30 October 2008

The Honourable Kerry Shine MP
Attorney-General and Minister for Justice
and Minister Assisting the Premier in Western Queensland
Level 18
State Law Building
50 Ann Street
BRISBANE QLD 4000

Dear Attorney

In accordance with section 57A of the Magistrates Courts Act 1921 I enclose the Report on the operation of the Magistrates Court for the year ended 30 June 2008.

Yours sincerely,

Judge Brendan Butler AM, SC
Chief Magistrate
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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.
Acknowledgements

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Chief Magistrate’s reflections
by His Honour Judge Marshall Irwin

Australians are much more likely to have direct or indirect experiences of magistrates than of the higher courts and it is in the Magistrates Courts that Australians will form their views of the courts as a whole.

Approximately 96% of all criminal matters in Queensland are dealt with in the Magistrates Court. This is a jurisdiction which is increasing in range and importance. For example, it can deal summarily with indictable offences punishable by up to 14 years imprisonment, subject to a defendant electing for trial by jury, though it is limited to imposing a penalty of no more than three years imprisonment.

It also deals with civil claims of up to $50,000 and minor debts and small claims up to $7,500.

In addition, as Sir Anthony put it:

_The Court deals with a very wide range of matters, some on an exclusive basis, including Domestic and Family Violence cases (unhappily an increasing jurisdiction), Family law, Industrial Relations. It also sits as a Coroners Court and as a Drug Court and as Murri Courts. It exercises jurisdiction on Commonwealth laws and it conducts various programs. I mentioned these matters simply to emphasise the point that the Magistrates Courts, here and else where in Australia, are the principal point of contact between the court system and the people._

The extent and complexity of this broad jurisdiction is highlighted in Appendix 3 which lists the legislation commonly dealt with by magistrates. Information about our jurisdiction can be found in the Court Profile at page 50.

The Queensland Magistrates Court is a grass roots people’s court which reaches out to the community through its many innovative programs that are directed to addressing social problems which are often the causes of the offending that bring them (often not just once) before our courts.

Therefore, the theme of this year’s report is: Reaching out
Our people

Magistrates

With six new magistrates positions created in the past three and a half years, there are now 87 magistrates (of whom two are part-time) appointed to 31 different places and who circuit to 83 more locations in this fast-growing, geographically vast and decentralised state.

Two of these new positions were created during this reporting period. On 13 August 2007, a new position was created for a Cairns-based magistrate to circuit to eight additional Torres Strait Islands and for an enhanced Cape York circuit. This role will be rotated through all Cairns-based magistrates.

As a result, we are able to spend more time in Indigenous communities. In addition to the eight new Torres Strait Island circuits to Boigu, Darnley (also known as Erub), Mer (also known as Murray), Moa, Saibai (also known as Kumag), Warraber (also known as Sue), Yam and Yorke (also known as Masig) Islands, we have now opened the first courts at Hopevale and Wujal Wujal.

We are no longer fly in/fly out magistrates for Cape communities and their much-sought-after ‘access to justice’ is at last being delivered to the deserving people of Queensland’s remote Torres Strait Islands.

This is eloquently described by Magistrate Black (on page 130), whose determination and passion to reach out to the Island communities through the creation of these circuits has been rewarded by these developments.

One of the great pleasures of the past five years has been the warm welcome extended by the Island people to Magistrate Black and I at the opening of the new courts in these remote communities. This has overcome the Islanders’ difficulties of travelling to Thursday Island for court. As one of the Island leaders said:

*Plane fares are expensive and we couldn’t afford them. This means travelling to Ti in a dinghy. Of course if the weather was rough, or we couldn’t get fuel, we couldn’t get to court on time. For many of us, this meant we had a charge of failing to appear in court on top of the original charge.*

We have been very honoured to have received cultural welcomes that few visitors receive – as well as being presented with local symbols of peace and justice.

The support by the Attorney-General for this initiative is appreciated, as was his support for the creation of an additional coroner’s position in Brisbane, taken up by Magistrate Lock from 1 January 2008. This is one of three new coroners’ positions created in the past year, bringing the total number of specialist coroners to five.

The other new coronial positions were created by reorganising the Court’s resources. These positions are the Cairns-based Northern Coroner and the Southport-based Southern Coroner.

The Northern Coroner was created from the previous Northern (Relieving) Magistrate position in Cairns. The Southern Coroner has been created by transferring a Brisbane vacancy to Southport following the retirement of a Brisbane magistrate.

Magistrate Priestly was appointed to the North Queensland position on 6 March 2008. The area he services extends from Proserpine, north to the Papua New Guinea border, and west to the Northern Territory border. It contains a diverse range of communities, including the large urban centres of Cairns and Townsville, the Whitsunday Islands and coastline, the industrial centre of Mount Isa, and the communities of Cape York and the Torres Strait. So it is a truly diverse and challenging role. He will travel widely to serve the needs of those communities and he can expect more than 500 reportable deaths to be referred to him each year.

The Southern Coroner, who is likely to be appointed in the near future, can expect to have a similar number of reportable deaths to be referred to him from within the jurisdiction of the Southport and Beenleigh Magistrates Courts.

The creation of this Southport-based position, together with the commencement of the judicial registrar pilot, will give the Southport magistrates more time to devote to the balance of the Court’s busy jurisdictions. This will benefit the local community by ensuring matters can be dealt with more quickly.
The next logical step would be to appoint a Central Queensland Coroner who would most likely be based in Mackay. However, government funding for an additional magistrate-coroner position will be required to achieve this. Given the significant population growth throughout Queensland, there is a limit to the extent that the court can continue to rearrange and stretch its own resources, without the risk of overloading the courts and creating delays and inefficiencies.

As a result of these developments and retirements or resignations, as at 30 June 2008, there were 83 serving magistrates, with vacancies for the Southern Coroner and for magistrates at Beenleigh, Toowoomba and Townsville.

The current complement includes 57 magistrates appointed from outside the court system and 27 women. Four of our magistrates have an Indigenous background.

There have been ten new magistrates appointed this year – two barristers and eight solicitors. There were also ten retirements and resignations – Magistrates Cassidy, Cridland, Glasgow, Gribbin, Halliday, Herlihy, Hillan, McIntyre, Quinlan and Taylor.

Magistrate Cassidy resigned to take up an appointment as a Federal Magistrate and Magistrate Glasgow as Queensland’s inaugural Family Responsibilities Commissioner. Magistrate Halliday retired upon attaining the statutory retirement age of 65 years.

Profiles of our new and departing magistrates can be found on page 32. We will miss the expertise and practical experience of the latter and look forward to the benefits from the broad range of skills and experiences of our new colleagues.

The percentage of magistrates who are appointed from outside the Magistrates Court Service and magistrates who are female will continue to grow as those retiring from our court for the foreseeable future will largely continue to be men appointed from within the Court Service.

The creation of the additional positions and the retirements since my appointment, together with other planned retirements and appointments in the near future, will result in a 50% change in the constitution of our Bench during my five-year term.
Members of the Townsville Magistracy prior to Magistrate Glasgow’s retirement in May 2008. Back l-r Magistrates Wadley, Smith, Smid and Verra; Front l-r Magistrates Glasgow and Tonkin.
Acting magistrates

An important milestone in the past 12 months has been the change in legislation which allows retired magistrates to be appointed as acting magistrates. As a result, Magistrates Herlihy and Quinlan returned to our court as acting magistrates shortly after their retirements. A further five retired magistrates have also been appointed in this capacity – Acting Magistrates Barbeler, Bradshaw, Hillan, Rose and Wilkie. As a result, together with the court registrars who act as magistrates, there are now 25 acting magistrates available to our court.

This increased pool of acting magistrates will enhance the efficient operation of our court. In a court of our size, in a geographically large and decentralised state, it is essential to have a sufficient pool of acting magistrates available to constitute the court when magistrates are on leave – including sick, recreation and long-service leave.

This is particularly so given the number of remote, single magistrate centres, such as Mount Isa, Charleville and Emerald.

I also hope that the return of retired magistrates as acting magistrates will be the catalyst for creating parity with the Supreme and District Courts by increasing our court's statutory retirement age to 70 years. The opportunity is available to prove that a magistrate's skills do not disappear on reaching 65, as Acting Magistrate Barbeller was reappointed at 67 years, and Acting Magistrates Herlihy and Quinlan will both pass 65 during their terms.

Judicial registrars

The court resources were also enhanced by the appointment of five judicial registrars on 1 January 2008 as part of a two-year pilot.

They are entitled to hear and determine applications and matters prescribed by Practice Direction No 1 of 2008.

This includes 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 and sentence.

Three full-time and two part-time appointments have been made, with one full-time judicial registrar at Brisbane, Southport and Townsville and part-time judicial registrars at Southport (two days) and Beenleigh (three days). The Townsville judicial registrar also circuits to Ayr, Charters Towers and Ingham and the Beenleigh judicial registrar circuits to Beaudesert.

The Attorney-General is reported to have already declared the project a success in freeing up magistrates to focus on more complex and contested cases.

From my observations, Brisbane and Southport have had the most effective results because there is a high volume of small claims matters. Although it has also had a positive impact at Beenleigh and Townsville, some legislative qualifications in particular have limited the extent to which judicial registrars can be used in the domestic violence and committals jurisdiction.

The Court has been advised that the jurisdiction of judicial registrars will not be amended during the pilot period. Therefore, because of the limitations at Beenleigh, consideration is being given to designating additional courts where the judicial registrar can preside. However, if the project becomes permanent, these jurisdictional limitations will need review to achieve the greatest benefits.

The future of our judicial registrars will also be affected by the review of civil and administrative tribunals which is considering the transfer of the small claims and minor debt jurisdictions to a new amalgamated Civil and Administrative Review Tribunal. If this occurs as anticipated, it will be necessary to consider extending the jurisdiction of the judicial registrars. If the upper limit of our court's criminal and civil jurisdiction is extended as a result of another proposed review of court jurisdictions, there will be scope for this.
Advisory committee

As indicated in previous Annual Reports, the Court Governance Advisory Committee is an important aspect of the Court’s governance, particularly in the transfer process.

This committee was established in December 2003 after amendments to the *Magistrates Act 1991* were made to encourage a more collegiate approach to transfer decisions and to the general administration of the court. This was in the context of what had been a difficult period for the magistracy. It was the transfer system which had been at the centre of many of these difficulties – particularly the issue of involuntary transfers. The committee is required to make transfer recommendations and recommendations on other matters referred to it by the Chief Magistrate that affect the Magistrates Court.

The committee, in conjunction with me, developed a transfer policy for magistrates, last modified on 27 September 2007, which is available to all serving magistrates and people who are considering an offer of appointment to our court.

The committee has 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 South-East Queensland. On the current committee, apart from having two temporary members from outside South-East Queensland, two are female.

The current Advisory Committee, constituted in December 2007, consists of:

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

**Temporary members**
Magistrate Tatnell, Hervey Bay
Magistrate Tonkin, Townsville
Magistrate Tynan, Brisbane (South-East Queensland Drug Court Magistrate).

I sincerely thank all current members and the recently retired members, Magistrates Callaghan, Glasgow and O’Shea for their advice and assistance to me in discharging my legislative responsibilities.

In this reporting period, 11 transfers were implemented. I do believe that a fair, equitable and more transparent transfer system has emerged from these developments.

Transfer issues will never be easy for magistrates given the large number of places to which appointments are required and often in remote single magistrate centres. However, it is important to recognise that, since the implementation of the new system, all transfers have been based on voluntary expressions of interest or willingness to take up vacancies within the court. This is commendable.
Criminal jurisdiction

In the criminal jurisdiction this year, there has been an increase in the number of adult (7.39%), and child defendants (1.56%) and an increase in the number of charges against adults but a decrease in the number against children.

The increase in adult charges was 4.48%. This followed a decrease of 2.86% last year, which was the only decrease in the past seven years, during which time there has been a 13.4% increase in charges. Of particular concern is that there has been a 29.87% increase in defendants in the criminal jurisdiction over seven years.

Our Court continues to spend significant time in determining offences under the Summary Offences Act 2005 (SOA) and the Transport Operations (Road Use Management) Act 1995 (TORUM Act) and regulations.

With an increase in public nuisance charges by 3160, there was again an increase in charges under the SOA this year; therefore, the effect of the trial announced by the Government of ticketing for public nuisance offences in the South Brisbane and Townsville police districts will be watched with interest.

In comparison with 2006-07, there has been a significant increase in both the number of defendants and charges under the TORUM Act and regulations, particularly in driving whilst under the influence of alcohol or drugs (2206 defendants, 2219 charges), unlicensed driving (5314 defendants, 5162 charges) and vehicle registration (5508 defendants, 5505 charges).

The volume and complexity of the court's workload has expanded over the past year with amendments to the TORUM Act and regulations to allow drivers who lose their licence for accumulated demerit point offences or 'high speed' offences to apply for special hardship orders and to allow police applications for impoundment of motor vehicles.

The impoundment of vehicles has been limited to certain parts of Queensland over the past year and the court has been funded to allow the appointment of acting magistrates to compensate for the additional time involved as a consequence of these amendments. However, from 1 July 2008, it will be applied across the state and there has been no increased funding for resources to deal with this state-wide expansion of the legislation.

New drug driving provisions, which began on 1 December 2007, have also increased the time pressures on the courts. Amendments that changed the statutory framework for determining parole release and eligibility for imprisoned offenders have also added to this.

A positive development has been the rapid expansion of the Mental Health Court Liaison Service to assist our courts throughout the state. This is a joint initiative by Queensland Health's Community Forensic Mental Health Service and our court to meet the needs of defendants with mental illness and impaired decision-making ability. This also helps magistrates identify the underlying causes of the behaviour and can lead to a more appropriate and effective approach in the hearing and sentencing process.

Jurisdictional increase

Early in my tenure, there were suggestions that consideration would be given to increasing our court's criminal jurisdiction by expanding the list of indictable offences that could be dealt with summarily and to increasing to five years the maximum period of imprisonment that could be imposed.

I consider that it is inevitable that this will occur in the future. The proposed jurisdictional review that I have mentioned will provide an opportunity for this.

There is nothing that the expertise and experience of our court can not do if it has sufficient resources for this purpose. Although an increase in jurisdiction would
require more magistrates, cost savings resulting from
economies of scale in dealing with more matters in the
lowest cost jurisdiction would more than compensate.

Further efficiencies could be achieved by streamlining
the committal system. This would involve redirecting
all handup committals either to judicial registrars or a
separate administrative process provided a magistrate
is not required to make a decision on the sufficiency of
evidence. If cross-examination of witnesses is sought,
committals could proceed by leave of the court.

Civil jurisdiction

In the past 12 months, the number of civil claims, minor
depts and small claims lodged has continued to decrease.
The decline of 2.42% this year is part of a decrease of
12.74% in total lodgements in the past seven years.

Jurisdictional increase

For this reason, I have suggested in previous reports
that a review of the monetary limits for civil and minor
debt claims may be warranted. If minor debt claims are
transferred to a new amalgamated Civil and Administrative
Review Tribunal, the proposed jurisdictional review will
provide an opportunity to increase the upper limit of the
court's civil jurisdiction.

Sir Anthony Mason's prediction is that our civil jurisdiction
is likely to increase. Again, the experience and expertise
of our court would warrant an increase in the jurisdiction
to $100,000 as is the case in Victoria, if not to $150,000.

Childrens Court

During the year, 11,064 young people appeared before
the court on 24,089 charges. This was a 7.35% decrease
in the number of charges lodged in comparison with
2006–07 (when there had been a 12.99% increase over
the previous year). There has been a 1.32% decrease in
the number of charges over the past seven years.

However, there was a 1.56% increase in the number
of defendants over the past 12 months, and a 0.89% increase
over the seven year period. After a decline in child defendants over three years from 2003 to 2006, the
numbers have begun to increase in the past two years.

Seven Childrens Courts dealt with more than 400
juvenile defendants each. The Brisbane Childrens Court
dealt with more defendants (981) than any other centre,
followed by Townsville, Ipswich, Rockhampton, Southport,
Beenleigh and Cairns as the other courts with over 400
child defendants.

There has continued to be a steady increase in the referral
of young offenders to youth justice conferences, based on
restorative justice principles.

In the past 12 months, there has been an increase in
the number of child protection applications from 5991 in
2006–07 to 6528, which is also greater than the 6174
applications in 2005–06.

Unfortunately, after a decrease in the number of child
protection applications lodged in Cape York in 2006–07,
and in the number of associated child protection events
there, these numbers have increased again in the current
reporting period.

Domestic and family violence

This year, there were 23,836 applications for protection
orders and 32,081 orders made. After an increase in these
statistics during 2006–07, this was a decrease of 3.2% and
2.4% respectively.

This year, 17 court centres dealt with more than 500
applications and six of these dealt with over 1000
applications. Southport again dealt with more applications
than any other centre with 2214 applications. Beenleigh,
with 1767 applications, was again the next busiest centre
in this jurisdiction followed by Brisbane, Cairns, Ipswich
and Townsville.

Despite the decreases this year, over the past seven years
there has been a marked increase in the volume of work in
this jurisdiction, with an increase of 36.2% in applications
and a 42.1% increase in protection orders made.

Specialist domestic violence court

Within our existing resources we have continued to pilot
a specialist domestic violence list in Rockhampton over
the past 12 months. I am optimistic that the integrated approach to the issues associated with domestic violence, which is made possible by this project, will be funded to enable an evaluation of the benefits of establishing a permanent specialist court that can address the causes of domestic and family violence, rather than deal only with the acts of violence.

**Commonwealth jurisdiction**

After a decline in the number of charges and defendants in the Commonwealth jurisdiction for 2005–06 and 2006–07, these numbers remained steady this year with 9320 charges and 3479 defendants.

**Industrial jurisdiction**

Since August 2005, a separate entity, the Queensland Industrial Relations Commission (QIRC), has also had jurisdiction to hear appeals from decisions of Q-Comp, the statutory regulator of workers’ compensation. Despite the availability of an alternate forum, there has been a 6.8% increase in the number of appeals lodged with industrial magistrates. In 2007–2008, 252 appeals (73.04%) were lodged in the Industrial Magistrates Court, and 93 (26.96%) with QIRC. Again, the largest proportion of appeals were lodged in Brisbane (164).

**Coroners Court**

There has been a consistent increase in the number of reported deaths. In 2007–08, 3514 deaths were reported to coroners across Queensland, compared with 3219 deaths reported last year.

As already observed, two additional full-time coroners were appointed in response to this. Their appointments, together with their support teams in Brisbane and Cairns, have already made an appreciable impact on the processing of coronial files. These new appointments will continue the high level of service to the local community and are designed to take the pressure off local magistrates. They will also help with the continued development of productive and efficient working relationships with local coronial partners, including police and hospitals.

**Comparative workload**

The extent of our Court’s workload is emphasised by comparison with other jurisdictions, based on the most recent *Report on Government Services 2008* (RoGS) that covers the period 2006–07.

To emphasise how busy our court is, the RoGS show it now has the highest number of lodgements for all criminal jurisdictions, with 187 600 matters compared with New South Wales 186 400 and Victoria 157 400. However, some Childrens Court matters are heard in the Queensland District Court; consequently, the inclusion of all Childrens Court matters in the Magistrates Court for the RoGS will lead to a slight over estimation of the Magistrates Court total. However, this does not alter the position of Queensland in comparison with the other states, particularly when the figures for lodgements in the adult jurisdiction are: Queensland 176 700, New South Wales 175 600 and Victoria 138 500.

Queensland Magistrates Courts accounted for just over 23.8% of the total number of criminal lodgements in all Australian Magistrates Courts.

The number of criminal lodgements per 100 000 population for Queensland was 4539 – well above the national average of 3780. Queensland was ranked fourth-highest behind Tasmania with 13 014, Northern Territory with 5898 and South Australia with 4783. The higher figure for Tasmania reflects the significant number of minor traffic offences that are still dealt with by Magistrates Courts; whereas, in Queensland, these offences are processed by the State Penalties Enforcement Registry.
In the civil jurisdiction, our Court (including the Childrens Court) accounted for just under 14.9% of the total numbers of civil lodgements in Australian Magistrates Courts. Queensland had the third highest lodgements with 84,700, compared with New South Wales with 199,200 and Victoria with 184,600. This comparatively lower figure is largely due to Queensland’s lower District Court monetary threshold for exercising jurisdiction, ($50,000) compared with New South Wales ($60,000) and Victoria ($100,000).

Of the total number of coronial lodgements in Australia, Queensland was the third highest with 3200 (24.9%) compared with New South Wales with 6100 and Victoria with 5100.

Output statistics

Again this year, our Court can be proud of the output statistics achieved, particularly when, based on the RoGS, we have the lowest number of magistrates per 100,000 people (1.5) compared with New South Wales (1.6) and Victoria (2.4) and the national average (2.0). This is particularly so given that our workload involves administering justice to the most widespread national geographic region. As a consequence of Queensland’s significant population growth, the ratio of 1.5 has fallen from 1.7 since the previous RoGS.

Notwithstanding this, based on the RoGS, our Court has still maintained the second highest number of finalisations per magistrate (including the Childrens Court) with 2763. This is 25.1% above the national average of 2069. Tasmania, where minor traffic matters are still dealt with in the Magistrates Court, ranked first in this category with 4203. Therefore, the Queensland Magistrates Court continues to be very efficient, with comparable or superior performances in most jurisdictions.

The output statistics for 2007–08 are set out in Appendix 14. The averages over the 12 month period are as follows:

Adult criminal jurisdiction

Clearance rate: (refer graph 1 in Appendix 14)
- 98%

Timeliness: (refer graph 2 in Appendix 14)
- 88% of defendants were finalised in under 6 months
- 95% of defendants were finalised in under 12 months

Backlog: (refer graph 3 in Appendix 14)
- 29% of defendants were pending for more than 6 months
- 14% of defendants were pending for more than 12 months

Our statistics remained steady with a small increase in clearance rate from 97.4% last year to 98% this year. Compared with the most recent national figures available in RoGS, the national clearance rate for 2006–07 was 99%. Our finalisation rates (timeliness) and our backlogs have also remained steady.

The national backlogs were 27% (of defendants pending for more than six months) and 10% (of defendants pending for more than 12 months). However, again, only New South Wales met the first national standard (no more than 10% of criminal lodgements are to be more than six months old) and no jurisdiction met the second national standard (0% of criminal lodgements are to be more than 12 months old). This continues to suggest 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 remain in the Magistrates Court for these periods for reasons beyond our control. For example, matters remain outstanding that are awaiting finalisation in the Supreme and District Courts on ex-officio indictments or together with indictable offences under section 651 of the Criminal Code. These matters cannot be finalised in the Magistrates Court until the other proceedings are complete.

Other matters are suspended before Magistrates Courts while awaiting 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. We are often told that there are delays in completing forensic testing and drug analysis.

To address these issues, the Brisbane Central Magistrates Court introduced a listing project in February 2008. All matters over nine months old, from the date of the defendant's first mention, are tagged. If a magistrate considers that there is an unreasonable delay in the progress of the file, it is then remanded to a managed list to improve its progress. The file is then case-managed to its completion. The matters suspended while awaiting determination by the Mental Health Court are also directed, as early as possible, to that list. Further, the Brisbane Central Magistrates Court Committals Protocol, which establishes case management timelines, is being renegotiated with the Queensland Police Service, the Director of Public Prosecutions and Legal Aid Queensland.

Childrens Court criminal jurisdiction

Clearance rate: (refer graph 4 in Appendix 14)
- 101%

Timeliness: (refer graph 5 in Appendix 14)
- 86% of defendants were finalised in under 6 months
- 96% of defendants were finalised in under 12 months

Backlog: (refer graph 6 in Appendix 14)
- 24% of defendants were pending for more than 6 months
- 8% of defendants were pending for more than 12 months

In the Childrens Court criminal jurisdiction, the national clearance rate for 2006–07 of 98% was exceeded. Our clearance rate remained steady, as has our timeliness and backlogs. The national backlogs were 18% (of defendants pending for more than six months) and 6% (of defendants pending for more than 12 months). To again emphasise the need to review the national timeliness standards, no state jurisdiction met either of these standards for Childrens Courts in 2006–07.

Childrens Court civil jurisdiction

Clearance rate: (refer graph 7 in Appendix 14)
- 85%

Timeliness: (refer graph 8 in Appendix 14)
- 88% of cases were finalised in under 6 months
- 96% of cases were finalised in under 12 months

Backlog: (refer graph 9 in Appendix 14)
- 23% of cases were pending for more than 6 months
- 4% of cases were pending for more than 12 months

There was a significant decrease in the clearance rate compared with 98.7% in 2006–07. This was also well below the national clearance rate for 2006–07 of 93%. Based on RoGS, there has been a decrease in our timeliness. However, our backlogs have remained relatively steady over six months and have significantly improved over 12 months from 5.5% in 2006–07 to 4% this year.

This is consistent with the proposition advanced in previous reports that the time taken by the court to deal with child protection applications has increased, at least in the short term, because of the complexity involved and the volume of documents required to be read in many cases. In addition, as has been observed, there has been a significant increase in the number of child protection applications (537) this year and an increase in the number of matters listed for hearing (44) which have been the subject of court-ordered conferences.
Civil jurisdiction

(Including claims and domestic and family violence)

**Clearance rate:** (refer graph 10 in Appendix 14)
- 108%

**Timeliness:** (refer graph 11 in Appendix 14)
- 92% of claims/applications were finalised in under 6 months
- 97% of claims/applications were finalised in under 12 months

**Backlog:** (refer graph 12 in Appendix 14)
- 45% of claims/applications were pending for more than 6 months
- 6% of claims/applications were pending for more than 12 months

The national average clearance rate for 2006–07 of 94% was exceeded, although there was a 2.5% decrease in our clearance rate from last year. However, any rate of 100% or more is an excellent result. During this period, our finalisation remained steady.

Our backlogs over six months remained relatively steady and decreased from 7% to 6% over 12 months.

In 2006–07, the comparative national backlogs were 37% of defendants pending for more than six months and 8% of defendants pending for more than 12 months. Therefore, again, our backlog for defendants pending 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 14)
- 110%

**Timeliness:** (refer graph 14 in Appendix 14)
- 90% of claims were finalised in under 6 months
- 96% of claims were finalised in under 12 months

**Backlog:** (refer graph 15 in Appendix 14)
- 47% of claims were pending for more than 6 months
- 7% of claims were pending for more than 12 months

This was a decrease from our 2006–07 clearance rate of 114.4%. However, it is still a very good result. Our finalisations and backlogs remained relatively steady over the period.

Civil jurisdiction

(Domestic and family violence only)

**Clearance rate:** (refer graph 16 in Appendix 14)
- 100%

**Timeliness:** (refer graph 17 in Appendix 14)
- 97% of applications finalised in under 6 months
- 98% of applications finalised in under 12 months

**Backlog:** (refer graph 18 in Appendix 14)
- 13% of applications pending for more than 6 months
- 2% of applications pending for more than 12 months

These clearance rates, finalisations and backlogs remained relatively steady over this period.
Judicial professional development

In his keynote address, Sir Anthony Mason referred to the strong emphasis on judicial education and the responsibility of all judicial officers to engage in professional development. The Department of Justice and Attorney-General (DJAG) makes funding available for the court to use at its discretion to enable newly-appointed magistrates to undertake orientation programs and for more experienced magistrates to participate in ongoing judicial professional development.

Our newly-appointed magistrates undertake a one-week in-house orientation program immediately on appointment. I thank Acting Magistrate Herlihy for his role in the program until his retirement and Magistrate Nunan who has assumed this important responsibility.

Newly-appointed magistrates are also enrolled in the orientation programs run by the National Judicial College of Australia (NJCA) and its counterparts in New South Wales and Victoria, as soon as places become available. This year, two magistrates participated in each of the New South Wales and Victorian programs and six recently-appointed magistrates participated in the NJCA Phoenix program. This program continues to be held at Broadbeach, Queensland – thus reducing travelling costs for our court and enabling us to send more magistrates than would otherwise be possible.

During the year, 55 of our people attended specialist legal and judicial programs and conferences, outside of the Annual Magistrates Conference which all magistrates are invited to attend. The programs and conferences are listed in Appendix 5. Papers presented by our magistrates at these conferences are listed in Appendix 6.

Importantly, one magistrate and two judicial registrars were able to attend mediation courses this year.

As usual, the Queensland Magistrates Annual Conference was held in May 2008. This year, economies were achieved by conducting it as a ‘live-in’ conference at Marooela on the Sunshine Coast. This achieved significant savings over the cost of Brisbane-based venues. As indicated, Sir Anthony Mason delivered the keynote address and opened the conference. He generously made himself available to magistrates throughout the conference and took part in discussions and workshops, which was very much appreciated by all. Another highlight was the session on Cross-cultural communication in the courtroom which was sponsored by the NJCA. I congratulate the conference planning committee and my judicial support officer, Jeannie Donovan, on their hard work and organisation of the many sessions and speakers.

Although we do appreciate the funding we receive from DJAG for professional development – and we make every effort to use this cost effectively – it is important to remember that, unlike Supreme and District Court judges, magistrates do not receive specific allowances to use for judicial education. Consequently, it will be important to continue to increase funding for magistrates to undertake professional development, including for continued cultural awareness training. It is my view that all magistrates should be funded to undertake five days of judicial education yearly – two days in addition to the annual conference. This is particularly important given the extent and diversity of what can be expected to be an increasing jurisdiction. The court should also be funded for experienced magistrates to take the necessary time away from their normal court duties to assist in the orientation week for newly appointed magistrates.

Professional development is a significant issue, considering that, by the time I finish my tenure with this court in September this year, 50% of the magistracy will have been appointed for less than five years.
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. Accordingly, during the year, magistrates have continued to participate in moot court programs and to mentor law students referred to the court by the University of Queensland, the Queensland Law Society and Queensland University of Technology. We are looking forward to establishing a similar relationship with the Griffith University Law School through a student working with a magistrate as part of the Semester in Practice program.

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, Magistrate Hodgins of Cairns has been appointed by the Federal Attorney-General to the National Alternative Dispute Resolution Advisory Council. Magistrate Gordon continues to be a member of the Chief of Defence Force Commissions of Inquiry panel. A number of magistrates participate on advisory committees to the NJCA. A full list of external bodies through which magistrates contribute to the community and the justice system can be found in Appendix 4.

Committees

A number of internal committees operate within the court to provide me with access to a wide range of views when making decisions affecting the court. I thank the members of these committees who made a valuable contribution during the year. These committees are listed in Appendix 1.

Court technology

Our court environment is becoming increasingly technologically sophisticated with digital recording of evidence, closed circuit television, videoconferencing and Wi-Fi services.

We are placing increasing 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 own location rather than travelling to and waiting at court to give evidence.

In a recent case, a key witness who was incapacitated and unable to attend court was able to give evidence without leaving home through the establishment of a secure network to the court via a laptop and a high definition camera. This demonstrates that a witness can give evidence without attending a videoconferencing facility. With advice that the Next G network will be available to 98% of Australia, the technology has wide application in rural and remote areas of the state.

The court continues to use videoconferencing for defendants in custody. This allows bail and remand matters to be heard without the need to transport detainees to and from court. This increases public safety and enables more police and corrections officers to devote their time to core duties. This is supported by practice directions for the Magistrates Courts at 240 Roma Street and 363 George Street Brisbane, Beenleigh, Ipswich, Southport, Richlands and Maryborough. Consideration is being given to issuing a statewide practice direction.

We have been working closely with Queensland Corrective Services to take maximum advantage of the videoconferencing facilities being installed in the Arthur Gorrie Correctional Centre. This is the centre for all remand prisoners in South-East Queensland and currently also holds maximum security prisoners. There will be five booths available to our court and a separate booth available for the Supreme and District Courts. It is expected that we will be able to commence
using these facilities during August 2008, and they will be available to the courts at 240 Roma Street and 363 George Street Brisbane, Beenleigh, Southport, Richlands, Ipswich, Sandgate, Toowoomba, Petrie, Dalby, Caloundra, Caboolture and Maroochydore.

As a result of submissions made by our court, the Justices Act 1886 has been amended to extend the use of video links to connect the court to anywhere that the presiding magistrate considers suitable for the proceeding. This will enable our court to deal with matters more expeditiously and will link witnesses, lawyers and defendants to the court from throughout Australia and the world. Ultimately, it will be an integral aspect of our court for the future.

**Technological developments for the magistracy**

We are also well on our way to realising the vision expressed in previous annual reports of all magistrates being able to use laptops to access cases, legislation, court forms and other legal materials, such as the Queensland Sentencing Information Service, from any location. Under this model, the laptop becomes a portable office which can be taken onto the bench, on circuit or home to conduct research and work on decisions.

Not surprisingly, in a state as geographically diverse as Queensland and with the number of remote circuit centres, some teething problems have been experienced. However, steps have been taken to remove, or at least reduce these difficulties, which included a roll-out of new laptops, which I am confident will fulfil this vision for all circuit magistrates.

In keeping with the greater integration of all levels of Queensland Courts, magistrates have moved from DJAG Information Technology (IT) Services to the Supreme and District Courts IT Services team which previously supported only judges.

**Innovative Courts and Programs**

I am proud and privileged to have been involved, with my colleagues, in reaching out to the people of Queensland – particularly those who live in remote areas and those who are disadvantaged – through our many innovative court programs that help ensure we can treat all people appearing before us as individuals.

These programs provide alternative sentencing for those, early in their offending history, whose offences are the result of alcohol addiction, homelessness or impaired decision-making capacity, and to try to reduce their over-representation in the criminal justice system.

I have particularly enjoyed having a close association with the wonderful people who have made our Murri Courts an integral part of the criminal justice system that they are today. Their generosity, wisdom, kindness and humour will stay with me always.

The first Murri Court was established in Brisbane in August 2002 by my predecessor as Chief Magistrate, Diane Fingleton and Deputy Chief Magistrate Brian Hine to address the issue of over-representation of Indigenous Australians in the prison system. It also aimed at improving Indigenous attendance rates in court, decreasing the rate of reoffending, and reducing the number of court orders breached, and to strengthen the partnership between Magistrates Courts and Indigenous communities in dealing with Indigenous justice issues.

With the launch of a Murri Court at St George in June 2008, there are now 13 Murri Courts when counting the Brisbane Childrens Court as a separate Murri Court. Caloundra and Cairns also opened Murri Courts during the year.

As the Kevin Carmody – Paul Kelly songs says, *from little things, big things grow.*
The success of the Murri Courts has been recognised by the government which has provided $5.2 million over three years from 1 January 2007 to evaluate the Brisbane, Rockhampton, Townsville, Mount Isa and Caboolture courts.

The stakeholders to whom the evaluators, the Australian Institute of Criminology (AIC), have spoken have recognised the important fact that the Murri Court represents a more holistic and collaborative approach to dealing with Indigenous offenders, with input from a range of key participants all working towards a shared goal.

As a result, the AIC described it as a collaborative problem solving court in which the key participants work together to determine the most appropriate solution to a defendant’s offending behaviour.

Although it is the magistrate who decides on the sentence to impose, it is the advice and presence of the elders and respected persons that has made our Murri Courts so successful. They help get at the cause of criminal behaviour and break through the disengagement that Indigenous people have had with the courts. There is no doubt that defendants find their appearance before the elders a confronting, emotional and powerful experience.

Murri Court is not a soft option for defendants. It is about effective sentencing of offenders who will be sentenced to imprisonment when appropriate. It is not a lighter sentence but one which is more meaningful to the offender. When they are placed on community-based orders, quite onerous conditions are attached which are aimed at their rehabilitation – including being subject to the requirements and directions of the local community justice group. This is not an easy way out for offenders.

The Murri Court adheres to the law of Queensland. It is the same law for everybody – but the Murri Court allows the magistrate to apply this in a culturally appropriate way.

As the Attorney-General and Minister for Justice, the Honourable Kerry Shine MP has said:

*The involvement of Indigenous elders has been integral to the success of the Murri Court, with elders volunteering their time and using their cultural knowledge and...*
experience to help the courts achieve more culturally appropriate justice.

A person who appeared in the Murri Court has said of the experience:

*Being spoken to by the elders. Them speaking to me made me realise that my life is going nowhere while I’m committing these crimes.*

No two Murri Courts operate in exactly the same way. This is because they have been developed with the advice of the elders and respected persons to reflect local conditions. It is essential that this continues.

Although the Murri Courts are under evaluation, as one of the foundation elders, Uncle Albert Holt, said: “Let us all agree, we have gone too far to go back where we came from”.

