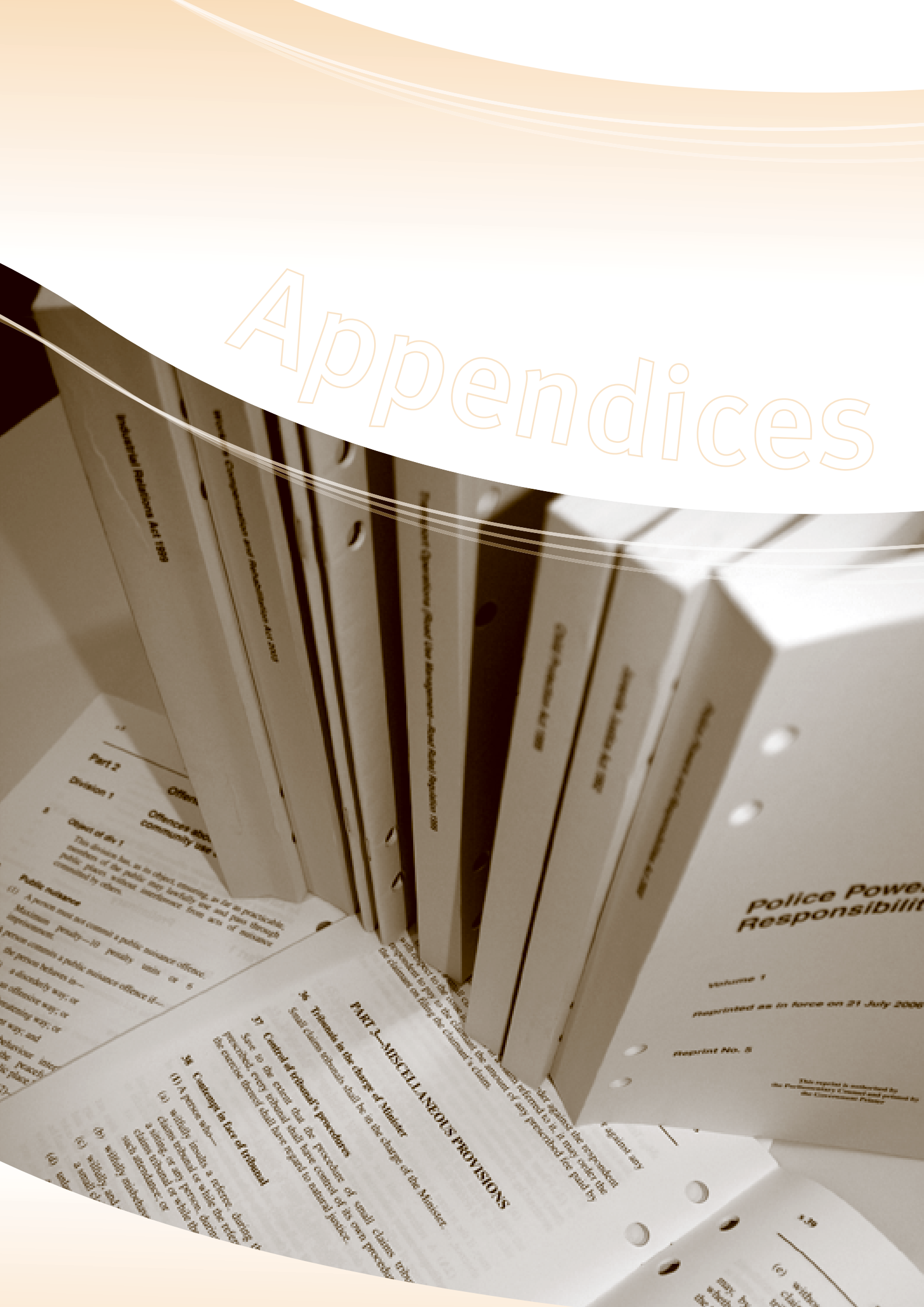


# Appendices



## Police Powers and Responsibilities Act 2000

Volume 1

reprinted as in force on 21 July 2000

Reprint No. 5

This reprint is authorized by the Parliament of Queensland and printed by the Government Printer

### PART 3—MISCELLANEOUS PROVISIONS

- 36. **Transfer to the charge of Minister**  
36.1 **Transfer to the charge of Minister**  
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- 37. **Control of tribunal's procedure**  
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## Explanatory notes

### Definitions:

#### Defendant

A defendant is defined as—a person or organisation against whom one or more criminal charges are lodged on the same day in the same Magistrates Court.

It should be noted that this does not mean that the data published in this report enumerates distinct individuals, as one individual or corporation may be involved in a number of separate criminal cases during the reference period. Individuals or corporations who have charges lodged with a Magistrates Court on multiple occasions within the reference period, are counted as an additional defendant each time a charge/s are lodged.

#### Report on Government Services

Report on Government Services (RoGS), produced by the Steering Committee for the Review of Government Service Provision.

### Magistrates Court

#### —Criminal Lodgements:

The difference in the number of defendants lodged (ie Total and RoGS), is due to the exclusion of specific charges in accordance with the national reporting standards as stipulated by the Report on Government Services. The Report on Government Services does not include charges lodged with the Magistrates Court which are a secondary process, for example, charges relating to breaches of penalties such as breach of probation order, breach of community service order and breach of bail.

### Magistrates Court

#### —Domestic and Family Violence Applications and Orders:

The difference in the number of Applications lodged (ie Total and RoGS), is due to the exclusion of secondary applications in accordance with the national reporting standards as stipulated by the Report on Government Services. The Report on Government Services does not include secondary applications, that is, applications for revocation or variation of a domestic violence order which are lodged with the Magistrates Court.

### Magistrates Court

#### —Child Protection Applications and Orders:

The difference in the number of Applications lodged (ie Total and RoGS), is due to the exclusion of secondary applications in accordance with the national reporting standards as stipulated by the Report on Government Services. The Report on Government Services does not include secondary applications, that is, applications for revocation, variation or extension of a child protection order which are lodged with the Magistrates Court.

## APPENDIX 1: Criminal lodgements

	Magistrates Court			Childrens Court			% of State total	% of defendants that are children	
	Number of defendants		Number of charges	Number of defendants		Number of charges			Total charges
	Total	R.o.G.S.		Total	R.o.G.S.				
Alpha	14	14	19	0	0	0	19	0.01%	0%
Atherton	964	902	1,547	127	123	244	1,791	0.49%	12%
Aurukun	663	564	1,063	185	180	426	1,489	0.41%	22%
Ayr	616	592	921	48	48	79	1,000	0.28%	7%
Badu Island	105	102	165	4	4	4	169	0.05%	4%
Bamaga	300	260	434	29	28	81	515	0.14%	9%
Barcaldine	80	77	138	1	1	1	139	0.04%	1%
Beaudesert	986	949	1,851	62	57	159	2,010	0.55%	6%
Beenleigh	10,187	9,294	21,653	646	565	1,617	23,270	6.41%	6%
Biloela	513	491	862	40	39	103	965	0.27%	7%
Birdsville	18	18	25	0	0	0	25	0.01%	0%
Blackall	50	49	65	4	4	4	69	0.02%	7%
Blackwater	470	457	590	8	8	17	607	0.17%	2%
Boulia	61	60	95	5	5	8	103	0.03%	8%
Bowen	722	686	1,135	13	12	36	1,171	0.32%	2%
Brisbane	31,980	30,386	65,999	974	913	2,039	68,038	18.75%	3%
Bundaberg	3,531	3,268	6,925	163	149	314	7,239	1.99%	4%
Burketown	50	49	66	0	0	0	66	0.02%	0%
Caboolture	4,388	3,961	7,407	350	326	797	8,204	2.26%	7%
Cairns	10,216	9,308	15,668	475	433	922	16,590	4.57%	4%
Caloundra	1,964	1,883	3,002	67	66	124	3,126	0.86%	3%
Camooweal	53	50	86	4	4	6	92	0.03%	7%
Charleville	321	283	683	37	37	79	762	0.21%	10%
Charters Towers	407	379	637	63	60	110	747	0.21%	13%
Cherbourg	392	376	516	118	110	214	730	0.20%	23%
Childers	204	192	345	10	10	21	366	0.10%	5%
Chinchilla	200	191	358	26	26	51	409	0.11%	12%
Clermont	119	110	153	6	6	8	161	0.04%	5%
Cleveland	2,994	2,793	5,294	150	144	230	5,524	1.52%	5%
Cloncurry	336	321	1,352	34	34	108	1,460	0.40%	9%
Coen	129	113	168	0	0	0	168	0.05%	0%
Cooktown	752	676	1,047	24	24	35	1,082	0.30%	3%

