

Our people



OUR PEOPLE

New appointments



Magistrate Janelle Brassington —Southport

Magistrate Brassington was sworn in on 22 August 2005 and was then officially welcomed to the bench at the Southport Magistrates Court.

She came to the law as a registered nurse, having been born in Charleville and grown up in Mount Isa. She commenced her legal studies in 1985, graduated from the University of Queensland in 1990, and was admitted as a barrister in 1992.

She joined the ODPP in 1990 as an administrative officer. During her ten years with the ODPP, she worked in various positions including as a legal officer and as a prosecutor. She also drafted the ODPP's procedures for the implementation of the Criminal Offence Victim Act 1995 as well as a manual for ODPP lawyers to provide guidance to them on preparing prosecution briefs of evidence.

In 2001, Magistrate Brassington commenced working in the then Policy and Legislation Division (now Strategic Policy) in JAG where she was involved in policy projects including the *Crimes at Sea Act 2002*, *Drugs Misuse Amendment Act 2002*, *Terrorism (Commonwealth Powers) Act 2002*, *Evidence (Protection of Children) Amendment Act 2003*, and the *Sexual Offences (Protection of Children) Act 2003*.

In 2005, she worked with the Director-General of JAG as Project Director for a Review of the ODPP which led to a series of recommendations for the re-organisation of that office. She then acted as Executive Director of the ODPP to oversee the implementation of the review's recommendations.

Magistrate Brassington's regional background, her depth of legal and medical knowledge, along with her involvement in a busy family life make her highly qualified to appreciate the justice issues that concern community members throughout Queensland and to make a significant contribution to the court.



Magistrate Alec Chilcott —Southport

When Magistrate Chilcott was appointed on 1 August 2005, not only did he bring to the bench 31 years of experience in the Queensland Magistrates Court, but also 17 years experience as an Acting Magistrate.

He initially started his working life as a jackeroo and then as a clerk in the Departments of Railways and Main Roads. He moved to the Department of Justice in 1974 and served in the Magistrates Court at Barcaldine, Brisbane, Bundaberg, Coolangatta, Gladstone and Ipswich where he held a number of positions including depositions clerk, assistant Clerk of the Court, and Registrar.

In 1988, he was admitted as a barrister, commenced duty as Registrar at Sandgate and was appointed an Acting Magistrate. He is a member of the Australian Coroners Society, the Australian Institute of Judicial Administration, and the Australian Institute of Management.

Magistrate Chilcott has a keen interest in sport and half-marathon running and, wherever he has lived he has been actively involved in community life.

His considerable experience on the bench while relieving various Magistrates at Brisbane and in regional centres, combined with his personal qualities of empathy, courtesy and fairness make him an ideal appointee to our bench.

The Chief Magistrate has announced that Magistrate Chilcott will be transferred to the Redcliffe Magistrates Court from 1 August 2006.



Magistrate Suzette Coates —Cairns

Magistrate Coates was sworn in on 30 January 2006 and was then officially welcomed to the bench at the Cairns Magistrates Court.

Prior to her appointment to the magistracy, she was a solicitor for 29 years, having been admitted in Queensland in 1977 and in New South Wales in 1979. Her early legal experience was gained with the Aboriginal and Torres Strait Islanders Legal Service in Sydney, Brisbane and Cairns, as well as with Legal Aid Queensland (LAQ). In 1983, she coordinated the introduction of LAQ's Duty Lawyer Scheme in the Brisbane Magistrates Court and organised, in conjunction with the Queensland Law Society, the first Duty Lawyer Accreditation Scheme. She was a co-author of the first outline of the now much-used Duty Lawyer Handbook. She also worked extensively with Indigenous families in North Queensland during the Royal Commission into Aboriginal Deaths in Custody.

Magistrate Coates returned to her home area in 1991 where she established and conducted a sole practice in Atherton. Prior to her appointment to the magistracy, she carried out a number of official roles in our State, including:

- Member of the Anti-Discrimination Tribunal (since 1994)
- Member of the Queensland Women's Consultative Committee for the Reference of Women and the Law (1995)
- Children's Representative appointed by Legal Aid Queensland (1996)
- Official Visitor (legal) to Lotus Glen Correctional Centre (1998–2004)
- Member of Native Title Practitioners Panel (since 1999)
- Part-time Commissioner for the Crime and Misconduct Commission (since November 2004).

In addition to a broad range of professional, legal and adjudicative experience, Magistrate Coates was involved in the community in the Far North Queensland region through her family's rural interests on the Tableland, her pro bono work with the Aboriginal and Torres Strait Islander community and their corporations, the Tablelands Junior Soccer Association and the Atherton Tablelands Business Women's Club.

Magistrate Coates is intimately aware of the justice issues that concern the diverse communities within the Court's northern region and the court appreciates the skills and knowledge she brings to the bench and values the contribution she can make to the court.



Magistrate Diane Fingleton —Caloundra

Magistrate Fingleton was admitted as a solicitor of the Supreme Court of Queensland in January 1984, having served as an articled clerk with the Brisbane legal firm of Roberts and Kane. During her legal studies, she identified the operation of community legal centres as an important avenue of access to justice for disadvantaged members of the community.

In 1985, she was appointed Legal Coordinator of the Caxton Legal Service in Brisbane where she became well-known for her strong commitment to social justice. She was involved with that service for five years. She also served for some time as a founding member of the Management Committee of the Women's Legal Service and later as the Executive Officer of the Queensland Women's Consultative Council.

Magistrate Fingleton was then appointed a Senior Policy Officer in the Office of Consumer Affairs. In the course of her service there, she was involved in the introduction of the Uniform Consumer Credit Code into the Queensland Parliament.

