-01	01-02	02-03	00-01	01-02	02-03	00-01	01-02	02-03
At start of year	43	42	23	2	2	4	30	29	25
Entered for trial during year	90	80	69	4	4	3	77	83	59
Disposed of during year	91	99	69	4	2	5	78	87	62
Undisposed at end of year	42	23	23	2	4	2	29	25	22

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

Number of cases	Toowoomba			Beenleigh			Maryborough		
	00-01	01-02	02-03	00-01	01-02	02-03	00-01	01-02	02-03
At start of year	1	8	7	2	4	6	9	14	2
Entered for trial during year	33	13	8	16	11	10	12	27	18
Disposed of during year	26	14	11	13	10	14	7	39	8
Undisposed at end of year	8	7	4	5	5	2	14	2	12

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

Number of cases	Mackay			Bundaberg		
	00-01	01-02	02-03	00-01	01-02	02-03
At start of year	13	7	4	N/A	1	2
Entered for trial during year	11	24	15	N/A	10	5
Disposed of during year	17	27	13	N/A	9	6
Undisposed at end of year	7	4	6	N/A	2	1

In Brisbane, 99.7% of civil matters were finalised within 9 months from entry of trial. The 9 month disposition rate for other major centres ranged from 94.1% (Townsville), 95.5% (Cairns), 100% (Rockhampton), 88.4% (Southport), to 93.6% (Maroochydore). In Brisbane, where the greater number of civil matters are dealt with, 95.6% of civil matters were finalised within 6 months. Table 16 shows the age of cases finalised in Brisbane and major centres.

Table 16: Percentage disposition of civil cases within 12 months of entry for trial, major centres 2002-2003

Percentage disposed of						
Time for disposition	Brisbane	Townsville	Cairns	Rockhampton	Southport	Ipswich
<3 months	53.0%	52.9%	59.1%	50.0%	27.5%	0.0%
3-6 months	42.6%	35.3%	27.3%	16.7%	49.3%	40.0%
6-9 months	4.1%	5.9%	9.1%	33.3%	11.6%	20.0%
9-12 months	0.3%	5.9%	4.5%	0.0%	5.8%	20.0%
>12 months	0.0%	0.0%	0.0%	0.0%	5.8%	20.0%
TOTAL	100%	100%	100%	100%	100%	100%

Percentage disposed of						
Time for disposition	Maroochydore	Beenleigh	Toowoomba	Mackay	Maryborough	Bundaberg
<3 months	59.8%	41.0%	27.3%	76.5%	75.0%	50.0%
3-6 months	29.0%	50.5%	0.0%	17.6%	25.0%	25.0%
6-9 months	4.8%	6.3%	0.0%	5.9%	0.0%	0.0%
9-12 months	4.8%	0.5%	54.5%	0.0%	0.0%	25.0%
>12 months	1.6%	1.7%	18.2%	0.0%	0.0%	0.0%
TOTAL	100%	100%	100%	100%	100%	100%

In the major centres an average of 96.1% of matters were finalised within 12 months of entry for trial.

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

Centre	2000-2001	2001-2002	2002-2003
Brisbane	99.8%	100.0%	100.0%
Townsville	90.5%	100.0%	100.0%
Cairns	88.5%	100.0%	100.0%
Rockhampton	100.0%	100.0%	100.0%
Southport	91.5%	98.0%	94.2%
Ipswich	100.0%	100.0%	80.0%
Maroochydore	100.0%	97.7%	98.4%
Toowoomba	100.0%	92.9%	81.8%
Beenleigh	98.2%	98.3%	98.4%
Mackay	N/A	100.0%	100.0%
Maryborough	N/A	64.1%	100.0%
Bundaberg	N/A	55.5%	100.0%

Appellate Jurisdiction

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

The number of appeals in major centres is shown in Table 18. Many of the appeals involve complex issues of law. Accordingly, most civil appeals are now set down on the civil callover list to be allocated a date for hearing.

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

Table 18: Appeals heard 2002-2003

Centre	2000-2001	2001-2002	2002-2003
Brisbane	187*	127*	105
Cairns	34	47	31
Townsville	17	11	17
Rockhampton	3	9	1
Maroochydore	18	21	17
Southport	35	43	43
Beenleigh	N/A	8	7
Ipswich	N/A	20	14
Maryborough	3	10	8
Toowoomba	8	6	5
Mackay	N/A	6	3
Bundaberg	N/A	0	9
Other	20	N/A	N/A
TOTAL	436*	265*	261

** Includes Hervey Bay

* adjusted figures

Applications Court

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

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

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

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

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

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

Centre	2000-2001	2001-2002	2002-2003
Brisbane	1,523	1,488	1,421
Cairns	273	377	317
Townsville	177	204	209
Rockhampton	141	137	149
Maroochydore	251	277	179
Southport	362	412	492
Ipswich	55	45	55
Maryborough	79	92	79
Toowoomba	47	46	27
Mackay	71	68	46
Bundaberg	28	52	28
Gladstone	24	22	15
Gympie	5	6	10
Mt Isa	4	8	11
Dalby	1	4	6
Other	33	20	N/A
TOTAL	3,074	3,258	2,895

** Includes Hervey Bay

Decision on the Papers

Under Rules 487-498 of the Uniform Civil Procedure Rules an application may be made to the court for a decision on the papers without oral hearing. The effect of these Rules is that a party may file an application and supporting material in the registry, serve the material on the other party and not be required to make oral submissions to the court for the making of an order. The main benefit of this process is that a party may make an application to a judge without the necessity for a barrister, solicitor or a party in person having to attend before the judge. This in turn results in a cost saving to a client which is not available in an oral hearing.

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

On 50 of the applications an order was made as per the draft order submitted by the party or a similar order, ordered by the judge.

Table 20: Decisions on papers

Outcome	2000-2001	2001-2002	2002-2003
Applications filed	58	69	66
Orders made on paper	32	41	50
Oral hearings required	3	1	4

The Planning and Environment Court

The Planning and Environment Court is presently constituted under the *Integrated Planning Act 1997*, having been constituted previously under the *Local Government (Planning and Environment) Act 1990*. A predecessor court, the Local Government Court was established in 1968, when the two Judges who held commissions were District Court Judges in Brisbane. Now, just under half of the District Court Judges hold commissions in the Planning and Environment Court, a majority of them resident in centres outside Brisbane. But for Ipswich, each regional centre with a resident District Court Judge has at least one Judge able to sit as the Planning and Environment Court.

The court holds sittings in other centres where District Court circuits are gazetted, such as Toowoomba and Bundaberg. To meet the interests and wishes of litigants and concerned local residents (who may wish to attend particular hearings) in suitable cases, where resources permit, sittings have been arranged in centres not ordinarily served by the District Court, such as Hervey Bay and the Bunya Mountains.

For the most part, Judges of the Planning and Environment Court are engaged in the ordinary criminal and civil jurisdiction of the District Court for the bulk of their judicial work. However, in Brisbane a judge acts as the Chief Judge's delegate in being responsible for the day to day management of the court's business. In this an efficient but tactful approach is called for with the increasing trend towards self representation by individuals and action groups.

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

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

The Planning and Environment Court has been something of a trail blazer in Queensland in modernizing procedures. It has the advantage of expertise developed by specialist Judges, legal practitioners and consultants who frequently give expert evidence. The court's guidelines for expert witnesses, which clarify their function as being to assist the court rather than the parties engaging them, and contain provision (often reflected in court orders) for experts in a particular field to confer with a view to limiting points of difference and explaining concisely for the court those that remain and the reasons for them, are yet to be reflected in general rules governing proceedings in other Queensland courts. The Planning and Environment Court has other functions such as determining appeals in disciplinary matters involving private building certifiers under the *Building Act 1975*.

The Judges are active in keeping up to date with, indeed, being part of changes in planning and environmental law. Their annual conference held in the week before Easter and immediately preceding the annual conference of the District Court Judges provides a valuable opportunity for mutual consultation with departmental officers focusing on improvement of the legislation. There are useful exchanges of views with leading practitioners and teaching lawyers in the field. The important purpose of broadening the Judges' perspectives is promoted by their attending conferences and symposiums which may be held outside the State, for example, the Australasian Conference of Planning and Environment Courts and Tribunals. The next conference is to be held at Hobart and a Queensland Judge is to present a paper dealing with the courts experience with ecologically sustainable development. Particular reference is to be made to the Kingfisher Bay resort which was the subject of a lengthy appeal before the court and has proved to be a world recognized success in balancing the demands of tourism and those of the environment.

