Front cover: From Torres Strait in the north to the Granite Belt in the south, Magistrates Courts are held across the state. Shown are:

- Mer Island (one of the most northern court locations)
- Stanthorpe courthouse (the most southern court location)
30 October 2009

The Honourable Cameron Dick MP
Attorney-General and Minister for Industrial Relations
State Law Building
Brisbane Qld 4000

Dear Attorney

In accordance with section 57A of the Magistrates Courts Act 1921 I enclose the report on the operation of the Magistrates Court for the year ended 30 June 2009.

Yours sincerely

Judge Brendan Butler AM, SC
Chief Magistrate
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Magistrate Black, Magistrate Braes, Magistrate Thacker, Acting Magistrate Dean (Court Archivist)

Paul Marschke (Executive Director)

**Magistrates Court staff:** Bernard Harvey, Caroline Boast, Chris Weier, Maryanne May, Narelle Kendall, Raymond Ward

**Queensland Courts Communications:** Lucretia Ackfield, George Buxton

**External:** Lisa Davies, Major Bruce Robinson
Chief Magistrate’s overview

His Honour Judge Brendan Butler AM SC
Chief Magistrate
In this annual report, my first as Chief Magistrate, there is an opportunity to reflect on the achievements of the past 12 months and to identify the major challenges confronting the Magistrates Court of Queensland.

Firstly I gratefully acknowledge the contribution made by His Honour Judge Marshall Irwin to the successes of the court over the past year. Over the five years of his term as Chief Magistrate, Judge Irwin worked untiringly to promote the court, support its magistrates and champion innovative changes. It is my good fortune to have inherited from Judge Irwin a court in such good standing. I thank him for his dedicated stewardship over that period.

Magistrates

I came directly to the position of Chief Magistrate from private practice as a barrister. One of the joys of the role has been the opportunity to get to know the magistrates, 86 of them as at 30 June 2009, who are the public face of the Magistrates Court of Queensland. Those magistrates are located in 32 places and circuit to 85 more throughout the length and breadth of Queensland. Magistrates are appointed from a variety of legal backgrounds but they all typically come to the role with 20–30 years of legal experience behind them. This is a vast reservoir of legal skill and experience which magistrates, acting in a collegiate way, are ready to share with each other.

Magistrates work in difficult conditions from busy city courts to remote Indigenous communities. They sit in geographically diverse locations from Coolangatta in the south, to Birdsville in the west, and to the Torres Strait in the far north. They brave the heat of Mount Isa and the cold of Stanthorpe. They typically face these challenges with commitment and good humour. I am proud to be able to be counted as one of their number.

During the year the total number of magistrates’ positions remained steady at 87. The year commenced with four magistrates’ positions vacant. During the year four magistrates retired and seven new magistrates were appointed, leaving one position vacant as at 30 June 2009.

I acknowledge the positive contribution of those magistrates who retired: Magistrates Allingham, Gordon, Parker and Randall. Notably, Magistrate Randall retired after serving 22 years as a magistrate and 44 years in the service of the court.

One of the strengths of the court is the variety of experience that those appointed as magistrates bring to their work. The new appointees comprised three barristers and one solicitor in private practice, a court registrar, a prosecutor and a senior legal policy officer.

The ability to appoint retired magistrates as acting magistrates has proved successful, enhancing the effectiveness of the court by increasing the pool of available and experienced acting magistrates to relieve magistrates on leave.

Successful outcomes

The hard work of our magistrates has contributed to successful finalisation outcomes in 2008–09.

In the criminal jurisdiction, adult and juvenile combined, the number of matters lodged (by defendant) increased by 4.12 per cent statewide. This is the fourth year of increased workloads with an 18.75 per cent increase occurring over the four years since 2004–05.

In spite of these workload increases the clearance rate increased by 2.3 per cent from 98.2 per cent in 2007–08 to 100.5 per cent in 2008–09. That is, the court finalised more criminal matters than were lodged. As a result the
total pending caseload decreased by 10.28 per cent from 38,525 in 2007–08 to 34,565 in 2008–09. This is a significant achievement given the increase in the number of lodgments.

Turning to the civil jurisdiction the total number of civil lodgements increased in 2007–08 by 3.96 per cent over the previous year.

The number of finalisations increased by 0.93 per cent from 81,584 in 2007–08 to 82,340 in 2008–09.

This resulted in a clearance rate for civil finalisations of 99.7 per cent in 2008–09. That is, in spite of the increase in lodgments, the court cleared almost as many cases as the number lodged.

The comparative workload of the court may be gleaned from comparison with other jurisdictions, based on the most recent Report on Government Services (RoGS) for the period 2007–08.

Although Queensland has the lowest ratio of magistrates across all states, with 1.5 per 100,000 people compared to a national average of 1.9, it has the highest number of criminal finalisations of all states and the third highest number of civil finalisations after New South Wales and Victoria.

**Specialist court programs**

The Magistrates Court can be properly described as the people’s court. Most Queenslanders coming into contact with the judicial system do so in the Magistrates Court. This creates an opportunity to advance and trial innovative programs offering sentencing options directed to rehabilitation of offenders.

The Special Circumstances Court Diversion Program diverts minor offenders whose homelessness, mental illness or intellectual impairment has contributed to their behaviour. Case workers assist them to address the underlying causes of their offending behaviour.

Additional funding received in December 2008 has allowed extension of this program.

Another success has been the expansion of the number of Murri Courts to 14 centres. Those courts, where Indigenous Elders sit with the magistrate, sentence Indigenous offenders in a culturally appropriate way.

It is important that the Magistrates Court continues to grasp opportunities to expand sentencing options with a view to diverting offenders from further offending both in their own interest and that of the community.

**The future**

Among the challenges facing the court one stands out above all others. The government has committed to implementing the more significant recommendations for reform advanced in the report of the Review of civil and criminal justice in Queensland delivered by the Honourable Martin Moynihan AO QC in December 2008.

It is expected that these reforms will impact on the Magistrates Court during 2010.

In summary, these reforms, if enacted, will result in:

- an increase in the civil monetary jurisdiction of the Magistrates Court from $50,000 to $150,000
- a significant increase in the criminal jurisdiction of the Magistrates Court
- enhanced requirements for timely disclosure of evidence by the prosecution with provision for application to the Magistrates Court for direction
- comprehensive reform of the committal process with magistrates providing overall supervision
- sentencing discounts for early pleas of guilty.
These reforms constitute a welcome improvement in the processes for dealing with civil and criminal matters but will surely result in a substantial increase to the workload of the Magistrates Court.

The next year or two will be truly momentous for the Magistrates Court and those who practice before it.

Conclusion

I take this opportunity to thank all those who welcomed and helped me upon my joining the court. Special thanks must go to Deputy Chief Magistrate Brian Hine whose support has been invaluable. I also express my gratitude to Ms Narelle Kendall and the industrious staff of the Chief Magistrate’s office.

The success of the court depends very much on a partnership with the Magistrates Court Branch of the Department of Justice and Attorney-General. I have a valued working relationship with Mr Paul Marschke, Director of Courts and appreciate the dedication of his staff throughout Queensland. I also acknowledge the support of Director-General Ms Rachel Hunter and Deputy Director-General Phil Clarke.

Finally, I thank my fellow magistrates whose dedication to delivering justice according to law is so important to the good government of this state.
Executive Director’s overview

Paul Marschke
Executive Director

It has been another eventful year for the Magistrates Court as we continue in our commitment to provide an open and accessible justice system.

The Magistrates Court Branch (MCB) consists of business units that have a specialised focus, but combine to support and develop the operation of the Queensland Magistrates Courts. The branch comprises of:

- MCB head office
- Office of the State Coroner (OSC)
- Courts Innovation Programs (CIP)
- Statistical Analysis Unit (SAU)
- Justice Services Support (JSS).

The closure of the financial and reporting year allows me to reflect upon some key milestones of 2008–09.

Highlights

Improved service initiatives

The Murri Court now operates in 14 locations across Queensland. We lead the nation by supporting the highest number of Indigenous courts in any Australian state. An evaluation of the Murri Court program has been completed and its findings will inform future program developments. Consultation has started with nine additional communities who have indicated initial interest in commencing Murri Court sittings at the Magistrates Courts in their communities.

A further nine community justice groups (CJGs) on outer islands of the Torres Strait have received funding to allow them to support the Torres Strait Magistrates
Court circuit. There are now 51 funded CJGs across the state. CJGs have also been established in Charleville and Goondiwindi, and are provided training and related support by the Department of Justice and Attorney-General (JAG).

Three Wik Mungkan language interpreters have been trained to assist in the Aurukun circuit court. This has enabled those members of the Aurukun community not proficient in spoken English to communicate reliably with authorities and agencies through the provision of the interpreting service. The services of the Aurukun interpreters have been engaged on Cairns Magistrates Court Circuits to Aurukun every month since October 2008, receiving positive responses from clients and stakeholders. Court sits in Aurukun three days each month and the interpreters have been engaged on a permanent basis for the first and second days of the sitting, and when necessary for hearings or other mentions on the third day. The service has been promoted to other government and non-government agencies.

A review of the provision of judicial registrars in the key court centres of Brisbane, Beenleigh, Southport and Townsville concluded there was improved efficiency of these courts to reduce backlogs and allow magistrates to concentrate on more complex matters. In 2008–09, the judicial registrars heard 6068 criminal events and 8464 civil events, a total of 14 532 events.

The expansion of JAG-led Queensland Government Agency Program (QGAP) offices in the courthouses at Childers, Gayndah, Mossman, Nanango, Pittsworth, Taroona, Toogoolawah and Tully has been progressed through the Smart Service Queensland CEO Committee. The complete rollout of additional courthouses providing QGAP services is scheduled to be completed by 30 June 2010.

The Court Network program was launched in the Brisbane Magistrates Court on 19 January 2009. It has a vision for a more humanitarian approach to court support and to programs designed to reduce recidivism such as the Restart Program. Their trained volunteers, called ‘networkers’, provide support to any person attending court, including complainants, defendants and witnesses.

**Staff development and support**

In partnership with Queensland TAFE, the Courts Capability and Development Unit established two nationally recognised training qualifications: the Certificate IV in Government (Court Services) and the Diploma in Government (Court Services). This provides court staff with expert qualifications to support court operations and deliver the best level of client service.

The Registrar’s Electronic Manual (REM) project was developed during 2008–09. The REM is not a traditional manual, but an interactive, electronic tool to provide information in an easily accessible format for all registrars, middle management and staff. The REM was developed using input from 12 registrars from across the state. It was released 30 June 2009.

A new Coroners Case Management System (CCMS) was developed during 2008–09. The purpose built system is designed to assist coroners and their support staff to case manage coronial files, to provide more accurate information about deaths reported to coroners and to interface with the National Coroners Information System (NCIS). It will be released on 1 July 2009 in time for the start of the new financial year.

**Court buildings and facilities**

The old Petrie courthouse closed its doors on 5 September 2008 and the Pine Rivers courthouse opened
for business the morning of 8 September 2008. The new Pine Rivers courthouse was officially opened by Premier Anna Bligh on 13 September 2008. It was completed at an estimated cost of $10.1 million. The courthouse has capacity for three Magistrates Courts and was constructed in conjunction with a new watch house funded by the Queensland Police Service (QPS). It has family violence and vulnerable witness support rooms and a registry office and is linked to the watch house and police station.

The Mareeba courthouse was opened on 19 February 2009. The new Mareeba courthouse precinct incorporates the historic Government Assay Laboratory office buildings. These National Trust buildings were renovated in accordance with EPA guidelines to form part of the new courthouse complex. The Mareeba courthouse was completed at an estimated cost of $6 million. The courthouse has a single Magistrates Court, family violence and vulnerable witness support rooms and a registry office. The courthouse will be linked with the future watch house and police station to facilitate secure movement of persons in custody.

The future

2009–10 will be a year of dynamic change for the Magistrates Courts. It will see the reassignment of some court registry jurisdictions and the expansion of court diversion initiatives.

Justice reform

The Queensland Civil and Administrative Tribunal (QCAT) will commence on 1 December 2009. QCAT will amalgamate the jurisdiction from 23 bodies, 18 of which will be abolished, to establish more accessible, convenient and efficient tribunal services for the community and business. From December 2009, current civil, administrative and human rights tribunals will join together in a single recognisable gateway for the community to enhance the efficiency and transparency of decision-making. During 2008–09, the Magistrates Courts continued implementing QCAT by: supporting the development of reports advising on QCAT’s implementation; identifying legislation that will affect QCAT; and creating supporting administrative structures and policies.

The Honourable Martin Moynihan AO QC, former Senior Judge Administrator of the Supreme Court of Queensland, was appointed to conduct the review and report on the working of Queensland Courts in the civil and criminal jurisdictions with a view to streamlining the operations of the court system and making more effective use of public resources. The government will consider the recommendations made by the Hon. Moynihan in 2009–10.

Improved service initiatives

Access to justice systems for all Queenslanders will continue to be improved through the expansion of the Special Circumstances Court Diversion Program. The program provides court-monitored interventions for people with mental illness, intellectual disability, cognitive impairment and the homeless and delivers specialist court programs including the Drug Court, Murri Court, Queensland Indigenous Alcohol Diversion Program (QIADP), Queensland Magistrates’ Early Referral into Treatment (QMERIT) and the Illicit Drug Diversion Program.

Court buildings and facilities

The Ipswich courthouse will be completed in late 2009 at an estimated total project cost of $91.5 million. This is a major regional courthouse with 12 courtrooms for both District and Magistrates Courts and includes a vulnerable witness suite, dedicated jury assembly room and separate jury circulation system, a purpose designed Murri Court, accommodation for the Office of the Director of Public Prosecutions, as well as watch house facilities.
The construction project also includes a new police station funded by QPS.

The $10.4 million refurbishment of the Toowoomba courthouse will continue. When completed this will result in the installation of two lifts from the watch house to the court, upgraded staff and vulnerable witness facilities, and improved courtrooms and public areas.

Acknowledgements

I would like to welcome His Honour Judge Brendan Butler AM SC, to the role of Chief Magistrate. A collaborative and open relationship between the magistracy and court administration is imperative and I look forward to working with the Chief Magistrate to meet the challenges ahead.

In 2008 Andrew Kennedy joined the MCB as the branch's first Legal Officer. As a solicitor with an extensive background working across Queensland with Legal Aid Queensland and in private practice, he regularly provides invaluable legal and procedural assistance to court registrars and MCB. Andrew has also worked on reviewing current legislation to identify any significant issues associated with the change in governance model for the Magistrates Courts.

I would like to take this opportunity to congratulate the Queensland Magistrates Court staff that have been appointed to managerial positions during the year:

- **Anthony O'Keefe**
  - Location: Richlands
- **Lisa Boorman**
  - Location: Richlands
- **Gary Finger**
  - Location: Southport
- **Aaron Lockwood**
  - Location: Southport
- **Hedy Stevenson**
  - Location: Southport
- **Joyce Rebello**
  - Location: Cleveland
- **Cathryn Hopson**
  - Location: Holland Park
- **Tony Roser**
  - Location: Brisbane
- **Mark Dyer**
  - Location: Brisbane
- **Patricia Wilson**
  - Location: Brisbane
- **Renae Wilson**
  - Location: Beenleigh
- **Katrina O'Connor**
  - Location: Beenleigh
- **Lisa Conway**
  - Location: Dalby
- **Belinda Skinner**
  - Location: Toowoomba RO
- **Tracey Eelkema**
  - Location: Ipswich
- **Warren Lutter**
  - Location: Toowoomba
- **Brad Skuse**
  - Location: Caboolture
- **Fiona Duce**
  - Location: Rockhampton
- **Jim Sondergeld**
  - Location: Mackay
- **Paul Alexander**
  - Location: Emerald
- **Ian Lewin**
  - Location: Sarina
- **Dot Pitts**
  - Location: Rockhampton
- **Leanne Munson**
  - Location: Mackay
- **Melynda Roberts**
  - Location: Mount Isa
- **Lyn Roughan**
  - Location: Townsville
- **Kerry Christopher**
  - Location: Townsville
- **Adeline Sladden**
  - Location: Cooktown
- **Salli-Ann Buttigieg**
  - Location: Mareeba
- **Carman Forward**
  - Location: Atherton
- **Raimund Heggie**
  - Location: Cairns
- **Steve Shorey**
  - Location: Cairns
- **Kerryn Lunn**
  - Location: Cairns
- **Amanda Graham**
  - Location: Cairns RO
- **Kelly Hinchcliffe**
  - Location: St George
- **Alan Marsh**
  - Location: St George
- **Dareyle Hester**
  - Location: St George
- **Debbie Van Lunteren**
  - Location: St George

My thanks go to the staff in the MCB and the regional managers, with whom I work closely, for their hard work and commitment to delivering enhanced front line services to our clients in the Queensland community.

