

**SUPREME COURT OF QUEENSLAND
ANNUAL REPORT 2003–2004**



**QUEENSLAND
COURTS**



CHAMBERS OF THE CHIEF JUSTICE
SUPREME COURT
BRISBANE

FROM CHIEF JUSTICE PAUL de JERSEY

25 October 2004

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

Dear Attorney

I enclose my report, under s 119 of the *Supreme Court of Queensland Act 1991*, on the operation of the Supreme Court for the year ended 30 June 2004.

Yours sincerely

The Hon. P de Jersey, AC
Chief Justice

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THE CHIEF JUSTICE'S OVERVIEW

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- International aspects
- Judicial appointment
- Personal
- Conclusion



*The Honourable Paul de Jersey, AC
Chief Justice*

Introduction

This report relates to the operation of the Supreme Court in the year ended 30 June 2004. It has been prepared in consultation with the President of the Court of Appeal, the Senior Judge Administrator and the Judges of the divisions of the court. It confirms that the court has continued to operate satisfactorily in the interests of the people of Queensland.

In the last annual report, I drew attention to our inability to pursue certain initiatives because of limitations on the resources made available to the court by executive government. Those concerns remain largely unaddressed, although resources have been applied to dealing adequately with the workplace health and safety issues raised last year. A substantial outstanding issue concerns the maintenance and eventual reconstruction or replacement of the Supreme Courthouse in Brisbane.

The format of this report is more condensed than reports of previous years. We have endeavoured to avoid repeating much of the explanatory material contained in earlier reports, and to focus on information specific to the past year. Those seeking further background information should refer to previous reports.

Performance

Disposition of caseload

The court's performance over the last year may be analysed in the context of the time goals for disposition of the court's caseload adopted by the Judges in April 2000 and published on the court's webpage. The following table provides that analysis.

Table 1

Court of Appeal Division				
	Benchmark	2001–02	2002–03	2003–04
A. Criminal				
< 6 months	90%	81%	89%	87%
6–12 months	8%	17%	10%	12%
> 12 months	2%	2%	1%	1%
B. Civil				
< 6 months	55%	55%	56%	56%
6–12 months	30%	35.5%	37%	37%
> 12 months	15%	9.5%	7%	7%
Trial Division				
	Benchmark	2001–02	2002–03	2003–04
A. Criminal				
< 6 months	80%	74.5%	65.4%	68.1%
6–12 months	15%	19.9%	23.9%	21.6%
> 12 months	*5%	5.6%	10.7%	10.3%
B. Civil				
< 6 months	50%	†	†	21%
6–12 months	13%	†	†	19%
12–18 months	7%	†	†	10%
>18 months	*30%	†	†	50%

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

† Data not available because of resource limitations.

Trial Division, Brisbane

On the criminal side in Brisbane, the Trial Division began this last year with 181 active outstanding cases and ended it with 265, having disposed of 639 incoming matters.

On the civil side in Brisbane, the Trial Division began the year with 63 cases awaiting a hearing, as by trial, and ended it with 73, having disposed of 265 incoming matters. It is interesting to compare that position with the performance levels in previous years. The number of cases outstanding at the end of years 1998–89, 1999–2000, 2000–01, 2001–02 and 2002–03 were respectively 143, 83, 56, 28, 63.

This is the first year in which we have been able to present reliable data as to the time taken from commencement to final disposition of civil proceedings (determined by judgment in court). Although the percentage disposed of within six months falls well short of the court's benchmark¹, there has, for the last 18 months, been in operation a system of case management designed to expedite proceedings by court intervention — a system that should in time lead to improvement in that aspect of performance on the civil side.

¹ See Annual Report 1999–2000, appendix 1

The position remained this year that cases ready for trial in the civil jurisdiction, save those expected to take a substantial period, could be allotted trial dates within no more than two to three months.

In addition to the trial work commitment, the court continued to dispose of a substantial number of matters on the applications side of its civil and criminal jurisdiction. Details appear in the Trial Division report below.

Court of Appeal Division

The Court of Appeal Division this year disposed of 330 criminal appeals (compared with 356 in 1999–2000, 321 in 2000–01, 338 in 2001–02 and 360 in 2002–03). As at the end of the year, 114 criminal appeals awaited disposition (compared with 146 in 2002–03). The Court of Appeal also disposed of 230 civil appeals (compared with 256 in 2002–03), leaving 72 outstanding as at the end of the year (compared with 105 in 2002–03).

In summary, both divisions of the court performed satisfactorily in terms of the amount of work completed and the timeliness of disposition.

Practice Directions

In the course of the year, five Practice Directions were issued: Higher Courts Registry (1/2004), Submission on Costs of Appeal (2/2004), Evidence Act — Division 4A, Evidence of Affected Children (3/2004), Recording Devices in Courtrooms (4/2004), Consent Orders — Amendment of Practice Direction 3/2001 (5/2004).

Benchbook

This year, work was completed on the compilation of the benchbook, an invaluable collection of sample directions and other material for use in the criminal court. The work was largely coordinated by the following Judges: Mr Justice McPherson, the former Justice Thomas, Justices Jerrard, Mackenzie, Byrne, Holmes and Philippides, and District Court Judges Robertson and Dick. In conformity with the transparency of the public process that characterises the work of the courts, the benchbook is published on the court webpage for all to see, including counsel and self-represented accused. The benchbook will be kept up to date, reflecting changes in the law and appellate decisions.

Jury initiative

In November 2003, the Judges endorsed a publication entitled *Guide to Jury Deliberations* for distribution to members of juries in both criminal and civil courts. The purpose of the publication is to foster efficiency in the deliberation of juries when considering their verdicts.

Inaugural Gold Coast sittings

On 18–19 May 2004 the Supreme Court sat for the first time within the City of Gold Coast, at the courthouse at Southport. (I conducted that sittings.) While the people of the Gold Coast region have accepted as convenient the determination of their Supreme Court cases in the courthouse close by at Brisbane, the status of the Gold Coast in State terms — population, geographical extent, commercial significance — justifies the Supreme Court's now sitting from time to time at Southport when the caseload warrants doing so. Further occasional sittings will occur as need is identified.

Rules Committee

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

Management

Much valuable time and effort were this year deployed by the senior management group (staff) within the court on the production of the “Queensland Higher Courts Support Strategic Plan 2004–2008”, which was on 8 April 2004 presented by the Court Administrator to the Director-General. Its purpose is “to describe the strategic directions that the staff of the Supreme and District Courts of Queensland intend to follow over the next four-year period”. It is heavily service-oriented, and sets concrete objectives and performance outcomes against which actual performance levels will be measured.

The focus group, comprising the Chief Justice, the President of the Court of Appeal, the Senior Judge Administrator, the Court Administrator, the Principal Registrar and the Director of the State Reporting Bureau, with the Chief Judge an invitee, met on 23 September and 24 November 2003.

In April 2004 the Court Administrator, with the assistance of the senior management team, put together and published in electronic form the first edition of a newsletter of the Supreme and District Court staff, called *Courterly*.

Continuing judicial education

The Judges held their tenth Annual Easter Seminar on 15–16 April 2004. Presenters included Professor John Henningham, Mr David Anderson and Mr Hedley Thomas (“The Public Face of Judging”), Associate Professor Lindy Willmott, Mr Ben White and Dr Mark Deuble (“Select issues in health law at the end of life”), Dr Graham Harris (“Water Management and Salinity”), Professor Charles Rickett (“Unjust Enrichment”), Professor Roly Sussex (“The Language of Lawyers”), Professor David McLauchlan (“Contract Interpretation”), and Professor Mark Findlay, Professor James Ogloff and Associate Professor Jane Goodman-Delahunty (“Jury Deliberations”).

On 14 May 2004, a number of Judges attended the John Tonge Centre for demonstrations in relation to forensic testing techniques in the areas of biology, chemistry and toxicology.

It has for some years been the practice of the court that all newly-appointed Judges participate in the national judicial orientation program conducted annually under the auspices of the Australian Institute of Judicial Administration. These live-in, week-long courses take place in Sydney. Justice P McMurdo this year attended the course, held 13–17 October 2003.

On 6 November 2003, in conjunction with the Faculty of Law, Queensland University of Technology, the court hosted a conference on the subject “Courts for the 21st Century: Public Access, Privacy and Security”. Approximately 110 people attended. From the aspect of the court, the conference was organised by Justices Moynihan and Mullins. Speakers included the Federal Privacy Commissioner Mr Malcolm Crompton, the Deputy Executive Director of the Australian Institute of Judicial Administration Ms Anne Wallace, Barrister Mr Stephen Keim, Executive Director of Electronic Frontiers Australia Inc Ms Irene Graham, the State Archivist Ms Janet Prowse and Professor Bill Caelli of the School of Software, Engineering and Data Communications at the Queensland Institute of Technology. The Honourable the Attorney-General chaired a session. Among other things, participants addressed the issue of publication on the internet of judgments revealing personal details of parties to litigation, and of others associated with the litigation, where that may involve an unreasonable invasion of the privacy of the individual person. Such publication must not be limited in a way that could diminish the publicity pivotal to an appropriately accountable judicial process. The judgments of the court are always published in some form or other. Internet publication does, however, raise possible problems. These questions are being explored by a standing working group within the court.

Chief Justice's calendar

Apart from the time allotted to the fulfilment of administrative and official responsibilities, I sat in the various jurisdictions of the court both in and out of Brisbane: Court of Appeal (14 weeks), the criminal court (7 weeks), civil sittings (2 weeks), applications (2 weeks), Mt Isa (1 week), Townsville/Cairns (1 week), and Southport.

In the week commencing 15 September 2003, I conducted sittings in Townsville and Cairns (including an admission ceremony in Townsville) and visited Palm Island, where, among other things, I held discussions with the Community Justice Group and with members of the Community Council. I am pleased to note that an inaugural sittings of the District Court at Palm Island took place on 27 April 2004, with His Honour Judge Pack presiding. The court sat to dispose of criminal sentences.

On 6 October 2003 in Melbourne I attended a ceremonial sittings of the High Court of Australia to mark its centenary, and then from 9–12 October in Canberra I attended a High Court Centenary Conference.

I attended, with my wife, as in every year, the Annual Law Symposium, hosted by the Queensland Law Association and the Bar Association of Queensland, held this year at Coolool on 4–6 March 2004. A number of Judges participated in this important endeavour, many presenting papers. The Symposium Committee again allowed booth space to the Supreme Court Registry for the display of initiatives in technology. The booth was staffed by Registry officers led by the Principal Registrar, and was again enthusiastically received by practitioners.

From 3 to 5 October 2003 I attended, with my wife, the North Queensland Law Association annual conference in Mackay, and from 7 to 9 November 2003, the Central Queensland District Law Association annual conference at Yeppoon.

I attended functions hosted by the Far North Queensland Law Association (Cairns), the Townsville Law Association, and District Law Associations in Mt Isa, Toowoomba and Southport.

The courthouses

Brisbane

The Supreme Court Library Committee commissioned the construction by Mr Dean Clafin FASMA of a model of the QGSY *Lucinda* to complement the replication of the “upper deck gentlemen’s smoking room” positioned in the second floor public corridor of the courthouse. It was in that room of the *Lucinda* that substantial drafting of what became the Australian Constitution was carried out on the Hawkesbury River in 1891 by a party including Sir Samuel Griffith. On 3 December 2003, on her first official visit to the Supreme Court in her capacity as Governor of Queensland, Her Excellency Ms Quentin Bryce, AC launched the model and, on the same occasion, the Library’s publication *Queensland Judges on the High Court*.