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

Table 21: Annual case load, Planning and Environment Court, all centres*

Number of cases	2000-2001	2001-2002	2002-2003
At start of year	94	92	182
New Cases - Total	436	438	490
Disposed - Total	438	348	401
Undisposed	92	182	271

*Includes: Brisbane, Townsville, Cairns, Rockhampton, Southport, Maroochydore

Table 22: Annual case load, Planning and Environment Court, Brisbane

Number of cases	2000-2001	2001-2002	2002-2003
At start of year	50	21	73
New Cases - Total	332	324	412
Disposed - Total	361	272	296
Undisposed	21	73	189

Table 23: Annual case load, Planning and Environment Court, Townsville

Number of cases	2000-2001	2001-2002	2002-2003
At start of year	8	20	23
New Cases - Total	21	14	6
Disposed - Total	9	12	7
Undisposed	20	23	22

Table 24: Annual case load, Planning and Environment Court, Cairns

Number of cases	2000-2001	2001-2002	2002-2003
At start of year	20	19	18
New Cases - Total	13	26	2
Disposed - Total	14	27	15
Undisposed	19	18	5

Table 25: Annual case load, Planning and Environment Court, Rockhampton

Number of cases	2000-2001	2001-2002	2002-2003
At start of year	1	3	2
New Cases - Total	4	9	7
Disposed - Total	2	10	2
Undisposed	3	2	7

Table 26: Annual case load, Planning and Environment Court, Southport

Number of cases	2000-2001	2001-2002	2002-2003
At start of year	10	19	30
New Cases - Total	41	23	39
Disposed - Total	32	12	45
Undisposed	19	30	24

Table 27: Annual case load, Planning and Environment Court, Maroochydore

Number of cases	2000-2001	2001-2002	2002-2003
At start of year	5	10	36
New Cases - Total	25	42	24
Disposed - Total	20	15	36
Undisposed	10	36	24

Table 28: Percentage disposition of Planning and Environment cases within 12 months of entry, major centres 2002-2003

Percentage disposed of						
Time for disposition	Brisbane	Townsville	Cairns	Rockhampton	Southport	Maroochydore
<3 months	24.7%	28.6%	12.5%	0.0%	38.5%	24.7%
3-6 months	23.6%	42.9%	18.7%	0.0%	7.7%	23.6%
6-9 months	11.1%	28.5%	6.2%	100.0%	0.0%	11.1%
9-12 months	8.8%	0.0%	31.3%	0.0%	0.0%	8.8%
>12 months	31.8%	0.0%	31.3%	0.0%	53.8%	31.8%
TOTAL	100%	100%	100%	100%	100%	100%

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 and psychologists and speech pathologists. The Tribunal also exercises an appellant 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 from 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 members may have regard to the views of the assessors on factual issues as the member considers appropriate.

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

Between July 2002 and June 2003 a total of 26 matters, including 22 referrals, were filed for hearing before the Tribunal.

The work of the Tribunal still remains a relatively new jurisdiction and this does not represent a great increase from the total number of matters filed during the preceding 12 months. The steady increase in the number of matters coming before the Tribunal has however resulted in a significant increase in the total number of hearings conducted by the Tribunal during the year ending 30 June 2002. This has occurred largely because of the increased number of appeals heard during that time. There was again a marked increase in the number of directions hearings conducted during the year and there are again indications that the volume and complexity of work flowing to the Tribunal is likely to increase further in the future. During the year about 60% of all referrals have originated from the Medical Board, though referrals and appeals have also been heard involving psychologists, pharmacists, dentists, speech pathologists and dental technicians.

In the Annual Report for the year 2001-2002 it was noted that the Act which governs the Tribunal's operations was in need of amendment in certain areas. These matters were referred to the Attorney-General and Minister for Justice and to the Minister for Health and have now received appropriate attention.

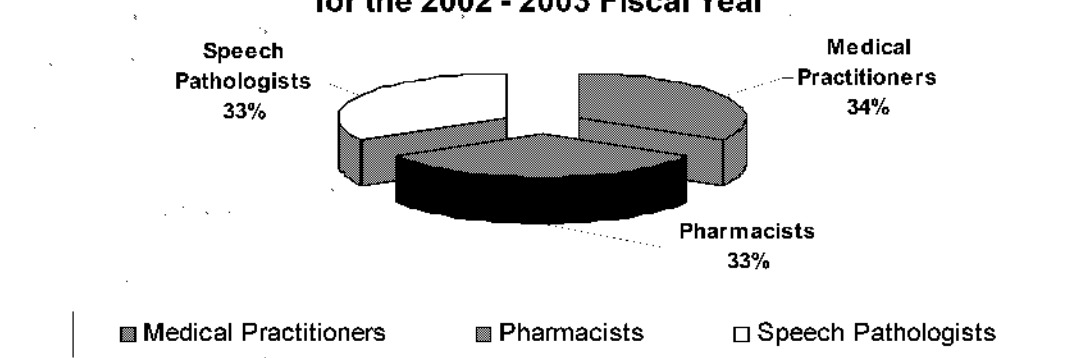
It remains a matter of ongoing concern that there is a lack of a suitable courtroom and chambers within the Law Courts Complex in Brisbane to accommodate sittings of the Tribunal. The Tribunal has been required to sit in rooms at 40 Tank Street.

Once again the Tribunal must acknowledge the invaluable assistance provided by the many assessors who have sat on the Tribunal throughout the year and by those members of the Registry staff, Mr Peter McNelley (to September 2002), Ms Robyn Wegner (from October 2002-April 2003) and Mr Michael Reeves (from May 2003), who have assisted as Tribunal Registrars.

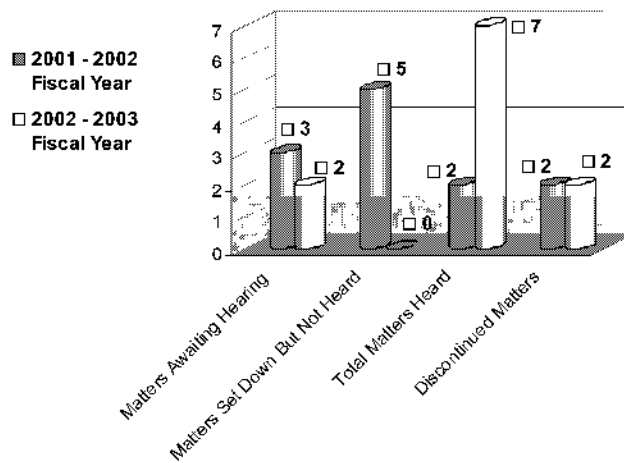
New Matters Filed

Appeals:	3
Medical Practitioners	1
Pharmacists	1
Speech Pathologists	1
Referrals:	22
Dental Board	2
Dental Technicians Board	1
Medical Board	13
Pharmacy Board	2
Psychologists Board	4
Reviews:	1
Medical Board	1
TOTAL:	26

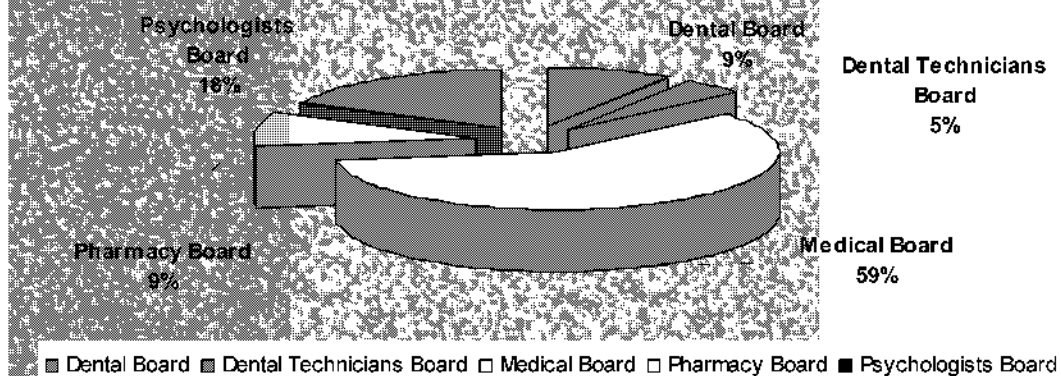
Appeal Matters Filed in the Health Practitioners Tribunal for the 2002 - 2003 Fiscal Year