	Magistrates Court			Childrens Court			% of State total	% of defendants that are children	
	Number of defendants		Number of charges	Number of defendants		Total charges			
	Total	R.o.G.S.		Total	R.o.G.S.				
Coolangatta	1,677	1,596	2,090	4	4	4	2,094	0.58%	0%
Cunnamulla	356	311	570	107	107	174	744	0.21%	23%
Dajarra	29	29	42	0	0	0	42	0.01%	0%
Dalby	1,015	945	1,723	125	115	358	2,081	0.57%	11%
Dirranbandi	72	68	97	3	3	3	100	0.03%	4%
Doomadgee	354	323	719	66	63	260	979	0.27%	16%
Duarina	40	40	53	0	0	0	53	0.01%	0%
Emerald	854	791	1,371	33	32	81	1,452	0.40%	4%
Gatton	800	761	1,185	27	27	42	1,227	0.34%	3%
Gayndah	229	215	370	5	5	10	380	0.10%	2%
Georgetown	48	46	79	6	6	8	87	0.02%	11%
Gladstone	2,424	2,279	4,462	127	117	333	4,795	1.32%	5%
Goondiwindi	587	553	905	49	48	101	1,006	0.28%	8%
Gympie	1,853	1,745	3,324	37	34	65	3,389	0.93%	2%
Hervey Bay	1,868	1,721	3,351	216	205	474	3,825	1.05%	10%
Holland Park	3,976	3,851	6,997	108	103	224	7,221	1.99%	3%
Hope Vale	4	3	6	0	0	0	6	0.00%	0%
Hughenden	90	82	120	10	8	12	132	0.04%	10%
Ingham	478	462	729	17	17	40	769	0.21%	3%
Inglewood	140	137	182	1	1	1	183	0.05%	1%
Innisfail	1,550	1,410	2,494	55	51	103	2,597	0.72%	3%
Ipswich	8,783	8,206	14,991	418	376	779	15,770	4.35%	5%
Julia Creek	21	21	26	0	0	0	26	0.01%	0%
Kingaroy	655	600	1,063	56	53	102	1,165	0.32%	8%
Kowanyama	708	678	857	29	26	39	896	0.25%	4%
Lockhart River	212	186	350	24	24	49	399	0.11%	10%
Longreach	308	290	474	17	17	34	508	0.14%	5%
Mackay	4,766	4,422	8,231	403	349	850	9,081	2.50%	8%
Mareeba	1,807	1,592	2,480	122	104	185	2,665	0.73%	6%
Maroochydore	6,012	5,502	10,073	267	239	783	10,856	2.99%	4%
Maryborough	1,497	1,410	2,734	105	101	240	2,974	0.82%	7%
Millmerran	83	82	128	3	3	6	134	0.04%	3%

Criminal lodgements continued

	Magistrates Court			Childrens Court			% of State total	% of defendants that are children	
	Number of defendants		Number of charges	Number of defendants		Number of charges			Total charges
	Total	R.o.G.S.		Total	R.o.G.S.				
Mitchell	90	79	116	21	21	40	156	0.04%	19%
Monto	54	54	79	3	3	3	82	0.02%	5%
Moranbah	261	254	367	12	12	24	391	0.11%	4%
Mornington Island	462	439	700	39	38	167	867	0.24%	8%
Mossman	873	810	1,179	21	20	40	1,219	0.34%	2%
Mount Isa	2,374	2,145	4,366	283	270	651	5,017	1.38%	11%
Murgon	818	687	1,201	161	140	460	1,661	0.46%	16%
Nambour	637	606	1,921	2	2	2	1,923	0.53%	0%
Nanango	398	380	669	26	25	44	713	0.20%	6%
Noosa	1,551	1,497	2,349	30	30	103	2,452	0.68%	2%
Normanton	339	297	636	44	43	119	755	0.21%	11%
Oakey	241	234	299	14	14	24	323	0.09%	5%
Palm Island	753	685	1,046	43	41	62	1,108	0.31%	5%
Petrie	2,804	2,703	5,327	235	226	465	5,792	1.60%	8%
Pittsworth	114	111	159	6	6	9	168	0.05%	5%
Pormpuraaw	283	242	412	4	4	13	425	0.12%	1%
Proserpine	1,306	1,267	2,267	14	14	28	2,295	0.63%	1%
Quilpie	32	31	128	1	1	3	131	0.04%	3%
Redcliffe	3,475	3,200	6,416	209	198	498	6,914	1.91%	6%
Richlands	4,796	4,473	9,088	263	247	708	9,796	2.70%	5%
Richmond	54	51	66	3	2	7	73	0.02%	5%
Rockhampton	5,496	5,061	9,410	666	606	1,420	10,830	2.98%	11%
Roma	537	469	760	45	43	79	839	0.23%	8%
Sandgate	3,097	2,960	7,060	250	235	565	7,625	2.10%	7%
Sarina	329	329	421	12	12	20	441	0.12%	4%
Southport	16,357	15,385	31,631	413	399	970	32,601	8.98%	2%
Springsure	21	21	29	0	0	0	29	0.01%	0%
St. George	401	371	568	12	10	20	588	0.16%	3%
Stanthorpe	412	393	615	22	22	41	656	0.18%	5%
Tambo	25	25	50	0	0	0	50	0.01%	0%
Taroom	41	39	54	0	0	0	54	0.01%	0%
Thursday Island	481	419	721	38	36	84	805	0.22%	7%

	Magistrates Court			Childrens Court			% of State total	% of defendants that are children	
	Number of defendants		Number of charges	Number of defendants		Number of charges			Total charges
	Total	R.o.G.S.		Total	R.o.G.S.				
Toogoolawah	248	244	449	5	5	40	489	0.13%	2%
Toowoomba	5,205	4,792	8,563	263	239	606	9,169	2.53%	5%
Townsville	12,542	11,840	19,303	734	643	1,512	20,815	5.74%	6%
Tully	642	610	1,012	25	21	44	1,056	0.29%	4%
Warwick	961	911	1,594	55	54	96	1,690	0.47%	5%
Weipa	547	505	797	57	55	107	904	0.25%	9%
Winton	39	39	74	2	2	3	77	0.02%	5%
Woorabinda	477	446	581	216	205	313	894	0.25%	31%
Wynnum	1,766	1,664	3,235	115	110	313	3,548	0.98%	6%
Yarrabah	436	374	574	35	29	58	632	0.17%	7%
Yeppoon	718	687	1,014	37	33	52	1,066	0.29%	5%
<b>Total</b>	<b>189,574</b>	<b>177,040</b>	<b>339,851</b>	<b>10,549</b>	<b>9,770</b>	<b>23,010</b>	<b>362,861</b>		

