# COMMITTAL PROCEEDINGS, PRE-TRIAL DISCLOSURE
## WHERE ARE WE? WHERE DO WE GO?

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### THE NEW PROPOSALS

On 18 February 1990 the New South Wales Attorney General, John Dowd, announced "sweeping changes to committal procedures which will give the Director of Public Prosecutions a bigger role in the prosecution process and which will reduce Court delays". The Attorney General announced that the Director of Public Prosecution will now become involved from the very beginning of a planned prosecution and will decide whether it should go ahead and, eventually, whether the person should be committed for trial. He said an important safeguard would remain which would allow the Defence to test the evidence to key witnesses in front of the magistrate at a pre-trial hearing. There will also be stricter requirements for the Prosecution to disclose its case and other material helpful to the Defence so the accused is not prejudiced by the changes in procedure.

Under the new procedure the categories of witnesses that can be cross-examined at a pre-trial hearing are:

1. a witness giving evidence as to identification of the defendant;
2. an accomplice, or indemnified witness;
3. a witness giving scientific evidence;
4. a witness whom the prosecution chooses to examine in chief.

In addition, the Defence will have the right to cross-examine any witness if the Prosecution consents, or, where there are reasonable grounds to suspect that cross-examination will effect either the assessment of the reliability of the witness or would elicit further material to support a defence. In the event of a dispute as to whether the witness falls into a given category, a magistrate presiding at a pre-trial hearing will decide whether the witness may be cross-examined.

The legislation to be introduced will include a provision preventing unduly offensive, badgering or harassing questioning of the witness. All decisions as to whether the accused should go to trial will, however, now be made by the Director of Public Prosecutions, the prosecutor. If a decision not to go to trial is made, the Director of Public Prosecutions will make public his reasons.

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1 Paper delivered at a public seminar entitled "Committal for Trial and Pre-Trial Disclosure", convened by the Institute of Criminology, The University of Sydney, 11 April 1990

In addition, legislation will ensure that police are able to lead their evidence from a prior prepared statement, rather than having to memorise it; the Prosecution will no longer have the right to force the adjournment of a trial simply by refusing to present the indictment; the accused will be able to elect to have a trial without a jury and superior Courts will have the ability to deal with summary offences at the same time as indictable offences which involve the same facts.

## THE DEBATE

These changes are extraordinary. Although there had been much debate concerning committals in New South Wales, the recent amendments to the *Justices Act*, Part IV, Division 1, to provide for service prior to the committal of the Prosecution brief have not been in effect long enough to enable the profession to adjust and to enable the police to prepare proper briefs in admissible form so as to enable appropriate assessment of the effects of the change. Regrettably, no draft of the legislation providing for the measures proposed by the Attorney General is yet available. It is to be noted that in New South Wales the putting of people on trial has, until now, invariably involved either an extraordinary decision to present an ex officio indictment or, alternatively, the finding of a grand jury or committing magistrate, acting independently of the prosecutor, that there is evidence sufficient to warrant a prosecution.

The argument advanced by the Attorney General to support the suggested reforms relies on allegations that the Defence lawyers often abused the committal, that time was wasted on cases unlikely to proceed to trial or on unnecessary and traumatic cross-examination of victims and witnesses and that the existing committal system produced great delays in trials as well as being ineffective as a filtering device.

Critics of the proposals point out that there have not been any complaints to the relevant professional bodies contending that defence practitioners at committals were, in fact, abusing the function of the committal, and there is the evidence that the filtering device in the decision of the New South Wales Court of Appeal in *Saffron and Allan v. Director of Public Prosecutions*,[2] and the recent reforms (*supra*) was, in fact, working satisfactorily.

## THE CONTEXT

Sir Daryl Dawson of the High Court said, concerning criminal trials, in *Whitehorn v. The Queen*:[3]

> A trial does not involve the pursuit of proof by any means. The adversary system is the means adopted and the judge's role in that system is to hold the balance between the contending parties without himself taking part in their disputations, it is not an inquisitorial role in which he seeks himself to remedy the deficiencies in the case on

2 (1989) 16 NSWLR 397
3 (1983) 152 CLR 657 J 682

either side. When a party's case is deficient the ordinary consequence is that it does not succeed. If a prosecution does succeed at trial when it ought not to and there is a miscarriage of justice as a result, that is a matter to be corrected on appeal.

