

North Queensland Law Association Annual Conference  
Magnetic Island  
Saturday 28 October 2000

Technology

It is a great pleasure to be present at your annual conference again. I am listed to speak on "issues confronting the courts". There are invariably many of those, and we do our best to address them responsibly and progressively. They are covered for the moment comprehensively in my annual report, presented this week to the Attorney for subsequent tabling in the Parliament. No doubt you will all avidly read it! Rather than traverse again a myriad of topics, I thought it may be more useful were I to focus today on one particular area of critical interest technology.

I will shortly say a little about one of the more interesting technological innovations we have recently developed, that is, the online allocation of court dates. But before I mention that, may I speak more broadly about technology in the courts.

You will know that I have, since becoming Chief Justice, actively agitated for the allocation of funds for appropriate technology in the higher courts.

The system bequeathed to my administration at the beginning of 1998 had for years been financially under-resourced. The paucity of our capacity for such fundamental things as taking the evidence of a child witness remotely by video out of the presence of an accused, had become a matter even for adverse media comment. For years, I have personally been distracted by the simple circumstance that our courts are not even wired for sound. This has commonly been a particular problem with Aboriginal and child witnesses. And then there has been the absurdity, in modern times, of judges not being able to communicate with each other by e-mail. Drawing attention to these and numerous other deficits led to the allocation of \$1.5m to higher courts technology in last year's State budget, with follow-on funding of \$1.3m over the ensuing three years. As I point out in this year's annual report, this has helped us at least begin to catch up on facilities other court systems have enjoyed for years.

It may be of interest if I list what we have been able to do with this new money.

All six criminal trial courts in the District Court complex at Brisbane have been wired to enhance the voices of witnesses, a development long overdue. All courts should, I believe, be so wired in this day and age.

A new video court has been constructed, again in Brisbane, and the existing video

court enhanced. Those developments will allow greater flexibility in the taking of evidence by telephone, videoconferencing, and from special witnesses aspects recently highlighted by the Law Reform Commission.

Long overdue essential equipment has at last been purchased, including conference telephones, document viewers, portable amplifiers. This has greatly assisted the work of the courts, although we need more, especially for country centres.

The Court of Appeal has at last received videoconferencing capability, although the capacity to conduct appeals electronically is still a long way off. Other courts already have that capacity and have had for some time.

This time last year the judges had stand-alone, aging computers. Their chambers and two courts within the Brisbane complex have now been cabled, providing an internal e-mail facility and facilitating more electronic research. As must occur, the judges outside Brisbane are being included in this judicial network, able to be accessed by judges on circuit as well. This will greatly improve the judicial services available to all Queenslanders, because the judges, wherever in the State they sit, will have access to electronic research materials from their chambers. Associates are receiving computers. Members of the legal profession have told us that they wish to be able to use e-mail to contact associates and we hope to be providing that facility soon.

A major remaining project, and a very important one, is the development of the caseload management component of the Civil Information Management System, to allow the efficient tracking of the progress of civil cases from lodgment to readiness for trial. The absence of such case management has led to the drawing of unfavourable contrasts between the performance of the Supreme Court of Queensland in the civil area, from filing to readiness for trial, and that of other comparable courts elsewhere in the country. We hope this deficiency may be rectified by the end of this calendar year. This is more of a problem in Brisbane than elsewhere in the State, but all centres will benefit from this development when it occurs.

As I have said, we are nevertheless largely in the position of merely catching-up the courts of other States, and the Federal Court, which remain generally much further advanced in relation to technology. I have been urging the view that the recent allocation should be seen for what must be its true character - that is, as "seeding funding" which must anticipate broader across-the-board budgetary allocations, if the court system is to operate as a worthy component of a "smart State" of the 21<sup>st</sup> century. One possible consequence of our current deficiency which particularly concerns me, is the prospect of business litigants going elsewhere, rather than confront a court system which lacks the technology they routinely use in their offices day by day.

I turn now to the particular matter on which I wish to speak today. As you may be aware, a pilot project for online allocation of court dates was initiated in the Brisbane registry of the Supreme Court about 18 months ago. The process has been enthusiastically embraced by practitioners, judicial officers and registry staff. For some time, practitioners in the central and northern registries have been asking when the option of online allocation might be extended north. It has certainly not of course been our intention to deprive northern practitioners of the benefits of this system. I know you will appreciate it was important to establish that the pilot worked well, in one registry, before we attempted to extend it to the others. We had to prove to ourselves, to practitioners, to litigants and to registry staff, that online allocation was not only feasible, but that it offered worthwhile benefit to all parties involved in the allocation process. We also had to keep in mind that no two registries are the same – all are unique in terms of technology, infrastructure, the callover process, registry staff, the judges involved and the local practitioners. Although after the initial success of the process in Brisbane we were tempted quickly to roll it out regionally, as well as for applications and into the District Court, we did responsibly have to temper that enthusiasm somewhat, allowing for appreciation of those differences, and we accordingly adopted a prudent approach to extension.

I am very pleased however to be able to confirm today that we are now in a position to offer this option of online allocation within the Townsville registry. This signifies an important step forward in the court's commitment to improving service delivery in regional areas. One of the most exciting aspects of online allocation is that it combats the "tyranny of distance". Requests may be made from remote locations, from your office, from your home office – in fact from anywhere you have access to the internet.

This is all about improving access to justice, service delivery and service to our various "stakeholders". Earlier this year, the Senior Judge Administrator enunciated our goals in a paper entitled, "Information Technology Directions: Supreme Court and District Court 2000 and beyond". He expressed the courts objectives in relation to delivery of information technology services in this way:

"To continually improve service to litigants, the legal profession and other clients by striving to further the initiatives developed by the courts in terms of electronic service delivery and electronic business;

to improve the dissemination and open communication of information by ensuring that information is accurate, current and easily accessible to litigants, the legal profession and the general public;

to continually improve service delivery in regional

areas to ensure that remoteness of location is not an impediment to receiving quality legal service; and

to offer services which are seen to be, and are independent of those offered by executive government and are transparent."

This online allocation facility is now possible because of a publicly valuable partnership forged between the courts, largely thanks to the Senior Judge Administrator, and our innovative friends at LawNow. I express appreciation for the willingness of LawNow, which is plainly a technological force to be reckoned with, to co-operate with frankly under-resourced courts, developing new approaches of this character which, when implemented, are seen to be so publicly beneficial.