20 October 2007

The Honourable Kerry Shine MP
Attorney-General and Minister for Justice
and Minister Assisting the Premier in Western Queensland
GPO Box 149
BRISBANE QLD 4001

Dear Attorney,

It is with great pleasure that I provide you with the Annual Report for the 2006-2007 financial year in accordance with section 57A of the Magistrates Courts Act 1921.

I would like to acknowledge and thank the following people who have helped prepare this report:

- Magistrates who contributed to various sections of the report or assisted in proof-reading the document, in particular, Deputy Chief Magistrate Hine, Magistrates Barnes, Black, Chilcott, Coates, Cull, Dowse, Fingleton, Gordon, Gribbin, Hennessy, Kennedy, Killeen, Lee, MacCallum, Pascoe, Randall, Rinaudo, Roney, Smith (W), Thacker, Tonkin and Vera;
- Mr Paul Marschke, Court Administrator;
- Members of the Court’s staff, in particular, Ms C Beast, Ms K Bridge, Ms S Buttigieg, Ms P Cole, Ms F Craige, Mr M Dalhke, Mr M Dyer, Ms S Franklin, Ms K Halling, Ms A Hamilton, Ms J Harris, Ms N Kendall, Mr P Kent, Mr M G Maw, Mr P Macoy, Mr L Martin, Ms R Monaghan, Mr P Mulder, Mr P Murray, Mr S Pitt, Ms S Rohweder, Ms L Roughan, Ms L Ryle, Ms J Sayeed, Mr R Stark, Ms N Walker, Ms C Wallace, Mr K Wells, Mrs C Willie, and Mr G Wilam;
- Ms Jeannie Donovan, Judicial Support Officer to the Queensland Magistracy;
- Ms Lee Williams, Project Officer, Magistrates Court Branch;
- Ms Michelle Lodge, Communications Officer, Public Affairs Unit;
- Ms Lucretia Ackfield, Senior Communications Officer, Courts Information Management;
- Ms Louise Vaughan, Editor.

Yours sincerely,

[Signature]

JUDGE M P IRWIN
Chief Magistrate
Contents

Chief Magistrate’s year in review .................................................. 3

Our Magistrates ........................................................................ 29
  Queensland’s Magistrates as at 30 June 2007 ................................................................. 32
  Acting Magistrates ......................................................................................................... 35
  Appointments, retirements and milestones ................................................................. 36
  Magistrates’ professional development report ......................................................... 41

Court overview ........................................................................ 46

Our jurisdictions ........................................................................ 55
  Criminal jurisdiction .................................................................................................... 56
  Civil jurisdiction .......................................................................................................... 64
  Childrens Court ........................................................................................................... 70
  Domestic and family violence .................................................................................... 76
  Commonwealth jurisdiction ........................................................................................ 81
  Industrial Magistrates Court ....................................................................................... 84
  Coroners Court ........................................................................................................... 87

Innovative courts, programs and technology ............................ 89
  Homeless Pilot Program ............................................................................................. 90
  Special Circumstances List ........................................................................................ 92
  Drug Court .................................................................................................................. 95
  Courts supported by Community Justice Groups ..................................................... 100
  Murri Court ................................................................................................................ 103
  Queensland Magistrates Early Referral Into Treatment Program ............................. 110
  Illicit Drugs Court Diversion Program ..................................................................... 112
  Cairns Alcohol Remand and Rehabilitation Program ............................................. 114
  Queensland Indigenous Alcohol Diversion Program ............................................... 115
  Technological innovations .......................................................................................... 116

WARNING:
Aboriginal and Torres Strait Islander peoples are warned that this document
may contain images of deceased persons. Due care has been taken to ensure
that all images have been used with the appropriate consent.
In the year ended 30 June 2007, the Queensland Magistrates Court achieved an excellent result in its performance and continued to expand on courtroom and administrative initiatives by applying innovative approaches to meet the community’s justice needs in our state. This report on the Court’s operations has been prepared in consultation with my colleagues in the Queensland magistracy and with the Court Administrator. It is based on the statistics which were provided to the court and were accurate as at 30 June 2007.

The Magistrates Court, as the court where matters are first heard in the judicial system of Queensland, has a broad jurisdiction—the extent and complexity of which is emphasised by Appendix 3 which lists the legislation commonly dealt with by magistrates. Detailed information about our jurisdiction can be found in the Court Overview at pages 46–54.

Frequently in the Magistrates Court, parties appear unrepresented. Inevitably, this adds an extra layer of complexity to the proceedings and can slow down the processing of matters on the court list.

It is the court where approximately 96% of all criminal charges are dealt with. Therefore, as our Attorneys-General have often said, our magistrates are the frontline of justice administration in our state.
In The State of the Judicature Address on 25 March 2007, Gleeson CJ of the High Court of Australia said:

The disposition of civil and criminal matters where appropriate by summary procedures, or by procedures suitably adapted to less complex cases, is a vital part of the system’s response to the twin problems of cost and delay, and to the need to provide citizens with reasonable access to justice......

Without some capacity to differentiate, on a rational basis, between cases that require different forms of judicial process, the system would collapse under its own weight. That does not mean that cases dealt with by summary, or relatively uncomplicated, process are less important. On the contrary, for most people, this is the level at which any encounter with the courts is likely to occur.

It has also been said of the Magistrates Court by a former Attorney-General that:

We are seeing great innovation, with new ways of addressing social problems.

The theme of this year’s report is:

The Magistrates Court—the court of innovation.

The Courts Innovation Programs have been developed to support a number of initiatives to provide diversionary options for people early in their offending history, to provide appropriate alternative sentencing options for people whose offences are a result of drug or alcohol addiction and to co-ordinate the strategies to reduce Indigenous over-representation in the criminal justice system.

These innovative programs are summarised at pages 20-23 of my review and are described in more detail in the body of this document.
However, the court’s innovations are not confined to programs but extend to the increasing technological sophistication of our court environment. As a result, a centralised Court Technology Group has been established to support this environment for the future.

Our people

On 1 January 2007, an additional magistrate’s position was established at Southport. This was a welcome positive response by the Attorney-General and Minister for Justice to the request in the last Annual Report, in recognition of the fact that Southport is one of our busiest courts in a rapidly growing area.

Although Southport remains the second busiest criminal and civil court outside Brisbane, as well as the busiest court in the domestic and family violence and child protection jurisdictions, the increase in its capacity from seven to eight magistrates (including a relieving magistrate) has resulted in reduced waiting times for hearings, including at the Coolangatta circuit court.

This has been further helped by continuing to supplement the Southport Court with an acting magistrate who has been made available by not appointing that person to relieve in Brisbane when magistrates are on leave there. The magistrate at Charleville was also able to allocate four weeks to sit at Southport to help reduce the workload.
There are now 84 positions for magistrates in Queensland (there are 85 magistrates as two are part-time). I anticipate this will be increased to 85 positions in August 2007 by the creation of a new magistrate’s position in Cairns. The purpose of this position is to enable our court to spend more time in Cape York and Torres Strait Islander communities. The support by the Attorney-General for this initiative is also appreciated after it was raised in the last Annual Report.

This appointment will allow us to spend more time than is currently available to meet with Community Justice Groups and to address sentencing issues. It will provide the opportunity to consider more innovative sentencing practices that are likely to reduce offending and lead to a reintegration of offenders into their communities. Importantly, it will reduce any perception of fly in–fly out justice and provide better access to justice for those communities.

At a recent swearing-in ceremony, the Attorney-General said about these additional appointments:

*The workload of the Magistrates Court continues to grow. The need for additional magistrates and resources is understood by the Executive Government.*

As at 30 June 2006, there were 83 serving magistrates. The two vacancies listed in pages 32–34 arise from the retirements of Magistrates Dean and Pascoe during June. Due to transfers, these vacancies now exist at Southport and Sandgate.

The current complement includes 52 magistrates appointed from outside the court system and 26 women. Four of our magistrates have an Indigenous background.

There have been five new magistrates appointed—two barristers and three solicitors—during the reporting period.

I am pleased that two of our new colleagues were, in fact, experienced acting magistrates—Magistrates Comans, who has been appointed to Cairns, had 16 years experience in this capacity; and Magistrate O’Driscoll had ten years experience before his appointment to the newly created Southport position.

Magistrate Kilmartin was a solicitor in private practice for 23 years and was a Chairperson of the Legal Aid Commission before his appointment. Magistrate Lee was a barrister in private practice with 20 years experience including having acted as an arbitrator and mediator. He also brings adjudicative experience to our court, as a former Member of the Social Security Appeals Tribunal and of the Misconduct Tribunal. Both magistrates have been appointed to Southport.

Magistrate Osborne had been a solicitor in private practice and with the Legal Aid Office Queensland over a period of 19 years before his appointment. From 2001 until his appointment, he was the Solicitor-in-Charge of the Townsville Legal Aid Office.

His appointment to Townsville is in keeping with the approach, wherever possible, of appointing appropriate regional practitioners to courts in the place where they have practised law. As I have said in previous Annual Reports, this philosophy is intended to have the long term effect of eliminating forced transfers, quite apart from reducing the significant cost of transfers.
Although it can readily be seen that these newly-appointed magistrates bring to our court a broad range of skills and experience, the Magistrates Court had six retirements this year—Magistrates Brennan, Dean, Proctor, Rose, Woodford and Childrens Court Magistrate Pascoe—whose combined years of experience as magistrates is 87 years, which is irreplaceable. Although we wish them a happy retirement, we will miss their expertise and practical experience.

Our magistrates are appointed to 31 different centres. This is one less centre than during the last reporting period because of the transfer of a second magistrate to Hervey Bay, with the principal function of constituting the nearby Maryborough Magistrates Court. This was done by not transferring a magistrate to Maryborough when a vacancy arose there. Importantly, Maryborough continues to receive the same level of service as if a magistrate was appointed there. It is also relevant that there had been no magistrate appointed there for over six years until the position was re-established in 2005.

This changed arrangement is in keeping with our court’s flexible approach to allocating its resources to achieve the most effective results. Another example of this approach has been the transfer of responsibility of the Millmerran, Oakey and Pittsworth circuits from Dalby to Toowoomba. This has enabled the magistrate at Dalby to spend some time helping reduce court lists in the Brisbane area, which also allows a magistrate in a single magistrate centre to have contact with other colleagues. For the same reason, arrangements have been made for Magistrate Rinaudo of Charleville to preside for four weeks, during the year, in Southport.

The article by Magistrate Rinaudo at page 148 of this report, like that by Magistrate Cull last year, describes the life of a remote area magistrate. It demonstrates the variety of work and activities that magistrates in these areas can undertake. It also highlights the extent of driving involved on circuits, and the nature of the courthouses, for example at Quilpie. The jurisdiction that the Charleville magistrate covers is an area larger than Victoria.

