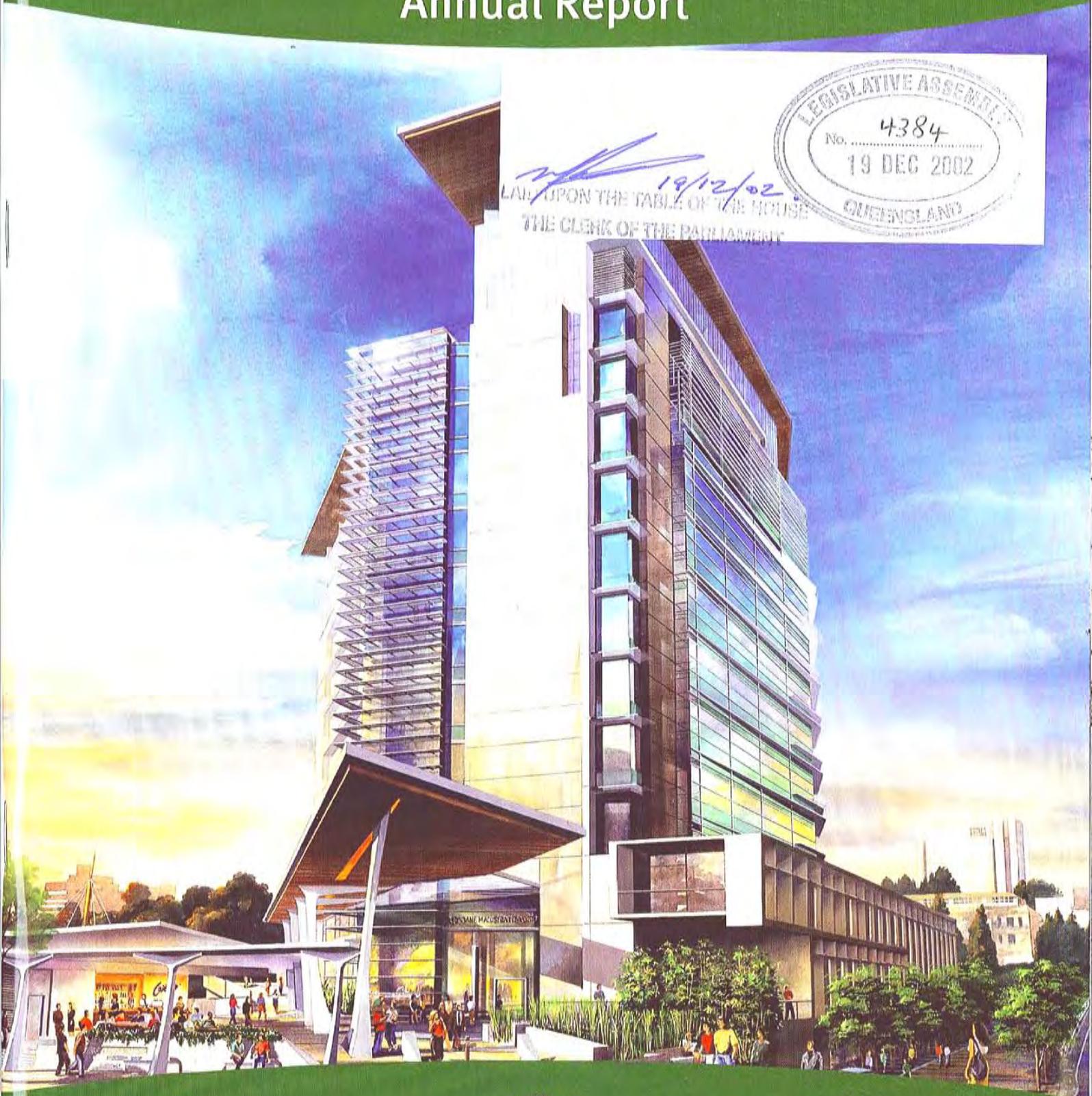


Queensland

Magistrates Courts Annual Report



[Signature]
19/12/02
LAIN UPON THE TABLE OF THE HOUSE
THE CLERK OF THE PARLIAMENT

LEGISLATIVE ASSEMBLY
No. 4384
19 DEC 2002
QUEENSLAND

2001



2002

INTRODUCTION



OFFICE OF THE CHIEF MAGISTRATE
CENTRAL COURTS BUILDING
BRISBANE

26 October 2002

The Honourable Rod Welford MP
Attorney-General and Minister for Justice
PO Box 149
BRISBANE Qld 4000

Dear Mr Attorney-General

In March of this year, the Queensland Magistracy was pleased to present to you, its first Annual Report, providing details for the 2001 calendar year.