Mackay

On 24 March 2004 I attended the opening, by the Honourable the Attorney-General, of the new annexe to the courthouse in Mackay.

Preservation of the State’s judicial heritage

In September 2003 Lady Williams graciously donated a framed photograph of a portrait by Sir William Dargie of the Hon. Sir Edward Stratten Williams, KCMG, KBE, a Judge of the Court from 14 May 1971 to 17 February 1984. The generosity of the Williams family was

acknowledged at a reception held at the court on 19 November 2003. The portrait hangs in the second-floor public precinct.

Other public outreach

The annual WA Lee Equity Lecture, sponsored by the Queensland Community Foundation and others, was delivered in the Banco Court on 30 October 2003 by Justice White.

In October 2002, the Grants Committee of the Queensland Law Society acceded to an application that it fund the production of a film about the legal process. The production of the film was completed this year. The film aims particularly to interest a young audience and inform them about our fundamental legal institutions. It is available to be distributed on DVD, VHS and CD-ROM, and the CD-ROM has interactive PDF to allow the viewer to cross from the film to more-detailed material on subjects such as the jury system and what is involved in the sentencing of offenders. It is entitled *Joel's Little Mistake — A Journey through the Legal System*. The film was launched at the Supreme Court on 29 March 2004, before a large gathering including the actors and the production team from MMedia, representatives of service groups and, appropriately in Youth Week, students and their teachers. I thank representatives of the Bar Association and the Law Society who participated actively in the production, and I particularly acknowledge contributions made by Justice Philip McMurdo and Judge Richards from the District Court, the Judges directly and substantially involved in the production.

On Monday 7 June 2004, in celebration of Queensland Day, which fell this year on Sunday 6 June, the court again hosted tours for members of the public, an annual initiative since 2001. In all, 152 persons participated in the tours this year.

A significant address on the subject "Appointment of Judges" was delivered on 28 June 2004 in the Banco Court by Professor Judith Resnik, Arthur Liman, Professor of Law, Yale Law School.

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

The court's webpage, hosted by the Supreme Court Library, continues to be a focus of public and professional attention, registering 729,352 hits this year.

International aspects

The court was honoured on 18 August 2003 by the visit of Her Royal Highness Princess Bajakitiyabha of Thailand. A student of law, with legal qualifications, Her Royal Highness received a presentation by Senior Sergeant S Morley and Sergeant W Oldham of the Queensland Police Service on interactive crime-scene technology, observed court proceedings, visited the Rare Books Room and replicated smoking room of the QGSY *Lucinda*, and was briefed by Professor Charles Rickett, Professor John Devereux and Mr Graham Kenny of the TC Beirne School of Law, University of Queensland, on Queensland's system of criminal law. That was followed by afternoon tea with the Judges of the court. This was the first occasion a royal personage had visited the Supreme Court since Her Majesty Queen Elizabeth II's visit in 1970, when she opened the then Supreme Courthouse (now the District Courthouse).

The Supreme Court received a number of other international visitors:

- on 23 October 2003, Professor George Kassimatis, Institute of Constitutional Research, University of Athens (Faculty of Law)
- on 2 December 2003, a delegation of Judges and judicial officers from Tianjin City, China

- on 1 April 2004, a further delegation of Judges and judicial officers from Tianjin City, led by Mr Tian Haowei, Director-General and Senior Justice of the Tianjin City People's Supreme Court.

Judicial appointment

On 27 November 2003 Mr James Douglas, QC was appointed a Judge of the Supreme Court, to sit in the Trial Division, and was sworn in on 1 December 2003. His Honour filled the vacancy created by the resignation on 11 September 2003 of Mr Justice Ambrose.

Personal

A valedictory ceremony marking the retirement of Mr Justice Ambrose upon his completion of 18 years' distinguished service on this court, preceded by four years' service on the District Court, was held in Brisbane on 11 September 2003.

The Hon. Douglas Malcolm Campbell, QC, a Judge of the Court from 11 January 1965 to 4 August 1985, died on 12 July 2003. A valedictory ceremony was held in the Banco Court on 22 August 2003.

Chief Bailiff Mr Phillip Lennon retired, aged 70 years, on 11 March 2004. He was appointed a bailiff of the Supreme Court on 15 June 1976, and Chief Bailiff on 7 September 1994. He served the court and the public with distinction.

The Hon. Sir Dormer Andrews, a Judge of the Court from 14 May 1971 until 7 April 1989, and Chief Justice from 8 July 1985 until 7 April 1989, died on 28 June 2004. A valedictory ceremony was held in the Banco Court on 19 July 2004.

Conclusion

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

PROFILE OF THE SUPREME COURT

- **Composition**
- **Judges of the Supreme Court**

Composition

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

Judges of the Supreme Court

Office of Chief Justice

Chief Justice The Honourable Paul de Jersey, AC

Court of Appeal Division

President The Honourable Margaret Anne McMurdo

Judges of Appeal

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

Trial Division

The Honourable Martin Patrick Moynihan, AO
(Senior Judge Administrator)
The Honourable Brian William Ambrose
(Retired 11 September 2003)
The Honourable Kenneth George William Mackenzie
The Honourable John Harris Byrne, RFD
The Honourable Margaret Jean White
The Honourable Keiran Anthony Cullinane
(Northern Judge, Townsville)
The Honourable Henry George Fryberg
The Honourable John Westlake Barrett Helman
The Honourable John Daniel Murray Muir
The Honourable Stanley Graham Jones
(Far Northern Judge, Cairns)
The Honourable Richard Noel Chesterman, RFD
The Honourable Margaret Anne Wilson
The Honourable Roslyn Gay Atkinson
The Honourable Peter Richard Dutney
(Central Judge, Rockhampton)
The Honourable Debra Ann Mullins
The Honourable Catherine Ena Holmes
The Honourable Anthe Ioanna Philippides
The Honourable Philip Donald McMurdo
The Honourable James Douglas
(Appointed 27 November 2003)

Other appointments

Mental Health Court The Honourable Margaret Anne Wilson

Chair, Law Reform Commission The Honourable Roslyn Gay Atkinson

Land Appeal Court

The Honourable Anthe Ioanna Philippides
(Southern District)

The Honourable Peter Richard Dutney
(Central District)

The Honourable Keiran Anthony Cullinane
(Northern District)

The Honourable Stanley Graham Jones
(Far Northern District)



Judges of the Supreme Court

COURT OF APPEAL DIVISION

- **Summary**
- **Workload**
- **Organisation of work**
- **Need for an additional Judge of Appeal**
- **Registry**
- **Electronic reporting of judgments**
- **Information technology**
- **The Judges' library**
- **Court of Appeal sittings, Townsville**
- **Appeals from the Court of Appeal to the High Court**

Summary

The Court of Appeal has maintained its performance levels, despite the substantial decrease in available judge-weeks this reporting year.

The court's undiminished workload, the expected increase in the exercise of leave entitlements by Judges of Appeal retiring over the next four years and the significant decrease in the number of judge-weeks provided by the Trial Division warrant the appointment of an additional Judge of Appeal if the court is to maintain its present high level of efficiency.

The court cannot perform effectively without the assistance of a properly resourced registry. The Court of Appeal and its registry will continue to require adequate resources and funding to maintain and refine the Court of Appeal Management System (CAMS) and to pilot the electronic filing of appeals, the preparation of electronic appeal record books and the hearing of electronic appeals.

Careful planning is also required to ensure optimal management of self-representing litigants, both in the registry and in court.

Workload

A total of 652 matters were commenced in the Court of Appeal (401 criminal and 251 civil), compared with 774 last year.

Five hundred and sixty (560) matters (330 criminal and 230 civil) were heard and a further 157 matters (103 criminal and 54 civil) withdrawn, disposing of a total of 717 matters.

The number of matters awaiting hearing at the end of the year has again fallen since the previous year, despite a substantial decline in judge-weeks available to the Court of Appeal.

Filings in June 2004 rose substantially and the unexpected decline in matters commenced this year will not necessarily recur in 2004–2005.

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

Number of cases	2001–02	2002–03	2003–04
At start of year	140	154	146
Filed during year	413	475	401
Cases heard	338	360	330
Undisposed of at end of year	154*	146*	114

* Adjustment made due to finalisation of data

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

Number of cases	2001–02	2002–03	2003–04
At start of year	117	136	105
Filed during year	312	299	251
Cases heard	239	256	230
Cases unheard at end of year	136	105*	72

* Adjustment made due to finalisation of data

Table 4: Annual caseload, summary

Number of cases	2001–02	2002–03	2003–04
At start of year	257	290	251
Filed during the year	725	774	652
Cases heard	577	616	560
Judgments delivered	575	620	575
Cases unheard at end of year	290*	251*	186
Judgments outstanding at end of year	46	42*	28
Matters withdrawn	120	199	157

* Adjustment made due to finalisation of data

The following table shows the timeliness of the court's disposition of its work, generally meeting and in some cases improving upon its benchmarks:

Table 5: Age of disposed cases

Time for disposition (filing date to judgment)	Percentage disposed of					
	Criminal			Civil		
	2001–02	2002–03	2003–04	2001–02	2002–03	2003–04
<3 months	31.0%	42.0%	42.0%	33.0%	29.0%	26.0%
3–6 months	50.0%	47.0%	45.0%	22.0%	27.0%	30.0%
6–12 months	17.0%	10.0%	12.0%	35.5%	37.0%	37.0%
>12 months	2.0%	1.0%	1.0%	9.5%	7.0%	7.0%

The following tables show the court's record in the delivery of judgments:

Table 6: Judgments, criminal matters

Judgments	2001–02	2002–03	2003–04
Outstanding at start of year	19	6	9
Reserved	134	129	149
Ex tempore judgments delivered	205	231	182
Reserved judgments delivered	145	127	143
Outstanding at end of year	6*	9	15

* Adjustment made due to finalisation of data

Table 7: Judgments, civil matters

Judgments	2001–02	2002–03	2003–04
Outstanding at start of year	24	38	33
Reserved	150	149*	168
Ex tempore judgments delivered	89	108	62
Reserved judgments delivered	136	154	188
Outstanding at end of year	38	33*	13

* Adjustment made due to finalisation of data

Table 8: Time between hearing and delivery of reserved judgments

Type of case	Median number of days		
	2001–02	2002–03	2003–04
Criminal cases	25	17	19
Civil cases	33	41	30
All cases	28	24	23

Table 9 shows a reduction in filings from the Trial Division and the District Court, in both civil and criminal matters. This unexpected development cannot be expected to continue in 2004–2005, as filings in June 2004 were substantially higher than the median monthly filings this year.

Table 9: Court in which matters were commenced

Court	Number of matters filed		
	2001–02	2002–03	2003–04
Trial Division — civil	158*	167*	147*
Trial Division — criminal	94*	108*	76*
District Court — civil	119	105	77
District Court — criminal	319	364	323
Planning and Environment Court	25	17	15
Other — civil (cases stated, tribunals, etc.)	10	10	12
Other — criminal	0	3	2

* These statistics include Circuit Court matters.

