



SUPREME COURT OF TASMANIA

2006-2007 ANNUAL REPORT



SUPREME COURT HOBART



~ THE CHIEF JUSTICE'S ANNUAL REPORT ~

FOR

THE SUPREME COURT OF TASMANIA
2006 - 2007

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

■ THE CHIEF JUSTICE CHAMPIONS A MORE EFFICIENT CRIMINAL PROCEDURE PROCESS

The Honourable Peter George Underwood, AO proposes procedural changes in the *Justices Amendment Act, 2007* that will reduce court delays and speed up the criminal justice process.

■ TASMANIA SUPREME COURT FAREWELLS ITS LONG SERVING REGISTRAR

Mr Ian Ritchard retires as the Registrar of the Supreme Court in June 2007 after 18 years of dedicated service.

■ MAJOR EFFICIENCY PILOT COMMENCES FOR CIVIL CASE MANAGEMENT SYSTEM

Tasmania Supreme Court commences a significant technology pilot for civil case management.

■ TASMANIA SUPREME COURT IMPLEMENTS INTEGRATED COURTROOM TECHNOLOGY IN REGIONAL AREAS

Tasmania Supreme Court integrates courtroom technologies in Launceston Supreme Court to provide seamless service delivery.

■ THE CHIEF JUSTICE INTRODUCES AN IMPROVED SYSTEM OF MANAGING CIVIL SITTINGS ACROSS THE STATE

New Court Sitting flexibility addresses fluctuations in demand for Court time.

■ TASMANIA SUPREME COURT WELCOMES A NEW REGISTRAR

Ms Elizabeth Knight is appointed as the new Registrar on 28 May 2007.

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THE YEAR AT A GLANCE

CRIMINAL COURT

Originating matters	513
Appeals	38
Total matters lodged	551
Finalised First Instance	565
Finalised Appeals	41
Total matters finalised	606

CIVIL JURISDICTION

Personal Injury	256
Debt Recovery	217
Corporations Law	-
Winding up Applications	5
Australian Registered Judgements	6
Other Actions	581
Total Lodgments	1065

Lower Court Appeals	85
Full Court Appeals	13
Total Appeal Lodgments	98
Total Finalised First Instance	1559
Total Finalised Appeals	150

PROBATE

Grants of Probate	1868
Grants of L of A	181
Reseal	21

MEDIATION

Personal Injuries Motor Vehicle	32
Personal Injuries Industrial	25
Contract	15
Testator Family Maintenance	14
Relationship Act	32
Building	8
Other	44

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CHIEF JUSTICE

The Honourable Peter George Underwood, AO
Chief Justice, Supreme Court Tasmania



THE JUDICIAL YEAR IN REVIEW

2006 - 2007 has been a constructive, challenging and exciting year for the Court. There have been many accomplishments and achievements throughout the period and I am pleased to report that the Court has maintained its focus on providing quality, impartial and efficient judicial services to the State of Tasmania.

In last year's report, one of the main themes I emphasised was the changing nature of the work of the Court and how the Court had implemented a more flexible allocation of Judicial resources to meet demand, particularly in regional Tasmania. I am pleased to say that this year an even greater effort has been made to introduce more flexibility by changing the legal calendar for the 2007 - 2008 period in

order to further increase efficiency and reduce Court 'down-time'. This year has also seen the culmination of many hours work spent in devising procedural changes to the criminal process which will significantly reduce the waiting time for accused persons to be brought before the Supreme Court in order to have their matters heard and determined. A more detailed explanation of this initiative can be found within this report.

The use of technology in the court-room, and indeed throughout the Justice system, has become a perennial issue, one that expands each year. This year is no different and I am pleased to be able to report further developments in this area, particularly in our regional centres. I have

expanded on these developments within this report under the heading "Technology and the Court".

The Registrar of the Supreme Court plays an integral role in the Court's operation, judicial administration and indeed, the culture of the Supreme Court. This year saw the retirement of the Court's long serving Registrar, Mr Ian Ritchard, following 18 years of dedicated and exemplary service. It is with pleasure that I dedicate several paragraphs in this report to the notable achievements of Mr Ritchard and also to welcome the Court's new Registrar, Ms Elizabeth Knight.