The High Court in *Barton v. The Queen*[4] found that committal proceedings are usually an essential safeguard as a step towards a fair trial:

> These cases do not establish that there can be no unfairness or abuse of process in proceeding to trial without a preliminary examination. On the contrary, they show that the principal purpose of that examination is to ensure that the accused will not be brought to trial unless a prima facie case is shown or there is sufficient evidence to warrant his being put on trial or the evidence raises a strong or probable presumption of guilt (*Justices Act*, Section 41(6)). For this reason, apart from any other, committal proceedings constitute an important element in the protection which the criminal process gives to an accused person.
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> The scope of this protection is diminished to some extent by the circumstance that the Attorney General can file an ex officio indictment after the magistrate has found that there is no *prima facie* case or after he has discharged the accused (*Commonwealth Life Assurance Society Ltd v. Smith* (31)). But in general, once the magistrate has so found, that is an end of the matter, this case being a rare exception to the general rule.
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> Lord Devlin in the Criminal Prosecution in England was able to describe committal proceedings as 'an essential safeguard against wanton or misconceived prosecutions' (p 92) (emphasis added). This comment reflects the nature of committal proceedings and the protection which they give to the accused, viz. the need for the Crown witnesses to give their evidence on oath, the opportunity to cross-examine, to present a case and the possibility that the magistrate will not commit.
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> But it is one thing to supplement the evidence given before a magistrate by furnishing a copy of proof; it is another thing to deprive the accused of the benefit of any committal proceedings at all. In such a case the accused is denied:
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> (1) knowledge of what the Crown witnesses say on oath;
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> (2) the opportunity of cross-examining them;
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> (3) the opportunity of calling evidence in rebuttal; and
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> (4) the possibility that the magistrate will hold that there is no prima facie case or that there is insufficient evidence to put him on trial or that there is no strong or probably (sic) presumption of guilt.
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> The deprivation of these advantages is, as the judges observed in *Fazzari* and as Fox J noted in *Kent* (32), a serious departure from the ordinary course of criminal justice.
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> We are not impressed by the argument that because in the distant past the courts proceeded to hear trials on ex officio indictments without benefit of preliminary examination, it necessarily follows that we should take the same course today or that there is no element of injustice in forcing an accused to trial without such an examination. It is now accepted in England and Australia that committal proceedings are an important element in our system of criminal justice. They constitute such an important element in the protection of the accused that a trial held without antecedent committal proceedings, unless justified on strong and powerful grounds, must

4 (1981) 147 CLR 75

> necessarily be considered unfair. For us to say, as has been suggested, that the courts are concerned only with the conduct of the trial itself, considered quite independently of the committal proceedings, would be to turn our backs on the development of the criminal process and to ignore the function of the preliminary examination and its relationship to the trial.
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> — per Gibbs ACJ and Mason J

## HOW DO THE NEW PROPOSALS SIT WITH THESE STATEMENTS?

The system proposed by the Attorney General in effect removes all screening and filtering functions except the Prosecution's own decision whether to prosecute or not. Committal proceedings will turn into a half-baked dry run by the Prosecution. The suggestion that additional disclosure to that already available, will be afforded, is to be considered in light of the fact that at present pre-trial disclosure in criminal matters lies solely in the realm of ethics rather than in compellability.[5] If real teeth are to be added to this measure, that is to be applauded, particularly in the light of the inadequacy of the fresh evidence rule and the comments of Sir Daryl Dawson (*supra*) but it is most difficult to adjust this sentiment to the expressed restriction on cross-examination which, no matter how liberally expressed, amounts to considerably less than full disclosure. In addition, how is one to assume that investigating police have made full disclosure to the Director of Public Prosecutions, in the light of the revelations before the Royal Commission into the arrest and charging of Mr Harry Blackburn, presently before Mr Justice Lee.

## CONSEQUENCES

In New South Wales a proper committal will now be abolished as will the jurisdiction to stay in such circumstances. The critics of the reforms suggest, that in fact, such changes will simply create chaos when the cases come for trial in that the Defence will no longer be aware of the true nature of the prosecution case and, often enough, neither will the prosecution. One can expect that the delays and procedural problems will be simply pushed up the line to already congested and over-worked trial courts.