I believe the same can be said of our other innovative programs with which it has also been my privilege to be associated:

- the Drug Court
- the Illicit Drugs Court Diversion Program
- the Cairns Alcohol Remand and Rehabilitation Program
- the Queensland Indigenous Alcohol Diversion Program
- the Queensland Magistrates Early Referral into Treatment Program
- the Homeless Persons Court Diversion Program and Special Circumstances List.

To adopt the words of the Prime Minister in his apology to Australia’s Indigenous peoples, the Murri Court and these other programs involve embracing “new solutions to enduring problems where old approaches have failed”.

Each of these programs is comprehensively described in this report.

However, I will make some further observations about the Homeless Persons Court Diversion Program which we have been conducting at the Brisbane Arrest Courts together with a special circumstances list for homeless defendants who have impaired decision-making capacity. We have done this out of our own resources other than with funding for a court liaison officer who is much appreciated. It provides a mechanism for referring disadvantaged people to appropriate mental health, housing, support, and other services to address their fundamental needs. The progress following referral is reported regularly to the court which will take the successful completion of the program into account in sentencing.

My hope was that, from 1 July 2008, this program would be funded to operate five days a week, including funding for a magistrate to conduct it. This has not been forthcoming to date; therefore, the program’s future is continually under review.

However, there may be light at the end of the tunnel. The Which Way Home options paper, which was launched by the Prime Minister earlier this year, criticised mainstream services such as health, education and justice for washing their hands of the issue of homelessness.

This has not been the case with our court or our partners in this holistic approach to addressing the causes of offending by the disadvantaged people who come before our court.

We hope that what has been achieved with limited resources will be recognised and appropriately funded in the future because, as the Prime Minister said:

*Homelessness is a national obscenity. We can do better, we must do better. Put simply, our homelessness policies aren’t sufficient to deal with the scale of the problem.*

It is also heartening that the recent Crime and Misconduct Commission review into public nuisance recommended that DJAG continue to work with other agencies to develop and evaluate court diversionary programs such as our Homeless Persons pilot and the Cairns Alcohol Remand program in order to identify and implement effective programs.
There are also many other innovative programs being trialled locally by magistrates. A recent example is the referral by Maroochydore magistrates of people charged with traffic offences (other than minor offences) to attend attitude driving workshops run by the local RSL and Police after an indication of a guilty plea. The person is remanded to allow attendance at the workshop and satisfactory attendance can be considered on sentence. This six-month trial commenced in late April.

**Looking forward**

**Blueprint for the future**

As the State Government has recognised, planning for essential infrastructure services is crucial for the future. Although mention is naturally made of new water storages and pipelines, better roads, more schools and hospitals, no specific mention is made of the courts. In the previous two Annual Reports, I have observed that Magistrates Courts and magistrates need to be recognised as part of the infrastructure of the state. Because it is a grass roots court and vital to all communities, 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. As the Minister for Infrastructure is reported to have said about the draft South-East Queensland Water Strategy:

*This is about saying let's do the planning now so that in the future no-one is restricted by poor planning now.*

The same comment can be applied to the Magistrates Courts. It is, therefore, pleasing that in the Premier's State of the State address on 8 September 2008, she referred to courts as part of the state's infrastructure. It is inevitable that the number of magistrates will continue to rise to address an increasing jurisdiction in keeping with Queensland's dynamic growth. However, it is important that this is achieved proactively with appropriate planning and not reactively trying to catch up.

**Courts in Indigenous communities**

As I have also stated in previous Annual Reports, there is a need to invest further in court infrastructure, including court staff, magistrates and reasonable court facilities for Indigenous communities.

This will be particularly important for those communities subject to the Family Responsibilities Commission. My prediction is that there will be an increased number of trials of people who seek to avoid being convicted of conduct that would make them subject to the Commission's jurisdiction.

This is why the Council of Chief Magistrates recently agreed to urge governments engaging in initiatives, such as the commission and the activities in the Northern Territory, to consider and plan for the impact on courts and the flow-on effects of the inevitable increase in the number of people being dealt with in the criminal justice system. In my view, the answer is not to remove or reduce circuits to these communities, but to build on the additional funding I have referred to and spend even more time on circuit there.

As stated in the council's communiqué, at a minimum, courts in these communities need to have reasonable victim and witness facilities, interview spaces for prosecutors and legal aid organisations, along with basic facilities for all people working in the courts or going about their civic duties there.

As I have raised previously, it is important that courts be separated from police stations as is happening at Palm Island. However, there remain a number of places where this is still to be done, such as at Lockhart River, Yarrabah and Woorabinda. I refer again to the first page of my first overview as Chief Magistrate (2003 – 2004 Annual Report, page 7) where there is a photo of the room in the Lockhart River Police Station which is used for court purposes. It is readily apparent that the room is inadequate as a court venue. A comparison with the photo of the courtroom taken when I attended the court recently demonstrates that nothing has changed except for further deterioration.
However, even more significantly, Sir Anthony Mason expressed the primary reason why courts should not be part of, or proximate to, police stations when he said:

*The public perception of the independence of the Magistrates Courts is a matter of critical importance for historical reasons. Magistrates Courts were originally known in NSW and Queensland as Police Courts, a description which symbolised in the public mind a close association between the police and the magistrates. Although the name has gone, it has not been forgotten and the geographical proximity of the courts to police stations and the presence of police prosecutors in the courts serve to preserve the old association in the minds of many people.*

This is illustrated by the ‘courtroom’ at Lockhart River which is also used by the police as an interview room. Therefore, a defendant can appear before a magistrate on a charge about which he had been interviewed in the same room. Even with the best intention, how can the court be perceived as independent of the police in these circumstances? I have no doubt that the Queensland Police Service would have a similar view.

In previous Annual Reports, I have highlighted the need for interpreters of Australian Indigenous languages in courts in Indigenous communities. A census bulletin from the Queensland Treasury’s Office of Economic and Statistical Research in May 2008 highlighted the point that, outside the South-East corner of Queensland, the language most spoken at home was an Australian Indigenous language. Therefore, I am pleased that, through his department, the Attorney-General has initiated an Indigenous interpreters accreditation project in Aurukun which is a positive step towards increasing much-needed access to Indigenous interpreters.

In previous reports, I have raised the need for mediation skills training for members of community justice groups, so the joint initiative of DJAG and the Federal Attorney-General’s Department to establish a community-based alternative dispute resolution and mediation service on Mornington Island is pleasing. The service will recognise and respect traditional culture while conforming with the requirements of the formal criminal justice system.
However, as I have said in the last two annual reports, enhanced access to justice in these communities also requires:

- voice enhancement equipment to compensate for the quietly spoken and often nervous participants
- the appointment of Indigenous court liaison officers
- enhanced resourcing and training of community justice groups
- more community-based rehabilitation programs and supervision of those programs in the communities.

Returning to the communiqué from the Council of Chief Magistrates, for courts in Indigenous communities to operate effectively, governments need to increase the capacity of community corrections, victims and witness support services, clinicians and allied health professionals in these communities. Without these services, the effectiveness of the courts is extremely restricted.

Of concern to me is that there are a significant number of matters coming before magistrates sitting in Indigenous communities for driving without a licence and driving whilst disqualified. It is often convictions for these types of offences that are the start on a road which, all too often, leads to imprisonment and contributes to Indigenous over-representation in the prison system. Employment is often closely aligned to having a driver’s licence and, in some areas where there are mining operations, a truck licence which is such an important criteria to gaining employment.

There should be an expansion of cultural and language specific materials necessary to satisfy the eligibility for driver’s licence applications, including a consideration of the viability of requiring learner drivers in Cape York and the Torres Strait having to complete 100 hours of supervised driving, recorded in a log book, before they can take the practical test.

This is one of the factors greatly reducing the ability to obtain a driver’s licence. In remote communities there are no driving schools; there are limited numbers of road-worthy vehicles; there are limited roads (in one Torres Strait outer Island there is only 800 metres of road); there are few areas to learn urban rules and conditions; there are limited teachers; and there are limited numbers of people who hold a licence and who can accompany a learner driver in a vehicle.

Further, the cost of obtaining a provisional licence for young people is significant and the nature of the test is not conducive to many people in Cape York and Torres Strait Island communities passing it. Young people who have poor literacy skills may find this test difficult and, once they have failed a couple of times, are unlikely to return again.

Department of Transport examiners do visit Indigenous communities to deliver group training sessions and do use a road rules book specifically written for Indigenous applicants before they undertake the written or practical tests as an attempt to overcome difficulties with literacy. However, these visits need to occur much more frequently and regularly.

Of course, I appreciate that all of this cannot be achieved overnight and is likely to happen incrementally.

**Enhanced entitlements**

Whenever the question of resources and funding is raised, the position of magistrates themselves must be considered. During the past five years, there have been salary increases for all magistrates and improved housing entitlements for the Mount Isa, Charleville and Emerald based magistrates. Legislative amendments have also resulted in a more accountable and equitable transfer system.

However, as I have argued in each Annual Report I have been associated with, it is essential that magistrates’ entitlements are not relative to the public service but are comparable with those of other members of the Queensland judiciary. There are still too many entitlements that are connected with the entitlement of public servants. The magistracy emerged from the public sector as a fully independent area of the Queensland judiciary in 1991, so it is essential that the nexus with public sector entitlements be severed forever. I have already mentioned the associated issue of creating parity with the retirement age of Supreme and District Court judges and to the need
for all magistrates to be funded to undertake enhanced judicial education.

As Sir Anthony Mason has said: ‘It would be preferable if magistrates’ entitlements were not expressed by reference to public service grades’. In keeping with this, I have continued to make submissions to the Attorney-General and the Director-General of DJAG to develop entitlements for magistrates in keeping with their independent status as judicial officers. Although there has been no change to date, I am confident that some change will be achieved in the near future.

I also recognise that changes to entitlements will be achieved incrementally, as part of the continued journey of magistrates being clearly seen as judges in their own right.

**A vision for the future**

Before concluding, I would also like to reflect on the future of the Queensland Magistrates Court. My vision is an optimistic one. It is a future that will bring an expanded number of magistrates and judicial registrars addressing an increasing jurisdiction in keeping with Queensland’s continued growth.

Although the court will continue to be a grassroots people’s court, in a number of respects it will look more like the Supreme and District Courts, with robed barristers and harmonious practices and procedures. It will truly be the court of first instance in the judicial system of Queensland Courts. In that regard, a milestone in the past year has been the protocol with the Bar Association for its members to wear robes in some cases in our Court.

In the future, although there will be an increase in magistrates and no decrease in the number of places where it is essential to hold court, I believe more magistrates will be appointed to hub centres and then visit satellite courts on circuit. This will in no way reduce the extent of services given to the satellite court centres and, in fact, may enhance them.

The ability to rely on technology to link witnesses, lawyers and defendants to the court throughout Australia and the world will increase over time and will be an integral aspect of the Court for the future.

The courts’ innovation programs will also continue to extend and support initiatives to provide diversionary options for people early in their offending history. This will provide alternative sentencing options for people whose offences are the result of drug or alcohol addiction, homelessness or impaired decision-making capacity, and coordinate strategies to reduce their over-representation in the criminal justice system.

This is not because magistrates are becoming social workers. It is because magistrates are the front-line in the administration of justice and see first-hand that there is always a story behind offending. The fact is that Magistrates Courts serve, by default, as a front-line response to problems of substance abuse, family breakdown, intellectual disability, personality disorders and mental health.

My vision is that these initiatives will include not only a continued role for the Drug Court, but a Murri Court supported by legislation which is sufficiently flexible to adopt procedures best suited to the local court environment and local issues – contemporary, vibrant and always changing – as well as programs that strike at the heart of the causes that contribute to the gaps in Indigenous life expectancy, educational achievement, and employment opportunities – in particular, the use and abuse of alcohol.

This is a future in which we will embrace the possibility of new solutions to enduring problems where old approaches have failed. These solutions will extend to permanent specialist courts for people who are homeless or who suffer from impaired decision-making capacity and permanent specialist courts that will address the causes of domestic and family violence, rather than just dealing with the aftermath of that violence.

Therefore, programs that focus on the causes of offending behaviour and that attempt to break the cycle of offending will continue to be part of the future of the Queensland Magistrates Courts.
There is also reason to believe that a suitable adaptation of the New York Redhook Community Justice Centre model within the court – as has happened in Victoria – will be implemented to allow the magistrate to make use of on-site social services to address the underlying problems (such as literacy, health and behaviour) of the people who appear before the court. I hope that this would include a strategy to have offenders immediately undertake community service obligations – the immediacy and visibility involved would send a powerful message to offenders and the community.

I observe that it is important that Queensland Corrective Services (QCS) be properly resourced to provide, or broker the provision by others, of criminogenic programs and supervision of those programs throughout the State. Although I have appreciated the assistance of QCS in making programs available in Gulf communities, such as Mornington Island and Doomadgee, this is not the case throughout the State. However, I am advised that QCS is committed to developing sustainable service delivery models for the programs agency wide. This is essential if probation and Drug Court Intensive Rehabilitation Orders are to be effective sentencing options and are truly reflective of a policy of rehabilitation.

I envisage that the court will continue to increase the number and range of services that it provides for Indigenous communities. We will spend more time there – reducing perceptions of fly in/ fly out justice. Our court will be seen as an accessible and vital part of these communities – a court which makes a visible difference to the day-to-day lives of people who live there, including offenders. In this way, the court will be an effective mechanism for increasing participation and ownership by the communities in the justice process.

It is my vision that the court will be assisted by an Indigenous Interpreter service and courtrooms will be removed from within police stations or from the geographical proximity to police stations. This will increase the trust of the residents of these communities in the justice system.

The public perception of the independence of our courts will be further enhanced by prosecutions being undertaken by independent prosecutors in place of police prosecutors. This would be in keeping with Sir Anthony Mason's observation that ‘unquestionably it would be preferable if prosecutions were undertaken by independent prosecutors, at least in significant cases’.

These developments will not occur overnight. They will be implemented incrementally, wisely, carefully and with full regard to the likely issues that may obstruct their ultimate implementation and success.

**Conclusion**

A highlight of the past five years has been to work with the many committed and collegiate magistrates who make up a grass roots people's court.

I would hope that informed members of the public see them as I do, as a hard-working team of people who, again to adapt the words of Sir Anthony Mason, despite being confronted with a huge workload, some sitting in remote locations, mostly in cases where they have no advance notice of the issues involved, and often with little in the way of legal assistance, give prompt and often ex tempore decisions. And in doing so, they ably represent our system of justice to the community with the hallmarks of independence, honesty, impartiality, fairness and courtesy. As a result, I believe that the public have confidence in the courts and the administration of justice. We can continue to be proud of the service that they provide to the community.

During my tenure as Chief Magistrate, I have worked with four Directors-General of DJAG and three Attorneys-General. I thank all of them for their support throughout that time.

Ms Hunter was the first of the Directors-General with whom I had contact for a lengthy period. She instilled DJAG with a positive client service attitude towards the court and the community. This is an approach which has been continued by her successors, Mr McGowan and Ms Grantham, and the current Deputy-Director General, Mr McKay. It is also the approach that the Director of Courts, Mr Marschke, has brought to his role which I have greatly appreciated.
Throughout the past twelve months, the Honourable Kerry Shine MP continued his open and consultative approach as Attorney-General and Minister for Justice. This was also the hallmark of his predecessors, the Honourable Rod Welford and the Honourable Linda Lavarch.

I have also greatly appreciated the support of the Honourable Mr Justice de Jersey AC, Chief Justice of Queensland; Her Honour Chief Judge Wolfe; the Presidents of the Queensland Bar Association, currently Mr Stewart SC, and the Presidents of the Queensland Law Society, currently Ms Mahon, as well as their colleagues and members throughout the period.

No words can adequately express my appreciation for the untiring support of my Deputy, Magistrate Hine who has contributed in so many ways to enhancing the standards and reputation of our court.

I also thank my Executive Assistant, Ms Narelle Kendall and Judicial Support Officers, Ms Jeannie Donovan and Ms Beth Houston for their significant assistance. Ms Kendall has worked with me throughout my term, except for a period of six months earlier in 2008. I am pleased that she has returned to our office as I approach the end of my term. During Ms Kendall’s absence, I appreciated the valuable support of Ms Vivienne Koroglu.

I would also like to recognise the contribution of Ms Nicola Walker, Ms Julie Harris, Ms Sandra Franklin, Ms Rachel Monaghan and Ms Cindy Young who have worked with me, Deputy Chief Magistrate Hine and Brisbane Coordinating Magistrate Ms O’Shea throughout the year to support the magistracy and to address the daily issues that arise state-wide.

I would also like to thank my wife and partner, Ms Louise Vaughan, for her unconditional support which has enabled me to devote substantial time to discharge the functions of my office. I could not have done so without her. Her support has also extended to the voluntary editorship of the last four annual reports.
I also record my appreciation to Mr Gordon Dean who, following his retirement as a magistrate in June 2007, has generously volunteered his time to be our court’s honorary archivist. He has enthusiastically undertaken the important role of collecting and recording the rich history of the court since the appointment of John Wickham as the first resident magistrate in 1842. As a result and within a short time, we are ready to launch history displays in the Brisbane Central Magistrates Court and a monograph tracing that history.

I have enjoyed the unique opportunities, the challenges and my journey as Chief Magistrate.

I wish the court and my successor well for the stimulating future that lies ahead.
Our Magistrates
Queensland’s Magistrates as at 30 June 2008

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<thead>
<tr>
<th>Location</th>
<th>Name</th>
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<tbody>
<tr>
<td>Beenleigh</td>
<td>PJ Webber</td>
<td>Coordinating Magistrate</td>
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<td></td>
<td>TI Morgan*</td>
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<tr>
<td></td>
<td>JE White</td>
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<tr>
<td>Bowen</td>
<td>AG Kennedy</td>
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<td>Brisbane</td>
<td>MP Irwin</td>
<td>Chief Magistrate</td>
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<tr>
<td></td>
<td>BP Hine</td>
<td>Deputy Chief Magistrate/Regional Coordinating Magistrate</td>
</tr>
<tr>
<td></td>
<td>MA Barnes</td>
<td>State Coroner</td>
</tr>
<tr>
<td></td>
<td>LJ O’Shea</td>
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<tr>
<td></td>
<td>LM Bradford-Morgan</td>
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<tr>
<td></td>
<td>CA Callaghan</td>
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<td>CA Clements</td>
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<td>WA Cull</td>
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<tr>
<td></td>
<td>PM Dowse</td>
<td>Childrens Court Magistrate</td>
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<tr>
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<td>WH Ehrich</td>
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<td>JS Gordon</td>
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<td>EA Hall*</td>
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<td></td>
<td>PM Kluck</td>
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<td></td>
<td>JB Lock</td>
<td>Brisbane Coroner</td>
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<td></td>
<td>NF Nunan*</td>
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<td>JV Payne</td>
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<td></td>
<td>T Previtera*</td>
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<td></td>
<td>WJ Randall</td>
<td>Small Claims Referee</td>
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<tr>
<td></td>
<td>CG Roney</td>
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<tr>
<td></td>
<td>Z Sarra</td>
<td>Wynnum – Holland Park Magistrate</td>
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<tr>
<td></td>
<td>C Strofield</td>
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<tr>
<td></td>
<td>BL Springer</td>
<td>Relieving Magistrate</td>
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<tr>
<td></td>
<td>BF Tynan*</td>
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<tr>
<td>Bundaberg</td>
<td>JM Batts</td>
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<tr>
<td>Caboolture</td>
<td>PW Johnstone</td>
<td>Coordinating Magistrate</td>
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<tr>
<td></td>
<td>TA Allingham</td>
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<tr>
<td>Cairns</td>
<td>TJ Black</td>
<td>Coordinating Magistrate/Regional Coordinating Magistrate</td>
</tr>
<tr>
<td></td>
<td>SM Coates</td>
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</tbody>
</table>
AJ Comans*
JA Hodgins
KM McGinness*
JN Pinder
K Priestly Northern Coroner
RD Spencer*

Charleville
O Rinaudo

Caloundra
DM Fingleton

Cleveland
BR Manthey

Dalby
SL Cornack

Emerald
DJ Dwyer*

Gladstone
Vacancy

Gympie
JC Parker

Hervey Bay
GJ Tatnell Relieving Magistrate Wide Bay District
WJ Smith

Holland Park
TN Arnold

Innisfail
JM Brassington

Ipswich
DM MacCallum Coordinating Magistrate/ Regional Coordinating Magistrate
JM Daley
MR McLaughlin*

Kingaroy
GJ Buckley

Mackay
RN Risson

Mareeba
TJ Braes

Maroochydore
IT Killeen Coordinating Magistrate/ Regional Coordinating Magistrate
BD Barrett
BA Callaghan
CJ Taylor

Mount Isa
HB Osborne

Petrie
S Guttridge

Redcliffe
A Chilcott
<table>
<thead>
<tr>
<th>Location</th>
<th>Magistrates</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Richlands</td>
<td>ER Wessling, PJ Austin</td>
<td>Coordinating Magistrate</td>
</tr>
<tr>
<td></td>
<td>AM Hennessy, MM Baldwin</td>
<td>Coordinating Magistrate/ Regional Coordinating Magistrate</td>
</tr>
<tr>
<td>Sandgate</td>
<td>MP Quinn</td>
<td></td>
</tr>
<tr>
<td>Southport</td>
<td>RG Kilner, JJ Costanzo*, MJ Hogan, DE Kehoe, BF Kilmartin, GC Lee*, MG O’Driscoll, CA Pirie</td>
<td>Coordinating Magistrate/ Regional Coordinating Magistrate</td>
</tr>
<tr>
<td></td>
<td>Vacancy</td>
<td>Southern Coroner</td>
</tr>
<tr>
<td>Toowoomba</td>
<td>BT Schemioneck, JD Carroll</td>
<td>Coordinating Magistrate</td>
</tr>
<tr>
<td>Townsville</td>
<td>LP Verra*, PR Smid, BL Smith, SM Tonkin*, C Wadley*, CA Pirie</td>
<td>Coordinating Magistrate/ Regional Coordinating Magistrate</td>
</tr>
<tr>
<td>Warwick</td>
<td>AC Thacker*</td>
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* Drug Court Magistrate
### Acting Magistrates

<table>
<thead>
<tr>
<th>Location</th>
<th>Magistrate</th>
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<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>JP Barbeler*</td>
</tr>
<tr>
<td></td>
<td>JM Herlihy*</td>
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<tr>
<td></td>
<td>R Quinlan*</td>
</tr>
<tr>
<td></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>IR Rose*</td>
</tr>
<tr>
<td></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>TG Bradshaw*</td>
</tr>
<tr>
<td></td>
<td>MT Morrow</td>
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<tr>
<td>Sandgate</td>
<td>GB Pitt</td>
</tr>
<tr>
<td>Southport</td>
<td>GJ Finger#</td>
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<tr>
<td></td>
<td>GA Wilkie*</td>
</tr>
<tr>
<td>Toowoomba</td>
<td>RJ Stark</td>
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<tr>
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<td>BJ Skuse</td>
</tr>
<tr>
<td>Townsville</td>
<td>GA Hillan*</td>
</tr>
<tr>
<td></td>
<td>RJ Mack</td>
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</tbody>
</table>

* Retired Magistrate  
# Appointment expired on 19 April 2008

### Judicial Registrars

<table>
<thead>
<tr>
<th>Location</th>
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<tbody>
<tr>
<td>Beenleigh</td>
<td>GH Kahler</td>
</tr>
<tr>
<td></td>
<td>(Monday, Wednesday, Thursday)</td>
</tr>
<tr>
<td>Beaudesert</td>
<td>DA Beutel</td>
</tr>
<tr>
<td>Brisbane</td>
<td>TJ Davern</td>
</tr>
<tr>
<td></td>
<td>RM Carmody</td>
</tr>
<tr>
<td></td>
<td>(Tuesday, Friday)</td>
</tr>
<tr>
<td>Southport</td>
<td></td>
</tr>
<tr>
<td>Townsville</td>
<td>RJ Lehmann</td>
</tr>
</tbody>
</table>

L-R: Dennis Beutel (Brisbane), Grace Kahler (Beenleigh), Robin Carmody (Southport), Trevor Davern (Southport), Richard Lehmann (Townsville).
### Magistrates appointments, retirements and milestones

#### Appointments

<table>
<thead>
<tr>
<th>Magistrate</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Magistrate Maxine Baldwin</td>
<td>19 November 2007</td>
</tr>
<tr>
<td>Magistrate Christopher Callaghan</td>
<td>3 December 2007</td>
</tr>
<tr>
<td>Magistrate Damian Carroll</td>
<td>20 July 2007</td>
</tr>
<tr>
<td>Magistrate Michael Hogan</td>
<td>20 July 2007</td>
</tr>
<tr>
<td>Magistrate Joseph Pinder</td>
<td>13 August 2007</td>
</tr>
<tr>
<td>Magistrate Kevin Priestley</td>
<td>30 March 2008</td>
</tr>
<tr>
<td>Magistrate Michael Quinn</td>
<td>20 July 2007</td>
</tr>
<tr>
<td>Magistrate Peter Smid</td>
<td>20 July 2007</td>
</tr>
<tr>
<td>Magistrate Colin Strofield</td>
<td>30 March 2008</td>
</tr>
<tr>
<td>Magistrate Cathy Wadley</td>
<td>19 November 2007</td>
</tr>
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</table>

#### Retirements and resignations

<table>
<thead>
<tr>
<th>Magistrate</th>
<th>Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Magistrate Margaret Cassidy</td>
<td>10 January 2005 to 12 October 2007</td>
</tr>
<tr>
<td>Magistrate David Glasgow</td>
<td>7 December 1998 to 1 July 2008</td>
</tr>
<tr>
<td>Magistrate Basil Gribbin</td>
<td>9 January 1987 to 10 May 2008</td>
</tr>
<tr>
<td>Magistrate Michael Halliday</td>
<td>16 June 1997 to 13 April 2008</td>
</tr>
<tr>
<td>Magistrate James (Jim) Herlihy</td>
<td>13 September 1993 to 5 May 2008</td>
</tr>
<tr>
<td>Magistrate Graham Hillan</td>
<td>18 December 2000 to 6 July 2007</td>
</tr>
<tr>
<td>Magistrate Gregory McIntrye</td>
<td>9 August 1993 to 2 July 2007</td>
</tr>
<tr>
<td>Magistrate Robert Quinlan</td>
<td>28 February 1980 to 11 November 2007</td>
</tr>
<tr>
<td>Magistrate Kenneth Taylor</td>
<td>19 December 1985 to 3 October 2007</td>
</tr>
</tbody>
</table>

#### Milestones

**20 years service**

- Magistrate Robert Quinlan on 15 October 2007

**15 years service**

- Magistrate Irvine (Tom) Killeen on 25 June 2008
Magistrates Court of Queensland

Appointments

Magistrate Maxine Baldwin – Brisbane and Rockhampton

Magistrate Baldwin was sworn in at Brisbane on 21 November 2007. During the first four months in her judicial role, she was based in Brisbane. On 31 March 2008, she moved to Rockhampton where she will preside for three years as one of the two presiding magistrates.

After working as a secondary school teacher, Magistrate Baldwin studied law externally at Queensland Institute of Technology where she graduated with Honours. She was admitted as a legal practitioner in 1989. Throughout her legal career she was a partner, with her husband, in a busy Gympie-based legal practice which extended from the Sunshine Coast to the Wide Bay-Burnett region. Although Magistrate Baldwin operated a general practice, she also held a specialist accreditation in family law and was an accredited mediator with the Queensland Law Society.

In 2005, she received the Queensland Law Society's Regional Woman Lawyer of the Year award and, this year, she was selected to participate in the Rural and Regional Communities forum at the 2020 Commonwealth Summit.

Magistrate Christopher Callaghan – Brisbane

Magistrate Callaghan was sworn in at Brisbane on 3 December 2007. Among those sharing in the occasion was his sister, Magistrate Bernadette Callaghan, who presides at Maroochydore Magistrates Court.

At the conclusion of his secondary college education, Magistrate Callaghan immediately commenced a 5 year article clerkship with a prominent solicitor’s firm in Brisbane while he undertook the Solicitor's Board examinations. Following his admission to practice law in 1980 he practiced in his own legal firm at Maroochydore and two years later re-located his firm to Brisbane. He practised as a barrister at the Bar between 1991 and 1995 then worked as a solicitor and partner in a legal firm at West End. During the four years immediately prior to his appointment, he was principal of his own city-based legal firm.

Magistrate Callaghan’s 23 years of legal experience, specialising in criminal law, both as a barrister and solicitor will serve him well in his magistracy work.
Magistrate Damian Carroll – Toowoomba

Magistrate Carroll's appointment is the culmination of 35 years of experience as a solicitor in Queensland. His swearing-in ceremony was conducted in Brisbane on 20 July 2007 and he was formally welcomed, as one of the two presiding magistrates based at Toowoomba's Magistrates Court, at a ceremony in Toowoomba on 3 August 2007.

Magistrate Carroll was a member of a highly respected law firm in Rockhampton from 1976 to 1999, serving as a partner in the firm for much of that time. More recently, he worked as a legal consultant with firms in Toowoomba and Brisbane. As a litigation lawyer, he practised extensively in all jurisdictions including the High Court of Australia. Until his appointment to the bench, he was a Senior Councillor of the Queensland Law Society.

Magistrate Michael Hogan – Southport

Prior to his appointment, Magistrate Hogan was a barrister in private practice in Brisbane. He was sworn in as a magistrate at Brisbane on 20 July 2007 and was later formally welcomed at Southport Magistrates Court.

Since his admission to legal practice in 1977, he has worked as both a solicitor and barrister in a broad range of areas of practice. In his early days at the bar, he worked mainly in the areas of criminal law and family law. He defended and also prosecuted in the Supreme and District Courts and appeared several times in the Court of Appeal.

As a solicitor, he worked as a sole practitioner, as a partner in a firm, as well as with the Legal Aid Office and the Aboriginal and Torres Strait Islander Legal Service. In more recent years, his practice involved mainly personal injuries litigation. He also has adjudicative experience as a member of the Social Security Appeals Tribunal.
Magistrate Joseph Pinder – Cairns

Magistrate Pinder was sworn in as a magistrate at Cairns on 14 August 2007. Prior to his appointment to the magistracy, he had been a solicitor in Cairns for twenty years and was principal of a legal firm which specialised in personal injury matters.

At a local level, he was heavily involved in the Far North Queensland District Law Association and served for 14 years on the Council of the Law Society of Queensland. At the time of his appointment, he had recently completed a one-year term as President of the Queensland Law Society.

Magistrate Kevin Priestley – Cairns

Magistrate Priestly was sworn in at Brisbane on 6 March 2008. His initial appointment is to Cairns where he was officially welcomed at a ceremony at the Cairns Magistrates Court on 1 April 2007. Magistrate Priestly has been appointed to the newly created position of Coroner, North Queensland, which will be based in Cairns but will provide coronial services extending from Proserpine in the south, to the Papua New Guinea border in the north and west to the Northern Territory border.

Prior to his appointment to the bench, Magistrate Priestly practised as a lawyer in Cairns for 22 years – 20 years as a barrister and the last two years as a solicitor, specialising in consultancy work in compliance and safety management systems involving aviation, maritime, mining and adventure tourism workplaces. His breadth of legal experience and expertise in law involving safety and workplace risk management makes him well-suited to undertake the role of coroner.
Magistrate Michael Quinn – Sandgate

After Magistrate Michael Quinn was sworn in as a magistrate at a ceremony in Brisbane on 20 July 2007, he took up his appointment at Sandgate, a northern suburb of Brisbane.

In 1973, Magistrate Quinn began his legal career as an articled clerk with the firm Gilshenan and Luton at Brisbane and was admitted as a solicitor in 1977. He spent the entire 35 years of his working life with that firm – including 19 years as a partner and the year prior to his judicial appointment as a consultant. He specialised in criminal law and professional conduct litigation. He was a Senior Councillor and former Vice-President of the Queensland Law Society and served as a member of the Council of the Society for more than ten years. He was also involved in the Criminal Law Association of Queensland for many years and was often consulted by the Courts and Government agencies on proposed changes to court processes and legislation concerning criminal law. In 2003, he was awarded a Centenary Medal for distinguished services to the law in Queensland.

Magistrate Peter Smid – Townsville

Prior to his appointment to the bench, Magistrate Peter Smid was the Consultant Crown Prosecutor for the Queensland Director of Public Prosecutions in Townsville where he prosecuted complex and difficult trials.

He was born and raised in Holland. While studying economics at Amsterdam University, he undertook an undergraduate fellowship with Rotary International which allowed him to travel to Australia in 1969 to further his studies at Monash University in Melbourne. In 1977, he returned to Australia. He lived in Brisbane and studied fulltime at Queensland Institute of Technology to acquire a Bachelor of Business. He then worked as a lecturer and tutor at QIT whilst undertaking the Bar Board exams and was admitted as a barrister of the Supreme Court of Queensland in 1983.

Magistrate Smid has a great deal of experience in criminal law. Upon his admission as a Queensland barrister, he worked as a prosecutor for both the Commonwealth and Queensland offices of Director of Public Prosecutions. Prior to moving to Townsville in 2000, he took up practice at the private bar in Brisbane where he expanded his experience, acting as defence counsel while continuing to prosecute for the State.
Magistrate Colin Strofield – Brisbane and Charleville

Magistrate Strofield was sworn in at the Brisbane Magistrates Court on 6 March 2008. He will preside at Brisbane Magistrates Court until he commences a two-year term as resident magistrate at Charleville in January 2009.

After spending his youth in South-Western Queensland and the Northern Territory, he moved to Brisbane to commence legal studies while he worked as a clerk at a prominent legal firm and later in the Magistrates Court. He was admitted as a solicitor of Queensland in 1990. Prior to his appointment to the bench, Magistrate Strofield held the position of Queensland Police Service Solicitor for nine years where he developed extensive experience in administrative law and criminal law. Prior to that, he had practised in various areas of Crown Law for 13 years.

Magistrate Cathy Wadley – Townsville

Prior to her appointment to the bench, Magistrate Cathy Wadley was the Senior Solicitor at the Townsville office of Legal Aid Queensland. She was sworn in as a magistrate at the Brisbane Magistrates Court on 19 November 2007 in a private ceremony in the presence of many of her colleagues from Brisbane’s Legal Aid Office. She was formally welcomed as a member of the Townsville bench at a public ceremony at Townsville on 23 November 2007.

After fulfilling other career opportunities, Magistrate Wadley studied law and was admitted as a solicitor of Queensland in 1994. She then worked in a private legal firm, with the Commonwealth Director of Public Prosecutions and the Aboriginal and Torres Strait Islander Legal Service in Townsville before joining Legal Aid Queensland in 1997. Magistrate Wadley’s wide experience in the criminal jurisdiction included three years as Legal Aid’s Drug Court lawyer in Townsville.
Retirements and resignations

Magistrate Margaret Cassidy – Northern Relieving Magistrate, Cairns

Magistrate Margaret Cassidy resigned from the Queensland magistracy on 12 October 2007 to take up an appointment as magistrate in the Federal Magistrates Court at Brisbane.

Magistrate Cassidy was appointed as a Queensland magistrate on 10 January 2005. She regularly presided at Brisbane’s suburban court centres as well as at Southport and Maroochydore while she was based at the Brisbane Magistrates Court. She also presided at the Brisbane Childrens Court on several occasions. As a member of the Brisbane magistracy, she prepared material that assisted the Court in its family, domestic violence and traffic jurisdiction. She regularly volunteered her out of court time to presiding in moot courts for the Queensland University of Technology (QUT) Bar Practice Course and hosted many law students on work experience and internships.

On 2 October 2006, Magistrate Cassidy relocated to Cairns as the Northern Relieving Magistrate where she relieved magistrates at Townsville, Innisfail, Cairns and Mareeba and undertook the various circuits attached to those centres. In her 12 months in that role, she travelled constantly between Cairns and other centres and convened courts in remote communities in Cape York and the Torres Strait.

Prior to her appointment to our Court, Magistrate Cassidy practised for ten years as a member of the Queensland Bar, focusing on family, criminal, antidiscrimination and industrial law. She studied law while lecturing in biochemistry at QUT and working on various medical research projects with the University of Queensland (UQ). She later lectured in Company Law, Taxation Law, Industrial Law and Family Law at UQ.

While Magistrate Cassidy’s collegiate approach and professionalism will be missed by our Court, she will be an asset to the Federal Magistrates Court.

All members of our Court wish her a long and fulfilling career as a Federal Magistrate.

Magistrate William (Andy) Cridland – Warwick

Magistrate Andy Cridland’s retirement from the Magistrates Court at Warwick on 12 November 2007 marked the end of over 42 years service to the Queensland justice system – 18.5 of those years as a magistrate.

