



SUPREME COURT OF TASMANIA

2005/2006 ANNUAL REPORT

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THE SUPREME COURT OF TASMANIA JUDGES AND MASTER

From left: Mr Stephen Holt, Justice Alan Blow, Justice Pierre Slicer, Justice Peter Evans, Justice Shan Tennent, Chief Justice Peter Underwood, Justice Ewan Crawford



~ THE CHIEF JUSTICE'S ANNUAL REPORT ~

FOR

THE SUPREME COURT OF TASMANIA
2005 - 2006

This report is submitted in accordance with s194H of the *Supreme Court Civil Procedure Act 1932*, pursuant to which the Chief Justice is to provide a report to Parliament. This report is to include details as to the administration of justice in the Court during the current year and any other matters that the Chief Justice considers appropriate.

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THE YEAR AT A GLANCE

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Tasmania Supreme Court introduces flexible Court sitting arrangements for the State's North
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A new and improved database proves an invaluable tool for Judges

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THE YEAR AT A GLANCE

CRIMINAL COURT

Originating matters	521
Appeals	35
Finalised First Instance	542
Finalised Appeals	16

CIVIL JURISDICTION

Personal Injury	283
Debt Recovery	287
Corporations Law	5
Other Actions commenced by writ	237
Applications	6
Lower Court Appeals	114
Full Court Appeals	22
Finalised First Instance	1697
Finalised Appeals	68

PROBATE

Grants of Probate	1872
Grants of L of A	205
Reseal	24

CONFERENCE SETTLEMENTS

Personal Injuries	
Motor Vehicle	34
Personal Injuries Industrial	25
Contract	13
Testator Family	
Maintenance	9
Relationship Act	29
Building	4
Other	20



CHIEF JUSTICE

The Honourable
Peter George Underwood, AO
appointed as Chief Justice
of the Supreme Court on
2nd December 2004



THE JUDICIAL YEAR IN REVIEW

At the conclusion of another financial year it is relevant and opportune not only to review the Court's performance and highlights of the year gone by, but also to take time to revisit the overall role of the Court and to focus on the direction in which the Court is heading.

THE ROLE OF THE SUPREME COURT

The Supreme Court of Tasmania, the oldest Supreme Court in Australia, is a Court of plenary jurisdiction created by Royal Command. It is a Court of Record with the power to fine or imprison for contempt of its authority. Its Acts and judicial proceedings are enrolled for perpetual memory.

The Court plays an integral role in the government of Tasmania. The constitutional arrangements of the State are based upon government comprising three arms, the Legislature, the Executive and the Judiciary, each independent of the other. This doctrine of separation of powers is not strictly adhered to in the case of the Executive and the Legislature, but is jealously guarded by the Judiciary. Since the enactment in England of the Act of Settlement in 1700, and in Tasmania, the enactment of the *Supreme Court (Judges Independence) Act* 1857, this independence has been secured by Legislature providing that no Judge shall be removed from office except upon the address from both Houses of Parliament.

Although much has been said and written about the importance of judicial independence, it must not be forgotten that its corollary is that the Court takes no part in the formulation of policy or legislation, but simply administers the law as enacted by Parliament, leaving it to the Executive to decide if change is necessary.

The relationship between the Executive and the Judiciary is a delicate one because in the exercise of its functions, each must be independent of the other, but by the same token, the Judiciary is entirely dependent upon the Executive to supply it with sufficient funds to discharge its judicial functions. This financial dependency raises the risk of the Executive interfering in the judicial function by attaching conditions to a

grant of funds or restricting the supply of funds. However, I am pleased to be able to report that although the Court is always in need of more funds, as are all public institutions, the relationship between it and the Executive is a harmonious one, each being well aware of, and respectful of the separate constitutional obligations of the other. I record that the Court clearly acknowledges that it has an obligation to account to the Executive, not for the discharge of its adjudicative functions, but for the proper disposition of the funds supplied by it.



THE JUDICIAL YEAR IN REVIEW

THE ROLE OF A JUDGE

In some respects, the role of a judge is a lonely one. The responsibility for fixing sentence upon a finding of guilt or a plea of guilty is that of the sentencing judge alone. A written or oral judgment is solely the product of the judge's own learning, research, experience and skills. Apart from some discussion with other appellate judges when sitting on an appeal, there are no discussion groups, think tanks or workshops to help a judge find the right sentence or the correct judgment. Further, virtually all judicial work is done in public, is subject to appellate review and public comment in the media to which there can be no reply.

