

DISTRICT COURT OF QUEENSLAND

ANNUAL REPORT

1997-1998

Law Courts Complex
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The District Court of Queensland

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29 October 1998

The Honourable Matt Foley
Attorney-General, Minister for Justice and the Arts
State Law Building
50 Ann Street
BRISBANE. Q. 4000.

Dear Minister,

I am pleased to present the Annual Report of the operation of the District Court of Queensland for 1997-1998 in accordance with s.130(1) of the *District Court Act*.

Yours sincerely,

CHIEF JUDGE

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INTRODUCTION

Last year the judges of the District Court presented a report about the Court and its activities to the Attorney-General and Minister for Justice. At that time there was not the present statutory requirement that the Chief Judge prepare and give to the Minister a written report about the operation of the Court during the year.

As it was the first occasion such a report had been prepared and presented to the Minister, the 1996-1997 report included some historical information. The names of the judges of the District Courts since the District Courts were established in Queensland in 1866 were listed in Schedule 1 of that Report. The list was not complete. This has now been corrected and a complete list appears in Appendix 1.

The judges of the District Court in April 1998 adopted a strategic plan for the Court. The plan plainly states the purpose of the Court and its goals and objectives.

Statement of Purpose

The mission of the District Court is to deliver justice according to law to the people of Queensland as expeditiously and as economically as it is reasonably practicable to do so.

Judges of the Court are sworn to act in accordance with the highest standards of integrity, fairness and justice according to law, and in accordance with the Oath of Office:

I do sincerely promise and swear that as a Judge of the District Court of Queensland I will at all times and in all things do equal justice to the poor and rich and discharge the duties of my office according to the laws and statutes of the realm and of this State to the best of my knowledge and ability without fear, favour or affection.

The Court's goals and objectives

The primary goals of the District Court of Queensland are:

Access

1. To ensure that the Court is accessible to the public and those who need to use its services.

Case Management

2. To discharge the Court's responsibilities in an orderly, cost effective and expeditious manner.

Equality and Fairness

3. To provide to all equal protection of the law.

Independence

4. To promote and protect the independence of the Judges of the Court.

Accountability

5. To account for the performance of the Court and its use of public funds.

Professionalism

6. To encourage excellence in the functioning of the Court.

How these goals are to be achieved is seen in the balance of the Strategic Plan which is at Appendix 2.

Places of Sitting

The Court is large and diverse. It sits in a number of centres located within the District Court districts of the state. Judges are based in Brisbane, Cairns, Townsville, Rockhampton, Maroochydore, Beenleigh, Southport and Ipswich and visit a number of other centres on circuit. Those centres are:

- | | |
|-----------------|-------------|
| Bowen | Hughenden |
| Bundaberg | Innisfail |
| Charleville | Kingaroy |
| Charters Towers | Longreach |
| Clermont | Mackay |
| Cloncurry | Maryborough |
| Cunnamulla | Mount Isa |
| Dalby | Roma |
| Emerald | Stanthorpe |
| Gladstone | Toowoomba |
| Goondiwindi | Warwick |
| Gympie | |

Judges from Cairns have also travelled on circuit to Thursday Island.

JUDGES OF THE DISTRICT COURT

Chief Judge	His Honour Judge John Patrick Shanahan, R.F.D., E.D.
Judges	His Honour Judge Frederick McGuire
	His Honour Senior Judge John Mostyn Hanger (Southport)
	His Honour Judge Eric Charles Ernest Pratt, Q.C.
	His Honour Senior Judge Nelson Anthony Skoien
	His Honour Judge Robert David Hall (Southport)
	His Honour Senior Judge Gilbert Trafford-Walker
	His Honour Judge Thomas Joseph Quirk
	His Honour Judge Warren Howell
	His Honour Judge Ian MacGregor Wylie, Q.C.
	His Honour Judge Keith Stuart Dodds (Maroochydore)
	His Honour Judge Anthony Joseph Healy, Q.C.
	His Honour Judge Manus Boyce, Q.C.
	His Honour Judge Garry Spencer Forno, Q.C.
	His Honour Judge Brian James Boulton
	His Honour Judge Maxwell George Morley, Q.C.
	His Honour Judge Francis Lenton Daly (Cairns)
	His Honour Judge Hugh Wilfrid Harry Botting
	His Honour Judge Michael John Noud
	His Honour Judge Kerry John O'Brien (Beenleigh)
	His Honour Judge Neil Ferguson McLauchlan, Q.C.
	His Honour Judge Philip David Robin, Q.C.
	Her Honour Judge Margaret Anne McMurdo
	His Honour Judge Brian Charles Hoath
	His Honour Judge John Elwell Newton (Southport)
	Her Honour Judge Helen O'Sullivan
	His Honour Judge Peter James White (Cairns)
	His Honour Judge Philip Grahame Nase (Rockhampton)
	His Honour Judge John Mervyn Robertson (Ipswich)
	His Honour Judge Michael William Forde
	Her Honour Judge Patricia Mary Wolfe
	His Honour Judge Charles James Lennox Brabazon, Q.C.
	His Honour Judge Douglas John McGill, S.C.
	His Honour Judge Clive Frederick Wall, R.F.D., Q.C. (Townsville)
	His Honour Judge Robert Douglas Pack (Townsville)

There is no statutory limit to the number of judges who may constitute the Court. Throughout the year the District Court was constituted by the Chief Judge and a number of other judges.

As at 30 June 1998 there were in addition to the Chief Judge, 34 judges of the District Court in Queensland.

Appointments

During the year three judges were appointed.

His Honour Judge McGill S.C.	appointed 9.9.96
His Honour Judge Wall R.F.D., Q.C.	appointed 11.9.96

His Honour Judge Pack appointed 18.12.97

Specialist Courts

The following judges held commissions for the Children's Court and Planning and Environment Court during 1997-1998:-

Children's Court

His Honour Judge McGuire
His Honour Senior Judge Hanger
His Honour Senior Judge Trafford-Walker
His Honour Judge O'Brien
Her Honour Judge McMurdo
His Honour Judge White
His Honour Judge Nase
His Honour Judge Robertson
His Honour Judge Wall, Q.C.
His Honour Judge Pack

Planning and Environment Court

His Honour Chief Judge Shanahan
His Honour Senior Judge Hanger
His Honour Senior Judge Skoien
His Honour Senior Judge Trafford-Walker
His Honour Judge Dodds
His Honour Judge Quirk
His Honour Judge Daly
His Honour Judge McLauchlan Q.C.
His Honour Judge Robin Q.C.
His Honour Judge Newton
Her Honour Judge O'Sullivan
His Honour Judge Nase
His Honour Judge Brabazon Q.C.
His Honour Judge Wall Q.C.
His Honour Judge Pack

CRIMINAL JURISDICTION

The District Court is the principal trial court in Queensland for the trial of persons charged with criminal offences on indictment.

In practice this means that the District Court is the trial court for persons charged with all serious criminal offences with the exception of murder, attempted murder, manslaughter and serious drug offences with respect to which the Supreme Court exercises exclusive jurisdiction (s.61 *District Court Act 1967*, s.202. *Supreme Court Act 1995*).

Trials in the District Court must be tried by a judge and jury: see s.63 *District Court Act 1967*.

Some District Court judges are commissioned to sit as Children's Court judges, and in that capacity have jurisdiction to try a child for any offence for which the child has been committed for trial (ss.49 and 72. *Juvenile Justice Act 1992*).

The District Court also exercises extensive federal jurisdiction to try persons for Commonwealth offences punishable by up to 14 years.

Disposition of criminal matters

The management of the criminal case load is undertaken by the Chief Judge and on other occasions, senior judges, at a general callover held approximately each month, when new indictments are presented. Daily management of matters listed for trial or sentence is conducted in a similar manner.

In regional District Courts, different management techniques are adopted. In some centres the judges undertake overall supervision of the list with the assistance of listing clerks attached to the Court. In other areas, the Director of Public Prosecutions manages the day to day listing enquiries. However listed dates are changed only upon application to the Court.