Magistrate Cridland’s work life began as a clerk in the office of the Magistrates Court at Goomeri on 8 March 1965 and over the next 12 years he worked at various Court centres including Brisbane on two occasions, Inala, Charleville and Toowoomba. He was appointed Clerk of the Court at Mitchell in June 1977 and then served at Stanthorpe, Toowoomba and Cunnamulla. While at Cunnamulla, he was admitted as a solicitor in December 1981; he then acted as a magistrate, Mining Warden, an Industrial Magistrate and a Deputy Land Commissioner while also serving the community as Chairman of the Cunnamulla Hospital Board.

On 8 May 1989, he was appointed as a magistrate at Warwick where he served for nine years. Between April 1998 and December 2004, he constituted courts at Mackay, Emerald and Charleville and spent his last three years of his working life as the magistrate again back at Warwick.

Magistrate Cridland was the quintessence of a country magistrate – committed, respected, independent and fair. Wherever his work took him and his family – which frequently involved many difficult personal and family sacrifices – they always contributed significantly to the local community.
Magistrate David Glasgow – Townsville

Magistrate David Glasgow retired from the bench at Townsville on 24 April 2008 having served as a magistrate for just over ten years. His retirement was immediately followed by his appointment as Queensland’s inaugural Family Responsibilities Commissioner which will see him returning to Cairns where he commenced his legal career in 1965 as an articled clerk.

In 1969, Magistrate Glasgow moved to Townsville and worked as a solicitor with the well established firm of Roberts Leu & North, being appointed a partner in 1972 and a managing partner in 1993.

He was appointed to the bench in March 1998. He was highly regarded and respected by the North Queensland community for his legal accomplishments as well as his active involvement in a wide range of community service which included the Faculty of Law at James Cook University, the Anglican Church in North Queensland and Townsville’s Apex and Greyhound Racing Clubs.

After an initial twelve months service in Brisbane, Magistrate Glasgow was based in Cairns throughout 1999 and transferred to Townsville in December of that year. As well as carrying out his judicial duties in Townsville, Magistrate Glasgow ably carried out administrative duties as Co-ordinating Magistrate Townsville and Regional Coordinating Magistrate (North Queensland) from October 2004 to September 2007. During his stewardship of the Court in North Queensland, Magistrate Glasgow actively engaged with people associated with the court and the Community Justice Groups that were established throughout the region. He played an important role in the evolution and establishment of Townsville’s Youth and Adult Murri Courts and regularly discharged the functions of Childrens Court Magistrate and Drug Court Magistrate.

Magistrate Glasgow invested much energy and enthusiasm in his judicial and administrative duties with the Court. These qualities, together with his depth of knowledge of Indigenous justice and social issues, will stand him in good stead for the challenges he faces in his new role as Family Responsibilities Commissioner.

Magistrate Basil Gribbin – Beenleigh

Having commenced his working life as a clerk at the Magistrates Court at Warwick in 1964, Magistrate Basil Gribbin’s retirement at Beenleigh Magistrates Court on 10 May 2008 marked the completion of 44 years of service in the justice system of Queensland, with 21 of those years as a Magistrate.

During his first 20 years in the Magistrates Court, Magistrate Gribbin served as clerk of the court and later registrar in over nine court registries including Springsure, Herberton, Cairns, Beenleigh, Inala and Rockhampton.

After his admission as a legal practitioner in late 1984, he undertook a series of appointments as Acting Magistrate at Herberton, Cairns, Beenleigh, Inala and Rockhampton over a two-year period. He was appointed to the bench at Charleville on 24 September 1987 and later transferred to Sandgate where he served as the resident magistrate for two years. In 1990, Magistrate Gribbin transferred to the Central Court in Brisbane where he served for nine years.

In April 2000, he was transferred to Beenleigh Magistrates Court where he carried out his court duties as one of three resident magistrates and ably fulfilled the administrative duties of Coordinating Magistrate at one of the busiest regional courts in Queensland.

In 1998, Queensland Courts established a Rules Committee to introduce and monitor the Uniform Civil Procedure Rules. Magistrate Gribbin served as one of our court’s two representatives on the committee since its inception – a role he relinquished just prior to his retirement. His legal expertise and depth of court experience was regarded highly by the committee and our Court is indebted to Magistrate Gribbin for his exemplary contribution to this important extracurricular work over a long period.

Magistrate Gribbin’s legal experience, intellect, judicial demeanour and collegiate approach will be greatly missed by our Court.
Magistrate Michael Halliday – Petrie

Although Magistrate Michael Halliday officially retired as the Petrie magistrate on his statutory retirement date of 12 April 2008, the Court held a valedictory ceremony at the Brisbane Magistrates Court on 3 April 2008. This enabled him to attend the 2008 Sino-Australia Law Forum in China on 5 April 2008, which reflects his great interest in legal education – particularly that in the medico-legal field.

Magistrate Halliday was with the Queensland magistracy for 11 years, beginning with his appointment as a magistrate at Brisbane on 16 June 1997 where he served for sixteen months. He was transferred to Dalby Magistrates Court in October 1998. He returned to Brisbane in September 1999 as a full-time Coroner for almost two and a half years before resuming general magisterial duties in Brisbane until his appointment to Petrie in January 2003.

At his valedictory ceremony, attended by over 140 people, the Court reflected on Magistrate Halliday’s 40 years service in the law – a career that took him from articled clerk in Melbourne to barrister in Queensland where he was a Crown Prosecutor, barrister in private practice, and part-time Law Lecturer at QUT.

Among those attending the valedictory ceremony were many legal and community representatives from the Petrie district who appreciated the interest Magistrate Halliday took in the daily activities of that community during his service as magistrate in that busy Court.

Magistrate James (Jim) Herlihy – Brisbane

Magistrate Jim Herlihy retired as a magistrate on 5 May 2007, just two months short of the statutory retirement age of 65 years. Following his appointment to the bench in September 1993, he served just four months short of 15 years as a magistrate. During that time, he constituted Magistrates Courts at Southport and Brisbane. In the last 18 months of his magisterial term, Magistrate Herlihy presided each Wednesday in Brisbane’s Murri Court and won the respect of legal and administrative officers and elders involved with that Court.

Prior to his appointment to the bench, Magistrate Herlihy worked as a legal officer at Queensland Solicitor-General’s Office from 1965 to 1967 before embarking to London where he studied for a Master of Law degree at the University of London. On his return to Brisbane in 1970, he lectured in law at University of Queensland and Queensland Institute of Technology’s Law School. He also co-authored a text book entitled An Introduction to Criminal Law in Queensland and Western Australia which provided a comprehensive introduction to criminal law in those Australian states.

Apart from his daily role of constituting the Court, Magistrate Herlihy was researcher and editor of regular Notes on Cases which are circulated to the Magistracy from the Office of the Chief Magistrate and conducted orientation of newly appointed magistrates. The time and skills he has generously expended in both of these activities represents a great contribution not only to the present but also the future of our Court – ensuring that the judicial standards of our court are maintained. Over half our current magistrates have benefited from Magistrate Herlihy’s mentoring role.

His judicial abilities were readily recognised on his retirement when, within days of that event, he was statutorily appointed as an Acting Magistrate to constitute a court when judicial support is required to cover magistrates on leave.
Magistrate Graham Hillan – Townsville

When Magistrate Graham Hillan retired on 6 July 2007, he had served at Townsville as a Queensland magistrate for six and a half years. Prior to his appointment to the bench on 18 December 2000, Magistrate Hillan had served the administration of justice for 34 years – all but one year being in the Magistrates Court.

In February 1967, his work life began at the Inala Court registry and, after nine years, he moved to the Brisbane Magistrates Court for almost three years. He was appointed Clerk of the Court at Richmond in October 1979 and served at Inala, Cunnamulla, Cleveland and Brisbane.

During this time, in August 1983, Magistrate Hillan was admitted as a solicitor of the Supreme Court of Queensland and was often called on to act as a magistrate at several centres in the South Queensland area. He served a year as Deputy Registrar and Deputy Taxing Officer at Brisbane’s Supreme Court. He was appointed Clerk of the Court at Noosa in 1993 where he served until his appointment to the bench in Townsville in 2000.

He demonstrated an ability to embrace innovation and change as a magistrate by actively engaging in Queensland’s Drug Court Pilot Program in North Queensland. He contributed to that program’s success which resulted, subsequently, in the Drug Courts becoming a permanent part of the Magistrates Court.

The Court is fortunate that Magistrate Hillan’s experience has not been lost entirely upon his retirement. On 29 November 2007, he was appointed as an acting magistrate for 12 months, to be called upon to assist the Court when required.

Magistrate Gregory McIntyre – Toowoomba

Magistrate Greg McIntyre’s retirement on 13 July 2007 brought to a close nearly 40 years’ service in the Queensland Magistrates Court, with 14 of those years as a magistrate. Following his appointment to the bench on 23 September 1993, he was based at Emerald for three and a half years before transferring to Innisfail for four and half years. In June 2001, Magistrate McIntyre was transferred to Mount Isa for two years where he undertook the major circuit workload which involved travelling long distances to remote centres in Western Queensland, the Gulf and the Cape. In October 2003, he relocated to Toowoomba, where he had the role of Coordinating Magistrate for that centre, until his retirement.

Magistrate McIntyre began his work life in the Redcliffe Magistrates Court on 28 October 1968. Apart from 18 months National Service training, over the next 18 years he worked in registries at Redcliffe, Oakey, Ingham, Ipswich, Inala, Brisbane, Mount Isa and Maryborough courts. In October 1986, he was appointed Clerk of the Court at Cunnamulla and, over the next six years, served at Cloncurry, Innisfail, and Townsville. He also acted as magistrate on circuits in Western Queensland and communities outside Cairns. He was admitted as a solicitor in 1991 and, in November 1991, he was appointed Registrar, Townsville Magistrates Court, where he remained until his appointment to the bench at Emerald in 1993.

Like most magistrates of this era, Magistrate McIntyre was required to be very mobile throughout his career which also involved many personal sacrifices for him and his family.
Magistrate Robert Quinlan – Brisbane

When Magistrate Robert Quinlan was appointed to the Queensland magistracy at Cloncurry on 28 February 1980, he had the benefit of six years experience as Clerk of the Court at Cloncurry, Wynnum and Mount Isa. In his three-year term as the Cloncurry magistrate, he undertook circuits to Normanton, Mornington Island, Burketown, Boulia, Dajarra and Julia Creek. He became the Ayr magistrate in April 1983 before moving to the Brisbane Magistrates Court in July that year.

While based in Brisbane, Magistrate Quinlan was highly mobile during the mid-1980s. He undertook circuits outside Brisbane and regularly presided at sittings at Brisbane’s Boggo Road Prison, many of which arose out of the prison riots which occurred during 1982 and 1983.

Magistrate Quinlan served at Brisbane for over 24 years. For the last three years, he presided four days a week at Wynnum and one day at Holland Park. When he retired on 11 November 2007, he had contributed 48 years to the justice system and community of Queensland, the last 27 years as a magistrate.

The magistracy’s loss of his depth of knowledge and renowned collegiality was partially addressed when he was appointed as an acting magistrate on 16 November 2007 for a period of nine months. Acting Magistrate Quinlan now regularly helps the court fulfil its commitments if magistrates are ill or on annual leave.

Magistrate Kenneth (Ken) Taylor – Maroochydore

Magistrate Ken Taylor’s retirement from the bench of the Magistrates Court at Maroochydore on 3 October 2007 marked the end of 44 years service to the justice system of Queensland – 22 of those years as a magistrate. After commencing his service as a clerk at the Toowoomba Magistrates Court in 1963 and subsequently transferring to Wynnum, he was called up for two years’ National Service in the Australian Military Forces which involved twelve months active service in Vietnam. In 1970, he resumed his career in the court registry at Toowoomba and was soon elevated to the position of clerk of the court serving at court centres at Landsborough, Cunnamulla, Warwick and Mackay whilst studying law of an evening.

He was admitted as a solicitor of the Supreme Court of Queensland in 1975 and as a barrister of that court in 1988. He was also awarded a Bachelor of Arts degree at the University of Queensland in December 1990.

In December 1985, Magistrate Taylor was appointed as a magistrate and mining warden at Clermont. In November 1987, he was transferred to Townsville and, in September 1988, commenced a 14 year appointment at Brisbane Magistrates Court. While based in Brisbane, he presided as the Industrial Magistrate for almost three years. He was transferred to Maroochydore Magistrates Court in August 2002 where he acted as an excellent mentor to several newly-appointed magistrates and was directly involved in the launch of the innovative Q-Merit drug diversion program which helps people whose offending is related to drug use.

Magistrate Taylor’s retirement was marked by a large attendance of members of the legal profession at Maroochydore Court for a valedictory ceremony which acknowledged the loss of a member of the magistracy renowned throughout his judicial career for his knowledge of the law and his judicial temperament.
Magistrates’ professional development and community involvement

Judicial programs and conferences

During the 2007-2008 year, 55 magistrates participated in at least one professional development course, program or conference, other than the Court’s Annual State Conference.

Nine magistrates undertook the Court’s specially designed one-week orientation program at Brisbane Magistrates Court during the first week of their appointment. This program is comprised of a series of in-court and out-of-court sessions which cover the full scope of the Court’s jurisdictions and relevant legislation. The program is conducted by an experienced magistrate, usually in a one-on-one setting, and is capable of being extended to incorporate additional sessions to assist the new appointee adapt to the specific nature of their judicial work. For example, when Magistrate Priestly was appointed to the magistracy at Cairns in March 2008 as Coroner North Queensland, his orientation program in Brisbane was extended to include a two-day master class conducted by the office of the State Coroner. Apart from receiving instruction on legal and administrative processes required in coronial matters, the master class included attendance at Queensland Health’s John Tong Centre where he undertook a conducted tour of its facilities, viewed the conduct of an autopsy and attended lectures delivered by the Toxicology, Forensic Dentistry, Tissue Donations Co-ordinator. This induction program was then followed by a two-week work exchange program where he carried out the duties of the Brisbane Coroner while the Brisbane Coroner set up the office of the Northern Coroner in Cairns.

In January 2008, the five newly appointed judicial registrars of the Court undertook a three-day orientation program which was tailored for their areas of jurisdiction. Two of these judicial officers have since undertaken a one-week mediation skills certificate program to help them in their duties.

Until his retirement in May 2008, Magistrate Herlihy personally devised, updated and facilitated the orientation programs. In late October 2007, he conducted a Judicial Orientation Follow-Up Programme at Cairns and Townsville which involved one-on-one and group sessions with magistrates at those centres. Magistrate Herlihy played a pivotal role in developing and delivering these internal orientation programs and was a supportive mentor to all magisterial appointees. Future development and facilitation of the program will be undertaken by Magistrate Nunan who will take up the judicial orientation role.

All Queensland magistrates had the opportunity to attend the Court’s three-day Annual State Conference in the last week of May 2008. Apart from the in-house orientation programs for newly appointed judicial officers, 53 magistrates and two judicial registrars were granted paid leave and/or financial assistance to attend conferences which ranged from local law association conferences to national programs and specialists conferences run by the Australian Institute of Judicial Administration (AIJA), the National Judicial College of Australia (NJCA), the Judicial Conference of Australia (JCA), Judicial Commission of New South Wales (JCNSW) and the Judicial College of Victoria (JCV). Attendance at these conferences enables our magistrates to stay well informed on current legal issues and develop their judicial skills.

Each year, two recently-appointed Queensland magistrates undertake a one-week professionally developed Magistrate’s Orientation Program conducted near Sydney by the JCNSW. Following a marked increase in the number of magisterial appointments in Queensland this year, our Court sought a similar opportunity to have two magistrates participate in a three-day orientation program for magistrates conducted by the JCV in Melbourne. The four magistrates who attended these professional orientation programs greatly benefited not only from the sessions but also from the contact with magistrates from other states. The Queensland magistracy will continue to rely on both interstate judicial bodies to ensure that a least four of its newly appointed members receive formal judicial orientation training.
In August 2007, a further six recently-appointed magistrates and one more-experienced magistrate participated in the NJCA's Phoenix Magistrate's 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.

Three magistrates, one each from Mount Isa, Emerald and Charleville, attended the NJCA’s inaugural Judging in Remote Localities Program which was held at Alice Springs in April 2008. The three-day program enabled judicial officers presiding in remote and isolated locations throughout Australia to come together to focus on issues that regularly arise because of the isolation of their locality. Through discussion of experiences and an exchange of ideas, many practical solutions were formed during the conference. Sessions focusing on improving communication in the courtroom in Indigenous communities was also a valuable feature of this program.

Judgment writing is an important aspect of a judicial officer's work. For several years now, the NJCA has been conducting a three-day intensive judgment writing program for judicial officers in Adelaide each September. Funding limitations has restricted the Queensland Magistracy to enabling one judicial participant to attend this program each year. With the assistance of the NJCA, our Court is planning a two-day judgment writing program at the Brisbane Magistrates Court in the near future, to extend this opportunity to up to twelve magistrates from across Queensland.

The Queensland Magistrates Court plays an active part in supporting judicial organisations which promote and provide judicial education in Australia. Our Court appreciates the opportunity to have representation on the Governing Council of both the Australian Institute of Judicial Administration and the Judicial Conference of Australia. Our magistrates also assist the National Judicial College of Australia as regional convenor or members of various advisory committees to the college.
Annual State Conference

This year’s Queensland Magistrates Annual State Conference was held at the Surfair Conference Centre at Marcoola Beach on the Sunshine Coast from 25-28 May 2008. It was attended by 81 members of the Queensland Magistrates Court, as well as by three magistrates from other states and territories of Australia. The conference’s congenial and collegiate atmosphere was enhanced by the level of engagement of the Honourable Sir Anthony Mason AC KBE, retired Chief Justice of the High Court of Australia who officially opened the conference and delivered the keynote address.

The first two days of the conference program was taken up with a Sentencing Workshop and presentations on a broad range of topics related to the Court’s jurisdiction.

On the final day of the conference – with the financial assistance of the NJCA, a half-day seminar focused on enhancing communication in the courtroom. The presentation of Australia’s internationally renowned sociolinguistic, Dr Diana Eades, outlined the best evidence approach that should be adopted to adequately accommodate Indigenous witnesses who use English as a second or third language in court proceedings. Dr Eades’s session was followed by a stimulating presentation by Ms Sonia Caton and Ms Rona Zhang on the role and experiences of Interpreters in the courtroom. Both these sessions, along with Sir Anthony Mason's keynote address, were highlights of the State Conference.

Hon. Sir Anthony Mason AC KBE, retired Chief Justice of the High Court of Australia attended the Magistrates Annual State Conference.

(L-R: Magistrate Gordon, Deputy Chief Magistrate Hine, Magistrate O’Shea, Chief Magistrate Judge Irwin, Sir Anthony Mason, Magistrate Rinaudo)

Dr Diana Eades (centre) with Magistrate Tonkin(left) and Deputy State Coroner Clements at a morning tea break during the State Conference.
Magistrates’ Intranet Portal and Court Bench Book

The Magistrates’ Online Intranet Portal provides ready access to a wide range of legal research links and search engines as well as up-to-date judicial notes on recent appeal court decisions, outlines of the Court’s various jurisdictions, court forms and the court’s Bench Book. During the course of the year, officers from DJAG’s Justice Library gave 27 magistrates, located at Brisbane, Bowen, Cairns, Emerald and Townsville personalised, one-on-one training in electronic legal research as well as training in accessing the wide range of judicial and administrative links available to magistrates via the Queensland Magistrates’ Intranet.

One of the main resources on the magistracy’s intranet is the court’s Bench Book which continues to be updated and developed for ready reference by magistrates. It is an essential resource for a court with such a broad jurisdiction, encompassing a range of over 273 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 which often require their consideration when dealing with matters in court.

During January 2008, the Queensland Magistrates Courts made a meeting room available at Brisbane, Rockhampton, Townsville, Mount Isa and Cairns to enable a Foetal Alcohol Spectrum Disorder (FASD) Awareness presentation to be conducted for the information of judicial officers, legal and medical professionals and Indigenous elders and respected persons who support courts and medical facilities in those centres.

The sessions were conducted by Mr David Boulding, a Canadian lawyer who has had 20 years experience representing clients with FASD in the criminal law and family jurisdictions. His presentation addressed the causes and symptoms of the disorder and gave those who attended an insight into the impact the disorder has on an offender, a victim, and family and community members associated with both.
Magistrates Court of Queensland

In June 2008, Year 10 student, Jack Gibney from Brisbane State High School undertook a five day work experience program with Magistrate Preitera and Court Support Officer Deanna White at Brisbane Magistrates Court.

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 usually 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 2007, 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.

There were several occasions throughout the year when magistrates and court registrars participated in work experience programs involving individual students from local secondary schools and colleges. In such cases, students work in the general registry of the court and attend court sessions with the magistrate to gain insight into the role of the legal practitioner and the daily application of justice according to our laws.

Apart from interacting with students during court visits and work experience programs, Queensland magistrates presented papers and delivered addresses on legal and justice issues on more than 45 occasions at legal conferences, schools, universities, hospitals, community forums and meetings, as listed in Appendix 6.

On 14 September 2007, Magistrates Payne and Sarra, two of the Court’s four magistrates with an Indigenous background, addressed delegates attending the National Indigenous Legal Conference which was held in the Banco Court of the Supreme Court at Brisbane.

Their joint presentation took the form of an address and short forum about career pathways for Indigenous legal practitioners in the justice system as well as the justice initiatives that operate within the Magistrates Court to extend access to justice for Indigenous people.
On 7 April 2008, Magistrate Bevan Manthey, another of our court’s Indigenous magistrates, delivered the keynote address at the Annual Koori Court Conference in Melbourne which was attended by over 600 delegates from around Australia. His address outlined the approach and processes he undertook in establishing the Murri Court in Mount Isa and other Indigenous justice initiatives at remote communities in the Gulf Country. The insights he shared were well received by those who attended the conference and many are being incorporated in the development of Victoria’s Koori Courts.

On three occasions throughout the year, Deputy Chief Magistrate Hine did presentations on the court system to recruits to the Queensland Police Service at the Queensland Police Academy as part of the Police Recruits Occupational Vocational Education program.

Magistrates in Brisbane, Townsville and Cairns participated in moot events (mock courts) for universities and secondary schools at those centres. Ten judicial officers from the Brisbane Magistrates Court presided in moot courts 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 10 May 2008, Chief Magistrate Judge Irwin and Magistrates Dowse, Guttridge and Springer 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.

Eight magistrates participated in formal work experience mentoring programs for tertiary students 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 commencing on 1 April 2008.

Magistrates at Brisbane, Ipswich and Southport participated in an Internship Program conducted in partnership with Queensland’s University of Technology. The Internship involved five students working closely with a magistrate one day each week, over a thirteen week period, in the first semester of the University year, the students then submit a paper on a topic drawn from their observations in court.

Law students from Queensland University of Technology and University of Queensland continue to attend the Roma Street Court complex each Thursday to help process defendants who are appearing on the Special Circumstances List. These student volunteers provide administrative support to the magistrate as well as assistance to the Homeless Persons Court Liaison Officer.
to ensure that processing of defendants is orderly. The students report that they value the contacts they make with judicial officers and practitioners at the court.

Hosting overseas legal delegations

In the course of the year, the Brisbane magistracy hosted several delegations of judicial and legal officers from China, South Korea, Taiwan and several South Pacific nations. An outline of the activities of two of these delegations follows.

On 12 September 2007, magistrates, Indigenous elders and administrators involved in the Brisbane Murri Court hosted a fact-finding visit by members of Taiwan’s High Court, headed by Judge Grace Tsai and court administrator Ms Ginger Kao. There are currently 433,690 Indigenous people in Taiwan and the visiting delegation used their Brisbane visit to identify the key features and processes of Queensland’s Murri Courts and observe proceedings in Brisbane’s Murri Court.

In early 2008, the Brisbane Magistrates Court and Ipswich Magistrates Court hosted a two-day visit by two separate delegations of judicial officers from the High People’s Court of Guangdong Province, People’s Republic of China. Each group consisted of 30 judicial officers. On both occasions, the delegation was given an overview of the jurisdiction of the Queensland Magistrates Court by the Chief Magistrate. And they were then escorted in small groups to various courts in session to observe court protocol and processes in those jurisdictions. A special feature of each visit entailed observations of court sessions in Brisbane’s Murri Court and Ipswich’s Drug Court, followed by a question and answer forum conducted by the presiding magistrate in each court.
On 11 June 2008, Magistrate O’Shea, Brisbane’s Coordinating Magistrate, hosted a one day visit to the Court by Judges Huang, Chief Judge of the Second Criminal Division of Shanghai High People’s Court and Judge Hu, Deputy Chief Judge of the First Civil Division of Shanghai Intermediate People’s Court.

During this visit, the two judges sat with Magistrate O’Shea in court to observe a summary trial proceeding.
Court Profile
Profile of the Magistrates Court

The Magistrates Courts Act 1921 establishes the Queensland Magistrates Court which is a court of record and where matters are first heard within Queensland’s judicial system.

At 30 June 2008, there are 145 regulated centres throughout Queensland where Magistrates Courts may preside. The Court has 87 magistrates who occupy 86 magisterial positions (two magistrates are part time). Apart from presiding in court, magistrates are on-call 24 hours a day, seven days a week to hear and decide urgent matters that arise outside regular court hours anywhere in Queensland.

The magistracy is currently assisted from a pool of 25 statutorily appointed acting magistrates who relieve in magisterial positions when required. As a result of an amendment to the Magistrates Act 1991, this now includes seven retired magistrates who have been appointed during this year.

Since January 2008, four judicial registrar positions have been created at Beenleigh, Brisbane, Southport and Townsville as part of a two-year pilot program to assist the magistracy. These positions are currently occupied by five statutorily appointed officers, two of whom work part time.

The Court is supported throughout Queensland by 561 officers in 64 registries and 14 Queensland Government Agency offices, as well as 38 executive and administrative staff in Brisbane and regional centres.

Justices of the Peace (JPs) also support the court when required, particularly in remote areas when a magistrate is not available for an urgent matter.

At many court centres and registries throughout the State, dedicated volunteers from the community offer support and practical assistance to people involved in court proceedings. They contribute significantly to the smooth running of the Magistrates Courts and their generosity is greatly valued.

Our jurisdiction

The Court’s jurisdiction is extensive and sometimes complex. It has Commonwealth and State jurisdiction and can deal with over 273 pieces of different legislation. Consequently, it is the court with which most members of the public will have contact. An outline of our Court’s jurisdictions and our innovative court programs follows.

Criminal jurisdiction

Approximately 96% of all criminal matters in Queensland are dealt with by the Magistrates Court which deals with both adults and children charged with criminal offences.

The Court has jurisdiction to determine and impose sentences for all State and some Commonwealth summary offences, as well as a wide range of indictable offences. If the Court does not have jurisdiction to deal with an indictable charge, a magistrate will usually conduct a committal proceeding to establish whether or not there is sufficient evidence for the defendant to be committed to stand trial in the District or Supreme Court.

Other matters dealt with in the criminal jurisdiction are regulatory offences (such as shop lifting), offences under the Summary Offences Act 2005 (such as public nuisance), and offences against transport legislation (such as driving under the influence of alcohol or drugs, unlicensed driving or disqualified driving). The Court also deals with applications to issue arrest warrants, search warrants, post-search approval orders, surveillance device warrants, and crime scene warrants. Except for the most serious offences (such as murder), the court also determines if a defendant will be granted bail until charges are finalised.

Offenders under the age of 17 years are dealt with by magistrates under the Juvenile Justice Act 1992 in the Childrens Court of Queensland.
Childrens Court of Queensland

The Childrens Court Act 1992 establishes the Childrens Court and provides for the appointment of a Childrens Court Magistrate, currently located in Brisbane. However, when necessary, any magistrate may constitute the Childrens Court so that magistrates can hear matters concerning children at the earliest opportunity at any Queensland Magistrates Court.

In addition to its criminal jurisdiction under the Juvenile Justice Act 1992, the Court exercises civil jurisdiction under the Child Protection Act 1989 to deal with a range of child protection matters.

Civil jurisdiction

Claims

The Magistrates Court deals with civil claims up to $50,000 and minor debt claims up to $7,500.

Small Claims Tribunal

The Small Claims Tribunal Act 1973 establishes the Small Claims Tribunal to settle disputes of $7,500 or less through a more cost-effective and less formal process. It operates in most Magistrates Courts throughout Queensland and all magistrates are appointed Tribunal referees. From January 2008, Judicial Registrars have been appointed under the Magistrates Act 1991 and are authorised to constitute the Small Claims Tribunal. The rules of evidence do not apply and no lawyers are involved. The decision of the referee is final and is not subject to appeal, except on very limited grounds.

The Tribunal hears claims for amounts up to $7,500 that involve:

- disputes between consumers and traders
- disputes between traders
- claims for payment of money for damages to property caused by, or arising out of the use of a motor vehicle
- disputes about residential tenancies and fences
- warranty claims under the Property Agents and Motor Dealers Act 2000.

Applications

The court deals with a wide range of applications including:

- applications lodged under the Uniform Civil Procedure Rules 1999
- applications for various types of warrants and orders by state and commonwealth authorities
- applications for Protection Orders under the Domestic and Family Violence Protection Act 1989
- applications for Child Assessment Orders and Child Protection Orders under the Child Protection Act 1999
- applications under certain provisions of the Family Law Act 1975 (C’th).

Commonwealth jurisdiction

The Court has jurisdiction to hear and determine certain matters under Commonwealth Law. The Court deals with criminal offences under numerous pieces of Commonwealth legislation – such as social security fraud, customs offences, and taxation matters – through the Judiciary Act 1903 (C’th). Whilst many Commonwealth offences are dealt with summarily, more serious matters proceed to a committal hearing.
Domestic and family violence jurisdiction

Under the *Domestic and Family Violence Protection Act 1989*, the Magistrates Court has exclusive jurisdiction to deal with applications for Protection Orders that are made to protect a person against further domestic violence. The parties to the application are known as the ‘aggrieved’ and the ‘respondent’.

The protection covers domestic relationships including a spousal relationship, an intimate personal relationship, a family relationship, and an informal care relationship.

Domestic violence includes wilful injury, wilful damage to the other person’s property, intimidation or harassment of the other person, indecent behaviour without consent, or a threat to commit those acts.

Failure to comply with the Protection Order is a breach of the order. This breach is a criminal offence if the respondent was present in court, or was served with the order, or was told about the existence of the order by a police officer.

Family law jurisdiction

The jurisdiction conferred by the *Family Law Act 1975* (C’th) on courts of summary jurisdiction is very limited. For the Magistrates Court to hear any applications for parenting orders beyond the interim stages, or for property settlement or lump sum matters with a gross property pool not exceeding $20 000, the parties must consent.

Although the Magistrates Court does exercise this jurisdiction when required, it no longer proactively offers a family law service because family law is the core jurisdiction of the Federal Magistracy and the Family Court of Australia. This refocusing by the Queensland Magistrates Court has allowed the Court to direct more attention to core jurisdictions.

Industrial jurisdiction

The Industrial Magistrates Court is established under the *Industrial Relations Act 1999* and all Queensland magistrates can sit as an Industrial Magistrate. It is a court of record and deals with both civil and criminal matters. Civil matters include workers compensation, recovery of unpaid wages or entitlements, and recovery of charges, fees and/or premiums. Criminal matters involve infringements of proscribed workplace practices as well as appeals against QComp reviews of WorkCover decisions.

Coroners Court

The Coroners Court operates under the *Coroners Act 2003*. The Court is required to conduct investigations into deaths in Queensland, or deaths connected with Queensland in some way:

- if it is not known who the deceased is
- if the death was violent or otherwise unnatural
- if it happened in suspicious circumstances
- if it was not reasonably expected to be the outcome of a health procedure
- if it was a death in care or in custody
- if a cause of death certificate was not issued and is not likely to be issued
- if a doctor had not been consulted within three months before the person’s death.

The purpose of the investigation is to establish the cause and circumstances of the death. The State Coroner, also a magistrate, oversees the operation of the Coroners Court throughout Queensland; however, all Queensland magistrates are coroners and may preside over a coronial inquiry. Coronial enquiries have the dual purpose of making findings about the cause and circumstances of individual deaths and making recommendations about changes to laws and public health and safety matters to minimise preventable death and injury.

Coroners are required to make findings in every reportable death investigated by them. The findings include: who the deceased person is; how, when and where the person died; and what caused the person to die.
The vast majority of matters proceed to findings without an inquest. However, an inquest must be held into all deaths in custody and into those deaths in care if there are issues about the care of the deceased. Otherwise, inquests are generally held whenever there is doubt about the circumstances of the death or if it is in the public interest to do so.

Drug Court

The connection between drug use and offending behaviour is well known. Drug Courts have been set up in Queensland to break the drugs-crime-imprisonment cycle by providing a jail diversion sentencing option for the management of suitably motivated drug-dependent offenders.

Queensland’s Drug Courts operate at Beenleigh, Southport, Ipswich, Townsville and Cairns under the Drug Court Act 2000. They are presided over by specially trained magistrates who deal with people pleading guilty to criminal offences in circumstances where they are drug dependant; their offending is related to that dependence; and it is so serious that they will be sentenced to a term of imprisonment. These people are at the high end of the offending population; however, offenders charged with sexual or violent offences are ineligible.

After going through an assessment by health officers and probation and parole officers, the offender is sentenced to a term of imprisonment which is immediately suspended upon entering into an Intensive Drug Rehabilitation Order (IDRO) which has probation-type conditions. After sentencing, the participants return regularly to the court for review and may receive sanctions or rewards depending on their progress. The length of an IDRO depends on individual circumstances; however, most people who persevere on the program need 12 to 18 months to complete it. Successful graduates are re-sentenced – usually to a suspended sentence or are released on probation. Those who do not complete the program have to serve their original sentence of imprisonment.

Murri Courts and courts held in Indigenous communities

Within the criminal jurisdiction (adults and children), magistrates sentencing Indigenous offenders are required by the Penalties and Sentences Act 1992 and the Juvenile Justice Act 1992 to consider relevant submissions from Community Justice Groups, including elders and respected persons.

Murri Courts are an innovation by Queensland Magistrates to address the over-representation of Indigenous people in prison, to improve attendance rates in court, to reduce the re-offending rate, to reduce the number of court orders breached, to improve the quality of life in Indigenous communities, and to strengthen the partnership on justice issues between the Magistrates Court and Indigenous communities.

Murri Courts are initiated through agreements between local magistrates and elders from local Indigenous communities to deal with Indigenous people in a culturally appropriate manner.

In Murri Courts and courts presiding in Indigenous communities, magistrates are assisted by elders, respected persons and Community Justice Group members who volunteer their time to provide culturally relevant information and ensure the Court’s concerns and sentences are well understood by the offender. These dedicated Indigenous volunteers also keep in contact with the offender and family members to assist the offender address the causes of their offending behaviour.

Although they operate within a normal Magistrates Court framework, they provide opportunities for greater involvement of elders, the defendant’s family, and any local Community Justice Group. However, it is still the magistrate who makes the final decision on sentence.
Our Jurisdictions
Criminal Jurisdiction

The overwhelming majority of the work of the Magistrates and Childrens Courts involves criminal and quasi-criminal matters. Our courts deal with an ever-increasing volume and complexity of matters while attempting, sometimes under extreme pressure, to give every matter and litigant the attention and time they deserve.

The extent of the Court’s criminal jurisdiction is outlined in the Court Profile at page 53 of this report.

The total number of criminal charges (adult and children) dealt with by Queensland magistrates was 369 022. This is an increase over the total for the previous year. In the past twelve months, 203 068 adults appeared before the various city and country courts throughout the State. This is an increase of 7.39% in the number of defendants and 4.48% in the number of charges. In the Childrens Court, 11 064 young people appeared before magistrates on 24 089 criminal charges. This is an increase of 1.56% in the number of defendants, but a 7.35% decrease in the number of charges.

Additions to workload

The volume and complexity of the Court’s workload has expanded over the past year with amendments to the *Transport Operations (Road Use Management) Act 1995* and Regulations. These deal with Special Hardship Orders and Impoundment Orders on vehicles involved in certain offences.
These applications can be quite difficult and time-consuming and add further pressures to busy callover courts around the State. New drug-driving provisions (also discussed later in this report) will further increase these pressures.

In addition, the recent amendments to the Corrective Services Act 2006 and the Penalties and Sentences Act 1992 continue to exert time pressures on the Court. These amendments changed the statutory framework for determining parole release and parole eligibility for offenders who are imprisoned. To avoid future reopenings to correct miscalculations, judicial officers are required to take more time in framing sentences, especially when the offender is being sentenced on multiple charges or is already subject to parole orders or to suspended sentences.