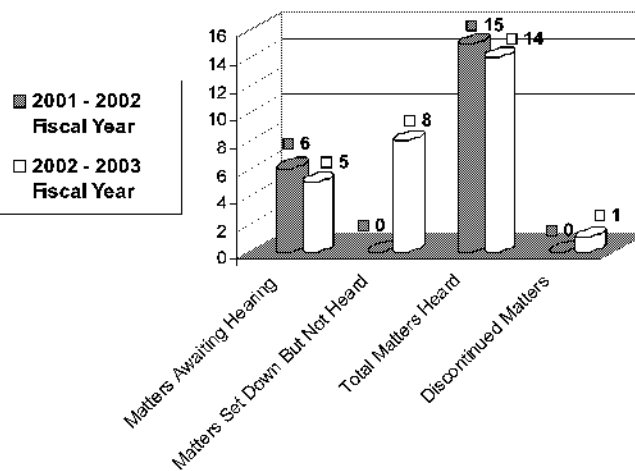
Appeal Matters in the Health Practitioners Tribunal



Referrals Filed in the Health Practitioners Tribunal for the 2002 - 2003 Fiscal Year



Referral Matters in the Health Practitioners Tribunal



Childrens Court

Early in the year under review Judge Robertson resigned as President of the Childrens Court of Queensland and Judge O'Brien was appointed as his replacement. The work of the Childrens Court continued to grow throughout the year though the most significant changes will occur in the forthcoming year as a result of the commencement of the *Juvenile Justice Amendment Act* 2002. That legislation will result in indictable offences involving children being dealt with almost exclusively in the Childrens Court. This will result in a significant increase in the volume of work coming before the court and may well require the granting of additional Childrens Court commissions to judges of the District Court.

The amending legislation also places much stronger emphasis on community conferencing as a sentencing option, with the consent of the victim being no longer a pre-condition of referral to such a conference. This is a welcome development which should result in greater utilisation of sentencing options based on restorative justice.

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

Committees

The membership of Committees at 30 June 2003 was as follows:

Aboriginal and Torres Strait Islander

Convenor: Judge Shanahan

Members: Judge Nase
Judge Forde
Judge Richards
Judge Bradley

Civil Procedure

Convenor: Judge Robin QC

Members: Judge McGill SC
Judge Wilson SC

Conferences and Judicial Education

Convenor: Judge Dodds

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

Criminal Law

Convenor: Judge Dick SC

Members: Judge Botting
Judge Robertson
Judge Richards
Judge Shanahan

Regional Judges

Convenor: Judge Robertson

Members: Judge Richards
Judge Bradley
Judge Wilson SC

Salaries and Entitlements

Convenor: Judge Botting

Members: Judge Robin QC
Judge Wilson SC

Strategic Planning and Budget

Convenor: Judge Wilson SC

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.

Following on from the committees' concerns that Community Justice Groups are provided with adequate training and resources to fulfil their statutory requirements on sentence proceedings, the Committee held various meetings with officers of the Department of Aboriginal and Torres Strait Islander Policy (DATSIP) to discuss training issues. As a result various judges volunteered to assist in training seminars for Community Justice Groups as to their role in the sentencing process.

The first such seminar was conducted in Mt Isa on 17 February 2003 for Community Justice Groups from Mt Isa, Doomadgee, Normanton and Mornington Island. Judge Forde presented a paper and provided copies of a Sentencing Manual developed by himself and his former Associate, Ms Meg Frisby. Judge Nase also attended. A video of a sentence proceeding was also presented by Judge Forde. That video was produced by Judge Forde and the actors were various staff and Associates from the District Court.

Feedback concerning that training from the Community Justice Groups and other agencies was very positive. The presence of the judges was also much appreciated.

Further training sessions in Toowoomba in May and Cairns in June were planned. Unfortunately, due to administrative difficulties neither took place. It is proposed to reschedule those sessions in the latter part of 2003. Again it is proposed that various judges participate in the sessions.

In April 2003, all District Court judges were circulated with a list of contact details for all Community Justice Groups throughout Queensland.

In January 2003, Judges Forde and Shanahan provided feedback to DATSIP on a proposed video to be used in training Community Justice Groups as to their responsibility in sentence proceedings.

Judge Bradley has prepared a draft protocol for judges dealing with Aboriginal or Torres Strait Islander communities on circuit. That protocol is still under consideration.

In March 2003, Judge Nase met with representatives of the Logan Community Justice Group.

In July 2002, Judge Dodds organised a lunch in Brisbane for indigenous law students. Ten students and two staff members from three universities attended. The students were also conducted on a tour of the courts. Judge Richards also attended.

Judge Shanahan continues as a member of the National AIJA Indigenous Cultural Awareness Committee.

Once again, as raised in previous years, there are still two specific issues of concern that have not been addressed:

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

Civil Procedure Committee Report

This Committee operates informally, responding to requests of the Chief Judge or others who may seek their assistance or views regarding matters within their remit. This occurs frequently when the Committee is invited or wishes to make submissions about proposed legislation affecting the civil side of the court's work, or about suggestions emanating from many quarters for new Practice Directions or change in practice in civil jurisdiction.

Judges Robin QC and McGill SC are members of the Chief Justice's Rule Committee which meets regularly to consider the operation of and desirable amendments to the Uniform Civil Procedure Rules and has other statutory functions of reviewing legislation important to civil litigation in Queensland, such as the *Supreme Court Act 1995*.

Judge Wilson SC is representing this Committee on a Joint Supreme Court/District Court Committee considering issues in the courts' jurisdiction in applications for 'criminal compensation' (categorised by legislation as civil jurisdiction).

The Committee undertakes educative activities, and not only within the court. Judge McGill SC, in particular, has recently been active in delivering papers to professional associations.

Conferences and Judicial Education Committee Report

This committee of the Judges oversee the activities of the judges and the court in broadening and advancing knowledge and understanding of the Judges. The court has a budget for this purpose, administered by the Chief Judge with the assistance of the committee.

Annual reports of the court in years past outline typical activities of the court and its judges in this area. This year, however, the committee focused almost exclusively on one event, the biennial conference of District and County Court Judges of Australia. This conference is held in each mainland State in turn every two years. In 2003 it was Queensland's turn to be host State.

In April 2002 the committee began work on the coming conference. In June 2002 the Council of Chief Judges reviewed and approved the committee's draft plans for a theme, topics and speakers. Thereafter committee members spent time and effort, in addition to their normal judicial work load, planning for and ensuring a successful conference.

By any measure the conference was successful. Over 110 judicial delegates attended from all mainland states. District Court Judges from New Zealand were invited and attended. The theme of the conference was "law and language" and topics and speakers focused on both current and historical communication issues – how judges use language to interrelate with jurors, litigants and witnesses and each other, how particular legal subjects have developed linguistic traits of their own and the way judges use the implements available to them – words and language.

The Chief Justice of Queensland, the Honourable Paul de Jersey AC, opened the conference describing its program as "truly inspired". Other speakers were of the highest calibre: Justice Ian Callinan AC of the High Court gave the keynote address, "*Does Literature influence the Law?*" Other Judicial speakers included Justice Bruce McPherson CBE of the Supreme Court of Queensland, Justice Peter Heerey of the Federal Court, and Judges John Robertson, Malcolm Robertson, and Margaret Sidis of the District Courts of Queensland, South Australia and New South Wales respectively.

The response from delegates and others attending the conference was overwhelmingly positive.

Criminal Law Committee Report

The purpose of this Committee is to provide advice to the chief Judge on a range of issues relevant to the criminal law.

During this year under review, the Committee has provided advice in relation to s.69A of the *Jury Act*, proposed repeal of the *Crimes (Confiscation) Act 1989* and proposed *Criminal*

Confiscation Bill 2002. The Committee also advised on the automatic expiry and reinstatement of *Penalties and Sentences Regulation 1992*.