It is likely, particularly in the light of recent High Court decisions, that applications for particulars and directions hearings in the Supreme Court or District Court will be necessary to resolve the issues to be presented at trial causing much greater delay and cost than are presently caused in proceedings before magistrates, particularly where there is proper observation of the *Justices Act* Paper Committals requirements.

## THE OPPONENTS

John Bishop[6] has reviewed the screening function of magistrates in committal proceedings in New South Wales as seen prior to the Court of Appeal decision in *Saffron and Allan v. Director of Public Prosecutions* (*supra*). Additionally Messrs Cooper and Lybrand, in

5 *Apostolides v. The Queen* (1984) 154 CLR 563
6 Bishop, J., *Prosecution Without Trial* (1989)

their recently published review of the New South Wales Court system, have examined the effectiveness of committals and made recommendations concerning their abolition to the Government of New South Wales. The Attorney General has published a Discussion Paper entitled *Discussion Paper on Reforms to the Criminal Justice System*, May 1989, in which committal proceedings are examined and earlier options for reform suggested include the replacement of committal proceedings in all cases coupled with pre-trial disclosure by the prosecution and, in certain circumstances, the defence, together with a right of pre-trial hearing. The Law Reform Commission of NSW had, in its report "Procedure from Arrest to Trial", also suggested some reforms.

This discussion, and the alleged cost and delay associated with committal proceedings, together with allegations of their ineffectiveness, particularly as to the appropriate screening role of the magistrate, have led to great public controversy in which the magistrates, the Bar Council of New South Wales and the NSW Criminal Lawyers Association have become involved and there has been a great deal of publicity. The Bar Council has submitted that committal proceedings should be retained, the Law Council of Australia has submitted that committal proceedings should be retained, the New South Wales Criminal Lawyers' Association has submitted that committal proceedings be retained and, in what has been referred to as the *Mitford Shirt* case, the Director of Public Prosecutions' Senior Counsel drew the Court's attention to the value of existing committal proceedings in enabling the prosecution to decide that it would not proceed with a case.

## HISTORY OF THE COMMITTAL PROCEEDING

Committal proceedings in New South Wales are regulated by the *Justices Act* 1902, in particular Part IV, Division 1. Historically those proceedings in New South Wales have replaced the finding of a Bill of Indictment by the Grand Jury. In addition, persons may be placed on their trial by virtue of an information (ex officio indictment) by the Attorney General. Further, it was open to the Attorney General to decline to present a Bill of Indictment notwithstanding that a magistrate had committed an accused for trial. If a Bill had been presented it was open to the Attorney General to file a *nolle prosequi* to terminate the proceedings. Under the *Crimes Act* 1900 a Crown Prosecutor has power to accept a plea of guilty to a lesser or alternative charge in full discharge of an indictment.

Essentially committal proceedings are proceedings to ascertain whether ran accused has a case to answer on the charge brought or on any other charge of an indictable offence and whether or not evidence called in support was sufficient to warrant the putting of the accused to trial. Since *Wentworth v. Rogers*[7] there has been much controversy over the proper tests to be adopted by a magistrate in fulfilling these functions. *Saffron's* case (*supra*) is the most recent pronouncement on the topic following various amendments to the *Justices Act* designed to clarify the question.

Further recent amendments to the *Justices Act* have required that the prosecution serve upon the defence the statements of the witnesses in support of the charges, together

7 (1984) 2 NSWLR 422

with a notice requiring the defence to nominate which of those witnesses is to be called for cross-examination.

## CRITICS

Much criticism has been levelled at this procedure on the basis that prosecution briefs prepared by the police are said to be inept and, in particular, that the statements, notwithstanding the strictures of the *Justices Act*, are not taken in admissible form, relevant material is omitted, particularly material that may be exculpatory or of assistance to the defence, essential material may also be omitted as a result of which, all too frequently, prior to the trial, or at trial, notice is given of additional evidence or of changes in the charges. The most recent criticism however has been by Mr Mark Weinberg, Q.C., Commonwealth Director of Public Prosecutions, in his Annual Report of 1989, in which he criticised the New South Wales legal profession, alleging that it was common practice for practitioners to insist upon all witnesses being called without proper consideration or analysis of the cases to be made and, thus, contributing to immense costs and delays in the criminal arena.