Regardless of these increasing pressures, as highlighted in the Chief Magistrates reflections matters are progressed through the Court in a timely way. Any delays are generally beyond the control of the Court, for example, the length of proceedings, analysis of drugs, testing of forensic evidence such as DNA, references to the Mental Health Court, and time taken to prepare and prosecute ex-officio indictments, to name a few. Where magistrates reserve judgments, their decisions are to be given within three months – unless there are exceptional circumstances.

Table 1: Criminal summary – Adult and child defendants and charges lodged.

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Magistrates Court</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of charges lodged</td>
<td>304,171</td>
<td>316,096</td>
<td>318,212</td>
<td>320,314</td>
<td>339,851</td>
<td>330,135</td>
<td>344,933</td>
<td></td>
</tr>
<tr>
<td>Percentage change</td>
<td>3.92%</td>
<td>0.67%</td>
<td>0.66%</td>
<td>6.10%</td>
<td>-2.86%</td>
<td>4.48%</td>
<td>13.40%</td>
<td></td>
</tr>
<tr>
<td>Number of defendants</td>
<td>156,366</td>
<td>167,833</td>
<td>171,571</td>
<td>178,555</td>
<td>189,574</td>
<td>189,096</td>
<td>203,068</td>
<td></td>
</tr>
<tr>
<td>Percentage change</td>
<td>7.33%</td>
<td>2.23%</td>
<td>4.07%</td>
<td>6.17%</td>
<td>-0.25%</td>
<td>7.39%</td>
<td>29.87%</td>
<td></td>
</tr>
<tr>
<td><strong>Childrens Court</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of charges lodged</td>
<td>24,412</td>
<td>26,077</td>
<td>26,108</td>
<td>24,511</td>
<td>23,010</td>
<td>26,000</td>
<td>24,089</td>
<td></td>
</tr>
<tr>
<td>Percentage change</td>
<td>6.82%</td>
<td>0.12%</td>
<td>-6.12%</td>
<td>-6.12%</td>
<td>12.99%</td>
<td>-7.35%</td>
<td>-1.32%</td>
<td></td>
</tr>
<tr>
<td>Number of defendants</td>
<td>10,966</td>
<td>11,803</td>
<td>11,554</td>
<td>11,013</td>
<td>10,549</td>
<td>10,894</td>
<td>11,064</td>
<td></td>
</tr>
<tr>
<td>Percentage change</td>
<td>7.63%</td>
<td>-2.11%</td>
<td>-4.68%</td>
<td>-4.21%</td>
<td>3.27%</td>
<td>1.56%</td>
<td>0.89%</td>
<td></td>
</tr>
</tbody>
</table>

These applications can be quite difficult and time-consuming and add further pressures to busy callover courts around the State. New drug-driving provisions (also discussed later in this report) will further increase these pressures.

In addition, the recent amendments to the Corrective Services Act 2006 and the Penalties and Sentences Act 1992 continue to exert time pressures on the Court. These amendments changed the statutory framework for determining parole release and parole eligibility for offenders who are imprisoned. To avoid future reopenings to correct miscalculations, judicial officers are required to take more time in framing sentences, especially when the offender is being sentenced on multiple charges or is already subject to parole orders or to suspended sentences.

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Graph E: Comparison of Indicatable and Summary Offences (lodged) by charge count

Note: Indictable includes offences which may, under certain circumstances, be dealt with summarily. This also represents only lodged charges, not finalised charges.
Summary Offences Act

The Summary Offences Act 2005 replaced the repealed Vagrants, Gaming and other offences Act 1931.

According to the figures available, offences of interfering with the public right to use and enjoy public spaces, at 86%, continue to dominate charges lodged under the Summary Offences Act 2005. Public nuisance offences are most prevalent at 78% of these charges.

The figures reveal an increase in public nuisance offences from 21 962 for 2006–07 to 25 122; a decrease in being drunk in a public place from 6836 for 2006–07 to 6443; a decrease in wilful exposure offences from 266 in 2006–07 to 228; and an increase in begging/soliciting donations in a public place from 150 in 2006–07 to 221 this year.

The recent review of public nuisance offences by the Crime and Misconduct Commission (CMC) found that, although public nuisance incidents recorded by police increased by 9% in the 12 months after the new offence was introduced, it was not statistically significant. Courts’ data showed public nuisance matters increased by 13% after the new public nuisance offence was introduced – and that was found to be statistically significant.

Table 2: Charges lodged statewide – Summary Offences Act 2005

<table>
<thead>
<tr>
<th>Division 1 - Offences about quality of community use of public places</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Public nuisance</td>
<td>25,122</td>
</tr>
<tr>
<td>Being drunk in a public place</td>
<td>6,443</td>
</tr>
<tr>
<td>Wilful exposure</td>
<td>228</td>
</tr>
<tr>
<td>Begging/solicit donations in a public place</td>
<td>221</td>
</tr>
<tr>
<td><strong>Division 1 Total</strong></td>
<td><strong>32,014</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Division 2 - Offences involving presence on property</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Trespass</td>
<td>2,807</td>
</tr>
<tr>
<td>Unregulated high-risk activities</td>
<td>151</td>
</tr>
<tr>
<td>Unlawful opening, entering or remaining on farming land</td>
<td>49</td>
</tr>
<tr>
<td>Unlawful entering, gathering or remaining on land, building or structure</td>
<td>57</td>
</tr>
<tr>
<td>Unlawful driving of motorbike on public land</td>
<td>18</td>
</tr>
<tr>
<td><strong>Division 2 Total</strong></td>
<td><strong>3,082</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Division 3 - Possession Offences</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Unlawful possession of suspected stolen property</td>
<td>1,392</td>
</tr>
<tr>
<td>Possession of graffiti instrument</td>
<td>341</td>
</tr>
<tr>
<td>Possession of implement for an offence</td>
<td>270</td>
</tr>
<tr>
<td><strong>Division 3 Total</strong></td>
<td><strong>2,003</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Division 4 - Offences relating to children or minors</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Tattooing a minor</td>
<td>9</td>
</tr>
<tr>
<td><strong>Division 4 Total</strong></td>
<td><strong>9</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Division 5 - Other offences</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Imposition</td>
<td>245</td>
</tr>
<tr>
<td>Unlawful use or possession of motor vehicle</td>
<td>293</td>
</tr>
<tr>
<td>Throwing things at sporting events</td>
<td>1</td>
</tr>
<tr>
<td><strong>Division 5 Total</strong></td>
<td><strong>539</strong></td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>37,647</strong></td>
</tr>
</tbody>
</table>
The second largest group of offences involve presence on property, with the offence of trespass the highest at 7% of overall charges. This offence has increased from 2713 in 2006–07 to 2807 this year.

The third largest group of offences involve possession of property, with unlawful possession of suspected stolen property most prevalent with figures indicating a marginal increase from 1375 in 2006–07 to 1392. Charges have decreased for possession of a graffiti instrument from 354 in 2006–07 to 341 and for possession of implements for an offence from 286 to 270 this year.

Other offences include imposition which has decreased from 369 in 2006–07 to 245 and unlawful use or possession of a motor vehicle which has increased from 249 in 2006–07 to 293 this year.

Charges of body-piercing/tattooing a minor have increased from one in 2006–07 to nine and there has been no change in the number of charges of throwing things at sporting events.

People who commit public space offences often have mental health issues or impaired decision-making ability. The homelessness of the offender can also be an underlying cause of the offending.

The Court has responded by attempting to divert offenders, in appropriate cases, from the criminal justice system to health and housing agencies. In Brisbane, this is done through the Homeless Persons Court Diversion Program pilot and Special Circumstances List (see page 88). In Cairns and Mareeba, such offenders are diverted to the Cairns Alcohol Remand and Rehabilitation Program (see page 65).

The CMC has recommended that DJAG continue to work consultatively to develop and evaluate such diversionary programs. It also recommended, as advocated by our Court that, combined with a focus on ‘de-escalation’ and informal resolution ticketing should be introduced as an option for police in dealing with public order issues.

**Transport Operations**

(Road Use Management) Act, regulations, rules and associated Acts

During the past 12 months, the Queensland Parliament has introduced changes to the State’s traffic laws to reduce the number of people who are killed and injured on our roads. Whilst some of the laws, such as late night driving restrictions for young drivers and requirements for learner drivers to keep log books, do not directly affect our Court, there are some changes of significant relevance to the Magistrates Court.
Table 3: Transport Operations (Road Use Management) Acts and Regulations – Charges and applications

<table>
<thead>
<tr>
<th>Regulation and Law</th>
<th>Defendants</th>
<th>Charges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transport Operations (Road Use Management - Mass, Dimensions and Loading) Regulation 2005</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 7 - Excessive / Dangerous Overloading of Vehicle</td>
<td>97</td>
<td>116</td>
</tr>
<tr>
<td>Section 8 - Excessive / Dangerous Overloading of Trailer</td>
<td>61</td>
<td>72</td>
</tr>
<tr>
<td>Other Sections</td>
<td>47</td>
<td>57</td>
</tr>
<tr>
<td><strong>Sub-Total</strong></td>
<td><strong>205</strong></td>
<td><strong>245</strong></td>
</tr>
<tr>
<td>Transport Operations (Road Use Management—Driver Licensing) Regulation 1999</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 6 - Driving Unaccompanied on a Learner's Permit</td>
<td>1,394</td>
<td>1,415</td>
</tr>
<tr>
<td>Section 19 - Driving Without Displaying Learner’s Plates</td>
<td>808</td>
<td>815</td>
</tr>
<tr>
<td>Other Sections</td>
<td>356</td>
<td>359</td>
</tr>
<tr>
<td><strong>Sub-Total</strong></td>
<td><strong>2,558</strong></td>
<td><strong>2,589</strong></td>
</tr>
<tr>
<td>Transport Operations (Road Use Management—Fatigue Management) Regulation 1998</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 15 - Driving in Excess of Maximum Driving Time</td>
<td>91</td>
<td>139</td>
</tr>
<tr>
<td>Section 64 - False or Misleading Driving Records</td>
<td>46</td>
<td>53</td>
</tr>
<tr>
<td>Other Sections</td>
<td>88</td>
<td>367</td>
</tr>
<tr>
<td><strong>Sub-Total</strong></td>
<td><strong>225</strong></td>
<td><strong>559</strong></td>
</tr>
<tr>
<td>Transport Operations (Road Use Management—Road Rules) Regulation 1999</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 20 - Driving Over Speed Limit</td>
<td>4,074</td>
<td>4,136</td>
</tr>
<tr>
<td>Section 291 - Driving Vehicle Creating Unnecessary Noise or Smoke</td>
<td>1,194</td>
<td>1,220</td>
</tr>
<tr>
<td>Other Sections</td>
<td>6,543</td>
<td>6,799</td>
</tr>
<tr>
<td><strong>Sub-Total</strong></td>
<td><strong>11,811</strong></td>
<td><strong>12,155</strong></td>
</tr>
<tr>
<td>Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 5 - Vehicle Not Complying with Standards</td>
<td>1,490</td>
<td>1,502</td>
</tr>
<tr>
<td>Section 9 - Modifying a Motor Vehicles Silencing Device</td>
<td>39</td>
<td>39</td>
</tr>
<tr>
<td>Other Sections</td>
<td>167</td>
<td>207</td>
</tr>
<tr>
<td><strong>Sub-Total</strong></td>
<td><strong>1,696</strong></td>
<td><strong>1,748</strong></td>
</tr>
<tr>
<td>Transport Operations (Road Use Management—Vehicle Registration) Regulation 1999</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 10 - Driving an Unregistered Vehicle</td>
<td>8,130</td>
<td>8,259</td>
</tr>
<tr>
<td>Section 76 - Non Display of Registered Plate or Label</td>
<td>2,857</td>
<td>2,953</td>
</tr>
<tr>
<td>Other Sections</td>
<td>141</td>
<td>144</td>
</tr>
<tr>
<td><strong>Sub-Total</strong></td>
<td><strong>11,128</strong></td>
<td><strong>11,356</strong></td>
</tr>
<tr>
<td>Transport Operations (Road Use Management) Act 1995</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 78 - Unlicensed Driving</td>
<td>32,826</td>
<td>33,483</td>
</tr>
<tr>
<td>Section 79 - Driving While Under the Influence of Alcohol / Drugs</td>
<td>32,088</td>
<td>32,183</td>
</tr>
<tr>
<td>Other Sections</td>
<td>8,438</td>
<td>8,669</td>
</tr>
<tr>
<td><strong>Sub-Total</strong></td>
<td><strong>73,352</strong></td>
<td><strong>74,335</strong></td>
</tr>
<tr>
<td>Transport Operations (Road Use Management - Accreditation and Other Provisions) Regulation 2005</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 53 - Driver Trainer Give Pre-Licence Driver Training When Not Accredited</td>
<td>3</td>
<td>56</td>
</tr>
<tr>
<td><strong>Sub-Total</strong></td>
<td><strong>3</strong></td>
<td><strong>56</strong></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>100,978</strong></td>
<td><strong>103,043</strong></td>
</tr>
</tbody>
</table>
Drug driving

A new offence of driving while a ‘relevant’ drug is ‘present’ in the driver’s system began on 1 December 2007. The drugs concerned are cannabis, amphetamines (speed and ice) and MDMA (ecstasy). A saliva test is taken from the driver and a positive result will confirm a ‘relevant’ drug is present but will not quantify the amount of drug. The offence carries the same penalties, including disqualification, as a drink-driving offence with a blood alcohol reading of less than 0.15%.

Impoundment of vehicles

A pilot ‘hoon’ program has been used in parts of Queensland since July 2007 and will be applied across the State from 1 July 2008. Various traffic offences will trigger impoundment of the vehicle involved, including racing or making smoke (a ‘burnout’) while driving dangerously or without due care; unlicensed driving; driving an uninsured vehicle; drink driving; failing to stop a vehicle; etc. If further offences are committed within a three-year period, a schedule of increasing punishment is provided depending on the offence. Initially, police can impound a vehicle for 48 hours without a court order, followed by a court order to impound for up to three months, followed by a court order to forfeit the vehicle to the State.

Special hardship orders

New provisions apply to drivers who lose their licence due to accumulated demerit point offences or ‘high speed’ offences. Previously, appeals against suspension could be made only if drivers could show that, without a licence, they would suffer hardship by losing their employment. If successful, the licence was completely reinstated. Under the new provisions, the court can specify times, purposes, etc. for which the person may drive, similar to a ‘restricted licence’ granted to drink drivers. In contrast with restricted licences, however, the court may also grant licences to drive for specified purposes, not connected with employment, provided drivers can show they will suffer ‘severe and unusual hardship’ without a licence for those purposes.

Homeless Persons Court Diversion Program pilot

Homelessness continues to contribute to offending in Brisbane and elsewhere in the State. However, to improve access to justice for people who are homeless and reduce the cyclical nature of their appearances in court, the Homeless Persons Court Diversion Program has continued with the assistance of our departmental partners including Health, Housing, Communities and Corrective Services and a number of non-government agencies. An outline of this program is on page 87.

The program has been fully evaluated this year by an independent private evaluator for DJAG; however, the recommendations have not yet been released. Although the Court made submissions for the extension of this program, unfortunately, with budget constraints in place, these submissions have not been successful. DJAG is supportive of the program and the Court hopes the service will continue. However, without adequate resources, the opportunities to be effective in reducing the circumstances that contribute to offending behaviour by people who are homeless are very limited. Unfortunately, these people will continue to return before the courts and, often inevitably, into the prison system. In the absence of finding, the future of this program, together with the associated Special Circumstances List, is continually under review.

Special circumstances list

This year, the focus has been on formalising court processes and identifying patterns of behaviour and offending by homeless defendants. The Court has witnessed that, for almost all defendants, obtaining housing of some permanency is a life-changing event.
The Court’s experience is that it has been able to implement community-based orders with moderate success for defendants in this situation. Further, the Court has been able to refer many defendants to drug and alcohol rehabilitation options which have improved their outcomes.

The Court’s supervision and case management of its Good Behaviour Bonds continues to operate as a sentence that has significant compliance, with defendant’s self-reporting better outcomes and behaviour while they remain on a bond.

Defendants on the program return to the Special Circumstances List to reappear before the magistrate on a regular basis and report on their progress. Reports are made available to the magistrate from service providers and, when the magistrate and defendant feel that the matters before the court can be dealt with, a sentence is imposed.

The sentence may take the form of a Good Behaviour Bond, with a special condition requiring further regular appearances before the magistrate to enable unresolved or emerging issues to be addressed. However, on some occasions, former defendants return to the Court, without any obligation to do so, for a ‘visit’.

The Court has had some experience of dealing with defendants while they are in custody, in hospital and in rehabilitation. This has enabled an ‘exit plan’ to be constructed for these individuals to put in place housing, counselling and employment options.

The Court relies heavily on the extensive case-work performed by non-government organisations outside court time and the support of people from these organisations is invaluable.

Cairns Alcohol Remand and Rehabilitation Program

The Cairns Alcohol Remand and Rehabilitation Program is a residential rehabilitation program to which our Cairns and Mareeba Courts divert Indigenous people charged with alcohol-related offences. The Court values the availability of this program and supports its continuance.

The program was initiated in Cairns in March 2003 through the collaboration of representatives of state and local governments and the local judiciary, police and legal services. Under the guidance of Mr Arthur Poa, Counsellor/Program Manager of Douglas House Substance Use Rehabilitation Service and with the assistance and facilities of the Aboriginal and Islander Alcohol Relief Service and Ozcare, the program provides an opportunity to our Court to order consenting defendants into a three-month bail program. Their admission is conditional on undertaking rehabilitative health assessment and counselling in a supervised residential setting.

The success of the program is evidenced by statistics that show repeat offending is greatly reduced on completion of the program. It is highly valued by local communities and there is anecdotal evidence that program graduates have
returned to their communities, enrolled in educational programs and found stable accommodation.

The Court values and supports the Cairns Alcohol Remand and Rehabilitation Program and is very pleased that the Queensland Government has approved funding for it over the next three years.

**Mental Health Court Liaison Service**

It is now widely accepted that many people who come before our court for low-level to mid-level offences have mental health issues and impaired decision-making ability.

For several years, a Mental Health Clinician was based at Brisbane’s Roma Street Arrest Court and at the Townsville Court to identify and refer on those with mental health issues. The success of this program led to a joint initiative by Queensland Health’s Community Forensic Mental Health Service and our Court to place medically-trained Court Liaison Officers (CLOs) at additional courts. The CLOs provide mental health screening, advice and referral services for assessment of people who are detained in watch-houses following their arrest and those people appearing before Magistrates Courts. By June 2007, Mental Health CLOs were based at courts at Brisbane, Townsville, Southport, Maroochydore (including Caloundra), Toowoomba, Beenleigh, Ipswich (including Richlands) and Caboolture (including Redcliffe).

In the past twelve months, this Court Liaison Service has undergone a rapid expansion. A second CLO has been located at Roma Street Arrest Court. The service based at Caboolture now extends to screenings and assessments at Sandgate. Similarly, the Beenleigh-based service operates at Holland Park Court. Queensland Health has also employed an additional Brisbane-based CLO to cover annual leave and sick leave absences in the south-east region of the state.
In regional Queensland, the service has expanded with a CLO now located at Maryborough, Rockhampton and Mackay Courts. Two CLOs are based at the Cairns Court with one providing services for circuit court sittings in remote North Queensland communities. When the new Pine Rivers Court is completed, we are hopeful that a CLO may be located there.

The Forensic Mental Health Service is now guided state-wide by a Coordinator for Court Liaison Services who will develop the model to improve service delivery and standardise processes throughout Queensland. Next year’s plans involve offering a Consultant Liaison Service that will include training and education to build capacity into District Mental Health Services and enable them to provide a Court Liaison Service.

The work of the CLOs in our courts and watch-houses is not only meeting the needs of people with mental illness who are in the criminal justice system, but is also helping magistrates identify the underlying cause of the offender’s behaviour. This can lead to a more appropriate and effective approach and outcome in the hearing and sentencing process.

Brisbane listing project

To improve file completion rates, Coordinating Magistrates and the Advisory Committee met in October 2007, to compare individual courts with national completion averages. These figures reflect the amount of time it takes for a court to complete a matter – from the first date the defendant appears before the court to the date the matter is finally completed and removed from the court system.

One of the courts that appeared to be outside the benchmark periods was the Brisbane Magistrates Court. Although there can be many reasons why these benchmarks are not met, frequently the issue are out of the control of both the court itself and the parties involved.

Consequently, the Brisbane Magistrates Court has introduced the Brisbane Listing Project to rearrange the way matters are listed to improve completion rates. All matters over nine months old, from the date of the defendant’s first mention, are tagged to bring to the magistrate’s attention that the file is aging in the process.

If the magistrate considers there is an unreasonable delay in the progress of the file, it is then remanded to a managed list to improve its progress for the benefit of the parties and the court. The file is then case-managed to its completion.

Because mental health matters are suspended while being dealt with in the Mental Health Court, these files are now directed, as early as possible, to this managed list. This removes the files from the arrest court lists while the matters proceed through the Mental Health Court.

This strategy was introduced in February 2008 and, although it is too early to judge, we hope it will result in earlier completion of matters for the benefit of all parties.

Maroochydore driver education workshops

As coroners, our magistrates regularly investigate deaths and serious injuries that result from road crashes and, as magistrates, they are concerned about the large number of traffic offenders who appear before them daily.

Consequently, the Maroochydore magistrates have begun a six-month pilot of an innovative program using community driver education workshops to divert traffic offenders from the criminal justice system.

Driving Attitude Workshops have been conducted monthly by the Maroochydore Police and the Maroochydore RSL Sub-branch and Club, with the support of local media for two years.

The focus of the workshop is driver awareness, driver responsibility and driver safety issues as well as the consequences of traffic crashes for family and friends.

People charged with drink-driving offences, dangerous operation of a motor vehicle, high-speed offences, ‘hoon’ type offences, and court-disqualified drivers may be suitable for the workshops.

Whilst attendance is voluntary, magistrates will consider satisfactory attendance at a workshop a mitigating factor when sentencing.
Civil jurisdiction

The Magistrates Court has jurisdiction in civil claims up to $50,000. With the consent of the parties, the court may deal with claims involving higher amounts (section 4A Magistrates Court Act 1921).

Although not strictly part of the Magistrates Court, the Small Claims Tribunal is usually constituted by a single magistrate or judicial registrar, as a referee, to hear claims for amounts up to $7,500. More information about the Small Claims Tribunal is provided at page 54.

Separate from small claims are minor debt claims which are recognised under the Uniform Civil Procedure Rules 1999 and allow a less formal process for claims up to $7,500 where they do not fit within the jurisdiction of the Small Claims Tribunal. Information on minor debt claims is provided at page 54.

The Magistrates Court continues to deal with civil disputes between parties under the Magistrates Court Act 1921. In addition, it also deals with civil applications which are indirectly related to criminal proceedings. One example is an application made under the Juvenile Justice Act 1992 for orders against parents for restitution or compensation for damage done by their children.

Table 4: Civil Summary – claims lodged

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil Claims</td>
<td>28,900</td>
<td>30,712</td>
<td>27,806</td>
<td>30,908</td>
<td>33,567</td>
<td>29,586</td>
<td>29,205</td>
<td>-1.39%</td>
</tr>
<tr>
<td>Percentage change</td>
<td>6.3%</td>
<td>-9.5%</td>
<td>11.2%</td>
<td>8.60%</td>
<td>-11.86%</td>
<td>-1.29%</td>
<td>-1.06%</td>
<td></td>
</tr>
<tr>
<td>Minor Debt Claims</td>
<td>18,866</td>
<td>17,231</td>
<td>12,888</td>
<td>15,674</td>
<td>14,903</td>
<td>13,809</td>
<td>13,066</td>
<td>-15.91%</td>
</tr>
<tr>
<td>Percentage change</td>
<td>-8.67%</td>
<td>-25.20%</td>
<td>21.62%</td>
<td>-4.92%</td>
<td>-7.34%</td>
<td>-5.38%</td>
<td>-30.74%</td>
<td></td>
</tr>
<tr>
<td>Small Claims</td>
<td>18,637</td>
<td>17,537</td>
<td>18,766</td>
<td>16,813</td>
<td>16,409</td>
<td>15,986</td>
<td>15,672</td>
<td></td>
</tr>
<tr>
<td>Percentage change</td>
<td>-5.90%</td>
<td>7.01%</td>
<td>-10.41%</td>
<td>-2.40%</td>
<td>-2.58%</td>
<td>-1.96%</td>
<td>-15.91%</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>66,403</td>
<td>65,480</td>
<td>59,460</td>
<td>63,395</td>
<td>64,879</td>
<td>59,381</td>
<td>57,943</td>
<td>-12.74%</td>
</tr>
<tr>
<td>Percentage change</td>
<td>-1.39%</td>
<td>-9.19%</td>
<td>6.62%</td>
<td>2.34%</td>
<td>-8.47%</td>
<td>-2.42%</td>
<td>-12.74%</td>
<td></td>
</tr>
</tbody>
</table>
The monetary jurisdiction of $50,000 at the upper limit for the Court’s civil jurisdiction is significantly lower than the $100,000 upper limit for the Victorian Magistrates Court and the $80,000 of the South Australian Magistrates Court.

This year, there had been a further decrease (2.42%) this year in the number of civil claims, minor debts and small claims. The issue of a review of the monetary limit for civil claims and minor debts claims has been raised in two previous Annual Reports. There is now a prospect of an increase in the upper limits of the courts civil jurisdiction which is the subject of review. This is timely with the likelihood that the small claims and minor debts jurisdiction will be transferred to a civil and administrative tribunal before 2010.

**Small Claims Tribunal**

The Small Claims Tribunal operates throughout Queensland in most Magistrates Court centres, with all magistrates being appointed as referees and all Judicial Registrars authorised to constitute the Tribunal.

Over the past 12 months, 15,672 small claims applications were lodged with the Tribunal throughout the State. The Small Claims Tribunal at the Brisbane Central Magistrates Court processes the largest number of claims. General enquiries and claims are processed through the court registry on the ground floor, with specialised hearing rooms on the sixth floor. This year, the Brisbane registry processed 5,792 small claims from within the Brisbane metropolitan area as well as Beenleigh, Cleveland, Redcliffe, Sandgate, Wynnum, Holland Park and Richlands. The only small claims dealt with at these suburban centres were those arising from domestic violence hearings.

Because of the volume of claims at Brisbane, Magistrate Randall sits daily as Tribunal Referee. Since January 2008, a Judicial Registrar has assisted the Brisbane Tribunal Referee for three days each week. Judicial Registrars also presided in the Small Claims Tribunal at Southport, Beaudesert, Townsville, Ayr, Charters Towers and Ingham. In all other Magistrates Courts, the local magistrates deal with small claims.

There has been a slight reduction in the number of small claims filed this year compared with the previous 12 months.
Residential tenancy matters

Tenancy disputes are determined by the Small Claims Tribunal. The Residential Tenancies Act 1994 provides for two distinct types of claims – ‘non-urgent claims’ and ‘urgent claims’.

Non-urgent claims cannot be processed by the Tribunal unless the parties have been for conciliation with the Residential Tenancies Authority (RTA). If the dispute is not resolved by the RTA, a ‘notice of unresolved dispute’ is issued to the party bringing the dispute and, before a claim can be filed in the Tribunal, it must be produced.

Urgent claims can be filed without attempting conciliation in certain circumstances such as the following examples:

- claims by a lessor to terminate the tenancy due to breach by a tenant
- claims by a tenant for emergency repairs
- claims by either the lessor or the tenant to terminate the tenancy due to excessive hardship
- claims by a tenant to be removed from a tenant database.

In Brisbane, the average time between lodgement and hearing ranges from seven to fourteen days for urgent claims and from six to eight weeks for non-urgent claims. If a claim is filed and registry staff considers it needs an immediate hearing, the matter will be listed in the main hearing room on three days notice to the parties. Residential tenancy matters constitute most of the claims that the Tribunal hears. In Brisbane this year, of 5,792 claims filed, only 625 were not tenancy matters.

Abbreviated Mediation – Small Claims Tribunal

The primary function of the Small Claims Referee is to attempt to bring the disputing parties to a mutually acceptable settlement, as provided in section 10 of the Small Claims Tribunal Act 1973. Where this cannot be achieved, the referee proceeds to a hearing of the dispute and then makes orders that are fair and equitable.

However, before proceeding to a full hearing which takes much more of the court’s time, the referee may refer the parties to an ‘Abbreviated Mediation’ to try to settle the dispute.

The Abbreviated Mediation Service is available through Brisbane, Hervey Bay, Rockhampton, Townsville Mackay and Cairns (with outreach to other courts from these centres). During this year, abbreviated mediation became available at Southport, Cleveland and Noosa.

The regional abbreviated mediation experience

Throughout the year, minor debts and small claims matters were referred to ‘abbreviated mediation’ in various court centres throughout the State. In many centres, minor debt and small claims matters are ordered to mediation. In some centres, registry staff allocate and send a notice to parties about when the mediation will take place. For some matters, including those that originate from areas where mediators are not located, the Dispute Resolution Centre negotiate with parties, the date, time and place for the mediation to occur.

Statistics for the abbreviated mediation service in regional areas for small claims and minor debt matters show a success rate ranging from 44% to 74%. The success rate appears higher when the magistrates order attendance at mediation or when the registry sends a notice of times when mediation is available than when a mediator attends court on scheduled hearing days. However, the former approach is only feasible when there are a sufficient number of mediators available to do this. In total, 1,083 mediations were conducted for small claims and minor debt matters through the Dispute Resolution Centres based in Cairns, Townsville, Mackay, Rockhampton and Hervey Bay.
The Brisbane abbreviated mediation experience

In Brisbane in 2007, a different approach was taken to mediation of small claims. In the original scheme, the parties attended the Small Claims Tribunal for hearing and were approached by mediators before the hearing commenced. Under the new procedure, the parties are referred to the mediation service for a compulsory mediation session prior to the allocation of a hearing day. If the mediation is not successful, the claim is set down for a full hearing on another day. The purpose of the change is to increase the motivation mediate as they know they will have to come back to the Tribunal should the mediation fail.

This year, 581 matters were referred to mediation and, of these, only 167 matters have returned to the referee for a full hearing. These figures do not mean that all remaining matters were settled at mediation because, sometimes, one of the parties may not have attended, or the matter may have settled before mediation.

513 abbreviated mediations were facilitated; they originated from Southport, Ipswich, Toowoomba, Maroochydore, Brisbane and Cleveland.

The abbreviated mediation procedure has greatly reduced waiting time and, when only one party appears, has resulted in matters being heard within 14 days of filing.

Communication and consultation

In order to increase community understanding of the work of the Tribunal, Magistrate Randall, in his capacity as Small Claims Tribunal referee, contributes articles to each issue of the RTA magazine. These articles are available at www.rta.qld.gov.au. In the past 12 months, Magistrate Randall has also addressed seminars for property managers, RTA conciliators and the Tenant Advice and Advocacy Service.

Chamber applications

For the six months to December 2007, the Courts Civil Chamber Applications in Brisbane were dealt with on Friday each week by an allocated magistrate. When necessary, a second day – usually each fortnight – was allocated for Civil Applications using a second magistrate.

The type of applications continued to vary in complexity from simple substituted service applications to detailed interlocutory applications with cross applications under the Uniform Civil Procedure Rules. Consequently, a backlog was developing. To address this, from January 2008, a Judicial Registrar began determining Chamber Applications each Friday, with a magistrate also allocated on Friday to determine any applications outside the jurisdiction of the Judicial Registrar and to assist with the workload generally. As a result, the backlog has reduced and applications now receive listing dates more quickly.

Matters raised in last year’s report

In the Court’s 2006–07 Annual Report, we referred to the possibility of changes to court procedures in the civil jurisdiction and to additional types of civil claims that may come before the Court. These included:

- electronic lodgements
- disputes over legal costs (under the Legal Profession Act 2007)
- common law employment contract breaches.

Electronic lodgements

The overwhelming majority of civil claims are still lodged in paper format at the court counter or by mail delivery, even though electronic lodgements can be made in all registries. Although the system does not yet permit all documents in civil litigation in our Court to be filed electronically, given the high percentage of matters that do not pass the claim filing stage (10.5%), electronic lodgement offers significant savings for the court and for claimants.

The reluctance of law firms and legal practitioners to use electronic lodgement for minor debts claims was noted in last year’s Annual Report and continues, even though Rule 5.16 of the Uniform Civil Procedure Rules was amended. The cost of ‘a fee charged by a service provider for electronically filing a document’ can now be awarded and the cost for electronic lodgements remains low.
Civil claims (excluding minor debt claims) lodged electronically in 2006–07 comprised 18.24% of all civil claims compared with 14.53% this year.

The percentage of electronic lodgements for minor debts was 22.46% in 2006–07, compared with 13.27% this year; therefore, ways to encourage use of electronic lodgement are being considered.

Disputes over legal costs

When there is a dispute over legal costs, the Uniform Civil Procedure Rules 743A in Part 4 (Assessment of costs under the Legal Profession Act 2007) allow applications to be made to the Court for the appointment of an assessor and, where relevant, to determine the matters listed in the Rules before the assessment is done.

This year, there have been eight applications filed.

Common law employment contract breaches

On 1 January 2008, following amendments to the Magistrates Court Act 1921, a low-cost procedure for dealing with common law employment contract breaches was established which relies on the existing jurisdiction of the Magistrates Court. As a result, it is confined to claims under $50 000 and no additional remedies have been included.

Now, when an employment claim is filed, the first step is to refer it to a free compulsory conciliation conference by the Queensland Industrial Relations Commission or, if necessary, conciliators appointed by the Chief Magistrate. It has not been necessary for the Chief Magistrate to appoint other conciliators to date.

This year, there have been 15 employment claims filed.

Legislative developments and possible impacts

The Uniform Civil Procedure Rules were amended to insert a new Chapter 17A on legal costs payable or assessed under various acts – see Uniform Civil Procedure Rule Amendment Rule (No. 4) 2007 (SL 2007 no. 315). The new Rule 683 authorises the court to fix an amount of costs and to order its payment; alternatively, it can order that the costs be assessed by a costs assessor where ‘it is appropriate because of the nature and complexity of the proceeding’.

We do not anticipate there will be many cases that warrant involving a costs assessor. The power to do so, however, does free up court resources.

The Rules Committee

The Rules Committee was established in 1998 to introduce the Rules and undertakes an on-going rule-making function which monitors and fine-tunes those rules. This has resulted in a set of rules that are uniform to all jurisdictions.

Magistrate Gribbin was a member of this committee from its inception. He relinquished the role during 2008, prior to his retirement as a magistrate. Our Court’s other long standing representative on the committee, Magistrate Thacker, also stepped aside due to her transfer to Warwick in November 2007. Both magistrates have made a significant contribution to the committee’s important work. Their places have been taken by Magistrates Wessling and Morgan.

Outlook for the future

The upper monetary limit of the Court’s civil jurisdiction continues to be considerably lower than other states. As our statistics for this year show, there has been a further decrease in the number of civil claims lodged across the State by 4%. In these circumstances, an increase in this jurisdictional limit to at least the Victorian $100 000 upper limit would be welcomed. As indicated, the jurisdictional limit is currently to review. However such increases in jurisdiction limits would require a resource assessment to ensure that the Court could deal efficiently with the increased number of matters.
Childrens Court

Under the Childrens Court Act 1992 (the Act), a Childrens Court Magistrate is appointed to constitute the Childrens Court at Brisbane and for any magistrate to constitute the Childrens Court in the absence of the Childrens Court Magistrate. This ensures magistrates can preside over matters concerning children as quickly as possible at courts anywhere in Queensland.

The Childrens Court jurisdiction includes ‘juvenile justice’ and ‘child protection’ matters.