In April 2003, the Committee advised on amendments to the *Evidence Act*. In particular, concerns were raised as to the provisions of 9C, 9F(1), 9F(2)(c), 21 *Evidence (Protection of Children) Amendment Bill 2002*. The Committee raised concerns in relation to s.597 (1AB) *Criminal Code* and s.4A *Criminal law Sexual Offences Act 1978*.

Apart from advices in relation to proposed legislative amendments, the Committee considered and advised on a revised Practice Direction in relation to the disposal of charges of a summary nature in this court pursuant to the provisions of s.651 and 652 of the *Criminal Code*.

The Committee has also consulted to the Chief Judge in relation to whether steps could be taken to increase the uptake of the video link facilities.

The Committee endeavoured to inform the Chief Judge and through her, the Judges of this court, of any court of appeal judgment which altered the law.

Administrative Support

Office of the Court Administrator

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

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



Ashley Hill (Information Technology Manager), Neil Hansen (Sheriff), David Groth (Court Administrator), Her Honour Chief Judge PM Wolfe, Ken Toogood (Principal Registrar), Cameron Woods (Deputy Court Administrator)

Achievements

As part of an increased interest in and focus on the administration of courts in regional centres, the current reporting process for managers in Brisbane was expanded to include monthly meetings of the managers of the regional registries at centres where a Judge is resident. These

meetings, held by the Court Administrator and the Principal Registrar working closely together, provide a valuable opportunity to enhance the exchange of information between regional registries and the Department. This increased focus on the administration of courts in regional centres was in part the catalyst for a review of the Townsville Registry. The review report recommended:

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

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

During the year, the Department provided:

- Maintenance funding of \$614,895 with an estimated additional \$750,000 either spent or proposed for the coming year;
- Minor Works funding of \$327,000 spent on work-place health and safety issues in the various court complexes with an estimated additional \$350,000 committed in next years' Minor Works Program;
- Funding of \$210,000 for the refurbishment (carpet, paint and lighting) of secure corridors and chambers for two floors in the older District Court building in the Law Courts Complex;
- Security funding of \$50,000 to implement a number of enhancements to the security of the Brisbane Law Courts Complex including the installation of additional secured access points throughout the complex, restricted basement access, the replacement of new magnetometers to monitor access to the courts complex and the provision of a new identity card for all court personnel;
- Funding for the provision of sound re-enforcement and CCTV upgrades to a number of court centres across Queensland at a cost of \$118,000;
- Information technology funding for:
 - new computer hardware at a cost of \$470,000 and the roll-out of new software including a new Standard Operating Environment - Windows XP - at a cost of \$140,000;
 - the installation of a new financial management system to meet the needs of the Higher Courts - the Queensland Wide Interlinked Courts (QWIC) Financial Module (Release 4) - to be rolled out across all Higher Court locations.

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

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

On 20 June 2003, in Brisbane, the Court Administrator and the Principal Registrar hosted the inaugural meeting of the Registrars and Administrators of the District and County Courts of Australia. This meeting was an initiative of the Council of Chief Judges and timed to coincide with their meeting.

Professional Development

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

Senior court managers and other court staff participated in various conferences, seminars and training courses relating to court, registry and administrative operations. Attendance at these various events provides invaluable opportunities to meet with representatives from other courts and tribunals to discuss and assess policies, procedures and other applications relevant to Queensland courts.

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

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

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

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

Essential Services

The Principal Registrar and the Registry in Brisbane

Civil Registry Operations

There are approximately 31 districts of the District Court in Queensland and for each district there is a designated registry and an appointed Registrar. The registrar is the officer of the court responsible for matters relating to court administration, focusing on the efficient delivery and management of Registry services. The principal registry is located in Brisbane and is situated on the ground floor of the Law Courts Complex, 304 George Street.

One of the functions of the registrar is to ensure the provision of 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 developmental process to establish new initiatives and to ensure that registry procedures are cost effective.

Initiatives that were introduced in the year under review included an ongoing and increased use of technology that was typified by the availability, through e-courts on the courts website (www.courts.qld.gov.au), of access to the registry's records computer system known as the Civil Information Management System (CIMS).

E-courts as well as the rollout of CIMS to other court registries in Cairns and Rockhampton brought an added dimension of electronic availability of records between the registries in these centres with Brisbane and Townsville registries to bring all centres under the one databased system. It is planned that the registries in Maroochydore and Southport will soon have access to CIMS.

A comprehensive review of the current and future technology outlook for the District Court appears under the heading "Information Technology" in this report. The plan contained in that section details projects under consideration that will see an increase in the level of electronic public access using internet based applications.

Staffing and registry roles

In Brisbane the Principal Registrar is Mr Ken Toogood who is also the Principal Registrar of the Supreme Court, Registrar of the Court of Appeal Division and of the Planning and Environment Court.

In the Brisbane civil registry there are three deputy registrars and two specialist listing managers (the Applications List Manager and Civil List Manager) who along with other administrative staff ensure client service is maintained at a high standard. The staff structure in the Brisbane registry is made up of one managing deputy registrar assigned responsibility for the day to day management of the registry and who provides regular feedback to the Principal Registrar. There are also two other deputy registrars who ensure that administrative tasks assigned by the Rules of Court are undertaken with minimum delay. A similar structure, to varying degrees and size, exists in most other district court registries.

Listing is an important role undertaken by specialist administrative officers in the registry. The Civil List Manager is responsible for daily listing of civil trials and preparation of the callover list and other duties as directed by the Chief Judge. The Applications Lists Manager is responsible for preparation and listing of all applications to court. Approximately **1421** applications were listed before the court in the period under review.



Kate Bannerman, Craig Hogan, Shane Myers, Danny Coppolecchia, Tracy Dutton

The system of electronic lodgements of applications introduced in June 2002 continues to give clients the option 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 website (www.courts.qld.gov.au/default). The other initiative implemented in 2002 was the listing of trials/hearing by email to allow a party the ability to contact the civil list manager to obtain a listing date prior to the callover date. The advantage of email contact is that the parties have a greater certainty of choice of hearing date.

In the year under review it is estimated that **12%** of matters were listed using the electronic listing method. An increased use of this method will lead to cost savings to litigants by reducing the need for legal practitioners to personally attend a callover.

The areas of responsibility assigned to and undertaken by the two remaining deputy registrar's in the Brisbane registry include the preparation and issue of judgment and orders made by the court, enforcement proceedings, case management of all appeals filed in the District Court and the management of the Health Practitioners Tribunal.

Judgments and orders are made in the normal course of proceedings; the formal proof of the terms of such judgment or order is available in a document. The document is sealed and filed in the registry and included in the court record. The preparation of judgments and orders is a service that has been offered by the registry for over 10 years. The registry has set itself a level of minimum achievement of service standards for the issue of these documents. In the year under review **1242** judgments and orders issued from the registry. **85%** of these were prepared within a period of three days of the making of the judgment or order. The remaining judgments and orders were available within a period ranging from **3 to 5 days**. It is expected that a similar level of service will be maintained in the future.

A successful party may enforce compliance of a judgment or order. The management and issue of enforcement proceedings is another important role undertaken by the Deputy Registrar. The role requires regular contact and liaison with the enforcement officer to ensure immediate and appropriate action is taken. **114** enforcement warrants were issued with **44** enforcement hearings being conducted by a deputy registrar.

The district court is the appellate court for decisions from the Magistrates Court and other regulatory bodies.

Practice direction 5 of 2001 provides a convenient platform for a change of emphasis to the case management of appeals in the Brisbane registry. A key feature of the practice direction is an enhancement of the powers of the registrar to make directions and to list a registrar's reference before a Judge if a party fails to comply with the direction. Listing appeals as a reference by registrar enables the registry to achieve optimum use of both Judicial and registry resources.

Table 18 contains a break down by districts in Queensland that show appeals heard in the year under review compared with previous periods.

The registry continues to provide administrative support to the Judges assigned to the Health Practitioners Tribunal established under the *Health Practitioners (Professional Standards) Act* 1999. The Chief Judge has assigned the management of the tribunal to Judge O'Brien in

conjunction with a Deputy Registrar. Judges Forde and Richards were also assigned as Constituting Members during the year. Elsewhere in the report there is additional detail on the function and work undertaken by the Tribunal

The operation of the Tribunal has had a direct effect on Registry resources, particularly with regard to the selection of panel members to assist the Constituting Member (Judge) and the preparation of the record of Tribunal to be used at hearings and to set up the hearing process. Every matter requires a high degree of input from the Deputy Registrar who, under the Act, has been delegated the day to day functions given to the Registrar of the Tribunal. There were 3 Appeals and 22 Referral notices from boards received by the Tribunal. The tribunal heard 7 appeals and 14 Referral notices during the period under review.