## APPENDIX 2: Civil claims

	Civil claims	Minor debt claims	Small claims	Total claims
Atherton	43	38	66	147
Ayr	150	27	44	221
Barcaldine	3	2	-	5
Beaudesert	238	101	120	459
Beenleigh	1,095	1,417	-	2,512
Biloela	46	20	30	96
Blackwater	25	13	42	80
Bowen	57	22	33	112
Brisbane	17,506	2,042	6,518	26,066
Bundaberg	454	199	234	887
Caboolture	408	1,093	683	2,184
Cairns	687	479	725	1,891
Caloundra	296	106	157	559
Charleville	41	10	19	70
Charters Towers	32	46	17	95
Childers	15	42	9	66
Chinchilla	13	25	12	50
Clermont	7	13	3	23
Cleveland	405	830	2	1,237
Cloncurry	19	5	16	40
Cooktown	6	1	5	12
Coolangatta	185	96	244	525
Cunnamulla	8	1	10	19
Dalby	54	137	27	218
Emerald	40	46	37	123
Gatton	91	46	59	196
Gayndah	24	23	7	54
Georgetown	1	1	-	2
Gladstone	104	566	155	825
Goondiwindi	22	13	22	57
Gympie	123	122	103	348
Hervey Bay	142	162	210	514
Holland Park	888	449	3	1,340



	Civil claims	Minor debt claims	Small claims	Total claims
Hughenden	4	1	2	7
Ingham	15	12	11	38
Innisfail	57	21	52	130
Ipswich	763	242	902	1,907
Julia Creek	3	3	1	7
Kingaroy	33	85	41	159
Landsborough	128	44	6	178
Longreach	24	11	5	40
Mackay	484	371	351	1,206
Mareeba	89	19	20	128
Maroochydore	542	433	605	1,580
Maryborough	257	72	71	400
Mitchell	3	7	6	16
Moranbah	27	16	9	52
Mossman	43	47	38	128
Mount Isa	64	80	135	279
Murgon	13	14	5	32
Nambour	115	259	46	420
Nanango	11	15	29	55
Noosa	163	104	206	473
Normanton	6	-	11	17
Oakey	67	22	16	105
Petrie	852	143	267	1,262
Pittsworth	17	26	5	48
Pomona	11	7	8	26
Proserpine	90	115	74	279
Redcliffe	320	67	3	390
Richlands	520	174	-	694
Richmond	1	17	-	18
Rockhampton	293	307	354	954
Roma	37	45	25	107
Sandgate	202	82	1	285
Sarina	12	45	21	78

Civil claims continued

	Civil claims	Minor debt claims	Small claims	Total claims
Southport	2,720	2,475	2,332	7,527
St. George	15	45	33	93
Stanthorpe	26	29	9	64
Taroom	3	3	-	6
Thursday Island	26	13	32	71
Toogoolawah	20	9	6	35
Toowoomba	587	444	302	1,333
Townsville	1,271	519	594	2,384
Tully	15	16	30	61
Warwick	67	68	51	186
Weipa	10	5	1	16
Winton	7	4	5	16
Wynnum	258	149	-	407
Yeppoon	48	25	76	149
<b>Total</b>	<b>33,567</b>	<b>14,903</b>	<b>16,409</b>	<b>64,879</b>

## APPENDIX 3: Domestic and family violence applications and orders

Reference period: 1 July 2005 to 30 June 2006 inclusive

	Number of applications		Number of orders made					Number of applications dismissed
	Total	R.o.G.S.	Protection order	Temporary protection order	Vary protection order	Revoke protection order	Total	
Alpha	2	2	3	0	0	0	3	0
Atherton	186	147	110	54	44	0	208	34
Aurukun	72	72	80	35	5	0	120	1
Ayr	115	88	70	45	11	3	129	28
Badu Island	6	6	8	1	1	0	10	0
Bamaga	36	34	34	10	10	0	54	3
Barcaldine	3	2	2	0	1	0	3	0
Beaudesert	236	195	169	86	45	2	302	34
Beenleigh	1,619	1,322	997	1142	391	19	2,549	458
Biloela	109	86	80	38	13	0	131	12
Blackall	6	6	4	3	0	0	7	0
Blackwater	37	31	22	16	7	0	45	5
Boulia	6	4	3	2	2	0	7	0
Bowen	97	85	62	27	5	1	95	21
Brisbane	1,636	1,419	1139	764	148	10	2,061	289
Bundaberg	635	503	400	357	190	8	955	167
Burketown	9	9	8	8	0	0	16	0
Caboolture	675	557	444	377	128	5	954	151
Cairns	967	813	681	494	222	5	1,402	144
Caloundra	296	275	197	136	39	5	377	63
Camooweal	12	11	8	9	0	0	17	0
Charleville	58	47	45	15	9	0	69	7
Charters Towers	53	46	35	30	5	1	71	13
Cherbourg	4	4	3	1	1	0	5	0
Childers	30	25	24	4	5	0	33	2
Chinchilla	33	31	27	6	1	0	34	4
Clermont	8	7	4	3	2	0	9	2
Cleveland	577	472	389	303	87	2	781	70
Cloncurry	33	29	29	18	1	0	48	2
Coen	23	19	16	17	2	0	35	0

## Domestic and family violence applications and orders continued

	Number of applications		Number of orders made					Total	Number of applications dismissed
	Total	R.o.G.S.	Protection order	Temporary protection order	Vary protection order	Revoke protection order			
Cooktown	95	82	88	22	17	1	128	5	
Coolangatta	258	228	177	101	32	3	313	70	
Cunnamulla	34	30	32	13	2	1	48	3	
Dajarra	4	4	4	1	0	0	5	0	
Dalby	121	104	82	35	1	0	118	16	
Dirranbandi	2	2	2	0	0	0	2	0	
Doomadgee	71	67	70	40	5	0	115	0	
Duaringa	2	2	1	0	0	0	1	1	
Emerald	128	117	106	30	11	0	147	12	
Gatton	126	107	79	67	13	3	162	23	
Gayndah	43	33	26	31	2	0	59	6	
Georgetown	6	6	4	4	0	0	8	0	
Gladstone	329	280	214	132	58	1	405	60	
Goondiwindi	71	63	50	28	12	0	90	15	
Gympie	314	250	166	134	48	4	352	77	
Hervey Bay	417	350	254	188	42	7	491	93	
Holland Park	723	603	437	388	142	13	980	192	
Hughenden	20	17	19	2	3	0	24	1	
Ingham	73	66	49	40	4	2	95	13	
Inglewood	3	3	2	0	0	0	2	0	
Innisfail	292	224	178	90	72	6	346	66	
Ipswich	1,108	920	694	764	149	16	1,623	259	
Julia Creek	1	1	1	0	0	0	1	0	
Kingaroy	91	77	43	44	12	1	100	31	
Kowanyama	83	81	81	9	15	0	105	6	
Lockhart River	22	22	30	10	1	0	41	1	
Longreach	34	28	19	18	5	0	42	3	
Mackay	580	441	388	178	140	6	712	70	
Mareeba	227	180	157	57	28	0	242	35	
Maroochydore	737	592	466	525	136	16	1,143	184	
Maryborough	250	185	152	165	54	12	383	63	