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

Table 10: Types of appeals filed

Appeal type	2001–02	2002–03	2003–04
Civil			
General, including Personal Injury	176	187	151
Applications	61	65	55
Leave applications	59	40	28
Planning and Environment*	1	7	15
Other	15	0	2
Criminal			
Sentence applications	191	225	184
Conviction appeals	58	85	64
Conviction and sentence appeals	61	59	63
Extensions (sentence applications)	27	26	24
Extensions (conviction appeals)	18	12	8
Extensions (conviction and sentence)	9	6	13
Sentence appeals (A-G/Cw/lt DPP)	35	45	20
Other	14**	17**	25**

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

** Includes criminal s 118, District Court Act 1967 (Qld) extensions and applications for leave, both of which originate in the Magistrates Court.

Self-representing litigants

The number of self-representing litigants shown in Table 11 below has increased since the previous two years in criminal matters, but has decreased slightly in civil matters. Self-representing litigants are now involved in 36.06% of criminal and 31.73% of civil matters, a higher percentage than in matters before the Trial Division.

Table 11: Matters heard where one or both parties are unrepresented

	2001–02	2002–03	2003–04
Civil	85	100	73
Criminal	109	105	119
TOTAL	194	205	192

Issues raised in previous reports about self-representing litigants remain current. The desirability of qualified statutory immunity for registry staff providing assistance in these matters remains unaddressed.

During 1999–2000, the Judges of the Court of Appeal, with the assistance of the Bar Association and the Law Society, established a pro bono scheme to represent appellants

convicted of murder or manslaughter who had been refused legal aid. Last year the scheme was extended to juveniles and those under an apparent legal disability.

Court of Appeal pro bono list (as at 30 June 2004)

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

Organisation of work

The exercise of accrued leave entitlements by Judges of Appeal again reduced the number of available Judges of Appeal for substantial periods. Similar patterns of leave must be expected and planned for in future years. In addition, one Judge of Appeal was unable to sit for 17 judge-weeks because of serious illness. These factors have meant that the President and the Judges of Appeal collectively sat for 152 weeks, compared with 174 weeks last year and 158 weeks in 2001–2002.

The Court of Appeal has continued to rely on regular assistance from the Chief Justice, who sat for 14 weeks, compared with 13 weeks last year and 11 weeks in 2001–2002, and the Trial Division Judges, who provided 72 individual judge-weeks, compared with 81 judge-weeks last year and 85 judge-weeks in 2001–2002.²

The Court of Appeal sat for 46 weeks.

Those interested in further details of the organisation of work in the Court of Appeal should consult the appropriate section of last year's report.

Need for an additional Judge of Appeal

The workload of the Court of Appeal, the exercise of leave entitlements of the Judges of Appeal and the continued fall in the number of judge-weeks supplied by Trial Division Judges over the past three years demonstrate the need for at least one additional Judge of Appeal.

While the assistance of the Trial Division Judges is invaluable, the special contribution of a separate Court of Appeal is consistency and specialisation; this can be best fostered by an additional permanent member of the Court of Appeal.

This year there is a further factor supporting an immediate additional appointment. Three of the five Court of Appeal Judges will reach the statutory retirement age over the next four years. Each of those judges has indicated an intention to take accumulated long leave entitlements piecemeal over the period leading to retirement. One Judge is likely to take 23 weeks accumulated long leave over the next 20 months; another 15 weeks over the next 22 months; and another 25 weeks over the next 47 months, in addition to standard leave. This

² The Annual Reports in 1999–2000 and 2000–2001 recorded the number of weeks during the year when Trial Division judges were made available to sit in the Court of Appeal, not the number of individual judge-weeks.

will significantly deplete the judge-weeks available to be allocated for hearing matters in the Court of Appeal, equivalent to at least one Judge of Appeal, over the next few years.

Registry

Mr Neville Greig was appointed as Senior Deputy Registrar (Appeals) in July 2003, after acting in the position for an extended period.

Although there have been improvements in relation to the storage issues raised in last year's report, the Appeal Court registry's client-service area remains unsatisfactory; for example, it cannot meet the needs of some people with physical disabilities.

This year the staffing in the registry has been restructured, with separate management streams for civil and criminal matters. Each stream is managed by a Deputy Registrar so that there is usually a single officer responsible for the management of each appeal.

Electronic reporting of judgments

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

Court of Appeal judgments delivered after November 1998 have since then been available free of charge on the internet through AUSTLII.

Court of Appeal judgments from 1992 onwards are now available on the internet through the Queensland Judgments site www.courts.qld.gov.au/qjudgment/ca.htm. Because of statutory publication issues, this has been a labour-intensive exercise undertaken by staff from the court and the Supreme Court Library.

Information technology

Court of Appeal Case Management System (CAMS)

CAMS is an essential tool to ensure the efficient performance of the Court of Appeal. Additional funding is needed to remedy some longstanding problems, namely the elimination of systemic "bugs" and the capacity to electronically receive and manage outlines of argument, and refine and maintain the system.

Electronic filing and appeal books

The redeveloped CAMS has the capacity for expansion to permit electronic filing. The court remains cognisant of the recommendations of the Working Party of the Council of Australian and New Zealand Chief Justices' Electronic Appeals Project. The President and the Senior Deputy Registrar (Appeals) continue to monitor the position here and in other jurisdictions.

It is impossible to make real progress on this issue without a carefully planned and adequately funded approach. The court and registry staff have planned for the introduction of electronic lodgment and consequential processing of record books' indexes, but no funding has been provided. The result is that Queensland continues to lag behind other jurisdictions in this field.

Audio and video link

Increased use of audio and video links in the Court of Appeal has provided improved affordable access to justice for litigants outside Brisbane. Twenty-five applications and appeals (seven sentence applications, five appeals against conviction, four appeals against conviction and sentence, seven extension-of-time applications, and two civil appeals) were heard by video link, a substantial increase in usage since last year.

Extended use of this equipment should be made in the future as parties become more familiar with its advantages:

Audio and video conferencing is often very cost-effective and convenient for parties. It saves the Department of Corrective Services the cost of escorting unrepresented litigants in custody from distant parts of the State and provides greater security. Litigants in custody also benefit by avoiding disruption to their rehabilitative programs.

The Judges' library

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

Court of Appeal sittings, Townsville

The Court of Appeal's third sittings in Townsville was held from 31 May to 2 June 2004.

The court heard nine criminal matters.

Four judges sat: the President, Williams, JA, the Northern Judge Justice Cullinane and the Far Northern Judge, Justice Jones.

The Judges attended an evening function hosted by Justice Cullinane, where they met with Judges from other Townsville courts and members of the profession, including the President of the Townsville Law Association. The Judges also attended a dinner hosted by the Townsville Bar.

The sittings were again enthusiastically received by the legal practitioners and citizens of North Queensland.

The Court of Appeal hopes to sit in North Queensland in 2005, in either Townsville or Cairns. This will, as always, depend on the provision of sufficient funding and enough work to justify the cost.

Appeals from the Court of Appeal to the High Court

The registry of the High Court of Australia has provided the following statistics as to applications for special leave to appeal and appeals from the Court of Appeal to the High Court.³

There were 560 matters heard by the Court of Appeal. In the same period there were seven appeals to the High Court of Australia, four of which were successful. These statistics reaffirm that the Court of Appeal is effectively the final appellate court for Queensland.

³ Matters heard in the High Court of Australia in one reporting year were often heard by the Court of Appeal in an earlier reporting year.

Table 12: Applications and appeals from the Court of Appeal to the High Court

Applications for special leave						
	Criminal			Civil		
	2001-02	2002-03	2003-04	2001-02	2002-03	2003-04
Granted	2	3	1	8	5	10
Refused	9	17	22	14	11	21
Appeals						
	Criminal			Civil		
	2001-02	2002-03	2003-04	2001-02	2002-03	2003-04
Allowed	2	0	1	0	2	3
Dismissed	2	1	1	3	3	2

TRIAL DIVISION

- **The work of the Trial Division**
- **The structure of the Trial Division**
- **Trial Division, Brisbane**
- **Trial Division, Districts**
- **Mental Health Court**
- **Land Appeal Court**

The work of the Trial Division

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

The Senior Judge Administrator is responsible for administration of the Trial Division.

Civil matters are normally heard by a Judge sitting alone; they are only rarely heard with a jury. Criminal trials are conducted by a Judge with a jury.

Other work of the Trial Division Judges

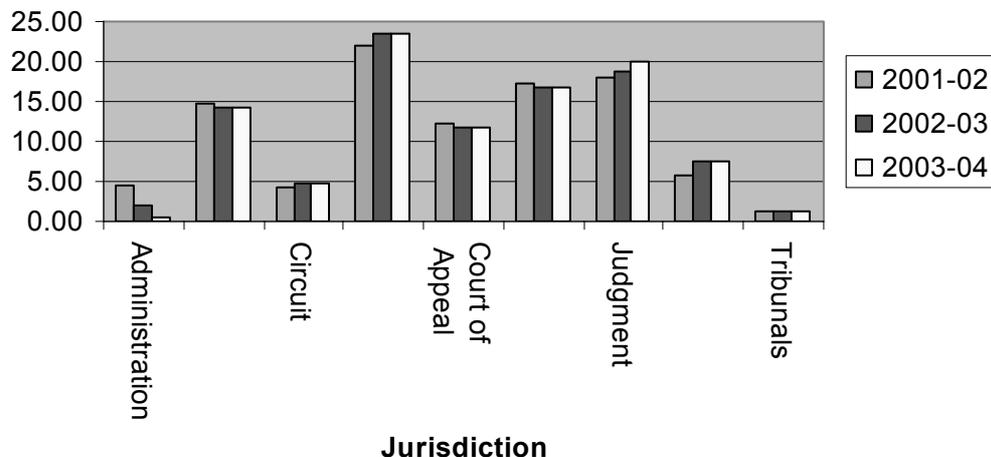
Trial Division Judges regularly sit on the Court of Appeal Division and constitute the Land Appeal Court and Mental Health Court. Judges perform other functions as members of bodies such as the Law Reform Commission, the Rules Committee and internal bodies such as the Information Technology Steering Committee, which deals with planning for IT support of the Supreme and District Courts.

Organisation of work

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

- Applications
- Circuit
- Civil
- Court of Appeal
- Crime
- Tribunals
- Judgments

Table 13: Trial Division Judge—work allocation, Brisbane 2003–2004



Disposition of the work

The Trial Division seeks to dispose of the cases in a timely way, with the minimum necessary commitment of resources by the Division and by litigants. This involves tracking cases against time lines, intervening where that is indicated, and assigning lists or individual cases for management and trial.

The Applications jurisdiction is an important part of the work of the Trial Division. The Trial Division normally sits two Judges in Applications in Brisbane, and a Judge is available 24 hours a day, 7 days a week, to deal with urgent cases.

Cases in the Applications jurisdiction can normally obtain a return date on their day of choice and are dealt with on that day.

The structure of the Trial Division

The court is divided into the Far Northern, Northern, Central and Southern Districts, reflecting the decentralised nature of the State, its dispersed population and large geographical area.

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

More than two-thirds of the Trial Division workload arises in and around, and is dealt with in Brisbane.

Where necessary, Brisbane-based Judges support the work of the Judges in other districts. Judges resident outside Brisbane sit in the Court of Appeal on a regular basis, and less regularly in Brisbane for trial work.

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

Information about the organisation of the Trial Division, its working, calendar, electronic set-down, Practice Directions, forms, etc., is published on the courts website:

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

Trial Division, Brisbane

Criminal jurisdiction

Justice Holmes continued to supervise management of the criminal list during the year.