Training of staff on new systems or new processes, including data entry techniques is a key factor in the level of commitment and professionalism of the staff performing assigned roles. In this way a high level of client service is maintained. The registry training is complemented by the court's web site which allows easy access to information. Using the Internet to do everyday tasks has become the way of the world. Access to information is the key to enhanced benefits to clients. What has become apparent is that registry staff are increasingly referring both practitioners and parties to information that is contained on the courts website (www.courts.qld.gov.au). This website also has copies of reasons for judgment of the Court, Practice Directions with respect to the Uniform Civil Procedure Rules and procedural information.

The Registry continually reviews work practices in both the District Court and Planning and Environment Court Registries to ensure that the best work practices are in place to keep abreast with changes and developments in the administration of courts. Plans to merge registry services with the Supreme Court registry so as to provide a single service point at the Brisbane Law Complex are well advanced and expected to eventuate in the first quarter of the 2003/04 financial year.

Ending proceedings early

Parties can end proceedings early in a number of ways and with consequential cost savings. Default Judgment, Summary Judgment, Discontinuance and Alternative Dispute Resolution processes all fit within this category. Some of the methods allow parties, with or without the intervention of the court, to end litigation if appropriate circumstance or agreement is reached between the parties.

Default Judgment is one process that requires registry input. Rules 283, 284, 285 and 286 provide a range of situations where a Registrar may enter judgment by default if a party does not file a notice of intention to defend the claim. Upon the written request from a party and upon proof of service of the claim, the Registrar enters a default judgment. The effect of entering a

default judgment is that the proceedings is ended early against a party with a consequent flow-on for case management and cost savings benefits to litigants.

Table 29: Judgment by Default

	2000-2001	2001-2002	2002-2003
Applications	477	591	530
Judgment entered	302	321	317

Figures of the number of applications to the court for summary judgment are included in the total contained in table 29 which relates to the Civil Jurisdiction section of the report.

A party may discontinue proceedings, with or without leave of the court. In the year under review **2407** notices of discontinuance were filed.

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 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.

Case appraisal is 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 rules allow parties to either file a consent order in the registry or to apply to a Judge to refer proceedings to either a case appraiser or mediator.

The 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. There are currently **132** approved mediators and 92 approved case appraisers for the District Court.

In the year under review, the District Court referred approximately **324** matters to mediation or case appraisal either by order of a Judge or consent of the parties. Also in the year, records indicate that **343** actions settled at mediation whilst **120** actions did not settle and sought trial dates. The District Court has not adopted a compulsory referral policy to ADR under the Uniform Civil Procedure Rules.

ADR has become a useful tool for the disposal of matters without the need for trial. A benefit that flows from ADR is to allow the courts better use of judicial resources to deal with complex matters that are not suitable to the ADR process.

Unrepresented Litigants

The orthodox or traditional view that is presented to the public or the court, in the mass media, is of a court, where parties in litigation appear before the court by barrister and solicitor. Litigants have a choice of appearance before a court as a litigant in person or by barrister or solicitor or by any person allowed special leave by a Judge. Litigants in person have a variety of reasons for appearing unrepresented in courts or tribunals ranging from the cost of legal services through to a matter of choice based upon a belief in a persons own abilities to succeed.

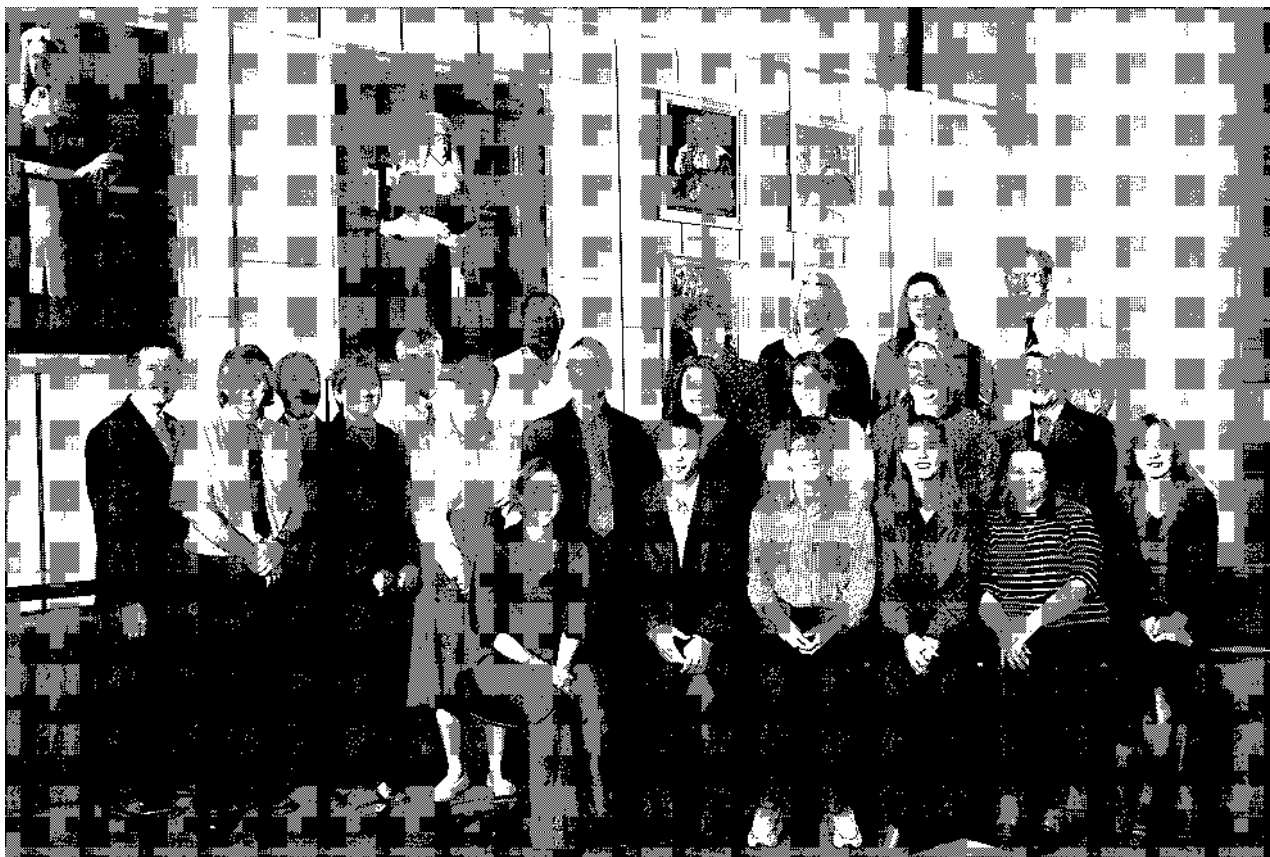
Increasingly, more people are choosing to file, prepare and argue their own cases before the court. Approximately **7.1%** of all parties involved in this year's filings were unrepresented litigants.

Even though the Uniform Civil Procedure Rules in 1999 improved access to the courts, litigants new to commencing their own proceedings still have concern. The drafting of simpler forms and wider level of accessibility has assisted self-litigants. Registry staff are subject to additional burdens as the time taken to deal with matters for self-litigants is longer. Registry staff make every endeavour to provide procedural assistance to self litigants and access to the court's website containing Rules, forms and fees has been a useful tool in this regard. In some instances self-litigants may not be aware of the resources available on the internet whilst others are regular visitors to the courts web site.

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. The distinction between legal advice and procedural advice is often difficult for the client to comprehend. The estimates of hearings and trials are also affected as Judges need to explain court procedures to these persons to provide them with a grasp of the basis of the party's case so that the rights of the parties are in balance.

The total contact time spent on self-litigants enquiries per month varies from moderate to almost 20 working hours.

The Registries of the District Court and Planning and Environment Court at Brisbane continually review and re-issue the registry Client Service Charter which sets out procedural information to enhance the level of client service provided. The service charter includes such information as registry hours, payment of fees and a complaints process.