Although it is widely recognised that reviewing past achievements is an

important exercise in the stewardship of any organisation, focusing on the future and the way forward is fundamentally important to ensure that the Court maintains its direction and provides efficient, impartial and quality judicial services to the community. It is, after all, the community to which the Judiciary is ultimately responsible and accountable. With this in mind I would like to address some new, and in some cases, existing, themes, as part of my report for the period.



THE JUDICIAL YEAR IN REVIEW

Previously, much has been written about the importance of maintaining the independence of the Court. Last year I explained the role of the Supreme Court in relation to the Legislature and Executive and the importance of maintaining judicial independence. I would, however, like to expand on this theme by bringing the community into the equation. For a society to be truly free and democratic, the community must have complete confidence in the judicial branch of government. If the Judiciary is seen to be an agent of government, the community will soon lose confidence that its hearings will be impartial, just and fair. Of course, without a robust, open and fair justice system, society dissolves rapidly into anarchy. The ultimate protection of judicial independence rests with “a community consensus that judicial independence is worth protecting”.¹

Once it is acknowledged that judicial independence exists for the benefit of the community and not for the judges, the importance of impartiality, fairness, accessibility and transparency of process is readily apparent. A Court that is “working well” is one where the Judicial Officers are skilled, act with integrity and provide fair and timely adjudications. A Court that is “working well” is one in which access to hearings is timely and open to public scrutiny and which responds to justified criticism. For a Court to be “working well” it must be appropriately resourced and have access to adequate and maintained infrastructure.

In recent years Supreme Court complexes in other Australian States have been awarded substantial funding for court buildings redevelopment in order to meet

community needs and demands. These redevelopment projects will address the changing nature of both criminal and civil trials as well as address disability access and security issues with modern, well considered building design. I note that Victoria Supreme Court has recently embarked on Stage 1 of a Legal Precinct Master Plan development project, committing \$22M for Stage 1 alone of the project. Similarly, Queensland has embarked on a major redevelopment of the Brisbane Supreme and District Courts complex following a \$6.3M planning and design stage in 2006-2007.

Both these examples highlight the serious commitment of these State Governments to the importance of well designed, functionally specific and appropriately sized court buildings for the delivery of justice in their communities.

As the third arm of government, it is important that Court buildings reflect the status and significance of the Judiciary, just as it is important that Parliament House reflect the status and significance of the Legislature. The work of the Judiciary profoundly affects the lives of many people. As well as providing a modern, functional environment, it is appropriate that the physical and psychological setting in which the Judiciary goes about its business properly marks the significance of the processes and rituals of justice.

¹ (Sir Ninian Stephen, ‘Judicial Independence – A Fragile Bastion’ (1982) 13 *Melbourne University Law Review* 339.)



SUPREME COURT HOBART
CRIMINAL COURT BUILDING



THE JUDICIAL YEAR IN REVIEW

In many instances Tasmanian Supreme Court buildings and premises no longer meet the expectations of the community for the provision of places where events of importance in people's lives take place. In the South, the Court buildings date from the late nineteen seventies and maintain all of their original fittings, furniture and fixtures. They are old, worn and out of date. The nature of criminal trials is changing. Trials are becoming longer, more complex and require the Court to accommodate larger numbers of Crown and Defence Counsel. The size of the courtrooms in the South is too small to cope with the changing nature of trial work. Similarly, the Jury facilities are no longer appropriate. Jurors must sit for days at a time in non-ergonomic seating, without appropriate note-taking facilities and in

many cases, must deal with a significant number of dossiers and documents in an area inappropriate to seat twelve jurors. Disability access is, on the whole, non-existent. Larger modern day wheelchairs, for example, struggle to access even the most basic of services such as rest rooms and courtroom witness boxes. There is no secure disabled access from the holding cells area to the courtroom. The current design of the Supreme Court buildings undermines basic juror separation and security. Similar issues exist across all Supreme Court sites in Tasmania.

