

CHRISTMAS GREETINGS  
and  
PRESENTATION OF SENIOR COUNSEL

Banco Court, 9.30am, Wednesday 15 December 1999

Chief Justice's observations

I invite the recently appointed Senior Counsel to make their announcements.

Would those Senior Counsel now please come forward to sign the roll?

On behalf of the Judges, I congratulate the newly appointed Senior Counsel on their considerable personal achievement. Your clients will expect a high level of learning. We are confident you possess it. They will also expect substantial expertise, which you will no doubt strive to apply. You assume heightened public obligations: you join a rank within the profession from which judicial appointments are often made, and you take on new responsibilities of leadership in the profession. Strive to be true leaders: and that involves retaining and developing your creative imaginations! Best wishes to you all, as you go forward in this new role.

This is my probable last opportunity, this millennium, to endeavour to inspire those we serve with an affirmation of the Court's vital public commitment. Other anniversaries will come and go. But a new millennium fires the imagination! How will this Court translate: as an aloof institution rendering only limited justice; or as a part of government vitally responsive to the call of the people?

As you entered this grand courtroom this morning, ladies and gentlemen, you passed an interesting if not startling structure of jarrah wood and glass. It is the intended showplace for the Supreme Court Library's nationally significant rare books collection, together with other items of judicial and legal memorabilia. The thrust of the display is that the items be readily observable by the many members of the public who regularly travel that corridor. The books, in themselves quite beautiful works of art, have, to this point, been locked away in an internal room within the Library, out of public sight and reach. Now they will have a splendid home in the public domain. The Incorporated Council of Law Reporting has generously substantially paid for the structure, with assistance from the Grants Committee of the Queensland Law Society. His Excellency the Governor has kindly agreed formally to open the rare books room on 11 February next year, and the Rt Honourable Sir Harry Gibbs will deliver an oration following the opening.

You will also have walked past and noticed a number of captivating artworks on loan from the Queensland Art Gallery. Gallery works now adorn, indeed illumine, the public corridors of this otherwise, by contemporary standards, rather bland courthouse. As per the sentiments expressed in the Court's official Christmas card, their presence should help ease the inevitable pain of the process of dispute resolution for which the Court exists. We are extremely grateful to the Gallery, and especially its Director, Mr Doug Hall, for generosity in making this uplifting artwork available, and without charge to the Court. The initiative demonstrates how our magnificent State Gallery can substantially enhance the presentation of other public buildings, through the display of works not otherwise required for primary Gallery exhibitions.

These two initiatives, the rare books room and the display of Gallery artwork, symbolise, in their own particular way, the determination of the Judges to elevate the people's perception of their major public institution. Many thousands of school students, especially, pass annually through the Court precinct. The Courts presently play a major role in the civics education fortunately now being promoted more actively in our schools. We have other possibilities in train, dare I say "exciting" possibilities, to make their visits here more educationally stimulating, and the experience of those who litigate more bearable. Especially at this historically important time, we should be seizing these opportunities and we are!

Litigants have this year experienced a Supreme Court system running very well. We approach the year 2000 with well-placed confidence! In the Trial Division on the criminal side, to the end of November, notwithstanding as many as 573 new listings, we nevertheless end this year with only 193 active outstanding cases, having started with 232; and in civil, there are 129 cases outstanding now, our having begun the year with 108, notwithstanding as many as 289 new writs or claims entered for trial. The Court of Appeal Division maintains its reliable command of an unremittingly demanding caseload.

The work of the Court has been discharged efficiently and expeditiously. That is the result of many factors; among them, the dedication of the Judges, the Court's excellent registry and managerial support, the co-operation of the profession, and our deploying various innovative techniques, as through our increasingly technological setdown of cases.

The fundamental problem still limiting the courts is inadequate assured resourcing. This is not the occasion to dilate on that. I address the issue comprehensively in the Court's Annual Report tabled in the Parliament by the Honourable the Attorney-General on 1 December. That Report may be read on the Court's webpage, as with a lot of what these days occurs here.

I am very pleased, however, to acknowledge in that context, the Government's allocation this year of \$1.5m, with follow-up funding over the following three years totalling \$1.3m, for higher courts technology. That takes us forward into the new century with confidence. The new allocation suggests what I see as an important turnaround in Executive government thinking with relation to the financial needs of the Courts. I hope it develops into a comprehensive annual financial commitment to these important public institutions, institutions pivotal to the maintenance of the rule of law and, more broadly, good government.