Judicial participation in continuing professional education is encouraged in the Supreme Court of Tasmania. All new appointees attend the week long Judicial Orientation Course held by the National Judicial College of Australia and the Judicial Commission of New South Wales. In addition, there are attendances at conferences and seminars held by such bodies as the Australian Institute of Judicial Administration, dealing with such matters as technology in the court, the conduct of a jury trial, and costs and delay in litigation. These sessions are a constant source of new ideas and inspiration to improve the administration of justice in this State. The judges of the Court meet every fortnight to discuss administrative matters.

Judges are expected to be in touch with contemporary "community values," whatever that overworked expression may mean, but at the same time, exercise restraint and remain separate from the ordinary hustle of day-to-day life. In private life a delicate path has to be trodden to avoid any indication of bias towards or against any particular group in the community, or towards or against any political leanings or causes. It is appropriate that judges of the Supreme Court take part in, as they do, Adult Education courses, teaching post-graduate students in the Professional Legal Training Program, serving on the University Council, Board of Legal Education, and the like. So it was equally appropriate that I resign my position as Chair of the Tasmanian

Symphony Orchestra Board at the end of the last year when that position required increased involvement in fund raising from the commercial sector and increased lobbying of politicians.

The selection and appointment of Judges to the Supreme Court is a matter for the Executive. Having regard to the Constitutional position of the Court and the role of a judge it is something that requires a great deal of care and thought. In recent times there has been considerable discussion in Australia and overseas about an appropriate process to identify the most suitable candidates for appointment to Judicial office. I have recently raised this matter in cordial discussions with the Attorney General.



JUSTICE ALAN BLOW



THE JUDICIAL YEAR IN REVIEW

WORK OF THE SUPREME COURT

Over the last few years, there has been a gradual, but significant, change in the work of the Supreme Court. On the civil side, there has been a marked drop in the number of cases that proceed to a trial. There is anecdotal evidence that this is due in part to the success of the mediation services provided by the Court, and in part due to legislative changes such as those enacted by the *Workers Rehabilitation and Compensation Amendment Act 2000* and *Civil Liability Act 2002* which have cut back common law rights for those who have suffered personal injury.

However, there has been a corresponding increase in applications to the Court to review administrative decisions and

appeals from tribunals. There has also been an increase in appeals to the Court of Criminal Appeal.

Interestingly, although there has been a marked diminution in civil trial work, the number of written judgments produced by the Court has remained more or less constant over the past five years.

The work in the criminal jurisdiction of the Court has increased in all three regions of the State and generally criminal trials are taking longer and are more complex. More importantly the number of trials has increased markedly (47 persons tried in 1995/96 compared to 123 in 2005/06). The Court has been able to provide additional sittings in Launceston and Burnie to cope with the backlog in these areas, however,

further initiatives are limited by the resources able to be allocated by the DPP and defence counsel.

In my last report I foreshadowed that this year "consideration will be given to the allocation of judicial resources to Burnie and Launceston for civil work." That has been done. The Court has abandoned its long established practice of allocating two sittings each year in Burnie and Launceston dedicated to the hearing of civil cases. This has enabled the Court to become more flexible and provide judicial time where and when the demand is greatest. The combination of active case management, together with court-annexed mediation, enables those cases that will actually proceed to trial to be identified at an early stage and for one of the two

judges sitting in civil jurisdiction in Hobart to travel to Launceston and Burnie for short periods as soon as matters there are ready for a hearing. Consequently, civil cases in Launceston and Burnie no longer have to wait for one of the two civil sittings in each year. The Court provides the same service to litigants in the North and Northwest as it does for those in the capital city.



THE JUDICIAL YEAR IN REVIEW

A JUDGE IN SAMOA

In late April 2006 a request from the Chief Justice of Samoa was received for Australia to provide two senior judges to assist the Samoan Supreme Court to sit as part of the Electoral Court. The Chief Justice of Samoa flagged his concern that many of Samoa's senior judges have family or social connections with election candidates and the Chief Justice wanted to avoid the perception of a conflict of interest in the conduct of the hearings.