	Number of applications		Number of orders made					Total	Number of applications dismissed
	Total	R.o.G.S.	Protection order	Temporary protection order	Vary protection order	Revoke protection order			
Millmerran	3	2	2	1	1	0	4	2	
Mitchell	3	1	2	0	2	0	4	1	
Monto	2	2	2	0	0	0	2	0	
Moranbah	29	27	23	13	2	0	38	5	
Mornington Island	50	42	44	6	7	0	57	1	
Mossman	129	111	83	35	14	2	134	24	
Mount Isa	439	370	329	215	87	1	632	56	
Murgon	132	112	82	72	17	0	171	28	
Nambour	58	53	36	20	9	0	65	15	
Nanango	73	54	46	25	12	1	84	21	
Noosa	201	171	127	140	38	2	307	54	
Normanton	99	96	77	76	6	0	159	4	
Oakey	44	40	35	9	0	0	44	5	
Palm Island	197	185	188	23	17	1	229	12	
Petrie	569	485	389	304	103	6	802	123	
Pittsworth	13	9	6	1	1	0	8	2	
Pormpuraaw	39	37	38	2	8	0	48	0	
Proserpine	124	109	80	41	12	1	134	24	
Quilpie	3	3	3	0	0	0	3	0	
Redcliffe	546	409	346	208	109	5	668	100	
Richlands	763	722	566	270	65	5	906	171	
Richmond	2	1	2	3	1	1	7	0	
Rockhampton	732	579	467	259	125	8	859	151	
Roma	71	57	45	39	11	1	96	9	
Sandgate	576	493	358	224	70	9	661	175	
Sarina	37	31	18	8	3	0	29	6	
Southport	2,333	1,912	1,415	1,513	300	68	3,296	695	
St. George	37	34	44	19	9	1	73	3	
Stanthorpe	61	52	26	17	1	0	44	8	
Tambo	1	1	1	0	0	0	1	2	
Taroom	1	1	1	0	0	0	1	0	

Domestic and family violence applications and orders continued

	Number of applications		Number of orders made					
	Total	R.o.G.S.	Protection order	Temporary protection order	Vary protection order	Revoke protection order	Total	Number of applications dismissed
Thursday Island	118	113	110	46	8	0	164	6
Toogoolawah	25	24	15	30	5	0	50	11
Toowoomba	687	566	439	283	122	9	853	131
Townsville	1,077	890	677	693	206	9	1,585	236
Tully	113	85	71	43	23	1	138	13
Warwick	187	152	120	82	32	0	234	49
Weipa	70	61	60	15	4	0	79	9
Winton	11	11	9	6	0	0	15	3
Woorabinda	42	37	40	3	0	0	43	0
Wynnum	365	319	249	206	72	0	527	89
Yarrabah	138	125	116	28	7	0	151	12
Yeppoon	135	100	81	56	19	1	157	19
<b>TOTAL</b>	<b>24,179</b>	<b>20,196</b>	<b>16,032</b>	<b>12,151</b>	<b>3,907</b>	<b>285</b>	<b>32,375</b>	<b>5090</b>

## APPENDIX 4: Commonwealth lodgements

	Defendants	Charges
Airport (Cont On-Airport Activities) Reg 1997	71	72
Australian Crime Commission Act 2002	6	11
Australian Federal Police Act 1979	2	3
Australian Passports Act 2005	2	2
Aviation Transport Security Act 2004	2	2
Aviation Transport Security Reg 2005	2	2
Bankruptcy Act 1966	57	111
Civil Aviation Act 1988	4	4
Civil Aviation Regulations 1988	1	1
Copyright Act 1968	9	224
Corporations Act 2001	83	207
Crimes (Aviation) Act 1991	8	9
Crimes (Currency) Act 1981	22	74
Crimes Act 1914	154	182
Criminal Code Act 1995	1453	3324
Customs Act 1901	76	135
Cwlth Authorities And Companies Act 1997	1	2
Environment Prot & Biodiversity Cons Act 1999	2	3
Excise Act 1901	4	41
Extradition Act 1988	4	4
Family Law Act 1975	4	4
Financial Transaction Reports Act 1988	19	61
Fisheries Management Act 1991	21	70
Foreign Passports Act 2005	1	1
Great Barrier Reef Marine Park Act 1975	107	107
Great Barrier Reef Marine Park Regs 1983	1	1
Health Insurance Act 1973	13	52
Income Tax Assessment Act 1936	4	35
Migration Act 1958	3	4
Motor Vehicle Standards Act 1989	2	2
Navigation (Collision) Regulations 1982	1	6
Navigation Act 1912	1	1
Passports Act 1938	6	9

Commonwealth lodgements continued

	Defendants	Charges
Primary Industries L&C Collection Act 1991	2	2
Proceeds Of Crime Act 1987	5	5
Public Order (Prot Of Pers & Prop) Act 1971	3	3
Quarantine Act 1908	18	18
Radiocommunications Act 1992	5	23
Service & Execution Of Process Act 1992	188	379
Social Security (Administration) Act 1999	155	267
Social Security Act 1991	40	63
Taxation Administration Act 1953	1252	5642
Torres Strait Fisheries Act 1984	2	17
Trade Marks Act 1995	5	13
Workplace Relations Act 1996	11	11
Workplace Relations Regulations 1996	1	1
<b>Grand Total</b>	<b>3,833</b>	<b>11,210</b>



**APPENDIX 5:** Child protection applications and orders

	Number of applications		Number of orders made						
	Total	R.o.G.S.	Child protection order	Extend protection order	Interim order	Revoke protection order	Vary protection order	Total	Number of applications dismissed/withdrawn
Atherton	50	18	41	14	88	2	0	145	1
Aurukun	9	4	4	1	52	0	0	57	3
Ayr	26	9	10	3	13	0	0	26	0
Bamaga	0	0	3	0	2	0	0	5	0
Barcaldine	3	3	0	0	3	0	0	3	0
Beenleigh	766	553	569	74	0	7	8	658	51
Biloela	29	21	24	2	35	2	0	63	4
Blackwater	5	4	3	0	2	0	0	5	0
Bowen	19	13	27	1	4	0	0	32	1
Brisbane	577	376	457	70	621	2	2	1152	43
Bundaberg	256	92	175	39	171	2	1	388	15
Caboolture	136	97	175	22	26	2	0	225	5
Cairns	226	95	227	34	416	9	1	687	10
Caloundra	1	1	1	0	0	0	0	1	0
Charleville	35	28	37	1	48	0	0	86	0
Charters Towers	8	2	10	6	15	0	0	31	0
Chinchilla	1	1	0	0	2	0	0	2	0
Clermont	0	0	0	0	2	0	0	2	0
Cleveland	65	29	89	8	2	4	0	103	0
Cloncurry	1	1	1	0	2	0	0	3	0
Cooktown	6	0	7	0	14	2	0	23	0
Cunnamulla	20	17	19	2	12	0	0	33	1
Dalby	77	48	68	5	45	0	0	118	3
Doomadgee	4	2	3	3	28	0	0	34	0
Emerald	43	33	29	1	121	0	0	151	12
Gatton	2	2	2	0	0	0	0	2	0
Gladstone	80	60	95	4	59	0	0	158	5
Goondiwindi	9	9	7	0	0	0	0	7	0
Gympie	36	13	30	0	27	0	0	57	2
Hervey Bay	90	63	111	9	84	4	0	208	2
Holland Park	44	28	38	3	37	1	0	79	1