Staff of the District Court

Decision on Papers

The Uniform Civil Procedure Rules allow for an application to be made to the court for a decision on the papers without oral hearing. The table below sets out the number of applications filed during the period under review as well as orders made on such applications.

Table 30: Decisions on papers

Outcome	2000-2001	2001-2002	2002-2003
Applications filed	58	69	66
Orders made on papers	32	41	50
Oral hearings required	3	1	4

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. A general form of consent order now exists in Form 59A to assist practitioners and parties to file a generic form of document in the registry

Practice Direction 4 of 2001, regarding the provisions of Rule 666 of the Uniform Civil Procedure Rules, is designed to facilitate the making of consent order by the registry including by email. When parties are in agreement, Rule 666 may be utilised even where there is a need for the exercise of judicial discretion. The email address for consent orders is dc-depregconsents@justice.qld.gov.au

Table 31: Consent Orders

	2000-2001	2001-2002	2002-2003
Number of applications considered	66	324	463
Orders made	57	273	422
Refused	9	51	41

The registry regularly informs practitioners of Rule 666 and there is a significant increase in the use of the rule.

The advantages of a registrar dealing with matters in this way 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* in recent years has allowed for an order to be made in the District Court in regard to 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 **27** applications for consent order of this type were filed, with **25** orders made. The figures are similar to the previous year's figures of **28** applications with **20** orders made.

Filing by Post

A person need not attend personally at the registry to file documents. Documents may be filed by post. Circumstances such as distance from the court may dictate that dealing with the registry by mail is more convenient.

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.

The payment of the prescribed fee is an essential element in the requirements to file by post. A degree of administrative time is spent by the registry to follow up on the postal dealing fee. Approximately **1290** sets of documents were lodged by post through the Brisbane Registry. **906** sets of documents were received by post in the District Court and **384** in the Planning and Environment Court. A comparison with the previous year's figures revealed a slight decrease from **1306** sets of documents filed by post.

File Storage

Files and registers for the District Court, and for the Local Government/Planning and Environment Courts from 1985 are stored on site. Files older than 10 years are rarely accessed.

Documents are lodged and retained in paper form. Critical data on each file has been recorded on an electronic database since 1991. This year documents filed would fill approximately 400 archive size boxes*.

The court building is in the CBD and does not contain facilities for storage of large volumes of records. Several spaces in the building have been adapted to house the overspill of both District Court and Supreme Court records from the proper file storerooms. However these areas are not equipped or suited for anything other than short-term storage.

Public records must be managed in accordance with the Public Records Act 2002, and the requirements of relevant Information Standards. During the year, registry officers developed a Records Retention Schedule as part of a strategic record-keeping plan. Technology, retention priorities, storage facilities, and budgetary considerations are some of the areas that are being looked into in order to achieve a sustainable records management system for the future.

Table 32: Document filings recorded by CIMS

2000-2001	2001-2002	2002-2003
44,079	45,515	42,478

Fees

On 1 September 2002 the *Justice Legislation (Variation of Fees and Costs) Regulation 2002* amended the scale of filing fees for the District Court. The new scale differentiated between individuals and Corporations. A process within the rules of court now exists where individuals

* a Standard Type 1 box approximately 17 x 26 x 40 cm contains about 15 court files but some larger files fill 2 to 3 boxes each.

can apply to the registrar for an exemption or waiver of payment of fees. The court rules require that the registrar have regard to the individual's financial position, and whether it is clearly in the interests of justice to make an order for exemption from payment.

In the year under review **10** applications were filed for exemption from payment, **5** orders were made, **2** applications refused and **3** applications did not proceed. Of the **2** applications which were refused **1** applicant unsuccessfully sought a review of the refusal before the court. An information brochure highlighting this new initiative was issued and published on the courts website.

Funds in Court

The rules of court state that in circumstances where a person is required or permitted to pay or deposit money into court, the *Court Funds Regulation* 1999 require that an affidavit be filed in the registry. As at the end of the year, there were **20** accounts relating to District Court matters credited to the Court Suitors Fund Account Brisbane, totalling **\$870,556.30**.

Cost Assessment

Assessments of costs are undertaken under the provisions of chapter 17 of the *Uniform Civil Procedure Rules* 1999 by specially appointed experienced officers in the registry. The Costs Assessment Section located in the Brisbane registry is presently comprised of 2 full time assessing Registrars.

The role of the assessing registrar is a judicial one. The duties of assessing registrar include conducting assessment hearings, providing directions about the conduct of the assessment process, and delivering written reasons for decisions made at the assessment hearing, if a party makes an application to the registrar for a reconsideration.

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

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

Table 33: Applications for reconsideration

	2000-2001	2001-2002	2002-2003
Reserved as at 1 July	1	1	1
No. of applications for reconsideration filed	4	4	3
Disposed of < 3 months	2	2	3
Disposed of > 3 months	2	2	1
Otherwise * disposed of	0	0	0
Outstanding as at 30 June	1	1	0

* 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 34 below identifies how costs statements are disposed of upon directions hearing appointments.

Table 34: Assessment Directions Hearings

Type of case	2000-2001	2001-2002	2002-2003
Settled	42	51	44
Adjourned	46	30	37
Default Allowance	47	27	43
Assessment date given	91	91	94
TOTAL	226	199	218

Table 35 represents the disposal of costs statements after directions hearing appointment has occurred, and an assessment hearing date has been allocated.

Table 35: Result of cases set down for assessment

Result of case	2000-2001	2001-2002	2002-2003
Adjourned	6	5	11
Settled	38	42	57
Assessed	30	36	28
TOTAL	74	83	96

Information Technology

During the 2002-2003 financial year, the court pursued a range of projects relating to both core technology infrastructure and on-line service delivery. This included planning for the implementation of a Standard Operating Environment ("SOE"), the purchase of new hardware

for the judiciary, the migration of a legacy business application to a more contemporary database platform and the launch of new on-line services.

Civil Information Management System ("CIMS")

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

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

It is envisaged that the system will be implemented in more regional centres during the 2003-2004 financial year to further extend these benefits.

eCourt Services

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

eSearching – to enable litigants or their legal representatives to search court files 24 hours a day 7 days a week to confirm party names and contact details, obtain contact details for lawyers representing the parties, confirm key dates, or view a list of documents that have been lodged with the Registry. This information was previously only available through a physical, over the counter search on weekdays during the registry opening hours.

eListing – to enable lawyers to request trial dates on-line so that they can avoid the time and inconvenience of physical attendance at a court callover,

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

Each of these services has brought benefits to lawyers in terms of increased convenience, and expanded access to court services. However, more importantly, the new on-line services have

brought a direct benefit to litigants themselves through greater efficiency and reduced litigation costs.

The services outlined above are all accessible through e-courts on the court web site (www.courts.qld.gov.au).

Implementation of a Standard Operating Environment

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

Early phases of the SOE were rolled out between May and June 2003 and this work will continue through the first quarter of the 2003/04 financial year.

In June 2003, new laptop computers and laser printers were purchased for the judges of the court and new desktop computers were purchased for registry staff. These will also be rolled out during the above period.

Benefits to the Higher Courts

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

- Greater productivity through increased performance of desktop computers,
- Economies of scale in terms of skills transfer and rotational secondments between court staff and Information Technology staff from the Department of Justice and Attorney-General,
- Increased security, and
- Reduced operational costs to maintain and support the court's IT environment.

Future Plans

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

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

When complete, this will provide the courts clients, litigants and their legal representatives, with access to Files and court services 24 hours a day 7 days a week and will also lay a foundation for the implementation of electronic filing over the longer term.

Criminal Registry

The criminal registry continued to experience change in the 2002–2003 period as the ongoing management/review process continues to deliver more efficient ways to give effect to the criminal justice process. Some of the change has been refinements to existing procedures for example the way results are transmitted to police. Other changes have been more substantial, for example the move to Queensland Wide Interlinked Courts (QWIC) financial system.

Table 36 below indicates recordings in the registry for the year.