Paul Marschke
Executive Director
Magistrates Court Branch
Appointed to the District Court Bench on 15 September 2003 with a commission to serve as Queensland’s Chief Magistrate, Marshall Philip Irwin’s was an historic appointment, in that he was the first chief to be appointed who was also appointed a judge.

He proved himself to be an indefatigable chief.

During his five years in that office he experienced court throughout the state, including the most remote regions, by visiting every Magistrates Court in Queensland. He was impressed by the desirability of supporting and expanding the fledgling Murri Court, adding 13 such courts to the magistracy. He saw the need to add to the court circuits in the Torres Strait, and arranged for the court to be established on eight more islands. He also introduced a number of initiatives aimed at giving the courts greater flexibility when dealing with those appearing before it, including disadvantaged persons and those appearing in cases of domestic violence.

Judge Irwin worked assiduously to raise the profile of, and garner respect for, the magistracy, doing much to give it a high professional image. He attended and spoke at many meetings, conferences and gatherings where the role of the magistracy was advanced.
Marshall Philip Irwin made all people feel dignified and valued, and no doubt he will continue to do so as he pursues his career on the District Court Bench

Marshall has an impeccable background. He graduated in Law (UQ), in 1976 and was admitted to the Bar. He became a Crown prosecutor, serving in Rockhampton and Townsville in which latter place he was also appointed Deputy Director of Prosecutions. From 1988–89, he was Legal Advisor to the National Crime Authority and then was General Counsel of the Criminal Justice Commission. Notwithstanding this later appointment, he returned to the National Crime Authority as a member (1998–2002), a position he valued. After a short period at the private Bar, he was approached about accepting his District Court and Chief Magistrate appointments.

Particular mention should be made of His Honour's wife Louise, who accompanied him on many of his journeys, meetings, conferences and the like. She gave him invaluable support and was a good friend to those magistrates she came to know.

Not the least important contribution Judge Irwin made to the magistracy was a sense of collegiality in which all were regarded as equal friends. Not one to dictate, he brought consensus and accord to his decision making, after a period during which magistrates had experienced troubled times.

A true gentleman, always displaying the appropriate level of decorum for his position, Judge Irwin also possessed an unwavering good humour. In the final week of his tenure, during the celebrations for the opening of the new Pine Rivers courthouse, Judge Irwin was to preside over a mock court where Jack, of Jack and the Beanstalk fame, was on trial. At that time his Honour observed: 'It will be a fairy-tale ending for me.'

At his valedictory on 11 September 2008, Uncle Albert Holt thanked His Honour for his great contribution to the Murri Court, the impact of which 'made us as Elders feel, on one of the rare occasions, dignified as Aboriginal people and for the very first time in our lives making us feel valued'. In fact, Marshall Philip Irwin made all people feel dignified and valued, and no doubt he will continue to do so as he pursues his career on the District Court Bench.
Appointed as a District Court judge and then sworn in as a magistrate on 18 September 2008, Judge Butler commenced duty in Brisbane as the Chief Magistrate.

Judge Butler’s career included periods as a Crown prosecutor and periods as a barrister in private practice. He was Counsel Assisting in the Fitzgerald Inquiry and the Townsville Ward 10B Inquiry. He held the position of Deputy Director of Public Prosecutions from 1989 to 1996 and was appointed Senior Counsel in 1994.

His long career in the law included serving as Chairperson of the Crime and Misconduct Commission (formerly the Criminal Justice Commission) for six years from 1998 to 2004. Under his leadership the commission combined investigative and preventive action in order to promote integrity in the Queensland public sector. In that role he presided in public and private hearings into organised crime and public sector misconduct.

Immediately prior to his appointment Judge Butler was in private practice as a barrister in Brisbane. In that role he was engaged by the government to carry out a review of the provision of legal services to the Queensland Government (2005) and a review of the *Queensland Mental Health Act 2000* (2006). Judge Butler served as a part-time Member of the Commercial and Consumer Tribunal from 2006 to 2008, presiding predominately in Building List matters.

His Honour received the Centenary Medal in 2003 and was appointed a Member of the Order of Australia in 2006.
Profile of the court

Magistrates Courts

The *Justices Act 1886* and the *Magistrates Courts Act 1921* establish the Queensland Magistrates Courts. Essentially the *Justices Act 1886* provides for criminal proceedings and the *Magistrates Courts Act 1921* provides for civil proceedings. The Magistrates Courts are a court of record and being the court of summary jurisdiction are where the majority of matters are completed. In the criminal justice system virtually all matters are started in the Magistrates Courts and those which can not be dealt with are committed to the District Court, then the Supreme Court. The Magistrates Courts deal with more than 90 per cent of all the matters that go before a court in Queensland.

There are 145 official Magistrates Court locations throughout Queensland. The extremes of the state are covered from Boigu Island in the Torres Strait in the north, to Hungerford in the south and out to Camooweal in the west.

In the Magistrates Courts there are 87 appointed magistrates who occupy 86 magisterial positions, as two magistrates are part-time.

There is also a pool of 25 appointed acting magistrates who relieve in magisterial positions as required. Seven retired magistrates are included in this pool.

As part of a two year trial there are also five appointed judicial registrars who occupy four judicial registrar positions (two judicial registrars are part-time).

Justices of the peace in remote areas where a magistrate is not available also convene Magistrates Courts when required.

The courts are supported by 561 officers in 63 registries and 15 Queensland Government Agency Program (QGAP) offices, as well as one executive director, six regional managers and 34 administrative staff.

Additionally, at many court centres and registries dedicated volunteers from the community offer support and practical assistance to people involved in court proceedings. Their work contributes significantly to the smooth running of the Magistrates Courts and their generosity is greatly appreciated.

The Magistrates Courts are required to deal with an extensive number of offences, claims, applications and appeals incorporated in well over 300 different pieces of legislation from federal, state and local governments.
The work of the Magistrates Courts is generally broken up into the following jurisdictions:

**Criminal jurisdiction**

Approximately 96 per cent of all criminal matters in Queensland are dealt with by the Magistrates Courts.

The overwhelming majority of the work of the Magistrates Courts involves criminal and quasi-criminal matters and these matters are dealt with in the Magistrates Court as constituted under the *Justices Act 1886*.

The court hears and determines all state and Commonwealth summary offences as well as a wide range of indictable offences. If the court does not have jurisdiction to deal with an indictable offence then it usually conducts a committal hearing to determine if there is sufficient evidence to have the matter proceed to the District Court or Supreme Court for determination.

**Civil jurisdiction**

The Magistrates Courts, as established by the *Magistrates Court Act 1921*, may determine civil claims up to a value of $50,000.

This includes a limited minor debt claim which is for debts or liquidated claims for a value of up to $7,500.

The Small Claims Tribunal, as established by the *Small Claims Tribunals Act 1973*, is considered part of the civil jurisdiction and hears small claims which may be for a value of up to $7,500. It is limited to residential tenancy disputes, disputes between consumers and traders, claims for damages arising out of the use of a motor vehicle and warranty claims under the *Property Agents and Motor Dealers Act 2000*.

**Childrens Court**

The Childrens Court is established under the *Childrens Court Act 1992* and provides for the appointment of a Childrens Court magistrate, who is currently located at the Brisbane Childrens Court, though any magistrate may constitute a Childrens Court when required.

In addition to its criminal jurisdiction under the *Juvenile Justices Act 1992*, the Childrens Court exercises civil jurisdiction mainly under the *Child Protection Act 1989* but also under other legislation such as the *Child Protection (Offender Prohibition Order) Act 2008* and the *Adoption of Children Act 1964*.

**Domestic and family violence**

The purpose of the *Domestic and Family Violence Protection Act 1989* is to provide for the safety and protection of people from further violence in a domestic relationship through the making of protection orders. It covers physical, emotional and financial violence and abuse committed in spousal, intimate personal, family and informal care relationships.

**Commonwealth**

The *Judiciary Act 1903* (Cwlth) provides that state courts hold jurisdiction in relation to people who are charged with offences against the laws of the Commonwealth. While the proceeding is conducted according to state laws it is the *Crimes Act 1914* (Cwlth) that sets out the sentencing provisions.
The main areas dealt with by the court under Commonwealth legislation are to do with taxation, social security and customs.

**Industrial Magistrates Court**

The *Industrial Relations Act 1999* authorises every magistrate in Queensland to sit as an industrial magistrate.

Industrial magistrates hear appeals against decisions of Q-COMP, wage claims and prosecutions that relate to workplace health and safety and electrical safety.

**Coroners Court**

The Coroners Court is established under the *Coroners Act 2003* which requires the investigation of particular kinds of deaths. The Act establishes the role of the State Coroner who is responsible for overseeing and coordinating the coronial system. The State Coroner is assisted by the Deputy State Coroner, the Brisbane Coroner, the Northern Coroner and the Southern Coroner. In addition to the full-time coroners all magistrates are coroners under the Act and able to carry out inquests.
Governance

The Magistrates Court of Queensland is established under the *Magistrates Act 1991*. The court is constituted by its magistrates, acting magistrates and judicial registrars.

**Structure and operation**

The Chief Magistrate is the head of the court and is its senior judicial officer responsible for:

- the orderly and expeditious exercise of the jurisdiction and powers of the Magistrates Courts
- deciding the magistrates who are to constitute a Magistrates Court at particular places
- assigning duties to magistrates
- issuing practice directions
- nominating a magistrate to be a coordinating magistrate for the purpose of allocating court work
- performing statutory functions.

There is a Deputy Chief Magistrate who, in addition to exercising the functions of a magistrate, must exercise such other functions as the Chief Magistrate directs. The Deputy Chief Magistrate may act as Chief Magistrate.

The Chief Magistrate appoints regional coordinating and coordinating magistrates in each region to assist in the orderly disposition of court business.

The regional coordinating magistrates are:

- **Brisbane region**
  - BP Hine (Brisbane)

- **South-West region**
  - DM MacCallum (Ipswich)

- **South coast region**
  - RG Kilner (Southport)

- **North coast region**
  - C Taylor (Maroochydore)

- **Central region**
  - A Hennessy (Rockhampton)

- **Northern region**
  - BL Smith (Townsville)

- **Far Northern region**
  - R Spencer (Cairns)

The coordinating magistrates are:

- **Beenleigh**
  - PJ Webber

- **Toowoomba**
  - B Schemionek

- **Caboolture**
  - PW Johnstone

- **Richlands**
  - ER Wessling

- **Brisbane**
  - L O’Shea
Court Governance Advisory Committee

Since December 2003, a Court Governance Advisory Committee (advisory committee) has continued to support the Chief Magistrate in taking a collegiate approach to transfer decisions and to the general administration of the court.

The advisory committee has two permanent members (the Deputy Chief Magistrate and the State Coroner) and three temporary members, one of whom must be a magistrate who constitutes a Magistrates Court at a place outside of the South-East Queensland Magistrates Courts districts.

Internal committees

In April–May 2009 a review of the Magistrates Courts internal committees was undertaken with a view to modifying the existing committee structure—adding some new committees and consolidating others.

At the annual state conference magistrates were invited by the Chief Magistrate to nominate for one or more of the new committees. A chairperson for each of the committees was selected by the Chief Magistrate from the pool of nominees.

The Chief Magistrate and Deputy Chief Magistrate are members of all of the committees. The principal research officer provides the secretariat and research support to the committees.

The new committee structure aims to support the Chief Magistrate by providing all magistrates with the opportunity to participate in proactively addressing the challenges facing the court.

Refer to the ‘Magistrates Internal Committees’ section of this report for further details on the structure and activities of each of the committees during 2008–09.

Financial report

Financial information specific to the Magistrates Courts is not available for reporting, as has been the case in the previous Magistrates Courts annual reports.

Financial information for the department is available in the Department of Justice and Attorney-General’s annual report.
The Magistracy

Queensland’s Magistrates
as at 30 June 2009

**Beenleigh**
- PJ Webber
  - Coordinating Magistrate
- JA McDougall
- TI Morgan
- JE White

**Bowen**
- AG Kennedy

**Brisbane**
- BJ Butler
  - Chief Magistrate
- BP Hine
  - Deputy Chief Magistrate/Regional Coordinating Magistrate
- MA Barnes
  - State Coroner
- LJ O’Shea
  - Coordinating Magistrate
- LM Bradford-Morgan
  - Part-time Magistrate
- CJ Callaghan
- CA Clements
  - Deputy State Coroner
- SL Cornack
- JD Costello
- WA Cull
  - Industrial Magistrate
- JM Daley
- PM Dowse
  - Childrens Court Magistrate
- WH Ehrich
- EA Hall
- PM Kluck
- GC Lee
- JB Lock
  - Brisbane Coroner
Our Magistrates

NF Nunan
JV Payne
T Previtera
CG Roney
Part-time Magistrate
BL Springer
Relieving Magistrate
B Tynan
Drug Court

Bundaberg
JM Batts

Caboolture
PW Johnstone
Coordinating Magistrate
B Barrett

Cairns
RD Spencer
Regional Coordinating Magistrate
TJ Black
SM Coates
AJ Comans
KM McGinness
J N Pinder
K Priestly
Northern Coroner

Caloundra
DM Fingleton

Charleville
C Strofield

Cleveland
BR Manthey

Dalby
MP Quinn

Emerald
DJ Dwyer

Gladstone
JD Carroll

Gympie
MM Baldwin

Hervey Bay
GJ Tatnell
WJ Smith
Relieving Magistrate
Wide Bay District

Holland Park
TN Arnold

Innisfail
JM Brassington

Ipswich
DM MacCallum
Regional Coordinating Magistrate
VE Sturgess
MR McLaughlin

Kingaroy
GJ Buckley

Mackay
RN Risson

Mareeba
TJ Braes

Maroochydore
CJ Taylor
Regional Coordinating Magistrate
BA Callaghan
JA Hodgins
IT Killeen

Mount Isa
HB Osborne

Pine Rivers
SD Guttridge

Redcliffe
AJ Chilcott

Richlands
ER Wessling
Coordinating Magistrate
PJ Austin

Rockhampton
AM Hennessy
Regional Coordinating Magistrate
JJ McGrath

Sandgate
O Rinaudo
### Southport
- RG Kilner
  - Regional Coordinating Magistrate
- JJ Costanzo
- MJ Hogan
- JL Hutton
  - Southern Coroner
- DE Kehoe
- BP Kilmartin
- KT Magee
- MG O'Driscoll
- CA Pirie

### Southern Coordinating Magistrate
- DE Kehoe
- BP Kilmartin
- KT Magee
- MG O'Driscoll
- CA Pirie

### Toowoomba
- BT Schemioneck
  - Coordinating Magistrate
- KA Ryan

### Townsville
- BL Smith
  - Regional Coordinating Magistrate
- RJ Mack
- PR Smid
- SM Tonkin
- C Wadley
- LP Verra

### Warwick
- AC Thacker

### Wynnum
- Z Sarra

### Acting Magistrates
#### Beenleigh
- BL Kucks
#### Bowen
- RW Muirhead
#### Brisbane
- J P Barbeler*
  - G Dean*
  - M Halliday*
  - JM Herlihy*
  - R Quinlan*
  - AR Taylor
- Bundaberg
  - LN Lavaring
- Caboolture
  - PW Hasted
- Cairns
  - KJD McFadden
- Cleveland
  - RL Warfield
- Cloncurry
  - AM Walker
- Dalby
  - IR Rose*
  - HB Stjernqvist
- Holland Park
  - TM Duroux
- Kingaroy
  - RH Lebsanft
- Mareeba
  - R Heggie
- Maroochydore
  - J Parker*
- Noosa
  - GA Hillan*
- Rockhampton
  - MT Morrow
  - T Bradshaw*
- Sandgate
  - GB Pitt
- Southport
  - G Finger
  - GA Wilkie*
- Toowoomba
  - A Cridland*
  - RJ Stark
- Townsville
  - SD Luxton
  - RJ Stark

* Retired magistrate

### Judicial Registrars
#### Beenleigh/Beaudesert
- GH Kahler†
#### Brisbane
- DA Beutel
#### Southport
- TJ Davern
  - RM Carmody†
#### Townsville
- RJ Lehmann
  - RJ Lehmann

† Part-time
Magistrate appointments

Magistrate John Hutton

Southern Coroner, Southport

Sworn in as a magistrate on 28 July 2008.