The timing was quite tight with sittings due to commence on 16th May 2006. The Honourable Pierre William Slicer volunteered to assist in Samoa and the Judges of the Tasmanian Supreme Court and I agreed to re-allocate Justice Slicer's

workload so that no litigant before the Court would be disadvantaged. AusAid agreed to reimburse the Tasmanian Government the cost of Justice Slicer's salary for the time he was in Samoa.

Justice Slicer arrived in Samoa on the 15th May, was sworn in by the Head of State of Samoa at 08:30am the following day and began hearing a challenge to the constitutional validity of the six politicians at 09:30am! The hearings continued in earnest until the middle of August 2006.

It has been a great opportunity for a member of the Tasmanian Supreme Court to make a real contribution to the stability of one of the countries in the South Pacific region.



JUSTICE SLICER SITTING AT THE SUPREME COURT OF SAMOA

From Left: Justice Pierre Slicer, Chief Justice Patu Falefatu Maka Sopolu, Justice Tom Shepherdson



THE JUDICIAL YEAR IN REVIEW

TECHNOLOGY AND THE COURT

In the year under review the Court continued to expand its use of technology to improve the administration of justice. As foreshadowed in my last report, a significant upgrade of the Court's videoconferencing facilities in both Hobart criminal courtrooms occurred in the period. This project has seen the upgrading of the Court's facilities to state of the art electronic evidence presentation equipment, videoconference equipment, large plasma screens and protected witness CCTV technology.

One of the recent in-court technological successes has been to integrate several different technologies and applications in order to facilitate a user-friendly environment and also to gain maximum

efficiency and improvements in functionality. A good example of this is the Court's ability to now integrate the digital in-court audiovisual recording system to the videoconferencing and evidence presentation applications. Intelligent and automated camera switching features are now applied to the videoconferencing system, which, coupled with life-size display screens, has improved the facilities for all court users and reduced costs as witnesses and accused persons can participate from remote locations.

It is a fundamental principle of the criminal law that like offenders be given like sentences. In order to help achieve this end the Court maintains an electronic database of all sentences that have been imposed since 1989. This year the Access platform

upon which the database operated was no longer able to cope with the volume of material stored on it and the transfer of data regionally was problematic. The Court engaged a local software designer, Studio Q, to design and construct a new sentencing database. The result has been a marked improvement in the layout of material, searching facilities and seamless transfer of information to all regions. For example, when sentencing for the crime of stealing involving a position of trust as an employee, the judge can select from the many sentences imposed for stealing only those imposed upon an employee, thus making sure that his or her sentence is in line with those previously imposed.

This year has also seen the commencement of a major project to improve the management of the Civil Court caseload. The Civil Registry Case Management System is a substantial information technology project that will improve the efficiency of the Civil Justice system by providing tools with which to better case manage matters. It is anticipated that the contract for the systems development will be awarded early in the 2006-07 financial year.



THE JUDICIAL YEAR IN REVIEW

SIGNIFICANT REMEDIAL WORKS

I am pleased to report a significant improvement in the funding arrangements for the maintenance of the Court's assets in the period. The Court is appreciative of the work the Department of Justice, in particular that of the Deputy Secretary Corporate Services Mr Brian Smith, has achieved in securing additional funds for maintenance.

Over the period under review the Court has undertaken significant repairs to the buildings' exterior fabric in both Hobart and Launceston. Also a series of technical reports have been finalised dealing with disability access and functionality issues. These reports will form the springboard for the coming years' asset maintenance plan.

THE JURY

Trial by jury is a cornerstone of the criminal justice system. Jurors are entitled to be paid in accordance with the *Juries Regulations* 2005 which provide for the payment of lost salary or income up to a maximum of \$80 per day. This equates to \$400 per week. It is plainly inadequate. It is less than the minimum wage. The figure has remained unchanged since 1988!

Coinciding with the introduction of the *Juries Act* in January 2006, it was proposed to increase the payment to jurors to align with the fees paid to witnesses. Treasury rejected the funding for this proposal. I ask that that decision be reconsidered. If this is not done, juries are at risk of being largely made up of only those who cannot get employment or who choose not to be in employment.