Table 36: District Court Brisbane 1 July 2002–30 June 2003

Number of indictments registered	3148
Number of cases (defendants)	2826
Cases disposed	2713
Cases outstanding as at 30/6/02	836
Summary matters registered	186
Summary matters remitted back when not dealt with in District Court	91

Summary Offences – Section 651 *Criminal Code*

The issuing of Practice Direction 5 of 2002 by the Chief Judge of the District Court has had a significant effect on a number of agencies involved in the criminal justice process. One major improvement has been the involvement of the Director of Public Prosecutions in the process. Previously the Director's office often received notification of the existence of the summary offences "at the door of the court" and was totally unprepared and unable to provide proper submissions. Under the Practice Direction, the Director's office must consent to the summary matters being dealt with before an application is lodged in the Magistrates Court to have the file transmitted to the District Court. Consequently the prosecutor can properly research the matters and prepare meaningful submissions which will assist the presiding judge in determining an appropriate sentence.

The revised process has also reduced the workload for Magistrates Court staff, who under the previous system, were besieged with late applications to transmit summary files to District Courts and at a later date have to re-process these files after they had been remitted back. Similarly the Criminal Registry receives less transmitted files initially and consequently has to remit on fewer occasions.

Table 36 above shows that the number of summary matters transmitted from Magistrates Courts pursuant to Sec 652 of the Criminal Code represents a little under 6% of all matters registered. The corresponding figure for the previous year was approximately 13 %.

Fines and Compensation

The Criminal Registry processed 131 sentences in which fines totalling \$146,190.00 were imposed.

The Court also imposed 239 compensation orders with a combined monetary value of \$757,102.39 which were processed in the Criminal Registry.

Many Judges now impose fines and compensation orders with a proviso that if the penalty is not paid by the prescribed date the matter be transmitted to the State Penalties Enforcement Registry (SPER). A total of 141 matters were referred to SPER either as a result of a court directive or the discretion of the registrar. Table 37 below shows the number and monetary value of the matters referred.

The introduction of QWIC financials from July 1 2003 will allow the transfers to be effected via an electronic interface with SPER thus reducing the work involved and more importantly reducing the chance of errors being made.

Table 37: Matters Referred to SPER

Number of outstanding fines	60
Total amount of fines	\$43,499.00
Number of outstanding compensation orders	81
Total amount of compensation	\$253,588.45

Warrants

During the year under review the District Court ordered 427 warrants issue for the arrest of offenders who failed to appear when required for criminal hearings. 74 of these were subsequently vacated and recalled after the offender surrendered to the court prior to the execution of the warrant.

Technological Enhancements

Following an analysis of QWIC financials, preparations have been made to transfer all accounting procedures in the Criminal Registry onto QWIC. Up to this point in time all accounting has been processed manually using registers and card systems. Staff have utilized Excel software and created stand alone spreadsheets but have not had access to any

dedicated accounting software. One of the major benefits will be the abolition of the current Kalamazoo card system used to track fine and compensation payments. Of greater benefit will be an offender's ability to pay fines and compensation at any Magistrates or Higher court registry in Queensland.

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

In March 2003 the deputy registrar from the criminal registry undertook a six week secondment with the Integrated Justice Information Strategy Project (IJIS), a project to look at the benefits to be gained in having all agencies associated with the criminal justice system share common data and transmit electronically relevant information directly to the agencies requiring it.

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

Practice Directions

One practice direction was issued by the Chief Judge during the year and this is available on the website.

Number	Description	Date Issued
2002/03	Disposal of Charges of Summary Offences, Sections 651 and 652, Criminal Code	12.9.2002

The Court Library

In 2002/03, the Library delivered flexible information services to the judiciary and legal profession and continued to surpass traditional boundaries by undertaking a diverse range of activities connecting the legal and broader communities. An increased reliance on the courts website and Judicial Virtual Library as effective gateways to information enabled the Library to service over 806,000 information requests. At the same time, it provided District Court judges with access to the online services of all major Australian legal publishers and, for the first time, access to the *Westlaw* database, containing an extensive collection of international legal and news titles. In addition to delivering core information services, the Library maintained a diverse program of educational and community activity, showcasing six exhibitions in the Rare Books Room precinct throughout the year. These exhibitions were complemented by the success of the Supreme Court History Program's first scholarly publishing venture and coordination of a second biennial conference. Many of these activities were undertaken in conjunction with other legal and professional bodies, highlighting the Library's commitment to integrated community projects and development.

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

Traditional Client Services were also maintained, incorporating reference, research, document delivery and current awareness activity. The transition towards more efficient electronic services was evident in the 488 reference enquiries and more than 300 document delivery requests received via the court's website, while the delivery of select current awareness material was also trialed in electronic format this year. Excellent feedback on the current awareness service has been received from District Court judges, particularly those in regional centres who may have more limited access to diverse information resources. In addition to providing these core services, the Library readily embraced new opportunities for servicing the judiciary and the profession. Recent initiatives included the development of a cooperative purchasing arrangement for the judiciary and legal profession, and publication of an Internet resources advice column in the *Queensland Bar News*.

The Library's Collection Management division also focused on enhancing access to information and developing collections in regional centres. The provision of an internet-enabled PC in the Townsville Courthouse Library was an integral step in this process. Townsville is the first of the libraries in major regional centres to be equipped with access to the Library's collection of online resources and services, allowing enhanced search capabilities via the online catalogue and improved access to an increased range of online material. In conjunction with this new facility, the Library undertook significant revision and development of catalogue records to provide more accurate and detailed information about the collections held in regional libraries, simultaneously streamlining collection management procedures for Library staff. A review of regional libraries provided the focus of collection development this year, with the identification of lapsed subscription titles and planning for a general upgrade of superseded textbook titles held in the regional collections. These projects were undertaken in accordance with the Library's broader objective of building collections and enhancing services to the profession in regional centres throughout Queensland, particularly for resident and circuit judges.

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

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

accompanying the Library's exhibitions and displays; and a dedicated website featuring illustrated histories of the regional courthouses and promoting the broader activities of the Supreme Court History Program.

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

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

These exhibitions and lecture evenings have proved to be a successful means of fostering integrated activity with the legal and broader communities, with exhibitions remaining a popular drawcard amongst the many historical exhibits featured in the Rare Books Room precinct. Major exhibitions were digitised and published online via the court's website this year, enabling broader dissemination and providing an enduring educational resource for schools. The Library's Schools Program, which this year hosted 1,945 students, incorporated tours of the exhibitions in addition to offering introductory legal research seminars in the Library.

A number of distinguished guests also toured the Rare Books Room precinct, including Chief Justices and Judges of China, Japan and Papua New Guinea. More than 400 members of the

general public visited the courts on Queensland Day this year, with tours focusing on the exhibits featured in the Rare Books Room precinct. These tours were organised and conducted in conjunction with the Supreme Court Registry staff. The Library's Rare Books Room and QGSY *Lucinda* Smoking Room replica also remain popular exhibits with visitors to the court.

The wealth of activities and range of achievements outlined above should not, however, be viewed in isolation as a single year. Rather, these are a direct result of the dedicated and dynamic leadership provided in the course of the preceding five years by the Library Committee and in particular the Hon Justice Margaret White, Chair of the Library Committee, the Hon Paul de Jersey AC, Chief Justice of Queensland and former Library Committee Chair, and Her Honour Chief Judge Patsy Wolfe, member of the Library Committee.

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

The Library continues to focus upon fulfilling its key role as the central information centre for the courts. A research quality core collection is maintained in Brisbane and ten working collections are provided in regional centres throughout the State. In addition, every opportunity is taken to improve access to information through viable technological solutions, particularly for the benefit of members of the judiciary and legal profession based outside Brisbane. This strong commitment to providing responsive and relevant information services for the judiciary and legal profession throughout Queensland is upheld by the current funding structure and constitution of the Library Committee as governing body. Increasingly the Library staff provide assistance to members of the public including litigants who appear on their own behalf in legal proceedings.

The Committee, with the Hon Justice White as Chair, is constituted by representatives of the court, the profession and the government, ensuring that the Library's key stakeholders are central in determining collection development, service initiatives and resource allocation. Funding for these activities is received from the Queensland Law Society Trust Account Contribution Fund; the fees received by the Barristers' and Solicitors' Boards; grants from the Department of Justice for Library services to the court; and income generated by the Library's own initiatives and entrepreneurial activities. With the support of its stakeholders, its independence as a statutory authority and the provision of secure and ongoing funding, the

Library has been able to employ innovative approaches to provide cost-effective services without burdening the Queensland Treasury for additional funds. By contrast, other court libraries around Australia rely primarily on consolidated revenue and find it difficult to devote resources to developing collections, launching programs such as heritage preservation, or attracting donations from the legal community and charitable groups.