Magistrate Hutton has 34 years experience as a legal practitioner, having been admitted as a solicitor in 1974. From 1981–85 he was a Crown prosecutor and from 1985–89 a legal officer with Crown Law until commencing as a barrister in private practice.

His Honour has appeared before the Royal Commission into Aboriginal Deaths in Custody and has experience in inquisitorial hearings.

Magistrate Ross Mack

Townsville

Sworn in as a magistrate on 28 July 2008.

Magistrate Mack has been an acting magistrate since June 2000 having been admitted as a barrister during the previous month. He has gained experience by taking opportunities to work as a lawyer with the Aboriginal Legal Service in Charleville from 2002–04 and as a prosecutor for the Townsville Director of Public Prosecutions from 2005–06. Since 1993 his Honour had been a court registrar and at the time of his appointment he was a registrar in Townsville.

Magistrate Kerry Magee

Southport

Sworn in as a magistrate on 11 February 2009.

Magistrate Magee had been a local legal practitioner for more than 25 years and had practiced almost exclusively in the area of litigation.

She served as a solicitor in private practice on the Gold Coast for more than ten years before being admitted as a barrister in April, 1994. Her Honour had been the vice-president at the Gold Coast Bar Association since 2005.

Her experience in litigation, particularly more recently in commercial and estate litigation gives her a breadth of knowledge for her new role in the court.

Magistrate James McDougall

Beenleigh

Sworn in as a magistrate on 28 July 2008.

Magistrate McDougall practiced as a barrister and solicitor for 33 years.

During his 11 years as a solicitor he practiced in all areas of civil litigation, criminal, family law and property law.

In his 22 years as a barrister he practiced predominantly in medical and professional negligence litigation and workers’ compensation, involving extensive trial experience in the Supreme and District Courts.
of Queensland and in the Supreme Court of New South Wales. He has also appeared in the appellant jurisdiction in Queensland and New South Wales and in the High Court.

His Honour also has extensive experience as a mediator in personal injuries litigation, predominantly in the field of medical negligence and in workers' compensation. He also had criminal trial experience as a solicitor and as a barrister in the early part of his career.

His interests outside law include art, in particular print making, and literature.

**Magistrate John McGrath**

**Rockhampton**

Sworn in as a magistrate on 11 February 2009.

Magistrate McGrath recently worked in the Rockhampton Office of the Director of Public Prosecutions.

He was admitted as a barrister to the Supreme Court of Queensland in 1990 and has served as a barrister in the Rockhampton region for more than 18 years.

His Honour specialised in criminal trials and has also has experience in matters of civil law particularly personal injury and contract law. He has also appeared on all District Court appeals in the Central Queensland region since 1996.

His local knowledge and his knowledge of regional Queensland will be an asset to the Rockhampton Magistrates Court. He has served in Rockhampton, Gladstone, Proserpine, Townsville, Cairns, Thursday Island, Palm Island and a number of other regional areas in Queensland.

**Magistrate Kay Ryan**

**Toowoomba**

Sworn in as a magistrate on 28 July 2008.

Magistrate Ryan was recently a specialist consultant in personal injury law at Shannon Donaldson Province Lawyers at Dalby, a part-time member of the Mental Health Review Tribunal and self-employed part-time in Regional Resolutions, a mediation practice.

She has been admitted as a solicitor for 16 years. Before she studied for her law degree she had undertaken mature-age matriculation following previous experience as a secretary and teacher's aide.

After four years as a solicitor in Brisbane she joined Wonderley and Hall in 1996 where she rose to salaried partner before leaving in 2003 to join Shannon Donaldson Province Lawyers where she was a partner for two years. Her recent experience has been in the areas of personal injuries law and commercial litigation.

Her Honour is a former president of the Women Lawyers Association, director on the inaugural board of Australian Women Lawyers and a vice-president of the Downs and South-West Queensland District Law Association.

She has been a finalist in the Regional Lawyer of the Year award and a runner up in the Woman Lawyer of the Year award.
Magistrate Virginia Sturgess
Ipswich

Sworn in as a magistrate on 11 February 2009.

Magistrate Sturgess had been working within the policy and legislation area in the Department of Justice and Attorney-General (JAG) for more than 12 years. Prior to that she was a senior Crown prosecutor in the Office of the Director of Public Prosecutions.

She was appointed an assistant director of the strategic policy unit in May 2000 and was admitted as a barrister in July 1988.

Her Honour had been instrumental in the development and drafting of criminal law policy including: chairing the Taskforce on Women and the Criminal Code from November 1998 until February 2000. Other significant projects included: developing reforms directed at the evidence of child witnesses in 2003; conducting an audit of homicide trials in 2007–08 and numerous other reforms of criminal justice legislation.

Whilst employed by strategic policy, she represented JAG on the Model Criminal Law Officers Committee (a committee of the Standing Committee of Attorneys-General).

Her Honour is the recipient of two Australia Day achievement awards awarded by JAG (in 2000 and 2008).

Her experience in policy and criminal law will make her an invaluable asset to the Ipswich community.

Magistrate Trevor Allingham
Caboolture

Trevor Arthur Allingham retains an interest in furthering the efforts of our courts to involve Elders’ justice groups in the support of Indigenous peoples. When a magistrate in Mareeba, he was a pioneer in encouraging that initiative, which was a forerunner of the Murri Courts in Queensland. In retirement, he is currently planning a move to Banora Point where he hopes to assist the Southport Magistrates Court in developing the Murri Court there.

Trevor’s concerns to ensure that Indigenous peoples are dealt with in our courts with an appropriate recognition of their own racial and cultural background will be his enduring legacy.

He was born in 1948. His father's work took him to Papua New Guinea (PNG) where he completed his New South Wales Leaving Certificate. In 1966 he studied law full time at the University of Queensland for a year, after which he completed his degree externally whilst working in PNG. In 1973 he joined the Attorney-General's department in Canberra as a policy advisor, where he was involved in the development of significant legislation, including the Racial Discrimination Act 1975 and the Crimes (Currency) Act 1981.

Trevor and his family returned to Brisbane in 1979 when he was appointed as regional director of the Department of Industrial Relations. He entered private practice in Brisbane in 1985, and then from 1990 was a partner in the firm Goss Downey Carne until his appointment as a magistrate in 2001. He served on the
Bench in Mareeba from 2002–04, then in Caboolture until retirement in November 2008.

Unfortunately, it was ill health which precipitated his retirement. He was diagnosed as suffering from a serious cancer late in 2006 and underwent extensive surgery in April 2007. After intensive chemotherapy and other treatment, the cancer went into remission and remains so today. However, with no long-term future guarantees, Trevor decided to take early retirement so as to enjoy life for as long as possible with his wife Rosslyn—whom he married in PNG in 1971—and his family.

May he enjoy retirement for many more years.

**Magistrate James Gordon**

**Brisbane**

Born in Rockhampton on 30 January 1945, James Stanley Gordon has enjoyed a varied career.

Completing his secondary schooling at St Brendan’s, Yeppoon, Jim attended the Royal Military College for a time, considered a career as an army chaplain but then became a rural rouseabout. He met his wife Liz who ‘settled (him) down’, and studied at university.

Jim then practised as a tax accountant and was a university tutor, studying law part-time. He was appointed a taxation law lecturer at James Cook University in Townsville before joining the Townsville Bar in 1980. He moved to the Brisbane Bar in 1983. He joined the Criminal Justice Commission in 1990 where he remained for a little over three years. He was appointed a magistrate in 1994 and placed at Townsville. He transferred to Ipswich in 1996, then to Brisbane in 2001. For two years he was the industrial magistrate in Brisbane. He retired on 30 September 2008.

Retaining a keen interest in matters military, in 2006 Jim was appointed by the Chief of the Defence Force to preside over boards of inquiry into deaths of defence personnel and he continues to be a member of the Chief of the Defence Force Commissions of Inquiry Panel.

Jim and Liz have two sons, Andrew a merchant banker and Benjamin a medical practitioner. Jim has an engaging personality and a fine sense of humour, offers good companionship and is a loyal friend.

**Magistrate John Parker**

**Gympie**

The retirement age of 65 severed John Christopher Parker from the magistracy on 6 October 2008. Happily, he continues as an acting magistrate.

John was born in Brisbane and completed his secondary schooling at Salisbury State High School in 1961. He became a high school teacher, ending up at Pimlico State High School in Townsville during 1966–67. He married in Brisbane in 1966 and, with his wife Heather, went to Canada in 1967 for a working holiday that was supposed to last two years. However it would be 18 years before they would return permanently to Australia.

John took up the study of law, eventually becoming a Crown prosecutor. Heather studied medicine becoming a general practitioner.

Upon returning to Australia in 1984, he worked in the Office of the Commonwealth Director of Public Prosecutions for three years, after which he established practice at the private Bar in Brisbane. In 1990 he entered chambers on the Sunshine Coast from where he practiced until his appointment as a magistrate in 2005. His final placement was at Gympie, for a year from 2007 to October 2008.
Both of John’s daughters are high achievers, one being a noted soprano who is continuing opera studies and experience in Germany, the other managing director of her own event organising company.

Magistrate William (Bill) Randall

Brisbane

If any one word springs to mind to describe William John Randall, it is ‘colourful’.

A career officer within justice, Bill joined the Magistrates Court at Maryborough in 1964 when 16 years of age, having received his schooling in that city. From there, he has ‘been everywhere’, after Maryborough serving as a clerk in Cunnamulla and Mackay and clerk of the court (registrar) at Julia Creek, Cunnamulla, Cooktown, Wynnum and Brisbane.

Bill was admitted as a solicitor in 1981. After 22 years as a clerk, he was appointed a magistrate in 1986 and served in that office for another 22 years. He was placed at Goondiwindi then transferred to Brisbane in 1988. In 1996 he accepted appointment as referee of the Small Claims Tribunal, a position he held until retirement on 5 September 2008. He served in that office with uncommon calm and good humour and contributed much to a professional understanding of residential tenancies by all those involved in them.

In his spare time, Bill was a dedicated follower of rugby league and took much interest in sport generally. His genial manner was evident to all who knew him and if a colourful character, he was also a lovable one. After 44 years service to the law he deserves to enjoy a long and happy retirement.

Magistrates internal committees

These committees provided vital support to magistrates generally across Queensland and assist the Chief Magistrate in fulfilling his responsibility of ensuring the orderly and expeditious running of the Magistrates Courts. Committees’ structure and membership at 30 June 2009 is below.

Terms and Conditions Committee

Committee Chair: Chief Magistrate Brendan Butler.

Members: Deputy Chief Magistrate Brian Hine; State Coroner Michael Barnes; Coordinating Magistrate Leanne O’Shea; Magistrates: Orazio (Ray) Rinaudo; Robert Spencer; Linda Bradford-Morgan; Bernadette Callaghan; Christopher Callaghan; Graham Lee; Joseph Pinder; Katie McGinness.

The former Salaries and Allowances Committee re-named, this committee monitors developments in terms and conditions of appointment of judicial officers in Australian jurisdictions. Its recommendations inform the Chief Magistrate’s annual submission on magistrates’ terms and conditions.
Information Technology Committee

Committee Chair: Deputy Chief Magistrate Brian Hine.

Members: Chief Magistrate Brendan Butler; and Magistrates: Trevor Morgan; Orazio (Ray) Rinaudo; Trevor Black; Errol Wessling.

The court’s Information Technology Committee is an active sponsor of continuous improvements to court information and communication technology systems and provision of training to magistrates.

Under the continued stewardship of Deputy Chief Magistrate Hine, this committee was involved in the following projects:

- progressive roll-out of the five-year video-conferencing program of works
- digital recording
- re-development of the magistrates’ intranet
- future courts program initiatives.

Judicial Professional Development Committee

Committee Chair: Coordinating Magistrate Leanne O’Shea.

Members: Chief Magistrate Brendan Butler; Deputy Chief Magistrate Brian Hine; Magistrates: Janelle Brassington; Noel Nunan; Damian Carroll; John Costello; Annette Hennessy; Katie McGinness; Joseph Pinder; Orazio (Ray) Rinaudo; Anne Thacker.

Orientation programs for newly-appointed magistrates and ongoing professional development opportunities for magistrates, acting magistrates and judicial registrars are vitally important for the consistent delivery of Magistrates’ Court justice services across Queensland.

The commitment the existing committee gives to professional development and the delivery of a broad range of judicial education for the Queensland magistracy is reflected in its expanded role.

Under the leadership of Coordinating Magistrate Leanne O’Shea, the committee’s responsibilities now include:

- planning the annual state conference, a regional workshop for magistrates, and professional development opportunities for acting magistrates
- maintaining and updating the magistrates’ Bench Book
- developing an orientation program for newly-appointed magistrates
- identifying professional development needs across the magistracy
- identifying and coordinating professional development opportunities.

Indigenous Issues Committee

Committee Chair: Deputy Chief Magistrate Brian Hine.

Members: Chief Magistrate Brendan Butler; Magistrates: Trevor Black; Graham Buckley; Suzette Coates; Walter Ehrich; Diane Fingleton; Annette Hennessy; Paul Johnstone; Bevan Manthey; Matt McLaughlin; Howard Osborne; Michael Quinn; Ross Risson; Brian Smith; Laurie Verra; Cathy Wadley; Errol Wessling.
All Murri Court magistrates are members of this committee which will continue to advise and make recommendations to the Chief Magistrate on issues relating to Indigenous persons within the criminal justice system and in the Magistrates Courts.

**Forms Committee**

**Committee Chair:** Magistrate Errol Wessling

**Members:** Chief Magistrate Brendan Butler; Deputy Chief Magistrate Brian Hine; Magistrates: Graham Buckley; Sheryl Cornack; Kerry Magee; John Smith; Anne Thacker.

Lead by Magistrate Errol Wessling this committee is one of the most active. The Magistrates Court can deal with over 250 pieces of legislation, which means that this committee is constantly consulted by agencies across the Commonwealth and state governments in relation to forms supporting proposed legislative changes. In addition to this, the committee conducts an annual review of Magistrates Courts bench forms.

**Legislation Committee**

**Committee Chair:** Magistrate Bronwyn Springer.

**Members:** Chief Magistrate Brendan Butler; Deputy Chief Magistrate Brian Hine; Magistrates: Janelle Brassington; Athol Kennedy; James McDougall; John Smith; Errol Wessling.

Like its Forms Committee counterpart, the Legislation Committee is in constant consultation with government agencies responding to and making recommendations in relation to proposed legislative reforms affecting the Magistrates Courts.

**Criminal Law Committee**

**Committee Chair:** Magistrate Anne Thacker.

**Members:** Chief Magistrate Brendan Butler; Deputy Chief Magistrate Brian Hine; Magistrates: Christopher Callaghan; John Costanzo; Annette Hennessy; Michael Hogan; Matt McLaughlin; Virginia Sturgess.

In 2009–10 this newly-formed committee will play a vital role supporting the magistracy in meeting the challenges of implementing the Moynihan Review and other criminal law reforms.

**Domestic and Family Violence Committee**

**Committee Chair:** Regional and Coordinating Magistrate Annette Hennessy.

**Members:** Chief Magistrate Brendan Butler; Deputy Chief Magistrate Brian Hine; Coordinating Magistrate Leanne O’Shea; Magistrates: Maxine Baldwin; Jennifer Batts; Janelle Brassington; Damian Carroll; Damian Dwyer.

Another newly-formed committee, this committee is chaired by Regional and Coordinating Magistrate Annette Hennessy.

In 2009–10 this committee will play an important role supporting multi-agency responses to domestic and family violence issues.

**Facilities and Safety Committee**

**Committee Chair:** Regional and Coordinating Magistrate Robert Spencer.
Members: Chief Magistrate Brendan Butler; Deputy Chief Magistrate Brian Hine; Magistrates: Jennifer Batts; Trevor Black; Sheryl Cornack; Michael Quinn; Kay Ryan; Colin Strofield.

The vast distances covered by Queensland magistrates; the great differences in the nature of facilities available for magistrates to constitute magistrates courts; and the many issues impacting on the safety and well-being of magistrates lead to the creation of this committee.

Under the leadership of Magistrate Robert Spencer, in 2009–10 this newly-formed committee, in consultation with invited departmental representatives, will seek to identify and effectively manage facilities, safety, health and well-being issues affecting the magistracy.

Ethics Committee

Committee Chair: Magistrate Orazio (Ray) Rinaudo.

Members: Chief Magistrate Brendan Butler; Deputy Chief Magistrate Brian Hine; Magistrates: James McDougall; Joseph Pinder; Anne Thacker.

The internal governance structure of the magistracy would not be complete without the ongoing commitment of the Ethics Committee.

Magistrate Rinaudo will lead this committee in continuing to support the magistracy’s ethical standards of conduct.