In the Attorney General's Discussion Paper there is, similarly, substantial criticism of the delays said to be occasioned by committal proceedings and, particularly, of the necessity of having to call large numbers of witnesses whose evidence may, in the upshot, be of limited importance. Criticism has also been heard from the judiciary and, in particular, Mr Justice O'Brien in *Carlin v. Thawat Chidkhunthod*[8] said:

> However, it is rare in this State that the defendant elects to call any evidence and committal proceedings have, in many cases, at least in this State, gone beyond their intended legitimate purpose in the interests of the community and the defendant and have degenerated into a prolonged contest intended almost exclusively to design and set up a basis for the conduct of a trial regarded as inevitably justified. They have come to involve, for this purpose, persistent, repetitive and much irrelevant cross-examination, as well as long debates upon the admissibility of evidence, the conduct of *voir dire* examinations, the exercise of discretions and the like, much of it appropriate only to an actual trial. The process has, therefore, come under substantial criticism as subjecting the community to unjustified inconvenience, delay and expense and amounting in itself almost to an actual trial in which the fundamental role of the jury as the only constitutional tribunal for the determination of issues of fact and the role of presiding judge in the determination of questions of law and the issues to be left to the jury tends to be forgotten.

Similar remarks were made by Mr Justice Murphy in *Barton v. The Queen* (*supra* at p 109) where it was suggested that "it would be much better to abandon committal proceedings and to protect an accused by discovery (particulars and Notice of Evidence and a simple screening process) than to allow trial by jury to be undermined further". In 1974 the Law Reform Commission of Canada, in its Working Paper No. 4 on discovery, recommended the abolition of the Canadian equivalent of committal proceedings, although some years later in Report No. 22 it recommended that the preliminary inquiry be retained

8 20 ACR 322 at p 339

on the basis of full disclosure. Mr Justice Wilson of the High Court of Australia, at the 24th Australian Legal Convention at Perth in 1984, suggested that the development of the Office of the Director of Public Prosecutions "should render the committal proceeding unnecessary and pave the way for its abolition". These prophetic remarks have looked to the suggested reforms in New South Wales. Reference, however, has been made by the present New South Wales Director of Public Prosecutions, Mr Reg Blanch, and is also made in the Attorney General's Discussion Paper to the proposition that witnesses so tested at committal often view the experience as harassment and as a result are unwilling to subject themselves to the experience of testifying at all. This also is advanced as a proper basis for the abolition of committals.

## DEFENDERS

The defenders of committals, however, have not been limited to the bodies referred to above. The majority of the High Court of Australia in *Barton v. The Queen* (*supra*) noted the principal purpose of the committal proceeding to ensure that an accused will not be brought to trial unless the screening function is met and noted the important protection which this gives an accused.

The defenders include Mr Justice Lee of the Supreme Court of New South Wales, who, at the Australian Criminal Lawyers' conference at Broadbeach in July 1988, delivered a paper "In Defence of the Committal for Trial". He said:

> Those who have been brought into contact with it in a professional capacity can recognise the tremendous part it can play in the proper defence of an accused person's interest, and it is a regrettable fact that those who have not had that experience may see its function and purpose in an entirely different light. Used responsibly by both prosecutor and accused it can be of significant benefit both for the public interest in ensuring that prosecutions are not brought except on proper material and secondly in safeguarding the rights of an accused person and ensuring his fair trial. Where witnesses are required to give oral evidence and are cross-examined, it can be a valuable aid to a prosecutor in deciding on the proper charge to be laid at the trial and, in many cases, the oral evidence given at committal can induce an accused to plead guilty.

Mr Bruce McCormack, Stipendiary Magistrate at the Northern Territory Criminal Lawyers Congress in Bali, Indonesia in 1989, in his paper "The Preliminary Examination", recognised the force of Bishop's observation:

> The magistrates will play safe; they will dismiss a charge only in the weakest cases, and commit for trial in the rest. It is not uncommon for magistrates in committal proceedings to be lenient to both prosecution and defence in examination and cross-examination on the often-stated grounds, 'it is only an enquiry'. (*Prosecution Without Trial*, page 104).

Nevertheless, he continued to hold the view that committals provided significant public benefits as follows:

1. disclosure of prosecution case;
2. testing reliability, credibility and demeanour of witnesses;
3. perpetuation of testimony;

4. identification of issues between parties;
5. enabling the prosecution to properly formulate charges;
6. early disposition of charges.