With the assistance and financial resources of the Department of Justice the Supreme Court of Tasmania recently developed a Capital Investment Programme Submission

for the Hobart Supreme Court redevelopment. Although this proposal did not approach the scale and depth of commitment seen in other States, it was in my opinion, an excellent plan that would extend the life of the current court complex by another 25 to 30 years and address the immediate problems of disability access, courtroom functionality, aging essential building services and security issues. I am disappointed and concerned to report there has been no apparent commitment from Government to support this plan.

THE OPENING OF THE LEGAL YEAR

The Opening of the Legal Year 2007 was a noteworthy occasion. Held at the later time of 11:00 am, a large number of legal practitioners

from all parts of the State attended the special ecumenical service at St David's Cathedral Hobart. Father Frank Brennan, SJ, AO, son of Sir Gerard Brennan, former Chief Justice of the High Court, came from Sydney to address the gathering. Father Brennan is a Jesuit priest, lawyer and the Professor of Law in the Institute of Legal Studies at the Australian Catholic University and former Director of the Uniya Jesuit Social Justice Centre in Sydney. A critic of the government's land policy for indigenous Australians, he was once famously called "that meddling priest" by former Prime Minister Keating. Father Brennan delivered an erudite and thought provoking address on current issues including the war in Iraq, the AWB bribes scandal and the need to identify values from which principles are to be derived.



CIVIL COURT 1
HOBART SUPREME COURT



THE JUDICIAL YEAR IN REVIEW

Father Brennan said, "Our social obligation as lawyers is to do the hard intellectual work involved in articulating principles derived from values, then reconciling conflicting principles and conflicting rights with reasoning which is transparent and public." In the afternoon the Law Society and the Bar Association held a professional development workshop for lawyers on the setting up of a *pro bono* scheme in Tasmania. The judges visited the new prison at Risdon Vale where they were taken on a tour of the new facilities and given an outline of new programmes by the Director of Prisons. The day ended with a sellout dinner at the Hobart Town Hall where lawyers, magistrates, judges and their partners were entertained by an address by "Murray Rivers QC", also known as Brian Dawel

JURY MANAGEMENT

The system of justice in Tasmania cannot operate without members of the community being prepared to participate in it by undertaking their civic duty of jury service. It is the community, not the judge, who determines the guilt or innocence of a person charged by the State with having committed a crime. In some cases, the community, through the jury, has an influence on society's standards by determining whether certain proved conduct is such that it warrants criminal sanction, and occasionally, in civil proceedings by setting appropriate levels of damages to compensate for injury suffered. Clearly this is an important and significant duty and in many instances the

most important civic duty a person has ever undertaken. Without this simple, yet incredibly important mechanism, the system of justice in this State, based upon centuries of tradition, would not exist.

The Court is very aware and supportive of this significant role provided by the community. During the last year, efforts have been made to ensure that people who are summonsed for jury service are treated with the respect and care that reflects the importance of their role. In the reporting period a continuous programme reviewing how jurors are managed, from when they are randomly selected from the electoral roll until they are discharged from their duties at the end of a trial, was put in place. A new suite of printed information material and an

instructional DVD has been researched and will be developed in the coming financial year. A review of the jury deliberation room facilities is also in progress. The Court has supported and assisted the University of Tasmania to conduct research into Jury practices through the University's Graduate PhD programme. The issue of the inadequate level of remuneration for jurors has remained unresolved for many years. I have provided the Attorney with nationwide comparisons of payment levels as well as a financial impact estimate for the State should the payments to jurors be increased to an appropriate level. I continue to look forward to a much-needed change in this area.



SUPREME COURT HOBART
COURTYARD



THE JUDICIAL YEAR IN REVIEW

SENTENCING – MAINTAINING THE COMMUNITY’S CONFIDENCE

In recent times it has been reported through the media that there is a prevalent belief in the community that sentences for criminal offenders are too light. There have been calls for the introduction of minimum penalties in Tasmania for the commission of certain crimes, particularly sexual crimes. I strongly oppose a move to minimum penalties on the basis that they entirely overlook that the circumstances surrounding the commission of every crime, the circumstances of every victim and the circumstances of every offender are different and the removal of the judicial discretion by the enactment of mandatory penalties ignores these differences and removes the ability of the Judiciary to take them into account when fixing sentence.