Advisory Committee
The Court Governance Advisory Committee is an important aspect of the court’s governance, particularly in the transfer process.

As indicated in previous Annual Reports, the committee is required to make transfer recommendations on matters referred to it by the Chief Magistrate, as well as to consider and make recommendations on other matters affecting the Magistrates Courts that the Chief Magistrate refers to it.

In conjunction with the Chief Magistrate, the Committee has made a transfer policy for magistrates which was first published on 5 February 2004 and was last modified on 22 July 2005. It is available to all serving magistrates and people who are considering an offer of appointment to our court.

The Committee consists of two permanent members—the Deputy Chief Magistrate, who is the Chairperson, and the State Coroner. There are three temporary members who are chosen by the Chief Magistrate, in conjunction with the permanent members. At least one of these members must constitute the court in a regional centre outside the South-East corner of the State.
The current Advisory Committee consists of:

**Permanent members**
- Magistrate Hine, Deputy Chief Magistrate
- Magistrate Barnes, State Coroner

**Temporary members**
- Magistrate Callaghan, Gympie
- Magistrate Glasgow, Townsville
- Magistrate O’Shea, Brisbane

At the time of appointment in December 2005, the three temporary members were from outside South-East Queensland. However, in early 2007, Magistrate O’Shea transferred to Brisbane. Two of the temporary members are female.

The terms of all temporary members will expire in December 2007. Expressions of interest will be called well in advance of that time, from magistrates wishing to become members of the Court’s third Advisory Committee. I take this opportunity to thank all current committee members for their advice and assistance in discharging my legislative responsibilities.

In this reporting period, 13 transfers were implemented in consultation with the Advisory Committee—the advice on all of which I have accepted. Once again this year, all transfers have been based on voluntary expressions of interest or willingness to constitute the vacancies within the court.

### Criminal jurisdiction

In the criminal jurisdiction over the past 12 months, there has been a decrease in the number of charges in the adult jurisdiction. However, the number of adults dealt with remained relatively steady.

There was an increase in both the number of charges and defendants in the Childrens Court for the first time in two years. This is analysed in more detail in the Childrens Court section of the report.

The decrease in adult charges was 2.86%, with a 0.25% decrease in the number of defendants. In the past six years, there has been an increase of 8.54% in adult charges and a 20.93% increase in the number of defendants.

The total number of criminal charges (adult and children) dealt with were 356,135. This was 6726 fewer charges than in the last reporting year together with 133 fewer defendants overall.

However, it does not follow that there has been a decrease in the time and complexity involved in dealing with matters in the criminal jurisdiction, particularly as so many defendants do not have legal representatives.

Offences under the *Summary Offences Act 2005* made up 9.7% of the total charges brought before the court. Public nuisance offences made up 63% of these charges. As a result of the increase in these charges and in trespass charges, there was a 3783 increase in the number of charges lodged under the legislation this year.

Our court also spends significant time in determining transport and driving offences under the *Transport Operations (Road Use Management) Act 1995* and related regulations.
A comparison with the equivalent statistics for 2005–2006 reveals a decrease in both the number of defendants (86,507 to 85,344) and charges (90,717 to 88,569). However, the numbers remain above those in 2004–2005 (81,430 defendants; 83,285 charges). The decrease is largely due to a decline in unlicensed driving offences this year. There was also a decrease in the number of defendants and charges concerning fatigue management of the drivers of buses and heavy vehicles.

Changes in transport legislation during the year are likely to increase the workload of the court; in particular, with the immediate suspension of a driver's license for particular offences, we anticipate an increase in the number of applications to our court for orders to issue a temporary license to drive until the charges are heard and determined. This has been recognised with funding for the equivalent of 0.6% of a magistrate's position. This funding has been used flexibly to meet the needs of the court when and where they arise throughout the state.

Another positive development in the criminal jurisdiction has been the implementation of the Early Payment of Fines Project through the State Penalties Enforcement Registry (SPER).

From 30 April 2007, almost all Court ordered fines, restitution and compensation will be registered with SPER immediately to provide a simpler payment process due to changes effected by the State Penalties Enforcement and Other Legislation Amendment Act 2007.

The object is to help offenders pay these debts through the institution of personalised payment plans rather than return these matters to the courts for prosecution. The main aim of SPER is to maintain the integrity of fines as a sentencing option and to preserve public confidence by improving the collection of fines while reducing enforcement costs.

A very positive development during the year has been the expansion of the Mental Health Court Liaison Service beyond Brisbane and Townsville. This service provides mental health screening, advice and referral for the assessment of people who are detained in watchhouses and those appearing before the court. The Queensland Magistracy has supported and values this innovative Queensland Health initiative. The service has enabled our court to make more informed decisions about defendants experiencing mental health difficulties. It has enabled these people to be more readily identified and diverted from the justice system to the health system where those mental health issues can be more appropriately addressed.

Civil jurisdiction

In the past 12 months, there has been a decrease in the number of civil claims, minor debts, and small claims lodged. In the six year period from 2001–2007, there has been an overall decrease of 10.5% in total civil lodgements.

I repeat the comment made in last year's Annual Report that a review of the monetary limits for civil and minor debt claims may be warranted because of the decline over the past two years in minor debt claims in the Magistrates Court. The 7.34% decline in these claims this year is part of a decrease of 26.80% in total lodgements from 2001–2007.
My concern is that this decline may reflect an increasing number of people who no longer have access to a speedy, inexpensive resolution to their claims because the monetary limit is too low.

We have continued to adjust our processes to create opportunities for better outcomes for litigants. Examples are the introduction of a pilot Civil Applications List in Brisbane and the enhancement of abbreviated mediation to resolve minor debt claims and non-residential tenancy claims in the Small Claims Tribunal.

In Brisbane, in non-tenancy small claims matters, parties were previously referred to mediators immediately before each hearing commenced. Since early in 2007, they are ordered to attend a compulsory mediation session before allocation of the hearing date. To the end of June 2007, 286 matters have been referred to mediation and only 98 matters have been sent to the Tribunal for a contested hearing. The statistics for Townsville also demonstrate that the resolution rate of mediation increases when it is conducted prior to allocating the hearing date.

At present, the Court can only access mediation where it is available and practicable. Where it is available, it has proven to save litigants’ time and costs as well as to significantly reduce court costs and pressure on the Court’s listing system, allowing earlier hearings for matters that cannot be resolved.

The pilot Brisbane Civil Applications List, has undergone some modifications during the year, and has been an effective model for the timely listing and hearing of civil applications. Consideration is being given to adopting a similar listing model for Southport and Townsville; these are the next busiest centres after Brisbane for civil claims.

Childrens Court

During the year, 10 894 young people appeared before the court on 26 000 charges. This was a significant increase of 12.99% in the number of charges lodged, together with a 3.27% increase in the number of defendants in comparison with 2005–2006. During the six years from 2001–2007, there has been a 6.5% increase in the number of charges against child defendants, with the number of defendants remaining steady (with only a slight decrease of 0.66%).

The Juvenile Justice Act 1992 enables the court to refer children to Youth Justice Conferencing. This process, based on restorative justice principles, allows offenders and victims to discuss the offence and its impact on the victim and the community, then to reach an agreement as to how the young person can repair the harm caused. The outcome of the conference is reported back to the magistrate who can either take no further action or incorporate aspects of the agreement into the penalty ordered by the court. Throughout Queensland, 2009 conferences were conducted this year, with 97% being successful in reaching an agreement to reparation. There has been a steady increase in the use of this option over the past three years.

In the past 12 months, there has been a slight decrease in the number of child protection applications from 6174 in 2005–2006 to 5991. However, it does not follow that there has been a decrease in the time taken by the court in dealing with the applications. For example, although the requirement to develop case plans is a positive development, it has led to a marked increase in the time taken by magistrates to deal with each case.

On a particularly positive note, over the past year there has been a decrease in the number of child protection applications lodged in Cape York as well as the number of associated child protection events.
Domestic and family violence

As shown in Appendix 12, in the year ending 30 June 2007, there were 24,626 applications for protection orders in the domestic and family violence jurisdiction. A total of 32,874 orders were made. This is an increase over the previous year of 1.8% and 1.5% respectively.

This year, 16 court centres dealt with more than 500 applications and six of these dealt with over 1000 applications. Southport, despite a slight decrease in applications, again dealt with more than any other centre with 2,204 applications. An increase in applications at Beenleigh to 1,722 has resulted in it passing Brisbane with 1,538 to become the second busiest centre in this jurisdiction. Applications also increased at Townsville to 1,201 and Cairns to 1,025.

The statistics continue to demonstrate a marked increase in the volume of work in the domestic and family jurisdiction over the past six years, with an increase of 40.8% in applications and an increase of 45.6% in orders made.

Despite the increase in applications this year, there has been no indication to date that the passage of the Family Law Amendment (Shared Parental Responsibility) Act 2006 has exacerbated the domestic and family violence litigation in our court.

Specialist domestic violence court

In the last Annual Report, I raised a proposal for the establishment of a specialist domestic and family violence jurisdiction which would be a ‘one stop shop’ using a problem-solving and therapeutic approach to address all matters arising from domestic violence. It would focus on accessing intervention programs where the causes of the violent behaviour could be addressed, rather than just dealing with the outcomes.

As I said last year, although this would be another innovation by our court, it is not a novel concept. During this year, I have observed the operation of specialist domestic violence court lists in Adelaide and in Brooklyn, New York.

We are also trialling, within our own resources, a specialist Domestic Violence List in Rockhampton. This involves listing 18 days to specifically hear domestic violence matters days over the next 12 months. It will take an integrated approach, with civil applications for protection orders as well as criminal proceedings for breaches of those orders and criminal conduct involving domestic violence all being heard on the same day. A child protection callover is also held on that day as there may be matters linked to the people involved in domestic violence proceedings.

Like many other initiatives of our court that are funded from within our own resources, I am hopeful that this will lead to the establishment of a permanently funded domestic and family violence court.
Commonwealth jurisdiction

There was a considerable drop in the overall number of charges and defendants in the Commonwealth jurisdiction this year. The number of charges declined from 11,210 for 2005–2006 to 9,303. This year the decline in the number of defendants was from 3,833 in 2005–2006 to 3,327. This year a significant contributor to this was the decrease in the charges and defendants under the Taxation Administration Act 1953. However, as with the state criminal jurisdiction, it does not necessarily follow that there has been a commensurate decrease in the court time taken to resolve these matters because of the complexity involved in many areas in this jurisdiction.

Industrial jurisdiction

Since August 2005, the Queensland Industrial Relations Commission (QIRC) has had concurrent jurisdiction with our Industrial Magistrates Court to hear appeals from QComp decisions. There were 89 appeals lodged with the QIRC this year, which was its first full year of hearing these matters. During the first ten months of the operation of this dual system, as reported last year, a trend had developed where it appeared that the number of appeals lodged with the Industrial Magistrates Courts outside Brisbane had reduced; however, this trend has changed and the lodgements will continue to be closely monitored.