The problems of late pleas, late amendments to indictments and late entry of nolle prosequi identified in last year's report, have been addressed to some extent by amendments to the *Criminal Code* which took effect on 1 July 1997. Section 592A enables pre-trial applications to be made well in advance of the trial; and rulings often result in resolution of the matter by way of plea or nolle prosequi. Section 590 now enables the Crown to delay presentation of the indictment for up to six months (or longer with leave of the Court) after committal, thus enabling more time to be spent in ascertaining the strength of the Crown case and the appropriate charges to proceed.

The District Court has maintained a very high disposition rate as shown in Table 1 below; a rate well ahead of any other equivalent State Court.

Table 1: Age of disposed criminal cases - major centres 1997-98

Percentage disposed of					
Time for disposition	Brisbane	Townsville	Cairns	Rockhampton	Southport
<3 months	57%	65%	32%	63%	58%
3-6 months	22%	22%	42%	22%	22%
6-9 months	10%	5%	18%	8%	10%
9-12 months	5%	3%	6%	4%	4%
>12 months	6%	5%	2%	3%	6%
TOTAL	100%	100%	100%	100%	100%

Percentage disposed of				
Time for disposition	Ipswich	Maroochydore	Beenleigh ¹	Toowoomba
<3 months	78%	60%	88%	96%
3-6 months	17%	26%	12%	4%
6-9 months	3%	12%	0	0
9-12 months	1%	1%	0	0
>12 months	1%	1%	0	0
TOTAL	100%	100%	100%	100%

1 Figures for Beenleigh are from February '98 to June '98

The annual case load statistics for Brisbane (Table 2) reveal that, despite a reduction in judge weeks in crime in the first half of 1998 due to leave entitlements, the Court has maintained a significant case load.

Table 2: Annual case load - criminal jurisdiction, Brisbane

Number of cases ¹	1996/97	1997-98
At start of year	803	1061
Presented during year	3844	3768
Disposed of during year ²	3558	3806
Undisposed ³	1056	1067

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

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

Of the 3806 matters disposed of in the year, 2914 were by way of plea of guilty and 341 were trials. As a result of amendments to the *Penalties and Sentences Act 1992* effective 1 July 1997 relating to serious violent offenders (Part 9A), re-opening of sentencing hearings (s.188) and reducing sentences for co-operation with law enforcement agencies (s.13A), sentence hearings are generally becoming more complex and time consuming.

It is likely that the judgment of the majority of the Court of Appeal will substantially extend the Court time spent in sentencing hearings (see *R. v. Morrison*, C.A. No. 391 of 1997, unreported judgment of the Court of Appeal delivered 26 June 1998, dealing with the standard of proof of disputed facts on sentence which overruled *R. v. Jobson* (1989) 2 Qd.R.464)

The criminal case load in the regional centres in which there are resident judges continues to increase. Notwithstanding, the increase across the state, the disposition rate remains high.

Table 3: Annual case load - criminal jurisdiction, Townsville

Number of cases	1996-97	1997-98
At start of year	24	59
Presented during year	366	415
Disposed of during year	321	307
Undisposed	59	153

Table 4: Annual case load - criminal jurisdiction, Cairns

Number of cases	1996-97	1997-98
At start of year	235	116
Presented during year	655	792
Disposed of during year	750	590
Undisposed	116	293

Table 5: Annual case load - criminal jurisdiction, Rockhampton

Number of cases	1996-97	1997-98
At start of year	10	34
Presented during year	252	340
Disposed of during year	227	277

Number of cases	1996-97	1997-98
Undisposed	34	90

Table 6: Annual case load - criminal jurisdiction, Southport

Number of cases	1996-97	1997-98
At start of year	113	228
Presented during year	605	588
Disposed of during year	506	633
Undisposed	228	158

Table 7: Annual case load - criminal jurisdiction, Maroochydore

Number of cases	1996-97	1997-98
At start of year	85	109
Presented during year	337	321
Disposed of during year	311	330
Undisposed	109	63

Table 8: Annual case load - criminal jurisdiction, Ipswich

Number of cases	1996-97	1997-98
At start of year	56	82
Presented during year	551	369
Disposed of during year	508	351
Undisposed	82	86

Table 9: Annual case load - criminal jurisdiction, Beenleigh¹

Number of cases	1997-98
At February 1998	37
Presented during year	236
Disposed of during year	165
Undisposed	86

1. Figures are for the period February - June only

Table 10: Annual case load - criminal jurisdiction, Toowoomba

Number of cases	1996-97	1997-98
At February 1998	19	1
Presented during year	307	239
Disposed of during year	318	223
Undisposed	2	9

The District Court also hears a large number of applications related to its criminal jurisdiction. These applications, which include claims for compensation by victims of crime, proceeds of crime both State and Federal, breaches of community based orders and suspended sentences, service of interstate subpoenas and other subpoenas, bail and re-opening under s.188 of the *Penalties and Sentences Act* 1992, consume a great deal of court time, and increasingly so. These matters are regrettably not statistically recorded.

Every year there is a Report on Government Services produced by the Steering Committee for the Review of Commonwealth/State Provision. The figures for criminal work in this Court and in comparable courts is set out below in Table 11.

Table 11: Non-appeal criminal matters finalised, 1996-97 (per cent) District/County Court

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Cwlth	Aver.
<6 months	43%	60%	86%	67%	66%	-	-	-	-	70%
6-12 months	28%	23%	11%	18%	26%	-	-	-	-	18%
12-18 months	15%	7%	3%	11%	5%	-	-	-	-	7%
>18 months	13%	10%	0	4%	3%	-	-	-	-	4%

It will be seen that the Court disposed of 97% of its criminal work within twelve months of the presentation of indictments. Eighty-six percent of its criminal work was disposed of within six months of the presentation of indictments. A comparison of the figures in Table 11 shows that the Court had a better disposal rate of criminal work than any other comparable state Court.

CIVIL JURISDICTION

The Court's civil jurisdiction derives principally from Section 68 of the *District Courts Act 1967*. It invests jurisdiction in personal and most other actions and matters including equitable claims within the court's monetary limit, currently \$250,000. Other Queensland legislation and some federal legislation also invests the court with civil jurisdiction. Where the parties to an action agree, a District Court can adjudicate a claim of a greater monetary value.

A civil proceeding is one where a person or persons natural, corporate or government (the plaintiff) takes legal action against another person or persons or government (the defendant) seeking an outcome other than conviction and penalty for an offence. Proceedings are commenced by filing a plaint or other initiating document in the court. Unless the issues at the heart of the claim are earlier resolved, a trial will ultimately take place in the court. Civil trials for the most part are heard by a judge sitting alone who after hearing the evidence and argument offered by all parties in the proceeding will decide the matter, provide reasons for the decision and make appropriate orders.

Once a civil action is commenced in the court a number of intermediate steps will be undertaken by the parties to the action to identify what is in dispute and ready the action for trial. The parties to the proceeding may resolve the matter at any time before trial or any or all parties may apply to the court to have the matter referred to mediation or case appraisal. Additionally a judge of her or his own motion may order either process. Mediation involves an independent person attempting to assist the parties to resolve the matters in dispute between them and to agree on an outcome satisfactory to all. Case appraisal involves an independent lawyer being provided with the evidence and argument of all parties and providing an opinion about the likely outcome if the matter is tried. The process may help the parties decide to agree to a resolution of the proceedings.

If a party is dilatory in progressing a civil action to a state where it is ready for trial, an appropriate application by an opposing party will result in the court ensuring progress occurs. Lengthy and/or complex civil actions may be supervised by a judge from an early stage in the preparation process.

An action is listed for the allocation of trial dates when all parties certify it is ready for trial. Where parties cannot agree about its state of readiness any party may apply to a judge for the action to be listed for trial. The judge may order its listing. Once listed the court is able to offer a relatively prompt hearing.

Not all civil proceedings which are commenced proceed to trial. Some are abandoned. In some the parties resolve the matters in issue between them. There is a significant rate of settlement of actions after the allocation of trial dates. This has a potential for wastage of scarce judicial resources when it occurs on or about the date for trial. In an attempt to minimise this wastage the court over lists civil cases for trial for the available judge days. This rarely has the result that no judge will be available to hear an action which must be adjourned back to the list for further allocation of trial date/s. In such a case the action is entitled to receive priority.