Table 5: Court centres with highest percentage of children defendants

<table>
<thead>
<tr>
<th>Court Centre</th>
<th>Defendants</th>
<th>Charges</th>
<th>% of defendants that are children</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cunnamulla</td>
<td>180</td>
<td>306</td>
<td>37%</td>
</tr>
<tr>
<td>Cherbourg</td>
<td>118</td>
<td>246</td>
<td>24%</td>
</tr>
<tr>
<td>Aurukun</td>
<td>223</td>
<td>550</td>
<td>20%</td>
</tr>
<tr>
<td>Woorabinda</td>
<td>124</td>
<td>276</td>
<td>20%</td>
</tr>
<tr>
<td>Bamaga</td>
<td>65</td>
<td>108</td>
<td>20%</td>
</tr>
<tr>
<td>Alpha</td>
<td>1</td>
<td>2</td>
<td>17%</td>
</tr>
<tr>
<td>Normanton</td>
<td>51</td>
<td>135</td>
<td>16%</td>
</tr>
<tr>
<td>Richmond</td>
<td>4</td>
<td>9</td>
<td>14%</td>
</tr>
<tr>
<td>Mitchell</td>
<td>12</td>
<td>20</td>
<td>13%</td>
</tr>
<tr>
<td>Murgon</td>
<td>100</td>
<td>214</td>
<td>13%</td>
</tr>
</tbody>
</table>

Juvenile Justice

The Juvenile Justice Act 1992 provides comprehensive law for dealing with children who are charged with offences. The Childrens Court deals with all offenders who have not turned 17 years of age. Sentencing provisions for those found guilty include diverting the child from the criminal justice system by other means such as issuing a caution. The court can also use ‘restorative justice’ principles and refer the child to Youth Justice Conferencing. These alternatives are an opportunity for young people to address their offending behaviour without having the burden of a criminal record that could affect their future lives.

This year, 11 080 young people appeared before Childrens Courts on 24 002 charges. In the past 12 months, there
has been a slight increase in the number of juvenile defendants (approximately 186) and a significant reduction in the number of charges preferred (approximately 2000).

Statistics for all Childrens Court centres are included in the Criminal Lodgements schedule at Appendix 9. A comparison with last year’s statistics for centres that dealt with more than 400 juveniles is as follows:

<table>
<thead>
<tr>
<th>Court Centre</th>
<th>2006–07</th>
<th>2007–08</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brisbane</td>
<td>914 juveniles</td>
<td>981 juveniles</td>
</tr>
<tr>
<td>Townsville</td>
<td>746 juveniles</td>
<td>700 juveniles</td>
</tr>
<tr>
<td>Ipswich</td>
<td>495 juveniles</td>
<td>691 juveniles</td>
</tr>
<tr>
<td>Rockhampton</td>
<td>626 juveniles</td>
<td>632 juveniles</td>
</tr>
<tr>
<td>Southport</td>
<td>618 juveniles</td>
<td>591 juveniles</td>
</tr>
<tr>
<td>Beenleigh</td>
<td>589 juveniles</td>
<td>562 juveniles</td>
</tr>
<tr>
<td>Cairns</td>
<td>571 juveniles</td>
<td>526 juveniles</td>
</tr>
</tbody>
</table>

The only centres with over 400 child defendants that increased in numbers this year were the Brisbane (+5.3%) and Ipswich (+39.5%) Childrens Courts.

Child Youth and Mental Health Service

The Mater Child Youth and Mental Health Service continue to regularly attend court sittings of the Brisbane Childrens Court. The service is available for children and/or their parents to discuss health and behavioural concerns which may bring a young person before the court. It helps families arrange for more detailed assessments, if it is required. In the 2007 – 08 year the service assisted 21 defendants and their families with child behavioural concerns.

Failure to appear – Brisbane Childrens Court.

Brisbane Childrens Court stakeholders have initiated a strategy to reduce the number of children who fail to appear at court in compliance with their bail undertakings or notices to appear. With the cooperation of officers of the Department of Communities, arrangements are made for transport for defendants and their parents or carers. To allow young people the opportunity to present themselves and avoid having arrest warrants issued, matters are routinely adjourned and reminder letters sent to them. This has resulted in a 1% reduction in fail to appear rates.

A monthly breakdown of defendants follows:

<table>
<thead>
<tr>
<th>Month</th>
<th>Appearances 06–07</th>
<th>Fail to appear 06–07</th>
<th>Overall % 06-07</th>
<th>Appearances 07–08</th>
<th>Fail to appear 07–08</th>
<th>Overall % 07-08</th>
</tr>
</thead>
<tbody>
<tr>
<td>July</td>
<td>185</td>
<td>21</td>
<td>11</td>
<td>149</td>
<td>8</td>
<td>5</td>
</tr>
<tr>
<td>August</td>
<td>205</td>
<td>15</td>
<td>7</td>
<td>196</td>
<td>11</td>
<td>8</td>
</tr>
<tr>
<td>September</td>
<td>152</td>
<td>15</td>
<td>7</td>
<td>166</td>
<td>14</td>
<td>10</td>
</tr>
<tr>
<td>October</td>
<td>140</td>
<td>14</td>
<td>9</td>
<td>215</td>
<td>12</td>
<td>7</td>
</tr>
<tr>
<td>November</td>
<td>160</td>
<td>17</td>
<td>9</td>
<td>191</td>
<td>11</td>
<td>7</td>
</tr>
<tr>
<td>December</td>
<td>117</td>
<td>13</td>
<td>7</td>
<td>185</td>
<td>13</td>
<td>7</td>
</tr>
<tr>
<td>January</td>
<td>157</td>
<td>13</td>
<td>7</td>
<td>187</td>
<td>13</td>
<td>7</td>
</tr>
<tr>
<td>February</td>
<td>166</td>
<td>16</td>
<td>9</td>
<td>197</td>
<td>15</td>
<td>8</td>
</tr>
<tr>
<td>March</td>
<td>181</td>
<td>16</td>
<td>9</td>
<td>179</td>
<td>15</td>
<td>9</td>
</tr>
<tr>
<td>April</td>
<td>138</td>
<td>17</td>
<td>8</td>
<td>206</td>
<td>17</td>
<td>8</td>
</tr>
<tr>
<td>May</td>
<td>149</td>
<td>17</td>
<td>11</td>
<td>212</td>
<td>17</td>
<td>11</td>
</tr>
<tr>
<td>June</td>
<td>152</td>
<td>23</td>
<td>10</td>
<td>237</td>
<td>19</td>
<td>8</td>
</tr>
<tr>
<td>12 Month Total</td>
<td>1902</td>
<td>172</td>
<td>9%</td>
<td>2320</td>
<td>191</td>
<td>8%</td>
</tr>
</tbody>
</table>

Youth Murri Court

The first Youth Murri Court was established at Brisbane Childrens Court in March 2004 and is now regularly convened at Brisbane, Cleveland, Ipswich, Caboolture, Rockhampton, Townsville, Mount Isa, Caloundra, Mackay, St George and Cherbourg. At each sitting, the presiding magistrate invites the participation of one or two Indigenous elders and respected persons from the local community to communicate with young Indigenous offenders in a way that helps address their behaviour in a culturally appropriate manner. As is the case in adult Murri Court, the magistrate makes the decision as to the sentence imposed.
Youth Justice Conferencing

Young offenders continue to be referred to Youth Justice Conferences before being sentenced. These conferences are ordered by the court and are facilitated by the Department of Communities.

The conferencing process, based on restorative justice principles, allows offenders and victims to come together 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 make good the harm caused.

This process helps young offenders gain insight into the implications of their offending and to take responsibility for the results.

The outcome of the conference is reported back to the magistrate who may take no further action or may include aspects of the agreement in the penalty. Throughout Queensland, a total of 2131 Youth Justice Conferences were conducted this year with 98% of participants (including victims) being satisfied with the outcome.

Graph H: Referals to Youth Justice Conference Statewide
Child Protection

Applications for orders under the Child Protection Act 1999 are regularly made to magistrates in the Childrens Court. An application for a Temporary Assessment Order may be made to magistrates anywhere at anytime when genuine concern is raised for the safety of a child. In urgent circumstances, applications can be made after-hours by phone or fax to designated on-call magistrates. Applications for Court Assessment Orders or Child Protection Orders are usually contested and are heard in proceedings that are closed to the public to ensure privacy.

The Child Protection Act, introduced in 2000, started a new process for dealing with children needing protection. The focus continued to be the best interests of the child; however, a new range of orders were introduced to help the court in its deliberations. Separate representatives can be appointed, conferences can be ordered between the parties; and non-parties can be permitted to appear. Recognised entities can now put their views before the court in the case of Aboriginal and Torres Strait Islander children. The introduction of Family Group meetings and the requirement to develop Case Plans for approval by the court demonstrate the intention to act in the best interests of the child. Although the requirement for a Case Plan is a positive legislative development, it has led to a marked increase in the time taken by magistrates to deal with each case.

Court-ordered conferences are facilitated by experienced convenors when required throughout the State. The conference provides an opportunity for full and frank discussion between the parties on the issues in contention, without limitations or restrictions of a formal court proceeding. They lead to families gaining a better understanding of the concerns raised and have had a considerable effect in reducing the court time needed to hear contested applications.

However, the court retains the responsibility for making the final determination of the application, based on the evidence disclosed by the material filed by the parties and taking into account any agreement reached at a conference. During the year, there was a significant drop in the number of matters the courts throughout Queensland have referred to conference, with 2009 last year and 748 matters this year. Of these, 116 matters (15.5%) referred to conference have then been listed for hearing, a significant increase from the previous 12 months when only 72 (3.5%) were listed for hearing out of 2009 matters.

The Court administrator’s report at page 109 provides statistics on the work of the Child Protection Conference team that demonstrates their continued effectiveness.

The on-going challenge for the Court is to ensure that an environment exists where all interested parties are able to interact to achieve what is in the best interests of the child, in the existing circumstances.

Table 6: Child Protection – applications lodged in Cape York 2007 – 08

<table>
<thead>
<tr>
<th>Location</th>
<th>Files lodged in remote centres</th>
<th>Files lodged at Cairns and transferred to other locations</th>
<th>Total files lodged</th>
<th>Number of child protection events per location</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>05-06</td>
<td>06-07</td>
<td>07-08</td>
<td>05-06</td>
</tr>
<tr>
<td>Aurukun</td>
<td>9</td>
<td>1</td>
<td>12</td>
<td>11</td>
</tr>
<tr>
<td>Bamaga</td>
<td>0</td>
<td>10</td>
<td>0</td>
<td>9</td>
</tr>
<tr>
<td>Kowanyama</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Lockhart River</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Pormpuraaw</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Thursday Island</td>
<td>1</td>
<td>10</td>
<td>9</td>
<td>1</td>
</tr>
<tr>
<td>Weipa</td>
<td>4</td>
<td>1</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>TOTAL</td>
<td>21</td>
<td>25</td>
<td>27</td>
<td>27</td>
</tr>
</tbody>
</table>
Child Protection Applications

In the past 12 months, there has been an increase in the number of Child Protection Applications from 5991 in 2006–07 to 6528 (9.2%). The time taken by the Court to deal with the applications has also increased because of the complexity involved and the volume of documents to be read in the case of many applications.

The Beenleigh Magistrates Court dealt with the largest number of applications (725) and, consequently, made the most orders. This was 11.08% of the State total. The other courts that dealt with over 500 applications were Brisbane (671 applications) and Cairns (539 applications).

Domestic and family violence

This year, 23,836 applications for Protection Orders were lodged in Queensland. While this figure was a 3.2% reduction on 2006–07 lodgements, it represents a 36.2% increase in lodgements over the last seven years. Court centres which dealt with more than 1,000 lodgements are listed in Table 7.

Table 7: Centres with over 1000 domestic and family violence lodgements

<table>
<thead>
<tr>
<th>Centre</th>
<th>Lodgements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Southport</td>
<td>2,214</td>
</tr>
<tr>
<td>Beenleigh</td>
<td>1,767</td>
</tr>
<tr>
<td>Brisbane</td>
<td>1,544</td>
</tr>
<tr>
<td>Cairns</td>
<td>1,098</td>
</tr>
<tr>
<td>Ipswich</td>
<td>1,061</td>
</tr>
<tr>
<td>Townsville</td>
<td>1,015</td>
</tr>
</tbody>
</table>

Magistrates determine applications and breach charges under the Domestic and Family Violence Protection Act 1989 (the Act) concerning allegations of violence and abuse – physical, emotional and financial – against some of the most disadvantaged people in our community, including women and children.

The demands on magistrates in this jurisdiction are significant and varied. Many respondents to applications for domestic violence orders are unrepresented and, as a non-legal person, face the difficulties of dealing with the legal system. Consequently, magistrates must be clear and focused in their communication and be aware of the likely stress on those people.

People who are aggrieved may appear before the Court with the help of the police or a solicitor, or they may appear for themselves. In many centres, a Domestic Violence Support Service is available to help aggrieved people before the Court and to provide referrals to other services. Applications are often made shortly after an incident of violence and aggrieved people may be very stressed, upset, in fear and/or injured. It is important to ascertain what outcome the aggrieved wants and the conditions or orders that might achieve this if the allegations are accepted by or established against the respondent.

Respondents may be represented by a solicitor or may appear on their own behalf. Usually, a Duty Lawyer is not available to assist the respondent. Respondents can face many challenges because of the court process and the making of an order – having to move out of home, having restricted access to family members, having effects on employment – including through the loss of firearms. Whilst being aware of those issues, magistrates always have in mind the protection of victims of domestic violence once it has been established under the Act.

Police have standing under the Act to make application for an order to protect people who are unable or unwilling to seek appropriate protection from domestic violence themselves. Consequently, when hearing an application of this nature, magistrates can face competing interests and uncooperative parties. In some instances, it is quite challenging to balance those competing interests and points of view. The safety of aggrieved people and associates must remain paramount whilst giving all parties a fair hearing.

The aim of protection orders is not just a matter of the court seeking to control respondents’ behaviour and placing restrictions on physical contact between the parties. The essential element in stopping domestic violence is dealing with the issues that underlie the violence. To achieve successful outcomes, parties must be prepared to address their issues and work towards a goal.
of harmony with others. These issues are variable and personal in each situation.

The availability and use of counselling and treatment programs to deal with domestic violence along with issues such as grief, mental health conditions, and drug and alcohol addictions, although vital, is also varied and is dependent on the resources in each location.

Table 8: Applications lodged

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of applications lodged</td>
<td>17,495</td>
<td>20,366</td>
<td>25,248</td>
<td>24,912</td>
<td>24,179</td>
<td>24,626</td>
<td>23,836</td>
<td></td>
</tr>
<tr>
<td>Percentage change</td>
<td>16.4%</td>
<td>24.0%</td>
<td>-1.3%</td>
<td>-2.9%</td>
<td>1.8%</td>
<td>-3.2%</td>
<td>36.2%</td>
<td></td>
</tr>
</tbody>
</table>

Table 9: Orders made and applications dismissed

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of orders made</td>
<td>22,581</td>
<td>26,115</td>
<td>34,623</td>
<td>33,658</td>
<td>32,375</td>
<td>32,874</td>
<td>32,081</td>
<td></td>
</tr>
<tr>
<td>Percentage change</td>
<td>30.3%</td>
<td>-1.1%</td>
<td>-3.8%</td>
<td>1.5%</td>
<td>-2.4%</td>
<td>42.1%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of applications dismissed</td>
<td>2,892</td>
<td>3,010</td>
<td>4,184</td>
<td>4,848</td>
<td>5,090</td>
<td>5,644</td>
<td>5,376</td>
<td></td>
</tr>
<tr>
<td>Percentage change</td>
<td>4.1%</td>
<td>39.0%</td>
<td>15.9%</td>
<td>5.0%</td>
<td>10.9%</td>
<td>-4.7%</td>
<td>85.9%</td>
<td></td>
</tr>
<tr>
<td>Total orders made and applications dismissed</td>
<td>25,473</td>
<td>29,125</td>
<td>38,807</td>
<td>38,506</td>
<td>37,465</td>
<td>38,518</td>
<td>37,457</td>
<td>47.0%</td>
</tr>
</tbody>
</table>
Queensland Indigenous Alcohol Diversion Program

This year, Cairns, Townsville and Rockhampton Courts have participated in a pilot program – Queensland Indigenous Alcohol Diversion Program (QIADP) – which addresses the alcohol addiction of Indigenous offenders where the offending is alcohol-related, including domestic violence breaches. This 20-week program is a bail-based program for defendants which primarily works on alcohol addiction; however, other issues also are addressed. The program's early indications are that it may be quite successful. This type of program provides the means to resolving the underlying causes that lead to domestic violence and, therefore, to achieving a more harmonious and safer community.

Further, Murri Courts regularly explore alternative sentencing options that focus on treatment of the offenders to protect vulnerable members of the community by reducing domestic violence and other offences.

Specialist Domestic Violence List

In a related way, the Specialist Domestic Violence List pilot in Rockhampton is trying to access pre-sentence domestic violence counselling and programs for offenders who breach domestic violence orders. The vision for the Specialist Domestic Violence List is to develop a procedure – within the current framework of our courts and without funding – by adopting some of the interstate and overseas developments in this area. Not necessarily in order of priority, these include to:

- reduce the number of unnecessary appearances by the parties in applications for domestic and family violence orders by having applications, hearings and breach proceedings heard on the one day in the one court
- ensure maximum access to domestic violence support workers for the aggrieved spouse for mentions but, more importantly, hearings
- provide an opportunity for the aggrieved spouse to attend court for breach charges should they wish to
- increase information provided to parties to applications at the earliest opportunity – about the court process and services available to help them – and increase the opportunity for police to follow up with parties after court or before the next hearing date
- improve Department of Child Safety knowledge of the domestic violence court system, the contents of the orders made, and provide an opportunity for them to inform the court of issues affecting the making of orders about particular parties (the Child Safety call-over is listed on the same day, in the same court)
- provide the opportunity for referral to ‘perpetrator programs’ or counselling during the bail period prior to sentencing on breach charges
- improve prosecutorial knowledge of matters before the court and increase their level of assistance to the court through a dedicated prosecution team
- provide increased safety and comfort for aggrieved spouses when attending court.

A number of challenges have been identified and are presently being worked on as the pilot progresses. The major issues include legal difficulties with the attempt to coordinate matters in three discrete jurisdictions (civil, criminal and childrens court); the current constraints in court calendars and magistrates' time; the level of availability of ‘perpetrator programs’ and general family counselling, both at application and throughout a bail program for breach charges; the resourcing of agencies to provide treatment programs; and availability of appropriate space in court facilities.

The issues identified during the pilot will allow the Court to assess not only the viability of this model for a specialised domestic violence court but also the resource requirements needed to support it. Such a court could address the causes of domestic and family violence, rather than deal only with the results.
Commonwealth jurisdiction

As a State court, the Queensland Magistrates Court has jurisdiction to hear and determine certain matters under Commonwealth law. Under the Judiciary Act 1903 (C’th), the Court deals with criminal offences created under a wide range of Commonwealth legislation including, for example, social security fraud, customs offences, and taxation matters. Many Commonwealth offences are dealt with summarily, while more serious offences proceed to a committal proceedings. A list of Commonwealth lodgements is in Appendix 12.

A large proportion of Commonwealth work is dealt with in the Brisbane Magistrates Court; therefore, because of the volume of work, one magistrate is assigned that work which is usually heard in Court 40. However, many matters originate elsewhere in the State and, in the larger regional centres, the work is usually rotated around the magistrates at that centre.

The general Commonwealth sentencing scheme is contained in the Crimes Act 1914 (C’th) (the Crimes Act). However, this is subject to specific legislation. State provisions for sentencing do not apply to federal offenders unless the provision is specifically adopted by the Commonwealth, for example, the Crimes Act adopts State law for making Community Service Orders and for the commencement of sentences. The Crimes Act permits penalties similar to those prescribed in Queensland’s Penalties and Sentences Act 1992 (the State Act), such as recognisances, fines, Community Based Orders and imprisonment. However, unlike the State Act, the Crimes Act restricts the power a judicial officer has to decide not to record a conviction. Because recording a conviction can have serious consequences for a defendant, when dealing with Commonwealth offences, the Court regularly receives applications for Orders under section 19B of the Crimes Act. This section restricts the ordering of ‘no conviction’ to cases where the charge may be proven but the Court can elect to dismiss the charge, discharge the person on a recognisance or make a probation order, having regard to the matters set out in the section.
The Commonwealth offences most frequently prosecuted in Queensland Magistrates Courts are social security fraud, taxation offences and customs related offences. However, when considering the statistics for offences against specific acts, it is relevant that many defendants who were charged with offences under specific statutes in the past, for example the Social Security (Administration) Act 1999 and the Customs Act 1901, are now being charged with like offences under the Commonwealth Criminal Code instead. Thus, when comparing annual figures, the statistics against specific acts do not necessarily reflect the actual number of charges or defendants involving those acts.

Overall, there has been a slight increase in the total number of defendants in the Commonwealth jurisdiction from 3422 in 2006–07 to 3479 in 2007–08 and, in the number of charges laid from 9303 in 2006–07 to 9320 this year. Of these, the number of defendants and charges under the Commonwealth Criminal Code has increased from 1547 defendants and 3273 charges in 2006–07 to 1757 defendants and 3545 charges this year. This overall trend is expected to continue.

The option to bring social security fraud matters under the Commonwealth Criminal Code rather than the Social Security Act 1991 or Social Security (Administration) Act 1999 is now resulting in a downward trend in the figures. The number of defendants has reduced significantly from 1547 in 2006–07 to 966 this year, along with the number of charges from 3273 in 2006–07 to 1980 this year. However, a few matters were dealt with under both social security acts – 54 defendants and 110 charges this year. This marked decrease relates to Centrelink’s increased computer tracking capacity.

In most social security cases, convictions are recorded and defendants are sentenced by being released on good behaviour bonds or Community Service Orders. However, in cases involving larger amounts of money or repeat offending, imprisonment can result. In all cases, reparation orders are made for repayment to the Commonwealth through monthly deductions over a period of time. About 56% of all Commonwealth Criminal Code matters are social security fraud matters.

This year, there has been a decrease in the number of defendants and an increase in the number of charges brought under the Taxation Administration Act 1953 (the Taxation Act) – 801 defendants and 3599 charges in 2006–07 to 690 defendants and 3752 charges in 2007–08. Taxation offences, unlike social security fraud offences, are still brought under the Taxation Act rather than the Commonwealth Criminal Code. These offences usually involve failure to lodge income tax returns, fraud involving the Goods and Services Tax (GST), and failure to lodge GST returns or to supply requested information. Usually fines are imposed, with higher fines for repeat offenders and those who breach court orders.

Offences for importing items under the Customs Act 1901 or the Commonwealth Criminal Code usually originate at international airports. These items are often seeds, produce (food items such as fruit), weapons or drugs. Offences usually consist of one charge of making a false statement and another of illegal importation. Many offenders are non-English speaking students from Asia or overseas tourists who have just disembarked from long flights in a state of tiredness and do not heed the well-displayed signs at airports that inform incoming passengers what they cannot bring into the country. Usually these people have no previous criminal history.

The most common penalties for these offences are fines which can be quite large and convictions are recorded. This is because importation of food and wood products, in particular, poses a great risk to Australia’s primary industries. Some local offenders choose to convert the fines to Fine Option Orders which allows them to undertake community service instead of paying the fine. In a few exceptional cases, recognisances are imposed.

The exercise of Commonwealth jurisdiction in the Magistrates Court is challenging and interesting. In Brisbane, the magistrate assigned to Court 40 to do this work has the opportunity to develop expertise in this jurisdiction. The wide range of Commonwealth legislation which creates offences within the jurisdiction of the Queensland Magistrates Court is outlined in Appendix 3.
Industrial Magistrates Court

Every magistrate in Queensland is authorised, under section 290 of the Industrial Relations Act 1999, to sit as an Industrial Magistrate; in Brisbane, one magistrate is designated the Industrial Magistrate. This work occupies approximately 70% of that magistrate’s time, with the balance directed to Commonwealth jurisdiction matters.

Workers’ compensation appeals

The largest part of the Industrial Magistrate’s work is hearing appeals from decisions of Q-Comp, the statutory regulator for workers’ compensation in Queensland. Q-Comp is the decision-maker in appeals from decisions of WorkCover and from approved self-insured corporations and large employers that meet strict guidelines to enable them to fulfil this role.

Since August 2005, a separate body, the Queensland Industrial Relations Commission (QIRC), has also had jurisdiction to hear appeals from Q-Comp decisions. In 2006–07, the first full year in which QIRC heard these appeals, 89 (27.38%) appeals were lodged with the QIRC and 274 (72.62%) with the Queensland Industrial Magistrates Court.

Despite the availability of an alternate forum – and an early trend that suggested the number of appeals to Industrial Magistrates would reduce – there has been, in fact, a 6.8% increase in the number lodged with Industrial Magistrates. In 2007–08, 252 appeals (73.04% of the total) were lodged in the Industrial Magistrates Court, and 93 (26.96%) with QIRC.

This year, approximately 65% (164 appeals) were filed in Brisbane and 35% in suburban and regional courts. This is the same distribution as supported in the previous year.

The appeal may be brought by a worker or an employer. Q-Comp, the decision-maker, is the respondent. In other words, the decision-maker becomes a party to the appeal. In some cases, the party who succeeded before Q-Comp also applies to be heard in the appeal, usually with limited rights to cross-examine witnesses and make submissions at the conclusion of the trial.

This year, 417 appeals were finalised – 180 were resolved non-judicially, 149 withdrawn by appellants, 21 conceded by Q-Comp and ten settled by the parties. Of the 57 appeals finalised in court, four were struck out, 22 were allowed and 31 were dismissed. Employers instigated 32 appeals and workers instigated 202. The other three appeals concerned premiums.
The matters that proceed to trial are usually quite lengthy, with three days being the most commonly allocated hearing time. When parties anticipate that trials in Brisbane will exceed this period of time, they require authority from the Chief Magistrate and are reviewed prior to the trial date to ensure that valuable court time is not wasted.

Under the jurisdiction of the *Industrial Relations Act 1999*, Industrial Magistrates also hear claims, including wages claims, and prosecutions for offences under the Act, including prosecutions against people making fraudulent claims.

**Workplace health and safety prosecutions**

This year, 86 matters under the *Workplace Health and Safety Act 1995* were finalised. Fines imposed totalled over $2.6m, with individual penalties ranging from $3000 to $125 000, depending on the seriousness of the consequences of the infringements.

One of the many serious matters prosecuted this year involved a two-day trial at Maroochydore. The charges related to the death of a cleaner at the Nambour Shopping Plaza when a 900kg electronic security gate fell on her. Four ‘obligation holders’ who were identified with the incident were charged – three have been dealt with by the court and the fourth is currently on a separate trial. In this case, fines imposed ranged from $50 000 to $90 000.

**Enforceable undertakings**

During 2007–08, 23 Workplace Health and Safety Enforceable Undertaking applications and one Electrical Safety Enforceable Undertaking were received from ‘obligation holders’ who were brought before the Court on breaches of the *Workplace Health and Safety Act 1995* or the *Electrical Safety Act 2002*, as applicable.

During this period, eight enforceable undertakings were accepted which resulted in their prosecutions being withdrawn. One enforceable undertaking application was withdrawn by the prosecuting body and one was rejected. These two applications were rescheduled for mention in the Industrial Magistrates Court.

**Electrical safety**

This year, 20 matters under the *Electrical Safety Act 2002* were finalised. Fines imposed totalled $278 250, with individual penalties ranging from $1200 to $28 000, depending on the seriousness of the consequences of the infringements.
The Coroners Court is established under the *Coroners Act 2003*, which mandates the investigation of particular deaths. The Act establishes the role of State Coroner who is responsible for overseeing and coordinating the coronial system. State Coroner Barnes is assisted by Deputy State Coroner Clements; both are full-time magistrates, based in Brisbane. They are responsible for investigating every death in custody in Queensland, as well as any other reportable deaths. Further information about the Court is on page 50.

Although all magistrates are coroners under the Coroners Act, in early 2008, two additional full-time coroners were appointed in response to the continuing increase in reported deaths which, due to population growth and demographic factors, is concentrated in South East Queensland and Far North Queensland. In January 2008, Magistrate Lock became the full-time Brisbane Coroner to assist the Deputy State Coroner to investigate reported deaths in Brisbane. In March 2008, Mr Kevin Priestley was appointed a magistrate and the full-time Northern Coroner. He is responsible for investigating reported deaths from Cairns, south to Proserpine, west to Mount Isa and north to the Papua New Guinea border.

To meet the increasing coronial work in the Gold Coast area, Magistrate Kehoe was allocated to a 0.8 coronial workload in early 2008. Following discussions with the Director-General, a full-time coroner will be appointed to Southport, using a recent magistrate vacancy in Brisbane, to investigate reported deaths in the Southport-Beenleigh area.

The appointment of additional full-time coroners and their support teams has already made an appreciable impact on the processing of coronial files in those regions. These new appointments will continue the high level of coronial service to the local community and are designed to take pressure off local magistrates. They will also help with the continued development of productive and efficient working relationships with local coronial partners, including police and hospitals.
Data from the Office of the State Coroner indicates a consistent increase in the number of reported deaths. In 2007–08, 3514 deaths were reported to coroners across Queensland, compared with 3219 deaths reported last year which represents an increase of 8.39%.

This year, 76 inquests were held in Queensland compared with 109 in 2006–07. Of these, 31 were held by the State Coroner and 12 by the Deputy State Coroner. Inquests of significant public interest conducted during the reporting period include:

- the Inquest into the aircraft crash at Lockhart River where all 15 occupants of an aircraft travelling from Bamaga to Cairns died. The State Coroner recommended changes to the policies and procedures of the Civil Aviation Safety Authority;
- the Inquest into the death of Nardia Annette Cvitic following surgery at the Mater Hospital at Brisbane. The Deputy State Coroner committed Doctor Bruce Ward to trial for criminal negligence for causing Ms Cvitic’s death;
- the Inquest into the deaths of Thomas Dion Waite, Mieng Huynh, James Henry Jacobs and James Michael Gear who were shot and killed by officers of the Queensland Police Service, acting in the course of their duty. The State Coroner made 17 recommendations about the treatment and management of mental health patients and police responses to emergencies of this type; and
- the Inquest into the sinking of the Malu Sara in the Torres Strait which resulted in five deaths. A three-week inquest was conducted on Thursday Island. The State Coroner has reserved his findings.

More detailed information about the operation of the coronial system, the inquests conducted and the recommendations made by coroners this year, can be found in the *Annual Report of the Office of State Coroner* which will be published later this year.
Innovative courts and programs
The Magistrates Court and DJAG have been working together to find new ways to address crime-related social problems such as drug and alcohol dependency, homelessness and other elements of social disadvantage that have led to the over-representation, in the criminal justice system, of people experiencing these conditions. To achieve this, a number of strategies and initiatives have been developed over the past few years.

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

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

The current initiatives supported by the unit are:

- **Homeless Persons Court Diversion Program Pilot and Special Circumstances List** (Brisbane)
- **Murri Courts** (12 sites including five funded evaluation sites at Brisbane [Adults and Youth], Caboolture, Townsville, Mount Isa and Rockhampton)
- **Community Justice Groups** (42 funded groups and 14 unfunded groups)
- **Queensland Indigenous Alcohol Diversion Pilot Program** (Cairns, Townsville and Rockhampton with outreach to Yarrabah, Palm Island and Woorabinda)
- **Drug Courts** in North and South-East Queensland (Cairns, Townsville, Southport, Ipswich and Beenleigh)
- **Illicit Drugs Court Diversion Program** (All courts)
- **Queensland Magistrates Early Referral Into Treatment (QMERIT)** drug diversion pilot program (Maroochydore and Redcliffe).

A description of each of these courts and programs follows.

### Homeless Persons Court Diversion Program Pilot and Special Circumstances Court List

The Homeless Persons Court Diversion Program Pilot (HPCDP) began in May 2006 with funding under Queensland’s *Responding to Homelessness* initiative. This Court Diversion pilot is an initiative that received funding as a two-year pilot (ending in 2008) in response to the unacceptable level of homelessness in Queensland. The funding provided for the services of a court-based Homeless Liaison Officer.

The program’s objective is to divert homeless people, who are charged with public space offences, to relevant support services, such as health and accommodation services, and to interrupt the cyclical nature of their offending by addressing the underlying causes of their offending behaviour.

Homeless defendants who display complex needs are referred by magistrates for assessment as to their eligibility and suitability for the diversion program which operates from the Roma Street Arrest Courts. It includes referring appropriate people to the Special Circumstances List, which is a specific court convened each Thursday for people who are homeless and who have impaired capacity.

On Thursdays, a variety of key non-government and government organisations attend the court; appropriate defendants, after assessment, get same-day referral to a number of support service providers to meet their needs.

These include Queensland Health’s Homeless Health Outreach Team and the Mental Health Court Liaison Officer, MICAH Projects, Peel Street Drug and Alcohol Clinic, Biala, Brisbane Youth Service, Sisters Inside, HOPE Foundation and HART 4000.

The diversion program continues to assist defendants by case-working with them towards permanent accommodation. Importantly, it provides support and advocacy for defendants while they negotiate the public and private rental market. The program also continues
to assist defendants with lifestyle issues which are frequently another reaction to their inability to secure permanent housing.

Since the commencement of the pilot, 692 people have been referred to the diversion program, of which 385 referrals were assessed as eligible, with 320 of those referred to services to address accommodation, health and other offence-related needs.

**Special Circumstances List**

The Special Circumstances List is a court process to deal with people whose personal circumstances, such as mental illness or intellectual impairment, have contributed to their offending behaviour.

It convenes on Thursdays at the Roma Street Arrest Courts and provides a separate path through the court process for adults charged with summary offences who are:

- homeless
- suffer from impaired decision-making capacity as a result of either mental health issues, intellectual disability or brain/neurological disorders
- pleading guilty to summary offences.

The magistrate, in determining bail conditions and sentence, considers both the facts of the offence and the circumstances of the offender. The magistrate also consults with social services located at court (such as the Mental Health Liaison Officer) and the offender’s personal support networks about how to achieve justice. Government and non-government service providers may also be called on to provide information and advice to the Court, particularly as there is no specialist Liaison Officer for people with cognitive or intellectual impairments.

This pilot was evaluated in 2007 and the report, which was delivered to DJAG in early 2008, will be used to develop further submissions to government on resourcing this initiative in 2009 – 10 and beyond.

**Courts held in Indigenous communities**

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

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

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

**Reaching out to remote communities**

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

> Our court remains committed to accessible justice to Indigenous communities... To achieve this, we are aiming to increase the number and range of services that we provide for these communities.... This will enable us to spend more time than was previously available to meet with Community Justice Groups and to address sentencing issues. It will provide the opportunity to consider more innovative practices in conjunction with those groups and lead to the reintegration of offenders into their communities.

That commitment was recently demonstrated by the opening of eight new courts in the Torres Strait island communities of Mer, Saibai, Boigu, Yam, Yorke, Damley, Moa and Warraber.
In addition, the time the court spends at Mornington Island and Doomadgee in the Gulf of Carpentaria and in Woorabinda has been extended. The Cooktown circuit now includes the communities of Hopevale and Wujul Wujul. The magistrate will have more time to consider and deliver decisions which are appropriate and meaningful to the offender and the community.

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

Indigenous language interpreters

In Indigenous communities, language can be a barrier to offenders' understanding of how the legal process works, the reason why they are before the court and the reasons for the decisions of the magistrate. Apart from the magistrate using language that is easily understood by the offender, the Court often needs an Indigenous language interpreter to help communicate with the offender. Therefore, it is appreciated that, during 2008, the Attorney-General has initiated an Indigenous interpreters' accreditation project in Aurukun. However, the court is committed to a significant increase in access to interpreters who have knowledge and experience in a wide range of Indigenous languages.

Community Justice Groups

Community Justice Groups have been operating in urban and remote communities since 1993. Responsibility for their funding and operation was transferred from the Department of Aboriginal and Torres Strait Islander Policy (DATSIP) to DJAG on 1 July 2006.

There are two types of Community Justice Groups — Statutory and Non-Statutory. The Statutory Community Justice Groups operate in discrete Indigenous communities, usually in remote areas and are established by regulation under the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984. This act confers a legislative role on the Community Justice Groups. In dealing with alcohol management issues, Non-Statutory Community Justice Groups operate in both urban and regional areas of Queensland and a new Community Justice Group was established at Caboolture this year.

Each Community Justice Group is made up of volunteers from the elders and respected persons in the community. The coordinators of each group receive administrative support from a Regional Advisor employed by DJAG. Departmental grants fund 42 groups in Queensland and provide support to a further 14 operating on the Torres Strait islands. The main aims of these groups are to:

- develop networks with agencies in their respective community to ensure that issues affecting Indigenous communities are addressed and have a particular focus on the development of crime prevention programs
- support Indigenous victims and offenders at all stages of the legal process
- support group members to participate in court hearings and sentencing processes as required by statute
- encourage diversionary processes such as civil and criminal mediation, youth justice conferencing, community service orders and supervised orders
- monitor, regulate and advise the relevant government agencies on issues about the possession and consumption of alcohol in a community area (Statutory groups only).
Under the Penalties and Sentences Act 1992, Juvenile Justices Act 1992, Childrens Court Act 1992 and the Bail Act 1980, when dealing with Aboriginal and Torres Strait Islander offenders in Queensland, judicial officers must take into consideration the submission of interested local Community Justice Groups.