In 2005–2006, 65% of appeals were lodged in the Central Brisbane Industrial Magistrates Court and 35% in other courts throughout Queensland. This proportion changed in 2006–2007. Of a total of 274 appeals lodged with the Queensland Industrial Magistrates Court, 64% (176) were lodged in Brisbane and 36% (98) were lodged regionally.

During 2006–2007, 270 appeals to Industrial Magistrates were finalised and, of these, 78 appeals were finalised by deliberation of the Court.

Our court was involved with another innovation during the year—the development and launch of QComp’s electronic database of appeal decisions known as QWCDEC (pronounced Quick Deck). Available at <www.qcomp.com.au>, it replaces the out-of-date hard copy reports and will be valuable to lawyers who practise in this area as well as to self-represented litigants.

The Coroners Court

There were 3,219 deaths reported to Queensland coroners in 2006–2007. This year, 109 inquests were held by coroners. These inquests are conducted by the State Coroner and Deputy State Coroner, both of whom specialise in coronial work, as well as other Queensland magistrates, all of whom are also coroners.

When an inquest has been held, the findings are often accompanied by a series of recommendations that are made to prevent the occurrence of deaths in similar circumstances, because a major focus of the coronial system is the prevention of avoidable deaths. Findings from coroners are posted on the State Coroner’s website <www.justice.qld.gov.au/courts/coroner/home.htm>.

As stated last year, the Queensland Public Hospitals Commission of Inquiry Report was handed down in November 2005. It recommended the appointment of a dedicated medical officer to the Office of the State Coroner together with a panel of specialists to assist coroners to determine whether or not deaths that occur in a medical setting should be investigated. Although there is clearly a need for these recommendations to be implemented, there have been no arrangements made to date.
The Health Quality Complaints Commission has issued its Death Review Standard during the year. An increase is inevitable in the number of hospital deaths reported, particularly in Brisbane. This will add to the already heavy case load of the Deputy State Coroner who is the Brisbane Coroner and is responsible for handling the bulk of deaths reported in Brisbane—1039 deaths in 2006–2007. This is to be compared with the 400–450 deaths per year which the State Coroner has concluded is a full-time workload for one coroner, based on the Bundaberg Hospital Inquiry recommendations. The Deputy State Coroner is currently managing 673 files as well as conducting inquests, many of which involve complex issues. It is my considered opinion that the solution is to create an additional coroner to be appointed to Brisbane.

Further, having regard to the workload of magistrates throughout the state, who are discharging coronial duties in addition to their other functions, there is a basis for appointing a coroner to service regional Queensland.

The coronial matters in major court centres in the Northern Region are Townsville (184 reported deaths), Cairns (180), Mount Isa (51), Innisfail (29), Atherton (26), Mareeba (15) and Mossman (13). They handled 498 reported deaths in 2006–2007. In these circumstances, a regional coroner could be appointed to North Queensland. This would have the effect of relieving busy magistrates and their support staff from coronial work so they are free to discharge their other duties, including in those innovative courts and programs which are highlighted in this report.

Discussions have commenced with the Attorney-General about the need for two additional coroners.

Comparative workload

The extent of our court’s workload is emphasised by comparison with other jurisdictions, based on the Report on Government Services 2007 (RoGS) that covers the period 2005–2006, which is the most recent RoGS.

Again, Queensland had the second highest number of lodgements for all criminal jurisdictions, with 187 400 matters compared with New South Wales (187 691) and Victoria (145 745). It is noted that some Childrens Court matters are heard in the Queensland District Court. As a result, the inclusion of all Childrens Court matters in the Magistrates Court for the RoGS will lead to a slight overestimation of the Magistrates Court total. However, this will not alter the position of Queensland in comparison with the other states, particularly when the figures for lodgements in the adult jurisdiction were Queensland (177 040), New South Wales (176 886) and Victoria (134 193).

Queensland Magistrates Courts accounted for just over 24% of the total number of criminal lodgements in all Australian Magistrates Courts.

Further, the number of criminal lodgements in Queensland Magistrates Courts per 100 000 population was 4659, which ranked fourth-highest behind Tasmania with 13 218, Northern Territory with 5998 and South Australia with 4937. However this was above the national average of 3753. The proportionately higher figure for Tasmania reflects the significant number of minor traffic offences which are dealt with by the Magistrates Courts; whereas as in Queensland, these are processed by the State Penalties Enforcement Registry.

In the civil jurisdiction, our court (including the Childrens Court) had the third highest lodgements with 90 208, compared to New South Wales with 209 554 and Victoria with 185 452. This comparatively lower figure is largely attributed to Queensland’s lower District Court monetary threshold for exercising jurisdiction, compared with New South Wales and Victoria.
Our court accounted for just over 15% of the total number of civil lodgements in Australian Magistrates Courts.

Queensland Magistrates Courts also had the third highest number of coronial lodgements with 3056 compared to New South Wales with 5909 and Victoria with 4866 and accounted for 15.9% of the total number of lodgements in Australia.

Output statistics

Again this year, our court can be proud of our output statistics, particularly when our workload is considered in the context that, based on the RoGS, we have the second lowest number of magistrates per 100,000 people (1.7) compared with New South Wales (1.6) and Victoria (2.4), despite the need to administer justice to the most widespread national geographic region. The national average was two magistrates per 100,000 people.

Notwithstanding this, based on RoGS our court has still maintained its position of having the second highest number of finalisations per magistrate in the criminal jurisdiction (including the Childrens Court) with 3666 in 2005–2006 (up from 2330 in 2004–2005). This was 28.7% above the national average of 2848. Tasmania, where the Magistrates Court continues to deal with minor traffic offences, ranked first in this category with 5087.

In addition, in each of the reporting areas of jurisdiction, we have also exceeded national clearance rates (this is the number of lodgements compared with the number of finalisations). This is an excellent result, particularly when the extensive amount of travelling time required of magistrates to hold court in regional areas is taken into account.

The output statistics for 2006–2007 are set out in the graphs in Appendix 15. The averages over the 12 month period are as follows:

**Adult criminal jurisdiction**

**Clearance rate:** (refer graph 1 in Appendix 15)
- 97.4%

**Timeliness:** (refer graph 2 in Appendix 15)
- 87.6% of defendants were finalised in under 6 months.
- 94.7% of defendants were finalised in under 12 months.

**Backlog:** (refer graph 3 in Appendix 15)
- 30.4% of defendants were pending for more than 6 months.
- 13.6% of defendants were pending for more than 12 months.

Our statistics show an increase in our clearance rate from 95.3% last year to 97.4% this year. This can be compared with the most recent national figures available in RoGs which shows the national clearance rate for 2005–2006 at 96.5%. However, there has been a decrease in our finalisation rates (timeliness) and an increase in our backlogs over the period.

The national backlogs were 25.7% (of defendants pending for more than six months) and 9.4% (of defendants pending for more than 12 months) during that period. Nationally, only New South Wales met the first National Standard (no more than 10% criminal lodgements are to be more than six months old) and no jurisdiction met the second National Standard (zero percent of criminal lodgements are to be more than 12 months old). This suggests that there may need to be a review of these standards or an increase in the number of magistrates Australia-wide.

Further, these figures should be considered in the context that many criminal matters must remain in the Magistrates Court beyond these periods for reasons outside our control. For example, in our court, there are matters outstanding that are awaiting their finalisation in the Supreme or District Courts on ex-officio indictments or together with indictable offences under s651 of the Criminal Code. These matters cannot be finalised in the Magistrates Court until the other proceedings are complete.

In addition, other matters are suspended before the Magistrates Court awaiting a determination by the Mental Health Court.
Some of these matters can take over 12 months to resolve. During the period of suspension, for statistical purposes, these matters are treated as still pending before our court.

There are also matters, such as summary trials and committal proceedings, that are delayed while prosecution briefs are being prepared or because of the unavailability of witnesses. This is despite Practice Directions and local protocols which establish timelines for case management purposes. The time taken to complete forensic testing and drug analysis also remains a concern.

**Childrens Court criminal jurisdiction**

**Clearance rate:** (refer graph 4 in Appendix 15)
- 101.8%

**Timeliness:** (refer graph 5 in Appendix 15)
- 85.9% of defendants were finalised in under 6 months.
- 95.9% of defendants were finalised in under 12 months.

**Backlog:** (refer graph 6 in Appendix 15)
- 25.6% of defendants were pending for more than 6 months.
- 7.9% of defendants were pending for more than 12 months.

In the Childrens Court criminal jurisdiction, the national average clearance rate for 2005–2006 of 95.4% was exceeded, as was our clearance rate of 99.6% in the previous reporting period. However, there have also been increases in timeliness and backlogs in this jurisdiction. To emphasise the need to review the national timeliness standards, no jurisdiction met either of these standards for the Childrens Court in 2005–2006.

**Childrens Court civil jurisdiction**

**Clearance rate:** (refer graph 7 in Appendix 15)
- 98.7%

**Timeliness:** (refer graph 8 in Appendix 15)
- 90.4% of cases were finalised in under 6 months.
- 97.8% of cases were finalised in under 12 months.

**Backlog:** (refer graph 9 in Appendix 15)
- 22.4% of cases were pending for more than 6 months.
- 5.5% of cases were pending for more than 12 months.

The national average clearance rate in the Childrens Court civil jurisdiction for 2005–2006 of 94% was exceeded. Again, at 98.7%, this was an increase over our clearance rate of 96% for the last reporting period. Based on RoGS, there has also been an increase in our timeliness and a decrease in our backlogs over the past 12 months.

**Civil jurisdiction**

(including claims and domestic and family violence)

**Clearance rate:** (refer graph 10 in Appendix 15)
- 110.5 %

**Timeliness:** (refer graph 11 in Appendix 15)
- 92.2% of claims/applications were finalised in under 6 months.
- 96.6% of claims/applications were finalised in under 12 months.

**Backlog:** (refer graph 12 in Appendix 15)
- 44.3 % of claims/applications were pending for more than 6 months.
- 7 % of claims/applications were pending for more than 12 months.

The national average clearance rate for 2005–2006 of 93.4% was exceeded. Any rate of 100% or more is an excellent result. This year’s increase of 5% in our clearance rate is a pleasing result. During this period, there was an increase in finalisations in under six months; although the finalisations in under 12 months remained steady. There was a decrease in our backlogs.

In 2005–2006, the comparative national backlogs were 38% of defendants pending for more than six months and 9% of defendants pending for more than 12 months. Accordingly, our backlog for defendants pending for more than 12 months was better than the national average.

Nationally, no Magistrates Court met the National Backlog Standards which are the same as for the criminal jurisdiction.