During the year, in an attempt to gain a better community understanding of what is involved in the sentencing process I conducted two

sentencing forums in the State’s northern regions, with the organisation managed by the Attorney’s Office. The forums outlined the principles governing the imposition of sentence and involved the participants working as sentencers on two or three separate scenarios. In each scenario the participants were first given only the prosecution facts of a criminal case and asked to consider a sentence outcome. More facts and mitigating circumstances were added throughout the workshop and participants were continually asked if the added facts altered their first view about what was an appropriate sentence. Often there was disagreement between the participants about the right sentence as there were different opinions about the importance of different facts. This type of forum highlights the level of background information Judges take into account before sentencing, information that is not always obvious from simply reading a media account of the sentence handed down in a given case. In

most cases, the participants in the forum concluded by proposing sentences that were less severe than the one that I would have handed down. The forums were a great success in highlighting the proposition that community attitudes are relevant to the imposition of sentence but only if those attitudes are informed. I continue to conduct these forums from time to time through the auspices of Adult Education.

THE CRIMINAL PROCEDURE – THE WAY FORWARD

This year saw the Court champion the move to reduce the time taken for accused persons to access the Criminal Justice system in Tasmania. Through discussions with, and the help of all the players involved such as the DPP, Tasmania Police, the Magistrates Court, the Department of Justice and Legal Aid, a Bill² has been tabled in Parliament that will reduce the current delay between the first

appearance in the Magistrates Court and the first appearance of an accused person in the Supreme Court. The Bill proposes procedural changes that will allow the Supreme Court to set and control a timetable for the disclosure of prosecution evidence and the entry of pleas. The Court will be able to control the ambit of cross-examination of prosecution witnesses at preliminary hearings. A key component of this new process is that the Director of Public Prosecutions will be involved in the process at a much earlier time. Contrary to a comment in the latest annual report of the DPP, the new process will not involve what he describes as “judicial micro-management.” The success of the new process will rest on a continuation of the co-operative and professional relationship between the prosecution, defence and the Court Registry.

These significant changes are expected to be implemented on 1 February 2008.

²The Bill was passed and received royal assent on 1 August 2007.



THE JUDICIAL YEAR IN REVIEW

TECHNOLOGY AND THE COURT

As mentioned earlier in this report, it is apparent that each year the level of, and improvements in, technology increase exponentially at the Supreme Court. This year has seen a steady continuation of the achievements in previous years. Within the period the Court's facilities in Launceston Supreme Court were significantly upgraded. These facilities now include state of the art electronic evidence presentation equipment, videoconference equipment, large plasma screens and protected witness CCTV technology.

Last year I reported the commencement of a major information technology project to improve the management of the Civil Court

caseload. The Civil Registry Case Management System is a substantial information technology development project that will improve the efficiency of the Civil Justice system by providing tools that will enable better case management. I am pleased to report that this year an operational pilot programme has been implemented in each Supreme Court Registry state-wide. Although the real benefits of this case management system will not be fully realised until the software has been fully developed and implemented, it is pleasing to see the level of progress in this area.

FAREWELL TO THE REGISTRAR - IAN RITCHARD

Friday 1 June 2007 marked the retirement of the Court's long serving Registrar, Mr Ian Ritchard. Mr Ritchard had held this Office since 1989, a period of 18



years. His dedication and professionalism over the years has been a credit to the Court and the wider community. His achievements during his time at the Court were considerable and diverse. His work in the area of Assisted Dispute Resolution continues to have significant benefits for litigants and the Court

and his long term vision for the introduction of technology into the courtroom has proved to be on point. Mr Ritchard also made a considerable contribution in the area of Criminal Injury Compensation.

His Excellency the Governor, the Honourable W J E Cox, the Honourable Sir Guy Green, the Secretary of the Department of Justice, Ms Lisa Hutton, Judges and staff attended a formal function held for Mr Ritchard on his final day in the position of Registrar. Mr Ritchard was very well regarded, not only by the Court, but also throughout the Legal Profession and the wider community. I thank him for all his fine work and wish him the best for his future endeavours.