This year, in response to a recommendation from Professor Chris Cunneen’s Evaluation of the Queensland Aboriginal and Torres Strait Islander Justice Agreement, DJAG established a State-wide Reference Group. To develop the capacity building of the Community Justice Groups, Professor Cunneen said regular meetings, on a state and regional level, were needed to discuss common issues and develop strategies and approaches to justice issues.

The State-wide Reference Group consists of two Community Justice Group representatives from eight regions of Queensland, together with representatives from DJAG, the judiciary, the Aboriginal and Torres Strait Islander Legal Service and other government agencies.

Representatives from Community Justice Groups located in the same region came together for regional training forums and discussed topics from the State-wide reference groups and participated in appropriate training. These forums were held in Toowoomba, Cairns, Weipa, Townsville and Thursday Island. Three days of the four-day forums are devoted to providing training to community justice members in job-relevant units from a Certificate IV in Business (Governance). This is delivered as an accredited TAFE course, with the first day spent assessing prior learning and awarding credits where appropriate. The following two days are spent on the first three subjects of the certification. Following the initial work at the regional forum, participants can then continue their study towards the formal qualification through video-conferencing, teleconferencing and internet activities. For regions that obtain sufficient enrolments, a TAFE teacher will travel to the centre to conduct face-to-face training.

This is another demonstration of the commitment of these volunteers who give so generously to improve their communities and the way justice is delivered. Undertaking this accredited training program has helped develop their skills and has led to graduates having a greater understanding and appreciation of their roles and responsibilities.

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Communication with Justice Groups

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

Only through consultation, during the court process, with Community Justice Groups, elders and other respected persons, can magistrates make culturally appropriate decisions. By understanding the issues in the community that result in offending behaviour, magistrates can then support Community Justice Groups in their efforts to rehabilitate offenders, advance positive life style and behaviour change, and restore community values. Community Justice Groups are in the best position to assess the need for initiatives which rehabilitate individuals and repair fractured family relationships.

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

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

Justices of the Peace

Many remote communities have resident Justices of the Peace (JPs) who, with access to more training, could hear minor matters in their community as they arise. With the department’s increase in emphasis on training for JPs, as well as for Community Justice Groups, there is a much greater opportunity for meaningful involvement of Indigenous people in the justice system, which would have significant benefits for these communities and for justice itself.

Murri Court

In January 2007, specific government financial support was provided to the then existing five Murri Court locations. Since then, local Indigenous communities and local magistrates have continued to work together to establish Murri Courts where they are needed and wanted. As a result, seven more Murri Courts have been established. Murri Courts now operate in Brisbane, Caboolture, Cleveland, Coen, Ipswich, Caloundra, Cherbourg, Rockhampton, Townsville, Cairns, Mount Isa and St George as well as a separate Brisbane Childrens Court. The five Murri Courts that were operating before January 2007 are under evaluation for three years to assess the program against a number of goals. The allocation of dedicated Murri Court staff by DJAG has helped in establishing local agreements and in arranging orientation training for new Murri Court elders to guide them in their court role.

These Murri Court Coordinators also collect evaluation data and develop programs to support Murri Courts. The Murri Court Evaluation Project is overseen by an inter-departmental committee on which the Court is represented by the Chief Magistrate and Deputy Chief Magistrate.

Over the past 12 months, several key state-wide initiatives have begun:

- A full review of the work of the ‘evaluation’ Murri Courts has started. Each court has operated relatively independently and has developed contrasting approaches and responses to local Indigenous
community issues. The successful functioning of several different Murri Court models has made clear the potential scope of Indigenous courts.

- Forty-one Queensland Murri Court delegates, including magistrates, Indigenous elders and staff from 10 court locations, attended the Australasian Institute of Judicial Administration (AIJA) Indigenous Courts Conference in Mildura from 4 – 7 September 2007. Queensland police personnel and Aboriginal legal representatives also attended. This joint attendance fostered further cooperation and appreciation of the roles of Queensland’s court partners and demonstrated the broad-based commitment to the Queensland Murri Court program.

- The evaluation requirements of the Murri Court program saw the development of a Murri Court database to record the outcome for defendants through the program. This database has the capacity to monitor recidivist behaviour through a link to the Queensland Wide Integrated Courts (QWIC) database and provide quantifiable data on any return of offenders into the justice system after Murri Court.

- A Murri Court DVD was produced to demonstrate the range of involvement of Murri Court elders in the Court, to use as an information and education tool, and to honour their commitment as volunteers to improve justice outcomes for their communities.

- Regular newsletters and brochures have been initiated to increase the knowledge and understanding of the work of the Murri Courts.

- Following the Court’s Artsearch Awards, several Indigenous artists donated artworks with law and justice messages to various courts and allowed reproduction of the art to be used by the Murri Court in literature, creating greater engagement with and involvement of Indigenous communities. The Artsearch award winners are represented on the back cover of this report.

- Having full-time coordinators has allowed the development of Murri Court focused programs, such as an employment skills program in Brisbane, elder involvement in Youth Conferencing in Caboolture, and an Indigenous Men’s Group and Women’s Group in Mount Isa, to increase options for appropriate intervention in the problematic behaviour of defendants.
During the three-year evaluation period which ends in December 2009, government will fund the Court for the first five Murri Courts established in Queensland. The seven more recent Murri Courts still operate within the limited general resources of the Courts and DJAG. Despite the uncertainty around ongoing funding, growing numbers of Indigenous communities are supporting the establishment of Murri Courts in their areas and several more Murri Courts are expected to open in the coming year.

The 2008 a Queensland Murri Court Conference was held at the Bardon Conference Centre on 22 and 23 May 2008. Magistrates, Murri Court elders and respected persons, Community Justice Group members and other court participants (such as the Queensland Police Service, Legal Aid Queensland, ATSILS, and Queensland Corrective Services) attended from the 12 Murri Court locations around Queensland. The Chief Magistrate, Marshall Irwin, Deputy Director-General of DJAG, Mr Peter McKay, Director of Courts Innovation Programs, Mr Peter Kent and key evaluation personnel from the Australian Institute of Criminology were also present. A wide variety of issues were canvassed and the outcomes and actions of the conference have been committed to an Action Plan which will guide Murri Court program development over the coming year.

The conference was stimulating and vibrant. All participants committed to working in an environment which actively demonstrated a greater understanding of, and commitment to improving, the criminal justice system as it relates to the experiences of Aboriginal, Torres Strait and South Sea Islander people. A celebration at the conference was the reflections on the successful operations of the growing number of Murri Courts now established throughout the State.

A highlight of the conference occurred during the final session when the participants were able to view a “pre-launch version” of the completed Murri Court DVD. The presentation was well received and recognised through generous applause by the conference delegates. The DVD will be officially launched by the Attorney-General in early 2008 – 09.

Greg Wiman (Murri Court Manager) leads a workshop with participants representing government and non-government agencies which support the Murri Court state-wide at the inaugural Queensland Murri Court Conference at Bardon Conference Centre in May 2008.
Queensland Indigenous Alcohol Diversion Program

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

To make this program a reality, eight government agencies and a number of non-government organisations have come together to work with Indigenous offenders and parents who have exhibited alcohol-related offending, or who live in situations where the misuse of alcohol has a negative effect on their ability to provide a safe and secure environment for children. DJAG officially took over responsibility as lead agency in January 2008 and will manage the program during the life of the pilot.

The features of the QIADP criminal justice stream includes:

- bail-based pre-sentence program (can still plead not guilty at end of program)
- voluntary 20-week program designed to reduce alcohol consumption which leads to criminal and parental neglect behaviours
- eligibility is determined by the magistrate (must be at least 17 years old, be of Indigenous descent, eligible for bail, and be charged with offences that can be dealt with summarily)
- suitability is determined by an Alcohol, Tobacco, and Other Drugs Service clinical assessment (motivation, programs required and availability)
- participants are placed on an Individual Treatment Plan developed by Queensland Health which has input from Community Justice Groups and Indigenous service providers
- the Plan is endorsed by the Court and the defendant is placed on bail on condition they participate in the QIADP program
- successful completion must be taken into consideration by the magistrate in mitigation of the penalty when the defendant is ultimately sentenced (Penalties and Sentences Act 1992 section 9 (2)(o) applies).

At 30 June 2008, there had been 260 referrals to the program and a total of 11 participants have graduated, with 3 in Cairns, 3 in Townsville and 5 in Rockhampton. At 30 June 2008, there were 51 active participants in QIADP. The program is being evaluated and a final report will be delivered to the Queensland Government in July 2009.

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

- improved family life, such as more stable relationships, enhanced parenting skills, and reunification of families
- enhanced community protection as participants are closely monitored during their participation in the treatment program
- improved personal health and social functioning of participants, leading to reduced demands on health services
- more appropriate sentencing of offenders based on detailed information obtained during their participation in the program
- ongoing support and assistance for offenders, such as education, employment, accommodation and health care
- reduced numbers of re-offenders, leading to cost savings for the community and the criminal justice system.

In Protocol 2 of 2008, Chief Magistrate Judge Irwin provided the structural processes necessary to ensure the Court can practically and effectively adopt and implement the program.
The magistrates at Cairns, Townsville and Rockhampton (including circuit magistrates to Yarrabah, Woorabinda and Palm Island) have given a great deal of support to the program by setting aside specific call-over days in their extremely busy court calendars to ensure there is enough time for the matters to be appropriately and sufficiently heard and determined.

**Drug Court**

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

Drug Courts are set up to achieve five specific goals:

- to reduce the illicit drug-dependence of offenders
- to reduce the criminal activity associated with illicit drug use
- to reduce the health risks associated with illicit drug use by offenders
- to promote the rehabilitation of drug offenders and their reintegration into the community
- to reduce the pressure on court and prison systems.

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

The length of each Drug Court Order is based on individual offender circumstances, but most offenders who persevere on the program require around 12 to 18 months to complete all of the three phases – detoxification, stabilisation, and reintegration. Whilst on the program, participants may be required to undergo rehabilitation in a residential centre setting, or they may be required to undertake community-based intervention. A supported-accommodation setting is also available to assist in re-establishing appropriate resettlement goals in the short term.

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

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

As at 30 June 2008, 1853 referrals have been made to the Drug Court, from which 1070 Intensive Drug Rehabilitation Orders (IDROs) have been made in the five Queensland Magistrates Courts that offer the program. At this time, 727 ineligible candidates were returned to the mainstream courts for sentencing. Although 285 participants have successfully graduated from the program, 653 participants have been terminated from the program and sentenced, having been unable to remain drug and offence free, despite the intense supervision and support provided to them.

Because graduates have persevered on the program to completion, they have been sentenced, on graduation, to alternatives to actual imprisonment; consequently, the community has been saved the cost of resources...
equivalent to 409 years of actual imprisonment time. At 30 June 2008, there were 105 active participants in the Drug Court program.

By region, the Drug Court has supervised the following participants as at 30 June 2008:

<table>
<thead>
<tr>
<th>South East Queensland</th>
<th>Townsville</th>
<th>Cairns</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number currently enrolled</td>
<td>100</td>
<td>24</td>
</tr>
<tr>
<td>Number in community</td>
<td>49</td>
<td>10</td>
</tr>
<tr>
<td>Number in residential rehabs</td>
<td>31</td>
<td>9</td>
</tr>
<tr>
<td>Number absconded (warrants)</td>
<td>20</td>
<td>5</td>
</tr>
<tr>
<td>Total number referred</td>
<td>1380</td>
<td>270</td>
</tr>
<tr>
<td>Total IDROs granted</td>
<td>790</td>
<td>171</td>
</tr>
<tr>
<td>Total number terminated</td>
<td>483</td>
<td>496</td>
</tr>
<tr>
<td>Total number graduated</td>
<td>210</td>
<td>43</td>
</tr>
</tbody>
</table>

At 30 June 2008, 41 participants were accommodated in specialised residential Rehabilitation Centres such as Mirikai, Moonyah, Logan House, Fairhaven, Goldbridge and Goori House in South East Queensland and Stagpole Street, Ozcare and Salvation Army facilities in North Queensland; 33 participants were also accommodated in both Accommodation Support Programs in both regions.

With the passage of time, the Drug Court has evolved and new challenges emerge. For example, the introduction of parole may have contributed to a reduction in the number of defendants choosing referral to Drug Court as, even if sentenced to a significant term of imprisonment, defendants expect to be released on parole after serving one-third or one-half of their sentence. Because the minimum length of an IDRO is nine months if there are no breaches, many defendants choose the simpler option of imprisonment with parole, which does not involve the close supervision of Drug Court. Some elect an IDRO and, after completing part of the program, choose to terminate the IDRO to undertake and receive their original sentence. This would show in the statistics as a failure; however, participants who complete part of the program are thought to benefit significantly from their exposure to the variety of services available to them.

Some of the other emerging issues are demonstrated by referring to the experience of the Townsville Drug Court.

In Townsville, the previous practise of Queensland Corrective Services (QCS) to allocate dedicated Corrective Service Officers to supervise participants on IDROs has changed. The officers now are responsible not only for IDROs, but for an entire range of offenders on supervised orders – dangerous offenders, sex offenders, those on Intensive Corrective Orders, parolees and probationers. The previous arrangements enabled a true therapeutic relationship, consistent with the spirit and philosophy of the Drug Court, to be cultivated between the IDRO participant and the Corrective Services Officer, and meaningful case management occurred. It was not limited to surveillance and risk management which is now the case.

Further, the mobile drug court van which travelled to the offenders location – either their residence, place of work, or community service work site – to carry out random urinalysis drug testing has been taken out of commission. Instead participants must, on receiving a phone call, travel immediately to either Townsville or Thuringowa own QCS offices for urine testing.
The majority of participants are either unlicensed or disqualified from driving; if licensed, they do not have access to a motor vehicle and are reliant on friends or family to transport them. For those who do not have such support, they must use either bicycles or public transport; however, public transport is extremely limited, particularly for those living in outlying suburbs. A participant riding a bicycle was injured in an accident. Another was no longer able to attend when his elderly father, who had driven him previously, was diagnosed with cancer. The participant elected to be terminated from the program. This illustrates the impossibility for many participants with transport difficulties to attend for testing.

Employment is difficult for participants to find because they need to take significant time off work for testing at the QCS offices and, as re-engaging with the workforce is a significant aim of phase 3 of IDRO, the loss of the mobile van is likely to have an impact on the ability of participants to gain and hold employment and complete the program successfully.

It is pleasing that QCS has recognised the Drug Court’s expectations that random testing will be undertaken on all participants because of the emphasis on the offender’s abstinence of illicit substance. They are developing a random saliva testing pilot for Drug Court participants supervised at Townsville and Cairns. It is hoped that this pilot will commence prior to the end of 2008.

Another issue is that, for a considerable time, the only programs available for participants have been those offered by community agencies, which are not specialist deliverers of criminogenic programs. For this reason it is again pleasing that QCS advises that it is committed to developing sustainable service delivery models for criminogenic programs agency wide. This is essential if IDROs, or for that matter Probation Orders, are to be effective sentencing options.

Townsville also has a significant Indigenous population and, unfortunately many people are introduced to drug use early and become caught up in the court system through their behaviour and negative peer associations. The Drug Court does not have resources to run an Indigenous-specific program; however, an Indigenous support officer was recently appointed to the court to improve outcomes for Indigenous participants. We hope that, with increased sensitivity to cultural issues and enhanced legitimacy amongst Indigenous clients of the court, better outcomes will be achieved. The exact parameters of the role are being developed with experience and it may also be possible for the officer to support the Queensland Indigenous Alcohol Diversion Program and the Murni Court in the future. There is potential for this to be a real advance in the operation of our innovative court programs in Townsville.
Illicit Drugs Court Diversion Program

The Illicit Drugs Court Diversion Program, funded by the Commonwealth Department of Health and Aging through the Queensland Illicit Drug Diversion Initiative, began in the Brisbane Magistrates Court district in March 2003 and was extended to all Magistrates Courts throughout Queensland in July 2005. The Illicit Drugs Court Diversion Program is for offenders appearing in court in the early stages of drug-related criminal behaviour.

Initially, the program was offered to eligible offenders charged with minor drug offences under section 9 (possession of a dangerous drug) and section 10(2) (possession of a drug utensil) of the Drugs Misuse Act 1986. However, the scope was expanded when legislation was passed in September 2007, which allowed offenders charged under section 10(4) of the Act (fail to dispose of a syringe and fail to take reasonable care with a syringe) to be included on the program.

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

The flow chart below summarises the statistical information on this program from inception to 30 June 2008.

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

A detailed review of recidivism patterns of program graduates was undertaken in November 2007. An analysis of all age groups, including juveniles, was examined for the period 2003 to 2007. The results indicate that the re-offending rate for program graduates is significantly lower (30%) for first-time offenders compared with program graduates with a history of court appearances (67%). These figures indicate that program participation, at least in the short term, could be a factor in reducing or delaying further illicit drug use and criminal drug activity.

Total diversion assessments 14301

Result: not diverted 1673
Result: diverted into program 12628 (100%)

Diversion program completed 11258 (89.2%)
Diversion program terminated 1172 (9.2%) 1370
Diversion process incomplete 198 (1.6%)
Queensland Magistrates Early Referral Into Treatment Program

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

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

While on bail, the offender is obliged to engage in a drug treatment program, abide by any other conditions of bail and comply with the QMERIT Court Liaison and Case Management Service Agreement. Participants have the support and guidance of a caseworker and are required to appear before the magistrate throughout the bail period, during which time the magistrate receives reports on the progress of the treatment.

Table 10 shows the outcome statistics, as at 30 June 2008, of the offenders referred to the QMERIT program at Maroochydore and Redcliffe Courts.

Latrobe University researchers began an evaluation of the program in June 2007 and completion is due in August 2008.

<table>
<thead>
<tr>
<th>Table 10: QMERIT referral outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>Total: all referrals</td>
</tr>
<tr>
<td>Eligible referrals:</td>
</tr>
<tr>
<td>Admitted to Program</td>
</tr>
<tr>
<td>Ineligible referrals: (reason)</td>
</tr>
<tr>
<td>(Charged with indictable offences)</td>
</tr>
<tr>
<td>(Not an adult)</td>
</tr>
<tr>
<td>(No demonstratable drug problem)</td>
</tr>
<tr>
<td>(Not eligible for bail)</td>
</tr>
<tr>
<td>Unsuitable referrals: (reason)</td>
</tr>
<tr>
<td>(Resides outside of effective treatment area)</td>
</tr>
<tr>
<td>(Already in court ordered treatment)</td>
</tr>
<tr>
<td>(Mental health problem)</td>
</tr>
<tr>
<td>(Unwilling to participate)</td>
</tr>
<tr>
<td>(Other)</td>
</tr>
<tr>
<td>Pending assessment referrals:</td>
</tr>
<tr>
<td>Total: admitted to program</td>
</tr>
<tr>
<td>Current participants</td>
</tr>
<tr>
<td>Completed not graduated (not drug free)</td>
</tr>
<tr>
<td>Breached</td>
</tr>
<tr>
<td>Withdrew</td>
</tr>
<tr>
<td>Graduated</td>
</tr>
<tr>
<td>Total: Principle drug of concern</td>
</tr>
<tr>
<td>Cannabis</td>
</tr>
<tr>
<td>Amphetamines</td>
</tr>
<tr>
<td>Opiates</td>
</tr>
<tr>
<td>Poly drug</td>
</tr>
<tr>
<td>Other</td>
</tr>
</tbody>
</table>
Judicial and courtroom technology
IT support for magistrates’ technology

The Information Technology Services Branch of DJAG have previously provided IT support to the Magistrates Courts including judicial officers and registry staff. However, from 30 June 2008, magistrates will be supported by the departmental group that provides IT support to judges of the Supreme and District Courts. To ensure consistency of service, support will be consolidated for all judicial officers and the same systemic and security standards to all judicial documents and data will apply. There will be no change to the arrangement for the Courts’ registry staff.

Courtroom technology

Courtroom technology operating at Queensland Magistrates Courts supports digital recording of courts and playback of digital evidence, with 43 courts also catering for videoconferencing and 36 courts with vulnerable witness testimony rooms.

Digital recording

Magistrates Courts’ proceedings are now digitally recorded throughout Queensland. The Depositions Clerk operates the recording equipment each court day and the data is automatically transferred, by DJAG’s secure network, to a central archive where it is stored and accessed either for playback, review or distribution for transcription. This centralised approach ensures the court record is securely maintained and managed, without the risks of physical transport and storage of tape-based recordings.

The State Reporting Bureau now supplies electronic transcripts by email to magistrates. The Bureau aims to reduce or eliminate the distribution of paper transcripts. The format and style of transcripts has been standardised across the Supreme, District and Magistrates Courts. Whilst there have been some problems with the evolving technology for ordering and receiving transcripts, the problems are being rectified and sufficient safeguards are being put in place to ensure they are resolved.

Evidence playback

Digital evidence playback is increasingly required in court because the Queensland Police Service is upgrading to digital formats for records of interview. The courts are responding with the upgrading of existing CCTV/video court facilities and the deployment, throughout the state, of evidence playback trolleys (62 deployed in 2007 – 08). The playback trolleys provide large plasma screens, a DVD/VCR and connection facilities for computer-based evidence.
Videoconferencing

Videoconferencing continues to be an effective way for evidence to be given by witnesses in remote locations (intrastate, interstate or overseas), by protected or vulnerable witness, and by defendants from the security of correctional institutions. Queensland Magistrates Courts now have 43 in-court videoconference systems and have access to 36 vulnerable witness rooms that link to the courtroom systems that can also be used for remote witness videoconferencing into courts. Over the coming year, new videoconference/video court systems will be installed in an additional 22 courts to increase community access to justice:

- Atherton
- Beenleigh
- Cairns
- Charleville
- Charters Towers
- Chinchilla
- Cleveland
- Coolangatta
- Gladstone
- Goondiwindi
- Gympie
- Innisfail
- Ingham
- Kingaroy
- Mareeba
- Mossman
- Noosa
- Normanton
- Palm Island
- Southport
- Tully
- Warwick

The expansion of the videoconference network will further increase opportunities for Queensland Correctional Centres to use these facilities for court appearances to minimise the transport of prisoners which has inherent expense and risks.

The most recently constructed facility is at the Arthur Gorrie Correctional Centre (which is due to open in July 2008). This facility has a purpose-built video court centre housing seven video court cells, four telephone booths and two large holding cells. When this facility opens, our courts will schedule daily or weekly links for video court appearances.
The following table shows where the video facilities are located. It identifies where the vulnerable witness rooms and CCTV courts are located because, although the vulnerable witness room is linked to the courtroom, there is no videoconference facility to external locations. The table also shows where WiFi services are located. This service provides free broadband internet access, using wireless technology, to people attending our courts.

Table 11: Technology and facilities in Magistrates Courts

<table>
<thead>
<tr>
<th>Location</th>
<th>No. court rooms</th>
<th>Vulnerable witness room</th>
<th>*CCTV Courts</th>
<th>**Video Courts</th>
<th>*** Wi-Fi</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beenleigh</td>
<td>6</td>
<td>1</td>
<td>2</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Bowen</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brisbane Roma St</td>
<td>3</td>
<td></td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brisbane George St</td>
<td>24</td>
<td>4</td>
<td>7</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>Brisbane Childrens Court</td>
<td>3</td>
<td></td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Caboolture</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
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*CCTV Courts: Close Circuit TV-Video and sound from one room the same Courthouse to the court. This is via a direct link (usually from the VW room)

**Video Courts: Video Conferencing Courts-Video and Sound World wide-not just from one room in the same court.

***WIFI in Courts: Wireless Fidelity-Provides a connection from the courts to the outside world. Mainly for use by Defence Council, to obtain documentation from their offices.

Technology upgrades for magistrates

All magistrates now have new laptop computers. Docking stations have been located in their chambers and on the court benches so magistrates can use the laptops where required and, thus, are able to take their ‘mobile office’ with them.

Connecting circuit courts

The magistracy is constantly seeking technological improvements to enhance their ability to provide effective justice delivery.

When doing circuit court to remote locations, Magistrates have a critical need for access to computers and the court network. In response, the Court Connectivity Project (CC Project) has delivered a technical solution to provide access to the data network via 3G wireless broadband. During this year, a limited pilot was conducted with magistrates in Cairns who do the remote circuit work to the Torres Strait Islands and the Cape area. The pilot technology used was a 3G USB connection card and a wireless antenna that plugged into the computer. The pilot was a success and computers have now been developed with the 3G modem and antenna installed internally in the laptops so they are more robust and easier to transport.

The initial deployment group for the new laptops includes all magistrates who go on circuit in Queensland where remote access is required on circuit.

The State and Northern Coroner and all Co-ordinating Magistrates will use the new service which was introduced from late May 2008.

The solution provides access to all software applications via a ‘remote desktop’. The remote connections enable magistrates to access legislation and conduct legal research online as well as to access the intranet, emails and applications such as word processing to prepare decisions. The court clerks have also been provided with a similar system so they can produce the orders and enter the results in the state-wide electronic QWIC system immediately. This cutting edge technology is another step towards our goal to be a modern, flexible judiciary with full access to resources, through a mobile office on computer.

This service will help victims, witnesses, defendants and others in remote locations who would otherwise have to make lengthy journeys to be heard by the court. A new Torres Circuit began in January 2008 and court is now held on Badu, Boigu, Darnley, Mer, Moa, Saibai, Warraber, and Yorke Islands which means local Islanders do not have to make the expensive, lengthy and sometimes dangerous journey to Thursday Island for court matters.

Travelling to these remote locations for court brings unique challenges and the CC Project has been able to develop a solution so that the Court can hear the matters and Court Orders can be produced during proceedings. This brings greater efficiency and greater access to justice for remote communities.
From the desk of the
Director of Courts

The 2007 – 08 financial year has seen dynamic change across the Magistrates Courts. This year we have seen the reassignment of the focus of the Regional Services Managers to a whole-of-department approach, the expansion of a number of court diversion initiatives to regional centres and the introduction of the Judicial Registrar Pilot Program.

We also welcomed two new business areas into the structure of the Magistrates Courts Branch – the Statistical Analysis Unit and Justice Services Support. The Magistrates Court Branch now comprises:

- Office of the State Coroner
- Courts Innovation Programs
- Statistical Analysis Unit
- Justice Services Support.

The ongoing dedication, commitment and ability to adapt to change by the staff of the Magistrates Court has delivered enhanced front line services to our clients in the Queensland community.

I would like to take this opportunity to congratulate our new appointees as Clerks of the Court during the year. They are:

- Mark Hyslop, Proserpine
- Luke Fitzpatrick, Taroom
- Christine Monaghan, Cunnamulla
- Benjamin Bawden, Richmond
- Leslie Haylock, Coolangatta
- Arlene Cairns, Hughenden
- Susie Sampson, Mossman

The Court Administration Division of the Magistrates Court Branch saw the arrival of some new faces this year.
Madden, former Richlands Magistrates Court Registrar, was appointed Executive Manager of the Magistrates Court Branch in January 2008. Paul Ramage was appointed Manager of Courts Capability and Development Unit (CCDU) in April 2008 and, in March 2008, Bernard Harvey was seconded to the position of Business Services Unit Manager. This position was formerly undertaken by Lisa Pennisi, who I sincerely thank for her tireless work in establishing this developing role.
**Multicultural understanding**

To ensure the Magistrates Court delivers an open and accessible justice system, staff are addressing issues experienced by culturally and linguistically diverse sections of the Queensland community when they interact with the court system.

Staff from the Magistrates Courts Branch have attended cultural awareness training about specific African and Pacific Islander cultures. They have also been involved in recruiting members of culturally and linguistically diverse communities by assessing candidates in assessment centres. In addition, staff have participated in external multicultural events to provide and gain information from our many culturally and linguistically diverse communities.

Activities have included facilitating information sessions with the Sudanese community to help break down misconceptions and provide a better understanding of the Queensland court system.

During our meeting with Sudanese community representatives, the issues and challenges that are particularly relevant to JAG were identified. They include:

- a lack of understanding of the Australian legal system
- inaccessibility of information because legal material is written or web-based and the majority of Sudanese community members are unable to access it
- strategies are needed to help the Sudanese community overcome their perceptions of the Queensland justice system.

Liaison has continued with leaders of the Sudanese community to develop preferred methods of providing information and to ensure the department's services are more accessible to the community.

**Judicial support**

**Judicial Registrars**

One of the most significant initiatives introduced to the Magistrates Courts in 2007 – 08 was the Judicial Registrar Pilot Program which began on 7 January 2008, with the appointment of five Judicial Registrars, two of whom are part time.

The role of the Judicial Registrar is to finalise less complicated civil and criminal matters including small claims, minor debts and hand-up committals to release magistrates so they can determine more complex matters in a timely manner. This has resulted in a reduced backlog of work, fewer delays in hearing criminal and civil matters, and is proving effective in the long term management of court workloads.

Judicial Registrars are located at Brisbane, Beenleigh, Southport, and Townsville Magistrates Courts. The placement of a Judicial Registrar in the North Queensland area was an initiative to determine the efficacy of the model outside the South East Queensland region. The pilot program is for two years and a review of its effectiveness will commence in early 2009. If the model is successful, placements of Judicial Registrars in other Queensland centres will be considered.
Depositions Clerks

Each Magistrate relies on the daily administrative support from officers from the court registry who act in the role of Depositions Clerk. The primary role of this position is to assist the Magistrate and parties in court. The Clerk is also required to act as Court Officer and Recorder.

This role entails preparing the court room for court, ensuring relevant court files are before the court, noting the appearances of case parties, ensuring court protocols are maintained and accurately processing all court related documentation on the Court’s databases. Other duties include the audio recording of court proceedings. The court recording operation is now almost always done by means of digital recording. Depositions Clerks also operate video conferencing facilities and computer software applicable to the Magistrates Court.

The position is one of trust and responsibility. The duties are extensive and the actual work performed varies considerably across courts, and continues to diversify with the upgrading of court technology and extension of court circuits in remote and regional areas.

This important role is currently contained within a generic role description of a Client Services Officer. In recognition of this evolving role of a Depositions Clerk, work is being undertaken to update and provide a distinct role description of a Court Services Officer. Consultation is continuing with stakeholders with the intention of the delivery of a specialised position created for the dedicated long term support of the court.
Court administration

Statistical Analysis Unit

The Statistical Analysis Unit undertakes project work to improve the department's management of performance information and statistical data. Formerly attached to the Deputy Director-General’s office, the unit joined the Magistrates Court Branch on 25 March 2008, as part of the department’s ‘Blueprint for the Future’.

Managed by Daryl Villalba, with three statistical officers, the unit:

• collates and prepares statistics for advice to:
  – the Attorney-General and Minister for Justice
  – other justice agencies, media and stakeholders

• co-ordinates the annual data collection for the Australian Government’s Report on Government Services and Criminal Courts Australia publications

• liaises with and assists the following organisations with the collection of statistics:
  – National Criminal Courts Statistics Unit
  – Australian Bureau of Statistics
  – Court Practitioners Group
  – Council of Australian Governments – Steering Committee
  – Office of Economic and Statistical Research

• represents the Department of Justice and Attorney-General at various inter-departmental and inter-government forums and working groups.
Office of the State Coroner

The Office of the State Coroner supports the State Coroner to administer a coordinated coronial system throughout Queensland. The Office provides legal and administrative support to the State Coroner, the Deputy State Coroner, the Brisbane Coroner, the Northern Coroner as well as local coroners and registry staff in Magistrates Courts across the State.

Brigita White is the Registrar of the Office which has approximately 27 staff. In May 2008, Ainslie Kirkegaard was temporarily appointed to the role until December 2008.

A new Coronial Case Management System, designed to significantly improve the management of coronial files, is currently under development. It will provide more detailed and accurate information about coronial files and will interface with the National Coroners Information System.

The design specifications were settled in April 2008 and the new system will be implemented from 1 October 2008.

The Office also provides publicly accessible information to families and others about coronial matters, as well as maintaining a central point of contact for the coronial system. Following a revision of the website of the Office of the State Coroner, there is now a monthly list of inquest matters on the site which has significantly improved communication on upcoming matters of interest.

The office has participated in regular forums with key stakeholders, including Queensland Health, the Queensland Police Service and representatives of the funeral industry to improve communication and interaction between coronial partners.
Registry operations – Regional reports

Following the department’s new organisational arrangements, introduced in March 2008, the six Queensland Regional Services Managers, who were formerly attached directly to the Magistrates Court Branch, now oversee regional operations on behalf of the entire Department of Justice and Attorney-General. They are based in Cairns, Townsville, Rockhampton, Maroochydore, Toowoomba and Brisbane.

I thank the Unit Managers and Regional Services Managers for their efforts in achieving a smooth transition to the new structure, which has seen the Magistrates Court Branch become a client of the whole-of-department focused Regional Services Managers. The impact on workflow has been minimal, so it has been business as usual for all Magistrates Court Branch staff.

I congratulate Michael Webb on joining the ranks of the Regional Services Managers. Formally the Executive Manager of the Magistrates Court Branch, Michael was appointed Regional Services Manager, Central Queensland, in October 2007. Owen Glover, from Office of Fair Trading, was temporarily appointed Regional Manager, Sunshine Coast Wide Bay in April 2008.

South East Region

The area covered by Regional Services Manager, South East Queensland (SEQ), Sean Harvey, includes:

- 9 Magistrates Court registries
- 2 Supreme and District Court registries
- 1 State Reporting Bureau centre
- 1 Dispute Resolution Centre
- 1 Office of Fair Trading Centre.

Regional highlights include:

- There has been increased engagement with multicultural groups in SEQ over the 2007 – 08 period. To open up communication and help develop relationships, the Brisbane Magistrates Court hosted an information session for leaders of the Sudanese community. The session, which was organised by the Refugee and Immigration Legal Service was an important step towards building more effective communication and relationships with culturally and linguistically diverse communities within the region.
- The SEQ Murri Courts in Brisbane and Cleveland continue to extend the capacity of those Courts to meet the needs of Indigenous people within the justice system and the Drug Court continues to provide effective court diversion for participants at Beenleigh and Southport.
- Queensland Law Week 2008 was opened in the Brisbane Magistrates Court on 10 May 2008 by the Attorney-General and Minister for Justice, Mr Kerry Shine MP. Various information stands, court displays and mock court hearings, conducted by magistrates, help members of the community, particularly young people, to better understand the court process and the justice system.
- Staff attended various Regional Managers Coordination Network meetings, Regional Community Forums and other local stakeholders meetings which have strengthened our ability to understand localised issues and respond appropriately to the needs of the community.

South West Region

The area covered by Regional Services Manager, South West Queensland (SWQ), Len Radnedge, includes:

- 16 Magistrates Court registries
- 2 Supreme Court registries
- 9 District Court registries
- 2 QGAP offices with DJAG as lead agency
- 2 State Reporting Bureau centres
- 1 Office of Fair Trading centre.

Regional highlights include:

- In September 2007, the Attorney-General and Minister for Justice, Mr Kerry Shine MP, officially opened a Community Access Point at the Toowoomba Courthouse and The Advocacy and Support Centre – Ipswich Community Legal Service at the Ipswich Courthouse
in April 2008. Both initiatives have proven to be very effective early intervention strategies, using the court precincts as a contact area for marginalised and disadvantaged people, with the primary aim being the reduction of re-offending.

- Community Justice Groups at Toowoomba, St George and Cunnamulla continued to provide Indigenous defendants with local community representation in those Magistrates Courts. The establishment of a Murri Court at St George in June 2008 has greatly increased the capability and opportunity of that community to increase its participation in the justice system.

- Multicultural diversity has continued to grow in SWQ with Sudanese, Vietnamese and South American migrants joining local workers in various industries in Toowoomba, Charleville and Oakey. The needs of these groups were identified, with the Regional Services Manager meeting with and providing information to the Sudanese community through the Toowoomba Refugee and Migrant Support Service.

- Our courts continued to be supported by volunteer groups with domestic violence services, Justice of the Peace duties, and the provision of support and refreshments to court clients. Recognition ceremonies for these dedicated volunteers at Toowoomba and Ipswich were important opportunities for us to express our appreciation for their ongoing commitment.

- South West region courts participated in Law Week and National Aboriginal and Islander Day Observance Committee week.

- Regional Services Managers and Registrars further strengthened DJAG’s profile across the region through attendance and participation at
  - Regional Ministerial Community Forums
  - Regional Managers Coordination Network meetings (Ipswich, Toowoomba and Roma)
  - Negotiation Table meetings (St George and Dirranbandi).