The Library Committee and the *Supreme Court Library Act 1968* under which it operates, has ensured a unique organisational structure that remains at the core of the Library's achievements. In view of proposed reforms to the legal profession, there is now some uncertainty with regard to the security of this model – a model which has successfully served the Queensland legal community and ensured the development of a collection which is considered to be one of the leading resources of its kind in Australia. The independence of the Library as a separate statutory authority should be safeguarded in order to ensure the continuation of diverse Library activity and achievement.

Presuming that secure and independent funding, as has been provided for legislatively in the past, is maintained throughout any reforms, the Library is looking forward to a period of exciting challenges and opportunities. An organisational review, encompassing operational and strategic aspects, is underway and will culminate in a series of reports to be made to the Committee from February 2004. These reports will detail the Library's strategic objectives from now until 2008 and recommend a revised operational structure to best equip the Library to meet them. In brief, the Library's vision for the future will focus upon:

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

A comprehensive review of the core information collection will be initiated with particular emphasis on determining the optimal balance of online and print resources, assessing changes in the publishing industry and formulating collection development policies for the future. Concurrently, the Library will develop and implement procedures and systems to facilitate the digitisation, storage, cataloguing, retrieval, sharing and long-term preservation of special collections comprising Queensland legal heritage documents and memorabilia, and court history photographs. This process has begun with the examination of the practices and experiences of Australian and overseas libraries and archives involved in similar activity. The Librarian, a recipient of a Winston Churchill Fellowship, proposes to investigate and study these matters while undertaking his fellowship in the United States, Canada and United Kingdom. Ultimately, the Library aims to achieve and maintain a high level of in-house expertise in the areas of record management, preservation and resource sharing for the ultimate benefit of the court and wider community.

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

The provision of internet-enabled PCs in the major regional centres will continue, necessitating the development of technology solutions to enable secure and easy access to public domain and subscription resources for remote users. The Library will also explore opportunities to provide more customised online services and take advantage of emerging technologies, such as wireless communication, to improve the efficiency of internal IT systems.

The achievements of 2002/03 provide a firm foundation upon which to build these visions for the future and would not have been possible without the leadership of the Hon Justice Margaret White and the Library Committee, the support of the Chief Justice, Chief Judge and judges of the Supreme and District Court, and the enthusiasm of the Library staff. In particular, the Library would like to acknowledge the invaluable contribution made by Justice White, who will be concluding her term as Chair of the Committee in the coming year. Under her wise stewardship the Library has undergone a reinvigoration and emerged with a new identity within the courts, both as an information gateway and also as a centre for historical and community activities. We are deeply grateful for her sound counsel, far-reaching vision and quiet diplomacy.

Although the loss of Justice White will be sorely felt, the strength of the Committee will endure. The Committee's composition of representatives from the Library's three key stakeholders, namely the court, the profession and the government, ensures that the best interests of the clientele, and therefore the Library, are always served. Equipped with independent governance and secure funding, the Library will be empowered to provide dynamic services to the court and wider community, meeting whatever challenges and opportunities the future may bring.

State Reporting Bureau

The State Reporting Bureau provides a recording and/or transcription service for the Supreme, District and Magistrates Courts, Director of Public Prosecutions (Police Record of Interview), Industrial Court and Industrial Relations Commission. The Bureau also provides reporting services for the Medical Assessment Tribunal, Mental Health Court and Land Appeal Court.

Services are provided in Brisbane and throughout 35 regional and circuit centres in Queensland. In respect of the District Court, reporting services are provided in Brisbane, Cairns, Townsville, Rockhampton, Innisfail, Hughenden, Charters Towers, Bowen, Mackay, Gladstone, Bundaberg, Maryborough, Maroochydore, Gympie, Kingaroy, Emerald, Clermont, Mount Isa, Cloncurry, Longreach, Dalby, Roma, Toowoomba, Goondiwindi, Stanthorpe, Warwick, Ipswich, Southport, Charleville and Cunnamulla.

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

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

An enhancement of the on-site RRATS in Bundaberg allows RRATS to transfer video images from the court to the Maroochydore transcription centre. This is Smart State technology at work.

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

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

The Bureau also offers real-time (CAT) reporting which provides immediate access to transcripts in electronic form. The recorded proceedings are simultaneously translated into text

on computer screens in the courtroom, with the facility for the judge and counsel to make annotations in the unedited electronic transcript.

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

Appendix 1: Obituary – Judge William Grant-Taylor

A founding member of the District Court, His Honour Judge Grant-Taylor died on 30 December 2002.

Judge Grant-Taylor was born in 1917. He was educated at Brisbane High School and the University of Queensland. In 1941 he joined the AIF, was commissioned as a Lieutenant and served in New Guinea. He was admitted to the Bar in 1946, soon established a busy practice and in April 1959 was one of three Judges appointed to the District Courts of Queensland upon the reconstitution of the courts as courts of record invested with both civil and criminal jurisdiction.

In May 1971 he was appointed Chairman of District Courts, a post which he held successfully during a period when the court faced many administrative challenges caused by a markedly increased workload and a consequent increase in the number of Judges appointed to the court.

Those of us who stood at the bar table in his court recall the kindest of men. Sometimes wryly amused, courteous, sceptical when appropriate but never cynical, he discharged his judicial duties with affable good sense. Although he had been in retirement for some 16 years before his death, he and his wife Joan continue to be remembered with affection by his former colleagues.

Appendix 2: District Court Associates – as at 30 June 2003

Holly Blattman, Associate to Her Honour Chief Judge P.M. Wolfe
Simon Grant, Associate to His Honour Senior Judge N.A. Skoien
Jason McNeil, Associate to His Honour Senior Judge G. Trafford-Walker
Christopher Leary, Associate to His Honour Judge R.D. Hall (Southport)
Michael Williamson, Associate to His Honour Judge T.J. Quirk
Ed Green, Associate to His Honour Judge W. Howell
Neville Hiscox, Associate to His Honour Judge I.McG. Wylie Q.C.
Emma Rahemtula, Associate to His Honour Judge K.S. Dodds (Maroochydore)
Jeannie Donovan, Associate to His Honour Judge A.J. Healy Q.C.
Benjamin Fox, Associate to His Honour Judge M. Boyce Q.C.
Scott Moran, Associate to His Honour Judge G.S. Forno Q.C.
Jacqueline Rosengren, Associate to His Honour Judge B.J. Boulton
Travis George, Associate to His Honour Judge H. Botting
Matthew Tutt, Associate to His Honour Judge M.J. Noud
Rebecca Graham, Associate to His Honour Judge K.J. O'Brien
Jeremy Wolter, Associate to His Honour Judge N.F. McLauchlan Q.C.
Cameron Dumas, Associate to His Honour Judge P.D. Robin Q.C.
Liam Dollar, Associate to His Honour Judge B. Hoath
Selena Swanson, Associate to His Honour Judge J.E. Newton (Southport)
Tania Lacy, Associate to Her Honour Judge H. O'Sullivan
Anthony Loudon, Associate to His Honour Judge P.J. White (Cairns)
Vincent Knox, Associate to His Honour Judge P.G. Nase
Judy Bailey, Associate to His Honour Judge J.M. Robertson
Thomas Hiew, Associate to His Honour Judge M.W. Forde
Nicholas Loos, Associate to His Honour Judge C.J.L. Brabazon Q.C.
Scott Malcolmson, Associate to His Honour Judge D.J. McGill S.C.
Jodie Mayer, Associate to His Honour Judge C.F. Wall Q.C. (Townsville)
Michelle Allen, Associate to His Honour Judge R.D. Pack (Townsville)
Cassandra Clark, Associate to His Honour Judge N. Samios
Kelly-Anne Quinn, Associate to His Honour Judge G.T. Britton S.C. (Rockhampton)
Campbell MacCallum, Associate to Her Honour Judge D. Richards (Ipswich)
Jeneve Frizzo, Associate to Her Honour Judge S. Bradley (Cairns)
Brendan Lyle, Associate to His Honour Judge M.J. Shanahan
Katrina Piva, Associate to Her Honour Judge J.M. Dick S.C.
Bradley Egerton, Associate to His Honour Judge A.M. Wilson S.C. (Southport)