Table 12: Annual case load - civil jurisdiction, Brisbane

Number of cases	1996-97	1997-98
At start of year	470	262
Entered for trial during year	1151	1050
Disposed of during year	1359	1058
Undisposed at end of year		

Number of cases	1996-97	1997-98
	262	254

Table 13: Annual case load - civil jurisdiction, major centres¹

Number of cases	Townsville		Cairns		Rockhampton		Southport	
	96-97	97-98	96-97	97-98	96-97	97-98	96-97	97-98
At start of year	26	17	29	20	27	14	62	139
Entered for trial	73	66	103	75	70	58	236	245
Disposed of	81	63	112	74	83	57	159	278
Undisposed	17	20	20	21	14	15	139	106

Number of cases	Ipswich		Maroochydore		Toowoomba	
	96-97	97-98	96-97	97-98	96-97	97-98
At start of year	16	16	39	30	33	29
Entered for trial	47	55	134	148	92	98
Disposed of	45	40	143	106	96	93
Undisposed	16	31	30	72	29	34

¹ Beenleigh has been excluded as no civil matters have been dealt with in the four months a judge has been based there.

The Court continues to strive to streamline its service. For the year 1997/1998 most major centres were able to dispose of in excess of 80% of civil matters within six months of listing for allocation of trial date. All major centres disposed of in excess of 90% of civil matters within twelve months.

Table 14: Age of disposed civil cases - major centres 1997-98¹

Percentage disposed of				
Time for disposition	Brisbane	Townsville	Cairns	Rockhampton
<3 months	47%	44%	57%	39%
3-6 months	41%	27%	32%	47%
6-9 months	9%	14%	4%	9%
9-12 months	2%	5%	4%	2%

Percentage disposed of				
Time for disposition	Brisbane	Townsville	Cairns	Rockhampton
>12 months	1%	10%	3%	3%
TOTAL	100%	100%	100%	100%

Table 14 (cont.): Age of disposed civil cases - major centres 1997-98¹

Percentage disposed of				
Time for disposition	Southport	Ipswich	Maroochydore	Toowoomba
<3 months	22%	38%	49%	0
3-6 months	39%	48%	39%	0
6-9 months	22%	12%	10%	0
9-12 months	13%	2%	2%	0
>12 months	4%	0	0	0
TOTAL	100%	100%	100%	100%

1 There were no civil matters in Beenleigh between February - June 1998.

Table 15: Proportion of cases disposed of within 12 months of entry for trial - civil jurisdiction, major centres

Centre	1997-98
Brisbane	99%
Townsville	90%
Cairns	97%
Rockhampton	96%
Southport	96%
Ipswich	100%
Maroochydore	100%
Toowoomba	100%

APPELLATE JURISDICTION

The Court provides an appellate forum in a diverse spectrum of cases. Amongst them are appeals from Magistrates Courts in both civil and criminal jurisdiction. Appeals from Magistrates Courts in criminal jurisdiction include indictable offences dealt with summarily, simple offences and breaches of duty.

Included also are vocational appeals, that is to say, appeals from decisions of numerous statutorily established bodies whose decisions may affect a person's vocation. Additionally a large number of other statutes provide for the District Court as an appellate forum. The number of appeals in major centres is shown in Table 16.

Table 16: Appeals heard 1997-98

Centre	Number
Brisbane	150
Cairns	81
Townsville	20
Southport	14
Maryborough	12
Rockhampton	10
Maroochydore	7
Toowoomba	5
Other	12
TOTAL	311

Appeals to the Planning and Environment Court which is constituted by judges of the District Court are not included in this Table.

CHAMBER APPLICATIONS

Judges deal with a large number of applications in chambers rather than in court. The applications are extremely diverse in nature and range from simple matters able to be disposed of quickly to complex matters occupying a lengthy period of time. The applications are mostly interlocutory in nature, that is to say they do not result in a final judgment in the matter.

Table 17: Chamber applications dealt with in major centres, and some other centres where judges attend on circuit.

Centre	Judge	Registrar	Total
Brisbane	2146	6	2152
Cairns	345	66	411
Southport	342	3	345
Maroochydore	203	10	213
Townsville	175	0	175
Mackay	88	10	98
Rockhampton	74	0	74
Ipswich	54	2	56
Toowoomba	73	37	110
Maryborough	82	3	85
Bundaberg	35	0	35
Gladstone	18	0	18
Gympie	19	2	21
Mt Isa	17	0	17
Dalby	15	2	17
Other	26	1	27
TOTAL	3712	142	3854

THE PLANNING AND ENVIRONMENT COURT

The predecessor of the Planning and Environment Court, then known as the Local Government Court began its work in 1964. It was constituted under the *City of Brisbane Town Planning Act*. Two District Court judges (Byth DCJ and Mylne DCJ) exercised the Court's jurisdiction throughout the State for a number of years. The *Local Government (Planning and Environment) Act* (which became law in September 1990) saw the Local Government Court become The Planning and Environment Court although the work of the Court, while expanded somewhat, remained essentially the same. In March 1998 the *Integrated Planning Act* became the applicable law. To a large extent the jurisdiction and practice of the Court will remain the same but it is not possible at this early stage to predict what changes will take place nor to what extent.

The Court does not present its own report. It has no budget, nor administrative staff, apart from that of the District Court.

The work is of considerable importance to the State's economy and future development and often involves the consideration of projects valued at many millions of dollars. Accordingly the expeditious determination of cases is most desirable. In most instances appeals are heard within a few months of being entered.

A system of procedural controls has evolved over time to:

- identify quickly issues that are really in dispute
- provide for the exchange of written reports of expert witnesses
- require the parties to confer to attempt to limit the areas of true disagreement
- put in place a listing procedure that reduces court time

Those procedures have usually been successful. However, the court's procedures are under constant review.

Cases are often complex, with evidence of a highly technical character. Substantial written material must be considered and detailed written reasons for judgments are invariable required.

Usually there are at least two judges sitting in Brisbane. Judges in Cairns, Townsville, Rockhampton, Maroochydore and the Gold Coast deal with matters within their areas as they arise. Other areas of the State are served as needs dictate. During the year there were 71 scheduled judge weeks for the Planning and Environment Court in Brisbane. The listing system is designed to prevent loss of judge sitting time should appeals settle at a late date. In the event of free judge time the judges are available to assist in the civil jurisdiction.

In Brisbane there were 96 matters at the start of the year and a further 417 matters were commenced, a total of 513 matters. Three hundred and ninety-eight matters were disposed of. The disposals consisted of 73 judgments and 181 consent orders with the remainder being withdrawn. For Southport which is, after Brisbane, the court with the highest number of planning and environment matters, there were 79 matters commenced and 41 disposed of, of which there were 6 judgments and 24 consent orders. Detailed statistics were not kept for other centres, although the Brisbane judges monitor the monthly lists of matters in each centre in order to have them dealt with as speedily as possible.

Those judges who, during the reporting period, exercised their jurisdiction pursuant to their

appointments to this Court are shown on page 4 of this report.

Table 18: Annual case load, Planning and Environment Court, Brisbane

Number of cases	1996-97	1997-98
At start of year	107	96
New cases - Directions	198	236
New cases - Consent orders	205	181
New cases - Total	403	417
Disposed - Judgements	80	73
Disposed- Withdrawals	125	144
Disposed - Consent orders	209	181
Disposed - Total	414	398
Undisposed	96	115

As a general rule the Court sits at a location as close as possible to the site of the dispute to facilitate public participation in matters which are often of considerable community interest. Proceedings are conducted in a conventional court setting with representation being provided by (but not confined to) the legal profession. Not all cases are heard in a court house - sometimes a hall or office building close to the site is used.

CHILDREN'S COURT

This Court is the subject of a separate report by the President, His Honour Judge McGuire.

COURT CALENDAR - ALLOCATION OF JUDICIAL RESOURCES

For the most part judges sit in both criminal and civil jurisdictions. Some judges sit more in one jurisdiction than another. One judge sits almost solely in the Planning and Environment Court. This is a specialist court and the full-time judge is assisted by judges who hold a commission to sit in that court, but who are not required to sit there full-time.

Judges are allocated to sit in centres based on the estimated need for criminal and civil sittings in each location. If during the year the caseloads increase or decrease in a location, the Court is usually able to adjust the allocation of judge time. To the extent possible it is the Court's policy to accommodate individual preferences when determining the calendar for the year.