In May 1995, she was appointed Solicitor-in-Charge at the Queensland Legal Aid Office at Ipswich; it was from this position that she was appointed to the Queensland Magistrates Court in November 1995. While initially based in Brisbane, she convened the court at Dalby for 16 months and regularly travelled to the rural communities of Chinchilla, Oakey, St George, and Taroom for court.

In 1998, Magistrate Fingleton returned to Brisbane following her appointment as Deputy Chief Stipendiary Magistrate. In July 1999, she was appointed to the role of Chief Magistrate, the first woman to have been appointed to that position. During her term as Chief Magistrate, the Murri Court was established, she promoted the introduction of the Drug Court and the Office of State Coroner, and improved judicial training for magistrates.

She resigned on 1 July 2003 and was sworn in again as a magistrate on 12 September 2005 at a ceremony in the new Caloundra Magistrates Court.

Magistrate Fingleton's previous court experience, together with her understanding of social and justice issues, will contribute greatly in establishing an effective court centre that is highly valued by the community.



Magistrate Stephen Guttridge —Ipswich

Prior to his appointment to the Queensland Magistrates Court, Magistrate Guttridge was a barrister practising in the Wide Bay, Sunshine Coast, and Brisbane regions of Queensland. His advocacy work was principally in criminal and family law. He was sworn in as a magistrate on 22 August 2005 and, throughout the year, he has been one of three magistrates who constitute the court at Ipswich.

Magistrate Guttridge had 30 years' experience in the Queensland criminal justice system in a variety of roles including police officer, community corrections officer, social worker, manager and lawyer.

He began his career in the justice system as a police officer in New South Wales where he served for 12 months before deciding to study social work. Having attained a Bachelor of Social Work degree from the University of Queensland in 1981, he worked as a probation and parole officer with the Queensland Corrective Services Commission. During a ten-year career with the Commission, he worked as District Probation Officer in Mount Isa, Area Supervisor in Toowoomba, and Regional Manager for the Central Region of Community Corrections based in Rockhampton.

In this latter position, he was responsible for the provision of community corrections services from Gympie to Mackay and west to the Northern Territory border. Part of his work in that capacity entailed developing specific community service programs for remote Indigenous communities in Queensland. He has also served as a member of the Parole Board of Queensland.

In 1990, Magistrate Guttridge was awarded a Bachelor of Laws degree from the Queensland University of Technology and was admitted as a Barrister of the Supreme Court of Queensland. He was awarded a Master of Laws in 1994.

After gaining valuable legal experience working with the Criminal Justice Commission, which included a six-month secondment to the Queensland Police Service as a legal advisor, he then practised as a solicitor in private practice at Hervey Bay, then as a legal officer with the Crime and Misconduct Commission before taking up practice at the private Bar.

Prior to his appointment to the magistracy, he lectured and tutored in Criminal Law at the Queensland University of Technology and developed and implemented a community legal service at Hervey Bay. He also regularly performed volunteer legal work in community access sessions at the Petrie Neighbourhood Centre.

Magistrate Guttridge has consistently used his knowledge of social and justice matters for the benefit of local communities and his experience and understanding of issues in regional areas will be of great value to the court.

It is expected that he will shortly transfer to the court's regional centre at Kingaroy.



Magistrate John Hodgins —Cairns

Magistrate Hodgins was sworn in on 18 April 2006 and his initial placement is in Cairns. His appointment has brought to the magistracy the experience of a legal career that has spanned 34 years and one that has encompassed a broad range of legal skills, a deep understanding of the law, and strong management skills.

Magistrate Hodgins was admitted as a solicitor of the Supreme Court of Queensland in February 1972. After working as a solicitor in private practice in Queensland, he moved to the Federal Attorney-General's Department in Canberra in 1974. Two and a half years later, he returned to Brisbane as a legal officer with the Australian Legal Aid Office. In December 1979, he transferred to the Legal Aid Commission of Queensland.

In 1990, he was appointed Acting Director of the Legal Aid Office in Queensland and confirmed as Director in 1991. He oversaw the merger between the Legal Aid Office and the Public Defender's Office in 1991. He has been credited with the on-going development of that office and it is now regarded as one of the best legal agencies in Australia.

During his leadership, Magistrate Hodgins was the instigator of many innovative approaches taken in providing access to justice for thousands of Queenslanders who otherwise could not afford quality legal assistance.

The title of his position was changed to Chief Executive Officer in 1997 and it was from this role he accepted his elevation to the bench. The court looks forward to the range of contributions his various legal experiences have equipped him to make to the programs and initiatives of the court.



Magistrate Katherine McGinness —Cairns

Magistrate McGinness was sworn in on 22 August 2005. She convened court at the Brisbane Magistrates Court for nine months and commenced a three-year term as a magistrate in Cairns from May 2006.

Magistrate McGinness was admitted as a barrister in 1988 following the award of a Bachelor of Arts and Laws from the University of Queensland. She attained considerable experience in criminal law while working for the Commonwealth Director of Public Prosecutions for two and half years, then with the Public Defender's Office and the Legal Aid Office in Brisbane for a combined period of 14 years. She practised at Brisbane's private bar for five years prior to her appointment.

Since 1992, Magistrate McGinness had regularly appeared in the Court of Criminal Appeal, arguing appeals against conviction and sentence. While her practice at the bar principally involved prosecution and defence work in the criminal jurisdiction, she had also undertaken work in other areas of the Magistrates Court's jurisdiction.

In addition to her professional practice, Magistrate McGinness had been a volunteer instructor with the Queensland Bar Practice Course. She also acted as a mentor for female professional staff at Legal Aid Queensland and for junior female members of the bar.

The court values the wide range of experience in the criminal jurisdiction that Magistrate McGinness brings to our court.