- The new Ipswich courthouse will be a five-storey building with a striking blend of glass and steel. It is the most substantial public building project undertaken in Ipswich in the past decade and the complex also includes a police station.

Sunshine Coast/Wide Bay Region

The area covered by Acting Regional Services Manager, Sunshine Coast/Wide Bay (SCWB), Owen Glover, includes:

- 19 Magistrates Court registries
- 1 Supreme and District Court registry
- 2 State Reporting Bureau centres
- 1 Dispute Resolution Centre
- 2 Office of Fair Trading centres.

Regional highlights include:

- The Murri Court has been well established in the region since 2006, with courts in Cherbourg, Caboolture and, more recently, in Caloundra. Building on this initiative, an Adult Murri Court commenced at Caboolture in 2008 and will sit approximately three or four times a year.

- On International Women’s Day, 8 March, the Caloundra Court promoted the achievements of local women by organising a breakfast attended by women from various community organisations and government departments.

- On 29 March 2008, local courts participated in the Caboolture Multicultural Festival, which provided an opportunity for staff to meet community members, answering questions and supplying information.

- An initiative in the Hervey Bay area is the ‘Self Help Ending Domestics’ for men. This program is attended on a voluntary basis from referral through the Domestic Violence Framework.

- The Pomona court staff participated in Heritage Week on 14 and 15 May 2008, when they opened the courthouse facilities for walking tours. Due to the historical significance of the courthouse, this activity was very well received by the local community.

- The court staff at Murgon participated in NAIDOC week by handing out QGAP bags and general information on DJAG departmental services partner agencies.
• The official opening of the new courthouse at Sandgate took place on Thursday, 24 April 2008. The precinct now includes new courtrooms, the latest in court technology, and secure access to the adjoining police station for the safe transfer of prisoners.

• The Prisoner Holding Cell Development at Maryborough courthouse began in December 2007. Internal space has been reconfigured to accommodate an extended courtroom and prisoner facilities. A cell and reception facility will be constructed and will include an innovative ‘flyover’ to safely transfer prisoners into the building at the first level.

• At the Strathpine site of the new Pine Rivers Court, construction began in January 2007 and is expected to be completed in September 2008.

Central Queensland Region

The area covered by Central Queensland Regional Services Manager, Michael Webb, includes:

• 15 Magistrates Courts registries
• 3 incorporate Supreme Court registries
• 6 incorporate District Court registries
• 6 incorporate QGAP offices
• 1 dedicated Supreme and District Court registry
• 2 State Reporting Bureau centres
• 2 Dispute Resolution Centres
• 2 Office of Fair Trading centres.

Regional highlights include:

• In February 2008, the Queensland Indigenous Alcohol Diversion Program (QIADP) was launched for the Rockhampton and Woorabinda Indigenous communities.

• In April 2008, a morning tea was held to recognise the Rockhampton Court Volunteers including court support workers, volunteer Justices of the Peace, Community Justice Groups and Murri Court elders who provide such valued support to the court.

• Departmental staff participated in the Indigenous Youth Expo at Rockhampton in April 2008. The event formed part of National Youth Week and provided an opportunity for government agencies to engage with Indigenous youth from Rockhampton and surrounding areas.

• Mackay, Rockhampton and Gladstone Courts participated in Law Week in May. In keeping with a whole-of-department theme, the Magistrates Court staff combined with the Office of Fair Trading, State Reporting Bureau, Dispute Resolution Centre and Supreme and District Courts to ensure it was a great success.


• The Magistrates Court at Mackay is now providing a one-stop-shop for our clients with the co-location of the Office of Fair Trading in the Mackay Magistrates courthouse.

North Queensland Region

The area covered by the North Queensland Regional Services Manager, Michael Bice, includes:

• 8 Magistrates Court registries – 5 incorporate District Court registries
• 1 Supreme and District Court registry
• 4 QGAP offices (JAG is lead agency for 3)
• 1 State Reporting Bureau centre
• 1 Dispute Resolution Centre
• 1 Office of Fair Trading centre.

Regional highlights include:

• The Townsville Murri Court is the busiest in the State, with courts in both adult and youth jurisdictions operating every week. The Townsville Murri Court also takes in Ingham, Charters Towers and Palm Island. The Murri Court has been the base for building strong relationships between the Police, Corrective Services, Courts and the Community Justice Groups.
• The Queensland Indigenous Alcohol Diversion Program (QIADP), a bailed-based program, began a three-year pilot at Townsville and Great Palm Island on 2 July 2007.
• Townsville Magistrates Court and the Regional Services Manager’s office staff continue to travel to Palm Island to be part of a Careers Information Day for members of the community. This has expanded to become a whole-of-government initiative that provides the community with information about both the availability of government services and the employment opportunities through Townsville-based State Government departments.
• At the world renowned Richmond Fossil Festival, the Richmond QGAP office held an information stall on 4 May 2008. This was the first time this office had been actively involved in the local community event.

Far North Queensland Region

The area covered by Far North Regional Services Manager, Rob White, includes:

• 7 Magistrates Court registries
• 1 Supreme Court registry
• 2 District Courts registries
• 10 Police Clerk of the Court offices
• 3 Community Justice centres
• 2 QGAP offices with DJAG as lead agency
• 1 State Reporting Bureau centre
• 1 Dispute Resolution Centre
• 1 Office of Fair Trading centre.

Regional highlights include:

• The introduction of the Murri Court in Cairns included a moving ceremony to mark the opening which was held in January 2008.
• Queensland Indigenous Alcohol Diversion Program (QIADP) commenced in Cairns and, in April 2008, the first two participants graduated from the program.
• The work of the Community Justice Groups continues to bear fruit and the relocation of the Mossman group into the court building has increased opportunities to cooperate. The Group members regularly assist registry staff by providing justice of the Peace services and advice to court clients. The court registry provides a safe, supportive and secure environment from which the Group can work.
• Volunteer groups active in the Atherton, Tully and Cooktown Courts continue to be supported by court staff. The groups assist the registries by helping court clients and provide a valued community service. The Cooktown group has reported that it is involving young community people who are developing skills in catering, budgeting, safe food handling and people skills which are valuable attributes that will enhance their employment opportunities.
• The extension of the number of circuits into the Torres Strait began in January 2008 which was enthusiastically received by the communities. The expanded circuits have reduced the necessity for people on remote islands to traverse the vast waters and the expense of air travel into Thursday Island for court. Similarly, the court now circuits to the Aboriginal communities of Hopevale and Wujal Wujal which will reduce the need for people to travel into Cooktown.
• A roving bailiff, based in Cairns, was appointed to attend to the vast Cape York and Torres Strait communities and will visit on an as-needed basis.
• Cairns hosted a number of visiting Taiwanese delegations during the 2007–08 period. These delegations included judges and legal professionals who met with local judges and magistrates to exchange ideas and information.
• Construction of the new Mareeba Court began on 18 March 2008 and should be completed by the end of 2008. The project is the first stage of the Queensland Government’s commitment to build an integrated court and police precinct in Mareeba.
Business Information Technology

Justice Services Support

Justice Services Support provides information technology services to the Queensland Wide Interlinked Courts (QWIC) and State Penalties Enforcement Registry (SPER) database systems. This includes data extraction and reporting, systems analysis, software development and application support services. The Director is Ron Huismann.

During the past year, Justice Services Support enhanced the QWIC system to improve data quality, the automation of a number of forms previously produced manually, and to provide additional business functionality.

Changes have been made to the SPER system to support local council amalgamations.

Significant support has been provided to the Integrated Justice Information Strategy (IJIS) program. In the past year, there has been particular focus on this program, especially on the QWIC application. The existing Court List Query program, which allows other agencies to search for relevant court appearances, was improved to provide further information and functionality to pass Bench Charge Sheet information received from the Police Service to appropriate agencies was also completed.

Courts Connectivity Project

The Circuit Court Connectivity Project (the CCC Project) was developed to meet a critical need for circuit magistrates and their support staff to access the department’s data network while on circuit in various locations throughout the State. The particular focus of the project was circuit courts in remote locations. The Project Manager is Sharon Pullar.

The CCC Project has involved a close working relationship between the Magistrates Court and the Information Technology Services branch to provide a technical solution to all circuit magistrates, each court circuit, as well as to the State Coroner and Northern Coroner who conduct inquests in remote locations. The technical solution uses wireless broadband via the 3G network to provide remote users with access to a ‘virtual desktop’ and allows the department to directly improve community access to justice.

The CCC Project is an important means of using cutting edge technology to improve processes in vital operational areas.

Future Courts Program

The Future Courts Program was established to deliver relevant, easy-to-use and innovative online services to litigants, their legal representatives and the broader community by improving registry operations through the use of new technology and process innovation.

The program’s principal objectives are to:

- replace older case management systems with a single, common technology framework
- streamline registry case management processes, automating where appropriate
- improve service delivery, particularly through online web channels
- provide greater consistency, quality and sharing of information
- reduce the dependency on paper by establishing electronic file management processes
- establish a culture of continual improvement to processes.

The five-year program will move through several phases culminating in the implementation of a new case management solution for Queensland Courts.

Consultative workshops that involve staff from Magistrates, District and Supreme Courts have commenced and further workshops will be held as the various projects progress.

Although the key objectives of the program will be realised in the years ahead, analysis of potential short-term process improvements in the Magistrates Court have begun.
**New internet site**

The redeveloped Queensland Courts website was launched in December 2007 and combines information from the Supreme, District and Magistrates Courts. The website is designed to help court users, ranging from self-represented litigants to lawyers and other members of the community, to efficiently access the information they need. It includes specific information about areas such as the Murri Court and other specialist court programs, the Small Claims Tribunal and the Childrens Court of Queensland. Topics include frequently-asked-questions, guides to criminal and civil court procedures, court technology and useful legal terms.

The information on the site is continually reviewed to ensure it is correct and up-to-date. Because the site provides accurate information about court activities and procedures, it is likely that a better knowledge and understanding of the courts and our justice system will result.

**Staff development**

**Courts Capability and Development Unit (CCDU)**

The Courts Capability and Development Unit (CCDU) primarily conducts training for staff of the Magistrates, District and Supreme Courts and provides courses for external clients and community groups involved in the justice system. The CCDU also administers the Training Support Unit (TSU), which helps Queensland court staff update criminal or civil databases.

In April 2008, Paul Ramage was permanently appointed as Manager, Courts Capability and Development Unit. Paul acted in the position for three years prior to his appointment and has been with the Department for 17 years.

The major achievement of the CCDU has been the introduction of the Certificate IV and Diploma in Government (Court Services) which are now offered to court staff throughout Queensland. The courses are nationally accredited and will include both face-to-face workshops and the Evolve training program.

The Evolve training platform is another significant initiative that enables staff to complete training courses online and participate from their home or workplace computer.

A related achievement was having a CCDU staff member, Susan Gava, telecommuting on Evolve course content. Not only does Evolve allow users to complete their training virtually anywhere at any time, it also allows for much of the development and administration of the courses and the system to be done off-site as well. Susan, who is the primary developer and administrator of the Evolve courses for courts, took advantage of the opportunity to tap into the flexible learning system and the content of courses, such as the QWIC Financials course, were compiled whilst working part time from home.

The CCDU/TSU has also used the department’s opportunity of flexible work arrangements by setting up an office in the Maroochydore Court to house one of its members, Malcolm Ace, to operate from a regional location. This demonstrated that the TSU can operate from a location other than Brisbane and provides the opportunity for regional staff to relieve in the position when needed.
Maryborough Courthouse celebration: 1877 – 2007

By Kelly Hunt, Office of the Director-General.

The grand Maryborough Courthouse – after 130 years of grace, dignity and dedication to duty – is a significant feature in Maryborough, and a significant aspect of Queensland history.

An anniversary afternoon tea was held on 21 September 2007 at the Maryborough Courthouse to celebrate 130 years of service. Attendees included the Attorney-General and Minister for Justice the Honourable Kerry Shine, District Court Chief Judge Patsy Wolfe, Queensland Chief Magistrate Judge Marshall Irwin, Director-General Julie Grantham, District Court Judge Hugh Botting, current and former magistrates, and current and former registry staff of the Maryborough Court.

The event began with Mary Heritage greeting guests and the Town Crier firing the cannon. Judge Irwin was the Master of Ceremonies and speeches were given by the Attorney-General and the Chief Judge and the Queensland Flag was presented to the then Registrar, Kelly Hunt, by the local member, Chris Foley. After the formalities, guests were invited into the historical courtroom for afternoon tea.

How far we have come. In 1851, there was no formal courthouse and sittings were held in local hotels. The position of magistrate was filled on a voluntary basis by local residents. In 1859, the first resident law officer, Richard Bingham Sheridan, was appointed as Water Police Magistrate.

In 1861, the first courthouse in Maryborough, on the corner of Kent and Adelaide Streets, was completed. Due to significant structural problems, a decision was made to construct a new building on Wharf Street which was completed in 1877.
Magistrates’ Honour Boards were commissioned in (2007) and were produced by long standing local timber joinery, JF White & Son. The red cedar honour boards, were designed to replicate the facade of the building.

They list the names of all identified magistrates who held the position at Maryborough, commencing with the first Water Police Magistrate through to the last magistrate appointed in Maryborough. This is proudly displayed in the front foyer of the registry office for visitors to reflect on the history of this town and the long and continuous use of the courthouse as a public building.

The anniversary celebration included the presentation of the Honour Board, historical photographs depicting the courthouse, framed and displayed around the building and the production of a commemorative booklet and bookmark.

A great afternoon was had by all, particularly by former magistrates who reflected on old times whilst walking around the building and posing for photos in front of the Honour Board.
Murri Court Stories
Murri Courts established at Caloundra, Cairns and St George

Caloundra’s Youth Murri Court was opened on 11 July 2007. The Attorney-General, the Honourable Kerry Shine joined Chief Magistrate Judge Irwin in praising the initiative of the local community, elders and Magistrate Fingleton in establishing the Court. A traditional fire ceremony was performed by the Gubbi Gubbi Dance group at the beginning of a traditional Indigenous ceremony.

An Adult Murri Court also began operating at the Caloundra Courthouse in January 2008.

The Cairns Murri Court was officially opened on 11 January 2008 by Chief Magistrate Judge Irwin. The ceremony, which included a traditional smoking ceremony and a performance by young Indinji dancers to mark the occasion, was attended by local dignitaries and a large public audience.

Murri Court Magistrate Black indicated how extraordinarily proud he was of the Gumba Gumba Justice Group who had been instrumental in the establishment of the court. In its first six months of operation, the Cairns Murri Court has dealt with 13 adult and 11 juvenile defendants.

Since early 2008, Dalby based Magistrate Cornack has been consulting with respected Indigenous community members of the St George district and court support agencies to establish a Murri Court in St George. A local Community Justice Group has been formed to assist the magistracy in dealing with Indigenous offenders and supporting them in undertaking rehabilitative programs in an endeavour to take positive steps to leading better lives. This collaborative approach by Court and Community culminated in the opening of the St George Murri Court on 18 June 2008.

Local Indigenous artist, Adrian Combarongo and Members of St George’s Community Justice Group presented a painting to the Court upon the occasion of the official opening of the St George Murri Court.

(L-R: Margaret Weribone, Iris Troutman, Pam Turnbull, Adrian Combarongo (local artist) Kevin Poddy Waters, Jim Troutman and Mary Stanton)
AIJA Indigenous Courts Conference

The Indigenous Courts Conference of the Australasian Institute of Judicial Administration (AIJA) which was held in Mildura, Victoria from 4 to 7 September 2007 was attended by 41 delegates from Queensland’s Murri Courts.

The sharing of knowledge and experiences in delivering access to justice for Indigenous people was the conference’s objective. Over 600 people, including Australian judges, magistrates, elders, Indigenous community group leaders, court officers and court services providers, as well as international guests from Fiji and Canada attended the conference.

The information gathered and relationships forged over the four-day program generated clearer pathways for all concerned and has resulted in those involved in the Queensland Murri Court program determined to make it the best practice model in Australia.

As of June 2008, 12 Murri Courts operate in Queensland – the most in any state in Australia.
Townsville’s Murri Courtroom Officially named – Kevin Ngan Woo Court

Our Court’s 2006 – 07 Annual Report reported the unexpected death of Mr Kevin Ngan Woo on 12 June 2006. At the time of his death he was a young family man who worked as a security officer at Townsville’s Jupiters Casino. He was also the coordinator of the Townsville Thuringowa Community Justice Group and he spent a great deal of his own time building positive pathways for Indigenous youth and for the establishment of the Youth and Adult Murri Courts in Townsville. Both those Courts are now firmly established in Townsville.

In an emotional ceremony at Townsville Courthouse on 15 November 2007, the courtroom where the Murri Court is held was officially named in Kevin’s honour in recognition of his contribution to Indigenous justice in Townsville. It is the first time a courtroom in Queensland has been named in honour of a community member.

The hung tapestry in the Kevin Ngan Woo courtroom.
Murri Court Magistrate earns Law Society Award

In November 2007, Ms Megan Mahon, President of the Queensland Law Society, awarded Magistrate Hennessy with the Agnes McWhinney Award for outstanding contributions to the law and the community, in particular for her work in the Rockhampton Murri Court.

The award which commemorates 100 years of women in the law in our state was named in honour of the first female solicitor in Queensland, Agnes McWhinney. Prior recipients include Ms Leneen Forde (a previous Governor of Queensland) and Justice Margaret McMurdo (current President, Court of Appeal, Supreme Court of Queensland).

Ms Mahon said that Magistrate Hennessy's work in developing and sustaining the Murri Court in Rockhampton over the past five years has provided a beacon of hope for Indigenous people everywhere.

“It takes significant legal skills, blended with compassion, persistence and vision, to bring this innovative project alive. Magistrate Hennessy's commitment remains as strong as it ever was,” said Ms Mahon.

Face of Murri Court Art

At the Brisbane Magistrates Court on 6th February 2008, Indigenous artist David Williams was presented with an award by the Honourable Kerry Shine MP, Attorney General and Minister for Justice for his artwork representing “Face of Murri Court”. The painting was one of many received from Indigenous artists from across Queensland as part of a JAG initiative to acquire art work that was culturally appropriate to use in Murri Courtrooms and Murri Court publications. Awards were also made to Dennis Muckan at Caboolture Courthouse and Dale Manns at Caloundra.

Regional entries depicting “Face of Murri Court” are featured on the back cover of this report.
Elders passed... but strong footprints left...

The people who make up our Queensland Magistrates Court wish to express our deep sorrow at the loss of highly respected Indigenous people involved with our Murri Court who have died over the past 12 months. Each of these people was a highly respected member of their community. Their presence in the Murri Court gave it cultural relevance and initiated many positive changes to the lives of those who wandered off the path.

We will miss their strong values and wise counsel and extend our sympathy to their families and people.

Brisbane Murri Court

Uncle Paddy (Djerripi) Jerome – a Wakka Wakka man spent who spent most of his life in Cherbourg and Brisbane. After retiring from the Australian Army, he undertook a role in Borallon Prison where he ministered to Indigenous people for 15 years. He was also a founding member of the 139 Club in Fortitude Valley which provides facilities and meals for homeless people.

In his retirement year, Uncle Paddy was a regular participating elder at Brisbane’s Murri Court from 2003 until late 2006 and, until his death, the Court regularly consulted him to gain an Indigenous perspective on justice issues.

Caboolture Murri Court

Aunty Ann Martin was a highly respected Undumbi woman and a senior Gubbi Gubbi elder who lived with her husband in the North Brisbane suburb of Redcliffe. She was a founding member of the Caloundra Murri Court and later joined the ranks of the Caboolture Murri Court elders and the Buranga Widjung Community Justice Group (also based in Caboolture).

Aunty Ann adopted a “no nonsense” approach to life and was highly regarded for her grace and integrity. Undaunted by her deteriorating health, she actively participated in the inaugural two-day Queensland Murri Court conference at Bardon in late May 2008 and two days later, she travelled to Maroochydore on the Sunshine Coast to participate in a Welcome to Country ceremony at the 2008 State Magistrates Conference with her sister Aunty Merle Tilbrook.

Aunty Ann was a vital contributor to the development of the Murri Court in her districts and will be remembered for the determined efforts she made in promoting the dignity of her people.

Caloundra Murri Court

Aunty Kathleen (Kath) Hicks was a Kamilaroi and Yueallai woman whose country stretched from Collarenebri to Dirranbandi. The mother of seven children, she was born and raised in south-west Queensland. She worked for 16 years as a cleaner at the Dalby courthouse and served on a number of committees in the Murri community on the Darling Downs. She was Chief Executive Officer of the Kabi Kabi housing organisation for over 18 years.

After moving to the Sunshine Coast she worked actively to address Indigenous health issues in the Maroochydore area. She was a member of the committee which was formed to establish a Murri Court in Caloundra and was one of the original Elders who regularly participated in court proceedings with the Magistrate.

Aunty Kath believed wholeheartedly in her people and dedicated her life to assisting and supporting them. The on-going success of Caloundra’s Murri Court is just one of the many legacies Aunty Kath has left with us to nurture.

Aunty Loraine Harvey, affectionately known to all as Billy-Boy, was born in Richmond in North West Queensland and was a proud Kulilli woman. She also regarded the Glasshouse Mountains as her country where she spent the later years of her life. Right from her school days, she was known as a hard worker with much initiative. She studied and trained as a nurse at the Gympie Hospital and later worked with children at Indigenous preschools. She was an active member of many boards and organisations to support the Aboriginal and Torres Strait Islander community and one of the founding elders assisting the Murri Court at Caloundra. Her spirit is dancing around us.
Ipswich Murri Court

Uncle Vern Yasso was a Yiman man with Aboriginal and South Sea Islander heritage from Central South West Queensland. He worked with the Aboriginal and Torres Strait Islander Legal Service and as an ATSIC regional councillor. He also worked as a ranger at the Dreamtime Cultural Centre at Carnarvon Gorge and served as a member of the Circle of Elders at Ipswich.

Uncle Vern was an excellent role model for his people. He assisted in the establishment of Ipswich’s Murri Court and, as a supporting elder to that Court, he challenged many Indigenous offenders to take better pathways in life and did much to support people in taking positive steps to live better lives. His time in the Ipswich Murri Court was cut short by his unexpected death, but his strong values as a father, grandfather and citizen will long remain.

Mount Isa Murri Court

Uncle Henry Kitchener aka Catchinda was a Waanyi and Budtlanji man.

His country was at Headingly Station. He spent much of his life around Camooweal where he worked as a stockman on many cattle properties. He also worked for Ansett Airlines and the Postmaster General’s Office – the precursor to Telecom. He will be remembered for his founding role in the Mount Isa Murri Court, his dedication to his community at Yallambie Reserve, and to his people through his work as a member of the Mount Isa District Justice Association. Despite his advancing years, Uncle Henry continued to maintain a busy schedule up until the day of his passing.

St George Murri Court

Founding member of the St George Murri Court, Uncle Joe Turnbull was a proud Bigumbul man. He lived around the Goondiwindi area for many years before moving to Dirranbandi where he raised his family. In his younger years, Uncle Joe was recognised for his outstanding sporting abilities – particularly at cricket and rugby league.

Once his family grew up, Uncle Joe and his wife Pam moved to St George and became very active members in that community. Uncle Joe became a board member of both the Kamilaroi Employment Aboriginal Corporation and the St George Housing Corporation where he was a life long member.

Uncle Joe’s leadership and sense of community responsibility caused him to be a most respected member of the St George community and he was a driving force within the St George Justice Group. It was a great sadness that he did not live to witness the opening of the St George Murri Court however one of the many pathways he sought to forge for Indigenous members of his local community has been fulfilled and his efforts will long be remembered.

Townsville Murri Court

Elder, Uncle Tonky (Ronald) Logan was a Hughenden man. He was well known for his music, which he often played on visits to Correctional Centres and at Cultural Festivals. He also had a programme on Indigenous radio station 4K1G. His words of wisdom to participants in Murri Court often gave them something to think about and, although sometimes brief and direct, what he said would be understood by all participants. Regardless of health, Uncle Tonky dedicated his services to the Court and publicly acknowledged the importance of Murri Court in making a more effective justice system for Indigenous Australians.
Queensland Murri Court Community Link Up

Queensland’s Murri Court has grown from one court established in 2002, to 13 courts operating throughout the state. Its successful operation has been attributed to strong collaboration between Magistrates, Elders, Indigenous Justice Groups and justice support service providers. In May 2008, DJAG convened at state-wide conference at the Bardon Conference Centre which was attended by over 120 people who support Murri Courts. The energy, strength and sense of ownership that was present throughout the two day conference was electrifying and left all participants committed to continue to promote greater understanding, respect and access for Aboriginal and Torres Strait and South Sea Islander people who come into contact with the criminal justice system.
The Court’s History Project

By Gordon Dean

Retired Magistrate and Honorary Archivist of the Queensland Magistrates Court

The Queensland Magistrates Court History Project was initiated by the Chief Magistrate, Judge Marshall Irwin. In late 2006, he invited magistrates to join with him in pursuing it. I volunteered and, after my retirement in June 2007, perhaps not wanting to lose his committee of one, the CM accepted my offer to continue with the project.

The history project includes the collection and recording of relevant memorabilia, information and materials suitable to develop into historical displays as well as to produce a written record of the people and events that have contributed to the evolution of the Magistrates Court throughout Queensland.

Two historical displays have now been installed at the Brisbane Magistrates Court Building.

The first display centres on the recording of evidence in our courts. Items from the earliest hand-written Court Record Books to the latest computerised keyboards and screens are on display. It is a memorial to the late John Marsland who died suddenly in February 2007. John was the Departmental Officer who ensured that our new building and, progressively, all magistrates courts throughout the State, received the latest in digital recording and communications facilities.

It is an important display in that it shows our court is a leader in the use of the latest technology to administer justice throughout Queensland in the most efficient, cost-effective and comprehensive ways available.

The second display shows an historical timeline from about 1920 to the present, with the work of our courts and the legislation and laws they administer, outlined against the historic events of those decades, with illustrative and textual detail. It also tells the story of the Brisbane court, leading to the development of the new building, which is sited at what was a spring around which Indigenous groups would gather.

Fittingly, the displays were officially opened by the Honourable Kerry Shine, Attorney-General and Minister for Justice on Queensland Day, 6 June 2008.

Apart from recognising the inspiration for the idea of the history displays and the History Project, we also thank all the retired magistrates who have contributed their time and their stories, as well as Ms Carli Pearson, Ms Justine Martini and Mr Denis Revell, of the Department of Justice and Attorney-General and all those with whom they worked who were instrumental in establishing the displays.

The History Project is ongoing. I have prepared a monograph, to be published in September, giving an overview of the magistracy in Queensland; its ‘going bush’ to serve in more remote, pioneering and developing regions; and its evolution from the ancient office of Justice of the Peace to the vital and independent judicial office it is today. We are continuing to collect detail and memorabilia from round the State and we welcome whatever can be provided to us.

It is my hope that the project will continue after Chief Magistrate Judge Irwin and I may have departed the scene and, for the first time, ensure the continued recording of the story of the magistracy in Queensland.

The two historical displays can be seen on level 7 and level 1 at the Brisbane Magistrates Court, 363 George Street, Brisbane City.
Reconnecting with the Torres Strait Islanders

By Magistrate Trevor Black, Cairns

The Torres Strait is a body of water that stretches for 150km between the northern most tip of Australia and the coast of Papua New Guinea. The Strait is littered with over 100 islands, coral cays, reefs and sandbanks, many only visible at low tide. The region bears the name of Luis Vaez de Torres who sailed through the region in 1606.

Almost 300 years later, it was John Douglas, a former Premier of Queensland who, as Police Magistrate and designated ‘Government Resident’, encouraged pearlers to the area. It was also Douglas who first attempted to introduce a system of justice throughout the scattered islands. He understood the importance of island custom and tradition; however, he enunciated on more than one occasion that “(islanders) deserve and are entitled to all their privileges as Queensland subjects”.

Under Douglas’s system of governance, the mamoose or chief of each island was installed as chief magistrate, invested with insignia of office and given authority over native police to suppress crime and disorder. Court proceedings were recorded and monetary fines were remitted to Thursday Island. With the passage of time, each island’s secular Court came under the supervision of a white teacher who occupied the position of magistrate.

Douglas travelled frequently to the various islands to oversee the workings of the Courts. It seems that these magisterial visits ceased with his death in 1904. From the end of World War II until 2001, the inhabited islands of the Torres Strait were left much to their own devises in the administration of law and order.

The population of the Torres Strait is now estimated at approximately 9000. The majority of the population resides in the inner cluster of islands surrounding the main centre of Thursday Island. The balance is dispersed through 19 remote small island communities. The population of each community varies from 32 at Stephen Island in the Eastern cluster group to about 1500 on Badu Island, approximately 40 kilometres from Thursday Island.

In the early 1980s, agitation began for the recommencement of visits by magistrates to the “outer” islands. As in Douglas’s day, the islands had become rather lawless places, visited irregularly by police (usually only in the event of a major crime). People facing charges were required to either deliver themselves into poverty by paying exorbitant air fares or place their lives at very real risk by undertaking the often perilous sea journey, usually in open dinghies, between their island and Thursday Island where Court was held. As a consequence, many defendants failed to appear and warrants of arrest were issued.

However, it was not until September 2001 that a Magistrates Court was convened on Badu Island, the first Court conducted by a regularly appointed Magistrate since the days of John Douglas. It was an immediate success in reducing the number of defendants who failed to appear at Thursday Island. It also became common for many defendants on other islands to by-pass the Court on Thursday Island to have their matters dealt with in a traditional community.

The opening of the Badu Island Court caused some angst in the communities much more remote than Badu Island. Pressure mounted, particularly from the peoples of Mer Island, for the reinstitution of the Courts on the outer islands.
The Regional Justice Agreement between the residents of the Torres Strait and the Queensland Government identified the need for the Torres Strait Islander people to have increased participation in the administration of justice, including the development of their own solutions for local justice issues. In late 2007, an additional magistrate was appointed to the Cairns bench to allow circuits to the islands of the Torres Straits and also to provide for an enhanced Cape circuit.

The legacy of John Douglas has been revived.

Since January 2008, Magistrates Courts have been convened for the first time in the communities of Saibai Island and Boigu Island, within sight of the coast line of Papua New Guinea. The Court has also sat at Kubin Village on Moa Island, a community with a history and attachment to the Pacific Islanders who came to the Straits either as missionaries or to work in the pearlling and beche-de-mer fishery. The Court was very warmly received when it visited the Central cluster islands of Yam (Iama), Yorke (Masig) and Warraber. Mer (Murray Island) people were vindicated when the Court attended that centre in January and again in April of this year. There has also been a sitting of the Court on Darnley (Erub) Island; however, the Court has not been officially opened due to a tragic death on the eve of the scheduled opening date in April. The only populated islands not currently circuited are Mabuiag, Duaun and Stephen. This is because of difficulties with aircraft access; although the inhabitants of these islands have access to a Court in the immediate cluster group.

Presiding magistrates have been presented with symbols of justice and peace, including a law stone or Watticula on Masig, a bu shell on Iama and a Seuri Seuri on Mer. Sim leaves are a cultural representation of peace and they accompany the other icons. The Court opening on Warraber was accompanied by the haunting tones of the warup or war drum which accompanied the singing of a traditional island hymn. The opening ceremonies have been warm and welcoming with the island leaders expressing their sincere thanks on behalf of their people for the extension of the Court's processes. Each island is developing its own distinct Justice Group.

Many challenges face the judicial officer undertaking the circuit, apart from the personal discomfort of hot humid days spent in small aircraft and village halls that the modern miracle of air-conditioning has not yet reached.

The culture of the Torres Strait is Melanesian and has strong links to Papua New Guinea rather than to mainland Australia. The Torres Strait Islander is a person Indigenous
to Australia but whose culture and history has been, in the past, overshadowed by that of Aboriginal Australia. There is extreme diversity of culture between the various regions of the Torres Strait; the people of the western islands were traditionally hunter/gatherers because of their reliance on the land, whereas the inhabitants of the central and eastern islands, including Mer (Murray), relied on the sea and trade with other islands. The north western islands of Boigu and Saibai identify strongly with Papua New Guinea, clearly within sight of the hall where Court is now held. The Torres Strait Islands Treaty signed by Australia and PNG allows free movement (without passports or visas) between the two countries for traditional purposes. This traditional lifestyle has influenced contemporary life and culture and no two islands are the same.

English is not the Torres Strait Islander’s first language. There are two traditional languages spoken in the Torres Strait:

Kalaw Lagaw Ya, which is similar to Aboriginal languages, is spoken on western, central and northern islands.

Meriam Mir is the language of the eastern islands (including Mer) and is derived from Papuan languages. Individual dialects are also found on each of the islands.

A third language has also developed over time. This is Torres Strait creole which is a mixture of the two traditional languages and English. Justice Group representatives play an important role in ensuring that defendants, victims and the orders of the Court are clearly understood.

In effect, it is the local Island Justice Group that is the link between the mainstream Court and the emerging circuit. This relationship is in its infancy and needs to be nurtured. It will only be through cooperation between the Justice Groups and the Courts that the sought-after ‘access to justice’ will be achieved for these deserving people of Queensland’s remote Torres Strait Islands.
Doomadgee art reaches out

By Magistrate Howard Osborne, Mount Isa

Doomadgee – 15 May 2008

At the end of proceedings in the Doomadgee Court on Friday 18 April 2008, I was greatly honoured to be presented – as representative of the Magistrates Court – with a work of art entitled ‘Moonlight’ which was painted in watercolour by Steve Yongala, a member of the Doomadgee community.

Steve tells me that the painting, which now hangs in the Doomadgee courtroom, represents the desire and hope of the community to return to country and to its values.

This painting was presented by Steve Yongala and Tony Chong on behalf of the Doomadgee community, its elders and the Justice Group. The presentation was in recognition of the partnership between the Court and the community in our joint endeavour to help people who appear before the Court to return to, and preserve, a way of life consistent with the core values of the Indigenous community.

Although the Chief Magistrate, Judge Marshall Irwin was unable to attend the hanging of the painting, he expressed his sincere appreciation for the gift and what it represents to the community and the elders.

Our Court recognises that the value of the involvement of elders and respected persons will be lost, or greatly reduced, if the Court does not have the time to earnestly listen to and consider what they have to say. For this reason, the circuit to Doomadgee has been increased to two days a month and, as a result, the waiting list for matters to be dealt with has been reduced. More importantly, there are now fewer warrants being issued for defendants who have failed to appear in court. The community, the victims and the offenders rightly expect that matters will be dealt with quickly and fairly, after appropriate and thoughtful consideration of all the relevant information available.

Our Court supports the initiatives planned for Doomadgee which the community hopes will reduce the rate of offending and the rate of imprisonment. We welcome any endeavour that will help adults and children who appear in this court on their journey to return to country and to embrace traditional values.

‘Moonlight’ is a symbol of the hope and expectations of this community for its people. We all hope it will serve as a reminder to those who appear before the Court that the spirit of country is alive and is reaching out to them.

The Story of Moonlight

By Steve Yongala, Doomadgee

Although I am a member of the Arunta tribe, which belongs east of Alice Springs, for the past 26 years I have lived in Doomadgee with my wife, children and grandchildren who are members of the Gangalida tribe. The Gangalida, Waanyi, Gadawa and Kalkadoon people are all traditional owners of the Doomadgee area.

This painting is my story of Moonlight which has been handed down by the elders of the Gangalida tribe. Moonlight is seen by our people as being a place of happiness... the Brolgas dance to celebrate their joy... it is a place where there is plenty of fresh water... men are hunting for goanna, going fishing and finding bush honey... women and children are together, cooking on open fires.

The sunsets and sunrises colour the land in bright colours which bring smiles to all the people. There is no confusion. People return to their traditional ways and everyone plays their roles.

Moonlight is a symbol of happiness, peace and togetherness which is my dream for all my young people to promote reconciliation of all nations.

Artist Steve Yongala presents the Moonlight artwork to Magistrate Osborne.
Farwell and thankyou to Major Bruce Buckmaster

In December 2007, the Chief Magistrate, Deputy Chief Magistrate and Brisbane Magistrates gathered to honour Major Bruce Buckmaster on the eve of his retirement after 40 years service as a member of The Salvation Army. Magistrates presiding in courts in the Brisbane metropolitan area have had contact with Major Buckmaster during the last 13 years in his role as Brisbane's Court & Prison Chaplain.

In this role, his daily routine would commence with a visit to the watchouse prior to Court commencing to see if people in custody needed his assistance. Often watchouse staff would ask him to see a particular person who may be distressed in their situation. This contact with those in custody often led to further contact being made with the prisoner's family and friends.