**Civil jurisdiction**

(claims only)

**Clearance rate:** (refer graph 13 in Appendix 15)
- 114.4 %
**Timeliness:** (refer graph 14 in Appendix 15)
- 91.1% of claims were finalised in under 6 months.
- 96.2% of claims were finalised in under 12 months.

**Backlog:** (refer graph 15 in Appendix 15)
- 46% of claims were pending for more than 6 months.
- 7.2% of claims were pending for more than 12 months.

This was an increase on our already good 2005–2006 clearance rate of 106.6% and in finalisations under six months; finalisations under 12 months remained steady. There was also a decrease in our backlogs over the period.

**Civil jurisdiction**
(domestic and family violence only)

**Clearance rate:** (refer graph 16 in Appendix 15)
- 99.4%

**Timeliness:** (refer graph 17 in Appendix 15)
- 96.3% of applications finalised in under 6 months.
- 98% of applications finalised in under 12 months.

**Backlog:** (refer graph 18 in Appendix 15)
- 12.9% of applications pending for more than 6 months.
- 2.5% of applications pending for more than 12 months.

This clearance rate was similar to 2005–2006 (100.7%). There was a slight decline in finalisations under 6 months. Finalisations under 12 months remain steady. Our backlogs decreased over the period.

**Judicial professional development**

The extent of the court’s jurisdiction, which encompasses over 230 pieces of legislation, makes it essential that newly-appointed magistrates are able to participate in an orientation course, as well as subsequent opportunities for magistrates to undertake on-going judicial professional development. This is made possible by continued funding from the Department of Justice and Attorney-General (JAG). Our newly-appointed magistrates undertake a one-week orientation immediately on their appointment. They are also enrolled in the NSW Magistrates’ Orientation Program or the National Judicial College of Australia Magistrates’ Judicial Training Program (Phoenix program), as soon as places are available.

This year, two magistrates participated in the NSW program and six recently-appointed magistrates, together with a more experienced magistrate, participated in the Phoenix program. For the second consecutive year, the Phoenix program was held at Broadbeach, Queensland—thus reducing the travelling cost for our court and enabling us to send more magistrates than would otherwise be possible.

During the year, 43 of our people attended specialist legal and judicial programs and conferences, other than the Annual State Conference which all magistrates are invited to attend. These programs and conferences are listed at Appendix 5. Papers presented by our people at these conferences are listed at Appendix 6.

Importantly, seven magistrates were able to attend mediation skills courses this year.

The Queensland Magistrates’ Annual Conference was held in Brisbane in May 2007. It was opened by the Honourable Kerry Shine MP, Attorney-General and Minister for Justice.

The Honourable Justice Ian Callinan of the High Court of Australia delivered the keynote address. The Conference Planning Committee again did an excellent job organising this.

In the larger centres such as Brisbane, Townsville and Cairns, magistrates are also able to attend short seminars, usually at lunchtime to raise their awareness of legislative, medical and social factors having an impact on their work. One Brisbane seminar was also sent by video link to magistrates in other centres.
Participation in legal education

Our court recognises the importance of providing school students with an insight into the court system, together with education and training for people seeking admission to the legal profession and others who participate in the judicial system, such as police recruits. In accordance with this philosophy, during the year magistrates have participated in moot court programs, mentored law students referred to the court by the University of Queensland (UQ), by the Queensland Law Society and by the Queensland University of Technology (QUT) final year law students Internship program, and addressed the Police Recruit Occupational Vocational Education Program.

Again this year, the Deputy Chief Magistrate and I conducted mock courts as part of a Law Week Open Day at the Brisbane Magistrates Court.

This year a group of law student volunteers from UQ and QUT participated in Brisbane’s Special Circumstances List Pilot. Their work has enhanced the orderly processing of the court’s work and, in turn, they have appreciated the opportunity to be involved with procedure inside and outside the court room, under the mentoring of a magistrate.

Our magistrates, the justice system, the legal profession, students and the community generally gain from our involvement in these activities.

Magistrates’ participation on external bodies

Our magistrates have continued to contribute to the community and the administration of justice nationally through involvement with the Governing Councils of the Australian Institute of Judicial Administration, the Judicial Conference of Australia, the Council of Chief Magistrates, the Australian Coroner’s Society, and the Police Education Advisory Council. This year, one of our magistrates has been appointed a member of the Chief of Defence Force Commissions of Inquiry panel. A number of magistrates participate on advisory committees to the National Judicial College of Australia. A full list of external bodies through which magistrates contribute to the community and the justice system can be found at Appendix 4.

Committees

A number of internal committees operate within the Magistrates Court to assist me in the discharge of my functions under the Magistrates Act 1991. These committees are listed in Appendix 1.

By adopting an ex-officio member’s role, I allow each committee to proactively advise me on relevant issues. Consequently, I have access to a wide range of views when making decisions affecting the court. Valuable contributions were again made by the committees this year.

The Forms Committee played a significant role in reviewing old and new court forms, as well as our bench forms, to ensure that they reflect the legislation on which they are based. This is particularly important work given the frequency of legislative amendments which directly affect the operation of our court.
Court technology

State-of-the art technology, such as digital recording of our courts, digital evidence playback facilities with associated online transcription, closed circuit television (CCTV), videoconferencing, and Wi-Fi services, continues to be a source of court innovation.

New technology is being installed or upgrades undertaken in our courts throughout Queensland. This helps to deliver better justice services. This is discussed in detail at pages 116–119 of the report. As stated, as a result of this increasing technical sophistication, a centralised Court Technology Group has replaced the previously decentralised approach to support this environment for the future.

CCTV and videoconferencing

CCTV and/or videoconferencing, together with vulnerable witnesses/domestic violence waiting rooms, continues to be installed in our courts as they are refurbished, and is automatically installed in new courts. This makes justice more responsive while protecting victims and vulnerable witnesses.

Our courts now have 34 in-court videoconference systems and 27 vulnerable witness rooms that link to courtroom systems and are also used for remote witness videoconferencing into our courts.

The court continues to place emphasis on the use of videoconferencing technology. It saves time and cost for the court and the community through reduced witness travel costs and less disruption and inconvenience for witnesses who can give evidence from their home base rather than travelling to and waiting at court to give evidence.

Videoconferencing systems have been supplied to Doomadgee and Mornington Island. They have been used to facilitate court during severe monsoonal weather which prevents the Mount Isa magistrate circuiting there on some occasions. The equipment has also been used for contact between prisoners in correctional centres and their immediate family. It has also been used for a Legal Aid client conference. This enables the community to have access to justice without the need to travel long distances.

Over the coming year, videoconferencing systems will be installed in regional courts such as Weipa, Cooktown and Normanton as well as in Arrest Courts at Beenleigh and Southport.

The court continues to use videoconferencing for defendants in custody. This is often called Video Court and allows bail and remand matters to be heard without the need to convey detainees to and from court. This increases public safety and enables more police and corrections officers to devote their time to their core duties.

A pilot was conducted at Richlands Magistrates Court from 1 January 2007 to 30 June 2007 using videoconferencing in as many situations as possible. During that pilot, the physical transfer of prisoners who appeared via video link at Richlands Magistrates Court was reduced by over 40%. This is demonstrated by the figures at page 117 of this report.

The success of this Video Court pilot will be used to improve the processes in other courts throughout Queensland. Our court will continue to work with the Department of Corrective Services to increase the use of this technology.
I anticipate that the amendments will soon be made to the *Justices Act 1886*, to extend the use of video links by magistrates from cases where the defendant is a detainee or is at another court, to cases where the defendant is at a place other than a court. This will be of particular benefit in the Torres Strait to alleviate the costs and danger experienced by people who have to travel by air or open dinghies from remote islands to the Thursday Island Court for minor court matters.

**WiFi service**

The WiFi service, which provides free broadband internet access using wireless technology to people attending our courts, has been expanded to Maryborough, Hervey Bay and Toowoomba. It has also been installed in more courtrooms in the existing centres at the Brisbane Magistrates Court at George Street, Southport, Beenleigh, Ipswich, Maroochydore, Rockhampton, Mackay, Townsville and Cairns. This innovative service is now available in more than 120 courtrooms in 15 centres throughout the state and has been very positively received by court users.

**Technological developments for the magistracy**

Our aim has been to enable all magistrates to use their laptop computers to access cases, legislation, court forms, and other legal material from wherever they are. This is particularly beneficial for magistrates on circuits. It is not surprising, in a state as geographically widespread as Queensland and with the number of remote circuit centres, that some teething problems have been experienced with access. However, as described at page 118, steps are being taken to remove, or to at least reduce, these difficulties.

Information technology training to promote the use of technology by magistrates, and the more effective use of that technology, has continued during the year. In addition to training sessions in Brisbane, there were sessions for our people at 13 other Magistrates Courts. IT training will continue to be a high priority to the extent that our resources permit.

A pleasing development during the year has been the provision, by JAG, of administrative assistants in Brisbane, Cairns, Southport and Townsville at the request of the Court. This removes the burden on magistrates in these areas to word process their own decisions—a wasteful use of their time and expertise. Digital dictation machines are being trialled in Brisbane to facilitate this.

Multi-function printers that include facsimile scan and copy capabilities are being provided to magistrates. This will improve the processing of requests for, and processing of responses to applications for warrants and orders.

The launch of the Queensland Sentencing Database (QSIS) in March 2007 has made a comprehensive collection of sentencing information available to decision makers, legal practitioners and litigants-in-person. This should achieve the desired object of consistency and predictability in sentencing.

The development of the Public Safety Network which is referred to at page 118 will benefit magistrates, particularly those on circuit at smaller centres, by increasing the speed of information. Our court looks forward to the implementation of this project.
Innovative courts and programs

The Drug Court

This is the first year of operation of the Drug Court, after emerging from a six year pilot stage, with the passage of the Drug Court Act 2000 which made it a permanent court from 3 July 2006.

There were 50 new graduates from the Drug Court during the year. As at 30 June 2007, 238 people have graduated from the program (182 in South-East Queensland, 31 in Townsville and 25 in Cairns).

The Australian Institute of Criminology (AIC) has independently evaluated the Drug Court program. Results have shown that graduates of the program were significantly less likely to offend compared with those who were not offered the program and were sentenced to prison—and those graduates who did subsequently offend had reduced the seriousness of their offending.

Intangible results of the investment in the Drug Court include medical costs avoided by graduates, families reunited, return of graduates to the workforce, reduced health risks to the community, reduced pressure on insurance premiums and reduced demands on police forces and social support agencies. This is significant because these are people who are at the ‘hard end’ of our court’s drug offender spectrum.