Judges have a maximum of six out of court weeks, during the year. This is to enable the judges to write judgments, and to keep abreast of changes in the law. The question of out of court weeks is under active consideration by the judges and the results of their work will be seen in the next Annual Report of this Court.

DISTRICT COURT RULES

There is a proposed set of uniform court rules for the conduct of criminal and civil cases in the Supreme Court, District Courts and Magistrates Courts in Queensland. These rules attempt to reduce complexity and uncertainty. New initiatives have also been introduced to allow for the more efficient use of courts resources. The rules expressly give the courts power to manage cases and to reduce delay.

The new rules are based on draft Supreme Court rules produced by the Supreme Court Working Committee, chaired by the Honourable Justice G.N. Williams, when it completed its work in 1991 (the Williams Committee rules). Additional material from a number of other sources has been added as well.

When made, the uniform rules will replace the *Rules of the Supreme Court, District Court Rules 1968* and *Magistrates Courts Rules 1960* with a single document.

With a single set of procedural rules it will not be necessary to be familiar with several sets of rules and procedures and different case law for each Court. This, together with the streamlining of procedures, should result in the even faster resolution of matters and reduction in costs.

The present Rules Committee is as follows:-

The Honourable the Chief Justice, His Honour Chief Justice de Jersey
The Honourable Mr. Justice McPherson, a Judge of Appeal
The Honourable Justice Williams
The Honourable Mr. Justice Muir
His Honour Chief Judge Shanahan
His Honour Judge Robin Q.C.
His Worship Mr. Krosch S.M.
His Worship Mr. Gribben S.M.

SENTENCING MANUAL

A Sentencing Manual has been prepared by His Honour Judge Robertson with an assistant author. This has been published since 30 June 1998 and is a valuable book. His Honour Judge Robertson is to be congratulated for producing such an excellent publication. It should be of great practical assistance to the Judges of this Court.

FIRST DISTRICT COURT JUDGES' CONFERENCE

The judges of the court held a workshop and conference over a two day period in April 1998. A wide variety of papers covering a number of topics relevant to the work of the court were received. Included amongst them were papers by the Youth Advocacy Centre, Victims of Crime Association and the South Brisbane Immigration and Community Legal Service with a view to gaining a better understanding of how victims, young offenders and immigrants perceive the court and its role; from Corrective Services with a view to gaining a better understanding of the success or otherwise of community based sentencing orders; from judges on a variety of topics including developments in judicial education particularly in the United Kingdom and risk assessment and the use of forensic psychology in the case of persons being sentenced for violent crime. There was wide ranging discussion. A decision taken was the adoption of a strategic plan for the court.

COMMITTEES

The system of Committees worked well during the year. It gives an opportunity for judges to serve on the Committee of their choice.

Because of the nature of some of the Committees, they do not work at all times. Some Committees are, obviously by their very nature, busier than others.

The judges who serve on Committees are to be congratulated. They give up a great deal of their spare time to work on these Committees. The Chief Judge is an ex officio member of all Committees.

The various Committees as at 30 June 1998 were as follows:-

Aboriginal and Torres Strait Islanders Committee

Convenor: Judge McMurdo
Members: Judge Botting
Judge O'Brien
Judge Nase

Civil Procedure

Convenor: Judge Robin Q.C.
Members: Judge Wylie Q.C.
Judge Forde
Judge McGill S.C.

Conferences and Judicial Education

Convenor: Senior Judge Skoien
Members: Judge Hoath
Judge Newton
Judge O'Sullivan
Judge Brabazon Q.C.
Judge McGill S.C.

Criminal Law

Convenor: Senior Judge Trafford-Walker
Members: Judge O'Brien
Judge Hoath
Judge Newton
Judge Nase
Judge Robertson

Publications and Community Awareness

Convenor: Judge Dodds
Members: Senior Judge Skoien
Judge Noud
Judge Robertson
Judge Wolfe

Salaries and Entitlements

Convenor: Judge Boulton
Members: Senior Judge Hanger
Judge Boyce Q.C.
Judge Botting
Judge Robin Q.C.

Strategic Planning and Budget

Convenor: Judge Pratt Q.C.
Members: Judge Dodds
Judge McMurdo
Judge O'Sullivan
Judge Forde
Judge Wolfe
Judge Brabazon Q.C.

REPORTS OF COMMITTEES

Strategic Planning and Budget Committee

The Committee met on a weekly basis and concerned itself with a wide variety of current matters ranging from improving the facilities for the public, staff and judges to budget requirements for the coming year and the persistent rumour that the District Court will be housed in Brisbane at a place apart from the Supreme Court.

Attention was given to evolving matters such as security at the Ipswich Court Complex, planning shortcomings at the Beenleigh Court Complex and suggested amendments to the plans for the new Gladstone Court Complex. The need for a mechanism was identified whereby the judges are automatically consulted about locations and designs of courthouses.

Much time was spent considering the concept of court governance which was referred to the court by the executive. Ultimately a paper was prepared and presented to the first annual meeting of District Court Judges.

After much discussion and research, a Strategic Plan for the court was also prepared and presented to the first annual conference of District Court Judges.

Ongoing matters such as court modernisation and improved court technology were discussed and members of this Committee assist the Chief Judge in these matters.

The Committee's utility in assisting the Chief Judge has been in its regularity of meetings, its wide range of interests and its networking effect due to some of its members also being on other Committees. The Committee has often proved to be a useful starting point for consultation and advice.

Criminal Law Committee

The Criminal Law Committee met on a number of occasions throughout the year. Recent developments in criminal law were discussed along with methods to improve the administration of criminal justice. Information considered to be of interest to the bench generally was distributed through the Chief Judge.

The Committee is presently considering the Draft Criminal Practice Rules.

Publications and Community Awareness Committee

Underpinning the Committee's activities throughout the year has been the view that the public interest and system of justice is best served when members of the community are provided with an accurate and balanced knowledge of the workings of their system of justice, and with an accurate, balanced and complete knowledge about the hearing and disposition of specific cases.

Most members of the community are informed about what the courts do and the system of justice from various news media. Acknowledging that media representatives may confront difficulties in achieving the ideals mentioned above, the Committee has attempted to gain an understanding of and address how the judges of the court can assist in providing legal information and prompt access to complete and accurate information about court proceedings.

Conscious of its lack of expertise, the Committee as a whole or some of its members have liaised with members of the media to exchange information and improve understandings. Approaches from the electronic media for the Court or judges to engage in that medium have been carefully considered by the Committee.

When apparently inaccurate and/or unbalanced comments or reports have been published about the Court, the judges or individual cases, and the Committee believed it was warranted, with the concurrence of the Chief Judge, the Committee has contacted the publisher. The Committee has on occasions sought information justifying the published comment or report so that the judges can consider whether remedial action is required by the Court. Alternatively, the Committee has sought to correct an inaccuracy or provide balance.

The Committee has encouraged the judges to accept invitations to speak to schools or community groups about the justice system. The Committee would like to do more, particularly in the important area of communicating with the public about the operation of their system of justice. Unfortunately judges have limited time for this worthy objective. Some states and the Commonwealth have recognised the benefits to the community and have made provision for a person with training and expertise in media communication to be employed in the courts to assist the courts and the news media in providing information about the workings of the courts and the justice system. It is the view of the Committee that a similar provision in Queensland would be of considerable benefit.

Salaries and Entitlements Committee

There were three substantial matters referred to the Committee for consideration during the year. The first concerned the Entitlements booklet concerning Judges of District Courts which had become effective in 1997. In some respects this had not accurately represented Judges' entitlements and departed somewhat from intimations given by the previous Director-General.

The second area concerned the more efficient use of Associates, particularly of Associates to Judges on long leave and the extension of a protocol agreed upon by a general meeting of Judges in July 1996.

The final matter concerned the preparation of a submission to the Salaries and Allowances Tribunal on behalf of the Court. The Tribunal had requested that such a submission be delivered by 27th February 1998. A draft submission was prepared and considered by a general meeting of judges and the final form of the submission was determined by the Committee and the Chief Judge and forwarded to the Tribunal in accordance with its request.