Increase in number of indictments

The year saw a sharp increase, of the order of 50%, in the number of indictments being presented. The principal factor in that increase was a marked rise in the number of cases of production and possession of methylamphetamine. There is often delay in the presentation of the indictment and subsequent progress because of the demand these cases place on laboratory services. Allied with that rise was an increase in the number of defendants before the court on more than one indictment. In such cases, charges against a single individual were likely to be at different stages of the committal and indictment processes, leading, in some instances, to a protraction of the time required to deal with all matters.

Because there was a significant increase in less serious drug charges, there was a corresponding increase in disposition by guilty plea or nolle prosequi. Consequently, despite

the higher numbers of indictments before the court at any given time, the rate of disposition was not significantly affected.

The long-standing problem of late provision of prosecution briefs to the intended trial prosecutor persists, with the result that cases have too often not been the subject of comprehensive review until immediately prior to trial. Defence representatives continue to complain of an inability to have their submissions dealt with promptly. There remains, in consequence, a continuing problem of late resolution by guilty plea, particularly in drug matters. An initiative proposed by the Director of Public Prosecutions, of setting aside a two-week sittings devoted to resolution of less serious drug charges of possession and supply, met with some success. The sittings was substantially over-listed; two prosecutors were allocated to it and given the prosecution briefs well ahead of time to enable proper consideration of the charges and discussion of issues with defence representatives. Sixteen indictments in matters listed for trial, involving 21 accused which, in theory, might have required some 40 or more court days, were able to be dealt with by way of trial or guilty plea and sentence, with some charges being resolved by nolle prosequi. (One case went to verdict, another saw a plea of guilty after the trial commenced.)

The initiative is likely to be repeated. It is also hoped that once the recommendations of the review of the operations of the Office of the Director of Public Prosecutions are implemented, early involvement of trial prosecutors should become the norm, leading to better access for defence practitioners, earlier decision-making, speedier resolution and better use of trial time.

Table 14: Annual caseload — criminal jurisdiction, Brisbane

Number of cases*	2001–02	2002–03	2003–04
At start of year	N/A	169	181
Commenced during year	N/A	478	727
Disposed of during year	N/A	469	639
Undisposed of at end of year**	N/A	181	265

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

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

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

Presentation of indictments

Because of the need to comply with national reporting standards, the court is moving to measure the time taken for the disposition of criminal cases from the date of committal for trial in the Supreme Court, rather than from the date of presentation of the indictment.

Pursuant to s 590 of the Criminal Code, the Director of Public Prosecutions must present an indictment no later than six months after committal. Measured from the date of committal (to ultimate determination), the overall time taken will therefore include any period of delay — for example, attending the Director of Public Prosecutions preparation and other treatment of the charge — over which the court has no control.

Twenty-nine percent of indictments presented at Brisbane in the reporting period were presented at the end of the allowable time frame (six months), 25 percent were presented at five months and 19 percent at four months. Twenty-five percent of indictments were presented in the first three months following committal.

The court will monitor presentation time frames over the coming year with expectations of improvement in presentation times at earlier stages rather than later.

Table 15: Age of cases disposed of — criminal jurisdiction, Brisbane

Time from presentation of indictment to disposal	Cases disposed of 1 July 2003 to 30 June 2004			
	Trial (%)	Sentence (%)	Other* (%)	Total (%)
<3 months	10.9%	36.3%	43.8%	36.0%
3–6 months	13.0%	37.2%	20.8%	32.1%
6–9 months	30.4%	12.5%	12.3%	13.8%
9–12 months	19.6%	6.5%	8.5%	7.8%
>12 months*	26.1%	7.6%	14.6%	10.3%

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

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

Type of application	Number of applications		
	2001–02	2002–03	2003–04
Proceeds of crime	57	84	65
Compensation to victims of crime	38	18	19
Pre-trial bail	395	307	309
Forfeiture of property	54	43	132
TOTAL	544	452	525

Note: Many criminal jurisdiction applications are dealt with by the Judge responsible for the criminal list, a Judge responsible for managing the case or the trial Judge. These occasions are not counted here.

Civil jurisdiction

The Uniform Civil Procedure Rules 1999 provide the framework for the conduct of civil litigation in all Queensland courts. The making of rules, monitoring their operation and making any changes are the responsibility of the Rules Committee.

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

PD 3 of 2002 — Commercial List

PD 4 of 2002 — Case Flow Management — civil jurisdiction

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

PD 6 of 2000 — Supervised Case List

Table 17: Initiating documents in contested matters, Brisbane

Types of document	2001–02	2002–03	2003–04
Claims	2,235	1,846	1,685
Originating applications	2,446*	2,218	2,616
TOTAL	4,681	4,064	4,301

* This figure adopts new counting rules for this category.

Table 18: Annual caseload* — civil jurisdiction, Brisbane

Request for trial dates filed	2000–01	2001–02	2002–03
At start of year	56	28	63
Application for trial date	269	294	275
Disposed of during year	297	259	265
Undisposed of at end of year	28	63	73

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

Table 19: Percentage of cases disposed of within 12 months of application for trial date — civil jurisdiction, Brisbane

2001–02	2002–03	2003–04
97.75%	97.31%	98.05%

Table 20: Method of disposal of cases* — civil jurisdiction, Brisbane

Method of disposal	2001–02	2002–03	2003–04
Judgment	113	110	91
Settled	125	97	125
Vacated	18	9	22
Discontinued	5	5	5
Other	2	38	22
TOTAL	263	259	265

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

Table 21: Disposition of cases after trial date allocated — civil jurisdiction, Brisbane

After hearing dates allocated	2001–02	2002–03	2003–04
Cases set down and settled before trial	42%	38%	47%
Cases set down then date vacated because parties not in a position to proceed	16%	19%	15%
Cases adjourned because no judge available	2%	4%	1%
Cases taking available dates at first callover that proceed to trial and determinations	31%	33%	34%

Table 22: Cases awaiting hearing — civil jurisdiction, Brisbane

Number of cases and days sought	At end 2001–02	At end 2002–03	At end 2003–04
Number of cases	28	63	73
Number of those cases seeking more than five days	8	18	16
Total days sought	233	293	290
Average days sought per case	8.32	4.65	3.97

Table 23: Cases allocated trial dates — civil jurisdiction, Brisbane

Direct set-down, electronic set-down	2001–02	2002–03	2003–04
Cases allocated hearing dates electronically*	28%	25%	16%
Cases taking up available dates at first callover after application for trial date**	87%	67%	69%
Cases where no appearances for plaintiff at callover	14%	5%	4%
Cases where no appearances for defendant at callover	14.5%	5%	6%
Cases adjourned to next callover	16%	26%	23%

* *Electronic set-down not available previous years*

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

Caseflow management

Caseflow management of proceedings in the civil jurisdiction of the court in Brisbane is regulated by Practice Direction No 4 of 2002.

The Uniform Civil Procedure Rules prescribe time frames and other procedures for parties/practitioners to progress proceedings to a timely and cost-effective resolution.

Delays in meeting time frames were again evident, as can be seen from the number of warning notices generated in the year under review. The Principal Registrar was concerned with the delays to such an extent that correspondence was published in the Law Society magazine *Proctor*, drawing the attention of practitioners to the requirements of the Uniform Civil Procedure Rules and Practice Direction No 4 of 2002.

A staggering figure of 94% of plaintiffs failed to lodge a Request for Trial Date within the required time. Non-compliance requires a determination by registrars as to whether an extension should be granted or a deemed finalisation order made. The case-management program has now operated for two years, and it is considered that sufficient time has been afforded to permit the profession to become accustomed to the program and its time frames. It should not be assumed that an extension will always be available. Instances of deemed finalisation of matters are likely to increase. This has costs implications for non-complying parties and/or their legal representatives.

In the year under review, the process again proved to be very demanding of registry resources.

Table 24: Caseflow documents

Caseflow management/cases	2001–02 ^o	2002–03	2003–04
Claims filed	197	1,870	1,685
Affidavits of service filed *†	7	236	207
Notice of Intention to Defend filed *†	8	614	616

^o 1–30 June 2002

* Notice is given

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

Table 25: Notices generated

Notices generated	Sent	Not sent	Total
CFM 1 — Warning Notice — No Default Judgment filed	76	104	180
CFM 2 — Warning Notice — No Request for Trial Date filed	402	115	517
CFM 3 — Deemed Resolved Notice — No Default Judgment filed	4	78	82
CFM 3 — Deemed Resolved Notice — No Request for Trial Date filed	10	165	175
TOTAL	492	462	954

Mediation and case appraisal

Justice Byrne continued as the Judge responsible for monitoring responses to notification of intention to refer to mediation or case appraisal (alternative dispute resolution).

Currently, there are approximately 250 court-approved mediators and approximately 140 court-approved case appraisers.

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

Table 26: Approval of case appraisers, mediators

Approved	2001–02	2002–03	2003–04
Case appraisers	6	3	1
Mediators	21	13	15

Table 27: Consent orders to alternative dispute resolution (ADR) by the parties

Consent order to ADR	2001–02	2002–03	2003–04
After notice of intention to refer	22	19	6
Without notice	262	246	196
TOTAL	284	265*	202

* Corrected total

Table 28: Notice of intention to refer to appraisal or mediation

Notices and outcome	2001–02	2002–03	2003–04
Notice	112	41	3
Objections	18	13	4
Matters reviewed after objection	2	3	0

Table 29: Case appraisal orders

Appraisal orders made	2001–02	2002–03	2003–04
Orders referring to case appraisal:			
• consent	12	7	3
• not consent	3	3	0
TOTAL	15	10	3

Table 30: Case appraisal outcomes

Outcome	2001–02	2002–03	2003–04
Case appraisal certificates	16	9	6
Case appraisal election to proceed to trial	5	1	2
Outcome of election to proceed to trial:			
• worse	0	0	0
• better	0	0	0
Settled after election but before judgment	2	0	0
Remitted to District Court	0	0	0

Table 31: Mediation orders

Type of order	2001–02	2002–03	2003–04
Orders referring to mediation:			
• consent	270	258	199
• not consent	64	47	72
TOTAL	334	305	271

Table 32: Mediation outcomes

Outcome	2001–02	2002–03	2003–04
Certified as settled	255	314	255
Certified as not settled	122	150	161

Obtaining a hearing date

Hearing dates are dealt with by the Uniform Civil Procedure Rules and PD4 of 2000. The Listings Directorate is responsible to the Judges for the allocation of hearing dates. The Directorate staff dealing with Trial Division matters are:

- Listings Co-ordinator kate.bannerman@justice.qld.gov.au
- Applications List Manager ApnManager@justice.qld.gov.au
- Civil List Manager CivilListManager@justice.qld.gov.au
- Commercial List Manager comcausemanager@justice.qld.gov.au
- Criminal List Manager SC-CrimListManager@justice.qld.gov.au
- Supervised Case List Manager supcasemanager@justice.qld.gov.au

Commercial List

The Commercial List was established by PD 3 of 2002 and is managed in accordance, with Mr Justice Muir and Mr Justice Chesterman as the Commercial List Judges. The primary object of the list is to ensure the speedy determination of commercial matters requiring prompt resolution. The list has continued to expand. As Table 33 shows, approximately twice as many matters were disposed of by judicial determination or settlement in 2003–2004 as in the preceding year and the number of matters on the list more than doubled during 2003–2004.

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

The registry accepts facsimile and e-mail copies of documents for filing in Commercial List matters, reducing costs for attendance to file. Where appropriate, applications are dealt with on the papers without the need for formal attendance.