As Magistrate Tonkin says in her article at page 134 of this report, there is also the flow-on effect of the philosophy of the Court to other aspects of our criminal jurisdiction. Her article refers frankly to both the positive aspects as well as some of the disappointments from the Court. However, the success of the Court is illustrated by a participant’s personal insight in a journal entry:

I want to be a good person. I want to live a normal life. I want to be a useful person in society, and do the things that normal people do.

The effect of the new court-ordered parole provisions of the Corrective Services Act 2006 is being closely watched as it appears to have an impact on whether or not people participate in the Drug Court program and, if they do so, whether or not they chose to persevere. The final report from the AIC—a recidivism study of the first 100 graduates over a two-year period since graduation—is expected to be publicly available later in 2007.

Illicit Drugs Court Diversion Program

This program, which began as a pilot on 28 March 2003 and became state-wide on 1 July 2005, allows adult and juvenile offenders, charged with minor drug offences (consistent with the amounts generally associated with personal use), the option of rehabilitation through being placed on a recognisance with a condition of counselling through a Drug Assessment and Education Session. Before this diversionary program was introduced, the most common penalty was a fine. Over the years, this penalty has proved ineffective in reducing the use of illegal drugs. The counselling packages are designed by Queensland Health for various age groups and include a program for Indigenous people.

Of the offenders, including juveniles who have been diverted into a Drug Assessment and Education session, the compliance rate to date remains at a high 91%. The program is currently funded by the Australian government until June 2008.
Murri Courts

In the last Annual Report, I observed that, as a result of the review of the Murri Courts and the announcement of funding of $5.2 million over three years from 1 January 2007, the interest of the Indigenous community in establishing further Murri Courts had been stimulated. The review has increased the awareness of the benefits the program can bring to Indigenous communities.

As a result, the Murri Courts have experienced significant growth in the past year. Apart from the five courts at Brisbane, Rockhampton, Townsville, Mount Isa and Caboolture, which are a part of the formal evaluation of the Murri Courts, there has been an expansion to Cherbourg, Ipswich, Coen and Cleveland. Cherbourg’s Murri Court commenced in November 2006 and is the first such court to be convened in an Indigenous community. A Murri Court was established in the Cape community of Coen in March 2007. I expect that a Youth Murri Court will be established at Caloundra in July, followed by another at Cairns in September.

Of particular importance has been the appointment of a manager and six court case co-ordinators to support the Murri Courts involved in the evaluation process.

In the main body of this report, an insight is given into the operation of each of the Murri Courts and the magistrates who have been instrumental in establishing and nurturing them. The difference in approaches and procedures that emerges from these portraits emphasises the need to ensure that, if a legislative basis is to be developed for the Murri Courts as a result of the evaluation, it will be important to retain their flexibility to adopt procedures suitable to the local court environment and to deal with local issues.

Murri Courts are an innovation developed by Queensland magistrates which came about in order to address the over-representation of Indigenous people in prison, to improve attendance rates in court, to decrease the rate of re-offending, to reduce the number of court orders breached by them, and to strengthen the partnership between the Magistrates Court and Indigenous communities in dealing with Indigenous justice issues.

The work of one of our magistrates is profiled in the article, From little things, big things grow... by Lyn Roughan, the Mount Isa Murri Court Co-ordinator at page 142. Ms Roughan describes Magistrate Manthey and his innovative approach to court procedures and practices which is typical of our magistrates. In the article she describes what is involved in establishing a Murri Court. She also describes a magistrate whose approach to justice is not bound by courtroom walls as he develops pathways throughout the court and region that he serves. Magistrate Manthey is coming to the end of a three year and eight month appointment in Mount Isa. It is important to remember that, as has been mentioned in previous reports, our magistrate at Mount Isa, like the magistrates at Charleville and Emerald, is responsible for a circuit that covers a region larger than Victoria.

Also included in this report is a tribute by Fiona Craigie, Murri Court Case Co-ordinator, Brisbane to Uncle Albert—An honoured elder on his retirement. Albert Holt is one of the foundation members of the first Murri Court in Queensland and is highly respected by the many magistrates who have had contact with him. He has made an enormous contribution to the success of the Murri Court. Although we will miss his wise counsel, we wish him well in his retirement from the Murri Court Elder and Respected Persons panel.
I would also like to take this opportunity to thank Her Excellency, Ms Quentin Bryce AC, Governor of Queensland, for her continued encouragement of the Murri Court as demonstrated by following up her attendance at the court in Rockhampton last year with a visit to the Brisbane Murri Court this year.

Cairns Alcohol Remand and Rehabilitation Program (CARRP)

The Cairns Alcohol Remand and Rehabilitation Program (CARRP), along with the diversion programs I have discussed below, is prescribed for the purposes of the Bail Act 1980 as a bail condition, the breach of which does not, in itself, give rise to an offence.

CARRP is a residential rehabilitation program which has been operating since 2003 with the support of Cairns magistrates, in response to problems of public drunkenness and disorderly behaviour. The purpose of the program is to help the offenders address their alcohol and homeless issues and to divert them from court and the prison system to more appropriate services.

The effectiveness of the program has been recognised and it is now funded through government grants. In September 2005, it was extended to Mareeba.

During the first two years of the program’s operation, up to ten participants could be accommodated at any one time at both Cairns and Mareeba and 60% of CARRP participants did not re-offend within a period of 12 months.

The number of repeat offenders is now so low that, during 2006–2007, only ten offenders were admitted to the program, compared with 37 offenders in the previous year.

Queensland Indigenous Alcohol Diversion Program

The success of CARRP may be indicative of the potential effectiveness of the Queensland Indigenous Alcohol Diversion Program (QIADP) which began a three year pilot in July 2007 at Townsville (with outreach to Great Palm Island), Cairns (with outreach to Yarrabah), and Rockhampton (with outreach to Woorabinda). The pilot will, of course, be the subject of evaluation.

This initiative involves a voluntary program over at least five months that has two streams—one for Indigenous people charged with offences where alcohol is a factor in their offending behaviour (the criminal justice stream), and the other for Indigenous parents involved in the child protection system where alcohol misuse affects their parenting capability (the family intervention stream).

Queensland Magistrates Early Referral into Treatment Program (QMERIT)

QMERIT is an innovative bail-based diversion program which has been operating as a pilot at Redcliffe and Maroochydore Magistrates Courts since August 2006. Its focus is to help suitably motivated offenders to overcome their problematic drug use and end their associated criminal behaviour through court-enforced and supervised programs.

It is generally a pre-plea program and participants must meet certain criteria. It is an intensive and personalised program which usually runs for a period of 12 to 16 weeks in partnership with Queensland Health, and if required, there is an after-care program.
QMERIT is presenting defendants with supportive opportunities to turn their life around and it can benefit the community through decreased offending.

**Homeless Persons Court Diversion Program**

The Homeless Persons Court Diversion Program (HPCDP) came about through the Magistrates Court’s involvement with a Legal Aid Queensland pilot program to represent homeless defendants who appeared before the Brisbane Roma Street Arrest Courts for street and public order offences. Because of the obvious special needs of many homeless people, the Court made plans, within its existing budget, to initiate a weekly sitting at the Arrest Courts, to deal with homeless defendants who had impaired decision-making capacity.

At the time that the Magistrates Court was discussing the establishment of a Special Circumstances Court with its court partners, JAG made provision to fund a two-year HPCDP by appointing a Homeless Persons Court Liaison Officer (HPCLO) to its staff.

The HPCLO was appointed in April 2006 and the HPCDP commenced operating on a daily basis at the Arrest Courts on 2 May 2006.

The Program is based on a multi-disciplinary problem-solving approach and fosters partnerships with those who provide relevant services, such as accommodation, mental health and welfare support, to homeless people in inner-city Brisbane.

**Special Circumstances List**

As the court had no funding to operate the proposed Special Circumstances List, it was incorporated into the criminal jurisdiction, one day each week, as part of the HPCDP. This enabled the List to rely on the funded resource of the HPCLO. Otherwise, the program operates within the Court’s current budget and resources.

In addition to being eligible for the HPCDP, for referral to the List, the defendant must suffer from impaired decision-making capacity either as a result of mental health issues (including where drug and alcohol induced), intellectual disability or brain/neurological disorders.

Following referral to the List, defendants are assessed by the HPCLO. Those who are eligible may be ordered by the court to undertake a conditional bail program or they may be sentenced by the court. In either case, arrangements include assessment, participation in medical treatment, practical social assistance, and counselling as appropriate to address the underlying cause of their offending.

The HPCDP is subject to an evaluation that is expected to conclude in November 2007. This evaluation will also be relevant to the List.
Looking forward

In addition to those aims that have already been discussed, I set out below some important matters that the court will focus on for the future.

Courts in Indigenous communities

Our court remains committed to increasing the number and range of services that are available to provide access to justice for Indigenous communities.

For this reason, as stated above, the Attorney-General’s support for the suggestion in the last Annual Report that we would like to spend more time and consult more extensively in these communities is appreciated. The appointment of the additional magistrate to Cairns for this purpose is anticipated with enthusiasm.

Our court will continue to actively support proposals to improve court services to these Indigenous communities. The services that, in my considered view, are the highest priority include:

- providing vulnerable witness rooms
- providing voice enhancers to compensate for poor acoustics
- funding qualified interpreters so Indigenous people, for whom English may not be their first language, can understand court proceedings, questions being put to them and the orders made by magistrates
- appointing Indigenous court liaison officers
- enhancing the resourcing and training of Community Justice Groups (particularly to provide mediation services training)
- training of magistrates (including culture and customs understanding) to operate even more effectively in those communities.

The need for interpreters of Australian Indigenous languages has recently been highlighted (since 30 June 2007) by the Queensland Court of Appeal in *R v Watt* [2007] QCA 286 where McMurdo P said:

> *The application of the rule of law in Queensland depends not only on the right of an accused person to a fair trial according to law but also on victims of alleged crimes having a genuine opportunity to make a complaint and to give evidence about it. Our community has an obligation to do everything practicable to ensure that even complainants who do not speak English or who have other disabilities have this basic access to the criminal justice system. This obligation is certainly not lessened in respect of Indigenous complainants.*

A similar approach has recently been taken by the Supreme Court of South Australia in *Frank v Police* [2007] SASC 288 where Sulan J said:

> *A fundamental right of a person to have available an interpreter so that the person can understand the proceedings has been denied the appellant. It appears that the problem is ongoing and deep-seated. As can be observed in this case, there were numerous attempts to obtain the services of an interpreter. It seems all attempts failed. The appellant was denied a fair hearing. He was deprived of a basic right.*

In these circumstances, the Court decided that the magistrate should have ordered a stay of proceedings until he could be assured that an appropriate interpreter was present.

Queensland judicial officers can be expected to consider the observations of Justice McMurdo in future cases involving Indigenous people as defendants or witnesses. The observations of Justice Sulan will also be persuasive.
As the Court Administrator reports at pages 121–132, this year JAG assumed responsibility for Community Justice Groups. This has been a positive move, particularly with the focus on training. I will work with JAG during the next 12 months to establish a system for mediation training of members of these groups.