On 3rd April 1998, the Chief Judge and the convenor met with the members of the Tribunal to discuss the written submission.

The submission requested the Tribunal to take over an annual review of three areas of entitlements (referred to above) viz: the level of daily travel allowances, the payment of home telephones and any ceiling that is to be applied, and the library allowance. Some of these matters are dealt with by other Australian Tribunals.

Aboriginal and Torres Strait Islander Committee

The Committee comprised two metropolitan judges, one of whom is convenor, and two non-metropolitan judges, one in Rockhampton and one who resided in Townsville for part of the year, and Beenleigh for part of the year.

The Committee's goals are -

- (a) to develop and improve the relationship and understanding between the court and the Aboriginal and Torres Strait Islander communities;
- (b) to keep other judges and the community informed of such improvements and developments.

The Committee determined that its role is to -

- (a) deal with matters relating to Aboriginal and Torres Strait Islanders referred to the Committee by the Chief Judge, other judges or by the convenor or members of the committee;
- (b) to liaise with representatives of the Aboriginal and Torres Strait Islander communities about matters affecting the court and members of those communities, other than decisions of individual judges;
- (c) to recommend appropriate speakers on these topics at judges' conferences.

In October the Committee met with Mr. Michael Williams, Director, Aboriginal and Torres Strait Islander Studies, University of Queensland, to discuss how to implement this role and achieve the goals.

Following the Chief Judge's annual visit to Cairns where he met with representatives of the Aboriginal and Torres Strait Islander community, the Committee had the privilege of meeting with Ms. Evelyn Scott, the current chairperson of the Council for Aboriginal Reconciliation. Mr. Ian Pilgrim, Solicitor, also attended. The meeting was stimulating and all present thought the following matters should be pursued:

- access for judges to a list of Aboriginal or Torres Strait Islander elders, accepted by their communities as such, in every place where the District Court sits, with whom judges could, where appropriate, and if they wished, consult during the sentencing process in open court.
- the feasibility of judges sentencing in Aboriginal communities, thereby providing a

learning experience for the sentencing judge and involving the community in the sentencing process; and

- encouragement of older Aboriginal high school children interested in the study of law to do work experience with judges in the court.

These matters were further refined in a stimulating and positive meeting with Mr. Neville Bonner A.O., Mr. Robert Anderson and Ms. Karen Pringle from the Indigenous Advisory Council on 7 April 1998. The members of the I.A.O. were very supportive of these initiatives and subsequently provided further contacts to assist in implementing them.

A file containing articles and references to material relevant to Aborigines and Torres Strait Islanders and the court has been commenced and is kept in the District Court Judges' library.

The convenor spoke at the Women for Reconciliation Dinner, Brisbane on 21 November 1997.

The Committee's final meeting of the financial year was held in June with Mr. Michael Limerick and Dr. Jan Walker from the Office of Aboriginal and Torres Strait Islander Affairs. Mr. Limerick and Dr. Walker supplied us with contact details for the Local Justice Initiatives Program which they suggest could form a starting point for courts wishing to consult with aboriginal elders during the sentencing process. The Community Justice Groups in Charters Towers and Maryborough, centres which the District Court already visits on circuit, are already active and organised.

Mr. Limerick and Dr. Murray support the initiative of this Committee to consider sitting in Aboriginal and Torres Strait Islander communities to allow consultation with elders where appropriate. Communities such as Kowanyama, Arakun and Hopevale have already organised Community Justice Groups.

This initiative is to be discussed at a conference of the Local Justice Committees in August or September this year, which some members of the Committee hope to attend.

Judge Nase plans to consult with representatives from the Woorabinda Community Justice Group with a view to sentencing youths in Woorabinda in consultation with elders.

Conferences and Judicial Education Committee

The Committee has met regularly, out of town judges attending by telephone link-up.

The most frequent task of the Committee has been to collect and disseminate to the judges information about coming conventions, conferences and seminars of special interest.

These have included:-

- Asia-Pacific Courts Conference "Managing Change", 22-24 August 1997.
- The Annual Orientation Conference for new judges, Wollongong 9-14 November 1997.
- Criminal Case Management Conference, Sydney 28 February 1998.
- Court Technology Conference, Melbourne 23-25 March 1998.

(The above under the auspices of the Australian Institute of Judicial Administration).

- Law Society and Bar Association Symposium, Gold Coast 6-8 March 1998.
- Meetings of the Judicial Conference of Australia, Sydney 8 and 9 November 1997, 9 May 1998;

Representatives of the Court attended each of these conferences and have made available their acquired knowledge to the other judges of the Court. Judges have also indicated interest in attending further conferences scheduled for the 1998/99 financial year.

The single most important function was undoubtedly the first plenary Judges Conference of the District Court of Queensland, which was held in Brisbane on 8 and 9 April 1998, and referred to earlier in this Report.

The first Committee has, naturally, learnt much from the year and no doubt the future will see even more activity and interest in attendance by judges at the many valuable conferences on offer. The importance of the provision of a separate budget item for this purpose has been proved.

Apart from attending the conferences in Australia which have been mentioned judges have also taken advantage of conferences held overseas by bodies such as the Australian Bar Association, the International Bar Association and the Union Internationale des Avocats. Judges have also privately arranged visits to foreign courts and meetings with their judges and practising lawyers. These overseas conferences and investigations have generally been financed by the judges drawing on their Jurisprudential Allowances.

Civil Procedure Committee

Uniform Civil Procedure Rules

The Committee's major effort has been preparation of a submission on behalf of the District Court regarding the "Consultation Draft" of uniform civil procedure rules for the Supreme Court, District Courts and Magistrates Courts which will eliminate, as far as possible, variations in procedure among Queensland's courts.

Members of the Committee attended a two day seminar devoted to the draft in September 1997. A lengthy submission, generally supportive of the draft, but suggesting improvements, was ultimately forwarded on the Court's behalf by the Chief Judge. Subsequent submissions were prepared on other drafts of proposed uniform rules provided to the District Court for comment, for example, regarding costs, and on the legislation (now enacted) which, among other things, authorises promulgation of new rules.

The content of the "uniform" rules will be decided by a statutory committee established under the legislation, under the Chief Justice. The Court of Appeal provides a representative, and there are two additional representatives from the Supreme Court, and two Stipendiary Magistrates. The District Court is represented by the Chief Judge and a member of the Committee, and the District Court Judges' Committee will be available to advise on the detail of hundreds of rules, whose final form is yet to be determined.

Practice Directions

The Committee drafted a practice direction subsequently promulgated by the Chief Judge to establish a standard procedure for appeals to the District Court provided for in many Queensland Acts, only some of which indicate the procedure to be followed. The practice direction's implementation coincided with a change whereby the jurisdiction of the Court of Appeal to hear appeals directly from Magistrates Courts was transferred to the District Court. The practice direction incorporates forms for Notices of Appeal and Applications for Leave to Appeal, to be used where legislation does not mandate the use of other forms.

A proposed practice direction adopting, with suitable variations, the Supreme Court rule requiring copies of pleadings to be supplied before a trial for use of the trial Judge was drafted. The Chief Judge was advised of its acceptability to the Law Society. The matter

has not proceeded further, on the basis that the Supreme Court rule is not reflected in the currently proposed uniform rules.

The Committee considered whether there ought to be a practice direction to establish uniformity of practice requiring (or otherwise) the filing of an application before the Court will entertain a claim for "criminal compensation" by the victim of a criminal offence. Such applications, it has been determined, are part of the Court's civil business. It concluded there ought not be. If there is to be uniformity of practice, that would seem to be for the Court as a whole to decide.

Miscellaneous

The Committee is available to assist the Chief Judge (who receives many requests for indications of the District Court's views) or other judges upon questions of civil procedure. In one instance, for example, approaches were made to the Registry to resolve an apparent problem in the introduction of the new form of Application for Leave to Appeal. The Chief Judge has been assisted by one or more members of the Committee in preparation of a number of submissions, such as the conferring on the District Court (with variations) of the Supreme Court's former jurisdiction in "appeals" from Small Claims Tribunals in the *Civil Justice Reform Bill 1998*, and upon the *Evidence (Audio and Video Links) Bill 1998*. The Committee has dealt with matters raised in other ways, for example, a barrister's suggestion that rules of court encouraging would-be litigants to resort to mediation be adopted.