Table 33: Commercial List

	2001–02*	2002–03	2003–04
Matters ordered to be placed on Commercial List	6	34	63
Matters disposed of or resolved**	3	20	38
Matters on Commercial List as at the end of June	3	17	42

* For period 1 May to 30 June 2002

** These figures include matters placed on the Commercial List and disposed of by trial or settlement by the parties.

Supervised Case List

Cases are placed on this list where their hearing is estimated to take more than five days or where they otherwise warrant supervision because of considerations such as the complexity of issues and the multiplicity of parties. The list is constituted by PD6 of 2000 and managed in terms of that Practice Direction, with Justice PD McMurdo as the Judge in charge.

The Supervised Case List Manager is responsible to the Supervised Case List Judge for the management of the list. The court monitors the progress of cases by regular reports from solicitors to the List Manager. Parties are encouraged to agree on directions for interlocutory steps, and in most cases this enables the making of directions orders by e-mail, without the need for any court appearance. Where directions are not agreed, or an appearance is otherwise required, the case is managed at a Directions Hearing by the Supervised Case List Judge.

Table 34: Supervised Case List activity

Number of cases	2001–02	2002–03	2003–04
At start of year	130	112	127
Listed during year	77	70	48
Reviews	310	197	358
Disposed of during year	103	89	52
Tried to judgment	20	17	5
Disposed of without trial	76	51	47
Cases on Supervised Case List as at 30 June	112	127	129

Applications jurisdiction, Brisbane

One of the busiest jurisdictions is the applications jurisdiction. The court hears originating applications and applications in pending matters that deal with a wide range of civil issues.

The hearing time for matters in the applications jurisdiction is generally limited to approximately two hours, with longer matters being placed on the civil list for determination.

The tables below show the number and type of applications in the period under review.

Table 35: Applications jurisdiction workload

Applications	2001–02	2002–03	2003–04
Number of applications heard	3,347	4,285	3,344

Applications online

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

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

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

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

Table 36: Applications online

Applications on line	2001–02	2002–03	2003–04
Number of applications	38	24	23

Cross-vesting

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

Table 37: Number of cases cross-vested from Federal and State Supreme Courts

To Supreme Court of Queensland			From Supreme Court of Queensland		
2001–02	2002–03	2003–04	2001–02	2002–03	2003–04
5	9	16	8	5	4

Judicial review

Certain administrative decisions may be the subject of court review under the *Judicial Review Act 1999*. There was a decline in the number of applications made to the court, as the table below shows.

Table 38: Judicial Review Act

Type of matter and result	2001–02	2002–03	2003–04
Applications*	130	106	84
Orders made	116	83	88
Referred to civil list	0	0	2

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

Hearings on the papers

A party may file an application to have an order made by a Judge without the need for an oral hearing. When a decision is given, the Registrar forwards to each party involved a copy of the order and reasons for decisions.

Table 39: Decision on papers without an oral hearing

Outcome	2001–02	2002–03	2003–04
Applications filed	50	31	36
Orders made on the papers	39	19	22
Oral hearing required	0	0	2

Registrar's Court jurisdiction

The Principal Registrar (and Deputy Registrars where delegated) has the power to hear and determine certain categories of matters specified under the *Corporation Act 2001*.

Table 40: Corporations law applications heard by a Registrar, and results — Brisbane

Result of application	2001–02	2002–03	2003–04
Order made in determination of application	590	497	453
Adjourned	545	552	500
Dismissed	206	244	271
Referred to Judge	50	45	49
TOTAL	1,391	1,338	1,273

The majority of matters dealt with above involved the winding up of companies (generally on the grounds of insolvency).

Judgment by default

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

Table 41: Judgment by default

	2001–02	2002–03	2003–04
Applications	522	403	344
Judgments entered	348	282	242

Consent orders

The court strongly encourages the use of Rule 666 of the Uniform Civil Procedure Rules to obtain a consent order where parties agree upon the terms of an order prior to the scheduled hearing date.

The complexity of consent orders issued by the registry has increased. For example, consent orders for leave to commence personal injury proceedings, for property adjustments relating to de facto relationships and for provisions out of estates are more frequently being sought.

There has been an increase of 15% in the number of applications for consent orders from last year.

Table 42: Consents under Rule 666 dealt with by a Registrar

	2001-02	2002-03	2003-04
Number of applications considered	583	628	764
Orders made	528	550	613
Refused	55	78	151

Admissions

Eight admission ceremonies were held in Brisbane this year, at which 95 barristers and 550 solicitors were admitted by the court.

The Principal Registrar continues to exercise authority under the *Mutual Recognition (Qld) Act 1992* and the *Trans-Tasman Mutual Recognition (Qld) Act 2003* to admit barristers and solicitors to the Queensland rolls.

A total of 423 applications were dealt with by the Principal Registrar under the mutual recognition principle.

Table 43: Admissions

Admission as barristers	2001-02	2002-03	2003-04
Under the Queensland Admission Rules	68	78	95
Under the Mutual Recognition Act	75	116	67
Under the Trans-Tasman Mutual Recognition Act	1	1	2

Admission as solicitors	2001-02	2002-03	2003-04
Under the Queensland Admission Rules	515	525	550
Under the Mutual Recognition Act	204	243	339
Under the Trans-Tasman Mutual Recognition Act	8	11	15



Admissions ceremony, Banco Court, 15 June 2004: the last before implementation of the Legal Profession Act 2004

Non-contentious estate matters

The number of applications for grants to administer estate increased again this year. A factor contributing to the continual increase is considered to be that a number of organisations, such as superannuation funds and banks, require proof of a grant from the court to be produced.

Table 44: Probate workload

New processes lodged	2001–02	2002–03	2003–04
Letters of administration (with or without the Will)	368	396	439
Probate	2,902	3,211	3,562
Reseal of grants	94	99	124
Elections	135	177	178
Order to administer	489	476	527
TOTAL	3,988	4,359	4,830

Assessment of costs

The following table indicates a considerable increase in the number of adjourned directions hearings; however, a large number of the adjourned applications for assessment are actually settlements. Where there is no appearance on the return date for a directions hearing and there is no advice from either party as to the status of the application, the assessment officers will adjourn such matters to the Registrar. Very few of these inactivated matters are ever brought back on for a further directions hearing and ultimately assessment. It is reasonable, in those circumstances, to conclude that the parties have effected a settlement of the costs.

Table 45: Assessment directions hearings

Result	2001-02	2002-03	2003-04
Settled	105	68	72
Adjourned	63	68	128
Default allowance	74	84	68
Assessment date given	206	215	247
TOTAL	448	435	515

Although the number of costs statements assessed remained steady over the past three years, there was a 5% increase in settlements before assessment over the last twelve months.

Table 46: Results of cases set for assessment

Result	2001-02	2002-03	2003-04
Adjourned	24	30	35
Settled	139	97	115
Assessed	91	96	86
TOTAL	254	223	236

As the following table discloses, fewer applications for Registrars to review their decisions were received in the year just ending, but the pressure of other work and the complexity and/or length of the objections in respect of those applications that were filed meant the Registrars were not able to comply with the target turnaround of no more than 3 months for such work in 60% of cases.

Table 47: Applications for reconsideration (R 741)

	2001-02	2002-03	2003-04
Reserved as at 1 July	4	4	8
Number of applications for reconsideration filed	18	18	7
Disposed of < 3 months	11	4	6
Disposed of > 3 months	5	10	6
Otherwise disposed of*	2	0	2
Outstanding as at 30 June	4	8	1

* That is, settled or withdrawn

The assessment registrars have noticed, in recent years, a general and disturbing trend towards the presentation of costs statements that contain more and more prolix and unnecessary claims. Such claims increase considerably the costs of the preparation of bill of costs and the size of court documents.

One costs statement filed has provided a high-water mark example of this undesirable tendency. Every document of the trial brief to senior counsel was so elaborately and separately described that the presentation comprised 182 pages. As a consequence, an amount of \$4,490.30 (\$24.90 per full page of claims) was claimed for the preparation of these claims,

which, no doubt, would have been copied from the brief index. The amount of \$4,490.30 was expended to recover \$5,677.80 in costs. However, not only was such a presentation undertaken in respect of the brief for senior counsel, but also every document was repetitively described in respect of the brief to junior counsel. A further amount of \$4,490.30 was claimed in respect of the brief for junior counsel, when a single-line description for the expenditure of less than \$8.30 in costs could have been employed to indicate that an identical set of documents was included in the second brief.

At the present time, it is only the assessment procedure that attempts to curb such excesses.

Trial Division, Districts

Southern District circuits

The Brisbane-based Judges serviced the Southern District circuits.

Table 48: Toowoomba, criminal jurisdiction

Number of cases	2001–02	2002–03	2003–04
At start of year	4	4	7
Commenced during year	15	13	26
Disposed of during year	15	10	30
Undisposed of at end of year	4	7	3

Table 49: Toowoomba, civil jurisdiction

Number of cases	2001–02	2002–03	2003–2004
At start of year	1	2	1
Entered during year	9	7	1
Disposed of during year	8	8	2
Undisposed of at end of year	2	1	0

Table 50: Roma, criminal jurisdiction

Number of cases	2001–02	2002–03	2003–04
At start of year	0	1	1
Commenced during year	1	0	0
Disposed of during year	0	0	0
Undisposed of at end of year	1	1	1

Table 51: Roma, civil jurisdiction

Number of cases	2001–02	2002–03	2003–04
At start of year	0	0	0
Entered during year	0	0	0
Disposed of during year	0	0	0
Undisposed of at end of year	0	0	0

Table 52: Maryborough, criminal jurisdiction

Number of cases	2001–02	2002–03	2003–04
At start of year	0	3	2
Commenced during year	10	12	15
Disposed of during year	7	13	7
Undisposed of at end of year	3	2	10

Table 53: Maryborough, civil jurisdiction

Number of cases	2001–02	2002–03	2003–04
At start of year	0	3	1
Entered during year	4	6	4
Disposed of during year	1	8	5
Undisposed of at end of year	3	1	0

Central District

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

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

The Central Judge presided over nine criminal trials, compared with ten in the previous year. Two of these were retrials: one retrial followed a successful appeal and one was because the first jury had been unable to agree. The trials averaged 5.6 days each. These trials involved ten accused persons. Seven accused were convicted and three acquitted of the charges that proceeded to trial. Four of those convicted have appealed. None of those appeals has been decided. Of the six appeals outstanding from the last reporting period, one is still awaiting a decision, two were successful and three were unsuccessful.

The Central Judge sentenced eighty-four persons who pleaded guilty. Eighty-one of these persons pleaded guilty to drug offences. Seven persons were dealt with for breaches of previous orders. Of the overall total of ninety-eight persons sentenced by the court over the relevant period, sixteen were women.

In total, the Central Judge sat for twenty-five weeks in Rockhampton, six weeks in Mackay, five weeks in Bundaberg and one week in Mt Isa. The Central Judge also sat for three weeks

in the Court of Appeal in Brisbane. Three weeks were allocated for judgment-writing. No sittings were required in Longreach.

Apart from the Central Judge, Mullins, J sat for one week in Rockhampton and the Northern Judge for four weeks in Mackay. In Rockhampton and Mackay both criminal and civil cases were able to be heard within a few weeks of the parties being ready to proceed. In Bundaberg, where the court only sits twice a year, and in Longreach, where it sits as required, all cases ready for trial were disposed of in the first sittings after becoming ready (no civil cases fell for determination in Longreach this year). There were no delays brought about by the inability of the parties to obtain hearing dates. All civil judgments were delivered within three months of the conclusion of the trial, in accordance with the court's protocol.