How will the newly allocated moneys be used? The chambers of the Judges and their Associates in this complex will be cabled in January, providing access to the independent court network. The computers used by the Judges will be upgraded. Associates will, for the first time, receive computers. The Judges and Associates will, at last, be able to use e-mail to communicate with one another and with the profession. This is particularly important with relation to work undertaken in regional Queensland. We will also then have electronic access to a much greater range of legal research materials.

A judgments database will be established, initially with reserved judgments but later also to include *ex tempore* judgments and sentencing remarks.

The Trial Division of the Supreme Court, and the District Court, use a computer system called the Civil Information Management System (CIMS). This system has latent capacity not yet utilised. It includes a "case management" component, and that, for example, needs to be developed so we can fully manage our cases, from the time of filing – an important matter I have previously emphasised. Other activities of the court need to be integrated into CIMS: in particular, orders for mediation and case appraisal and the workings of the Planning and Environment Court. The system must also be available outside Brisbane and Townsville.

Exciting opportunities for electronic filing and searching, together with other uses of electronic communication – for instance, booking "chambers" times, have to be explored in the redevelopment of CIMS. This is not just essential for the court and the profession. The State must maximise opportunities for electronic commerce.

We are to be a "smart State": this sort of electronic court development is integral to that. We have been lagging a long way behind other States in these areas: now we have the opportunity to catch up. The real challenge of the Executive Government is to put us into a position where we may lead!

Earlier this year, a *Four Corners* program highlighted the absence of sound reinforcement in our courtrooms. With new resources, six of the District Court criminal courts will be wired for sound.

We have also now been able to buy other undoubtedly essential equipment

previously lacking, including visualisers, television and video players and polycoms. The court was desperately short of this basic equipment, but now thankfully has enough to meet minimum needs.

Facilities for videolinks will be expanded to include the Court of Appeal and the District Court. The Court is looking, over the next two years, to develop at least one courtroom suited to fully computerised trials. I note the obvious unless the Court has these facilities, litigation will, frankly, be conducted elsewhere, to the economic detriment of the people of our State, other matters aside.

These are reassuring developments: I again commend the Government for facilitating them, while urging the view that this must be seen as but a first step in a proper commitment to the comprehensive funding of this arm of Government. But let us not follow in the new century: let us lead!

Accomplishing the work of the Court necessitates substantial co-operation among many people, not only the Judges and their administrative support staff and the Registry, but also the officers of the Director of Public Prosecution and the Public Defender, the legal profession, and the increasing number of unrepresented litigants the ultimate manifestation of accessible justice. I am pleased to confirm that that co-operation has been readily forthcoming.

I again warmly thank the Judges, whose substantial support has obviously been essential to the efficient and progressive administration of the Court this year, and I especially note the major contributions of the President and the Senior Judge Administrator. Also warranting special mention is the Court Administrator, Ms Bronwyn Jolly, who has striven relentlessly and most effectively to deal with the myriad of administrative concerns thrown up daily within the Court, and as well to address progressively a welter of supervening policy issues of vital concern to our future. But all other court staff have played most valuable roles - and that is greatly appreciated.

As the Supreme Court moves forward into this next century, while its charter remains the same, it must be vigilant to do its best to secure the resources necessary to allow the Court to fulfil that charter: I see that as the Court's greatest practical challenge, and it is a substantial one.

But a more philosophical challenge is also substantial: how, by moderate means, to refine our system, even further, to lessen, so far as we can, its major subsisting deficit: limited accessibility to justice, or as we more precisely say, justice according to law.

It is said that while the rich yearn for peace, the poor yearn for justice. The Judges

have a broad view of the condition of people, and do their well informed best to accommodate a variety of genuine demands. Because of our independence, we are a uniquely significant part of the government of the people. Acutely conscious of that, we continue to do our utmost, through upholding the rule of law, to promote the public good.

Answering my introductory question: this Court is indeed a part of government vitally responsive to the call of the people. Let us go forward confidently together!

I thank the people of Queensland for their support, and on behalf of the Judges and the administrative and registry staff of the courts, I wish all a very happy Christmas, and a most fulfilling year 2000!