Geographical separation (largely, but not solely attributable to circuit work) has precluded the Committee's holding formal meetings - which would have been unsuitable in any event for some tasks, such as reflecting appropriately upon the implications of the voluminous new rules. The modus operandi of the Committee has generally been to circulate drafts among members which are revised until a consensus is reached upon a suitable communication to be forwarded to the Chief Judge.

MATTERS OF CONCERN

The following are matters of concern to the judges of this Court.

Court Site

The judges are of the opinion that they should not be separated in locality from the Supreme Court. They believe that close proximity to the Supreme Court Library is essential for the proper conduct of the work of the Court in its various jurisdictions. They also derive pleasure and assistance from the close presence of the members of the Supreme Court. Whilst conceding the need for a new building for the Magistrates Court, they believe it would be a retrograde step to separate the District Court from the Supreme Court.

There are problems in that part of the present building which is allocated to this Court. Because there is no room available two of the judges have chambers and court rooms suitable for hearing and disposing of civil actions but not criminal trials in premises at Tank Street in the city. There is a third set of chambers there which can be refurbished to accommodate an additional judge of the District Court.

It is inconvenient for litigants and members of the legal profession to have to go to Tank Street to have civil matters heard and disposed of. There is a feeling of isolation amongst the judges in Tank Street. They are cut off from constant communication with the other judges. It is preferable that all judges of this Court in Brisbane be located under the one roof.

Currently there are no spare chambers in the main building. Judges from non-metropolitan centres who come to Brisbane to work from non-metropolitan centres to work here for a period have to occupy chambers usually occupied by a judge who is away on long service leave or on circuit. This is not a satisfactory state of affairs. When judges stationed at Tank Street have to come to the main building to conduct criminal trials a similar awkward situation prevails. There has been discussion amongst the judges about having a set of chambers kept "spare" in the main building to accommodate visits from non-metropolitan judges and from Tank Street. Nothing had been resolved as at the end of the year under review.

Beenleigh District Court

There is a judge recently based at Beenleigh. The court room and judge's chambers are new but the resident judge has found fault, in my opinion quite rightly so, with the courtroom itself and the chambers for the resident judge. Those faults have been the subject of many representations by me. The future of this Court should be considered.

Ipswich District Court

The accommodation for the resident judge at Ipswich leaves a great deal to be desired. The worst problem is the lack of proper security. This has been the subject of many reports to the Government of the day. Something must be done urgently to avoid a tragedy.

Future Directions of the Court

Demographic surveys of the metropolitan and near-metropolitan areas indicate growing populations in particular centres. The need for decentralisation of the administration of civil and criminal justice

is always to the fore of thinking of any Government. We believe that it is necessary that provision be made to deal with these problems before they become real problems.

Some judges of this Court lean towards the concept of “cluster” court buildings. Instead of a lone judge there should be a “cluster” of judges i.e. two, three or more District Court judges. It is economical and efficient to use judges in this way.

Security of judges, witnesses, juries and court officials must be a paramount consideration in future construction of the Courts.

REGISTRY AND ADMINISTRATIVE STAFF

This Court could not have achieved the results set out above had it not been for the assistance of a dedicated staff who assist in the duties of listing. They are the listing officers for criminal, civil, circuits, appellate and planning and environment work.

We are fortunate in having a dedicated secretarial staff. Including the Chief Judge’s secretary there are four secretaries for twenty judges. Representations have been made on many occasions to increase the numbers of the secretaries in the Judges’ Secretariat. They have a heavy burden of typing judgments, typing correspondence, answering the telephones of judges and associates and ensuring that messages reach the judge and/or the associate as soon as possible. The time has come for there to be a substantial increase in numbers of the secretaries in the Secretariat.

Public servants perform similar tasks in the major centres outside Brisbane and in the smaller centres where District Court sittings are held.

On behalf of the judges, I thank all the staff for their assistance.

I thank also the bailiffs in Brisbane, major centres and smaller centres for their assistance in preserving the dignity of the Court when it is sitting.

We also appreciate the services of the security staff in Brisbane and larger centres.

JUDGES

I also thank the judges of this Court for working as hard as they do. I know that the constant pressure of work has adversely affected the health of some judges. Whilst our workload is increasing, particularly criminal matters in regional centres, the number of judges is not keeping pace with the workload.

I thank also the judges’ associates for the part they have played to ensure the smooth running of the Court. Their role is an essential adjunct to the judges’ discharge of their judicial functions.

Appendix 1

Judges of the District Courts: since January 1866 and retired prior to 30 June 1996

His Honour Judge Edmund Sheppard
His Honour Judge Charles William Blakeney
His Honour Judge Joseph Long Innes
His Honour Judge William Hirst
His Honour Judge Glanville Miller
His Honour Judge Henry Lindsay Hely
His Honour Judge Arthur Noel
His Honour Judge Edward Mansfield
His Honour Judge Arthur Rutledge
His Honour Judge Allan Macnaughton
His Honour Judge Charles Jameson
His Honour Judge Thomas O'Sullivan
His Honour Judge George Paul
His Honour Judge Dormer Andrews (first Chairman, later Sir Dormer Andrews, Chief Justice)
His Honour Judge William Grant-Taylor (later Chairman)
His Honour Judge Ralph Cormack
His Honour Judge Reginald Carter
His Honour Judge George Seaman
His Honour Judge Edwin Moynahan
His Honour Judge Lindsay Byth (later Chairman)
His Honour Judge Vaux Nicholson
His Honour Judge Bernard McLoughlin
His Honour Judge Edmund Broad, DFC
His Honour Judge Vivian Mylne, QC
His Honour Judge Alan McCracken
His Honour Judge Vincent Finn
His Honour Judge Con McLoughlin
His Honour Judge Alan Demack (now the Hon. Justice Demack)
His Honour Judge James Gibney
His Honour Judge Paul Loewenthal
His Honour Judge Leo McNamara
His Honour Judge Stewart Given
His Honour Judge John Helman (later Chairman, now the Hon. Mr. Justice Helman)
His Honour Judge John Kimmins
His Honour Judge William Carter, QC (later the Hon. Mr. Justice Carter)
His Honour Judge Kevin Row
His Honour Judge Royce Miller, QC
His Honour Judge Brian Ambrose, QC (now the Hon. Mr. Justice Ambrose)
His Honour Judge James Clifford

Appendix 2 - STRATEGIC PLAN

STATEMENT OF PURPOSE

The mission of the District Court is to deliver justice according to law to the people of Queensland as expeditiously and as economically as it is reasonably practicable to do so.

Judges of the Court are sworn to act in accordance with the highest standards of integrity, fairness and justice according to law, and in accordance with the Oath of Office:

“I do sincerely promise and swear that as a Judge of the District Court of Queensland I will at all times and in all things do equal justice to the poor and rich and discharge the duties of my office according to the laws and statutes of the realm and of this State to the best of my knowledge and ability without fear, favour or affection.”

PRIMARY GOALS

The primary goals of the District Court of Queensland are:

- 1. Access** To ensure that the Court is accessible to the public and those who need to use its services.
- 2. Case management** To discharge the Court’s responsibilities in an orderly, cost effective and expeditious manner.
- 3. Equality and fairness** To provide to all equal protection of the law.
- 4. Independence** To promote and protect the independence of the Judges of the Court.
- 5. Accountability** To account for the performance of the Court and its use of public funds.
- 6. Professionalism** To encourage excellence in the functioning of the Court.

GOALS AND OBJECTIVES

1. ACCESS

To ensure that the Court is accessible to the public and to those who need to use its services.

Background

There is an ongoing debate in Australia about a wide range of matters relating to access to justice, including the cost and availability of legal services, the structure of the legal profession, and the management and operations of the Courts. Some of the issues relevant to the debate are matters for the District Court and are addressed in this plan. Others primarily require government action or funding or require changes in the legal profession which are outside the Court’s authority.

The District Court of Queensland is committed to:

- conducting Court proceedings openly while allowing for closed hearings as required by law
- seeking to have Court facilities which are accessible and convenient.
- ensuring that any barriers to appropriate participation in proceedings by the parties, representatives, witnesses, and observation by the press and the public are removed or minimised.
- dealing courteously and responsively with those who appear before it.