This year the Central Judge heard nine civil trials resulting in a judgment. (These do not include judicial review hearings or applications given hearing dates on the civil list.) This is two more than in the previous year. All were heard in the period from July to November 2003. No civil matters required a trial in the first six months of 2004, although a number have been heard since the end of the review period and there are signs of a slight increase overall. Of the nine trials in which judgment was given, only one has been the subject of appeal, and this was subsequently discontinued.

The nine civil trials conducted in the past year involved eighteen counsel, of whom six were based in Central Queensland. All six were briefed by Central Queensland firms of solicitors. Of seventeen firms of solicitors involved, eleven were locally based. Three parties were unrepresented for either all or part of the trial. There does not yet appear to be a significant problem in the region of litigants in the court without legal representation.

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

Table 54: Rockhampton, criminal jurisdiction

Number of cases	2001–02	2002–03	2003–04
At start of year	3	6	9
Commenced during year	55	46	50
Disposed of during year	50	43	46
Undisposed of at end of year	8	9	13

Table 55: Rockhampton, civil jurisdiction

Number of cases	2001–02	2002–03	2003–04
At start of year	6	3	4
Entered during year	23	16	12
Disposed of during year	26	15	12
Undisposed of at end of year	3	4	4

Table 56: Mackay, criminal jurisdiction

Number of cases	2001–02	2002–03	2003–04
At start of year	0	2	3
Commenced during year	19	22	37
Disposed of during year	17	21	31
Undisposed of at end of year	2	3	9

Table 57: Mackay, civil jurisdiction

Number of cases	2001–02	2002–03	2003–04
At start of year	4	7	3
Entered during year	29	18	12
Disposed of during year	26	22	12
Undisposed of at end of year	7	3	3

Table 58: Bundaberg, criminal jurisdiction

Number of cases	2001–02	2002–03	2003–04
At start of year	10	2	7
Commenced during year	36	34	30
Disposed of during year	44	29	17
Undisposed of at end of year	2	7	20

Table 59: Bundaberg, civil jurisdiction

Number of cases	2001–02	2002–03	2003–04
At start of year	0	0	0
Entered during year	3	0	0
Disposed of during year	3	0	0
Undisposed of at end of year	0	0	0

Table 60: Longreach, criminal jurisdiction

Number of cases	2001–02	2002–03	2003–04
At start of year	0	0	1
Commenced during year	0	1	2
Disposed of during year	0	0	0
Undisposed of at end of year	0	1	3

Table 61: Longreach, civil jurisdiction

Number of cases	2001–02	2002–03	2003–04
At start of year	0	0	0
Entered during year	0	0	0
Disposed of during year	0	0	0
Undisposed of at end of year	0	0	0

Northern District

The Northern Judge, Justice Cullinane, sat principally in Townsville, with circuits taking place in Mackay. His Honour sat in the Court of Appeal during its sittings in Townsville in May.

The Northern Judge is also the Chair of the Northern Land Appeal Court, which heard and disposed of three matters during the year.

The number of criminal cases awaiting hearing in Townsville has increased during the year, whereas the number of civil cases awaiting hearing has remained the same. The civil list remains up to date, with almost all cases offered a hearing date at each sittings.

Table 62: Townsville, criminal jurisdiction

Number of cases	2001–02	2002–03	2003–04
At start of year	8	6	5
Commenced during year	61	48	34
Disposed of during year	68	48	31
Undisposed of at end of year	1	6	8

Table 63: Townsville, civil jurisdiction

Number of cases	2001–02	2002–03	2003–04
At start of year	16	10	8
Entered during year	30	24	25
Disposed of during year	36	26	21
Undisposed of at end of year	10	8	12

Far Northern District

The Far Northern Judge, Justice Jones, received assistance throughout the year with circuits from the Chief Justice, Justice Cullinane, Justice Wilson and Justice Mackenzie.

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

The sitting time for the Far Northern Judge has resulted in 32 weeks being spent in Cairns, 3 weeks in Brisbane 1 week in Townsville, with 8 weeks allocated for judgment-writing.

This year has seen the appointment of the first Senior Counsel in Cairns, Mr Andrew Philp, SC. Details of the number of matters processed in Cairns and the circuit courts are set out in the tables below.

Table 64: Cairns, criminal jurisdiction

Number of cases	2001–02	2002–03	2003–04
At start of year	60	23	20
Commenced during year	104	98	92
Disposed of during year	134	87	85
Undisposed of at end of year	30	20	27

Table 65: Cairns, civil jurisdiction

Number of cases	2001–02	2002–03	2003–04
At start of year	16	8	12
Entered during year	32	26	20
Disposed of during year	40	22	26
Undisposed of at end of year	8	12	6

Table 66: Mount Isa, criminal jurisdiction

Number of cases	2001–02	2002–03	2003–04
At start of year	0	0	1
Commenced during year	5	4	13
Disposed of during year	5	3	6
Undisposed of at end of year	0	1	8

Table 67: Mount Isa, civil jurisdiction

Number of cases	2001–02	2002–03	2003–04
At start of year	0	0	0
Entered during year	0	1	2
Disposed of during year	0	1	0
Undisposed of at end of year	0	0	2

Mental Health Court

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

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

During this year, the Mental Health Court sat on 60 days. It usually sits 4 days out of every 5 allocated to it in the Trial Division calendar, the remaining time being used for preparation, judgment writing, administrative tasks, travel, etc.

Most of the sittings of the Mental Health Court were held in Brisbane, although the court travelled twice to North Queensland, each time sitting 1 day in Townsville and 1 day in Cairns.

Video links between the Supreme Court in Brisbane and Townsville Hospital, Cairns Hospital, Rockhampton Hospital, Mackay Hospital, Mt Isa Hospital, Cunnamulla Hospital, Biloela Hospital, Lotus Glen Correctional Centre and Capricornia Correctional Centre allowed persons in those places to participate in the hearing of references without travelling to Brisbane. They were all represented by counsel in Brisbane.

Table 68: Matters heard by the Mental Health Court

Type of matter	2003–04
References by:	
• Director of Mental Health	120
• Director of Public Prosecutions	5
• Defendant or legal adviser	100
• Court of law	3
• Attorney-General	8
Appeals against the Mental Health Review Tribunal by:	
• Director of Mental Health	1
• Legal representative	1
• Patient	31
Applications to inquire into detention:	
• Patient	1
TOTAL	270

Those matters were disposed of as follows:

Table 69: Matters disposed of by the Mental Health Court

Findings and orders of the Mental Health Court	2003–04
References*:	
• unsoundness of mind (forensic order)	84
• unsoundness of mind (no forensic order)	26
• not of unsound mind and fit for trial	55
• not of unsound mind and fit for trial (custody order)	1
• not of unsound mind, of diminished responsibility and fit for trial	1
• not of unsound mind, not of diminished responsibility and fit for trial	3
• not of unsound mind and unfit for trial (unfitness not permanent)	8
• not of unsound mind and unfit for trial (unfitness permanent and forensic order made)	3
• not of unsound mind and unfit for trial (unfitness permanent and no forensic order made)	3
• reasonable doubt and fit for trial	22
• reasonable doubt and unfit for trial (unfitness not permanent)	1
• reasonable doubt and unfit for trial (unfitness permanent and forensic order made)	1
• reasonable doubt and unfit for trial (unfitness permanent and no forensic order made)	1
• dispute relating to substantially material fact and fit for trial	3
• reference withdrawn	17
• struck out	8
TOTAL	237

* Includes 22 matters where 2 decisions were made and 3 matters where three decisions were made.

Table 70: Matters disposed of by the Mental Health Court — appeals

Findings and orders of the Mental Health Court	2003–04
Appeals:	
• withdrawn	17
• dismissed	15
TOTAL	32

Table 71: Matters disposed of by the Mental Health Court — inquiries into detention

Type of matter	2003–04
Applications:	
• withdrawn	1
TOTAL	1

Matters pending in the Mental Health Court as at 30 June 2004

As at 30 June 2004 there were 158 matters pending. Most of those ready for hearing had been assigned dates in July, and the balance were proceeding through the preparation phase.

Otherwise, 22 references and 1 appeal from the Mental Health Review Tribunal that had been listed for hearing had been adjourned to dates to be fixed. There were 3 references on the abeyance list.

As at 30 June 2004 there were two decisions reserved.

Report to the Minister for Health

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

Land Appeal Court

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

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

There are Southern, Central, Northern and Far Northern Land Appeal Courts. Justice Mullins has this year been the Judge appointed for the Southern District. The Central, Northern and Far Northern Judges hold appointments for the Land Appeal Court in their respective districts.

Table 72: Appeals to the Land Appeal Court

Appeals to the Land Appeal Court	2001–02	2002–03	2003–04
Number of appeals lodged:			
• Far Northern	0	1	4
• Northern	3	1	5
• Central	0	0	0
• Southern	3	3	2
Nature of appeals:			
• Compensation (Acquisition of Land Act)	2	2	2
• Valuation (Valuation of Land Act)	4	4	1
• Costs (Acquisition of Land Act)	0	0	1
• Jurisdiction (Soil Conservation Act)	0	0	1
• Application for rehearing (Acquisition of Land Act)	0	0	1
Number of sitting days allocated:			
• Far Northern	0	1	5
• Northern	3	1	5
• Central	1	0	0
• Southern	10	10	7

ADMINISTRATIVE SUPPORT

- **Introduction**
- **Office of the Court Administrator**
- **Registries**
- **Sheriff's Office**
- **Bailiffs' Office**

Introduction

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

Office of the Court Administrator

The Court Administrator, David Groth, is responsible for managing the resources provided by the Department of Justice and Attorney-General and the administrative operations and functions of the Higher Courts (the Supreme Court and the District Court). The Court Administrator is also responsible, in consultation with the Chief Justice and Senior Judge Administrator, for developing policies and strategies for improving service delivery to the court and its users. The Court Administrator is assisted by a Deputy Court Administrator, Cameron Woods, and a small team of administrative staff, who undertake a variety of duties designed to ensure the smooth, efficient and effective operation of the Supreme Court and to achieve particular projects suggested by the Judiciary.

Queensland Higher Courts Support Strategic Plan 2004–2008

The completion of the *Queensland Higher Courts Support Strategic Plan 2004–2008*, a first for the Higher Courts, is an important landmark in the development of the Higher Courts Service. The plan sets broad directions for the staff of the Higher Courts in supporting the Judiciary — in delivering equal justice to all according to law. This plan is about working in a more co-ordinated way to ensure that available resources target the issues important in improving client services, looking for creative ways of doing more with less, better engaging staff, and enabling the Higher Courts to put to the Minister/Government a clear and compelling case for continued and improved financial resources. It is a valuable opportunity for managers to examine the way they do things and to look at how they might be able to do things better. The plan has a strong client focus, sending a clear signal about the intended ethos and culture of the Higher Courts Service. The other striking aspect of the plan is the key emphasis it places on the staff of the Higher Courts as their greatest asset.

Some of the desired outcomes of this planning and improvement process are:

- improved business planning
- improved integrated systems
- improved staff retention, development of expertise and increasing the number of staff with a “can do” attitude
- improved internal and external working relationships
- improved client service and support for Judges.