Retirements

Magistrate James (Jim) Barbeler —Brisbane

When Magistrate Barbeler reached the statutory retirement age of 65 years on 20 March 2006, the Court lost his services after nine years as a member of our court.

He was appointed a magistrate at the Brisbane Magistrates Court on 10 March 1997 where he served for nine months before transferring to Petrie Magistrates Court in December 1998. On 2 January 2003, he took up service as the resident magistrate at Warwick in rural South-East Queensland and conducted circuit courts at Goondiwindi, Stanthorpe and Inglewood. In December 2004, Magistrate Barbeler returned to the Brisbane Magistrates Court where he presided until his retirement date.

At a valedictory ceremony at the Brisbane Magistrates Court on 17 March 2006, the Court reflected on Magistrate Barbeler's 47 years of service in the law—a career that saw him rise from an articled clerk to solicitor then barrister and saw him practising as a Crown Prosecutor, Assistant Public Defender, Barrister in private practice, as well as one of the inaugural part-time Commissioners of the Criminal Justice Commission (now known as the Crime and Misconduct Commission).

Magistrate Lachlan (Lachy) Johnston —Richlands

When Magistrate Johnston was appointed to the Queensland Magistracy at Cloncurry on 19 November 1987, he had the benefit of over 13 years experience in the role of Clerk of the Court at the Magistrates Court centres of Richmond, Blackall, Innisfail and Mount Isa. In his three year term as the magistrate based at Cloncurry, he undertook the court circuits to the Gulf and serviced the courts at Boulia, Dajarra, Julia Creek and Mount Isa.

He moved to Brisbane in 1990 where he was based at the Brisbane Central Court and undertook relieving duties for magistrates serving in the Brisbane region. In April 1991, he took up service at Beenleigh where he constituted the court for just under six years.

On 17 March 1997, Magistrate Johnston moved to the busy court of Inala which serviced a rapidly growing multi-cultural Australian community. He constituted the court there until the building's age and the court workload resulted in its relocation to the newly built Western Districts Magistrates Court complex at Richlands which opened on 19 July 2004. Magistrate Johnston retired as Coordinating Magistrate of that Court on 1 July 2005 having completed thirty years service in Queensland's justice system, with eighteen of those years as a magistrate.

Magistrate William (Bill) McKay —Brisbane

When Magistrate McKay reached the statutory age of 65 years, he retired from the Queensland Magistrates Court on 27 January 2006, having worked in eleven court centres throughout Queensland and for twenty-seven years as a magistrate.

At the age of 16 years, Magistrate McKay started work as a clerk in the Petty Sessions Office at Childers in February 1957. The Court was then known as the Court of Petty Sessions—the name was changed to Magistrates Court in 1964 with the passing of the *Justices Act Amendment Act 1964*. However, that was certainly not the only change Magistrate McKay experienced during his working life in the court.

Twenty-two years after his start at Childers, he was appointed a magistrate at Kingaroy on 22 February 1979. By that time, his work record reflected a great depth of knowledge on registry and court work and had taken him across the breadth of Queensland.

His appointments included the courts at:

- Charleville
- Maryborough
- Innisfail
- Normanton
- Childers
- Longreach
- Monto
- Beenleigh
- Mount Isa
- Brisbane.

This transient lifestyle has been typical of the experience of many of the Queensland magistrates and their families.

A snapshot of Magistrate McKay's 49 years experience in the Queensland justice system can be read in an article in the 2004–2005 Annual Report.

In July 1980, Magistrate McKay moved to Brisbane Magistrates Court where he acted as Referee of the Small Claims Tribunal and carried out the role of Relieving Stipendiary Magistrate throughout the Brisbane region. His roving days ceased when, on 9 June 1983, he commenced 23 years service as a Magistrate at Brisbane's Central Court. Throughout 2003 and 2004, Magistrate McKay acted as Deputy Chief Magistrate on three occasions.

Magistrate Douglas (Doug) Morton —Gladstone

After thirty-seven years service to the Queensland justice system, Magistrate Morton retired on 4 July 2005. During his thirteen years as a member of the Queensland magistracy, he spent two years in Emerald, five years in Mareeba, and six years in Gladstone.

Prior to his appointment to the Queensland Magistrates Court on 12 September 1991, Magistrate Morton had worked in the Court's registry for 24 years, commencing duty as a Clerk at the Magistrates Court at Ayr in October 1967. He built on that experience at courts in Ipswich, Biloela, Townsville, Cairns and Brisbane and, from July 1980, he worked as Relieving Clerk of the Court for four years—a position that required him to manage court registries throughout the state on a relieving basis for short periods.

In September 1984, Magistrate Morton was appointed Clerk of the Court at Cunnamulla for nine months before taking up service at Kingaroy for three years. In October 1988 he was transferred to Beenleigh where he served until his appointment to the bench.

Magistrate George Wilkie —Southport

Magistrate Wilkie retired as the Coordinating Magistrate at the Magistrates Court at Southport on 4 July 2005 having served as a member of the Queensland magistracy for nineteen years. He was appointed to the bench on 15 October 1987 and was based at Kingaroy for two and a half years before moving to Brisbane in 1990 where he presided for over six years. In August 1996 he was appointed to Southport Magistrates Court where he played an integral part in the management of that court's workload for nine years during a rapid development period.

Prior to his appointment to the bench he had completed 23 years service in the court's registries throughout the state beginning at Warwick in April 1964 where he served for just under ten years. In January 1974 he was appointed Clerk of the Court at Jandowae Magistrates Court for five years followed by a posting to Roma for a similar duration. In June 1984 he was transferred to the Southport Magistrates Court where he served for three years before being appointed to the magistracy.