Magistrates’ professional development

State conference

From 25–27 May 2009 all the magistracy from throughout the state converged in Brisbane for the annual Queensland Magistrates Conference.

The conference was held in the Brisbane Magistrates Court building, predominately in the newly completed Major Hearing Court, and in the Banco Court of the Supreme Court of Queensland.

The Hon. Cameron Dick, Attorney-General and Minister for Industrial Relations officially opened the conference and the well received keynote address was given by Mr Ian Gray, the Chief Magistrate of Victoria.

The three days were filled with many presentations and demonstrations to assist the magistrates in carrying out their work in the courts.
Other professional development attendances

**NJCA Phoenix Magistrate Conference**
18–22 August 2008, Gold Coast Qld

Baldwin M
Verra L
Wadley C
Barrett B
Callaghan C
Pinder J
Quinn M
Strofield C

**Association of Australian Magistrates**
6–9 September 2008, Sydney NSW

Cull, W
Cornack, S
Dowse, P
Wessling, E

**National Mediation Conference**
9–12 September 2008, Perth WA

Davern T

**National Indigenous Legal Conference**
12–13 September 2008, Melbourne Vic

Cull, W

**AIJA Court Quality Forum**
21–23 September 2008, Sydney NSW

Hine, B

**Judgement writing program**
27–28 September 2008, Brisbane Qld

Barnes, M
Baldwin, M
Brassington, J
Callaghan, B
Coates, S
Hall, E
Hutton, J
Morgan, T
Smid, P
Springer, B
Thacker, A
Tonkin, S

**JCA 2008 Criminal Law Congress**
8–12 October 2008, Sydney NSW

Braes, T
McGinness, K
Ehrich, W
O'Shea, L
Payne, J
Roney, C

**JCA 2008 Colloquium 2008**
10–12 October 2008, Gold Coast Qld

Callaghan, B

**NQ National Indigenous Forum**
29–31 October 2008

Tonkin, S

**NSW Drug Court Conference**
6 February 2009, Parramatta, NSW

Spencer, RD
Tonkin, S
Tynan, B

**Protecting Children Today**
25–27 March 2009, Brisbane Qld

Dowse, P

**AIJA Court Interpreters Conference**
12–14 March 2009, Fremantle, WA

Cull, W

**AGAC Conference**
20 March 2009, Brisbane Qld

Roney, C

**QLS training course**
10 March 2009, Brisbane Qld

Wadley, C

**NQLA Conference**
29–30 May 2009, Cairns Qld

Spencer, R
Jurisdictions

Criminal jurisdiction

Approximately 96 per cent of all criminal matters in Queensland are dealt with by the Magistrates Courts.

The overwhelming majority of the work of the Magistrates Courts involves criminal and quasi-criminal matters and these matters are dealt with in the Magistrates Court as constituted under the Justices Act 1886.

The court hears and determines all state and Commonwealth summary offences as well as a wide range of indictable offences. If the court does not have jurisdiction to deal with an indictable offence then it usually conducts a committal hearing to determine if there is sufficient evidence to have the matter proceed to the District Court or Supreme Court for determination.

The total number of defendants dealt with by the Magistrates Courts during 2008–09 is 209,499. This is an increase over last year of 8,291 (+4.12 per cent).

The total number of criminal charges dealt with by the Magistrates Courts in the year of reporting is 360,569. This is a decrease from last year of 8,453 (-2.29 per cent).

The total figure includes both adult and juvenile defendants. In relation to adult defendants, 199,435 adults were dealt with on 337,912 charges. This is an increase in the number of adult defendants over last year of 8,564 (+4.87 per cent) and a decrease in the number of charges from last year of 7,002 (-2.03 per cent).

In relation to juvenile defendants 10,064 young people were dealt with on 22,657 charges. This is a decrease in the number of juvenile defendants from last year of 273 (-2.64 per cent) and a decrease in the number of charges from last year of 1,432 (-5.94 per cent).

The number of appearances before the court, or defendants in the above figures, has increased by some 4 per cent. While the volume of work is offset slightly by the reduction in the number of charges dealt with by the court it is still a significant increase in the courts’ workload.

In addition there can be no doubt that the diversity of matters before the Magistrates Courts continues to increase:

- during 2008–09, state parliament passed 11 new Acts that provide for offences, appeals or applications that are heard by the Magistrates Courts
The number of criminal jurisdiction appearances before the court, or defendants, has increased by some four per cent.

- a number of Acts were also amended which expanded the scope of the matters that come before the Magistrates Courts; an example is the introduction of exclusion orders into the Transport Operations (Passenger Transport) Act 1994, the determining of which will lengthen the sentencing of offences committed on the passenger transport network.

It is inevitable that the workload of the Magistrates Courts will increase as these new kinds of matters are taken up and other factors impact such as:

- the expansion of the impoundment of vehicles provisions from a limited trial to full implementation across the whole state
- the global financial crisis—in times where the economy slows and unemployment rises there is an inevitable corresponding rise in offending
- the general population increase—the population in Queensland continues to grow at a rate above the national average
- the implementation of the recommendations from the Moynihan Review report—the government has accepted, and is in the process of implementing, recommendations from the Moynihan report to increase the range of offences able to be dealt with by the Magistrates Courts. Other reforms relate to the committal process. It is anticipated that overall the implementation of the Moynihan recommendations will increase the criminal workload of the Magistrates Courts.

Civil jurisdiction

The Magistrates Courts, as established by the Magistrates Court Act 1921, may determine civil claims up to a value of $50,000.

This includes a limited claim, minor debt claims, for a value of up to $7500. A minor debt claim is a more cost-effective and less formal method of resolving a civil dispute, however it is limited to debts or liquidated claims. It uses a simplified procedure—the usual strict rules of evidence do not apply in the hearing, lawyers are not involved and there is no appeal allowed against the result.

The Small Claims Tribunal, as established by the Small Claims Tribunals Act 1973, is considered part of the civil jurisdiction and hears small claims which may be for a value of up to $7500. It too is a more cost-effective and less formal method of resolving civil disputes, however it is limited to residential tenancy disputes (which comprise the majority of claims), disputes between consumers and traders, claims for damages arising out of the use of a motor vehicle and warranty claims under the Property Agents and Motor Dealers Act 2000. When the claim is lodged it is immediately given a hearing.
date, at the hearing the usual strict rules of evidence do not apply, lawyers are not involved and there is no appeal allowed against the result.

During 2008-09:

- a total of 60,067 claims were dealt with in the Magistrates Courts during 2008–09. This is an increase of 2124 claims since last year (+3.66 per cent)
- the number of civil claims dealt with was 29,284, which is an increase over last year of 79 (+0.27 per cent)
- the number of minor debt claims dealt with was 14,537, which is an increase over last year of 1471 (+11.26 per cent)
- the number of small claims dealt with also increased to 16,246, which is 574 more than last year (+3.66 per cent).

The monetary limits in the civil jurisdiction have been in force for a number of years, however the government has accepted, and is in the process of implementing, recommendations from the Moynihan report to increase them. This will obviously benefit the parties in that the claims will be able to be completed faster and for less cost than in the District Court. It will also obviously impact on the workload of the Magistrates Courts.

At the same time, the Queensland Civil and Administrative Tribunal (QCAT) is due to commence and it will take over hearing minor debt claims and small claims matters which will provide a reduction in the Magistrates Courts’ workload. That is limited to matters determined in South-East Queensland however, as magistrates in the rest of Queensland will continue to hear these matters on behalf of QCAT.

The Childrens Court

The Childrens Court is established under the Childrens Court Act 1992 and provides for the appointment of a Childrens Court magistrate, who is currently located at the Brisbane Childrens Court, however any magistrate may constitute a Childrens Court when required.

In addition to its criminal jurisdiction under the Juvenile Justices Act 1992, the Childrens Court exercises civil jurisdiction mainly under the Child Protection Act 1989 but also under other legislation such as the Child Protection (Offender Prohibition Order) Act 2008 and the Adoption of Children Act 1964.

The Juvenile Justice Act 1992 provides comprehensive law for dealing with children who are charged with offences including diversion of young people from the criminal justice system by such methods as police issuing cautions or courts ordering youth justice conferencing.

As indicated under criminal jurisdiction, during 2008–09 10,064 young people appeared before the Childrens Court on a total of 22,657 charges. This is a decrease from last year of 273 young people (-2.64 per cent) and 1432 charges (-5.94 per cent).

Youth justice conferencing is a form of court diversion where the young person and their victim are brought
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together to discuss the offence, its impact on the victim, the community and how the young person can address the harm caused. The vast majority of these conferences are successful and result in all parties, including the victim, being satisfied with the outcome of the proceeding.

Child protection applications are heard in the Childrens Court however urgent applications may be made after hours by telephone or fax. Many of these applications are contested, however a large portion of these matters are resolved in court ordered conferences.

During 2008–09 4075 child protection applications were lodged and this is an increase of 187 (+4.81 per cent) over last year.

Further information in relation to the operations of the Childrens Court can be obtained from the Childrens Court of Queensland annual report.

Domestic and family violence

The purpose of the Domestic and Family Violence Protection Act 1989 is to provide for the safety and protection of people from further violence in a domestic relationship through the making of protection orders. It covers physical, emotional and financial violence and abuse committed in spousal, intimate personal, family and informal care relationships.

This is a very demanding area for the courts as the parties are often self-represented, distraught at having details of their personal lives aired in court, emotional in the face of a breakdown of the relationship to which the application relates, anxious about the future and may be in fear of their safety.

The importance of protection orders is well recognised in that they not only provide for the safety and security of the aggrieved person, they also provide an element of control and stability which helps them to carry on with their lives.

The police often assist the aggrieved person in their applications to the court by appearing for them. The police also have a responsibility to make applications for protection orders if they witness domestic violence.

In many centres domestic violence support services are available and they are of enormous benefit to the aggrieved person.

During 2008–09, applications for protection orders lodged in Queensland increased to 21 069—an increase of 1295 lodgments (+6.55 per cent).
Commonwealth

The *Judiciary Act 1903* (Cwlth) provides that state courts hold their same jurisdiction in relation to people who are charged with offences against the laws of the Commonwealth. While the proceeding is conducted according to state laws it is the *Crimes Act 1914* (Cwlth) that sets out the sentencing provisions.

The main areas dealt with by the court under Commonwealth legislation are to do with taxation, social security and customs.

The number of charges dealt with by the Magistrates Courts during 2008–09 was 10,669 which is an increase of 1349 (+14.47 per cent) over last year.

The number of defendants dealt with was 3,666 which is an increase of 187 (+5.37 per cent) over last year.

Industrial Magistrates Court

The *Industrial Relations Act 1999* authorises every magistrate in Queensland to sit as an industrial magistrate.

Industrial magistrates hear appeals against decisions of Q-COMP, wage claims and prosecutions that relate to workplace health and safety and electrical safety.

The number of appeals against decisions of Q-COMP dealt with by the court throughout 2008–09 was 255, which is an increase of 3 (1.19 per cent) over the last year.

Under the *Workplace Health and Safety Act 1995* there were 143 defendants charged with a total of 151 charges dealt with by the court.

Under the *Electrical Safety Act 2002* there were 25 defendants charged with a total of 122 charges dealt with by the court.

Coroners Court

The Coroners Court is established under the *Coroners Act 2003* which requires the investigation of particular kinds of deaths. The Act establishes the role of the State Coroner who is responsible for overseeing and coordinating the coronial system. State Coroner Barnes is assisted by Deputy State Coroner Clements in this task. Additionally there are three regional coroners: Magistrate Lock is the Brisbane Coroner; Magistrate Priestley is the Northern Coroner located in Cairns; and Magistrate Hutton was appointed this year to the new position of Southern Coroner located in Southport.

In addition to the full-time coroners all magistrates are coroners under the Act and able to carry out inquests.

During 2008–09, 3745 deaths were reported to coroners across Queensland, which is an increase over last year of 231 (+6.57 per cent).

Coroners held 69 inquests during the reporting period.

Further information in relation to the Coroners Court may be found in the Office of the State Coroner annual report.
Innovative courts and programs

The Magistrates Court and the Department of Justice and Attorney-General (JAG) have been working together to find new ways to address crime-related social problems such as drug and alcohol dependency, homelessness and other elements of social disadvantage that have led to the over-representation in the criminal justice system of people experiencing these conditions. To achieve this, a number of strategies and initiatives have been developed over the past few years.

In May 2006, the Courts Innovation Program Unit was created within the Queensland Magistrates Courts to bring these strategies and initiatives together. Administrative and court resources support the efforts of ‘mainstream’ courts to develop and provide these initiatives and an expanding range of programs to address specific crime-related social problems. The role of this unit is to coordinate and support the various diversion programs, based on the principles of ‘therapeutic jurisprudence’, which have been developed by the court to address some of the underlying factors which precipitate repeated criminal behaviour.

Given their experimental nature, the programs supported by the unit have been run as pilot programs, initially in a limited number of locations, for a set period of time. During the trial period, each initiative is fully evaluated to determine its viability.

The current initiatives supported by the unit are:

- **Special Circumstances Court Diversion Program** (Brisbane)
- **Murri Courts** (14 sites including five funded evaluation sites at Brisbane, Caboolture, Townsville, Mount Isa and Rockhampton)
- **community justice groups** (51 funded groups and seven unfunded groups)
- **Queensland Indigenous Alcohol Diversion Pilot Program** (Cairns, Townsville and Rockhampton with outreach to Yarrabah, Palm Island and Woorabinda)
- **Drug Courts** in North and South-East Queensland (Cairns, Townsville, Southport, Ipswich and Beenleigh)
- **Illicit Drugs Court Diversion Program** (all courts)
- **Queensland Magistrates Early Referral Into Treatment** (QMERIT) drug diversion pilot program (Maroochydore and Redcliffe).

A description of each of these courts and programs follows.
Special Circumstances Court Diversion Program

The pilot Homeless Persons Court Diversion Program was introduced in May 2006 in the Brisbane Magistrates Court district. Under the Queensland Government’s Responding to Homelessness Initiative the program received funding as a two-year pilot ending in 2008.

In December 2008 the expanded and renamed Homeless Persons Court Diversion Program received further funding of $1.1 million to cover its first year of operation and $1.3 million per year to cover the second and third years of the pilot. The Special Circumstances Court deals with people who have committed minor offences whose personal circumstances, such as mental illness, intellectual impairment, and/or homelessness have contributed to their offending behaviour.

It convenes three days a week at the Brisbane Magistrates Court, 363 George Street, and provides a separate path through the court process for adults pleading guilty to summary offences who:

- are homeless, or at risk of being homeless
- suffer from impaired decision-making capacity as a result of either mental health issues, intellectual disability or brain/neurological disorders.

The program’s objective is to divert people assessed as eligible for the Special Circumstances Court, who are charged with summary offences, to relevant support services, such as health and accommodation services, and to interrupt the cyclical nature of their offending by addressing the underlying causes of their offending behaviour.

The diversion program continues to assist defendants by case-working with them towards permanent accommodation and social needs. The program also continues to assist defendants with lifestyle issues which are frequently another reaction to their inability to secure permanent housing.

Since the start of the pilot, 845 people have been referred to the diversion program, of which 485 referrals were assessed as eligible (57.4 per cent).

Courts held in Indigenous communities

To convene courts at Indigenous communities, magistrates fly and drive into remote and rural areas that are located from the South-West corner of Queensland to islands in the Torres Strait.

By holding court in these remote communities, the local residents can see the justice system at work which leads to greater trust and respect. In addition, the magistrate has access to critical information from the community which ensures that the court is fully informed and that the offender is fairly treated by the court.

The Magistrates Court recognises that it must have support, trust and respect from the Indigenous community if it is to make a meaningful difference to the offender and to the quality of life in that community.

Reaching out to remote communities

In an address entitled ‘A vision for the future of the Queensland Magistrates Court’, given on the 2 April 2008, former Chief Magistrate Judge Irwin said:

Our court remains committed to accessible justice to Indigenous communities.... To achieve this, we are aiming to increase the number and range of services that we provide for these communities.... This will enable us to spend more time than was previously available to meet
The Magistrates Court recognises that it must have support, trust and respect from the Indigenous community if it is to make a meaningful difference to the offender and to the quality of life in that community.

with community justice groups and to address sentencing issues. It will provide the opportunity to consider more innovative practices in conjunction with those groups and lead to the reintegration of offenders into their communities.

That commitment was recently demonstrated by the opening of eight new courts in the Torres Strait island communities of Mer, Saibai, Boigu, Yam, Yorke, Darnley, Moa and Warraber.