- seeking to minimise costs and delays to the parties by regularly reviewing Court procedures.

OBJECTIVE

- 1.1 To conduct proceedings openly as a matter of course while allowing for closed hearings in as required by law

Strategies

- 1.1.1 Through published notices, signs and instructions to staff, ensure that the public and parties are aware of the open or closed nature of the Court proceedings

Action 1. Registrar in each circuit to be advised of requirements by Chief Judge

- 1.1.2 Require all discussions with counsel to take place in the Courtroom, unless special circumstances apply

- 1.1.3 Develop discussion paper on closed hearings issues

- 1.1.4 Develop a policy on the Court's attitude to audio/television in the Court room

OBJECTIVE

- 1.2 To seek to have Court facilities which are accessible and convenient

Strategies

- 1.2.1 Develop procedures to provide information about public and user access and convenience issues, including access by those with disabilities, through periodic review of Court locations, facilities and operating hours.

Action 1. Appoint a media liaison officer to be fully briefed on Court facilities

- 1.2.2 Plan listings, particularly country listings, to reflect the convenience and access considerations of the parties as far as practicable.

Action 2. Consult with Q-Build as to requirements throughout the State as recommended by Judges on circuit or the Chief Judge.

- 1.2.3 Promote adequate sign posting of Courts and Court room locations

- 1.2.4 Examine and recommend appropriate action on sound amplification in Courts

- 1.2.5 Review access and convenience issues including juror requirements, facilities for victims and support persons and amenity of Court rooms, particularly in the planning stage

OBJECTIVE

- 1.3 To provide the opportunity for those who appear before the Court to participate fully and effectively in its proceedings

Strategies

- 1.3.1 Examine interpreter requirements and recommend appropriate action where necessary to overcome problems for those with language difficulties

Actions 1. Examine CJC proposals for indigenous witnesses

2. Criminal Law Committee to write a paper on problems confronting the Court with child witnesses.

OBJECTIVE

- 1.4 To ensure that members of the public are dealt with in a courteous and responsive manner

Strategies

- 1.4.1 Ascertain recent experience of users of the Court system.

- 1.4.2 Ascertain the experience of witnesses and parties in the court room

- Action**
2. Leave questionnaires to be drafted by the Court Administrator in consultation with Judiciary and other interested groups in waiting rooms

- 1.4.3 Identify issues which Judges may need to consider regarding courtesy and responsiveness.

- Actions**
3. Liaise with relevant user groups
Write a Charter for Court Users (use UK model)
Establish Court User Committees
Develop adequate child care facilities
Examine court environment for witnesses e.g. waiting rooms, amplification etc.
Produce a video and/or booklet on witnesses in court (similar to video for jurors)
 4. Write a charter

OBJECTIVE

- 1.5 To minimise costs and delays to the parties through the development of cost efficient procedures and practices

Strategies

- 1.5.1 Review procedures and revise those which do not contribute to Court efficiency, particularly Chamber days.

- Action**
1. Develop a standard procedure for Chamber days
 2. Give priority to maintaining an early and definite trial date
 3. Seek resources for case flow management as needed
 4. To continue to review and refine civil listing system

- 1.5.2 Actively participate in law reform debate on issues associated with minimisation of cost and delay

- 1.5.3 Report on possible extended use of pre trial hearings

- 1.5.4 Examine technology requirements and plan for more effective utilisation

- 1.5.5 Examine and report on extension and application of Alternative Dispute Resolution techniques, particularly in longer cases

2. CASE MANAGEMENT

To discharge the Court's responsibilities in an orderly, cost effective and expeditious manner.

Background

In both the civil and criminal jurisdictions most cases are dealt with within 6 months of being ready for trial. Furthermore, there is discussion from time to time about extensions to the Court's jurisdiction, which if they did occur, would reinforce the need for efficient and effective case management.

The District Court of Queensland is committed to:

- the development of criteria for case management where required by the nature of particular cases which reflect time and other appropriate considerations and monitoring performance.
- recognising that time spent on case flow management must form part of the equation for further judicial resources and appointments.

OBJECTIVES

- 2.1 To manage cases in accordance with published guidelines, rules and procedures which establish time criteria for case processing

Strategies

- 2.1.1 Develop and publish time standards for criminal and civil cases and establish monitoring, reporting and review systems

Action 1. Maintain the goal of disposing of 100% of criminal cases within 12 months of committal

- 2.1.2 Examine possible statutory changes and new court rules to facilitate timely disposition of cases, including directions on discovery/interrogatories.

Action 2. Maintain disposal of 100% of civil cases within 6 months of entry for trial

- 2.1.3 Monitor developments which impact on the Court's workload, in particular through expanded jurisdiction, e.g., building cases

Action 3. Isolate problem cases or longer cases

- 2.1.4 Introduce an information system on case management, designed to provide Judges with information and ideas about improved practices in the Court room

Action 4. In house discussion groups to be arranged

- 2.1.5 Examine and report on difficulties for the Court in relation to the provision of legal representation, e.g., solicitors withdrawing on the eve of trial

OBJECTIVES

- 2.2 To provide judgments, reports and information required of the Court as soon as practicable and without undue delay

Strategies

- 2.2.1 Establish time standards for reserved judgments and a system to allow appropriate consideration of demands on the time of those Judges required to deliver judgments, particularly longer cases or cases fragmented by spaced hearing dates

Action 1. Special arrangements for judgment writing where a case goes for more than seven (7) days

or part heard cases

2. The Registrar to advise the Chief Judge if any complaints are made by the parties for judgments which are outstanding for more than three (3) months

OBJECTIVES

2.3 To manage the business of the Court in the most efficient manner

Strategies

2.3.1 Review possible list separations and consider allocation of specific judicial responsibility for their management

- Action**
1. Identify cases longer than 4 days
 2. Give priority to cases which have been to mediation or case appraisal
 3. Monthly statistics of both civil and criminal cases to be available to all Judges
 4. Identify specific cases which require case management post-callover

2.3.2 Continue the current flexible vacations of Judges of the Court to maximise use of resources

2.3.3 Reduce waiting times for trial dates

3. EQUALITY AND FAIRNESS

To provide to all equal protection of the law.

Background

All who appear before the Court have a right to expect that the application of the principles of equality and fairness will result in justice according to law. Judges by their oath of office are committed to acting in accordance with the highest standards of integrity which require honesty, probity and consistent application of the law.

The District Court of Queensland is committed to:

- acting in accordance with procedures which ensure fair judicial process.
- seeking consistency in decisions based on relevant legal considerations.
- delivering judgments in clear and unambiguous terms.
- having Court records that are accurate and appropriately maintained.
- minimising geographical inequities in convenient and timely access to the Court.

OBJECTIVES

3.1 To act in accordance with procedures which ensure fair judicial process

Strategies

3.1.1 Ensure that Judges are aware of the views of those who perceive bias, prejudice or a lack of fairness

Action 1. Conduct Judicial Education seminars

3.1.2 Provide appropriate opportunities to Judges for discussion and debate about issues associated with perceived bias and prejudice in decision making

Action 2. Investigate the concept of a Judicial Commission

OBJECTIVE

3.2 To seek consistency in decisions based on relevant legal considerations

Strategies

3.2.1 Provide a research service for Judges

Action 1. Continue the Research Unit which is presently staffed by Associates whose Judges are on leave

OBJECTIVE

3.3 To deliver judgments, decisions and reasons in clear and unambiguous terms

Strategies

3.3.1 To provide appropriate opportunities for discussion and debate about the writing of judgments

OBJECTIVE

3.4 To have Court records that are accurate and appropriately maintained

Strategies

3.4.1 Train relevant personnel appropriately and encourage use of standard forms of orders

OBJECTIVE

3.5 To minimise geographical inequities in convenient and timely access to the Court

Strategies

3.5.1 Monitor, review and progressively rectify inequities, including the role of the Judge in a trial

Action 1. Promote increased use of video evidence and efficiency thereof

4. INDEPENDENCE

To promote and protect the independence of the Judges of the Court.