Since taking that initiative, the *Justice and Other Legislation (Miscellaneous Provisions) Act 2002* has amended the *Magistrates Courts Act 1921* to insert a new section 57A which now requires the Chief Magistrate to report to you within four months after the end of each financial year.

The Annual Report that I now present to you is based on that initial Report, with a focus on the 2001–2002 financial year. Future annual reports will be based upon the financial years in line with the legislative requirements.

I would like to acknowledge and thank the following persons who have assisted in the preparation of this Report:

- Mr Garry Robinson, Court Administrator
- Magistrates who contributed to various sections of the report
- Ms Lee Williams, Training Coordinator, Magistrates Courts Branch and
- Ms Beth Houston, A/Research Officer to the Chief Magistrate.

Yours sincerely


D M Fingleton
Chief Magistrate

OFFICE:

179 North Quay
Brisbane 4000

POSTAL:

GPO Box 1649
Brisbane 4001

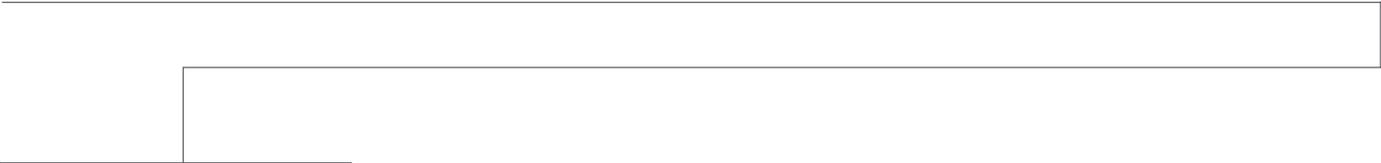


TABLE OF CONTENTS

OVERVIEW	5
Ms DIANE M. FINGLETON, CHIEF MAGISTRATE	
SPECIALIST COURTS	
SPECIALIST FAMILY COURT MAGISTRATES	
SMALL CLAIMS TRIBUNAL	
RELIEVING MAGISTRATES	
DRUGS (REHABILITATION OF OFFENDERS) PILOT PROGRAM COURT	
INDUSTRIAL MAGISTRATES COURTS	
CORONER'S COURT	
ROLE OF CHIEF MAGISTRATE	
ADMINISTRATIVE STRUCTURE	
COMMITTEE STRUCTURE	
STRATEGIC PLAN	
RECRUITMENT OF NEW MAGISTRATES	
INDIGENOUS ISSUES	
STRATEGIC PLAN FOR THE MAGISTRATES COURT	10
PRINCIPLES	
OUTCOME OF STRATEGIC PLANNING PROCESS	
CRIMINAL TIME STANDARDS: PLAN	
CIVIL TIME STANDARDS: PLAN	
QUEENSLAND MAGISTRATES	18
APPOINTMENTS AND RETIREMENTS 2001–2002	19
THE STATUTORY BASIS OF THE COURT	20
CRIMINAL JURISDICTION	22
CIVIL JURISDICTION	23
EQUITABLE JURISDICTION	
UNIFORM RULES	
COMMONWEALTH CRIMINAL JURISDICTION	24
FAMILY LAW	25
CHILDRENS COURT	26
JURISDICTION	
DOMESTIC VIOLENCE (FAMILY PROTECTION) ACT 1989	28
QUEENSLAND DRUG COURT PILOT PROGRAM	30
ESTABLISHMENT OF THE DRUG COURT PILOT PROGRAM	
DRUG COURT PROCEDURE	
THE AIMS OF THE DRUG COURT PILOT	
ACHIEVEMENTS TO DATE	