A high priority continues to be to remove our court from courtrooms which are within or attached to police stations. A number of these places were identified last year. As I said at that time, this situation is detrimental to the development and maintenance of trust in judicial independence by the residents of these communities. However, in order to advance this, in most cases it will be necessary to identify alternative suitable accommodation or build a courthouse.

I emphasise that, if a new structure is required, it is only necessary that it be comfortable and serviceable for the community, court users and staff, as well as the magistrate. It is not necessary that it be a luxurious or iconic building. A modular building with the facilities expected of a courthouse will provide the necessary service to the community. This is consistent with the plan for construction of the proposed new Palm Island courthouse.

**Blueprint for the future**

I repeat my observation last year that Magistrate Courts, and their human resources, including magistrates, need to be recognised as part of the infrastructure of our state. As part of this approach, a formula needs to be developed as a blueprint for the development of our courts and the judiciary, to enable us to predict and plan for the court facilities and magistrate numbers needed to serve the state’s areas of future growth.

**Continuing court innovation**

The Queensland Magistrates Court will continue to identify, develop and trial innovative ways of achieving greater justice for all members of the community. In particular, I will continue to support the Domestic Violence List trial in Rockhampton and work towards the establishment of a permanently funded specialist domestic and family violence court, as I outlined on page 11.

**Addressing workloads**

In this report, reference has been made to the need for the appointment of additional specialist coroners—one in Brisbane and one in North Queensland.

A submission will also be made in the near future to support an additional magistrate to serve the growing population and workload in Townsville and its circuit centres. At present, the complement of six magistrates in Townsville has needed support from a magistrate on circuit from Cairns each month to deal with the workload.

In the foreseeable future, an additional magistrate will also be required to be appointed in the central region. In all likelihood, this will be in Rockhampton; although the possibility of the appointment being to Mackay cannot be excluded. Wherever the appointment is made, it will be to service the central region.

**Enhanced Townsville court facilities**

The increase in the workload of the Townsville Magistrates Court and its circuit centres, which has been mentioned, has already caused pressure on its facilities – in particular courtrooms, magistrates’ chambers, staff working areas, interview rooms and facilities for the public. At present, when a Cairns magistrate assists the court, it is necessary for two magistrates to share a chamber. I expect that this situation will be exacerbated in the future.
As a result, I anticipate that funding will be made available to develop a plan for major renovations to assist our court to grow to meet community needs. As this will also be of value to the Supreme and District Courts, I am hopeful that the redevelopment of this courthouse will be the next major court construction project.

**Enhanced entitlements**

In *The State of the Judicature Address* by Gleeson CJ, he noted that, since 1977, State Magistrates, who for most of the 20th century were State public servants, have largely integrated with the judiciary and now have the formal independence of judges. He said that the achievement of the independent status of the magistracy was one of the two most important judicial changes of the past 30 years. In his view, the status of the magistracy was continuing to evolve.

In Queensland, many of our magistrates’ entitlements are still public service based. During the next twelve months, I will continue to work with the Attorney-General and the Director-General of JAG to develop entitlements which are in keeping with their status as independent judicial officers. This will include working towards my previously stated aim of achieving further incentives for magistrates transferred to the remote single magistrate centres of Mount Isa, Charleville and Emerald:

- additional leave
- private motor vehicle use
- reunion visits to home centres for the Charleville and Emerald magistrates and their families (this is already an entitlement of the Mount Isa based magistrate).

I have always recognised that these incentives may have to be achieved incrementally.

**Appointment of Judicial Registrars**

As the Court Administrator reports at page 130, perhaps the biggest innovation over the next 12 months is the commencement, on 1 January 2008, of a two-year pilot project for the appointment of Judicial Registrars to our court.

Funding has been approved and the *Justices and Other Legislation Amendment Bill 2007* contains the necessary amendments to the *Magistrates Act 1991* to create the position of Judicial Registrar in the Magistrates Court.

The judicial registrars will be subject to the direction of the Chief Magistrate in decisions on where they will constitute the Magistrates Court and what functions they are to undertake.

They will be entitled to hear and determine applications and matters prescribed by the Chief Magistrate’s Practice Direction. These may include applications under the *Uniform Civil Procedure Rules*, minor debt claims, small claims, some applications under the *Domestic and Family Violence Protection Act 1989* and the *Bail Act 1980*, examinations under the Corporations Act, criminal mentions, and some committals for trial or sentence.

Judicial registrars must be eligible for appointment as an acting magistrate. As is the case with magistrates, they will be appointed by Governor-in-Council following consultation by the Attorney-General with the Chief Magistrate.

I anticipate that four appointments will be made, with one position to be in Brisbane, one in Southport, one in Beenleigh and one likely to be in Townsville. Appointment on a part-time basis may be considered.
The purpose of the pilot is to give magistrates more time to deal with the more significant work of the court. For example, in a centre such as Southport, where the second highest number of small claims was lodged this year, the assignment of these matters to a judicial registrar could make the equivalent of one magistrate available to hear contested trials and committals. This will also benefit the profession by enabling these matters to be listed at an earlier date than would otherwise be possible.

**Acting Magistrates**

Another significant amendment to the *Magistrates Act 1991*, which I anticipate will be made to increase the efficient operation of our courts, is to allow retired magistrates to act as magistrates. I anticipate this will be achieved by the *Land Court and Other Legislation Amendment Bill 2007.*

The court needs an increased pool of acting magistrates to be available when magistrates are on leave—including sick, recreation and long service leave. In a court of our size, in a state as geographically large and decentralised as Queensland, it is essential to have a sufficiently large pool of acting magistrates available to constitute the court in these circumstances. This is particularly so given the number of often remote, single-magistrate centres, such as Mount Isa, Charleville and Emerald.

The most effective way to provide the necessary flexibility to ensure that the court operates at all times with its full complement of magistrates, particularly in single magistracy centres, is to supplement the current pool of acting magistrates by allowing the appointment of retired magistrates.

**Conclusion**

In conclusion, I would again like to express my appreciation to my colleagues for their professionalism and support during the year. I believe that we can continue to be proud of the service that we provide to the community.

I wish to thank the Director-General of JAG, Mr McGowan and his Deputy, Ms Grantham for their consultative and supportive approach to our court throughout the year. Together with the Court Administrator, Mr Marschke, they have engendered a positive client service attitude towards the court and the community. I look forward to continuing to work with them and their Regional Services Managers to advance the aims of the court which I have identified.

During the reporting period, the Honourable Kerry Shine MP succeeded the Honourable Linda Lavarch MP as Attorney-General and Minister for Justice. I thank each of them for their open and consultative approach this year.

I also thank my Deputy, Magistrate Hine, Executive Assistant, Ms Narelle Kendall and Judicial Support Officer, Ms Jeannie Donovan for their significant assistance. I was particularly pleased this year that Ms Kendall’s support for my predecessor and me was recognised by the award of an Australia Day medallion presented by the Director-General. I would also like to recognise the contribution of Ms Nicola Walker, Ms Julie Harris, Ms Sandra Franklin and Ms Rachel Monaghan who also worked with me and Magistrate Hine to support the magistracy and to address the daily issues that arise state-wide.
The work of the acting magistrates continues to be integral to the effective operation of the court. I was pleased that two of their number, Messrs O’Driscoll and Comans were appointed as magistrates this year. The bench will continue to benefit from the skills and experience that acting magistrates bring to it upon appointment.

I have identified a number of aims for the future which I will focus on over the next 12 months as I continue to travel throughout the state to visit our many court centres. The achievement of these aims, and many others, will be of benefit to the administration of justice and to the Queensland community.

In concluding, I would also like to pay tribute to the late John Marsland who is the subject of a dedication in the Court Administrator’s report at page 132. My relationship with him was connected to his pivotal role in the implementation of the digital recording project, videoconferencing and enhancements to the QWIC system. As a driving force behind these projects, he contributed significantly to our court being one of innovation. I miss him as a colleague and as a person. His contribution will be recognised with the launch of a display in the Brisbane Magistrates Court showcasing the historical development of the recording of evidence in our court.
Our Magistrates
# Queensland’s Magistrates as at 30 June 2007

## Beenleigh
- BJ Gribbin: Coordinating Magistrate
- TI Morgan
- PJ Webber
- JE White

## Bowen
- AG Kennedy

## Brisbane
- MP Irwin: Chief Magistrate
- BP Hine: Deputy Chief Magistrate/Coordinating and Regional Coordinating Magistrate
- MA Barnes: State Coroner
- LM Bradford-Morgan: Part-time Magistrate
- CA Clements: Deputy State Coroner
- WA Cull: Industrial Magistrate
- JD Costello
- PM Dowse: Childrens Court Magistrate
- WH Ehrich
- JS Gordon
- EA Hall: Relief Magistrate
- JM Herlihy
- PM Kluck
- JB Lock
- NF Nunan: Relieving Magistrate
- LJ O’Shea
- JC Parker
- JV Payne
- T Previtera: Wynnum—Holland Park Magistrate
- R Quinlan
- WJ Randall: Small Claims Referee
- CG Roney
- Z Sarra: Part-time Magistrate
- AC Thacker
- Vacancy