EFFICIENCY

I would like to say a word about the frequent references, mainly in the national media, about the efficiency of the Judiciary and the need to measure its performance, both quantitatively and qualitatively. Reference is often made to national statistics gathered by the Productivity Commission, some of which are set out later in this report. There are many aspects of judicial administration that are susceptible to measurement such as:

- the length of time taken from committal for trial in the Supreme Court to disposition;
- the number of attendances required during that period;
- the number and nature of filings in the Court in a year; and
- the daily cost of running a court.

Measurement of these aspects of judicial administration enable informed decisions to be made that will improve the administrative work of the Judicial arm of government.

However, it is not possible to measure the quality of the adjudicative function of the judiciary. Suggestions are often made that statistics about the length of time trials take, the number of cases a judge hears in a year and the length of time it takes to deliver a judgment, are indicators of the quality of judicial work. I dispute this. Some cases are more complex than others and take longer to hear and some judgments take longer than others to write.



THE JUDICIAL YEAR IN REVIEW

Such statistics would say nothing about the quality of the judicial hearing or the judgment. Trials could easily be shortened if the time allowed for each side to present its case was arbitrarily limited, and the time taken to deliver a judgment could be shortened if considered written reasons were not given. However, the result of such practices would be a serious diminution in the quality of justice.

Some things just cannot be measured. For example, the length of time a journalist takes to research and write a story tells you nothing about the quality or reliability of that story. Is the legislative arm of government performing efficiently if it adopts a record number of legislative changes in record time? Further, as the Chief Justice of New South Wales has said, it must not be forgotten that the Court is not just a dispute

resolution service. The Court has a constitutional role to preserve the integrity of institutions and to prevent the abuse of power. The Court also has a duty to proclaim standards, particularly through the exercise of its criminal jurisdiction. It also develops the common law. It does not have clients. Although it resolves disputes it does so not as a service to clients but as "an arm of government which manifests the public interest in the peaceful and fair resolution of disputes. Court processes are not, and have never been, a facility that the government makes available to serve a private purpose."

The Court certainly has an obligation to strive to improve its administrative processes and to this end measurement of performance is a useful tool. It also has an obligation to ensure that its adjudicative

function is fair, impartial, in accordance with the rule of law, and of the highest quality. This is not something that is susceptible to measurement - only judgment.

THE STAFF

The Judges would not be able to fulfil their judicial obligations without the support and assistance that they receive from all the dedicated staff who work in the Supreme Court. Each one of them has a vital role to play in the justice system and each one has served the system well during the year under review. I record my appreciation to each of them and in particular to the Registrar, Mr Ian Ritchard, and the Manager, Mr Frank Ederle, who lead the management team.



SUPREME COURT EMPLOYEES

Employees with more than 25 years of individual service From left: Shelley Bawden, Virginia Morgan, George O'Neal, Kath Kinsella, Sharon Barnett, Malcolm Farmer and Bruce Crawford.





COURT ADMINISTRATION - PERFORMANCE

OVERVIEW

The work of the Supreme Court is divided into two major jurisdictional areas – criminal and civil matters. Unlike many other Supreme Courts, the Court is not divided into divisions. All judges hear matters at first instance and on appeal, in both jurisdictions. In addition, the Court sits in three regions within the State being Hobart, Launceston and Burnie.

The workload of the Court is subject to fluctuations that are beyond the ability of the Court to control. The nature of the legal process requires that any matter falling within the jurisdiction of the Court may be brought before it. As the jurisdiction of the Court expands and contracts with statutory changes, so does its workload.

THE COURT'S PERFORMANCE

The overall objectives for Court Administration for the reporting year were:

- To be open and accessible
- To process matters in an expeditious and timely manner
- To provide due process and equal protection before the law
- To be independent yet accountable to Parliament for performance

A National framework of performance indicators adopted by the Court supports the objectives of the Court and the two principal indicators are summarised as follows:

Backlog Indicator

This is a measure of timeliness that relates the age of the Court's pending caseload to timeliness standards.

Clearance Rate

A measure of whether the Court is keeping up with its workload.