THE CORONER'S COURT	32
SMALL CLAIMS TRIBUNAL	34
PROCEDURES FOR BRISBANE SMALL CLAIMS TRIBUNAL IN RELATION TO RESIDENTIAL TENANCY MATTERS	
INDUSTRIAL MAGISTRATES JURISDICTION	36
CLAIMS FOR WORKERS' COMPENSATION	
CLAIMS FOR RECOVERY OF MONEY	
PROSECUTION OF OFFENCES	
INFORMATION TECHNOLOGY	37
COURT ADMINISTRATOR	38
ADMINISTRATION OF THE MAGISTRATES COURT	
MAJOR INITIATIVES DURING 2001	
PROPOSED ACTIVITIES FOR 2002-2003	
A DAY IN THE LIFE OF A MAGISTRATE	
—MS P.M. DOWSE, MAGISTRATE, KINGAROY	41
A DAY IN THE LIFE OF A MAGISTRATE IN THE FAR NORTH	
—MRT.J. BLACK, MAGISTRATE, CAIRNS	43
APPENDICES	45
APPENDIX 1: PLACES FOR HOLDING MAGISTRATES COURTS	
APPENDIX 2: MAGISTRATES' COMMITTEES	
APPENDIX 3: CRIMINAL LODGEMENTS	
APPENDIX 4: CIVIL CLAIMS	
APPENDIX 5: DOMESTIC VIOLENCE APPLICATIONS & ORDERS	

OVERVIEW

Ms Diane M. Fingleton—Chief Magistrate



More than 90% of people who appear before a court in Queensland appear in the Magistrates Court; up to 96% of criminal matters are dealt with in the Magistrates Courts. The jurisdiction of the Magistrates Court is, however, much broader than criminal law. It includes civil matters up to \$50,000, Small Claims and Minor Debts up to \$7,500, Industrial matters, Coroner's matters, Family Law and Domestic Violence matters and Commonwealth Offences.

There are 75 magistrates in Queensland, of whom 14 are women and 4 are of Aboriginal or Torres Strait Islander descent. Since 1991, solicitors and barristers from the private profession and from government departments have been appointed as magistrates. Magistrates have been and still are appointed after spending some time in the court system as clerks of the court and becoming legally qualified. This means that the Queensland Magistracy is a vibrant mix of people from diverse cultures and backgrounds.

I was appointed Chief Stipendiary Magistrate in August 1999. Brian Hine was appointed Senior Stipendiary Magistrate at the same time.

In mid-2000, legislation was enacted which deleted the term 'Stipendiary' from the title of all Magistrates. We are now known as 'Magistrate', 'Deputy Chief Magistrate' or 'Chief Magistrate'.

Magistrates in Queensland sit at over 100 courts, with several courts having more than one magistrate. The details of where magistrates are located are listed on pages 18–19 and are shown in Appendix 1. Some magistrates in these centres travel on circuit on a regular basis. For instance, the magistrate based at Charleville travels by road on a regular basis to courts at Roma, Cunnamulla and Mitchell.

The magistrate at Mount Isa, besides sitting at Mount Isa, travels by air on a regular basis to Normanton, Mornington Island, Doomadgee, Burketown and other places. The magistrates at Cairns travel regularly by air to communities on Cape York Peninsula and to Thursday Island. In December 2001 the first Magistrates Court sittings were held at Badu Island, a member of the near-western group of islands in the Torres Strait.

Because of our very broad jurisdiction and because of the nature of circuit work, a court day of a magistrate can include a callover of criminal matters, mentions in relation to civil matters, family law matters, industrial matters, hearings of applications for domestic violence orders, sentencing on a number of pleas of guilty, committals and, possibly, a short hearing or two. It is no wonder, then, that the Queensland Magistracy perceives itself as growing busier and busier.

A great deal of our work in the criminal area is committal hearings, where the evidence of the prosecution can be tested as to whether or not it has established a *prima facie* case which justifies the matter going to a higher court to be dealt with. The courts are aided in this demanding jurisdiction by the Committals Project, operating in two courts, Ipswich and Brisbane, where legal officers of the Director of Public Prosecutions prosecute the matters. Elsewhere in Queensland, Police Prosecutors appear on committals and other prosecutions, including criminal trials where either the Magistrates Court has jurisdiction or the prosecution or defence elects, where appropriate, for the Magistrates Court to deal with the matters.

Specialist Courts

The Magistrates Court has always had jurisdiction under the *Juvenile Justice Act 1992*. This means that, when juveniles (children under 17) are dealt with on criminal matters, besides prosecutors and the defence lawyers representing the child, a representative of the Department of Families is present, so that the magistrate is well informed as to any proposal for sentencing. All magistrates sit as Childrens Court magistrates; however, in Brisbane, the Childrens Court at North Quay deals solely with juvenile justice matters. A further part of the Childrens Court jurisdiction is that of applications for Child Protection Orders in relation to children who may be neglected or abused by family members.