TECHNOLOGY UPGRADES



THE JUDICIAL YEAR IN REVIEW

SIGNIFICANT REMEDIAL WORKS

The Court continues to appreciate the work the Department of Justice does to obtain funds to cover the ongoing maintenance costs for the Supreme Court buildings on a state-wide basis. The Department of Justice has made available funds with which to commence work on installing air conditioning to the courtroom and jury deliberation rooms at Launceston Supreme Court. It is anticipated that this work will be completed over the Christmas and New Year period in 2007-2008. Limited funds have also been made available to rectify deficiencies in the Launceston Supreme Court holding cells areas and it is anticipated these works will greatly improve occupational health and safety aspects.

THE SUPREME COURT TEAM

As I mentioned in my opening comments in this report, 2006 – 2007 has been a constructive, challenging and exciting year for the Court. The accomplishments achieved throughout the period have been made possible to a large extent by the ongoing hard work and dedication of the Judges, Master and the staff of the Court and I sincerely thank all of them for contributing to the Court's ongoing success. This is an appropriate occasion to welcome the Court's new Registrar, Ms Elizabeth Knight. Ms Knight comes to us with a wealth of knowledge and experience gained through her years as a Registrar in Queensland.



THE DELIVERY OF JUSTICE IN THE REGIONS

FOCUS ON LAUNCESTON SUPREME COURT

FLEXIBLE COURT SITTINGS IN THE NORTH

For many years the Court has divided its trial sittings into periods of four weeks and its appellate sittings into periods of two or three weeks. The inflexibility of these arrangements does not always address fluctuations in demand for Court time, particularly in regional areas. Other influencing factors are school holidays, the number of jurors needed to be called and demands on counsel preparing cases. Following extensive consultation with the Director of Public Prosecutions, the Law Society, the Bar Association and the Independent Bar, next year's calendar will provide the same amount of Court sitting time but with more frequent and shorter trial and appellate sitting weeks. This will improve

flexibility and the frequency of the delivery of judicial services to the North of the State.

HISTORY

The current premises of the Supreme Court in Launceston were officially opened on 13th June 1930. Situated on Cameron Street, the building containing the courts was constructed next door to Struan House, originally built as a home in 1870 but later a private hospital. Struan House is a Heritage listed building and is part of the court complex. The main courtroom, beautifully lined with blackwood panelling, has remained virtually unchanged since its official opening and although there have been discreet additions over the years of electrical cable, computers, heating and the like, the court

buildings have maintained the look and feel of a Victorian free classical style.

The first judge to preside over the Launceston Supreme Court was Justice Harold Crisp, born in Hobart in 1874. He was made a puisne judge in 1914 and became Chief Justice in 1937. Justice Crisp opened the new Launceston courthouse in 1930 by saying:

"Let me express the hope that under God's blessing within these walls, justice may ever be done without fear or favour, without passion or malice, quietly, mercifully, according to the law; that the evil doer may learn here that punishment awaits him swift and sure, that the innocent man may never be convicted here nor the righteous man deprived of his judgment and that people of this country who



LAUNCESTON SUPREME COURT

come here may recognise it as a temple of justice where our appointed judges are impartial and ever doing their duty."

Although, these days, some may question the invocation of God, his Honour's description of the Court's duty is as valid today as it was 70 years ago.



LAUNCESTON SUPREME
COURTROOM 1



THE DELIVERY OF JUSTICE IN THE REGIONS

FOCUS ON LAUNCESTON SUPREME COURT

CURRENT JUDGE

Even though all Supreme Court judges travel on circuit, hearing cases in Hobart, Launceston and Burnie, the Honourable Justice Ewan Charles Crawford resides in Launceston. Justice Crawford has been a judge since October 5, 1988 and is the son of Sir George Hunter Crawford, who served as a Supreme Court judge from 1958 to 1981.

Justice Crawford went to Launceston Church Grammar School and later attended the University of Tasmania where he graduated with Honours in Law in 1964. He practised as a barrister and solicitor at Douglas & Collins between 1964 and 1988. He was President of the Law Society from 1979 to 1980.

Justice Crawford is a keen supporter of the Launceston community and has sat on numerous boards such as the Board of Legal Education and the Board of the Launceston Church Grammar School. He has also been a council member of the University of Tasmania. The judges are supported in Launceston by the District Registrar, Mr Chris Nason and staff.