## Bundaberg
- JM Batts

## Caboolture
- PW Johnstone: Coordinating Magistrate
- TA Allingham

## Cairns
- TJ Black: Coordinating Magistrate
- MM Cassidy: Relieving Magistrate Northern Region
- SM Coates
- AJ Comans
- JA Hodgins
- KM McGinness
- RD Spencer
- Vacancy
<table>
<thead>
<tr>
<th>Location</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charleville</td>
<td>O Rinaudo</td>
</tr>
<tr>
<td>Caloundra</td>
<td>DM Fingleton</td>
</tr>
<tr>
<td>Cleveland</td>
<td>BF Tyan*</td>
</tr>
<tr>
<td>Dalby</td>
<td>SL Cornack</td>
</tr>
<tr>
<td>Emerald</td>
<td>DJ Dwyer*</td>
</tr>
<tr>
<td>Gladstone</td>
<td>Gj Buckley</td>
</tr>
<tr>
<td>Gympie</td>
<td>BA Callaghan</td>
</tr>
<tr>
<td>Hervey Bay</td>
<td>Gj Tatnell Relieving Magistrate</td>
</tr>
<tr>
<td>Holland Park</td>
<td>TN Arnold</td>
</tr>
<tr>
<td>Innisfail</td>
<td>JM Brassington</td>
</tr>
<tr>
<td>Ipswich</td>
<td>DM MacCallum Coordinating and Regional Coordinating Magistrate</td>
</tr>
<tr>
<td></td>
<td>JM Daley MR McLaughlin*</td>
</tr>
<tr>
<td>Kingaroy</td>
<td>SD Guttridge</td>
</tr>
<tr>
<td>Mackay</td>
<td>RN Risson</td>
</tr>
<tr>
<td>Mareeba</td>
<td>TJ Braes</td>
</tr>
<tr>
<td>Maroochydore</td>
<td>IT Killeen         Coordinating and Regional Coordinating Magistrate</td>
</tr>
<tr>
<td></td>
<td>BD Barrett Cj Taylor KO Taylor</td>
</tr>
<tr>
<td>Mount Isa</td>
<td>BR Manthey</td>
</tr>
<tr>
<td>Petrie</td>
<td>MJ Halliday</td>
</tr>
<tr>
<td>Redcliffe</td>
<td>A Chilcott</td>
</tr>
<tr>
<td>Richlands</td>
<td>ER Wessling Coordinating Magistrate</td>
</tr>
<tr>
<td></td>
<td>PJ Austin</td>
</tr>
<tr>
<td>Location</td>
<td>Magistrate</td>
</tr>
<tr>
<td>------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Rockhampton</td>
<td>AM Hennessy</td>
</tr>
<tr>
<td></td>
<td>BL Springer</td>
</tr>
<tr>
<td>Sandgate</td>
<td>Vacancy</td>
</tr>
<tr>
<td>Southport</td>
<td>RG Kilner</td>
</tr>
<tr>
<td></td>
<td>JJ Costanzo*</td>
</tr>
<tr>
<td></td>
<td>DE Kehoe</td>
</tr>
<tr>
<td></td>
<td>BF Kilmartin</td>
</tr>
<tr>
<td></td>
<td>GC Lee*</td>
</tr>
<tr>
<td></td>
<td>MG O'Driscoll</td>
</tr>
<tr>
<td></td>
<td>CA Pirie</td>
</tr>
<tr>
<td></td>
<td>Vacancy</td>
</tr>
<tr>
<td>Toowoomba</td>
<td>GM McIntyre</td>
</tr>
<tr>
<td></td>
<td>BT Schemioneeck</td>
</tr>
<tr>
<td>Townsville</td>
<td>DR Glasgow*</td>
</tr>
<tr>
<td></td>
<td>GA Hillan*</td>
</tr>
<tr>
<td></td>
<td>HB Osborne</td>
</tr>
<tr>
<td></td>
<td>BL Smith</td>
</tr>
<tr>
<td></td>
<td>SM Tonkin*</td>
</tr>
<tr>
<td></td>
<td>LP Verra*</td>
</tr>
<tr>
<td>Warwick</td>
<td>WA Cridland</td>
</tr>
</tbody>
</table>

* Drug Court Magistrate
### Acting Magistrates

<table>
<thead>
<tr>
<th>Location</th>
<th>Acting Magistrate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atherton</td>
<td>R Heggie</td>
</tr>
<tr>
<td>Beenleigh</td>
<td>BL Kucks</td>
</tr>
<tr>
<td>Bowen</td>
<td>RW Muirhead</td>
</tr>
<tr>
<td>Brisbane</td>
<td>AR Taylor</td>
</tr>
<tr>
<td>Bundaberg</td>
<td>LN Lavaring</td>
</tr>
<tr>
<td>Caboolture</td>
<td>PW Hasted</td>
</tr>
<tr>
<td>Cairns</td>
<td>KJD McFadden</td>
</tr>
<tr>
<td>Charters Towers</td>
<td>SD Luxton</td>
</tr>
<tr>
<td>Cleveland</td>
<td>RL Warfield</td>
</tr>
<tr>
<td>Cloncurry</td>
<td>AM Walker</td>
</tr>
<tr>
<td>Dalby</td>
<td>HB Stjernqvist</td>
</tr>
<tr>
<td>Holland Park</td>
<td>TM Duroux</td>
</tr>
<tr>
<td>Kingaroy</td>
<td>RH Lebsanft</td>
</tr>
<tr>
<td>Rockhampton</td>
<td>MT Morrow</td>
</tr>
<tr>
<td>Sandgate</td>
<td>GB Pitt</td>
</tr>
<tr>
<td>Southport</td>
<td>GJ Finger</td>
</tr>
<tr>
<td>Toowoomba</td>
<td>RJ Stark</td>
</tr>
<tr>
<td>Toowoomba</td>
<td>BJ Skuse</td>
</tr>
<tr>
<td>Townsville</td>
<td>RJ Mack</td>
</tr>
</tbody>
</table>

*Magistrate Braes swears in Acting Magistrate Heggie at Mareeba*
Appointments, retirements and milestones

**Appointments**

Magistrate Alan Comans  
14 August 2006

Magistrate Brian Kilmartin  
15 December 2006

Magistrate Graham Lee  
14 August 2006

Magistrate Michael O’Driscoll  
20 March 2007

Magistrate Howard Osborne  
21 August 2006

**Retirements**

Magistrate Gordon (John) Brennan  
7 July 2006

Magistrate Arthur Gordon Dean  
12 June 2007

Magistrate Anthony (Tony) Pascoe  
22 June 2007

Magistrate Craig Proctor  
7 July 2006

Magistrate Ian Rose  
7 July 2006

Magistrate Ross Woodford  
30 June 2006

**Milestones**

**15 years service**

Magistrate Donna MacCallum

**10 years service**

Magistrate Philip Austin
Magistrate Paul Johnstone
Magistrate Pamela Dowse
Magistrate Gordon Dean
Magistrate Michael Halliday
Magistrate Clifford Taylor
Magistrate Alan Comans—Cairns

Magistrate Comans was sworn in at Brisbane on 14 August 2006. His initial appointment is to Cairns where he was officially welcomed at a ceremony at the Cairns Magistrates Court on 22 August 2006. Magistrate Comans’ appointment to the bench is the culmination of 35 years experience in the Queensland Magistrates Court, including 16 years as an acting magistrate.

He commenced service as a clerk at the Maryborough Magistrates Court and subsequently worked in courts at Ipswich, Roma, Brisbane, Bundaberg, Taroom, Innisfail and Petrie. He was appointed an acting magistrate at Innisfail in 1990 and has since presided in that capacity in many parts of the Queensland.

Prior to his judicial appointment, Magistrate Comans was registrar of the Magistrates Court at Petrie and an acting magistrate in the Brisbane region.

Magistrate Brian Kilmartin—Southport

Magistrate Kilmartin was sworn in as a magistrate at Brisbane on 15 December 2006—a day short of the twenty-third anniversary of his admission as a solicitor of Queensland. His initial appointment is to the Southport Magistrates Court.

Prior to his appointment, Magistrate Kilmartin was managing partner of a large Brisbane law firm where he commenced his legal career as an articled clerk. During this time, he developed an expertise in industrial law and appeared before the High Court of Australia, the Federal Court, the Australian Industrial Relations Commission, the Queensland Industrial Relations Commission and Queensland Magistrates Courts.

Apart from his broad of legal experience, Magistrate Kilmartin has qualifications as a licensed electrical fitter and electrical mechanic which he acquired during employment with Queensland Rail. He has also served as Chairperson of the Legal Aid Commission, the Attorney-General’s representative on the Council of the Queensland Law Society and as Consul for the Republic of Poland.
Magistrate Graham Lee—Southport

Magistrate Lee was sworn in at Brisbane on 14 August 2006 and took up duty for his initial appointment at Southport on 22 August 2006. He was officially welcomed to the Southport bench at a ceremony on 28 August 2006.

Following a career as a radiographer, Magistrate Lee studied law and became a Master of Laws and Arts upon the completion of his thesis on Childrens Courts in Queensland. Prior to his appointment to the bench, he was in private practice as a barrister for 20 years.

In addition to his expertise as an advocate, Magistrate Lee gained adjudicative experience with the Social Security Appeals Tribunal and as a senior member of the Misconduct Tribunal. He has acted as an arbitrator and mediator to the NSW Workers Compensation Commission as well as with the Queensland Building Tribunal and Legal Aid Queensland. He has also tutored and lectured law subjects at all three universities based in Brisbane.

Magistrate Michael O’Driscoll—Southport

Magistrate O’Driscoll was sworn in at the Southport Magistrates Court on 20 March 2007. His appointment to the bench follows 29 years service in the Queensland Magistrates Court.

He commenced work as a clerk in 1978 at the Rockhampton Magistrates Court and later served at Blackwater and Brisbane. In 1991, he was appointed registrar and clerk of the court at Coolangatta—a position he held until his appointment to the bench.

In 1996, Magistrate O’Driscoll was admitted as a barrister. He was appointed as an acting magistrate in 1997 and has since presided in that capacity at various courts in Queensland.
Retirements

**Magistrate Gordon (John) Brennan – Townsville**

Magistrate Gordon (John) Brennan’s retirement from the bench of the Magistrates Court in Townsville on 7 July 2006 marked the end of over 40 years service to the justice system of Queensland—18 of those years as a magistrate.

Magistrate Brennan commenced work in the Magistrates Court in Bundaberg on 7 February 1966. His six years at Bundaberg was followed by service at Dalby, Brisbane, Clermont, Inala, Ayr and Maryborough. On 5 April 1988, he was appointed a magistrate and constituted the Queensland Magistrates Court at Charters Towers, Bowen and Townsville.

**Magistrate Arthur (Gordon) Dean—Brisbane**

Magistrate Gordon Dean retired as a magistrate on 12 June 2007, having reached the statutory retirement age of 65 years. Following his appointment to the bench on 23 June 1997, he served just ten days short of ten years as a magistrate. During that time he constituted Magistrates Courts at Warwick and Brisbane.

Prior to his appointment to the bench, Magistrate Dean worked as a solicitor in Townsville with a prominent law firm until 1977. Between 1983 and 1987, he was a partner of a Townsville firm until he moved to Brisbane where he worked as an associate at two prominent law firms.

Apart from his career in the law, Magistrate Dean was a Member of the Australian House of Representatives and has worked as a television presenter and radio broadcaster. Upon commencing his retirement, he has volunteered to assume the role of the Queensland Magistrates Court’s Honorary Archivist and will assist the court in gathering together its history of the Magistracy in Queensland.

**Magistrate Howard Osborne—Townsville**

Magistrate Osborne was sworn in at the Magistrates Court at Townsville on 21 August 2006. Prior to his appointment to the bench, he was the solicitor-in-charge of the Townsville office of Legal Aid Queensland—a position he had held since 2001.