Child protection applications and orders continued

	Number of applications		Number of orders made						Total	Number of applications dismissed/withdrawn
	Total	R.o.G.S.	Child protection order	Extend protection order	Interim order	Revoke protection order	Vary protection order			
Hughenden	2	0	0	0	2	0	0	2	0	
Ingham	6	0	2	1	5	0	0	8	0	
Innisfail	56	24	56	5	54	5	0	120	8	
Ipswich	213	89	198	30	255	2	1	486	8	
Kingaroy	32	21	22	4	17	0	0	43	4	
Kowanyama	4	0	1	0	31	0	0	32	1	
Lockhart River	2	1	1	0	3	0	0	4	0	
Longreach	3	3	4	0	3	0	0	7	0	
Mackay	229	173	157	23	152	6	5	343	10	
Mareeba	98	54	74	4	75	0	0	153	3	
Maroochydore	83	45	71	24	82	2	1	180	4	
Maryborough	45	17	46	13	64	0	1	124	0	
Mornington Island	23	14	17	1	46	0	0	64	0	
Mount Isa	102	63	62	7	179	4	0	252	9	
Murgon	60	24	32	0	67	0	0	99	2	
Nanango	9	2	8	1	11	0	0	20	0	
Noosa	16	12	9	4	29	0	0	42	0	
Normanton	8	1	0	3	28	3	0	34	1	
Palm Island	2	1	14	2	17	2	0	35	0	
Petrie	57	22	36	7	20	0	0	63	2	
Pormpuraaw	1	0	1	0	10	0	0	11	0	
Proserpine	15	14	10	0	6	0	0	16	4	
Redcliffe	148	68	111	36	127	1	1	276	9	
Richlands	158	82	127	19	43	0	0	189	14	
Rockhampton	290	135	245	32	201	7	0	485	15	
Roma	106	74	57	16	93	1	0	167	13	
Southport	779	537	659	147	902	22	4	1734	67	
St. George	28	16	16	15	48	0	0	79	0	
Stanthorpe	3	2	5	1	0	0	0	6	0	
Thursday Island	1	1	1	0	1	0	0	2	0	
Toowoomba	243	169	210	20	197	0	7	434	13	

	Number of applications		Number of orders made						Total	Number of applications dismissed/withdrawn
	Total	R.o.G.S.	Child protection order	Extend protection order	Interim order	Revoke protection order	Vary protection order			
Townsville	596	231	462	88	618	7	2	1177	26	
Tully	3	0	0	0	0	0	0	0	0	
Warwick	34	15	25	5	6	0	0	36	1	
Weipa	4	4	3	0	12	0	0	15	0	
Winton	1	1	1	0	0	0	0	1	0	
<b>TOTAL</b>	<b>6,174</b>	<b>3,587</b>	<b>5,064</b>	<b>824</b>	<b>5,382</b>	<b>100</b>	<b>34</b>	<b>11,404</b>	<b>377</b>	

## APPENDIX 6: Magistrates' Circuits

### BEENLEIGH

Beaudesert

### BOWEN

Mackay  
Proserpine

### BUNDABERG

Childers

### CAIRNS

Aurukun  
Badu Island  
Bamaga  
Coen  
Cooktown  
Kowanyama  
Lockhart River  
Pormpuraaw  
Thursday Island  
Weipa

### CALOUNDRA

Landsborough

### CHARLEVILLE

Cunnamulla  
Mitchell  
Quilpie  
Roma  
Tambo

### DALBY

Chinchilla  
Dirranbandi  
Millmerran  
Oakey  
Pittsworth  
St. George  
Taroom

### EMERALD

Alpha  
Barcaldine  
Blackall  
Blackwater  
Clermont  
Longreach  
Moranbah  
Springsure  
Winton

### GLADSTONE

Biloela  
Monto

### GYMPIE

Noosa

### HERVEY BAY

Maryborough

### INNISFAIL

Tully  
Yarrabah

### KINGAROY

Cherbourg  
Gayndah  
Murgon  
Nanango  
Toogoolawah

### MACKAY

Sarina

### MAREEBA

Atherton  
Georgetown  
Mossman  
Mount Garnet

### MARYBOROUGH

Bundaberg

### MAROOCHYDORE

Nambour  
Noosa

### MOUNT ISA

Birdsville  
Boulia  
Burketown  
Camooweal  
Cloncurry  
Dajarra  
Doomadgee  
Julia Creek  
Mornington Island  
Normanton

### ROCKHAMPTON

Duaringa  
Mackay  
Woorabinda  
Yeppoon

### SOUTHPORT

Coolangatta

### TOOWOOMBA

Gatton

### TOWNSVILLE

Ayr  
Charters Towers  
Hughenden  
Ingham  
Palm Island  
Richmond

### WARWICK

Goondiwindi  
Inglewood  
Stanthorpe



## APPENDIX 8: Professional development

# Not funded by Magistrates Court

\* Delivered paper/participated in presentation

### Annual Conference

Australian Bar Association Conference  
Dublin 2 July, 2005

- M Irwin#
- L O'Shea#
- B Springer#

Queensland Law Society Criminal Law Conference

Queensland Law Society  
22 August 2005, Brisbane

- M Irwin\*
- W Smith\*

Disability and Criminal Justice Conference

Office of the Public Advocate  
Melbourne 13-15 July, 2005

- E Hall

### Annual Conference

Central Queensland Law Association  
26-28 August 2005, Yeppoon

- A Hennessy
- M Irwin
- O Rinaudo
- B Springer
- J White

16th Pacific Judicial Conference:

Democracy, Human Rights and the Law  
Australian Institute of Judicial Administration  
26-30 July 2005, Port Vila, Vanuatu

- M Irwin#

### Colloquium 2005

Judicial Conference of Australia  
2-4 September 2005, Sunshine Coast

- T Black
- M Cassidy
- W Cull
- A Hennessy
- M Irwin\*
- D MacCallum
- J Payne

### Annual Conference

North Queensland Law Association  
19-20 August 2005, Cairns

- D Glasgow
- A Hennessy
- M Irwin
- T Previtara
- R Risson
- R Spenser

### Judgement Writing Program

National Judicial College of Australia  
11-13 September 2005, Adelaide

- C Clements

### Annual Conference

Northern Territory Magistrates Court  
21-23 August 2005, Kakadu NT

- A Thacker \*

### Mediation Skills Training Program

Dispute Resolution Centre, JAG  
26-31 September 2005, Brisbane

- L Verra

Annual Conference—Technology,  
Communication, Innovation

Australian Institute of Judicial Administration  
7-9 October 2005, Wellington NZ

- B Hine

## North Queensland Drug Court Conference

Townsville Drug Court  
23 November 2005, Townsville

- T Previtiera\*
- R Spencer\*
- S Tonkin\*

## New Landscapes—6th Australasian Residential Tenancies Conference

NSW Consumer, Trader and Tenancy Tribunal  
20-21 October 2005, Sydney

- W Randall

## Annual Conference

Australian and New Zealand Society of Criminology  
7-9 February 2006, Hobart

- A Hennessy\*

## NJCA Travelling Judicial Professional Development Program

National Judicial College of Australia  
18-19 November 2005, Brisbane

- G Buckley
- M Cassidy
- D Dwyer
- K McGinness
- L O'Shea
- R Rinaudo
- L Verra
- R Stark (A/Magistrate)
- J Brassington
- J Daley
- S Guttridge
- J Parker
- J Payne
- C Roney

## Sentencing—Principles, Perspectives, Possibilities Conference

National Judicial College of Australia  
10-12 February 2006, Canberra

- T Black
- J Daly
- A Hennessy
- R Kilner
- J Lock#
- D MacCallum
- L O'Shea
- J Payne
- T Previtiera
- C Roney
- W Smith
- B Springer
- S Tonkin
- E Wessling

## NSW Magistrates' Orientation Programme Judicial Commission of New South Wales

20-25 November 2005, Leura

- T Braes
- D Kehoe
- B Springer

## AIIA National Conference on Family Violence

Australian Institute of Judicial Administration/Australian Institute of Criminology  
23-24 February 2006, Adelaide

- J Batts
- D Fingleton
- A Hennessy

## Sino-Australian Judicial Forum

20-24 March 2006, Beijing, China

- M Irwin#
- L O'Shea#

## Professional development continued

AIIA 3rd International Conference on  
Therapeutic Jurisprudence : Transforming  
legal processes in court and beyond

Australian Institute of Judicial  
Administration

7-9 June 2006, Perth WA

- B Tynan#
- A Thacker
- D Glasgow
- A Hennessy\*

IAWJ 8th Biennial Conference:  
An Independent Judiciary: Culture, Religion,  
Gender, Politics