Acting Magistrates

Ayr	RJ Mack
Bowen	RW Muirhead
Bundaberg	LN Lavaring
Caboolture	PW Hasted
Cairns	KJD McFadden
Charters Towers	SD Luxton
Cleveland	RL Warfield
Coolangatta	MG O'Driscoll
Dalby	HB Stjernqvist
Holland Park	TM Duroux
Kingaroy	RH Lebsanft
Mackay	BL Kucks
Petrie	AJP Comans
Rockhampton	MT Morrow
Sandgate	GB Pitt
Southport	GJ Finger
Toowoomba	RJ Stark

Jottings from the Far North

by Relieving Northern Magistrate Wendy Cull, Cairns

As I near the end of my term in the Far North I have been asked to share some of my experiences during the past year as Relieving Northern Magistrate. The two-year appointment is to provide a relief magistrate to courts north of Townsville to cover magistrates on leave as well as for special needs, such as conflicts of interest or long proceedings that would deplete a court of its usual complement.

My time in the north, which began in October 2005, has allowed me to experience astounding scenery, a range of court venues and legal challenges, social diversity and cultural excellence—not to mention karaoke Christmas carols at the North Queensland Club.

The first day of July 2006 was the last day of the complex and lengthy committal hearing in Townsville for what was known as the 'Palm Island Riots'. The hearing, which was conducted in three extended sessions spread over four months, was an exercise in cooperation. The participants included 25 defendants (of whom two were children), eight barristers plus instructing solicitors, the attendant media, Community Justice Group members, officers from the Departments of Communities and Corrective Services and other public servants, as well as the defendants' friends and relatives. All were subject to security checks as they entered the Supreme Court—the only court big enough in Townsville to accommodate such a large group. The proceedings were marked by a number of interruptions including an evacuation for a false fire alarm—quite a challenge for such a large number of people on the third floor of the building; the birth of a baby to one of the defendants; debates about bail and requests to be absent from the proceedings to attend celebrations of one kind or another; and, finally, the committal of the last defendant as he was wheeled to the operating theatre at Townsville General Hospital.

By contrast, the first of July was also the first day of the renowned Townsville Chamber Music Festival—the highlight of the first concert being a haunting didgeridoo solo by William Barton in Peter Sculthorpe's 'Quamby'. Four days of evocative and powerful music ended with the Australian premiere performance of a piano quartet by Baltic composer Peteris Vasks, his Latvian commentary translated by a Cairns solicitor. The concert was in a beautiful cathedral with exceptional acoustics. Far North Queensland has plenty of variety—a week later I was enjoying the original performers from Cuba's Buena Vista Social Club at the Civic Theatre in Cairns.

In July, my Cape York circuit to Lockhart River, Coen, Weipa and Pormpuraaw, was delayed while the police plane that was to fly the prosecutor to the Cape joined a search for a lost German butterfly hunter. So I took the opportunity to visit the renowned Lockhart River Art Centre where I bought a wonderful painting by Fiona Omeenyo and met Michael Leunig who just happened to be the artist-in-residence.

By visiting the remote communities I have been able to appreciate the work of the individuals who make things happen, including those who work at the Healing Centre at Pormpuraaw, as well as people managing community service projects such as seed gathering and propagating. I was filled with admiration for the dedication of the members of the Community Justice Groups. One thing that troubled me was the language differences in different communities; it is my perception that, because of these differences, many defendants have no idea what is happening in court.

In August I travelled on the alternate Cape York circuit to Bamaga, Aurukun and Kowanyama. Bamaga is the court centre for the communities of Injinoo, Umagico, Seisia, New Mapoon and Bamaga. The Community Justice Group in Aurukun performs multiple roles, including supervision of people on Community Based Orders.



Magistrate Cull with good friend Dorothy Pootchemunken at Aurukun.

There is also an important link with the Art Centre where children on community service collect roots for dyes for pandanus weaving and senior sculptors and weavers pass on their skills to the young people. At Kowanyama the Community Development Employment Program runs a farm that produces fresh vegetables. Because this circuit involved one day in Aurukun and two days in Kowanyama, I had a chance to spend the night at the Kowanyama Guest House and to enjoy dinner with the local postmaster and his family.

In September I flew to the Sunshine Coast for the Judicial Conference of Australia Annual Colloquium. The Honourable Sir Gerard Brennan was the distinguished keynote speaker and his paper 'The Common Law: Law for a Time, Law for a Place', reflecting on the common law as being 'noted for both its antiquity and its adaptability' was particularly relevant to my experience in the courts of Far North Queensland.

On my return to Cairns, I set off on circuit north of the tip of Cape York to Thursday Island and Badu Island. These islands are reached by flying to Horn Island, catching a bus to the Horn Island Wharf and then crossing to Thursday Island by ferry. I returned to Horn Island to fly north to Badu Island which gave me a clear view of the

maritime location, the number of tankers travelling the shipping channels, the sheer beauty of the Torres Strait and the distances between island groups.

A reminder of our island location came from the facts read by the straight-faced prosecutor on Badu Island: 'the defendant took the carton of beer and rowed away'; 'the defendant tried to evade arrest by jumping off the jetty and swimming out to sea. Police withdrew rather than risk him drowning...'

I was impressed that the Alcohol Tobacco and Other Drugs Service (ATODS) provides drug diversion programs in all Gulf circuit courts, including Badu Island.

Drivers licences are a problem on these islands. They are required for driving on all the islands; however, licences are only issued on Thursday Island. For many, this means a day's boat ride or a \$600 airfare to obtain or renew a drivers licence.

To reduce the need for people from outlying islands travelling in small boats to attend court for simple matters the court is trying to use video link facilities. However, at the time of my visit, the technology was not functioning.