In addition, the time the court spends at Mornington Island and Doomadgee in the Gulf of Carpentaria and in Woorabinda has been extended. The Cooktown circuit now includes the communities of Hopevale and Wujul Wujul. The magistrate will have more time to consider and deliver decisions which are appropriate and meaningful to the offender and the community.

This has been made possible by funding which resulted in the creation of a new magistrate position in Cairns from August 2007, which enables our court to spend more time in Cape York and with Torres Strait island communities.

Indigenous language interpreters issues

In Indigenous communities, language can be a barrier to offenders’ understanding of how the legal process works, the reason why they are before the court and the reasons for the decisions of the magistrate. Apart from the magistrate using language that is easily understood by the offender, the court often needs an Indigenous language interpreter to help communicate with the offender. The courts welcome and appreciate the Indigenous interpreters’ accreditation project in Aurukun, initiated by the Attorney-General during 2008.

Interpreters in Wik Mungkan have successfully supported the Aurukun circuit court on a monthly basis since November 2008. They are engaged to provide interpreting support during the three consecutive court sitting days each month, which include a callover and Children’s Court.

This support to the Magistrates Court circuit assists greatly with improving communication between members of the Aurukun community and magistrates and judges, as well as other service providers and agencies.

Community justice groups

Community justice groups (CJGs) have been operating in urban and remote communities since 1993.

There are two types of CJGs—statutory and non-statutory. The statutory CJGs operate in discrete Indigenous communities, usually in remote areas and are established by regulation under the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984. This Act confers a legislative role on the CJGs. In dealing with alcohol management issues. Non-statutory CJGs operate in both urban and regional areas of Queensland and do not have a legislative role in dealing with alcohol management issues. New CJGs were established at Hervey Bay, Goondiwindi and Charleville this year.

Each CJG is made up of volunteers from the Elders and respected persons in the community. The coordinators of each group receive administrative support from a regional advisor employed by the department. Departmental grants fund 51 groups in Queensland, including nine operating on the Torres Strait Islands,
and provide support to a further seven on the Torres Strait Islands, Charleville, Hervey Bay and Goondiwindi. The main aims of these groups are to:

- develop networks with agencies in their respective community to ensure that issues affecting Indigenous communities are addressed and have a particular focus on the development of crime prevention programs
- support Indigenous victims and offenders at all stages of the legal process
- support group members to participate in court hearings and sentencing processes as required by statute
- encourage diversionary processes such as civil and criminal mediation, youth justice conferencing, community service orders and supervised orders
- advise the relevant government agencies on issues about the possession and consumption of alcohol in a community area (statutory CJGs only).

During 2008–09, CJGs assisted more than 58,000 clients.

Under the Penalties and Sentences Act 1992, Juvenile Justices Act 1992, Childrens Court Act 1992 and the Bail Act 1980, when dealing with Aboriginal and Torres Strait Islander offenders in Queensland, judicial officers must take into consideration the submission of interested local CJGs.

During 2008–09 the Statewide Community Justice Reference Group met twice in Brisbane, in November 2008 and May 2009. These meetings allowed the group to be briefed and provide feedback on the government’s alcohol and welfare reforms, the Mornington Island restorative justice project, and to discuss community policing issues.

The most recent meeting gave representatives an opportunity to provide valuable feedback on the bail and remand experiences for an Indigenous Queenslanders project being undertaken by Griffith University, and commenced consultation on the National Indigenous Law and Justice Framework.

Representatives from CJGs continue to work towards the completion of a Certificate IV in Business (Governance) developed in partnership with TAFE Queensland. This qualification is strengthening the governance of many groups and enabling some groups to consider becoming incorporated, and removing the need for them to engage an auspicing body.

**Communication with justice groups**

As already highlighted, the CJGs, including the Elders and respected persons, are the cornerstone of a partnership between Indigenous communities and the magistrates who sit in those communities. Information is provided to magistrates who are sentencing Indigenous offenders because, under the Penalties and Sentences Act 1992 and the Juvenile Justice Act 1992, they are required to consider relevant submissions from CJGs, including Elders and respected persons. Magistrates use this information exchanged in court as a result of that partnership to deliver decisions more likely to result in positive lifestyle changes for offenders, with benefits that then flow to their family and the community in general.

Only through consultation during the court process with CJGs, Elders and other respected persons, can magistrates make culturally appropriate decisions. By understanding the issues in the community that result in offending behaviour, magistrates can then support CJGs in their efforts to rehabilitate offenders, advance positive lifestyle and behaviour change, and restore community values. CJGs are in the best position
Innovative courts and programs

Community Justice Groups, including the Elders and respected persons, are the cornerstone of a partnership between Indigenous communities and the magistrates who sit in those communities.

to assess the need for initiatives which rehabilitate individuals and repair fractured family relationships.

Importantly, the CJGs are also a vital link between the court and offenders as they can help the offender better understand the court process. The offender is an active participant in the process because they are required to confront the Elders of their community and to accept responsibility for their behaviour.

Ultimately, the court will have served well the interests of the offender, the victim and the community as this collaborative approach continues to reduce rates of offending, recidivism and imprisonment.

Justices of the peace

The Remote Justices of the Peace (JP) Magistrates Court Program offers Aboriginal and Torres Strait Islander people opportunities to play positive roles within the justice system and their communities.

In participating Indigenous communities, two justices of the peace (JPs) constitute court in the absence of a magistrate.

The JPs have the responsibility for hearing and determining charges relating to simple offences or indictable offences which might be dealt with summarily where there is a guilty plea, and hear bail and domestic violence applications.

The program commenced in 1993 at three sites—Kowanyama, Bamaga and Thursday Island.

Since then, 18 communities have received training, including: Aurukun, Badu Island, Northern Peninsula area (Bamaga, Seisia, Umagico, Injinoo and New Mapoon), Cherbourg, Doomadgee, Hope Vale, Kowanyama, Lockhart River, Mornington Island, Murray Island, Mapoon, Napranum, Palm Island, Pormpuraaw, Thursday Island, Woorabinda, Wujal Wujal and Yarrabah.

Currently, nine communities conduct JP courts, including Aurukun, Cherbourg, Kowanyama, Lockhart River, Mornington Island, Pormpuraaw, Bamaga, Woorabinda and Yarrabah.

Murri Court

The government is responsive to the needs of Indigenous Queenslanders and is particularly concerned that they are disproportionately over represented in our prisons and detention centres.

The Murri Court is effective in providing practical access to justice for Aboriginal and Torres Strait Islander offenders and provides responsive justice outcomes that focus on the rehabilitation and reintegration of Indigenous offenders into their community.

The government provided the department with $5.3 million over four financial years from 1 January 2007 to support the operations of the Murri Court in five locations—Brisbane, Caboolture, Rockhampton, Townsville and Mount Isa.

In addition to appearing before a magistrate, the Murri Court brings defendants before Elders and respected persons, who can provide advice to the magistrate about cultural issues, assist the offender in understanding court processes and provide advice to the magistrate on sentencing options that they consider appropriate for the offender.

Murri Court Elders also act as a link between the court and services offered to and by local Indigenous communities.
Queensland currently has 14 Murri Courts operating, which is the highest number of Indigenous-specific courts in any state.

From 1 January 2007 to 30 June 2009, 2389 referrals were made to the five evaluated Murri Courts. Of the 2389 referrals, 1833 (76.7 percent) have received a final sentence. This is inclusive of both the adults’ and children’s jurisdictions.

Statistics on the five adult evaluation courts indicates that 79 per cent of adult Murri Court participants were diverted from prison in 2008–09.

Nine ‘non-evaluation’ Murri Courts have been established in Cairns, Caloundra, Cherbourg, Cleveland, Coen, Ipswich, Mackay, Richlands and St George.

Discussions to establish further Murri Courts have been initiated by local magistrates, community Elders and court partners in several other communities across Queensland.

The growth in the number of Murri Courts is testimony to the support for and success of the program within Indigenous communities across Queensland.

The Australian Institute of Criminology (AIC) will return an evaluation report on the Murri Court program in September 2009. This report will form the basis for a new funding submission to the Cabinet Budget Review Committee to conduct the program from January 2010 onwards. Despite the uncertainty around ongoing funding, growing numbers of Indigenous communities are supporting the establishment of Murri Courts in their areas and several more Murri Courts are expected to open in the coming year.

### Lore Pole—Brisbane Magistrates Court

On 4 September 2008 at the Brisbane Magistrates Court a ceremony was held for the unveiling of a Lore Pole in the Murri Court. The Lore Pole from Aurukun in the Western Cape of Queensland represents the Kaha-Ngkum brothers and their message to remember their past and to live and survive the future.

The artist, Mr Joel Naallametta tells the story of the Lore Pole from the iron wood tree which is an upside down tree with many roots. Legend tells that the Kaha-Ngkum brothers deposited the roots of the iron wood tree in many locations and they became tribes and clans.

The Lore Pole symbol then attracted the dancing spirits of Kompo Puungam and Mutjuwa who gave the roots that the families of Kugu Mumih, Kugu-Uwinch.

Today the music, dances and ceremonies are what is lived by.

Positioned in the centre of the table in the Murri Court, the Lore Pole brings cultural significance and presence to the defendants and the Murri Court.
The Murri Court is effective in providing practical access to justice for Aboriginal and Torres Strait Islander offenders and provides responsive justice outcomes that focus on the rehabilitation and reintegration of Indigenous offenders into their community.

The role of the Elders

Elders provide cultural advice to the magistrate and cultural significance to the Murri Court. Elders play a key role in providing background information about the offender to the court and explaining the meaning of the magistrate’s questions or concerns to the offender if required. This is achieved through the Elders’ innate knowledge and understanding of culture and the community in which they live. The magistrate can also ask an Elder about the community impact of any court order being considered. Elders do not impose sentences on the offender. They are there to advise the court and to help facilitate communication between all parties. It is the magistrate who makes the final decisions and imposes sentencing.

Launch of the Murri Court DVD

On 16 July 2008, the Attorney-General launched the Murri Court DVD at a celebratory morning tea held at the Brisbane Magistrates court. The DVD was distributed to all registries and stakeholders within the program. The DVD complements the important work of Murri Court staff and is an important tool for informing stakeholders, court partners and members of the Indigenous community on the activities of the Murri Court.

The key to the Murri Court’s success has been the involvement of Elders and respected people in each community. This is reflected in the Queensland Murri Court DVD. The DVD reaffirms the court’s recognition of Elders and their traditional Indigenous values, and provides acknowledgement of the cultural and language differences between Indigenous and non-Indigenous Australians.

Queensland Indigenous Alcohol Diversion Program

The Queensland Indigenous Alcohol Diversion Program (QIADP) began in July 2007 as a three-year pilot at Cairns (including Yarrabah), Townsville (including Palm Island), and Rockhampton (including Woorabinda). The goal is to improve Indigenous health and reduce the over-representation of Indigenous people in the criminal justice and child protection systems. The program is made up of two elements—a family intervention stream and a criminal justice stream.

The features of the QIADP criminal justice stream include:

- bail-based pre-sentence program (participants can still plead not guilty at the end of program)
- a voluntary 20-week program designed to reduce alcohol consumption which leads to criminal and parental neglect behaviours
- eligibility is determined by the magistrate (participants must be at least 17 years old, be of Indigenous descent, be eligible for bail, and be charged with offences that can be dealt with summarily)
- suitability is determined by an alcohol, tobacco, and other drugs service clinical assessment (motivation, programs required and availability)
- participants are placed on an individual treatment plan developed by Queensland Health which has input from community justice groups and Indigenous service providers
• the plan is endorsed by the court and the defendant is placed on bail on condition they participate in the QIADP program

• successful completion must be taken into consideration by the magistrate in mitigating the penalty when the defendant is ultimately sentenced (Penalties and Sentences Act 1992 section 9 (2)(o) applies).

As of 30 June 2009, 74 participants have successfully graduated from the criminal justice stream of the program—32 from Cairns and Yarrabah, 10 in Townsville and 32 in Rockhampton and Woorabinda.

As of the same date, there are total of 61 participants actively engaging in the program in the six pilot sites.

This program aims to address the cycle of crime and child protection problems that are often associated with alcohol use and abuse. QIADP provides an option for people to participate in a structured intervention that can give them the skills and confidence needed to improve their health and wellbeing. Benefits of participating in the program include:

• improved family life, such as more stable relationships, enhanced parenting skills, and reunification of families

• enhanced community protection as participants are closely monitored during their participation in the treatment program

• improved personal health and social functioning of participants, leading to reduced demands on health services

• more appropriate sentencing of offenders based on detailed information obtained during their participation in the program

• ongoing support and assistance for offenders, such as education, employment, accommodation and health care

• reduced numbers of re-offenders, leading to cost savings for the community and the criminal justice system.

QIADP is currently being independently evaluated with the final report due in December 2009.

Drug Courts

Drug Courts are now in their ninth year of operation in South-East Queensland, and their seventh year in North Queensland. They were instituted under the Drug Court Act 2000 to impose and oversee intensive drug rehabilitation orders (IDRO’s) and are an attempt to break the drugs-crime-imprisonment cycle for heavy drug users. Drug Courts are at the ‘hard end’ of the court-sanctioned drug diversion spectrum. They provide intense rehabilitative intervention and supervision as an alternative to immediate imprisonment for seriously drug-dependent offenders whose dependence on illegal drugs leads them into criminal behaviour.

Drug Courts are set up to achieve five specific goals:

• to reduce the illicit drug-dependence of offenders

• to reduce the criminal activity associated with illicit drug use

• to reduce the health risks associated with illicit drug use by offenders

• to promote the rehabilitation of drug offenders and their reintegration into the community

• to reduce the pressure on court and prison systems.
In sentencing successful Drug Court program graduates to alternatives to actual imprisonment the community has been saved the cost of resources equivalent to 468 years of actual imprisonment time.

While the Department of Justice and Attorney-General is the lead agency for the Drug Courts, the program represents a joint initiative involving six other state public sector partners (Queensland Health; Queensland Corrective Services; Queensland Police Service; Legal Aid Queensland; Department of Communities; Department of Housing), as well as non-government community-based service providers.

The length of each Drug Court order is based on individual offender circumstances, but most offenders who persevere on the program take about 15 months to complete all of the three phases—detoxification, stabilisation, and reintegration. Whilst on the program, participants may be required to undergo rehabilitation in a residential centre setting, or they may be required to undertake community-based intervention. A supported-accommodation setting is also available to assist in re-establishing appropriate resettlement goals in the short term.

To graduate from the program, participants are required to have achieved a substantial period of abstinence from illicit drugs and either to be employed or have developed job-readiness skills by the end of the intervention.

The Drug Court program has been subject to a number of evaluations over the period of its development—the most recent being a study by the Australian Institute of Criminology (AIC) into the recidivism of the first 100 graduates of the program, published in March 2008. This study found that graduates’ general offending declined by around 80 per cent compared to the 12 month period prior to their undertaking the program. This recidivism outcome is 17 per cent better than that of two comparison groups—those Drug Court participants who did not finish the program, and a separate offender sample who had been sentenced to immediate imprisonment for similar drug-related offences. The study also found that, after graduating, the rate of property-related offending by graduates declined by 94 per cent compared with the pre-program period.

As of 30 June 2009, 2,042 referrals have been made to the Drug Court, from which 1,198 IDROs have been made in the five Queensland Magistrates Courts that offer the program. At this time, 789 ineligible candidates were returned to the mainstream courts for sentencing. Although 318 participants have successfully graduated from the program, 770 participants have been terminated from the program and sentenced, having been unable to remain drug and offence free despite the intense supervision and support provided to them.

Because graduates have persevered on the program to completion, they have been sentenced, on graduation, to alternatives to actual imprisonment Consequently, the community has been saved the cost of resources equivalent to 468 years of actual imprisonment time.

For numbers of participants supervised by the Drug Court as of 30 June 2009 see table 1.

Table 1. Drug Court supervision numbers by region as at 30 June 2009

<table>
<thead>
<tr>
<th></th>
<th>South-East Queensland</th>
<th>Townsville</th>
<th>Cairns</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number currently enrolled</td>
<td>87</td>
<td>12</td>
<td>11</td>
</tr>
<tr>
<td>Number in community</td>
<td>45</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Number in residential rehabs</td>
<td>29</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Number absconded (warrants)</td>
<td>13</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Total number referred</td>
<td>1,524</td>
<td>296</td>
<td>222</td>
</tr>
<tr>
<td>Total IDROs granted</td>
<td>898</td>
<td>178</td>
<td>122</td>
</tr>
<tr>
<td>Total number terminated</td>
<td>576</td>
<td>113</td>
<td>81</td>
</tr>
<tr>
<td>Total number graduated</td>
<td>236</td>
<td>48</td>
<td>34</td>
</tr>
</tbody>
</table>
As of 30 June 2009, 31 participants were accommodated in specialised residential rehabilitation centres such as Mirikal, Moonyah, Logan House, Fairhaven, Goldbridge and Goori House in South-East Queensland and Stagpole Street, Ozcare and Salvation Army facilities in North Queensland; 23 participants were also housed in accommodation support programs in both regions.