The Results

BACKLOG INDICATOR

The backlog indicator is a measure of timeliness and delay. This indicator specifically measures the Court's pending caseload against national time standards. The national time standards have been set as follows:

- No more than 10% of lodgements pending completion are to be more than 12 months old
- No lodgements pending completion are to be more than 24 months old



COURT ADMINISTRATION - PERFORMANCE

BACKLOG INDICATOR CRIMINAL JURISDICTION

This year, the Court has made a significant effort to reduce the pending caseload within the criminal jurisdiction, particularly for first instance matters. The Court's pending caseload has reduced to 185 matters (excluding bench warrants) in the 2005-06 period, which represents a reduction of 21% in the pending caseload compared to the 2004-05 period.

As in previous years, the vast majority of pending matters are less than 12 months old. This year saw a focus in addressing the backlog in the regional areas, particularly in Launceston. This resulted in there being no pending matters greater than 24 months old in either Launceston or Burnie Supreme Courts. Also, the combined northern region

pending caseload which is greater than twelve months old now stands at 17 matters or only 9% of the total pending caseload for the State and is within the national standard.

As referred to earlier within this report, the appeal matters heard by the Court are increasing. Lodgements increased within the period by 40%. A total of 9 matters or 26% were lodged with the Court only in the last six weeks of the financial year and therefore could not be listed within the counting period. This has in turn increased the pending caseload for appeal matters by 19 matters compared to the period 2004-05.

The Court continues to meet the national timeliness standards for the pending caseload in appeal matters.

Supreme Criminal Court First Instance

	2003-04	%	2004-05	%	2005-06	%
Total Pending Caseload	233	100	235	100	185	100
Cases > 12mths	50	21	28	12	30	16
Cases > 24mths	2	1	3	1	8	4
Cases < 12mths	183	78	207	87	155	83

Supreme Criminal Court Appeal

	2003-04	%	2004-05	%	2005-06	%
Total Pending Caseload	9	100	8	100	27	100
Cases > 12mths	0	0	0	0	1	4
Cases > 24mths	0	0	0	0	0	0
Cases < 12mths	9	100	8	100	26	96



COURT ADMINISTRATION - PERFORMANCE

BACKLOG INDICATOR CIVIL JURISDICTION

Within the civil jurisdiction, the Court again has made significant inroads into the pending caseload, achieving an overall reduction of 335 matters or 18%. Improvements have been realised in the pending caseload greater than 12 months old, although the numbers of pending matters overall remain high. Similarly, the pending caseload for appeal matters has also decreased by 21 matters or 17%.

The Court has a limited ability to affect the pending caseload. Presently, the Court does not manage personal injury cases until the parties signify that they are ready for trial or they seek court intervention by way of case management.

In all other cases the Court manages the litigation as soon as the defence has been filed. The introduction of a computerised case management system, which is currently being developed, will assist in implementing a more robust case management system and also assist in identifying those cases which have settled but the parties or their representatives have not notified the Court.

Supreme Civil Court First Instance

	2003-04	%	2004-05	%	2005-06	%
Total Pending Caseload	2043	100	1889	100	1554	100
Cases > 12mths	990	48	915	48	619	40
Cases > 24mths	548	25	523	28	414	27
Cases < 12mths	1053	52	974	52	935	60

Supreme Civil Court Appeal

	2003-04	%	2004-05	%	2005-06	%
Total Pending Caseload	182	100	123	100	102	100
Cases > 12mths	29	16	12	10	19	19
Cases > 24mths	11	6	0	0	5	5
Cases < 12mths	153	84	111	90	83	81



COURT ADMINISTRATION - PERFORMANCE

Clearance Rate (finalisations/lodgements) All Matters

Supreme Court % clearances (excluding probate matters)

	2003-04	2004-05	2005-06
Criminal Jurisdiction	94.8%	98%	100.4%
Civil Jurisdiction	124.9%	131.7%	132.1%
Total Court	116.8%	121.8%	122.8%

CLEARANCE RATE

The Clearance Rate indicator is a measure that shows whether the Court is keeping up with its workload. The indicator denotes the number of finalisations in the reporting period expressed as a percentage of the number of lodgements for the same period. A result of 100% indicates the Court is finalising as many matters as it receives. A result greater than 100% indicates the Court is reducing its pending caseload.

The table highlights another outstanding result for the Court in terms of keeping up with its workload. Both criminal and civil jurisdictions achieved results of 100% and 132% respectively for the period 2005-06. These results indicate that the Court finalised as many matters as it received in the period for both matters at first instance

and appeal matters in the criminal jurisdiction. In the civil jurisdiction the Court finalised significantly more matters than it received and hence was able to reduce the pending caseload accordingly.