International Association of Women Judges,  
3-7 May 2006, Sydney

- W Cull
- S Coates#
- J Daley
- A Hennessy
- T Previtiera
- S Tonkin

15th Biennial Australian Magistrates  
Conference

Australian Association of Magistrates  
9-16 June 2006, Freemantle

- S Cornack#
- W Ehrich#
- D Glasgow#
- A Thacker#

Lock 'Them' Up? : Disability and Mental  
Illness Aren't Crimes Conference

Sisters Inside

17-19 May 2006, Brisbane

- E Hall
- C Roney

Family Law 2006 Seminar

Law Council of Australia  
13 June 2006, Brisbane

- M Cassidy

Court Drug Diversion Initiatives Conference

Qld Department of Justice and Attorney-  
General/Australian Institute of Criminology/  
Griffith University

25-26 May 2006, Brisbane

- D Dwyer\*
- R Glasgow\*
- G Hillan\*
- B Hine
- M Irwin\*
- T Morgan\*
- N Nunan\*
- T Privitera
- Z Sarra
- R Spenser\*
- A Thacker\*
- S Tonkin\*
- B Tynan

Hot Topics in the Tropics

2006 North Qld Law Association Conference  
Queensland Law Society

16-17 June 2006, Townsville

- M Irwin\*
- S Tonkin



## APPENDIX 9: Magistrates' participation on external bodies

Association of Australian Magistrates  
S Cornack

Australian Crime Prevention Council North Queensland Branch  
D Glasgow

Australasian Coroners Society  
M Barnes (State Coroner)  
C Clements (Deputy State Coroner)

Australian Institute of Judicial Administration Governing Council  
A Hennessy

Coothinga Society for North Queensland Disability Services  
D Glasgow

Council of Chief Magistrates  
M Irwin (Chief Magistrate)  
B Hine (Deputy Chief Magistrate)

Griffith University Law School Visiting Committee  
M Irwin (Chief Magistrate)

Impaired Driving Legislation Review Committee  
M McLaughlin

International Society for the Reform of the Criminal Law  
M Irwin (Chief Magistrate)

James Cook University Criminology Advisory Committee  
D Glasgow

James Cook University Law School Liaison Committee  
D Glasgow

Judicial Conference of Australia Governing Council  
W Ehrich

Law Council of Australia—Indigenous Committee  
Z Sarra

Monitoring committee on Review of Office of Director of Public Prosecutions (Qld)  
M Irwin (Chief Magistrate)

Police Education Advisory Council  
M Barnes (State Coroner)

Queensland University of Technology Law Faculty Advisory Committee  
J Payne

Uniform Civil Procedure Rules Committee, Supreme Court of Queensland  
B Gribbin  
A Thacker

Supreme Court Library Committee  
M Irwin (Chief Magistrate)

## APPENDIX 10: Magistrates' committees

### Case Management and Comparative Sentencing Committee

To discuss initiatives for the introduction of new systems into civil and criminal court procedures (including the development of Practice Directions) and to suggest possible parity in sentencing in some areas.

### Conference Planning Committee

To plan annual and regional conferences.

### Ethics Committee

To review and develop ethical standards for the magistracy.

### Indigenous Issues Committee

To review and make recommendations on issues for Indigenous people within the criminal justice system and, in particular, the Magistrates Courts.

### Information Technology Committee

To advise on the introduction of technology into the magistracy and to oversee the introduction of any training in connection with this.

### Legislation Committee

To review proposed legislation as it affects the jurisdiction of the magistracy and to respond to government on same, and to proactively develop submissions to government to enhance current legislation.

### Resources and Budget Overview

To access the needs for resources for magistrates and to plan submissions for the annual budget.

### Salaries and Allowances Committee

To consult with the Chief Magistrate on the annual submission to the Salaries and Allowances Tribunal and to the Attorney-General on conditions and entitlements.

### Judicial Professional Development Committee

To develop an orientation program for new magistrates and an ongoing professional judicial development plan (including maintaining and updating the Bench Book).

### Forms Committee

To review and make recommendations concerning approved forms and court bench forms.

## APPENDIX 11: Legislation commonly dealt with in the Magistrates Court

Acts Interpretation Act 1954  
 Adoption of Children Act 1964  
 Agricultural and Veterinary Chemicals (Queensland) Act 1994  
 Agricultural Chemicals Distribution Control Act 1966  
 Agricultural Standards Act 1994  
 Air Navigation Act 1937  
 Ambulance Services Act 1991  
 Animal Care and Protection Act 2001  
 Architects Act 2002  
 Associations Incorporation Act 1981

Bail Act 1980  
 Beach Protection Act 1968  
 Bills of Sale and Other Instruments Act 1955  
 Births, Deaths and Marriages Registration Act 2003  
 Body Corporate and Community Management Act 1997  
 Brands Act 1915  
 Building Act 1975  
 Building and Construction Industry Payments Act 2004  
 Building and Construction Industry (Portable Long Service Leave) Act 1991  
 Building Units and Group Titles Act 1980  
 Business Names Act 1962

Casino Control Act 1982  
 Charitable and Non-Profit Gaming Act 1999  
 Chemical Usage (Agricultural and Veterinary) Control Act 1988  
 Child Care Act 2002  
 Child Protection Act 1999  
 Chiropractors Registration Act 2001  
 City of Brisbane Act 1924  
 Civil Liability Act 2003  
 Classification of Computer Games and Images Act 1995  
 Classification of Films Act 1991  
 Classification of Publications Act 1991  
 Coastal Protection and Management Act 1995  
 Collections Act 1966  
 Commercial and Consumer Tribunal Act 2003  
 Commission for Children and Young People Act 2000  
 Commonwealth Place (Administration of Laws) Act 1970  
 Constitution Act 1867  
 Constitution of Queensland 2001  
 Consumer Credit (Queensland) Act 1994  
 Coroners Act 1958  
 Coroners Act 2003  
 Corporations (Queensland) Act 1990  
 Corrective Services Act 2000  
 Credit Act 1987  
 Crime and Misconduct Act 2001  
 Crimes at Sea Act 2001  
 Criminal Code Act 1899

## Legislation commonly dealt with in the Magistrates Court continued

Criminal Law (Rehabilitation of Offenders) Act 1986  
Criminal Law (Sexual Offences) Act 1978  
Criminal Law Amendment Act 1945  
Criminal Offence Victims Act 1995  
Criminal Proceeds Confiscation Act 2002  
Crown Proceedings Act 1980

Defamation Act 2005  
Dental Practitioners Registration Act 2001  
Dental Technicians and Dental Prosthetists Act 1991  
Disposal of Uncollected Goods Act 1967  
Dispute Resolution Centres Act 1990  
Dividing Fences Act 1953  
Domestic Building Contracts Act 2000  
Domestic and Family Violence Protection Act 1989  
Drug Rehabilitation (Court Diversion) Act 2000  
Drugs Misuse Act 1986

Education (General Provisions) Act 1989  
Electoral Act 1992  
Electrical Safety Act 2002  
Electricity Act 1994  
Environmental Protections Act 1994  
Evidence Act 1977  
Evidence on Commission Act 1988  
Exotic Diseases in Animals Act 1981  
Explosives Act 1999

Fair Trading Act 1989  
Financial Transaction Report Act 1992  
Fire and Rescue Service Act 1990  
First Home Owner Grant Act 2000  
Fisheries Act 1994  
Food Act 1981  
Food Production (Safety) Act 2000  
Forestry Act 1957  
Fuel Subsidy Act 1997

Gaming Machine Act 1991  
Gas (Residual Provisions) Act 1965  
Gas Supply Act 2003  
Gold Coast Motor Racing Events Act 1990  
Government Owned Corporation Act 1993  
Griffith University Act 1998  
Guardianship and Administration Act 2000