**Illicit Drugs Court Diversion Program**

The Illicit Drugs Court Diversion Program, funded by the Commonwealth Department of Health and Aging through the Queensland Illicit Drug Diversion Initiative, began in the Brisbane Magistrates Court district in March 2003 and was rolled out in all Queensland Magistrates Courts in July 2005. The program has currently been extended until 30 June 2010.

The Illicit Drugs Court Diversion Program is for offenders appearing in court in the early stages of drug-related criminal behaviour. Initially, the program was offered to eligible offenders charged with minor drug offences under section 9 (possession of a dangerous drug) and section 10(2) (possession of a drug utensil) of the *Drugs Misuse Act 1986*. However, the scope was expanded when legislation was passed in September 2007, which allowed offenders charged under section 10(4) of the Act (a person who fails to dispose of a syringe and fails to take reasonable care with a syringe) to be included on the program.

This diversion program allows adult and juvenile offenders the option of rehabilitation through counselling and an opportunity to minimise their criminal history record because successful completion of the program means no conviction is recorded. The court places suitable candidates on a recognisance order (also known as a good behaviour bond), under section 19(1)(b) of the *Penalties and Sentences Act 1992*, with a condition to attend a drug assessment and education session. A qualified health service provider then conducts the combined assessment, education and counselling session with the offender, which is usually of about two hours duration. The offender is also provided with information and advice on the health effects of illicit drug use and the legal consequences of continued use.

Figure 1 summarises the statistical information on this program from inception to 30 June 2009.

**Figure 1. Illicit Drugs Court Diversion Program statistics, March 2003 to 30 June 2009.**

<table>
<thead>
<tr>
<th>Total diversion assessments</th>
<th>20,034</th>
</tr>
</thead>
<tbody>
<tr>
<td>Result: not diverted</td>
<td>2,320</td>
</tr>
<tr>
<td>Result: diverted into program</td>
<td>17,714</td>
</tr>
<tr>
<td>Diversion program completed</td>
<td>15,910 (89.8%)</td>
</tr>
<tr>
<td>Diversion program terminated</td>
<td>1,647 (9.3%)</td>
</tr>
<tr>
<td>Diversion process incomplete</td>
<td>157 (0.9%)</td>
</tr>
</tbody>
</table>

The compliance rate for counselling session attendance has consistently averaged 90 per cent. In default of compliance, action is taken to forfeit the offender’s recognisance and resentence the offender by the court.

A detailed review of recidivism patterns of program graduates was undertaken in November 2007. An analysis of all age groups, including juveniles, was examined for the period 2003–07. The results indicate that the re-offending rate for program graduates is significantly lower (30 per cent) for first-time offenders compared with program graduates with a history of
Program reviews indicate that program participation, at least in the short term, could be a factor in reducing or delaying further illicit drug use and criminal drug activity.

court appearances (67 per cent). These figures indicate that program participation, at least in the short term, could be a factor in reducing or delaying further illicit drug use and criminal drug activity.

**Queensland Magistrates Early Referral into Treatment Program**

The Queensland Magistrates Early Referral into Treatment program (QMERIT) commenced in August 2006 with pilot programs in the Maroochydore and Redcliffe Magistrates Courts. This program is funded by the Commonwealth Department of Health and Aging in support of the Queensland Illicit Drugs Diversion Initiative. QMERIT is for offenders with moderate drug offending histories. It encourages individuals who are charged with drug-related offences to take responsibility for their drug-related behaviour and undertake treatment for their illicit drug-use problems while they are on bail and before they are sentenced.

The QMERIT program is based on legislative amendments (section 11) made to the *Bail Act 1980* which allows magistrates to impose on a defendant, as a condition of bail, participation in a treatment program for a minimum of four months and, if required, to submit to an after-care program. This form of pre-sentence diversion program is an alternative to imposing treatment as a condition of sentence, such as the Drug Court program.

While on bail, the offender is obliged to engage in a drug treatment program, abide by any other conditions of bail and comply with the QMERIT court liaison and case management service agreement. Participants have the support and guidance of a caseworker and are required to appear before the magistrate throughout the bail period, during which time the magistrate receives reports on the progress of the treatment.

Tables 2 and 3 shows the referral and outcome statistics as at 30 June 2009, of the offenders referred to the QMERIT program at Maroochydore and Redcliffe courts. For statistics relating to principle drugs of concern see table 4.
Table 2. Maroochydore and Redcliffe QMERIT referral statistics as at 30 June 2009 (all referrals).

<table>
<thead>
<tr>
<th></th>
<th>Maroochydore</th>
<th>Redcliffe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total: all referrals</td>
<td>491</td>
<td>383</td>
</tr>
<tr>
<td>Eligible referrals: admitted to program</td>
<td>246</td>
<td>186</td>
</tr>
<tr>
<td>Ineligible referrals: (reason)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Charged with indictable offences</td>
<td>(43)</td>
<td>(5)</td>
</tr>
<tr>
<td>Not an adult</td>
<td>(2)</td>
<td>(2)</td>
</tr>
<tr>
<td>No demonstrable drug problem</td>
<td>(11)</td>
<td>(20)</td>
</tr>
<tr>
<td>Not eligible for bail</td>
<td>(21)</td>
<td>(24)</td>
</tr>
<tr>
<td>Unsuitable referrals: (reason)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resides outside of effective treatment area</td>
<td>(14)</td>
<td>(1)</td>
</tr>
<tr>
<td>Already in court ordered treatment</td>
<td>(7)</td>
<td>(5)</td>
</tr>
<tr>
<td>Mental health problem</td>
<td>(8)</td>
<td>(11)</td>
</tr>
<tr>
<td>Unwilling to participate</td>
<td>(123)</td>
<td>(59)</td>
</tr>
<tr>
<td>Other</td>
<td>(9)</td>
<td>(68)</td>
</tr>
<tr>
<td>Pending assessment referrals:</td>
<td>7</td>
<td>2</td>
</tr>
</tbody>
</table>

Table 3. Maroochydore and Redcliffe QMERIT outcome statistics for all admitted participants as at 30 June 2009.

<table>
<thead>
<tr>
<th></th>
<th>Maroochydore</th>
<th>Redcliffe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total: admitted to program</td>
<td>246</td>
<td>186</td>
</tr>
<tr>
<td>Current participants</td>
<td>41</td>
<td>24</td>
</tr>
<tr>
<td>Completed not graduated (not drug free)</td>
<td>24</td>
<td>15</td>
</tr>
<tr>
<td>Breached</td>
<td>52</td>
<td>73</td>
</tr>
<tr>
<td>Withdrew</td>
<td>40</td>
<td>11</td>
</tr>
<tr>
<td>Transferred</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Graduated</td>
<td>88</td>
<td>63</td>
</tr>
</tbody>
</table>

Table 4. Maroochydore and Redcliffe QMERIT principle drug of concern statistics for all referrals as at 30 June 2009.

<table>
<thead>
<tr>
<th></th>
<th>Maroochydore</th>
<th>Redcliffe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total: principle drug of concern</td>
<td>491</td>
<td>383</td>
</tr>
<tr>
<td>Cannabis</td>
<td>235</td>
<td>199</td>
</tr>
<tr>
<td>Amphetamines</td>
<td>125</td>
<td>57</td>
</tr>
<tr>
<td>Opiates</td>
<td>44</td>
<td>3</td>
</tr>
<tr>
<td>Poly drug</td>
<td>24</td>
<td>107</td>
</tr>
<tr>
<td>Other</td>
<td>63</td>
<td>17</td>
</tr>
</tbody>
</table>

Turning Point is currently evaluating the program. The first draft is anticipated in early 2010.
Statistical Analysis Unit

The Statistical Analysis Unit (SAU) is tasked with undertaking project work associated with improving the Department of Justice and Attorney-General’s (JAG) management of performance information and statistical data. The unit is managed by Daryl Villalba, who is joined by three statistical officers.

The SAU performs the following tasks:

- collates and prepares statistics for advice to:
  - the Attorney-General
  - other justice agencies
  - the media
  - interested stakeholders
  - universities
  - members of the public
- coordinates the annual data collection for the Australian Government’s Report on Government Services (RoGS) and Criminal Courts Australia publications
- liaises with and assists the following organisations with the collection of statistics:
  - National Criminal Courts Statistics Unit (NCCSU)
  - Australian Bureau of Statistics (ABS)
  - Court Practitioners Group (CPG)
  - Council of Australian Governments—Steering Committee for the Review of Government Service Provision, RoGS
  - Office of Economic and Statistical Research (OESR)
- represents JAG at various inter-departmental and inter-government forums and working groups such as crime statistics network.

Office of the State Coroner

The Office of the State Coroner (OSC) supports the State Coroner in administering and overseeing a coordinated coronial system in Queensland. The OSC provides legal and administrative support to the State Coroner, the Deputy State Coroner, the Brisbane Coroner, the Northern Coroner, the Southern Coroner and local coroners and registry staff in Magistrates Courts across Queensland.
the state. The office also provides publicly accessible information to families and others about coronial matters, as well as maintaining a central point of contact for the coronial system.

The registrar of the OSC is Brigita White. The OSC comprises 30 staff members. Of these, 22 are based in Brisbane, four in the Northern Coroner’s office in Cairns and four in the Southern Coroner’s office in Southport.

The Coroners Case Management System (CCMS) will begin operation on 1 July 2009. This system is designed to significantly improve the management of coronial files, to provide more detailed and accurate information about these files and to interface with the National Coroners Information System.

During 2008–09, the OSC implemented improvements to provide better support to families. These include providing families with periodic updates about the progress of coronial investigations; more timely identification of families who might benefit from coronial counselling support; and supporting families’ attendance at inquests through the reservation of seating in the courtroom and the attendance of coronial counsellors during the hearing (if required).

The OSC has also participated in regular forums with key stakeholders including Queensland Health, the Queensland Police Service, the Health Quality and Complaints Commission and representatives of the funeral industry, with a view to improving communication and interaction with our coronial partners.

Courts Capability and Development Unit (CCDU) incorporating the Training Support Unit (TSU)

The Courts Capability and Development Unit (CCDU) primarily conducts online and face-to-face training for magistrates and District and Supreme Court staff across Queensland. It provides courses and information sessions for external clients and community groups involved in the justice system. CCDU also administers the Training Support Unit (TSU), which provides phone support and face-to-face training to court staff in updating criminal or civil databases.

Paul Ramage is the Executive Manager of CCDU. His team of 10 staff members comprise of administration officers, an educational support officer, training officers, and training phone support officers. CCDU members pride themselves in always offering assistance whenever required—a number of staff have provided community support and assistance across the state following natural disasters.

There have been a number of milestones for CCDU throughout 2008–09. It conducted 67 courses, four regional weeks and trained over 636 individual staff in person and countless staff via online training material. CCDU currently offers 11 face-to-face courses, three information sessions, seven online courses, a Certificate IV in Government (Court Services) and a Diploma in Government (Court Services).

The nationally recognised Diploma in Government (Court Services) program is delivered in Brisbane and online by CCDU with the support of the Brisbane North Institute of TAFE (BNIT). It was specifically created to
The Courts Capability and Development Unit currently offers 11 face-to-face courses, three information sessions, seven online courses, a Certificate IV in Government (Court Services) and a Diploma in Government (Court Services).

deliver the key competencies required of court officers in Queensland and to meet the court officers’ learning development needs.

This training program, developed by CCDU and BNIT, is being considered by other states to train court staff in Victoria, New South Wales, ACT and Tasmania. Currently other states use external providers to train staff. Importantly it complements the Certificate IV in Government Services that was launched in 2008. There is no financial cost to staff undertaking the certificate or the diploma and qualification entitles most staff to additional remuneration.

During the early part of 2009, CCDU provided the training in relation to the new coronial database (CCMS). In all, 13 sessions were delivered between 6 March 2009 and 1 May 2009 with 61 attendees from 21 registries at four locations over a period of six weeks.

Justice Services Support

Justice Services Support (JSS) provides IT services in relation to the Queensland Wide Interlinked Courts (QWIC) and State Penalties Enforcement Registry (SPER) database systems, including IT services in relation to data extraction and reporting, systems analysis, software development and application support. JSS also provides software support for the Department of Justice and Attorney-General (JAG) components of the Integrated Justice Information Strategy (IJIS) systems and coordinates support for IJIS on behalf of all the criminal justice agencies involved in IJIS. The Director of JSS is Ron Huisman.

During 2008–09 JSS worked on the following projects:

- maintenance and minor enhancement of the QWIC application
- maintenance and minor enhancement of the SPER application
- IJIS Electronic Transmission of Court Results (ETCR)—this project delivers transmission of court result information from JAG to the Queensland Police Service, Department of Communities and Child Safety and the Office of the Director of Public Prosecutions
- Court Event Outcome Project (CEOP)—this project is related to the feasibility of capturing court events in the court, the inclusion of additional information into QWIC to support ETCR and the production of business cases to support changes to the courts’ business processes and QWIC to enable the full realisation of benefits from ETCR.

Regional operations

The six Queensland regional managers oversee regional operations on behalf of the entire department. They are based in Cairns, Townsville, Rockhampton, Caloundra, Toowoomba and Brisbane. The regional managers ensure the best possible staff practice and encourage community engagement, whilst continuing to strengthen inter-agency networks by the innovative use of resources between regional agencies.
Far North Queensland region

Regional Manager Rob White's Far North Queensland region includes:

- nine Magistrates Court offices
- six QGAP offices (JAG is the lead agency for two of these)
- one State Reporting Bureau centre
- one dispute resolution centre
- one Supreme and District Court designated stand alone registry (and one dual registry)
- one Murri Court
- one QIADP court
- three community justice centres
- one Office of the State Coroner.

Regional highlights

- In February 2009, the former Attorney-General Mr Kerry Shine MP officially opened the new Mareeba courthouse. The precinct now includes new rooms, the latest in court technology, and will have a secure link with the new adjoining police station for the safe transfer of prisoners when that building is completed.
- The regional manager attended regional managers coordination network (RMCN) meetings, regional community forums and other local stakeholders meetings which have strengthened the region's ability to better understand localised issues and respond in more appropriate ways to the needs of the community.
- The regional manager is a member of the RMCN Indigenous sub-committee which forms a framework of support to the Cape York Welfare Reform and Family Responsibilities Commission.
- In June 2009, more than 20 volunteer groups from Tully to Torres Strait were recognised for their significant contribution to and involvement in the justice system. Certificates were presented by the Attorney-General Mr Cameron Dick MP.
- All JAG centres in Far North Queensland participated in Queensland Law Week and NAIDOC week.
- Courts on circuits now have digital remote access. This latest aid in court technology allows deposition clerks to provide effective court processes and responses in remote and regional areas.

North Queensland region

Regional Manager Michael Bice's North Queensland region includes:

- 11 Magistrates Court Offices
- four QGAP offices (JAG is lead the agency for three of these)
- one State Reporting Bureau centre
- one dispute resolution centre
- one Supreme and District Court designated stand alone registry (and two dual District/Magistrates Court registries and two Supreme/District/Magistrates Court registries)
- two Murri Courts
- one QIADP court
• one Victim Assist Queensland research and training officer.

Regional highlights:
• Townsville and Mt Isa courts continue to provide a number of courts innovation programs such as the Murri Court in both the adults’ and children’s jurisdictions operating every week, and the Drug Court. The pilot bail-based Queensland Indigenous Alcohol Diversion Program (QIADP) is operating in the pilot sites of Townsville and Great Palm Island.
• Townsville Magistrates Court staff and regional managers office participated in a both a Townsville and Palm Island careers information day for members of the community. This has expanded to become a whole-of-government initiative that provides the community with a better understanding of both the availability of government services and the employment opportunities within Townsville-based state government departments.
• Court circuits were made challenging as the 2009 wet season and its consequential flood waters had a profound effect on the functioning of the Magistrates Court in the north west region.