TECHNOLOGY UPGRADES

A significant upgrade of the Court's in-court electronic facilities in both Launceston courtrooms occurred in the reporting period as mentioned earlier in this report.

One of the recent in-court technological successes has been to integrate 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 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 in hearings from remote locations.



THE HONOURABLE JUSTICE
EWAN CHARLES CRAWFORD



MR CHRIS NASON, LAUNCESTON
SUPREME COURT DISTRICT REGISTRAR



COURT ADMINISTRATION - PERFORMANCE

OVERVIEW

The work of the Supreme Court is divided into two major jurisdictional areas – crime and civil. 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; 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

Each year each jurisdiction in Australia lodges statistical returns with the Productivity Commission, detailing the performance of all courts for the reporting period. Although comparisons between jurisdictions are difficult because of variations in the nature of the work, the final report gives an indication of the Court's performance. An extract of the returns for the Supreme Court Tasmania during the reporting period are set out below.

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 lodgments pending completion are to be more than 12 months old
- No lodgments pending completion are to be more than 24 months old



COURT ADMINISTRATION - PERFORMANCE

BACKLOG INDICATOR CRIMINAL JURISDICTION

This year, the Court has again reduced the pending caseload within the criminal jurisdiction for both first instance and appeal matters. The Court's pending caseload for first instance matters has reduced to 180 matters (excluding bench warrants) in the 2006-07 period, which represents a reduction of 2.7% in the pending caseload compared to the 2005-06 period.

As in previous years, the majority of pending first instance matters are less than 12 months old. As highlighted in the table adjacent, for the 2006-07 period, 87% of the pending caseload was less than 12 months old. Overall 74.4% of the pending caseload is less than 6 month old.

In Launceston and Burnie there are no pending matters greater than 24 months old. Also, the combined northern region pending caseload which is greater than twelve months old now stands at 14 matters or only 7.7% of the total pending caseload for the State and is within the national standard.

A significant effort has been made by the Court to reduce the pending caseload for Criminal Appeal matters. Lodgments increased within the period by 8.5% from the 2005-06 period and the pending caseload has reduced by 59%. The Court continues to meet the national timeliness standards for the pending caseload in appeal matters.

Supreme Court Criminal First Instance

	2004-05	%	2005-06	%	2006-07	%
Total Pending Caseload	235	100	185	100	180	100
Pending >12mths and <24mths	25	11	22	12	20	11
Cases > 24mths	3	1	8	4	4	2
Cases < 12mths	207	88	155	84	156	87

Supreme Court Criminal Appeal

	2004-05	%	2005-06	%	2006-07	%
Total Pending Caseload	8	100	27	100	11	100
Pending >12mths and <24mths	0	0	1	4	0	0
Cases > 24mths	0	0	0	0	0	0
Cases < 12mths	8	100	26	96	11	100



COURT ADMINISTRATION - PERFORMANCE

BACKLOG INDICATOR CIVIL JURISDICTION

Within the civil jurisdiction, the overall pending caseload has remained unchanged. There has been an improvement, however, in the pending caseload greater than 24 months of a 6% reduction for matters at first instance.

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, to which I have referred, will assist the

implementation of a more robust case management system and also assist in identifying those cases which have settled but the parties or their representatives have not so notified the Court.

For Civil Appeal matters there has been a significant reduction in the pending caseload of 52 matters or a reduction of 51% over the period 2005-06. Due to the reduction in the total number of pending matters, the number of pending matters older than 12 months represents a higher percentage of the total. It is expected that this percentage will decrease in 2007-08 as case management is applied to this category of matters.