Since his admission as a solicitor in 1988, Magistrate Osborne has worked in private legal practice at Warwick, Toowoomba, Brisbane, Cairns, Longreach, Charleville, Cunnamulla and Townsville. Between 1995 and 2001, he gained a broad range of legal experience working as a sole practitioner or as a partner in Queensland Law firms.
Magistrate Anthony (Tony) Pascoe—Childrens Court Magistrate, Brisbane

When Magistrate Tony Pascoe retired on 25 June 2007, he had served 19 years as a magistrate based in and around Brisbane. After initially presiding in the Coroners Court, he convened Magistrates Courts at Brisbane’s central and suburban courts until his statutory appointment as Childrens Court Magistrate on 7 July 1996.

During the nine years he served as the Childrens Court Magistrate, he acquired a great deal of expertise in juvenile justice and child protection issues. Magistrate Pascoe assisted with the successful implementation of the Youth Justice Conference Program and, in March 2004, he established Queensland’s first Murri Youth Court which has been successful in reducing the number of Indigenous young people who re-offend.

Magistrate Craig Proctor—Bowen

Magistrate Craig Proctor was appointed to the bench at the Bowen Magistrates Court in September 1991. He presided there for almost six years before constituting Magistrates Courts in Mount Isa and Maroochydore. In December 2004, he returned to his much-loved Bowen as magistrate for 18 months before retiring on 7 July 2006.

Magistrate Proctor served 15 years on the bench which followed 25 years at court registries at Maryborough, Thursday Island, Beenleigh, Brisbane, Blackwater, Mitchell, Cunnamulla and Bowen.

Magistrate Ian Rose—Dalby

Magistrate Ian Rose retired on 7 July 2006 having served as a magistrate for more than eight years at Charleville and Dalby. During the six years he was based in Dalby, he regularly constituted circuit courts at St George, Dirranbandi, Taraoom, Chinchilla, Pittsworth, Millmerran and Oakey.

Prior to his appointment to the bench on 2 April 1998, Magistrate Rose had completed three years service with the Council at Murgon and 34 years with the Department of Justice. After commencing his state public service career as a clerk in the Stamp Duties Office at Brisbane on 8 May 1961, he was transferred to the Gayndah Magistrates Court and built on that experience at court centres at Kingaroy, Murgon, Bundaberg, Goomeri, Maryborough, Cunnamulla, Longreach and Dalby.

Magistrate Ross Woodford—Redcliffe

When Magistrate Ross Woodford retired from the bench on 30 June 2006, his service in the justice system of Queensland had spanned a few months short of 42 years.

After commencing his public service career as a clerk in the Brisbane Magistrates Court on 23 November 1964, he served at court centres in Ipswich, Redcliffe, Blackall, Beenleigh, Toowoomba, Mount Isa, Holland Park, Cooktown and Caloundra. After 12 years service, he was appointed an acting magistrate at Holland Park in 1976.

On 12 September 1988, he was appointed to the Magistracy at Roma and subsequently constituted Magistrates Courts at Toowoomba, Brisbane and Ipswich. In March 1998, he was appointed to the Redcliffe Magistrates Court where he remained for eight years until his retirement.
Judicial programs and conferences

The Queensland Magistrates Court’s one-week orientation program for newly-appointed magistrates was undertaken by five magistrates immediately upon their appointment to the bench this year. Magistrate Herlihy oversees the orientation and up-dates and personally facilitates the program which involves a series of in-court and out-of-court sessions that include the full range of the Court’s jurisdictions and relevant legislation.

During the year, the Magistrates Court assisted 43 members of its bench to attend specialist conferences other than the Annual State Conference which all magistrates are invited to attend. These conferences help our magistrates to stay well informed on current legal issues and to develop their judicial skills. Conferences this year ranged from local law association conferences and interstate magistrates conferences, to national programs and legal conferences run by the Australian Institute of Judicial Administration (AIJA), the National Judicial College of Australia (NJCA), the Judicial Conference of Australia (JCA) and the Judicial Commission of New South Wales (JCNSW). Papers presented by our people at these conferences are listed at Appendix 6.

For several years, our Court has had an opportunity to send two or three recently-appointed magistrates to a Magistrates’ Orientation Program conducted near Sydney by the JCNSW. This year, two magistrates attended this one-week programme.

In August 2006, six recently-appointed magistrates and one more-experienced magistrate participated in the NJCA’s Phoenix Magistrates’ Judicial Training Program which was held at Broadbeach, Queensland. This was a one-week program, attended by magistrates from all states and territories of Australia, which aims to have experienced judicial officers share the benefit of their experience with recently-appointed magistrates. The program covers topics such as judicial conduct and ethics, decision making, court craft, sentencing, and awareness of cultural diversity.

The Queensland Magistrates Court plays an active part in supporting these judicial organisations and appreciates the opportunity to have representation on the Governing Council of both the Australian Institute of Judicial Administration and the Judicial Conference of Australia.

Magistrates in Queensland regional and country centres received one-on-one tuition on electronic legal research from visiting tutors from JAG’s Library during the year. These sessions are very much appreciated.
Annual State Conference

The Court’s Annual State Conference was held in Brisbane in May 2007 and was attended by 80 members of the Queensland Magistrates Court, as well as by five magistrates from other states and territories of Australia. The conference was conducted in a congenial and collegiate atmosphere with the Honourable Justice Ian Callinan of the High Court of Australia delivering the keynote address following the official opening of the conference by the Attorney-General, the Honourable Mr Kerry Shine. Papers on a broad range of topics were delivered by current and retired judicial officers as well as speakers from Queensland and interstate who are recognised experts in their field.

Court Bench Book

The Court’s Bench Book continues to be updated and developed for the ready reference of magistrates through the Magistrates’ Intranet Portal. It is an essential resource for a court which has such a broad jurisdiction, encompassing a range of over 230 pieces of legislation, as listed in Appendix 3.
Judicial awareness

In the larger regional centres such as Brisbane, Townsville and Cairns, magistrates are given an opportunity to attend short seminars and ‘lunch-box addresses’ to raise their awareness of legislative, medical and social factors that have an impact on their work.

In July 2006, Dr Tamara Walsh from the TC Beirne School of Law, University of Queensland, conducted a seminar entitled *Public Space Law in the 21st Century* to the magistrates of the Northern Region at Cairns and Townsville. Eight magistrates in that region also attended short seminars conducted by the State Coroner, Magistrate Barnes on topics involving coronial work.

In Brisbane, magistrates attended lunchtime presentations on developments in legislation and updates on rehabilitative programs that offenders may be referred to through the sentencing process. On 21 November 2006, a presentation that was conducted in the Brisbane magistrate’s conference room about new road transport legislation was sent by video link to centres outside Brisbane for magistrates to access. Similar sessions, hopefully, will be shared in this way in the future.

Magistrates’ involvement in legal education

As in previous years, the Magistrates Court was regularly visited at most court centres throughout Queensland by local student groups from schools, colleges and universities as part of student education. When possible, magistrates presiding in courts during these visits take the time to address the visiting group to explain the role of a judicial officer, the operation of the court in its various jurisdictions, and the role of legal practitioners in our justice system.

During July and August 2006, over 150 law students from the University of Queensland attended the Brisbane Magistrates Court to specifically observe court procedure in the criminal jurisdiction as part of a formal assignment.

Apart from interacting with students during court visits, Queensland magistrates presented papers and delivered addresses on legal and justice issues on more than 38 occasions at legal conferences, schools, universities, hospitals, community forums and meetings, as listed in Appendix 6.

On three occasions throughout the year, Magistrate Dean (now retired) addressed recruits to the Queensland Police Service on the court system at Brisbane’s Queensland Police Academy as part of the Police Recruits Occupational Vocational Education program.

Magistrates in Brisbane, Townsville and Cairns participated in ten moot events for universities, colleges and legal agencies at those centres. Eleven magistrates presided in moot courts convened in the Brisbane Magistrates Court for the Queensland Bar Practice Course which is one of the final processes undertaken by graduates of law prior to their admission as legal practitioners.
On 13 May 2007, the Chief Magistrate Judge Irwin, and Deputy Chief Magistrate Hine each presided in mock courts that were open to the general public at an Open Day at the Brisbane Magistrates Court for Queensland’s celebration of Law Week. In addition, during October 2006, Deputy Chief Magistrate Hine presided in a series of moots held to assist legal practitioners from the Aboriginal and Torres Strait Islander Legal Service to develop greater understanding of courtroom procedure and general advocacy.

Eight magistrates participated in universities’ formal work experience/student mentoring programs which operated at courts in South-East Queensland. One of the programs, referred to the court by Queensland University’s Women and the Law Society, involved the supervision and mentoring of six law students for one day each week over a ten-week period.

Two students from Queensland’s University of Technology also undertook work experience programs with magistrates. Arrangements are in place for a work experience program next year for Indigenous legal students from Griffith University to gain insight into the application of the law in the courtroom and to receive the benefit of judicial mentoring.

This year, a group of law student volunteers from Queensland University of Technology and University of Queensland have participated in the Special Circumstances List sittings in Brisbane’s Court 3 each Thursday by providing support for the orderly processing of defendants before that court.
The students help with the reception and management of the defendants outside the courtroom; conduct interviews under the supervision of duty lawyers to record defendants’ antecedents; help convey court files between the registry and the courtroom; and carry out administrative duties delegated by the Homeless Persons Court Liaison Officer who is actively engaged in assessment and referral of defendants throughout the day.

A strong team relationship has developed between the presiding magistrate, the court liaison officer and the student group. The students’ contribution has enhanced the orderly processing of the court’s work each Thursday and, in turn, they have appreciated the insight gained from the opportunity to be involved with procedures inside and outside the courtroom, under the guidance of a judicial mentor.

Hosting overseas legal delegations

In the course of the year, the Brisbane magistracy hosted four delegations of judicial and legal officers from China, South Korea and Taiwan. In November 2006, a party of 15 judicial officers from Guzngixi Province, China visited the Brisbane Magistrates Court and observed Brisbane’s Murri Court in session. At a gathering at the conclusion of their visit, the visitors had an opportunity to meet with the Chief Magistrate Judge Irwin, and members of the magistracy as well as with the Murri Court elders who had assisted in the court that day.

Later in November, four Taiwanese senior prosecutors visited the Brisbane Magistrates Court as part of their study tour on Australian court procedure and expressed their appreciation for the discussions and the information shared.

On 21 December 2006, 16 South Korean judicial officers spent a half day observing several court sessions at the Brisbane Magistrates Court. They were particularly interested in our court layouts, technology and procedure. Many of the visitors commented favourably about the extent and respectful interaction exhibited between our judicial officers, legal practitioners and litigants in the courtroom.

In June 2007, Deputy Chief Magistrate Hine and Magistrate MacCallum hosted a two-day visit to the court by Judge Yuan and Judge Young from the Daejeon High Court in South Korea. The judges were on a study tour of Australian courts to gain insight into a trial-by-jury system and, during their visit to the Magistrates Court, they inspected our court’s technological facilities and gathered information on the role and process of a committal proceeding and other court processes in the criminal jurisdiction of our court.