The following week, another Cape circuit allowed me to stay at the excellent Aurukun Guest House where I ate fish caught barely an hour earlier. At dusk I walked past the colourful local cemetery to the river landing where there were children on bicycles everywhere. They were enjoying the newly installed BMX track—a project built by locals as part of their community service. Next morning I was relieved to hear that by staying overnight I had missed an emergency landing at Weipa Airport! Flying in chartered twin-engine light aircraft gives great flexibility to deal with the vagaries of court requirements and weather conditions; but, it does have its nerve-wracking moments.

The circuit continued to Bamaga where there is a busy Community Resource Centre; however, there are no Community Corrections Programs available.



Pushing the aircraft backwards to maximise the take-off options from Badu Island.

The next stop was Kowanyama where the Ending Offending and Ending Family Violence programs had been cancelled and not re-scheduled; however, a new fulltime youth worker had been engaged.

And so the months went by: October and November in Townsville with visits to Ingham, Palm Island and Ayr; then the new year with three weeks in Innisfail just before it was struck by Cyclone Larry. The stormy weather continued into April which was later than usual. We flew to Lockhart River; but, as Cyclone Monica was approaching the coast, decided to abandon the circuit.

The highlight for May was a weekend of walking and camping on Hinchinbrook Island's Thorsborne Trail—one of the world's great wilderness experiences. My roving lifestyle has attracted quite a few visits from family and friends who are keen to explore the north while I am here which has helped ease any homesickness I have felt.

The images that will stay with me include sheeting rain north of Innisfail that brought traffic to a halt; rainbows over sugar cane fields, with the mist-shrouded Mount Bartle Frere in the background; crystal clear streams running over rocks in tropical rainforests; dawn over the sea at beaches between Cairns and Innisfail; rainforest devastated by Cyclone Larry; fishermen

hauling in metre long barramundi and queenfish at the river landing at Aurukun; wishing I could fly a light aircraft myself, 'just in case'...; flying low between the beach and the crocodile farm at Pormpuraaw airstrip, to land beside dancing brolgas; hanging onto fellow magistrate Rob Spencer as we yo-yo-ed in storm clouds and circled over Cairns while trying to land in monsoon rains; the beautiful new Justice Centres at Kowanyama, Pormpuraaw and Thursday Island in contrast to the court facilities in the Community Hall at Badu Island, in the Clinic at Coen, and in the Police Station at Lockhart River (which is open to and has a direct view of the station's enquiry counter); 'Opera in the Desert' at Undara; and 'Starry Nights'—the open air cinema in the Cairns Botanical Gardens.

Of course there have been times when I have felt homeless and disorientated, have experienced inconveniences and gigantic telephone bills—but these will soon be forgotten. They are far outweighed by my memorable experiences and by the kindness of my colleagues in Cairns and Townsville who made sure I was never lonely.

Now I'm off to Mount Isa and the Gulf—not to mention the famous Mount Isa Rodeo, before my northern sojourn ends. To coin a phrase, 'Wish you were here'.

Reflections on country service

By Magistrate Jude Daley, Kingaroy

As the end of my country service approaches, I have reflected on some of the experiences my family and I have had while living in the country town of Kingaroy after previously living in an inner-city suburb of Brisbane. I will share some of them with you.

My husband's world of anonymity was shattered in our first few days in Kingaroy. He was purchasing an item at a local shop when he was met with the statement 'You wouldn't happen to be the magistrate's husband, would you?' This phrase was frequently repeated to him over our time here. Reluctantly, he did get used to it. As my decisions were reported in the paper on a weekly basis, anyone from neighbours to local business people would provide him with a running commentary on them.

My husband and I found that 'no choice' can be a great thing. For example, there was only one soccer club and one place for tennis lessons and one place for swimming lessons and they were all within a five-minute drive from home.

After my son mastered the skill of riding a pushbike, there was no stopping him and his sister riding around the local neighbourhood.

This is something I could never have allowed them to do in the city at their ages.

From a work point of view, I found that working relationships with key stakeholders could be quickly built up and maintained because the size of my community was smaller. On the other hand, you also really get to know some of the defendants who appear before you regularly, even down to some of the children's nicknames.

To service the smaller court centres of Toogoolawah, Murgon, Gayndah, Nanango and Cherbourg, I needed to travel the country highways—on average, at least three days each week. While this was arduous at times, my visits to these centres did give me a deeper appreciation of the different issues that face smaller rural communities and I developed immense admiration for the strength of country people. These visits to smaller communities also answered some of life's mysteries. For example, in the world of keyless locks on cars, I now know that if you lock your keys in the boot of the car, as happened to my depositions clerk while we were visiting another courthouse, then they can be relatively easily retrieved by an expert.

As a family, we are pleased I undertook country service and will treasure many of the memories for years to come.



Magistrate Daley beside a country highway.

International Association of Women Judges —8th Biennial Conference

By Magistrate Stephanie Tonkin, Townsville

Over 350 women judicial officers representing 43 countries—from Afghanistan to Mongolia to Zambia—were in Sydney in May to attend the 8th Biennial Conference of the International Association of Women Judges (IAWJ) which was hosted by Australia for the first time. Held from 3–7 May, at least 90 of the delegates were from Australia and they ranged from Chief Justices to magistrates—of whom 24 attended.

The theme of the conference was ‘An Independent Judiciary: Culture, Religion, Gender, Politics’. English is not the first language for many delegates; nevertheless, all papers were delivered in English, with limited translation.