Sunshine Coast/Wide Bay region
Acting Regional Manager Owen Glover’s Sunshine Coast/Wide Bay region includes:
• 18 Magistrates Court Offices
• one QGAP office (JAG is the lead agency)
• two State Reporting Bureau centres

Regional highlights:
• The Murri Court initiative has been well established in the region since 2006 in Cherbourg, Caboolture and Caloundra.
• Pine Rivers courthouse was completed and opened in September 2008. The state-of-the-art facility features two courtrooms as well as chambers, a registry, interview rooms and closed-circuit television facilities to allow child witnesses, vulnerable witnesses and domestic violence victims to give evidence in a private and secure environment. The old courthouse at Petrie closed its doors on 5 September 2008 and the Pine Rivers courthouse opened on 8 September 2008.
• The Pomona courthouse was active in its participation in Heritage Week on 14–15 May 2009 when they opened the courthouse facilities for walking tours. Due to the historical significance of the courthouse facility this activity was very well received by the local community.
• National Aboriginal and Islander Day Observance Committee (NAIDOC) week was represented by JAG in Murgon in July 2009 when staff handed out QGAP bags and general information on departmental services’ partner agencies.
Central Queensland

Regional Manager Michael Webb's Central Queensland region includes:

- 15 Magistrates Court offices
- Additionally a further six places where Magistrates Court is held
- 20 QGAP offices (JAG is the lead agency for six of these)
- two State Reporting Bureau centres
- two dispute resolution centres
- one Supreme and District Court designated stand alone registry (and three dual District/Magistrates Court registries and three Supreme/District/ Magistrates Court registries)
- two Murri Courts.

Regional highlights:

- Rockhampton Magistrates Court celebrated NAIDOC week hosting a community BBQ on the front lawns of the courthouse. The theme for NAIDOC Week in 2009 was ‘honouring our Elders, nurturing our youth’. The theme encouraged communities to acknowledge the status of Elders as leaders and role models for youth.

- The Central Queensland (CQ) regional manager, members of the courts innovation programs and Magistrates Courts staff participated in the celebration of the community of Woorabinda. The strong community life campaign was an education campaign to promote responsible alcohol consumption by celebrating the strengths of Indigenous communities to make healthy choices and to set and achieve goals. Woorabinda was the first community to support a total alcohol ban from 1 July 2008. The day was a huge success with numerous government agencies setting up stalls to promote the services delivered to the community.

- Staff from the Mackay Queensland Courts registry, Dispute Resolution Branch and the Office of the Director of Public Prosecutions celebrated Harmony Day. Harmony Day is held on 21 March each year and celebrates the cohesive and inclusive nature of our nation and celebrates the benefits of cultural diversity.

- The magnificent tree-lined main street of Childers came alive on the last weekend in July for the annual Childers Festival of Cultures. The courthouse opened its doors for several community organisations including the Isis Community Preschool and Kindergarten who operated fundraising activities.

- CQ embraced JAG’s Walk the Talk Challenge with staff from Childers, Mackay, Gladstone, Rockhampton, Moranbah and Longreach participating in the health and wellbeing initiative. The efforts of the crew have been outstanding with many members reaching the goal of 10 000 steps on a regular basis.

- On 26 August 2008 JAG staff promoted the many justice services offered to the community of Rockhampton by participating in Seniors Week. Seniors Week celebrated the valuable contribution seniors make to the community and to promote positive attitudes towards older people. Staff from Rockhampton Magistrates Court and dispute resolution centre participated in the event by conducting an information stand at the Seniors Expo Experience.
Several CQ courts including Mackay, Rockhampton, Gladstone, Bundaberg and Emerald participated in Law Week 2009. To help attract community interest in the services provided by the department many activities were organised including moot courts, guided tours and information sessions.

South-West region

Regional Manager Len Radnedge's South-West Queensland region includes:

- 16 Magistrates Court offices
- three QGAP offices (JAG is the lead agency for all)
- two State Reporting Bureau centres
- seven dual District/Magistrates Court registries and two Supreme/District/Magistrates Court registries
- two Murri Court
- three community justice centres.

Regional highlights:

- Community justice groups at Toowoomba, St George and Cunnamulla continued to provide Indigenous offenders with local community representation in those Magistrates Courts.
- Multicultural diversity continued to spread across the SWQ region, with Sudanese, Vietnamese and South American migrants joining local workers in various industries in Toowoomba, Charleville and Oakey. The needs of these groups were identified, with the RSM meeting and providing information to the Sudanese community through the Toowoomba Refugee and Migrant Support (TRAMS) service.

Our courts continued to be supported by volunteer groups in respect of domestic violence services, justice of the peace duties, and the provision of refreshments to court clients.

SWQ courts participated in Law Week.

Regional managers and registrars further strengthened JAG’s profile across the region through attendance and participation at:

- regional Ministerial Community Forums
- RMCN meetings (Ipswich, Toowoomba and Roma)
- negotiation table meetings (St George and Dirranbandi).

South-East region

Regional Manager Sean Harvey's South-East region includes:

- nine Magistrates Court offices
- one State Reporting Bureau centre
- one dispute resolution centre
- two District/Magistrates Court registries
- three Murri Courts
- Beenleigh and Southport Drug Court
- the Special Circumstances Court
- the Office of Child Protection conferencing.
Regional highlights:

- A Murri Court has been established at Richlands Magistrates Court significantly increasing the capacity of the court to meet the needs of Indigenous people within the justice system.

- The Drug Court continues to provide effective court diversion for participants at the Beenleigh and Southport Magistrates Courts.

- The Samoan community, in consultation with the Richlands Magistrates Court and the probation and parole service have developed a ten session support program to assist offenders and their families. There has been a 50 per cent success rate with offenders who participate in the program not re-offending.

- The Cleveland Magistrates Court is working with the Queensland Police Service, victims and offenders in an attitudinal driving workshop program designed to make offenders aware of the consequences of their actions.

- A new web-based phone system has been installed at the Southport Courthouse increasing efficiency and improving service delivery. The system provides instant access to important information for clients including jury schedules, fine payment options and birth, death, and marriage certificate applications.

- Staff at the Brisbane Magistrates Court regularly conduct tours of the building and facilities for visiting school students. Highlights of the tour include a full explanation of court procedures, visits to the Murri Court and Ceremonial Court and the opportunity to sit in on an ongoing case. Over the last year 2000 students from across South-East Queensland have taken part in these tours.

- As part of the Northern Gold Coast Coordinated Social Infrastructure Strategy, the regional manager has been leading the development of a service delivery plan to ensure adequate future justice services are delivered to this diverse and rapidly expanding area.
Courts information services

The 2007–08 annual report identified that support for magistrates was to transition to the IT support team within the Supreme and District Courts from 1 July 2007. Organisational change within the department resulted in two similar groups—the Information Management Branch and the Court Technology Group merging into a single unit called the Courts Information Services Branch (CISB), supporting all of Queensland Courts and all judicial officers. The present CISB Director is Mr Ashley Hill.

The merged branch incorporates the following teams:

- operations—which provides user support and day-to-day administration for court-related applications as well as service desk support to judicial officers
- systems—which manages and enhances court-related applications
- audio visual—which manages, supports and extends the audio and visual systems installed throughout the state
- Queensland Sentencing Information Service (QSIS)—provides a comprehensive collection of sentencing information to assist decision-makers on, and before, the Bench
- Queensland Courts communications—develops and manages the communication materials used by the Supreme, District and Magistrates Courts throughout Queensland.

Highlights

Digital recording

Previous annual reports have highlighted problems with the digital recording solution adopted by the courts. A renewed effort by CISB staff and the application provider resulted in rectification of many of the problems that reduced systemic reliability. In addition to work on the recording application, the Department of Justice and Attorney-General provided funding to upgrade server infrastructure and 20 per cent of the courtroom recording PCs. A network upgrade is also underway that will contribute to improved performance and reliability.

CISB has a high staff overhead in order to maintain efficient recording of hearings.
Queensland Courts communications

The Queensland Courts communications team maintains the Queensland Courts website and manages court-related communications projects.

The website is easy to navigate and targets key audiences such as jurors, the legal profession and self-represented litigants. The website received more than 10.8 million visits, proving the value of the site to the community and the legal profession.

Audio visual

During 2008–09 the audio visual team visited 48 courthouses to perform systems maintenance and carried out significant systems upgrades in 16 courtrooms. New capital works installations also occurred at two courthouses.

CISB also supports and maintains video conference facilities in selected correctional facilities and during 2008–09 significant upgrades were made to systems in five correctional centres.

The audio visual team is also involved in audio visual installations at the new Ipswich courthouse and audio visual design works for the new metropolitan courts.

Achievements

- improvement to the stability of the digital recording solution
- consolidating information management and audio visual capability into a single team.

Future directions

Future years will challenge CISB as it strives to deliver high quality services and maintain high quality systems in the face of shrinking revenue.

Acknowledgments

Mr Hill would like to acknowledge the effort of every member of CISB and commend the consistently high quality services delivered. Particular note should be made of the support shown for the branch merger and the tremendous efforts made to improve the digital recording solution.
Courthouses

Pine Rivers

The new Pine Rivers courthouse was officially opened by Anna Bligh, MP, Premier of Queensland on 13 September 2008.

The state-of-the-art facility features two courtrooms as well as chambers, a registry, interview rooms and closed-circuit television facilities to allow child witnesses, vulnerable witnesses and domestic violence victims to give evidence in a private and secure environment. It has the capacity for an additional courtroom.

The Pine Rivers courthouse was completed at an estimated cost of $10.1 million and was constructed in conjunction with a new watch house funded by the Queensland Police Service (QPS).

Palm Island

The new Pine Rivers Magistrates Court replaces the old Petrie Magistrates Court which closed its doors on 5 September 2008. The Pine Rivers courthouse opened for business 8 September 2008 and is situated at:

Pine Rivers Magistrates Court
374 Gympie Road
Strathpine Qld 4500

Palm Island courthouse

Palm Island

The new Palm Island Magistrates Court held its first sittings on 16 September 2008.

Located within a new state government office block, the courthouse facility comprises a courtroom, chamber, secured interviewing rooms for vulnerable witness and
domestic violence cases, a small registry office and two interview rooms. It is fitted with modern court facilities including digital recording.

The Magistrates Court currently sits on Palm Island five days a month.

Mareeba
The new Mareeba courthouse was officially opened 19 February 2009.

The new Mareeba courthouse precinct incorporates the historic Government Assay Laboratory office buildings. These National Trust buildings were renovated in accordance with EPA guidelines to form part of the new courthouse complex.

The $6.1 million courthouse is the first stage of an integrated police and court precinct planned for Mareeba. The courthouse will be linked with the future watch house and police station to facilitate secure movement of persons in custody.

On 12 December 2008 the last day dawned for the old courthouse which had opened in 1963. The new courthouse on Holt Street opened 15 December, 2008.

Regional courts

Warraber Island

Landing on Mer Island

Holding Court on Yam Island

The Torres Strait

By Cairns Magistrate Trevor Black

The ‘Torres’ court circuit commenced in January 2008, after former Chief Magistrate, Judge Marshall Irwin, and Cairns magistrate, Trevor Black, had conducted extensive consultation with Islander communities, (in particular, with community justice groups (CJGs) and respected Islander Elders) in late 2007.
The Torres Strait Islands are, by tradition, broken down into five recognised ‘cluster’ groups:

- western
- top western
- Port Kennedy
- central
- eastern.

The Port Kennedy cluster—constituted by Thursday Island (also known to local people as Waiben), Horn Island (Narupai), Prince of Wales Island (Muralug), Hammond Island (Kerriri)—is the administrative hub of the Torres Strait Islands and an amalgam of all the numerous cultures that have contributed to the growth of the region's fame. The Cairns magistracy conducts a separate and distinct circuit to Thursday Island on a monthly basis.

Each of the other cluster groups, however, are recognisably cultural diverse and disparate from each other. Each group contains a number of centres of population that have a community of interest with each other but also retain administrative links to the hub, Thursday Island.

The western cluster consists of the islands of Badu and Mabuiag and the communities of Kubin and St Paul's Village on Moa Island. Badu is the second most populous island in the Torres Strait after Thursday Island. At the peak of the pearl shell industry in the late 1950s, the Badu fleet of 13 boats employed a workforce of 200 providing work for many men, even from other islands. Baduans have a well-established and well-deserved reputation for entrepreneurism.

Kubin Village people are the descendants of displaced Aboriginal (Karurareg) inhabitants of Prince of Wales Island and Hammond Island. St Paul's, connected to Kubin and the island’s airstrip by 15 kilometres of gravel road, started as a reserve for Pacific Islanders who survived the restrictive immigration policies of the federal government in the early 1900s by inter-marriage with Torres Strait Islanders.

Mabuiag Island residents had a fierce reputation of resistance and hostility to outsiders, of all persuasions. It is a very small island but highly regarded as exercising significant influence in Islander affairs.

The western cluster is the closest to Thursday Island, approximately 30 minutes flying time from the airstrip on Horn Island (but 2–3 hours by dinghy, depending on sea conditions). It was to this cluster that Magistrate Court circuits were first extended, with the Badu Court opening December 2001.

The top-western cluster includes the islands of Duaun, Boigu and Saibai. The coastline of Papua New Guinea is clearly visible from Saibai and Boigu, (about six kilometres away) which are low laying swampy islands formed from detritus of the mighty Fly River. The predominant language is Kalaw Kawaw Ya with the people traditionally trading with, and historically being mortal enemies of, the Kiwai people of the Fly River region. To this day, there are almost daily visits from the Papuan Mabaduan and Sigabadaru villagers (to Saibai) and the Buzi and Berr villagers (to Boigu) in the hope of selling artefacts to their Australian counterparts or, sometimes, interested visiting court officials. These villagers also avail themselves of the shopping facilities on the Queensland islands that to us seem meagre but to them a virtual emporium. The Papua New Guineans are permitted to travel across the international border by virtue of traditional visitor permits negotiated with the Whitlam Government in the mid–1970s. The cluster is about 120 kms from Thursday Island—about one hour flying time.
The central cluster encompasses the beautiful sandy cays of Yam (lama), Warraber and Coconut (Poruma). These islands are each very small but are very important to Islander culture. A chief revered in Islander history, Kebisu, had his headquarters in these islands (also called the Three Sisters) and used them as a base for his canoes to trade and wage war on other communities and, in the early days, to attack intruding European ships. The people were fierce warriors. On Warraber, outside the building used as a courtroom, there is a mound of conch shells representing the human skulls that were once placed there by the head-hunters. The group is about 80 kilometres or about 45 minutes flying time from Thursday Island.

The eastern cluster group comprises the islands of Yorke (Masig), Stephen (Ugar), Darnley (Erub) and Murray (Mer) Islands. Yorke is more geographically aligned with the Three Sisters group but Stephen, Darnley and Mer are the last rocky outcrops of the Great Dividing Range. The concept of ‘terra nullius’ was destroyed by the legal actions of the Meriam people. Christianity came to the Torres Strait when missionaries landed on Erub in 1871. The airstrips on Darnley and Mer are perched on top of the islands; they are very short with steep drop-offs at each end and are about 140 kms or about 75 minutes flying time from Thursday Island.

The Torres circuit was designed with the reality of the cluster groups in mind. Each cluster group is visited each circuit month and alternative centres within the cluster group itself. For example, Boigu might be visited in January, and Saibai on the next circuit. This gives offenders an opportunity to appear on their home island or, alternatively, at a nearby community in the same cluster.

Unfortunately, the court cannot circuit all of the communities of the Torres Strait. The islands of Duaun and Ugar (Stephen) are too small for an airstrip and can only be accessed by helicopter or vessel. Duaun residents travel by a ferry to nearby Boigu/Saibai, whereas the community of Stephen Island utilises the resources of Darnley/Mer.

In consultation with the former Chief Magistrate, it was made clear that the people of St Paul's Village would not think that travelling across Moa Island to appear at Kubin Village would be a burden.

Poroma also were not anxious that the court service that centre.

Until recently, Mabuiag could not be utilised as a place for holding court. While the Islander aircraft chartered by the court and the legal service could negotiate a landing on the island’s very short strip, the police caravan aircraft could not. The police service has now acquired its own Islander aircraft and Mabuiag is being considered as a place for holding court commencing in 2010.

The court sits in a variety of structures and relies to a huge extent on the goodwill of the local CJGs, who set up the various venues used as courtrooms. The CJGs also are in a position to provide invaluable advice to the magistrate, not only as to local culture and traditions but also as to the defendant’s standing within the community.

In most of the communities the court sits in open community halls. The court becomes something of a social event, with interested spectators leaning in through open windows in an interlude to their daily activities. It has been the practice of the visiting magistrates to invite an Elder of the community to open the proceedings with a cultural welcome, often a prayer. The CJGs usually provides some refreshments, perhaps lunch, for the court and its participants.
Children from local schools sometimes are brought to the courtroom by their teachers as part of their civic education. This can occasionally cause embarrassment if some relative is appearing in the court on a charge. The court has to be creative to provide the ‘closed’ court to enable juvenile offenders and domestic violence applications to be dealt with.