Health Act 1937  
Health Practitioners (Professional Standards) Act 1999  
Health Services Act 1991  
Hire Purchase Act 1959

Industrial Relations Act 1999  
 Integrated Planning Act 1997  
 Introduction Agents Act 2001  
 Invasion of Privacy Act 1971

James Cook University Act 1997  
 Jury Act 1995  
 Justices Act 1886  
 Justices of the Peace and Commissioners of Declarations Act 1991  
 Juvenile Justice Act 1992

Keno Act 1996

Land Act 1994  
 Land Protection (Pest and Stock Route Management) Act 2002  
 Legal Aid Queensland Act 1977  
 Legal Profession Act 2004  
 Limitation of Actions Act 1974  
 Liquor Act 1992  
 Local Government (Aboriginal Lands) Act 1978  
 Local Government Act 1993  
 Local Government (Chinatown and the Valley Malls) Act 1984  
 Local Government (Queen Street Mall) Act 1981  
 Lotteries Act 1997

Magistrates Court Act 1921  
 Maintenance Act 1965  
 Major Sports Facilities Act 2001  
 Manufacture of Homes (Residential Parks) Act 2003  
 Maritime Safety Queensland Act 2002  
 Marine Parks Act 1982  
 Marine Parks Act 2004  
 Medical Practitioners Registration Act 2001  
 Medical Radiation Technologist Registration Act 2001  
 Mental Health Act 2000  
 Mineral Resources Act 1989  
 Mining and Quarrying Safety and Health Act 1999  
 Misconduct Tribunals Act 1997  
 Motor Accident Insurance Act 1994

National Crime Authority (State Provisions) Act 1985  
 Nature Conservation Act 1992  
 Nursing Act 1992

Oaths Act 1867  
 Occupational Therapists Registration Act 2001  
 Optometrist Registration Act 2001  
 Osteopaths Registration Act 2001

## Legislation commonly dealt with in the Magistrates Court continued

Partnership Act 1891  
Partnership (Limited Liability) Act 1988  
Pawnbrokers Act 1984  
Pay-roll Tax Act 1971  
Peace and Good Behaviour Act 1982  
Peaceful Assembly Act 1992  
Penalties and Sentences Act 1992  
Physiotherapists Registration Act 2001  
Plant Protection Act 1989  
Police Powers and Responsibilities Act 2000  
Police Service Administration Act 1990  
Power of Attorney Act 1998  
Prisoners (Interstate Transfer) Act 1982  
Private Employment Agents Act 2005  
Property Agents and Motor Dealers Act 2000  
Property Law Act 1974  
Prostitution Act 1999  
Psychologists Registration Act 2001  
Public Health Act 2005  
Public Safety Preservation Act 1986  
Public Service Act 1996  
Public Trustee Act 1978

Queensland Building Services Authority Act 1991  
Queensland Law Society Act 1952  
Queensland University of Technology Act 1998

Racing Act 2002  
Radiation Safety Act 1999  
Recording of Evidence Act 1962  
Recreation Area Management Act 1988  
Registration of Births Deaths and Marriages Act 1962  
Regulatory Offences Act 1985  
Residential Services (accommodation) Act 2002  
Residential Tenancies Act 1994  
Retail Shop Leases Act 1994

Sale of Goods Act 1896  
Second Hand Dealers and Collectors Act 1984  
Securities Industry (Application of Laws) Act 1981  
Security Providers Act 1993  
Sewerage and Water Supply Act 1949  
Small Claims Tribunals Act 1973  
Soil Conservation Act 1986  
South Bank Corporation Act 1989  
Speech Pathologists Registration Act 2001  
State Buildings Protective Security Act 1983  
State Housing Act 1945  
State Penalties Enforcement Act 1999

Status of Children Act 1978  
 Stock Act 1915  
 Storage Liens Act 1973  
 Sugar Industry Act 1999  
 Summary Offences Act 2005  
 Surrogate Parenthood Act 1988

Terrorism (Preventative Detention) Act 2005  
 Terrorism (Commonwealth Powers) Act 2002  
 Timber Utilisation and Marketing Act 1987  
 Tobacco and Other Smoking Products Act 1998  
 Tobacco Products (Licensing) Act 1988  
 Torres Strait Fisheries Act 1984  
 Tow Truck Act 1973  
 Trade Measurement Act 1990  
 Trading (Allowable Hours) Act 1990  
 Training and Employment Act 2000  
 Transport Infrastructure Act 1994  
 Transport Operations (Marine Pollution) Act 1995  
 Transport Operations (Marine Safety) Act 1994  
 Transport Operation (Passenger Transport) Act 1994  
 Transport Operations (Road Use Management) Act 1995  
 Transport Planning and Coordination Act 1994  
 Travel Agents Act 1988  
 Trust Accounts Act 1973

University of Queensland Act 1998  
 University of Southern Queensland Act 1998  
 University of the Sunshine Coast Act 1998

Vagrants Gaming and Other Offences Act 1931  
 Valuers Registration Act 1992  
 Vegetation Management Act 1999  
 Veterinary Surgeons Act 1936  
 Vexatious Proceedings Act 2005  
 Vocational Education, Training and Employment Act 2000

Wagering Act 1998  
 Water Act 2000  
 Water Efficiency Labelling and Standards Act 2005  
 Weapons Act 1990  
 Wet Tropics World Heritage Protection and Management Act 1993  
 Wine Industry Act 1994  
 Workers Compensation and Rehabilitation Act 2003  
 Workplace Health and Safety Act 1995

## APPENDIX 12: Practice Directions

### PRACTICE DIRECTION NO. 4 OF 2005

#### Appearance of Detainees on video link facilities at Magistrates Courts at Beenleigh, Ipswich and Southport.

The purpose of this Practice Direction is to clarify the procedure in relation to the manner of appearance of detainees (defendants in custody) on video link facilities at Magistrates Courts at Beenleigh, Ipswich and Southport.

The *Justices Act 1886* provides for the use of video link facilities for certain proceedings before a Magistrates Court. In particular section 178C provides as follows:-

Use of video link facilities in proceedings

178C(1) This section applies to a proceeding if –

- (a) A detainee is entitled or required to be present before a Magistrates Court for the proceeding; and
  - (b) The proceeding is about an offence with which the detainee is charged, including a proceeding for the detainee's bail or remand; and
  - (c) Video link facilities are available linking the correctional institution where the detainee is in custody and the court.
- (2) A proceeding for the detainee's bail or remand must be conducted using the video link facilities, unless the court, in the interests of justice, otherwise orders.
  - (3) In a proceeding, other than a proceeding for the detainee's bail or remand, the court may order the proceeding be conducted using video link facilities only if all parties consent.
  - (4) The video link facilities may only be used to link the proceeding before the court at the place the court is sitting with the detainee, or the detainee and the detainee's representative, at the correctional institution.

Accordingly, the following procedures will apply –

- (1) On all proceedings for bail or remand, other than for the first appearance, the detainee will appear on video link unless personal and video link appearance is excused.
- (2) If the detainee's legal practitioner seeks a personal appearance of the detainee on proceedings to which paragraph (1) applies, the legal practitioner must first apply to a magistrate and satisfy the requirements of section 178(2) above.
- (3) If it is proposed to sentence the detainee for summary offences and the detainee is required to be present in court (i.e. all parties do not consent to the detainee being sentenced on video link in accordance with section 178C(3)), the practitioner must, at the callover, inform the magistrate when seeking a remand for this purpose.
- (4) On all hearings the detainee will appear personally at court unless the parties consent to the detainee appearing by video link and the court makes an order in accordance with section 178(3).
- (5) On all proceedings where the detainee is to appear on video link:
  - (a) The representatives of the Prosecution and the detainee MUST be fully prepared prior to that appearance and ready to proceed on time and in accordance with the order of appearance determined by the Court and must deal with matters as expeditiously as possible; and
  - (b) Any application for a change in appearance requirements MUST be made to the Court a minimum of 72 hours prior to the scheduled appearance date.