THE SUPREME COURT OF TASMANIA IN PROFILE

ABOUT THE COURT

The Supreme Court of Tasmania (the Court), created by the Charter of Justice 1823, forms part of a multi-layered court system, which exercises both Federal and State jurisdictions. The Court is the superior court of the State and, as mentioned earlier in this report, is equal in status to, but independent of, the Legislature and the Executive.

Currently six judges constitute the Court. The Master, Registrar and fifty administrative staff support them.

THE STRUCTURE OF THE COURT

Court systems throughout Australia are hierarchical with most States adopting three levels of courts;

- Magistrates (or local) Courts
- County or District Courts
- Supreme Courts

In Tasmania, there are only two levels in the court hierarchy, being the Magistrates Court and the Supreme Court.

The Court is divided into three broad areas of operation, namely criminal, civil and appeal matters.

Criminal matters are those in which an accused person is charged with an

indictable offence. Upon entry of a plea of not guilty, an indictable offence is tried by a judge and jury of twelve persons.

In civil matters, the Court determines disputes involving sums in excess of twenty thousand dollars. Such trials are usually conducted by a judge sitting alone, although provision does exist for some cases to be tried with a jury of seven people.

Appeals from the decisions of a single judge, or a judge and jury, are heard by a Bench of three or more judges. This Court is called a Court of Criminal Appeal when sitting in criminal matters and the Full Court when sitting in civil matters. There is provision enabling an appeal to be heard by only two judges.

THE JURISDICTION OF THE COURT

The Court exercises both original and appellate jurisdictions. Original jurisdiction is when a matter comes before the Court for a decision for the first time. Appellate jurisdiction is when the Court determines appeals from single judges, from the Magistrates Court, or from various tribunals where there exists a right to appeal to the Supreme Court.



THE SUPREME COURT OF TASMANIA IN PROFILE

MEDIATION

Only a very small percentage of civil cases require resolution by a hearing in the court. Most of these cases settle at mediation. The Registrar is the principal mediator assisted by other court officers and selected legal practitioners. The Court has a power to direct that a case be referred to mediation before it will be listed for trial. Court-annexed mediation is a very popular and successful means of resolving civil disputes. It provides expedition, saves costs and produces a just result. Without it, the Court would not be able to cope with its caseload.

THE REGISTRIES OF THE COURT

The Court operates civil, criminal, probate and district registries.

CIVIL REGISTRY

The Civil Registry receives and processes all documents lodged in the civil jurisdiction of the Court and is the first point of reference for enquiries from the public and the legal profession. This Registry also receives and processes appeals to the Full Court and single judge appeals. It also has responsibility for the management of the Court's records and the listing and case management functions for the Court's civil and appellate jurisdictions.

CRIMINAL REGISTRY

The Criminal Registry receives and processes documents lodged by the Director of Public Prosecutions, which initiate criminal proceedings, lists criminal trials and other hearings. It receives and processes applications for leave to appeal and prepares appeal documentation for use by the Court of Criminal Appeal. It also receives and processes applications to review decisions from the Magistrates Court and State tribunals.

PROBATE REGISTRY

The Probate Registry deals with applications for grants of probate, letters of administration and other related matters. It is responsible for determining, on application for a grant of representation,

what document or documents constitute the last will of the deceased and/or who is entitled to be the legal personal representative of the deceased.

Most of these applications are decided without a court hearing. If there is a dispute, it is heard and determined by the Court in the same way as all other civil cases are heard and determined. When these determinations have been made, a grant is issued to the legal personal representative of the deceased.

DISTRICT REGISTRIES

The Court maintains registries in Launceston and Burnie, to deal with civil and criminal matters.





THE SUPREME COURT OF TASMANIA IN PROFILE

THE JUDGES AND THE MASTER

JUDGES

Judges of the Supreme Court are appointed by the Governor on the advice of the Executive Council (a Council of State Ministers including the Premier), from the ranks of barristers and solicitors who have at least ten years' standing in their profession.

The Bench of the Supreme Court currently consists of the Chief Justice and five other judges, known as Puisne judges. This is an Anglo-French term meaning 'subordinate' and pronounced "puny".