Supreme Court Civil First Instance

	2004-05	%	2005-06	%	2006-07	%
Total Pending Caseload	1889	100	1554	100	1553	100
Pending >12mths and <24mths	392	21	205	13	276	18
Cases > 24mths	523	28	414	27	390	25
Cases < 12mths	974	51	935	60	887	57

Supreme Court Civil Appeal

	2004-05	%	2005-06	%	2006-07	%
Total Pending Caseload	123	100	102	100	50	100
Pending >12mths and <24mths	12	10	14	14	18	36
Cases > 24mths	0	0	5	5	0	0
Cases < 12mths	111	90	83	81	32	64



COURT ADMINISTRATION - PERFORMANCE

Clearance Rate (finalisations/lodgments) All Matters

Supreme Court % clearances (excluding probate matters)

	2004-05	2005-06	2006-07
Criminal Jurisdiction	98%	100.4%	110%
Civil Jurisdiction	131.7%	132.1%	146.9%
Total Court	121.8%	122.8%	135.1%

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 lodgments 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 an excellent result for the Court in terms of keeping up with its workload. Both criminal and civil jurisdictions achieved results of 110% and 146.9% respectively for the period 2006-07. 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 both the criminal and civil jurisdictions. The results are a marked improvement over last year.



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.¹ 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.

¹This has changed to \$50,000 on 1 July 2007.



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 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.

The Master can also hear and determine 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 2007

RECEIPTS	NOTE	2005-06 ACTUAL	2006-07 ACTUAL
Recurrent Appropriation		3,718,004	3,840,568
Registry Fees & Collections		690,200	532,528
Provision of Transcript		50,350	29,431
Probate Fees & Charges		506,390	731,162
Mediation Fees		67,415	71,325
Sheriff's Fees		7,804	6,830
Court Reporting		32,362	56,716
Collections		1,974	0
Video Conferencing		21,002	18,628
Recoveries of Salary		0	0
TOTAL RECEIPTS		5,095,501	5,287,188

EXPENDITURE	NOTE	2005-06 ACTUAL	2006-07 ACTUAL
Employee Expenses			
Salaries & Wages etc		2,165,062	2,328,381
Fringe Benefits Tax		13,990	14,670
Payroll Tax		145,616	156,694
Superannuation		218,725	227,793
Worker Compensation Insurance		3,994	4,002
Training		3,135	1,050
Other Employee Related		0	
TOTAL EMPLOYEE RELATED		2,550,522	2,732,590



OPERATING ACCOUNT - EFFECTIVE YEAR ENDING 30 JUNE 2007

ADMINISTRATION & OTHER EXPENSES	NOTE	2005-06 ACTUAL	2006-07 ACTUAL
Fuel, Light & Power		145,312	154,973
Advertising & Recruitment	1	1,268	10,409
Rental		10,957	7,520
Communications		86,774	86,150
Travel		73,267	62,776
Consultancies		39,277	48,214
Printing & Stationery	2	30,975	55,211
Rates		138,016	142,077
Other Administration		97,645	130,526
Repairs & Maintenance	3	168,501	108,064
Minor Equipment	4	39,589	274,827
Library Materials		93,975	106,736
Computers & IT		207,658	231,677

Expenses of Witnesses	111,798	127,719
Expenses of Jurors	342,570	318,943
Other Expenses	16,002	4,157
TOTAL ADMINISTRATIVE & OTHER EXPENSES	1,603,584	1,869,979
TOTAL EXPENDITURE	4,154,106	4,602,569

OVERHEAD CONTRIBUTION BY THE DEPARTMENT OF JUSTICE

	NOTE	2005-06 ACTUAL	2006-07 ACTUAL
OVERHEAD CONTRIBUTION BY DOJIR		482,900	569,620



OPERATING ACCOUNT - EFFECTIVE YEAR ENDING 30 JUNE 2007

RESERVED BY LAW PAYMENTS RECEIVED (SALARIES OF JUDICIAL OFFICERS)

	NOTE	2005-06 ACTUAL	2006-07 ACTUAL
Salaries & Other Entitlements of Judges		2,145,599	2,116,427
Salary & Other Entitlements of The Master		299,996	301,128
TOTAL		2,445,595	2,417,555

STATUTORY MAINTENANCE PAYMENTS RECEIVED

	NOTE	2005-06 ACTUAL	2006-07 ACTUAL
Statutory Maintenance		473	35,029

NOTES TO FINANCIAL STATEMENTS

- Note 1 includes recruitment costs (national) for Registrar position
- Note 2 includes costs relation to "Juror Availability" survey (not conducted previously)
- Note 3 reduced expenditure as a result of statutory maintenance costs being met by Justice Dept
- Note 4 increased expenditure - digital upgrade to Court video conferencing equipment
Hobart and Launceston