The conference was opened by New South Wales Governor, Her Excellency Professor Marie Bashir and the delegates were addressed by Dame Sian Elias of New Zealand as ‘Chiefly women of the world’. It was acknowledged that this is a time in the history of courts or in some cases, living memory, when many women are occupying some judicial offices for the first time: Chief Justices, Presidents of Courts of Appeal, High Court Justices, Judges of War Crimes Tribunals and the International Criminal Court, Judge of the House of Lords, Judge of the National Court of Papua New Guinea, to give just a few examples.

A session was devoted to ‘Judging in countries in conflict and transition’ where the enormous disparity in resources available to judicial officers, as well as the immense practical daily challenges, became very apparent. For example:

- Kenya:²⁰ no court recording; no law reports (in a common law system this is like no blood in a blood bank); courts that were closed; and no court files.
- Papua New Guinea:²¹ no court reporters; and no interpreters in a country where more than 800 languages are spoken.
- Sri Lanka:²² court records destroyed; courts burned; and no pay for staff.
- Afghanistan:²³ lack of qualified lawyers.
- Timor-Leste (East Timor):²⁴ no law; no law books; no libraries; little legal education; and there were judges before law was created.

In Bosnia-Herzegovina, women judges are taking the lead working with judges from other jurisdictions, in particular the United States of America, to develop re-invigorated judicial practice that insists on the application of the rule of law in this post-conflict society.

Judge Shiranee Tilakawardane from Sri Lanka, who described judges in her country having to shelter under the bench, on occasion, to dodge stray bullets, chillingly foreshadowed that in 20-30 years’ time, judicial officers in the western world may be judging in circumstances of conflict—either because of the rise of fundamentalism or poverty or fascism, or all of those factors.

²⁰Mary Ang’awa

²¹Catherine Davani

²²Shiranee Tilakawardane

²³Marzia Basel

²⁴Jacinta da Costa

A summary of the conference highlights would be incomplete without an attempt to convey the feeling of warmth and collegiality pervading the conference—the like of which, most people commented, they had never experienced at a judicial conference. In the first session, Justice Jane Matthews, President of the IAWJ, read out the names of the countries represented and those delegates rose to their feet to warm (and at times tearful) spontaneous applause. The New Zealand Judges and Magistrates sang a specially composed Maori song for their Chief Justice, Dame Sian Elias at the completion of her address. This has become a tradition and is evidence of the warm affection they have for her.

Importantly, AUSAID financed the attendance of a number of delegates who were very appreciative of the opportunity this gave them to share their experiences with us, as were we. It is very clear that we, who are relatively well-resourced, have a responsibility to examine how we can contribute to helping our colleagues who play such a vital role in their countries in creating and maintaining the bulwark between state power and citizens' rights.

Acknowledgements:

Rapporteur Professor Rosalind Croucher, Professor and Dean of Law, Macquarie University, Sydney.

<<http://www.iawj.org/what/sydney.asp>>

NSW Magistrate Jennifer Giles

A new life at a new court

By Magistrate Diane Fingleton, Caloundra

It is a pleasure to work at the new Caloundra Magistrates Court. It is a striking contemporary style building and the 'Arrow of Justice', an interesting rainwater-generated sculpture at its entrance, is always worth checking out for reasons other than its artistic attraction. The sculpture moves on a horizontal plane which is dependant on the amount of rain received into one end of it. After a lot of rain, the arrow hangs at about a 75° angle. Less rain causes it to be almost horizontal, which is where it has been of recent months due to the lack of rain.

The building is less than one year old and it has won two awards including a regional Master Builders Award and has now been entered into the State Awards.

The courthouse is designed to maximise the natural light in the registry and the two courtrooms. Court Number 1, the larger of the courts, has a glass courtyard off to one side where young palm trees and other attractive shrubs are planted which brings the courtroom in touch with the environment. Court Number 2 has large windows down one side looking out to trees and large tracts of sky. It is a pleasant without detracting from the dignity of the court. However, it does act as a positive reminder to all that even the longest court day must end and there is life outside the court.

The Court's jurisdiction stretches from Kawana to the north and as far inland as Landsborough and Maleny. The City of Caloundra is about a one-hour drive from Brisbane and is the southern gateway to the Sunshine Coast. It has an estimated population of 88 500 people and an annual growth rate of just over 4% which is considerably higher than the state average of 2.1%. The local council has advised that approximately sixty people are moving into the Caloundra Shire each week.

Since I commenced my role as Caloundra's first resident Magistrate, I have enjoyed being part of a hard-working and cohesive



Caloundra courthouse with its 'Arrow of Justice'.

court team. We have managed well the escalating workload that has developed since the establishment of the new court centre.

The Court is beginning to forge strong connections with members of the local community. The Registrar and I hold regular meetings with court stakeholders, particularly members of the legal profession, police prosecution corps, community corrections officers, domestic violence support groups, Justices of the Peace, volunteer court workers, and officers from the Department of Communities and the Youth Justice Conferencing Service. The court staff and I are joining members of these groups at a golf day at Bribie Island Golf Course on a Saturday in August. If the day is the success we all anticipate it will be, we may be reporting on it as an annual event.

Over the decades, courthouses have often been the cornerstones of their communities. Caloundra's courthouse is indeed a striking piece of architecture. The court's role is to administer justice according to law and, while our courthouse may not always be a welcoming place to all who attend, our court team is working hard to make it a place that is approachable, helpful, and supportive.



Tribute to the late Mr Kevin NganWoo

By Magistrate David Glasgow, Townsville

Townsville has the largest Indigenous population (over 20 000) in Australia and the establishment of the Murri Court in Townsville and surrounding towns was, in no small part, due to the dedication and enthusiasm of Mr Kevin NganWoo, who was Coordinator of the Townsville Thuringowa Community Justice Group (TTCJG) from its inception in 2002. On June 11 this year, Mr NganWoo unexpectedly and tragically died at the age of 36 years. In conveying our deepest sympathy to his wife and young family, the Court also recognises and understands the great loss his passing has brought to the Townsville Thuringowa Indigenous community, particularly its young people.