These and other benefits have been noted often, as following the decision in *Barton,* in the courts of Australia, as part of the developing law of abuse process in criminal trials, and have from time to time stayed the Prosecution pending the holding of an appropriate committal. *R. v. Franck Camilleri* [9] is only one example of such a stay. Cases have been stayed because at committal the Prosecution has presented a different case to the case it intends to make at trial, has sought to present different charges, has sought different evidence because the absence of the committal would work an injustice since the true nature of the Prosecution case and its strength would not be apparent from written materials. The recent decision of the High Court in *Jago v. District Court of New South Wales*[10] has not affected the right of an accused in an appropriate case to obtain a stay pending a proper committal. All these cases are familiar to the practicing lawyer in the jurisdiction, but why is it that there is such controversy backwards and forwards about committal proceedings? It is submitted that it is because, in the absence of proper particulars, and in the absence of preliminary proceedings regarded as appropriate in the civil jurisdiction, committal proceedings are all we have, even if not well-adapted to achieving the precise analysis of issues and the display of cases. This defect is probably because of the regrettable imprecision with which such charges are initially drawn and the reluctance on the part of those responsible, until now, for the preparation of briefs, to provide full and adequate disclosure.

## THE FUTURE

The decisions of the High Court in *John L. Motors Pty Ltd v. Attorney General of NSW* [11] and *The Queen v. S.*,[12] and the decisions of the New South Wales Court of Appeal in *Standen v. Abernathy and Others*,[13] indicated that in New South Wales considerably greater particulars will have to be given both in the charges themselves and informally by way of exchange between the parties. These, however, will be no substitute for an appropriate committal and will of necessity introduce doctrines which hitherto have been thought to be confined to the civil law relating to pleading and particulars such as embarrassment and departure.

## CIVIL PRELIMINARY PROCEEDINGS

In any civil case, and in particular, civil cases in which claims are made for personal injuries or for substantial relief, it would be unthinkable that the pleading would be as bald as that to be found in criminal cases in indictments. Time and again courts ranging from

9 Unreported, 3 May 1989, NSW CCA
10 (1989) 87 ALR 577
11 (1987) 163 CLR 508
12 (1990) 64 ALJR 126
13 Unreported, 22 February 1990

single judges sitting in the trial courts such as the District Court of New South Wales through to the High Court of Australia have called for the proper particularisation of criminal cases. In most code jurisdictions, and, indeed, in most of the jurisdictions in Australia, there is not only afforded proper particularisation in the indictment but an opportunity to examine the statements provided by the prosecution and for a preliminary enquiry. Why should New South Wales be regarded as any different? Why is it suggested that the screening function should be made prior to trial by the Director although no sanction should be available in the case of non-disclosure except that already existing by way of the right appeal on the Fresh Evidence ground.

In civil cases the pleadings are required to be specific and particularised. Requests for particulars are ordinarily made and ordinarily answered (unlike the practice that prevails in New South Wales at committal). In civil cases complex rules have been provided for by, for example, the *Supreme Court Act* and the *District Court Act* in New South Wales and various rules made under them for proper disclosure and preparation of cases prior to trial, to expedite their hearing and to enable early extracurial resolutions. The procedures include the requirement of pleadings with some degree of precision and particularity, full particulars to be contained in the pleading, further particulars to be furnished under the rules and an entitlement to such particulars enforceable by application to the court. There is provision for discovery of documents, for interrogatories, for exchange of experts' reports, for the taking of evidence of experts, for the separate decision of questions relating to liability or, indeed, as to admissibility. In the Commercial Division in particular these proceedings are available to ensure early resolution. In personal injuries cases the amount of information that must be supplied is, of course, considerable.

Instead, in criminal cases all one has is the vast mass of evidence, frequently ill-digested and ill-analysed at committal.[14] It is clear there are considerable bases for criticism of existing criminal proceedings and, in particular, the way in which committals are used, but it is also clear that there is no acceptable alternative presently being offered.

The Bar Council has submitted that the *Justices Act* should be amended to produce a category of witnesses who should not be called at the committal hearing without good reason to the contrary and that scientific or non-contentious witnesses should not fall into this category. Section 476 permitting a summary trial should be widened to accord with the culpability of the specific offence and should be mandatory where both prosecution and defence consent but the committal should, in essence, be retained.