Major Buckmaster's next daily task would be to attend the courthouse entrance to greet defendants arriving at court and assisting them in linking up with the Duty Lawyer or their legal representatives. This would also be a time when he would link up with the family and friends of defendants he had earlier encountered in the watchouse.

In recent years, the Court has provided The Salvation Army with a dedicated room in the public space area where distressed visitors to the court can be afforded privacy and share their concerns.

Once court proceedings commenced Major Buckmaster would ensure that people were directed to the correct courtroom and be afforded his personal support if required. Often if the Court identified that a defendant required assistance with personal issues, it would refer the person to Major Buckmaster for practical support and assistance.

Another major part of the Court and Prison Chaplain’s role is to regularly visit Queensland’s Corrective Services Centres to offer spiritual support to prisoners seeking contact with the Chaplin. Often prisoners may seek the
assistance of the Prison Chaplin to seek practical and emotional support for family members to better cope with new family circumstances. Another occasion when the assistance of the Chaplain is needed is just prior to the prisoner’s release when assistance in re-entering the community can make all the difference to the person concerned.

The Chief Magistrate, Judge Marshall Irwin and the Deputy Chief Magistrate, Brian Hine were invited by the Salvation Army to attend Major Buckmaster’s formal retirement ceremony on 31 January 2008. Major Buckmaster pioneered the Salvation Army’s court and prison outreach in Queensland and will long be remembered for his tireless dedication to those in need who came before the court as well as members of the Brisbane magistracy.

Major Buckmaster’s role is now undertaken by a team of Salvation Army officers at Brisbane’s central court in George Street and the busy Roma Street court complex. Other court centres which benefit from the support of a Salvation Army Court and Prison Chaplin are Ipswich, Southport, Rockhampton, Murgon and Cairns.
In the name and on behalf of the Queen, I assent to this Bill.

Government House, Brisbane.

Queensland

ANNO TRICESIMO QUARTO

ELIZABETHAE SECUNDAE REG

No. 41 of 1985

A Bill to provide for the grant of leases in perpetuity or other title in land to members of communities of Aborigines or Torres Strait Islanders for native land purposes and to amend the Land Act 1982.

Appendices
Appendix 1:  
Magistrates committees

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

Conference Planning Committee  
To plan annual and regional conferences.

Ethics Committee  
To review and develop ethical standards for the magistracy.

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

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

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

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

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

Resources and Budget Overview  
To assess the need for resources for magistrates and to plan submissions for the annual budget.

Salaries and Allowances Committee  
To consult with the Chief Magistrate on the annual submission to the Salaries and Allowances Tribunal and to the Attorney-General on conditions and entitlements.
Appendix 2:
Practice directions

(see our website www.courts.qld.gov.au)

Practice Direction No. 6 of 2007
Costs assessment: interim arrangements

Practice Direction No. 7 of 2007
Committals and ex officio sentences: Ipswich Magistrates Court

Practice Direction No. 8 of 2007
Uniform Civil Procedure Rules 1999

Practice Direction No. 9 of 2007
Uniform Civil Procedure Rules 1999

Practice Direction No. 10 of 2007
Approval of Registrar to assess costs

Practice Direction No. 11 of 2007
Summary hearings case management at Brisbane Central Magistrates Courts

Practice Direction No. 1 of 2008
Judicial Registrars – Power concerning prescribed applications and matters

Practice Direction No. 2 of 2008
Queensland Magistrates Early Referral Into Treatment (QMERIT) program

Practice Direction No. 3 of 2008
Uniform Civil Procedure Rules 1999
Appendix 3:
Legislation commonly used in the Magistrates Court

Commonwealth legislation
- Aged Care Act 1997
- Air Navigation Regulation 1947
- Airport (Court On-Airport Activities) Regulation 1997
- Anti-Money Laundering and Counter-Terrorism Financing Act 2006
- Australian Crime Commission Act 2002
- Australian Federal Police Act 1979
- Australian Passports Act 2005
- Aviation Transport Security Act 2004
- Aviation Transport Security Regulation 2005
- Bankruptcy Act 1966
- Census and Statistics Act 1905
- Civil Aviation Act 1988
- Civil Aviation Regulations 1947
- Corporations Act 2001
- Copyright Act 1968
- Crimes (Aviation) Act 1991
- Crimes Act 1914
- Customs Act 1901
- Defence Act 1903
- Excise Act 1901
- Extradition Act 1901
- Family Law Act 1975
- Financial Management and Accountability Act 1997
- Financial Transaction Reports Act 1988
- Fisheries Management Act 1991
- Foreign Passports Act 2005
- Great Barrier Reef Marine Park Act 1975
- Great Barrier Reef Marine Park Regulations 1983
- Health Insurance Act 1973
- Historic Shipwrecks Act 1976
- Income Tax Assessment Act 1936
- Migration Act 1958
- Motor Vehicle Standards Act 1989
- National Health Act 1953
- Navigation Act 1912
- Passport Act 1938
- Proceeds Of Crime Act 1987
- Public Order (Protection of Persons and Property) Act 1971
- Quarantine Act 1908
- Service and Execution of Process Act 1992
- Social Security (Administration) Act 1999
- Social Security Act 1991
- Statutory Declaration Act 1959
- Taxation Administration Act 1953
- Therapeutic Goods Act 1989
- Torres Strait Fisheries Act 1991
- Trade Marks Act 1995
- Workplace Relations Act 1996

Queensland State legislation
- Acts Interpretation Act 1954
- Adoption of Children Act 1964
- Agricultural and Veterinary Chemicals (Queensland) Act 1994
- Agricultural Chemicals Distribution Control Act 1966
- Agricultural Standards Act 1994
- Air Navigation Act 1937
- Ambulance Services Act 1991
- Animal Care and Protection Act 2001
- Architects Act 2002
- Associations Incorporation Act 1981
- Bail Act 1980
- Beach Protection Act 1968
- Bills of Sale and Other Instruments Act 1955
- Births, Deaths and Marriages Registration Act 2003
- Body Corporate and Community Management Act 1997
- Brands Act 1915
- Building Act 1975
- Building and Construction Industry Payments Act 2004
Appendix 3: continued

Health Act 1937
Health Practitioners (Professional Standards) Act 1999
Health Services Act 1991
Higher Education (General Provisions) Act 2008
Hire Purchase Act 1959
Industrial Relations Act 1999
Integrated Planning Act 1997
Introduction Agents Act 2001
Invasion of Privacy Act 1971
James Cook University Act 1997
Judicial Remuneration Act 2007
Jury Act 1995
Justices Act 1886
Justice and Other Information Disclosure Act 2008
Justices of the Peace and Commissioners of Declarations Act 1991
Juvenile Justice Act 1992
Keno Act 1996
Land Act 1994
Land Protection (Pest and Stock Route Management) Act 2002
Legal Aid Queensland Act 1977
Legal Profession Act 2004
Limitation of Actions Act 1974
Liquor Act 1992
Local Government (Aboriginal Lands) Act 1978
Local Government Act 1993
Local Government (Chinatown and the Valley Malls) Act 1984
Local Government (Queen Street Mall) Act 1981
Lotteries Act 1997
Magistrates Court Act 1921
Maintenance Act 1965
Major Sports Facilities Act 2001
Manufacture of Homes (Residential Parks) Act 2003
Maritime Safety Queensland Act 2002
Marine Parks Act 1982
Marine Parks Act 2004
Medical Practitioners Registration Act 2001
Medical Radiation Technologist Registration Act 2001
Mental Health Act 2000
Mineral Resources Act 1989
Mining and Quarrying Safety and Health Act 1999
Misconduct Tribunals Act 1997
Motor Accident Insurance Act 1994
National Crime Authority (State Provisions) Act 1985
Nature Conservation Act 1992
Nursing Act 1992
Oaths Act 1867
Occupational Therapists Registration Act 2001
Optometrist Registration Act 2001
Osteopaths Registration Act 2001
Partnership Act 1891
Partnership (Limited Liability) Act 1988
Pawnbrokers Act 1984
Pay-roll Tax Act 1971
Peace and Good Behaviour Act 1982
Peaceful Assembly Act 1992
Penalties and Sentences Act 1992
Physiotherapists Registration Act 2001
Plant Protection Act 1989
Police Powers and Responsibilities Act 2000
Police Service Administration Act 1990
Power of Attorney Act 1998
Prisoners (Interstate Transfer) Act 1982
Private Employment Agents Act 2005
Property Agents and Motor Dealers Act 2000
Property Law Act 1974
Prostitution Act 1999
Psychologists Registration Act 2001
Public Health Act 2005
Public Safety Preservation Act 1986
Public Service Act 2008
Public Trustee Act 1978
Queensland Building Services Authority Act 1991
Queensland Law Society Act 1952
Queensland University of Technology Act 1998
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<td>Racing Act 2002</td>
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<td>Radiation Safety Act 1999</td>
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<td>Recording of Evidence Act 1962</td>
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<td>Recreation Area Management Act 1988</td>
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<td>Registration of Births Deaths and Marriages Act 1962</td>
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<td>Regulatory Offences Act 1985</td>
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<td>Residential Services (accommodation) Act 2002</td>
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<td>Residential Tenancies Act 1994</td>
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<td>Retail Shop Leases Act 1994</td>
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<td>Sale of Goods Act 1896</td>
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<td>Second Hand Dealers and Collectors Act 1984</td>
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<td>Security Providers Act 1993</td>
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<td>Sewerage and Water Supply Act 1949</td>
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<td>Small Claims Tribunal Act 1973</td>
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<td>Soil Conservation Act 1986</td>
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<td>South Bank Corporation Act 1989</td>
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<td>South East Queensland Water (Restructuring) Act 2007</td>
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<td>Speech Pathologists Registration Act 2001</td>
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<td>State Buildings Protective Security Act 1983</td>
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<td>State Housing Act 1945</td>
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<td>State Penalties Enforcement Act 1999</td>
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<td>Status of Children Act 1978</td>
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<td>Stock Act 1915</td>
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<td>Storage Liens Act 1973</td>
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<td>Sugar Industry Act 1999</td>
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<td>Summary Offences Act 2005</td>
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<td>Terrorism (Preventative Detention) Act 2005</td>
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<td>Terrorism (Commonwealth Powers) Act 2002</td>
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<td>Timber Utilisation and Marketing Act 1987</td>
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<td>Tobacco and Other Smoking Products Act 1998</td>
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<td>Tobacco Products (Licensing) Act 1988</td>
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<td>Torres Strait Fisheries Act 1984</td>
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<td>Tow Truck Act 1973</td>
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<td>Trade Measurement Act 1990</td>
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<td>Trading (Allowable Hours) Act 1990</td>
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<td>Training and Employment Act 2000</td>
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<td>Transport Infrastructure Act 1994</td>
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<td>Transport Operations (Marine Safety) Act 1994</td>
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<td>Transport Operation (Passenger Transport) Act 1994</td>
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<td>Transport Operations (Road Use Management) Act 1995</td>
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<td>Transport Planning and Co-ordination Act 1994</td>
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<td>Travel Agents Act 1988</td>
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<td>Trust Accounts Act 1973</td>
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<td>University of Queensland Act 1998</td>
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<td>University of Southern Queensland Act 1998</td>
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<td>University of the Sunshine Coast Act 1998</td>
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<td>Urban Land Development Authority Act 2007</td>
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<td>Vagrants Gaming and Other Offences Act 1931</td>
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<td>Valuers Registration Act 1992</td>
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<td>Vegetation Management Act 1999</td>
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<td>Veterinary Surgeons Act 1936</td>
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<td>Vexatious Proceedings Act 2005</td>
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<td>Vocational Education, Training and Employment Act 2000</td>
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<td>Wagering Act 1998</td>
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<td>Water Act 2000</td>
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<td>Water Efficiency Labelling and Standards Act 2005</td>
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<td>Water Fluoridation Act 2008</td>
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<td>Water Supply (Safety and Reliability) Act 2008</td>
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<td>Weapons Act 1990</td>
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<td>Wet Tropics World Heritage Protection and Management Act 1993</td>
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<td>Wine Industry Act 1994</td>
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<td>Workers Compensation and Rehabilitation Act 2003</td>
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<td>Workplace Health and Safety Act 1995</td>
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</table>
Appendix 4:
Magistrates’ participation on external bodies

Association of Australian Magistrates
W Ehrich

Council of Chief Magistrates
M Irwin (Chief Magistrate)

Defence for Children International, Australian Chapter Queensland Representative
T Previtera

Disaster Relief Committee for the Gold Coast
R Kilner

Gold Coast Project for Homeless Youth
R Kilner

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

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

National Alternative Dispute Resolution Advisory Council (NADRAC)
J Hodgins

Queensland University of Technology – Law Faculty Advisory Committee
M Irwin (Chief Magistrate)

Supreme Court of Queensland – Library Committee
M Irwin (Chief Magistrate)

Supreme Court of Queensland – Uniform Civil Procedure Rules committee
T Morgan
E Wessling

Zonta, Vice-President
T Previtera

QPILCH Self-Representation Civil Law Service Steering Committee – Magistrates Court member
T Morgan
Appendix 5: Professional development for magistrates and judicial registrars

# Not funded by Magistrates Court
+ Partly funded by Magistrates Court
*Delivered paper/participated in presentation

Annual Conference
New South Wales Local Courts
1 – 3 August 2007, Sydney NSW
G Tatnell

Equality and the Courts: Exploring the Commonwealth Experience
Commonwealth Magistrates and Judges Association Conference
19 – 23 August 2007, Bermuda, West Indies
T Black#

Queensland Mining
Health & Safety Conference
5 – 8 August 2007, Townsville QLD
L Verra*

Discovery Seminar 2007
Australasian Institute of Judicial Administration Incorporated
24 August 2007, Melbourne VIC
B Gribbin

Phoenix Magistrates Program
National Judicial College of Australia
6 – 10 August 2007, Broadbeach QLD
A Comans
J Hodgins
B Kilmartin
G Lee
K McGinness
H Osborne
Z Sarra

National Indigenous Courts Conference
Australian Institute of Judicial Administration
4 – 7 September 2007, Mildura VIC
D Fingleton#
S Guttridge#
A Hennessy#
J Herlihy#
B Hine#
M McLaughlin#
B Manthey#
H Osborne#
R Risson#

Annual Conference
Central Queensland Law Association Conference
10 – 12 August 2007, Yeppoon QLD
A Hennessy
M Irwin#
B Springer#

Annual Conference
Northern Territory Magistrates Court
9 – 12 September 2007, Yulara NT
L O’Shea

Biennial Conference: Changing Communities, Changing Needs
Australasian Residential Tenancies Conference, Melbourne, VIC
12 – 14 September 2007
W Randall

25th Annual Conference – Cultures and the Law
Australian Institute of Judicial Administration
12 – 14 October 2007, Melbourne VIC
M Irwin#
S Tonkin
Appendix 5: continued

Annual Conference
National Indigenous Legal Conference
New South Wales Bar Association
14 – 15 September 2007, Brisbane QLD
M Irwin
J Payne*
Z Sarra*

Improving community safety: lessons from the country and the city
Australian Institute of Criminology and Australian Crime Prevention Council
18 – 19 October 2007, Townsville QLD
D Glasgow*

Judgment Writing Program
National Judicial College of Australia
16 – 18 September 2007, Glenelg SA
W Cull
B Kilmartin#

Annual Conference
Asia-Pacific Coroners Society Inc.
30 October – 2 November 2007, Hobart, TAS
M Barnes
C Clements

Colloquium 2007
Judicial Conference of Australia
5 – 7 October 2007, Sydney NSW
W Ehrich

Communication in the Court Room
National Judicial College of Australia
10 November 2007, Sydney NSW
M Barnes
J Costello
J Batts#

Queensland Drug Court Workshop
Queensland Drug Court
14 – 15 November 2007, Brisbane QLD
A Comans#
J Costanzo#
E Hall#
G Lee#
K McGinness#
M McLaughlin#
R Spencer#
A Thacker#
S Tonkin#
B Tynan#
L Verra#

Equal Justice for All
Ninth Biennial Conference International Association of Women Judges
25 – 28 March 2008, Panama City, Republic of Panama
W Cull#
T Previtera#

Cultural Healing in Criminal Justice Service Delivery: an identification of best practice and innovation to inform future service design
Commonwealth Department of Justice and Attorney-General
21 – 22 November, 2007 Brisbane QLD
H Osborne*#

Judging in Remote Localities Program
National Judicial College of Australia
1 – 3 April 2008, Alice Springs NT
D Dwyer
H Osborne
O Rinaudo

Sentencing 2008 Conference
National Judicial College of Australia
8 – 10 February 2008, Canberra ACT
D Fingleton+
B Kilmartin+
R Kilner+
C Wadley+
L O'Shea+

Koori Court Annual Conference
Department of Justice, Victoria
7 – 8 April 2008, Melbourne VIC
B Manthey*#

Judicial Orientation Programme
Judicial College of Victoria
13 – 15 February 2008, Melbourne VIC
M O’Driscoll
P Smid
Queensland Murri Court Conference
Department of Justice and Attorney-General, Queensland
22 – 23 May 2008, Brisbane QLD
T Allingham#
T Black#
C Cornack#
P Dowse#
W Ehrich#
D Fingleton#
A Hennessy#
B Hine#
M Irwin*
B Manthey#
M McLaughlin#
R Risson#
L Verra#

NSW Magistrates’ Orientation Programme
Judicial Commission of New South Wales
1 – 6 June 2008, Terrigal NSW
D Carroll
M Hogan

Queensland Drug Court Conference
Department of Justice and Attorney General, Queensland
29 May 2008, Brisbane QLD
A Comans#
J Costanzo#
D Dwyer#
G Lee#
K McGinness#
M McLaughlin#
R Spencer#
A Thacker#
B Tynan#
C Wadley#

Biennial Conference
The Changing Face of Justice
Australian Association of Magistrates
6 – 9 June 2008, Sydney NSW
P Dowse+
S Cornack+
W Cull+*
E Wessling+

Annual Conference Hot Topics in the Tropics
North Queensland District Law Association – Queensland Law Society
30 – 31 May 2008, Mackay QLD
M Irwin*
R Risson
R Spencer+

Creating Justice
Second National Conference
Australian Women Lawyers
12 – 14 June 2008, Melbourne VIC
W Cull#
T Previtera#

Mediation Skills Course
JAG Dispute Resolution Centre
16 – 20 June 2008, Brisbane
R Carmody#

Law and Technology Conference
Australian Institute of Judicial Administration
25 – 27 June 2008, Sydney NSW
B Hine
T Morgan

Mediation Skills Course
JAG Dispute Resolution Centre
23 – 27 June 2008, Cairns QLD
J Pinder
R Lehmann#
Appendix 6:
Magistrates involvement in legal education

July 2007 to June 2008
James Cook University law students and legal studies students – Group visits to Magistrates Court, Townsville: addresses by Townsville Magistrates

25 July 2007
Launch of the OZCASE Queensland Historical Legal Collection, Brisbane
Magistrates Court: address by Judge Irwin, Chief Magistrate

27 July 2007
Forensic Mental Health Forum (South and Central Brisbane Districts), Jindalee: participation by Magistrate Hall

3 August 2007
Forensic Mental Health Forum (North Brisbane Districts), Redcliffe: participation by Judge Irwin, Chief Magistrate

9 August 2007
National Judicial College of Australia, Phoenix Magistrates Conference, Broadbeach: presentation by Judge Irwin, Chief Magistrate

10 – 12 August 2007
Central Queensland Law Association Conference, Yeppoon: presentation by Judge Irwin, Chief Magistrate

Central Queensland Law Association Annual Conference, Yeppoon: presentation by Magistrate Hennessy

15 August 2007
Rockhampton Magistrates Court staff training session – Organ Transplant Issues for Coroners Court: presentation by Magistrate Hennessy

17 August 2007
Medico Legal Society of Queensland Annual Conference, The coroner’s role in referring the conduct of medical practitioners to the Medical Board presentation by State Coroner, Magistrate Barnes

24 August 2007
Refresher Training for Solicitors, Rockhampton: panel members, Magistrates Hennessy and Springer

28 August 2007
Cairns Secondary Schools and Colleges 2007 Annual Moot Competition: adjudicated by Magistrates Cassidy, Comans and McGinness

3 September 2007
AIJA Indigenous Courts Conference, Mildura: presentation by Magistrate Hennessy

6 September 2007
Queensland Health Medical Superintendent’s Forum, Operational issues that ease the interaction with the coroner: presentation by State Coroner, Magistrate Barnes

12 September 2007
The Prince Charles Hospital, Brisbane: Coronial investigation of adverse events, presentation by State Coroner, Magistrate Barnes

21 September 2007
Royal Brisbane and Women’s Hospital, Brisbane: Working with the coroner to improve patient safety, presentation by State Coroner, Magistrate Barnes

28 September 2007
QEII Hospital Ground Rounds, Brisbane: The role of the state coroner in investigating adverse events resulting in death, presentation by State Coroner, Magistrate Barnes

14 September 2007
National Indigenous Legal Conference, Brisbane: presentation and discussion by Magistrates Payne and Sarra
19 September 2007  
Police Recruits Occupational Vocational Education Program – Queensland Police Service, Oxley, presentation by Deputy Chief Magistrate Hine

18 October 2007  
Australian Institute of Criminology Conference, Townsville: *Overlap between the Juvenile Justice System and Child Protection Issues*, joint presentation by Magistrates Hennessy and Previtera

1 November 2007  
Asia Pacific Coroners Society Annual Conference, Hobart: *Developments in Queensland Police Service pursuit driving policy*, presentation by State Coroner, Magistrate Barnes

9 November 2007  
Beach Safety and the Law National Summit, Surfers Paradise: *The role of the coroner in beach safety*, presentation by State Coroner, Magistrate Barnes

14 November 2007  
Queensland Drug Courts takeholders’ Workshop, Brisbane: address by the Judge Irwin, Chief Magistrate and participation by eleven Magistrates

15 November 2007  
Child Protection Seminar, Rockhampton Magistrates Court: presentations by Magistrates Hennessy and Springer

22 – 23 November 2007  
Third National Indigenous Justice CEO Forum, Brisbane: Presentation by Judge Irwin, Chief Magistrate – *Sentencing Options: Can They Incorporate Cultural Healing*  
Presentation by Magistrate Osborne – *A magistrate’s insight into the Queensland Indigenous Alcohol Diversion Program*

23 January 2008  
University of Queensland Medical School, *Why are coroners autopsies unique?* presentation by State Coroner, Magistrate Barnes

16 January 2008  
Police Recruits Occupational Vocational Education Program – Queensland Police Service, Oxley, presentation by Deputy Chief Magistrate Hine

17 January 2008  
Bar Practice Course – Civil Trial Moots:  
Presided over by Judge Irwin, Magistrates Callaghan and Dowse and retired Magistrate W McKay

18 January 2008  
QUT Jessup Moot Competition, Banco Court, presided over by the Chief Magistrate, Judge Irwin

24 January 2008  
Bar Practice Course – Civil Trial Moots:  
presided over by Deputy Chief Magistrate Hine, Magistrates Cull and O’Shea and Judicial Registrar Beutel

1 February 2008  
Northside Community Corrections Seminar, Redcliffe, Brisbane: presentation to Community Corrections supervisors by Magistrate Chilcott

14 February 2008  
New Farm Neighbourhood Centre Community Workshop – address by Magistrate Randall

18 February 2008  
Dept Emergency Services, Command and Control seminar: *The role of the State Coroner in a mass disaster*, presentation by State Coroner, Magistrate Barnes
Appendix 6: continued

18 February 2008
QUT School of Law Internship Program – 13 weeks: Weekly Supervision and Mentoring program – Magistrates Kliner, MacCallum, O’Shea, Payne, Previtera, Tynan

20 February 2008
Police Recruits Occupational Vocational Education Program – Queensland Police Service, Oxley, presentation by Deputy Chief Magistrate Hine

21 February 2008
QIADP Launch, Rockhampton – address by Judge Irwin, Chief Magistrate

29 February 2008
Seminar for Practical Advocacy Skills for Young Practitioners, Stamford Plaza and Brisbane: Worrying never did anyone any good: be familiar with court room decorum and establish your confidence delivered by Deputy Chief Magistrate Hine address by Judge Irwin, Chief Magistrate

4 March 2008
Legal Aid Queensland, Brisbane: Advocacy in the Magistrates Courts Speech delivered by Judge Irwin, Chief Magistrate

Central Queensland Forum for Murri Court Elders and Community Justice Group Members, Rockhampton: presentation by Magistrate Hennessy

6 March 2008
Queensland Law Society Symposium – participation on criminal law panel: Judge Irwin, Chief Magistrate

8 March 2008
Yeppoon Community Group Sentencing Principles, presentation by Judge Irwin, Chief Magistrate

10 March 2008
Cairns Base Hospital Staff Forum, Cairns: presentation, The work of the Coroner’s Court by Magistrate Lock, Brisbane Coroner

13 March 2008
Yarrabah Hospital Staff Forum, Yarrabah: presentation – The work of the Coroner’s Court by Magistrate Lock, Brisbane Coroner

18 March 2008
Townsville Hospital Staff Forum, Townsville – presentation: The work of the Coroner’s Court by Magistrate Lock, Brisbane Coroner

21 March 2008
Queensland Indigenous Alcohol Diversion Program (QIADP) Team Leaders Workshop, Brisbane Magistrates Court: Speech delivered by Chief Magistrate, Judge Irwin

1 April 2008
Queensland University Justice and the Law Society 13 week work experience program: supervision and mentoring by Judge Irwin, Chief Magistrate, Deputy Chief Magistrate Hine, Magistrates Callaghan (C), O’Shea, Tynan and White.

4 April 2008
Queensland University of Technology, Gardens Point Campus, Brisbane: A Vision for the Future of the Magistrates Court: public lecture delivered by Judge Irwin, Chief Magistrate

10 April 2008
The Law Society of Tasmania’s Criminal Law Committee Forum, Hobart Tasmania. Working with Drug Treatment Orders: A Magistrate’s Experience presentation by Magistrate Thacker

19 April 2008
Law and Order in 21st Century Conference, Brisbane, participation by Judge Irwin, Chief Magistrate

30 May 2008
Queensland University of Technology – Health Law Faculty. The State’s supervision of death – a post graduate health law seminar presentation by State Coroner, Magistrate Barnes
10 May 2008
Law Week Opening Day Moots, Brisbane Magistrates Court, presided over by Chief Magistrate, Judge Irwin, and Magistrates Dowse, Guttridge and Springer

14 May 2008
Queensland Alcohol and Drug Foundation Winter School, Sebel Citigate Hotel, Brisbane: Working Together – An Holistic Approach to Therapeutic Jurisprudence address by Chief Magistrate, Judge Irwin delivered by Deputy Chief Magistrate Hine

14 May 2008
Australian Winter School, The Sebel and Citigate King George Square Hotel, Brisbane: Working Together: An Holistic Approach to Therapeutic Jurisprudence: speech presented by Deputy Chief Magistrate Hine

22 May 2008
Queensland Murri Court Conference, the Bardon Centre, Bardon: Opening Address by the Chief Magistrate, Judge Irwin

24 May 2008
Downs and South West Law Association Annual Dinner by the Chief Magistrate, Judge Irwin

31 May 2008
North Queensland Law Association Conference, Mackay: Enjoying the Journey: Reflections on five years as Chief Magistrate: Speech delivered by Chief Magistrate, Judge Irwin

18 June 2008
Justice Mediation Program Explained, Queensland Law Society, Law Society House, Brisbane chaired by the Deputy Chief Magistrate Hine

19 June 2008
Bar Practice Course Summary Trial Moots – presided by Deputy Chief Magistrate Hine, Magistrate Springer, O’Shea and Callaghan

19 – 20 June 2008
Tasmanian Magistrates’ Conference, Hobart, Tasmania: presentation of paper about implementing Drug Court style processes and procedures to manage the Court Mandated Diversion regime established by the Tasmanian Sentencing Act amendments of 2007, presentation by Magistrate Thacker

26 June 2008
Bar Practice Course Moots: presided over by chief Magistrate, Judge Irwin and Magistrate Cull, Lee and Strofield

2007 – 2008 on a regular basis
Question and Answer forums in the courtroom at Warwick for High School students from the local Warwick High Schools by Magistrate Thacker

Delivery of Lectures at University of Queensland, Queensland University of Technology, Griffith University and Bond University by Magistrate Kilner

Rotary club presentations about the Magistrates Court and the Project for Homeless Youth by Magistrate Kilner

Lions clubs presentations about the Magistrates Court and the Project for Homeless Youth by Magistrate Kilner

Addresses to the local Aboriginal Group – Children of the Dreaming – issues concerning the Murri Court and elders: programs to be developed to be used by the Murri Court by Magistrate McLaughlin
Appendix 7:  
Community justice groups 2007 – 08

Statutory Groups

1. Aurukun Community Justice Group
2. Bamaga Mina Codomir Community Justice Group
3. Cherbourg Barambah Community Justice Group
4. Doomadgee Ngooderi Mabuntha Community Justice Group
5. Hope Vale Community Justice Group
6. Injinoo Ikama Ikya Community Justice Group
7. Kowanyama Community Justice Group
8. Lockhart River Community Justice Group
9. Mapoon Community Justice Group
10. Mornington Island Jankuri Laka Justice Association
11. Napranum Twal Council of Elders Community Justice Group
12. New Mapoon Manthingu Community Justice Group
13. Palm Island Community Justice Group
14. Pormpuraaw Community Justice Group
15. Seisa Community Justice Group
16. Umagico Community Justice Group
17. Woorabinda Community Justice Group
18. Wujal Wujal Waranga Community Justice Group
19. Yarrabah Community Justice Group
Non-Statutory Groups

20  Caboolture Buranga Widjung Justice Group
21  Cairns Gumba Gumba Elders Justice Group
22  Charters Towers Gudjal Aboriginal and Torres Strait Corporation for Justice
23  Cloncurry Justice Association
24  Coen Justice Group
25  Cunnamulla Community Justice Group
26  Inala Community Justice Group
27  Ingham Hinchinbrook Community Justice Initiatives
28  Innisfail Community Justice Group
29  Ipswich Community Justice Group
30  Kuranda Local Justice Group
31  Logan Community Justice Group
32  Mackay Aboriginal and Islander Justice Alternative Group
33  Maryborough Community Justice Group
34  Mossman Community Justice Group
35  Mount Isa Community Justice Group
36  Normanton Lamberr Wungarch Justice Group
37  Rockhampton Aboriginal and Islander Community Justice Panel
38  St George Community Justice Group
39  Tablelands Justice Group
40  Thursday Island Community Justice Group
41  Toowoomba Community Justice Group
42  Townsville/Thuringowa Community Justice Aboriginal and Torres Strait Islander Corporation
Appendix 8:
Explanatory notes

Definitions:

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

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

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

**Magistrates Court**

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

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

**Child Protection Applications and Orders:**
The difference in the number of Applications lodged (ie Total and RoGS) is due to the exclusion of secondary applications in accordance with the national reporting standards as stipulated by the Report on Government Services. The Report on Government Services does not include secondary applications, that is, applications for revocation, variation or extension of a child protection order which are lodged with the Magistrates Court.
## Appendix 9:
### Criminal lodgements

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<th>Total Defendants</th>
<th>R.o.G.S.</th>
<th>Number of Charges</th>
<th>Total Charges</th>
<th>% of State Total</th>
<th>% of defendants that are children</th>
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### Appendix 10: Civil claims

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### Appendix 10: Civil claims – 10 busiest locations

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## Appendix 11: Domestic and family violence applications and orders

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### Appendix 11: continued

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| **TOTAL**                  | 23,836 | 19,774                   | 15,632                      | 12,374                | 3,758                  | 317   | 32,081                            | 5,376            | 100%
### Appendix 11:
Domestic and family violence applications and orders –
10 busiest locations

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### Appendix 13: Child protection applications and orders

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<th>% of state total</th>
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<tr>
<td>Beemarile</td>
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<td>547</td>
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<tr>
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Appendix 13: continued

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<th>% of state total</th>
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<td>11</td>
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<td>155</td>
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Appendix 13: Magistrates Court – Child protection applications and orders – 10 busiest locations

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<th>Child Protection Order</th>
<th>Extend Protection Order</th>
<th>Interim Order</th>
<th>Revoke Protection Order</th>
<th>Vary Protection Order</th>
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<th>Number of Applications Dismissed / Withdrawn</th>
<th>% of state total</th>
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<td>31</td>
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<td>438</td>
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<td>5</td>
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<td>262</td>
<td>15</td>
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<td>534</td>
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<td>254</td>
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<td>253</td>
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<td>774</td>
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<td>208</td>
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<td>6</td>
<td>355</td>
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<td>4.09%</td>
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<td>383</td>
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<td>287</td>
<td>66%</td>
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Appendix 14: Jurisdiction throughput statistics

Adult criminal jurisdiction of the Magistrates Courts (Period: 1 June 2007 to 30 June 2008)

Graph 1: Number of defendants lodged, finalised and clearance rates

Graph 2: Number of defendants finalised, and percent finalised within 6 and 12 months of lodgement

Graph 3: Number of pending defendants, and percent greater than 6 and 12 months old
Children’s court criminal jurisdiction of the Magistrates Court
(Period: 1 June 2007 to 30 June 2008)

Graph 4: Number of defendants lodged, finalised and clearance rates

Graph 5: Number of defendants finalised, and percent finalised within 6 and 12 months of lodgement

Graph 6: Number of pending defendants, and percent greater than 6 and 12 months old
Appendix 14: continued

Civil jurisdiction of the Magistrates Court

(Period: 1 June 2007 to 30 June 2008)

Graph 7: Number of claims/applications lodged, finalised and clearance rates

Graph 8: Number of claims/applications finalised, and percent finalised within 6 and 12 months of lodgement

Graph 9: Number of pending claims/applications, and percent greater than 6 and 12 months old
Civil jurisdiction of the Magistrates Court (claims only)

(Period: 1 June 2007 to 30 June 2008)

Graph 10: Number of claims lodged, finalised and clearance rates

Graph 11: Number of claims finalised, and percent finalised within 6 and 12 months of lodgement

Graph 12: Number of pending claims, and percent greater than 6 and 12 months old
Appendix 14: continued

Civil jurisdiction of the Magistrates Court (domestic violence only)

(Period: 1 June 2007 to 30 June 2008)

Graph 13: Number of applications lodged, finalised and clearance rates

Graph 14: Number of applications finalised, and percent finalised within 6 and 12 months of lodgement

Graph 15: Number of pending applications, and percent greater than 6 and 12 months old
Children’s Court civil jurisdiction of the Magistrates Court

(Period: 1 June 2007 to 30 June 2008)

Graph 16: Number of applications lodged, finalised and clearance rates

Graph 17: Number of applications finalised, and percent finalised within 6 and 12 months of lodgement

Graph 18: Number of pending applications, and percent greater than 6 and 12 months old
Appendix 15: Magistrates circuits

BEENLEIGH
Beaudesert

BOWEN
Mackay
Proserpine

BUNDABERG
Childers

CAIRNS
Aurukun
Badu Island
Bamaga
Boigu Island
Coen
Cooktown
Erub Island (Darnley)
Hope Vale
Kowanyama
Lockhart River
Masig Island (Yorke)
Mer Island (Murray)
Pormpuraaw
Saibai Island
Thursday Island
Sue Island (Warraber)
Weipa
Iama Island (Yam)

CHARLEVILLE
Cunnamulla
Mitchell
Quilpie
Roma
Tambo

DALBY
Chinchilla
Dirranbandi
Oakey
St George
Taroom

EMERALD
Alpha
Barcaldine
Blackall
Blackwater
Clermont
Longreach
Moranbah
Springsure
Winton

GLADSTONE
Biloela
Monto

GYMPIE
Noosa

HERVEY BAY
Maryborough
Bundaberg

INNISFAIL
Tully
Yarrabah

KINGAROY
Cherbourg
Gayndah
Murgon
Nanango
Toogoolawah

MACKAY
Sarina

MAREEBA
Atherton
Georgetown
Mossman
Mount Garnet

MAROOCHYDORE
Caloundra

Nambour
Noosa

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

ROCKHAMPTON
Duaringa
Mackay
Woorabinda
Yeppoon

SOUTHPORT
Coolangatta

TOOWOOMBA
Gatton
Millmerran
Pittsworth

TOWNSVILLE
Ayr
Charters Towers
Hughenden
Ingham
Palm Island
Richmond

WARWICK
Goondiwindi
Inglewood
Stanthorpe
Appendix 16:

Map of locations
Places for holding Magistrates Courts

Note: Magistrate is resident in centres underlined.