This direction shall take effect as from 31 October 2005 for Ipswich and Southport Magistrates Courts and 7 November 2005 for Beenleigh Magistrates Court

**Judge Marshall Irwin**  
Chief Magistrate

19 October 2005



## PRACTICE DIRECTION NO 1 OF 2006

### Uniform Civil Procedure Rules 1999

The Uniform Civil Procedure Amendment Rule (No.1) 2003 was made by the Governor in Council on 15th May 2003.

The Rule amends Part 1 of Chapter 22 of the Uniform Civil Procedure Rules 1999, by inserting a new Division 4—Electronic Court documents (Rules 975A to 975I).

The purpose of the Rule is to enable the electronic filing of documents in Magistrates Courts.

For the purpose of Rule 975C(1)(c), in addition to those registries listed at item 4 of the Magistrates Courts Practice Direction 1 of 2003, and registries listed in Magistrates Courts Practice Direction 1B of 2005, documents may also be filed electronically at the following Magistrates Courts registries:

Atherton;	Barcaldine;	Biloela;	Blackwater;
Bowen;	Charleville;	Childers;	Chinchilla;
Clermont;	Cloncurry;	Cooktown;	Cunnamulla;
Emerald;	Gayndah;	Goondiwindi;	Ingham;
Julia Creek;	Kingaroy;	Longreach;	Mareeba;
Mitchell;	Moranbah;	Mossman;	Murgon;
Nanango;	Normanton;	Pomona;	Richmond;
Roma;	Sarina;	St. George;	Stanthorpe;
Taroom;	Thursday Island;	Toogoolawah;	Tully; and
Weipa.			

**Judge M P IRWIN**  
Chief Magistrate

**March 2006**

## PRACTICE DIRECTION NO. 2 OF 2006

### Appearance of Detainees on video link facilities at Magistrates Courts at Maryborough and Hervey Bay

The purpose of this Practice Direction is to clarify the procedure in relation to the manner of appearance of detainees (defendants in custody) on video link facilities at Magistrates Courts at Maryborough and Hervey Bay.

The *Justices Act 1886* provides for the use of video link facilities for certain proceedings before a Magistrates Court. In particular section 178C provides as follows:-

#### Use of video link facilities in proceedings

178C(1) This section applies to a proceeding if –

- (a) a detainee is entitled or required to be present before a Magistrates Court for the proceeding; and
  - (b) the proceeding is about an offence with which the detainee is charged, including a proceeding for the detainee's bail or remand; and
  - (c) video link facilities are available linking the correctional institution where the detainee is in custody and the court.
- (2) A proceeding for the detainee's bail or remand must be conducted using the video link facilities, unless the court, in the interests of justice, otherwise orders.
  - (3) In a proceeding, other than a proceeding for the detainee's bail or remand, the court may order the proceeding be conducted using video link facilities only if all parties consent.
  - (4) The video link facilities may only be used to link the proceeding before the court at the place the court is sitting with the detainee, or the detainee and the detainee's representative, at the correctional institution.

Accordingly, the following procedures will apply –

- (1) On all proceedings for bail or remand, the detainee will appear on video link unless personal and video link appearance is excused.
- (2) If the detainee's legal practitioner (or the detainee, if unrepresented) seeks a personal appearance of the detainee on proceedings to which paragraph (1) applies, the legal practitioner (or the detainee) must first apply to a magistrate and satisfy the requirements of section 178(2) above.
- (3) If it is proposed to sentence the detainee for summary offences and the detainee is required to be present in court (i.e. all parties do not consent to the detainee being sentenced on video link in accordance with section 178C(3)), the practitioner (or the detainee, if unrepresented) must inform the magistrate when seeking a remand for this purpose.
- (4) On all hearings the detainee will appear personally at court unless the parties consent to the detainee appearing by video link and the court makes an order in accordance with section 178(3).
- (5) On all proceedings where the detainee is to appear on video link:
  - (a) The representatives of the Prosecution and the detainee (or the detainee, if unrepresented) MUST be fully prepared prior to that appearance and ready to proceed on time and in accordance with the order of appearance determined by the Court and must deal with matters as expeditiously as possible; and
  - (b) Any application for a change in appearance requirements MUST be made to the court a minimum of 72 hours prior to the scheduled appearance date.

This direction shall take effect as from 3 April 2006.

**Judge MP Irwin**  
**Chief Magistrate**

14 March 2006

## PRACTICE DIRECTION NO 3 OF 2006

### *Drug Court Act 2000*

#### Adjournments for Indicative Assessment to Drug Court Magistrates

The aim of this direction is to avoid the number of defendants referred to appear before a drug court magistrate for indicative assessment under section 12B of the Drug Court Act 2006 (the Act) exceeding the Drug Court's capacity to absorb them. This reflects the fact that resources exist for only 141 participants in the program in South-East Queensland, or 80 in North Queensland, at any one time.

It also reflects section 8 of the Drug Court Regulation 2006 which provides:

'Matters that may be considered when referring a person for indicative assessment

In making a decision mentioned in section 12B of the Act, a magistrate may have regard to-

- (a) the maximum number of active intensive drug rehabilitation orders as prescribed under section 10; and
- (b) any advice from the person appointed as the court coordinator for drug courts by the chief executive about whether the maximum number has been exceeded.'

From 3 July 2006, the following procedure will apply:

1. The magistrate will confirm with the Drug Court Coordinator (phone 07 3884-7519 in SEQ or 07 4039-8702 in NQ) that a vacancy exists in the Drug Court program.
2. If no place is available in the Drug Court program for a defendant being considered for referral for indicative assessment, the magistrate should not ordinarily (i.e. unless special reasons exist and the matter has been discussed with the Drug Court Coordinator) make an order adjourning the proceedings before a Drug Court magistrate for this purpose in respect of the charges then before the court. The defendant must then be dealt with by way of a further adjournment, by sentencing or by way of a committal hearing, or otherwise according to law.
3. However, if the same defendant appears again on a later date charged with the same offences or different offences, the defendant is not precluded from being referred for indicative assessment only because he or she has previously been refused a remand to the Drug Court on the grounds stated in paragraph 2 above. The process then would be in accordance with paragraphs 1 and 2.
4. When the defendant is currently before the Drug Court for such assessment, and further charges are preferred, the Magistrate need only adjourn the defendant to the Drug Court and no further order for assessment is required.

This direction supersedes Practice Direction No 2 of 2001.

**Judge MP IRWIN**  
**Chief Magistrate**

**30 June 2006**

## APPENDIX 13: Technology in courts

### Technology and facilities available in Magistrates Court

Location	Vulnerable Witness Facilities	CCTV Courts	Video-Conferencing	Wi-Fi	Digital Recording
Beenleigh	1		1	1	
Brisbane Roma Street Arrest Courts	1		1		
Brisbane 363 George Street	4		7	1	1
Caboolture	1		1		
Cairns			1	1	
Caloundra	1		1		
Cooktown	1	1			
Gladstone	1	1			
Gympie	1	1			
Hervey Bay	1		1		
Ipswich	1		1	1	1
Mackay	1		1	1	
Maroochydore	1		1	1	
Maryborough		1	1		
Mount Isa	1		1		
Richlands	1		1		
Rockhampton			1	1	
Roma				1	
Southport	1		1	1	1
Thursday Island	1		1		
Toowoomba			1		
Townsville			1	1	
Wynnum	1	1			
<b>TOTALS</b>	<b>20</b>	<b>5</b>	<b>24</b>	<b>10</b>	<b>3</b>