Background

Judicial independence underpins our system of government. It encompasses both the personal independence of an individual Judge in reaching a decision in the courtroom, and the autonomy and collective independence of the judiciary from the other branches of government. While the Court needs to be mindful of any encroachments on its independence in any form, it is also aware of the corresponding obligation which arises to manage public resources appropriately, and to account for its performance.

The Court is committed to:

- acting at all times in accordance with the principles of the separation of powers and maintaining effective communications with the Legislature, and the Executive branch of government
- informing the public about issues associated with judicial independence and the performance of the Court

OBJECTIVES

4.1 To act in accordance with the principles of the separation of powers

Strategies

4.1.1 Develop an agreed statement on judicial independence

Action 1. Deal promptly with any question or criticism which reflects on the independence of Judges

4.1.2 Establish effective communication with the Executive and Legislative branches of government

Action 2. Establish a planning/consultative unit

OBJECTIVE

4.2 To inform the public about the issues associated with judicial independence and the performance of the Court

Strategies

4.2.1 Develop a means of promoting an understanding in the media and the broader community of issues associated with judicial independence

Action 1. Appoint a media liaison officer

4.2.2 Assist Judges with advice and guidelines in their dealings with the media

4.2.3 Encourage use of available resources to provide information to the media on current issues and Court performance

Action 2. Write/obtain material for legal studies and provide articles for publication

OBJECTIVES

4.3 To present to the Government well researched proposals for adequate resources to enable the Court to carry out its responsibilities

Strategies

4.3.1 Develop the committee system as a ... for the management of the Court and its support systems.

Action 1. Develop further the committee system.

4.3.2 Develop medium term projections regarding the Court's resource requirements by the development of a business and corporate plan

Action 2. Appoint a judiciary officer who is appointed by the Judges and responsible to the Judges for corporate planning, budget preparation and expenditure

5. ACCOUNTABILITY

To account for the performance of the Court and its use of public funds.

- managing its affairs in a way which ensures efficiency and effectiveness in the use of public funds
- presenting to the other branches of government sound proposals for the resources to carry out its duties adequately
- promoting fair and equitable policies and practices regarding the conditions of service of Judges and non judicial staff
- continuing constructive dialogue on matters of common interest with users of the Court system.

OBJECTIVES

- 5.1 To promote the efficient and effective application of public resources to the work of the Court and to account for their use

Strategies

- 5.1.1 Formulate medium term plans and priorities for the use of Court resources and to give priority to avoiding fragmentation of the Court personnel and judiciary

Action 1. Oppose any further regional Courts

- 5.1.2 Arrange periodic review of the efficiency and effectiveness of the Court system

- 5.1.3 Publish an annual review

Action 2. Produce an annual report

OBJECTIVE

- 5.2 To adopt fair and equitable personnel policies for Judges and non judicial staff

Strategies

- 5.2.1 Review conditions of service for judicial officers and non judicial staff

- 5.2.2 Establish guidelines regarding appropriate employee relations practice

- 5.2.3 Develop appropriate grievance procedures for complaints, both within and from outside the Court

OBJECTIVE

- 5.3 To maintain effective communications with users of the Court system to ensure that public perceptions of the Court are accurate

- 5.3.1 Maintain and develop formal consultative processes for users of the various Court centres through Queensland

Action 1. Appoint a community liaison officer

2. Establish Court User committees

5.3.2 Maintain and develop consultation as to changes to the Court's rules, practice and procedure

6. PROFESSIONALISM

To encourage excellence in the functioning of the Court.

Background

The work of the District Court requires that those who are appointed to the Court be highly qualified and have the personal characteristics necessary to cope with complex and demanding work. Judges and those involved in assisting them in their work should also have opportunities for continuing education, training and development and fair conditions of service.

The District Court is committed to:

- encouraging interest in the Court as a body of high standing and diverse jurisdiction
- providing information promptly to Judges about relevant legal developments and methods of courtroom management
- assisting acting Judges and new appointees
- developing an integrated program of continuing education
- establish a planning / consultative unit of all interested stakeholders and users of the Court system

OBJECTIVES

6.1 To encourage interest in the Court as a body of high standing and diverse jurisdiction

Strategies

6.1.1 Promote understanding in the Executive Government of the significance of the Court

Action 1. Appoint a judiciary officer to deal with Executive Government

6.1.2 Promote understanding within the legal profession and community of the diversity and significance of the work of the Court

Action 2. Update web site and publication booklet annually

OBJECTIVE

6.2 To provide access to judgments and information papers on issues relevant to Judges

Strategies

6.2.1 Create a central collection of District Court and Tribunal judgments available to Judges and reporting services

6.2.2 Establish a discussion paper series and convene meetings for consideration of current issues

Action 1. Ensure adequate funding for judicial education

6.2.3 Establish through the Education Committee a series of expert discussions

- Action** 2. In house lectures from Judges who have attended seminars or other jurisdictions

OBJECTIVE

- 6.3 To ensure that new appointments and acting Judges receive support and assistance

Strategies

- 6.3.1 Develop an induction program/mentor system designed to assist new and acting Judges

- Action** 1. Write a Bench Book for all Judges
2. All new Judges to attend Judicial Orientation course

OBJECTIVES

- 6.4 To develop and promote continuing education for Judges through a District Court program in co-operation with the Judicial Commission

Strategies

- 6.4.1 Develop and circulate an integrated program of continuing education opportunities for Judges

- Action** 1. Promote visits by Judges to other jurisdictions
2. Benchbook / manual for jury directions to be provided

OBJECTIVE

- 6.5 To learn from the experiences of other Courts in Australia and overseas

Strategies

- 6.5.1 Develop and maintain formal and informal links with Courts and Judges whose experience may be relevant to improved operations in the District Court

- Action** 1. Promote the circulation of papers and reports from other jurisdictions to all Judges

OBJECTIVE

- 6.6 To provide technological support to the Judges

Strategies

- 6.6.1 Provide each Judge of the Court with access to adequate word processing facilities at all times throughout the State

- Action** 1. Establish regular seminars on current topics
2. Update training for Judges

- 6.6.2 Provide a local area network with statewide access at all times to appropriate databases and the facility for electronic transfer of information and transcript

- Action** 1. Liaise with Information Technology Branch of Department of Justice

6.6.3 Provide “E Mail” and other communication on a statewide basis

Action 2. Judges to be provided with Internet access

6.6.4 Ensure that all Judges, Associates and Court staff are provided with adequate training in the use of the computing resources available to them

Action 3. Identify need in CD-ROM ISYS or Internet for users

OBJECTIVES

6.7 To recognise, develop and make best use of the personal abilities and experience of the Judges of the Court

Strategies

6.7.1 Periodically review and allocate types and places of work for Judges with a view to developing increased individual effectiveness, maximising morale and minimising stress

Action 1. Promote personnel management techniques

2. Identify problem areas of particular Judges with a view to providing assistance and constructive evaluation

Appendix 3

ADMINISTRATIVE STAFF OF THE DISTRICT COURT

The staff of the District Court are essential to its operation in the performance of its functions. It is not practicable in this report to refer to all of them. Those exercising supervisory roles or who work more closely with the judges in Brisbane are set out below. They are assisted by other registry, Court Administration staff and bailiffs. Most positions shown have equivalent responsibilities in the Supreme Court.

Court Administrator	Garry Robinson (until April 1998) Barry Read (from April 1998)	
Deputy Court Administrator	Sue Cawcutt	
Registrar, Brisbane	Ken Toogood	
Sheriff	Ed Green (until March 1998) Rod Goody (Acting, from March 1998)	
Registrar, Cairns	John Bingham	
Registrar, Townsville	Ray Keane	
Registrar, Rockhampton	Gordon Roberts	
Information Technology Administrator	Les Paine	
Deputy Registrars, Brisbane	Ian Mitchell) Neil Hansen) Peter Irvine)	job rotation
Chief Bailiff	Phil Lennon	
Deputy Registrar (Criminal Registry)	Danny Coppolecchia) Peter Irvine) Leanne McDonnell)	job rotation
Criminal Listing Clerk	Kerrie Attrill	
Civil List Manager	Kate Bannerman	
Planning & Environment & Circuits List Clerk	Joanne Willett	
Chief Judge's Secretaries	Leanne Fox (part-time) Jan Daniels (part-time)	
Judges' Secretariat	Noela Fulcher Laura Murase Liz Russell	