Mr NganWoo worked tirelessly, volunteering his spare time to attend meetings, compile reports and develop strong relationships with the community elders in and around Townsville. He was well known and highly respected by members of the Court and people from all aspects of the Townsville community.

In March 2006, he was presented with the inaugural Group Shine Community Spirit Award for his outstanding work with the Community Justice Group.

At the presentation ceremony, hosted by Tabcorp, the Award's sponsors, the extent of Mr NganWoo's volunteer work was acknowledged and honoured. This included his major role in the production of a dedicated website for the TTCJG which included a youth friendly online education tutor module that trains young people in Excel, Word and Powerpoint using culturally appropriate and youth-friendly language.

On receiving his award, Mr NganWoo said,

I'm extremely passionate about my work with the Townsville Thuringowa community. I'm rewarded everyday when I see the difference that our efforts make to this very special community.

Mr Grame Hastie, Director—Volunteering NSW, has been quoted as saying,

Kevin is a beautiful example of how one volunteer, despite all the barriers, has an impact on the community, made a profound change and, ultimately, has grown professionally and personally.

Mr NganWoo's energy for life and his passion to give back to his community was inspirational and something we can all learn from. We believe that the successful operation of the Murri Courts in Townsville and surrounding centres will be a lasting tribute to Mr NganWoo's generous spirit, his passionate dedication to his community, and to the goodwill he fostered between the Indigenous community and the courts.

Positive Lifestyle Program

By Major Bruce Buckmaster, Senior Chaplain, Salvation Army Queensland

In January 1993, the Salvation Army introduced me to the challenging world of watch houses, Magistrates Courts and the Queensland Prison system. To gather some information on how to function effectively as a Court Chaplain, I attended the Salvation Army Court Ministry in Melbourne. It was there that I became aware of the Positive Lifestyle Program (PLP) which was recommended to me as a very effective tool in helping people who were involved with court proceedings.

Although the PLP was sometimes included as a part of a court order in the late 1990s, it began being used regularly in court orders in late 2001, after the Drug Court Pilot Program had commenced at Southport, Beenleigh and Ipswich Magistrates Courts, under the

supervision of Magistrate Costanzo. At that time, some 85 defendants were on a waiting list for acceptance into the Drug Court Program. The Salvation Army made an approach to the court to pilot the running of the PLP at those Drug Court centres. This involved making participation in the program a condition of a bail program for those waiting for acceptance into the Drug Court Pilot Program.

Although the waiting period for Drug Court participants soon disappeared, the benefits gained by participants who completed the PLP were so apparent that participation in a PLP continues to be regularly ordered by magistrates presiding in the Drug Court—not just as a condition of a bail program but also, with the approval of the Department of Corrective Services, as a condition of a Probation Order and as part of an Intensive Drug Rehabilitation Order.



The Salvation Army's Major Bruce Buckmaster, Senior Chaplain with Major Lorraine McLeod, PLP Counsellor.

As more Salvation Army Officers became trained to facilitate this program, the use of the PLP was extended to Townsville's Drug Court and to the criminal jurisdictions at courts in Brisbane, Cairns and Mareeba.

The program deals with life skills. It is presented in the form of a workbook—the personal document of the participant. The workbook deals with subjects such as Self Awareness, Loneliness, Problem Solving, Assertiveness, Self Esteem, Depression, Grief and Loss, Anger, Stress and Goal Setting. The program extends over a ten-week period with a focus on a different topic each week.

Each topic is dealt with in easy-to-understand conversational style that poses questions that invite written or verbal self-evaluation and encourage personal reflection on the subject matter. At the conclusion of the course, participants are presented with a Certificate.

The strengths of the PLP are its accessibility and format. Often the people who are referred to the program are disadvantaged in many respects, whether it be lack of intellectual or physical capacity, education, money, family support, access to transport, or a combination of many of those situations. It can also be conducted with people who are illiterate or whose English is a second language, or who have impaired sight. Because of its flexibility the program is portable enough to be conducted at a place suited to the participant and to engage the participant at any level of comprehension. At the same time, the extent of self-realisation it can draw is meaningful and, because it can be conducted on a one-on-one basis, or up to a maximum of one-on-four participants, it is an extremely personal program.

Further, during the course of the program, there are opportunities for Court Assessment and to use practical life skill strategies, with the assistance of the Salvation Army counsellor and other service providers. Participation in the PLP is an excellent introduction to more difficult programs, creating a sense of commitment, developing self-assessment and problem-solving skills at a personal level, and building self esteem.

The current Court Diversion Programs operating at the Brisbane Magistrates Court, such as the Homelessness Diversion Program and the Special Circumstances List, are resulting in the PLP being used extensively there. Major Lorraine McLeod conducts the program in a dedicated office at the George Street Magistrates Court. The course continues to be available at the Drug Courts in Ipswich (Captain Bruce Dobbie) Townsville (Mr Bob Down), and will soon be re-commenced at Beenleigh—and it is still accessible at the courts in Mareeba and Atherton. Shortly, a Chaplain will be placed at the Southport courthouse whose responsibility it will be to render daily assistance to people who attend court and to conduct the PLP.

In the course of my work, I encounter people from all walks of life. I am happy to report that, from my experience, I have found that many people, having done the PLP, now have a far healthier attitude towards themselves and towards life in general.

Internship at the Brisbane Magistrates Court

By Michael Grosser, QUT law student, Brisbane

Final year law students at QUT are offered an internship unit that provides an opportunity for students to work in a functioning public law workplace. The internship enables students to engage in practical tasks that require legal analysis, critical reflection and communication skills. The educational aim of the internship unit is 'to learn how to learn from experience'.