Creation of the position of Policy and Planning Officer

Administrative support for the Supreme Court has been significantly enhanced by the creation of the position of Special Project Officer (Policy and Planning). Some of the key duties of this position are:

- monitoring, analysing and evaluating operations and providing advice on relevant trends and implications of available courts statistical and research-based information
- co-ordinating the further development and implementation of management-information initiatives for the Supreme Court
- undertaking and implementing or co-ordinating research and evaluation projects relevant to court policy and planning initiatives

- investigating and assessing the impact of major internal and external policy changes on the Supreme Court and, where appropriate, proposing strategic options derived from research-based analysis.

Higher Courts staff newsletter, *Courterly*

Communication with staff has been enhanced by the publication of a staff newsletter, *Courterly*, for all staff across the State. *Courterly* provides an opportunity to highlight the staff of the court and to keep them informed about developments. The newsletter complements the written text with video technology — messages from the Chief Justice, Court Administrator and Principal Registrar.

Visits to court centres outside Brisbane

The Court Administrator and Principal Registrar visited a number of a number of Supreme Court registries outside Brisbane, concentrating, initially, on those centres where there is a resident Judge. These visits provided a valuable opportunity to improve the exchange of information with regional registries.

Queensland Higher Courts Support Business Plan 2004–2005

The Queensland Higher Courts Support Business Plan 2004–2005, which is designed to ensure that all Higher Courts staff are clear about the priorities of the court and how these relate to the Strategic Plan, is close to finalisation. The Business Plan will be a first for the Higher Courts.

Child witness facilities

Plans are close to finalisation for the creation of a “child witness suite” in Brisbane, comprising two remote witness rooms, adjoining waiting rooms, a separate kitchenette and a toilet, all linked by a secure corridor. Plans are also close to finalisation for enhancements to child witness facilities in Townsville.

Funding provided by the department

During the year, the department provided:

- maintenance funding of \$779,587, with an estimated additional \$800,000 proposed for 2004–2005
- workplace-health-and safety-related funding of \$555,056, with an estimated \$92,000 currently proposed for 2004–2005
- security funding of \$17,764, with an estimated \$550,000 proposed for 2004–2005
- court technology funding for the provision of sound reinforcement and CCTV upgrades (to a number of higher court centres across Queensland) at a cost of \$955,633, with an estimated \$150,000 proposed for 2004–2005
- information technology funding for:
 - the redevelopment of the existing civil Case Management System at a cost totalling \$280,000, the majority of which will be expended in 2004–2005, after the finalisation of an appropriate tender process
 - the re-development of the existing criminal Case Management System through modification of the Queensland-Wide Interlinked Courts (QWIC) System operating in the Magistrates Court
 - infrastructure including the MAN (Metropolitan Area Network) and WAN (Wide Area Network) link, Internet gateways and Standard Operating Environment management (virus protection and security patches)

- general minor works funding of \$368,388, with an estimated \$657,915 proposed for 2004–2005.



Ian McEwan (Director, State Reporting Bureau), Aladin Rahemtula (Supreme Court Librarian), the Hon. Paul de Jersey, AC (Chief Justice), Ken Welsh (Acting Chief Bailiff), Ken Toogood (Principal Registrar), David Groth (Court Administrator), Ashley Hill (Information Technology Manager), Cameron Woods (Deputy Court Administrator)

Registries

The Principal Registrar in Brisbane also holds the offices of Principal Registrar of the District Court, Brisbane, and Registrar of the Court of Appeal Division and of the Planning and Environment Court. The Principal Registry comprises the civil, criminal and appellate registries, the Listings Directorate and the Sheriff's Office, Brisbane.

Three central registries are located at Rockhampton, Townsville and Cairns, and there are seven district registries throughout the State.

At all centres, the registry is also the registry office for the District Court, and all Registrars hold dual appointments.



Back row (left to right): *Alex Hams, Rod Goody, John McNamara, Ian Mitchell, Bob Houghton, Eric Kempin*
Front row (left to right): *Ian Enright, Leanne McDonnell, Neville Greig, Ken Toogood, Peter Irvine*

Developments

During the year an amalgamation of some registry services occurred in the Principal Registry.

- A dedicated counter service location for all civil registry services was established.
- A dedicated listings directorate comprising all jurisdictions was established.
- A dedicated data-entry location for all civil registry functions was established.
- A dedicated file location and records section for all civil registry services was established.

This has provided a basis for the delivery of more effective and efficient registry services.

The Principal Registry continues to undertake projects to improve registry services, staff training to ensure that staff are able to provide high levels of service to the profession and unrepresented litigants, the provision of information services through brochures and the website, and a file retention program for court records.

Courts website — Information Services

Important information about court activities and business can be found on the court's website (www.courts.qld.gov.au). This includes information about electronic set-down of trials and applications, court calendar and law lists, reason for judgment, brochures and fact sheets.

A list of the brochures and fact sheets available, and the annual demand, is detailed below:

Table 73: Brochures and fact sheets available, and annual demand

Brochure	Number issued 2001–02	Number issued 2002–03	Number issued 2003–04
<i>Changing Your Name by Deed Poll</i>	553	515	382
<i>Guidelines for Registration for Barristers or Solicitors— Mutual Recognition (Qld) Act 1992</i>	179	190	243
<i>An Explanation of Supreme Court ADR Processes</i>	269	203	282
<i>Supervised Case List (An Overview)</i>	238	239	271
<i>Applying for a Grant in an Estate — Probate and Letters of Administration</i>	426	301	471
<i>Jury Handbook*</i>	6680	8036	6395
<i>Technology in Trials in the Supreme Court</i>	251	231	325

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

eSearching

Through the court's website, eSearching facilities are available on a 24-hour, 7-day basis, providing legal practitioners and the public with the ability to search court civil records without having to journey to the registry. The facility also allows the list of court documents filed in any civil matter to be viewed and printed away from the registry.

Almost 191,500 electronic party searches were recorded for the Higher Courts, and 65,150 index-of-document lists were accessed in relation to Supreme Court matters only.

Almost 23% of all electronic searches made were conducted outside normal business/court hours.

Funds in court

Since 1974, litigants have been permitted to pay or deposit monies into court under the *Court Funds Act 1973*.

Previous reports show the level of access to this process, as well as amounts held in the court fund in the Principal Registry. The current 66 accounts had a monetary value of \$11,769,082.83 as at 30 June 2004.

On 1 June 2004 the Principal Registrar obtained an order to transfer the sum of \$ 237,834.60 to the Consolidated Revenue fund. This transfer was made up of five accounts that had not been dealt with during the previous six years, other than under continuous investment or payment of interest.

A project to introduce a fully electronic system of recording and accounting was set in April 2004 for the Principal Registry. The expected benefit of the new system is saving in administrative resources and quicker access to information on monies held by the court.

Client relations

The amalgamation of the registry services in August 2003 has provided a single service point for clients attending the Supreme Court, District Court and Planning and Environment Court Civil Registries. The Higher Courts Registry, as it is now known, is located on the ground floor of the Supreme Court building.

Three Client Relations Officers (CRO) and a cashier service the counter, supervised and assisted by a Senior Client Relations Officer. During busy periods, up to six CROs serve on the counter, along with an extra cashier.

To relieve demand at the counter, computer terminals are now available for public use to enable clients to conduct searches and printouts of court records without having to ask the assistance of a registry officer.

On average, approximately 1,100 clients per week attend the Higher Court registries.

Part of the CRO's role is to assess documents for filing (checking to ensure that they comply with the rules and practices of the court), assess fees, and provide information brochures and reliable non-legal advice.

Filing court documents by post has increased in popularity. The use of town agents is avoided.

Table 74: Filing by post, sets of documents

	2002-02	2002-03	2003-04
Brisbane	2379	2345	3298
Townsville	839	848	876

Table 75: Document filings recorded by Civil Information Management System (CIMS) in Brisbane

2001–02	2002–03	2003–04
94,289	87,738	92,622

Like other registry staff, most CROs are qualified Justices of the Peace. As such, they are increasingly called upon to provide services to members of the legal profession, self-litigants and other members of the public.

The Higher Courts Registry attracts a diverse range of clients: solicitors, self-represented litigants and members of the public. A legislative change provided that from 1 February 2004 it was no longer possible to change a person's name by deed poll, and therefore deeds poll are no longer lodged with the court. The registry still maintains existing records filed before 1 February 2004.

The upgrade of the counter referred to in previous reports is due to begin in the first quarter of the next financial year. This upgrade will provide an ergonomically designed area that will benefit staff and clients alike.

Waiver of filing fees

Since September 2002 a process has existed whereby an impecunious person can apply to a Registrar for a filing-fee waiver and exemption in relation to filing an originating process or appeal.

A total of 70 applications were made to the Registrar during the year. Three were refused. The total value of fees waived was \$29,145.00.

Of the 67 sets of originating processes filed with the exemption, 25 have not yet been determined. However, of the 42 matters finalised by a determination by the court, in all but 3 matters the applicant/appellant was not successful in seeking the relief sought.

Unrepresented litigants

The number of people choosing to represent themselves has increased during the last year. Approximately 17.6% of all parties in filings during the year were unrepresented. This is an increase from the previous year of 14%.

To deal with unrepresented litigants both at the registry and by correspondence requires more time and sometimes more detailed attention to procedures, rules and forms. On occasions, disagreements between unrepresented litigants and counter staff over interpretations of rules or forms have to be referred on to a Deputy Registrar to resolve.

Listings Directorate

The Listings Directorate was established in the Principal Registry in August 2003.

This is a dedicated office that now houses all List Managers from both the Supreme and District Courts and covers all jurisdictions.

The officers of the Listings Directorate are responsible for the administrative management of the Criminal, Civil, Applications and Supervised Case Lists.

The officers are:

The Listings Coordinator

kate.bannerman@justice.qld.gov.au

Supreme Court Criminal List Manager

and Statistics Officer

SC-CrimListManager@justice.qld.gov.au

Supreme Court Applications List Manager	ApnManager@justice.qld.gov.au
District Court Applications List Manager	dc-apnmanager@justice.qld.gov.au
Supreme Court Civil List Manager	CivilListManager@justice.qld.gov.au
District Court Civil List Manager	c-civillistmanager@justice.qld.gov.au
Supervised Case List Manager	supcasemanager@justice.qld.gov.au
P & E List Manager	DC-PEListManager@justice.qld.com.au

Criminal Registry, Supreme Court

The most significant change to occur in the Criminal Registry in the 2003–2004 period was the move to **Queensland Wide Interlinked Courts (QWIC)** financials. All money received and disbursed through the Criminal Registry is now recorded on QWIC. One of the benefits is that offenders are able to make payment at any courthouse in the State.

The table below shows the workload for the year.

Table 76: Supreme Court Criminal Registry matters

	2003–04
Number of indictments registered	837
Number of cases (defendants)	723
Cases disposed of	639
Cases outstanding as at 30 June 2004	265
Summary matters registered	88
Summary matters remitted back when not dealt with in Supreme Court	38
Number of fines ordered	73
Total amount of fines ordered to be paid	\$343,175
Number of compensation orders issued	1
Total amount of compensation ordered to be paid	\$1,850
Number of outstanding fine and compensation orders referred to SPER*	20
Total amount of fines and compensation referred to SPER*	\$21,850
Number of warrants issued when offenders failed to appear in court	29

* *State Penalties Enforcement Registry*

Sheriff's Office

Jury management

The Sheriff's Office in Brisbane issued 177,983 Notices to Prospective Jurors for the court sittings of the 11 Supreme and 31 District Courts throughout the State.