There are some very interesting local variations. On Yorke (Masig) Island the court sits under a huge fig tree planted to commemorate the visit to Australia of Her Majesty Queen Elizabeth in 1954. Community police close the road that runs past the venue and the ‘watticula’, (a huge stone that, in pre-colonial times, offenders were sentenced to carry around the island from daylight to dark) is displayed, connecting the modern court to the law/lore of previous times.

On Darnley (Erub) Island, the court has sat under the ‘edonilu’, tree of knowledge under which the community has met for generations to discuss relevant issues. Unfortunately, inclement weather and the noise of the community as it goes about its business have forced a re-think of this culturally appropriate venue.

On Mer, the magistrate is joined on the bench by two Elders who sit as cultural advisors for the community. A seuri seuri, and a sim leaf is often present to represent a symbol of peace and the desire that the court proceedings will bring peace to the community.

Southern Queensland regional circuit courts

By Warwick Magistrate Anne Thacker

Sitting Southern Downs regional courts, a magistrate’s work begins with preparations that appear to have little to do with legal knowledge, adjudicating and even perhaps legal decision-making. On the regional circuit, we start with ‘Where are we tomorrow?’

If tomorrow we are at Warwick: ‘Is it going to rain?’ Some might say the drought is a blessing, because if it’s going to rain special attention is given to who might rub shoulders with whom in the small waiting room outside the courtroom and in the registry. Mixing law abiding citizens going about their duties to register births, obtain passports etc. with criminals, witnesses and opposing witnesses, motor traffic offenders and drug traffic offenders cannot be avoided. Separating parties to domestic violence, and victims from alleged offenders becomes a logistical imperative only possible by utilising the park across the road.
Change comes slowly to these parts of the country. A Court of Petty Sessions first heard cases here from November 1847. The first courthouse was a slab structure built in Alice Street, Warwick. Then in 1862 tenders were called for a new courthouse. The new brick building was completed in October 1863. However, on completion the Courier Mail reported it was ‘unsuitable for the requirements of large and influential districts like ours’.

On 13 May 1885 it was decided to buy a site for a new courthouse on the corner of Fitzroy and Guy Streets. Construction was undertaken in a very informal fashion it would appear from the records which note that a clock tower was not part of the original design but added during construction. The stone subcontractor was outdone by the builder who offered to build the entire building of stone at a lower cost than the tender accepted for brick and cement. Problems were encountered with the foundations and suddenly the building was raised by six inches to provide for surface drains. After the building was completed it was discovered to be excessively draughty and with poor acoustics so a false ceiling was added to reduce the volume of the courtroom and improve acoustics. The courthouse still in use today was completed in 1886. A few changes were made to the building inside during the 1970s but mainly to ensure larger rooms were divided to make more rooms, close up old fireplaces and add inside toilets. The inside toilets are not for public use. The old toilets outside are a place of great mystery. The cistern has disappeared twice this year.

As well as drought the country has experienced a mice plague worth mentioning as one day I had a mouse appear in court beside the bar table, look at me, scuffle in apparent indignation and run behind the bookcase.

If tomorrow the court sits at Stanthorpe: the clerks must be instructed to pack only bare essentials and reminded not to wear high heel shoes. The courtroom is upstairs in a wonderful old art deco building but with no lift. Boxes of files and equipment must be carried upstairs. Sometimes the court must come downstairs to hear matters involving people in wheelchairs, the elderly and infirm. Stanthorpe attracts many overseas backpackers who come seasonally to pick fruit, drink wine from the local vineyards and sometimes end up before the court. Language barriers are sometimes overcome by use of the telephone interpreter service and often by patient questioning and hand gestures. Cultural differences and just plain different lifestyles can become a source of education for all. The prosecutor was surprised to learn one day that Korea has more multilane motorways than South East Queensland. More recently, I was taken by surprise with a claim that the respondent caused ‘the problem’ because gouges made along a dirt road could not be measured, as they were smudged out by his land rover when he refused to stop. It was apparently necessary to measure the gouges to determine the size of a UFO seen attempting to land.

If tomorrow we are at Goondiwindi: check the car for fuel, pack the car with work and personal belongings as we'll sleep over a few nights. Don't forget to book ahead for accommodation or you could be sleeping in the courthouse.... Check the weather—if it's foggy we may delay departure. Goondiwindi has a court list special to itself as some people manage to be called before court on both sides of the border and come to each for everything or come to neither and send explanations that don't relate to the charges at hand. Bail conditions can become very messy as they seek to manage a defendant's movements between townships on either side of the border. Distance rules all decisions and compounds errors. So if it is forgotten that court
is sitting—as happened earlier this year—a defendant in custody was transported to Warwick and then all the way back to Goondiwindi. Meetings are always an added extra as the court attempts new and different strategies to address the difficulties faced by Murri people living around the border country. Goondiwindi often requires lateral thinking attempts: one day a prisoner had to be driven around the block in the police van as he refused to stop yelling and banging on the cell door and windows which stopped court hearing anything in the courtroom.

Distance will never change. Mice plagues come and go. The buildings rarely change except to rest heavier on their foundations but 21st century equipment and know-how effects a different working environment even in the country. Video-conferencing facilities reduce the need for prisoners to be transported from the prisons and make it easier for long-distance witnesses to give evidence. The Next–G network keeps us closer to our city-based colleagues and sources of information. Perhaps in the future with better mobile technology we might not need buildings at all.

**A regional magistrate**

By Mareeba Magistrate Tom Braes

A regional magistrate enjoys a privileged position in the community. No doubt all judicial officers are afforded respect from their communities, however the regional magistrate lacks the anonymity a city magistrate may enjoy.

Having practiced law in the district for about 20 years I have necessarily been involved in many associations, committees and events.

I continue my involvement in a limited way as a member of the Mareeba Lions Club, and as President of the Mareeba Heritage Centre.

This familiarity with the community is good and bad. I live in the community I grew up in and have all the contacts that make life enjoyable. The downside is the possible security issues.

Until I moved to a rural block my drive to work lasted 1.5 minutes. Having moved out of town my drive now lasts 10 minutes. I park my car 20 metres from the brand new chambers.

A regional magistrate does not enjoy the benefit of the company of other magistrates. Conferences and seminars are important to a regional magistrate not only from an educational point of view but also maintaining and creating friendships and contacts. A regional magistrate must above all things be organised and prepared. This is not always easy as there are often surprises and visited centres generally do not have any legal resources—keeping one step ahead becomes second nature.

In my region I sit in Mareeba every Monday. The order of business is supposed to be:

- 9.00 am small claims and civil, domestic violence, juvenile justice
- 9.30 am general list
- 2.00 pm video court (Lotus Glen Correctional Centre), child protection, and then back to the general callover.

This routine is very flexible with the continuity of flow of proceedings being the objective.
This regime is repeated in Atherton and Mossman most Tuesdays and Wednesdays. Occasionally circuits to Mount Garnett (a two-hour, one-way road trip) and Georgetown (two-hour flight) replace the Atherton and Mossman trips.

As the usual week has only two hearing days, a couple of hearing weeks have to be factored into the diary to accommodate lengthy matters and to act as a brake or trench to maintain the diary within acceptable limits.

Mareeba enjoys a new modern courthouse building which provides comfortable accommodation and a modern technologically advanced working environment. A new police station is being built next door to the new courthouse. This will provide direct secure access from the watch house to the courtroom which will remove the present totally unsatisfactory situation of prisoners being walked across the street and through the public areas of the courthouse to access the courtroom and prisoners dock.

As with everything, being a regional magistrate is as good or as bad as you make it. You have responsibility for the smooth operation of your court(s) but you also enjoy a degree of autonomy.

The opportunity to accept an appointment as a regional magistrate has allowed me to serve my local community and allowed my family to enjoy the rewards that flow from living a country lifestyle.
Law Week

Queensland Law Week ran from 11–17 May 2009 and provided an opportunity for the Magistrates Courts to engage with the community throughout the state.

Many courthouses participated and made information about the courts available to the public in a variety of ways. Information stands were popular and Emerald courthouse provided information bags which were also delivered to two local schools. The registrar of the Tully Magistrates Court delivered a presentation to the Tully State High School and Mount Isa held a public information session.

Mackay courthouse held three days of moot trials and conducted guided tours through the courthouse building.

At the Brisbane Magistrates Courts an open day attracted a record crowd of nearly 700 people, who enjoyed mock trials, information sessions and court tours.
Court Network

Court Network is a not-for-profit, Australian organisation which commenced in Victoria in 1980. Working with paid staff and highly trained/supervised volunteers the service offers non-legal information, support and referral to all persons attending the court complex (which includes all individuals, families and friends going to court). The organisation has strong working and referral relationships with Legal Aid Queensland (including duty lawyers), Relationships Australia, Protect All Children Today Inc., Salvation Army, domestic violence services, Corrective Services, Forensic Mental Health, QPILCH, Prison Transport Group, Centrelink, Child Support Agency, Women’s Legal Service and other community and legal services. Court Network was launched in Brisbane in December 2006 in the Commonwealth Law Courts and expanded into the Supreme and District Courts in January 2008.

The past year saw the launch of a pilot program of the Court Network service into the Brisbane Magistrates Court in January 2009 and has now gained funding to continue its work with the support of funding received from the Legal Practitioner Interest on Trust Accounts Fund (LPITAF) Grants Fund. A launch of the Court Network program was held in the Brisbane Magistrates Court on 19 January 2009.

With a vision for a more humanitarian approach to court support and to programs designed to reduce recidivism, Court Network is looking to roll out its services to the Childrens Court and other locations in 2010.

Court Network is piloting an innovative program, funded by Corrective Services, to provide a service to prisoners who are released directly into the courts from remand. This valuable service was identified due to a lack of support for people being released. The Restart Program began officially in May 2009 and is piloting in the Supreme and District Court and the Magistrates Court on George Street.

The program has the capacity to offer clients travel funds, food vouchers, personal packs (for those that are requiring crisis accommodation) and phone cards. In addition to these resources they are also offered information and referrals which can include:

- coordinating transport
- housing/accommodation options—working with Ozcare Hostel and Aboriginal Hostels Ltd
- employment services—working with Boystown and CEA Group
• counselling and support services—working with qualified psychologists who are willing to bulk bill people who have been incarcerated

• identification requirements such as birth certificate application forms

• probation and parole—working with staff and providing information

• budgeting—working with Relationships Australia

• Child Support Agency information—information packs available

• Centrelink benefits—working with staff and information on various crisis payments, reporting requirements and office location information

• reconnecting relationships—working with Relationships Australia.

The service is being offered to people who fall outside the scope of the transitions program offered to those prisoners who have served the length of their sentence and have a set release date.

Strong relationships have been built with many external service providers to ensure quality and consistent referrals can be offered to any person attending court. This has included identifying and liaising with existing court support organisations to ensure services are not duplicated and that they are aware of the new initiative.

During the Dr Jayant Patel hearing in February the Court Network volunteers (called ‘networkers’) supported the expert witnesses upon their arrival and before they were called into court. Four networkers daily were required for that level of support and were coordinated by their program manager.

Networkers utilising the outreaching model of approach continues and as a result many members of the public are now approaching individual networkers or the networker’s room to seek their assistance.

Due to the networker’s highly visible presence by wearing distinctive pink lanyards and their constant vigilance in assisting when appropriate, the volunteers appear to be an integral part of court support. They are recognised and known by security and many court staff. Networkers have also assisted by ensuring court users access the other court support programs located within its complex including Legal Aid Queensland, Mensline and Salvation Army.

The valued team of 12 highly trained networkers in the Brisbane Magistrates Court will continue to grow over the next 12 months.

A future direction will be to enhance the cultural diversity amongst volunteers in order to improve services.

From February to June 2009 (five months) Court Network has assisted over 1124 court users in the Brisbane Magistrates Court.
The Salvation Army Court Chaplaincy Service

Bruce Robinson (Major)
The Salvation Army
Chaplaincy Advisor

It is for some years that the Department of Justice and Attorney-General (JAG) and The Salvation Army have enjoyed a provision of service to members of the community. I personally have served for nearly six years as a chaplain to a number of courts in the wider Brisbane area. Others have gone before me for many years and I trust that this service and cooperation will continue long after I have gone.

What do we do?

We are Christians who try to view people the way God sees them. We are a very practical expression of His care for all. Sometimes described as ‘God with skin on.’ Therefore our Chaplaincy Service has a desire to let people know that when they are in need, they are not alone. We are not there to pass judgement; we leave that to the courts. Our desire is to help people walk the journey through the justice system. Sometimes this is done with the connection of a smile, on other occasions it means allowing the person to sit in a quiet and private place while they try and think through what is happening.

When you are in contact with the public, no day is the same. The same is true for our chaplains. Every day is a new adventure. Something will happen each day which sets it apart from another. We may be asked by a magistrate to speak to someone in custody and this may lead to contact with a distressed, disappointed or even angry family at court, at home or somewhere else in the country. Chaplains take the opportunity to visit distressed families whose family life has been disrupted because someone has been detained in custody. Chaplains are often granted the opportunity to visit the court and watch house cells to talk with those held there. When we acknowledge this kindness granted to us and say thank you we are often thanked by staff for being there because it helps those in custody to settle down and become more cooperative with directions given to them.

I would say it is rare that a day goes by where the chaplains do not meet a family at court where a member of that family has been arrested and they are anxious to find out what has happened. Sometimes they may come with clothes for them to wear; they may have some medication that they need to take; they may have some documents that are needed to presented in court... the list goes on. The chaplain is able to help them get to the right person. This only happens through the acceptance and support we receive for the team members of the courts and watch house/court cell staff.

Sometimes a staff member for the courts or allied services will ask the chaplain to speak with someone. They have seen that someone is in need of support so they come and ask if we might be able to assist. This usually means that the person needs a place to sit for a while out of the public eye, have a drink (not alcohol) and begin to compose themselves. We are most thankful that the courts are able to provide us with such a place where we can sit with them and allow them to talk through the matters. We do not offer legal advice but are able to link them to those who can. Duty solicitors are often helpful for these matters. Sometimes
a solicitor will come to us and ask if we might just stay with a client while the solicitor goes and attends to the legal preparation. This we are happy to do. There are times when chaplains are asked by persons who have been remanded in custody to visit their family. This sometimes leads to an ongoing support role.

Our chaplains will sit in the court and view persons who attend court. If they are showing obvious signs of anxiety we would approach them and ask if we can assist. This might be through the simple layperson type of explanation of court procedures. With this little explanation they can be comforted and more at ease with what is happening.

An interaction with a person at court is often initiated by the chaplain who sees a person sitting in the waiting room and asks if they need any assistance. The person is often too daunted by the environment to make an approach for help but then, once offered, values the assistance given.

The Salvation Army have chaplains based in courts in different parts of the state: Cairns, Rockhampton, George Street Brisbane, Roma Street Brisbane, Ipswich, Beenleigh and Southport. We are sometimes asked by members of the public to accompany them to other courts and stay with them for support and we have been able to do so.

From my experience each place has different needs so there is a differing role for the chaplain and we strive to be flexible to meet the required need. Our desire is to support and work within the given structure of the courts. I think we do this well. We have chaplains who assist in the Drug Courts at Ipswich, Beenleigh and Southport by facilitating the positive lifestyle program. We have chaplains who assist in the Special Circumstances Court in Brisbane.

We enjoy what we do and are happy in our service. If you are attending court, please feel free to come and make yourself know to the chaplain who may be operating at your facility.
### Appendix 1: Criminal Lodgments

<table>
<thead>
<tr>
<th>Location</th>
<th>Magistrates Court</th>
<th>Childrens Court</th>
<th>Total Charges</th>
<th>% of State Total</th>
<th>% of Defendants that are Children</th>
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### Appendix 1: Criminal lodgments (continued)

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<th>% of state total</th>
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Appendices
### Appendix 1: Criminal lodgments (continued)

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<th>Magistrates Court</th>
<th>Number of defendants</th>
<th>Number of charges</th>
<th>Number of defendants</th>
<th>Number of charges</th>
<th>Total charges</th>
<th>% of state total</th>
<th>% of defendants that are children</th>
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### Appendix 1: Criminal lodgments (continued)

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<th>% of Defendants that are children</th>
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### Appendix 1: Criminal lodgments (continued)

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### Appendix 4: Child protection applications and orders (continued)

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Appendix 5: Magistrates circuit courts

Note: Magistrate is resident in centres underlined.