I was placed with Deputy Chief Magistrate Hine at the Brisbane Magistrates Court for one day each week for semester one in 2006. Although no two days were the same, I was able to attend a range of courts, including the Childrens Court, Drug Court, Murri Court, Arrest Courts, as well as hearings in both criminal and civil jurisdictions, and chambers applications. I was also involved in reviewing and editing bench forms used by Magistrates, the design and development of an online version of the Magistrates' Bench Book, and research and preparation of legal opinions on issues of interest to the magistracy.

I gained a great deal from the internship, including practical exposure to the procedural elements of the law in both criminal and civil jurisdictions—contacts that will be very useful in practice, confidence in applying the law in realistic situations, practice in undertaking legal research and analysis, and synergies between the internship and other units, particularly the three other units I studied concurrently—evidence, civil procedure, and advanced research and legal reasoning.

The internship gave me an opportunity to observe and regularly participate in many of the concepts I was learning in these other units. The immediate real-life reinforcement of these concepts has given me a depth of understanding and context that cannot be attained in a lecture room.

My view on empirical training as an educational tool has been greatly enhanced by this experience and I support the view that this type of internship should be integrated into legal education whenever possible. For some students, it would provide a reality check before they hit the workforce; for all students, it is an opportunity to interpose academic skills, such as research, writing and knowledge of substantive law, in a functioning work environment.

I wish to express my appreciation to the people of the Brisbane Magistrates Court for making me welcome and providing such an engaging and relevant work environment. In particular, I thank Deputy Chief Magistrate Hine, Chief Magistrate Judge Irwin, their staff and the many magistrates who allowed me to drop into their Courts to observe and interview them.

Stormy Monday in March – Cyclone Larry hits Innisfail

By Rob White, Regional Services Manager,
Far North Queensland

The eye of Cyclone Larry crossed the North Queensland coast at Innisfail at about six o'clock Monday morning on 20 March this year; then the category five cyclone, with wind gusts of 300km/h, continued inland causing further widespread destruction. By the time it reached the Atherton Tablelands, wind gusts of 230-240km/h were still being recorded.

The intensity of its force lasted almost three and a half hours. Throughout this time, my family and I, who live in Cairns, battled to keep doors from blowing open and constantly mopped up water being driven through window frames. Given that I live about 100 kilometres from Innisfail, I could only imagine what it must have been like for the people in Innisfail where the eye of the cyclone crossed.

After the danger had passed, a property inspection revealed that we had 'inherited' half a garden shed from a neighbouring property which hit our house. We lost a few trees but, otherwise, we were left unscathed.

To reassure ourselves that our court staff there were safe, my wife and I travelled with some work colleagues to Innisfail. I have been through a couple of cyclones before, including during a time when I was stationed in Innisfail; however, I was shocked at the level of destruction caused by Cyclone Larry.

The drive from Cairns showed a path which continued to degenerate as, kilometre by kilometre, we drew nearer to Innisfail. Large trees were uprooted and roads were either blocked by trees or washouts, or had to be traversed with extreme caution to avoid the scattered debris. Farms were hit hard with acres of banana plantations wiped out—not a single plant left standing. Similarly, sugar cane was flattened to bowling green effect and pawpaw farms just had bare sticks left standing and all the fruit was blown off.



Residents queued outside the Innisfail Magistrates Court to seek disaster relief.

Many farm sheds were just pieces of corrugated iron scattered over sodden paddocks or wrapped around the leafless trees that were still standing.

Even that had not really prepared us for the devastation of the pretty township of Innisfail. Cyclone Larry had completely destroyed many homes and almost all had roof damage—some were gone entirely. Two out of every three homes were damaged.

Thankfully, all Innisfail staff and their families were safe and we were able to provide work relief so they could attend to their families and properties. Our first task was to clean up the water damaged sections of the courthouse so the Innisfail staff would not have to face that job when they came back from cleaning up their own homes.

There was no power or drinking water at Innisfail or Tully. The loss of water really hit home when I joined a bucket brigade to scoop rain water from the gutter in front of the Innisfail courthouse to fill a wheelie bin with water to be used in toilets. The lack of power and water caused great difficulties.

The Innisfail courthouse was used by the Department of Communities for distribution of disaster relief to residents. My work colleagues from Cairns joined the relief team to help with the processing of applications for help. At times, there were up to 100 people lined up outside the courthouse. Within a few days, Centrelink's Innisfail Community Recovery Centre was also accommodated in the courthouse.

Atherton was also severely damaged, with a large number of trees uprooted and smashed into properties. Some roofing was lost on community buildings and many residences were damaged by fallen trees and water inundation. There was no power, no phones or drinkable water in Atherton for over a week. Of course, no power meant no computers and, for the post-computer generation, this was a whole new world. The comment was made on several occasions that 'we can't operate the court without computers'. How amusing! We always used to be able to do it without computers.

In addition to assisting with the clean up effort, court staff at Innisfail, Cairns, Tully and Atherton worked long hours to help with disaster relief and combined to donate much needed bottled water; they also acted as contacts for people needing help on an incredibly wide range of issues. The registry staff continued to provide dedicated service to their communities, despite the personal impact of the cyclone on them, their families and their homes.

By the first week in April, Legal Aid Queensland provided a team of solicitors to travel daily to Innisfail, Babinda, Atherton and Tully to assist members of those communities with enquiries about insurance, debt, tenancy and employment matters. The courts in these centres were then able to return to business as usual—computers and all.

I know I speak for everyone in the courts up here when I say how touched we were by the calls from our colleagues and friends in the Magistrates Court and how much we appreciated their concern and kind words.