In Brisbane, 6,444 jurors received summonses to appear for jury service, of which 4,971 jurors attended at least once. Of those attending, 2,432 jurors were empanelled at least once in the 253 jury trials (42 Supreme and 211 District Court). Of those trials, 69 extended outside normal court hours, and 38 juries needed accommodation overnight. Six juries were provided with accommodation for more than one night. A review of jury fee payments and allowances was under way as at the end of the reporting year.

The Higher Courts migrated the Queensland Juries system from a mainframe environment hosted by an outsourced facilities provider onto a more cost-effective platform housed in the Department of Justice and Attorney-General. Some system enhancements were also made during migration.

Enforcement

The Sheriff is responsible for the enforcement of court orders by way of certain types of warrants. During the year the Sheriff received 126 enforcement warrants for enforcement — 109 were for Possession of Land and 17 for Seizure and Sale of Property. Of these, 31 Possession of Land enforcement warrants were successfully enforced.

As Marshal, the Sheriff performs duties conferred pursuant to the *Admiralty Act (Cwlth) 1998*. During the year no vessels were arrested, but one vessel remained under arrest from the previous financial year.

Bailiffs' Office

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

- 41 days of Court of Appeal sittings
- 494 days of criminal court sittings
- 458 days of civil court sittings
- 490 days of applications court sittings
- 63 days of Mental Health Court sittings
- 100 days of administrative duties for the registry

INFORMATION TECHNOLOGY

- **Information Technology Team restructure**
- **Standard Operating Environment**
- **Equipment replacements**
- **eCourts**
- **Civil Information Management Systems (CIMS)**
- **Criminal Management System**

During the 2003–2004 financial year, the Information Technology section of the Higher Courts completed a number of activities that began in the previous year, consolidated the gains made and positioned itself to further exploit technology in the 2004–2005 year.

Information Technology Team restructure

A review of the structure of the Higher Courts IT Team recommended an increase in the number of staff and the alignment of staff capabilities with contemporary organisations. These recommendations were supported by the Director-General of the Department of Justice and Attorney-General, and the Higher Courts are currently implementing the recommendations of the report. In addition to an organisational restructure, the IT Team relocated within the Law Courts Complex to facilitate registry restructures and refurbishment.

Standard Operating Environment

The deployment of a Standard Operating Environment (SOE), which began during 2002–2003, was completed this year. The new environment is based on a managed Windows XP environment and includes the replacement of the old and unreliable equipment used by the Judiciary. The deployment of the SOE has resulted in increased stability and functionality.

Equipment replacements

A large amount of equipment was replaced during this period. Printers and PCs in regional offices were replaced, as well as a number of printers and PCs in Brisbane. The problematic Local Area Network in the Law Courts Complex was replaced, and the courts replaced their unreliable Wide Area Network link with a connection to the Departmental Metropolitan Area Network.

eCourts

Specific objectives of the eCourts initiative have been the introduction of eSearching, eListing, eChambers and eCourtrooms.

The popularity and use of the existing eCourts services increased during 2003–2004. The eSearching facility (www.ecourts.courts.qld.gov.au/eSearching/eSearching.htm) proved to be extremely popular with (on average) over 900 on-line searches conducted at no fee every business day. This capability and the frequency with which it is used represent a real boom to the courts' clients and demonstrate the courts' commitment to enhanced service delivery.

After the replacement of the civil case management system – a priority for the Higher Courts – additional eCourts services can be investigated including enhanced eSearching and eListing functionality as well as the ability to lodge documents electronically, rather than visit a Higher Courts registry.

Civil Information Management System (CIMS)

The Higher Courts plan to replace CIMS, parts of which are 10 years old, with a modern, web-based application that can be deployed to all Higher Court registries, as well as deliver enhanced services to the courts' clients via the internet. The enhanced civil system has been called CIMS Web. A part-time project team has been formed to define their requirements in relation to the management of civil matters. The project team reached the stage, by the end of the 2003–2004 year, where the Higher Courts are poised to formally approach the market to determine if suitable solutions exist. The pursuit of this initiative will be the main focus for the Courts IT Team during 2004–2005.

As it will be 12–18 months until CIMS Web is in place, the courts decided to proceed with the roll-out of the current version of CIMS to Southport and Maroochydore during 2003–2004. The deployment of CIMS improves the management of the courts’ civil workload in these locations and meets the increasing demands by legal practitioners for electronic service delivery.

Criminal Management System

The Higher Courts have been working with the Department of Justice and Attorney-General to enhance the Queensland-Wide Interlinked Courts (QWIC) system used by the Magistrates Courts to manage their criminal workload, so that it is capable of also managing Higher Courts matters. If QWIC can meet the Higher Courts’ needs, it is planned to adopt the system in March of 2005.

RELATED ORGANISATIONS

- **State Reporting Bureau**
- **Supreme Court Library**

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 records of interviews), Industrial Court and Industrial Relations Commission. The Bureau also provides reporting services for the Mental Health Court and Land Appeal Court.

Services are provided in Brisbane and throughout Queensland at 35 regional and circuit centres. In respect of the Supreme Court Trial Division, reporting services are provided in Brisbane, Cairns, Townsville and Rockhampton and the circuit centres of Bundaberg, Mount Isa, Toowoomba, Maryborough and Roma.

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

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

During 2003–2004, Caboolture was brought on-line as a transcription centre, increasing the number of RRATS transcription centres to seven. The other transcription centres are located in Cairns, Townsville, Mackay, Maroochydore, Southport and Ipswich. An enhancement of the on-site RRATS in Bundaberg allows RRATS to transfer video images from the court to the Caboolture transcription centre.

Portable RRAT 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.

The Bureau also offers real-time (CAT) reporting, which provides immediate access to transcripts in electronic form. The recorded proceedings are simultaneously translated into text on computer screens in the courtroom, with the facility for the Judge and counsel to make annotations in the unedited electronic transcript.

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

The proposed introduction of digital recording will manage the current risks to the ongoing functioning of the courts, commissions and tribunals that the Bureau supports and will further enhance the already high quality of reporting services provided to the courts.

The Supreme Court Library

In 2003, Justice White concluded a five-year term as Chair of the Library Committee. This was a dynamic period, during which the Library embraced online technologies to deliver information services more quickly and effectively, and established a series of historical preservation and education programs. This year an equally vital phase of review and consolidation was initiated under the guidance of the new Library Committee Chair, Justice Mackenzie.

Information Services

Library online information gateways, such as the courts website and Judicial Virtual Library, are the key access points for Library users seeking prompt and accurate information. Over

1 million information requests were serviced via these gateways this year, and important achievements include the digitisation and publication of 1,900 full-text Court of Appeal criminal decisions dating from 1992. In total, 9,800 judgments are now publicly available on the courts website, together with selected sentencing remarks from the Supreme and District Courts. The Library also maintains online searchable judgments and sentencing databases, which greatly improve access to this information.

After the installation of the first remote information kiosk in Townville last year, a customised gateway was launched to provide streamlined and intuitive access to 82 subscription titles, free online resources and the newly enhanced Library catalogue, which now enables users to accurately determine the holdings of their local collections. The provision of remote information kiosks will continue throughout the remaining 9 regional centres in the coming year.

Major development of information services, with particular reference to online gateways, will be a key priority for the next five years. The overarching objective is to develop a cohesive, competitive and flexible information-delivery strategy that meets the needs of the Judiciary, the legal profession and the wider community. An extensive review of the court's website is already under way, and proposed developments focus on expanding content, creating customised portals for discrete user groups, such as litigants in person, and meeting web accessibility standards for disabled users.

As part of the e-service initiative, an upgrade of existing training and demonstration facilities is also planned. These facilities will be used by members of the Judiciary and court staff, members of the legal profession and general public, and visiting school groups. After a request from a member of the public, additional funding has also been sought to provide a special-needs research room for hearing- and vision-impaired users.

Collection development

This year the Library invested in several initiatives to enhance core collection resources, particularly in regional centres. In fact, 38% of the total budget for books and subscriptions was committed to regional development, including a substantial upgrade to replace superseded legal texts. Funds have also been allocated to expand the Pacific legal collection in Brisbane. In addition, the Library assumed a curatorial role with respect to the special heritage collections of the courts. Over 6,000 photographs were deposited by the courts, Queensland Bar Association and Department of Justice. These have been catalogued and are being digitised to ensure long-term preservation and with a view to making a selection available online.

Rare Books Precinct and community outreach

With the assistance of a generous grant from the Incorporated Council of Law Reporting, ambitious plans are under way to construct a visually striking suspended platform of environmentally controlled cabinets in the public gallery on level 2 of the Supreme Courthouse at Brisbane. These cabinets will house and display the remainder of the nationally significant rare books collection, which is currently in storage. This year an estimated 26,000 visitors to the court toured the gallery, known as the Rare Books Precinct, including honoured guests such as Her Royal Highness Princess Bajarakitiyabha of Thailand.

The Precinct showcases a series of permanent exhibits and was the venue for six educational exhibitions curated by the Library. In particular, the Library was commissioned by the Caxton Legal Centre to research and mount an exhibition exploring the history of public-order law in Queensland. The display roused substantial interest among the wider community, as will the forthcoming scholarly exposition on the theme "Women and the Law in Queensland Revisited". This was the subject of the inaugural exhibition in 2000, which was opened by Ms Quentin Bryce, AO, now Her Excellency Ms Quentin Bryce, AC,

Governor of Queensland. In 2005, 100 years since legislation was passed enabling women to be admitted as legal practitioners, it is fitting that the topic be revisited.

These activities constitute an important community service, ensuring access to the Library's growing legal heritage collection and fostering greater understanding and appreciation of the courts. In addition, the interest generated by these programs has yielded grants and donations valued at over \$350,000 over the preceding five years.

Schools Program

A total of 6,650 students participated in the Schools Program this year. The Library, as the centre for educational initiatives within the court, will be focusing on the further development of the program, including the enrichment of the Schools Program website, which was launched this year with online booking facilities.

Churchill Fellowship Study Tour and History Program

In late 2003 the Supreme Court Librarian, Aladin Rahemtula, undertook a study fellowship to investigate historical societies and legal museums in Canada, the United States and the United Kingdom. The fellowship, awarded by the Winston Churchill Memorial Trust of Australia, culminated in a series of 21 recommendations to develop and improve the History Program, Schools Program, exhibition series and courts website. Important co-operative relationships were established with a number of international organisations and, as a result, one of the leading law libraries in America has agreed to participate in a staff exchange initiative.

Active publishing programs were a feature of several organisations visited. This year, the sale of the Library's book *Queensland Judges on the High Court* highlighted opportunities to preserve and disseminate material relating to Queensland's legal heritage through such self-funding activities. The next publication will focus on the achievements of prominent women lawyers, and will coincide with the "Women and the Law" exhibition.

Strategic Plan 2004–2009

As previously reported, the Library has undertaken an organisational review and is now developing a five-year strategic plan, documenting all aspects of operation and identifying key objectives for the future. Plans relating to the History Program and the Schools Program are complete, and the areas of information services, collection management and technology solutions will be addressed in the coming months. The continuation of pioneering work in online information delivery will be an integral part of the Library's future strategic direction, building on and refining innovative services such as the court's/Library website, the Judicial Virtual Library, the web catalogue and QLI Online. Opportunities to digitise collections will also be exploited, thereby enhancing access and ensuring the preservation of historically significant material.

Underlying all of these initiatives is the Library's commitment to maintaining relevant and accessible collections, exploring flexible methods of service delivery, and embracing new roles of benefit to the legal and wider communities.