## EXISTING CRIMINAL PROCEDURAL RULES

The *Criminal Procedure Act* 1986 has its principal function in the setting up of the Criminal Listing Directorate to list matters subsequent to the committal for trial, to provide for indemnities and undertakings in relation to witnesses, for the signing of indictments and abolition of the Office of Clerk of the Peace. The Criminal Procedure Regulations

14 See Ferguson J in *R. v. Partridge & Ors* (1930) 30 SR 410

made thereunder have prescribed the offences not within the jurisdiction of the District Court since the principal *Act* gave co-existence jurisdiction to the District Court and to the Supreme Court and provided for certain limited information to be provided to the Criminal Listing Director, for a Notice of Appearance by the solicitor for the accused and for a requirement prescribing time limits. It makes provisions also for transcript and by Regulation 9A is provided a requirement or any demurer shall not be listed unless the application or demurer was filed within one month for a person in custody or for a person not in custody within three months after a copy of the draft indictment was forwarded by the Director of Public Prosecutions. This peculiar procedure apparently requires an objection or an application for stay or demurer to a document intended to be a most formal Court pleading, before it is filed and when it is still only in the draft stage.

The District Court Criminal Procedure Rules require much more extensive information to be forwarded by the Clerk of the Local Court and provide, in addition, for the legal representatives of parties to continue to act unless reasonable notice of intention to cease to act is given. Non-payment of professional costs or Counsel's fees shall not, of itself, constitute adequate grounds for ceasing to act and provides for venue, subpoenas, the return of exhibits and provides in the District Court a power to make pre-trial applications by Rule 10(2). This rule would permit applications for a number of useful pre-trial purposes prior to the date of trial. Its validity has, however, been doubted, particularly since it is suggested that the District Court has no jurisdiction to deal with any matters except the control of its own list, prior to the formal filing in the Court of the Bill of Indictment which is normally not filed until moments before the trial begins whereupon the arraignment procedure is conducted.

Similar doubts have been expressed in relation to Rule 11 which provides for a *voir dire* into the admissibility of evidence or as to the capacity of a witness to be held at any stage of any proceedings whether before or after the jury is empanelled but after the accused has been arraigned.

## THE *CRIMINAL APPEAL ACT* AND RECENT AMENDMENTS TO THE SUPREME COURT RULES

In the recent unreported decision of *Edelsten v. The Queen* in the Court of Criminal Appeal, the judgment of Mr Justice McInerney deciding preliminary objections to evidence was referred to as only an advisory opinion. It, therefore, appears that another reform, that is the amendment to the *Criminal Appeal Act*, which inserted Section 5F, to permit of appeals on interlocutory matters by leave in case of the accused and as of right in the case of the Crown, has been deprived of much of its utility and significance. The Supreme Court remains with no real basis for pre-trial applications, no real basis for ascertaining the nature of the prosecution case or ascertaining the course the trial may take other than committals. Nor does the District Court have even a theoretical basis for pre-trial applications.

The District Court has provision for pre-trial applications but the late appointment of trial judges, both in the Supreme Court and the District Court, effectively deprives any pre-trial jurisdiction of any utility.

## CONCLUSION

That it is imperative and necessary that both the Defence and the Prosecution should be well aware of the nature of the case and the strength of it, is made perfectly clear by the simple fact that it is only in those circumstances that one can expect any early resolution by way of plea to the charge, plea to a lesser charge, plea to a different charge, the decision between the parties to limit the contest to certain specified areas by way of admissions or concessions and, thus, the shortening of trials and lessening of costs. Perhaps the Attorney is to be forgiven for the options he has posed which include the abolition of committals, in the light of criticism that has been advanced of them. But to consider any such option without the provision of some adequate alternative by way of preliminary enquiry, preliminary examination, adequately disclosing the case and doing so publicly in the interests of public justice, permitting a screening by an independent officer rather than by the prosecutor charged with the conduct of the trial to enable a public perception of fairness, are all necessary. Rather than the present proposals, the introduction of a carefully considered Criminal Procedure Code covering the period from apprehension to the ultimate disposition of the final appeal is far more advisable. This was once the goal of the New South Wales Law Reform Commission. It was once suggested by the then Convener of the Sydney University Law Graduates Association Adrian Roden, QC. Perhaps now is the time for the goal to be achieved.