MASTER

The Governor appoints the Master of the Supreme Court in the same manner as a judge. The Master assists the judges in conducting the civil jurisdiction of the Court. For instance, the Master deals with interlocutory, that is procedural, applications in civil matters, before they come on for trial.

Recently this jurisdiction has been extended to include hearing and determining many cases that formerly could only be heard by a judge. This legislative change has assisted the capacity of the Court to manage its caseload.

The *Supreme Court Act 1887*, s2, provides that the Court consists of a maximum of seven judges. Six judges presently constitute the Court.

Those presently holding office are:

The Chief Justice

The Honourable
Peter George Underwood AO

The Judges

The Honourable Ewan Charles Crawford
The Honourable Pierre William Slicer
The Honourable Peter Etherington Evans
The Honourable Alan Michael Blow OAM
The Honourable Shan Eve Tennent

The Master

Mr Stephen Holt



OPERATING ACCOUNT - EFFECTIVE YEAR ENDING 30 JUNE 2006

RECEIPTS	NOTE	2004-05 ACTUAL	2005-06 ACTUAL
Recurrent Appropriation		3,614,549	3,718,004
Registry Fees & Collections	1	492,100	690,200
Provision of Transcript	1	78,372	50,350
Probate Fees & Charges	1	585,485	506,390
Mediation Fees	1	74,325	67,415
Sheriff's Fees		6,065	7,804
Court Reporting		44,690	32,362
Collections		2,185	1,974
Video Conferencing		15,413	21,002
Recoveries of Salary		400	0
TOTAL RECEIPTS		4,913,584	5,095,501

EXPENDITURE	NOTE	2004-05 ACTUAL	2005-06 ACTUAL
Employee Expenses			
Salaries & Wages etc		1,951,512	2,165,062
Fringe Benefits Tax		17,381	13,990
Payroll Tax		134,082	145,616
Superannuation		201,274	218,725
Worker Compensation Insurance		3,994	3,994
Training		6,168	3,135
Other Employee Related		0	0
TOTAL EMPLOYEE RELATED		2,314,411	2,550,522



OPERATING ACCOUNT - EFFECTIVE YEAR ENDING 30 JUNE 2006

ADMINISTRATION & OTHER EXPENSES	NOTE	2004-05 ACTUAL	2005-06 ACTUAL
Fuel, Light & Power		147,972	145,312
Advertising & Recruitment		2,075	1,268
Rental		9,737	10,957
Communications		81,816	86,774
Travel		55,485	73,267
Consultancies		50,946	39,277
Printing & Stationary		29,195	30,975
Rates	2	127,528	138,016
Other Administration		86,437	97,645
Repairs & Maintenance	3	271,980	168,501
Minor Equipment		22,696	39,589
Library Materials		83,648	93,975
Computers & IT		198,551	207,658

Expenses of Witnesses	69,095	111,798
Expenses of Jurors	272,570	342,570
Other Expenses	5,875	16,002
TOTAL ADMINISTRATIVE & OTHER EXPENSES	1,515,606	1,603,584
TOTAL EXPENDITURE	3,830,017	4,154,106

OVERHEAD CONTRIBUTION BY THE DEPARTMENT OF JUSTICE

	NOTE	2004-05 ACTUAL	2005-06 ACTUAL
OVERHEAD CONTRIBUTION BY DOJIR		361,343	482,900



OPERATING ACCOUNT - EFFECTIVE YEAR ENDING 30 JUNE 2006

RESERVED BY LAW PAYMENTS RECEIVED (SALARIES OF JUDICIAL OFFICERS)

	NOTE	2004-05 ACTUAL	2005-06 ACTUAL
Salaries & Other Entitlements of Judges		1,831,380	2,145,599
Salary & Other Entitlements of The Master		269,267	299,996
TOTAL		2,100,647	2,445,595

STATUTORY MAINTENANCE PAYMENTS RECEIVED

	NOTE	2004-05 ACTUAL	2005-06 ACTUAL
Statutory Maintenance		39,425	473

NOTES TO FINANCIAL STATEMENTS

- Note 1 Supreme Court fees increased
 Note 2 Change of calculation by Councils for rates
 Note 3 Includes portion of expense of digital recording and security upgrade