Applications for Protection Orders under the *Domestic Violence (Family Protection) Act 1989* are exclusively the jurisdiction of the Magistrates Court. Applications may be brought either by Queensland Police, on behalf of aggrieved spouses, or privately by lawyers on behalf of aggrieved spouses or by aggrieved spouses themselves (see section on *Domestic violence*).

Specialist Family Court Magistrates

Since 2000, specialist Family Court magistrates have been sitting in Brisbane, Ipswich, Maroochydore, Toowoomba, Beenleigh and Southport. These courts are presided over by magistrates with considerable Family Court experience. Certain matters can be decided by magistrates with the consent of both parties. When this course is taken, parties can take advantage of the summary nature of the proceedings, which is cost-effective and efficient. Family Law matters are also dealt with as stated above as part of all magistrates' duties.

Small Claims Tribunal

The Small Claims jurisdiction is exclusive to the Magistrates Court. Parties to disputes over contractual matters between, say, a consumer and a trader, neighbours involved in a fencing dispute, or parties involved in motor vehicle accidents where property damage results, or residential tenancy matters, are all dealt with in the Small Claims Tribunal. Whilst the hearing may be physically held in a courtroom, the Tribunal hearing is an informal procedure without rules of evidence or legal representation of parties.

All magistrates sit on small claims matters as part of their overall jurisdiction, with the exception of the Small Claims Tribunal in Brisbane, where a magistrate is the full-time referee, that Tribunal handling disputes from certain suburbs and outer suburbs of Brisbane and other areas as defined in the legislation. One other magistrate from Central Courts is permanently allocated on a roster basis to assist with the hearing of the many matters which come before the Tribunal.

Relieving Magistrates

The Queensland Magistracy is strongly supported in its court responsibilities by Relieving (Acting) Magistrates, who are legally qualified Clerks of the Court. They act as magistrates during the absence of magistrates who are on leave or otherwise unavailable to attend court.

Drugs (Rehabilitation of Offenders) Pilot Program Court

This court began sitting in June 2000 at three courts in south-east Queensland—Beenleigh, Southport and Ipswich. The pilot court is due to run until December 2003.

The model for the court (based on the NSW Drug Court operating at Parramatta) approaches the problem of offence-related drug addiction as a matter which can be dealt with in a therapeutic manner by the court. The procedure, briefly, is that offenders who satisfy certain criteria (that is, those who have been assessed as drug addicted, who have been led by their addiction to commit criminal offences, and who would otherwise be likely to serve time in prison) are given the opportunity to undertake an intensive drug rehabilitation program. This order, whilst similar to a probation order, concentrates on the drug addiction of the offender and is individually designed to best address the problems of each offender.

As defendants pass through the process, which can last up to 12 months, they receive rehabilitation, training and housing support where appropriate. Their regular reports back to the court enable the court itself to give them further support in the form of encouragement or, in the case of a breach of the order, to sanction them.

Industrial Magistrates Courts

All magistrates sit as Industrial Magistrates on such matters as claims for unpaid wages and appeals against decisions of WorkCover Queensland in relation to claims for compensation for work-related injuries. However, again in Brisbane, a magistrate works on a regular basis only in that jurisdiction as well as in Commonwealth criminal matters and Australian Taxation Office prosecutions.

Coroners Court

Whilst all magistrates in Queensland are coroners, investigating relevant deaths under the *Coroners Act 1958* and holding inquests into those deaths, the Brisbane Coroner sits exclusively in that jurisdiction.

On 18 June 2002, the Attorney-General and Minister for Justice announced a commitment 'to undertake a comprehensive overhaul of our coronial system and create an Office of the State Coroner'. The Attorney-General has indicated that a new Coroners Act is to be introduced into State Parliament in the latter half of 2002.

A State Coroner is to be appointed and resources provided to enable that office to undertake comprehensive investigations into suspicious, unnatural and accidental deaths. The State Coroner, under the proposal, would have particular responsibility to investigate any death in custody.

The State Coroner will coordinate the work of coroners throughout the State, manage data and identify patterns emerging from deaths that occur in a similar way, and make recommendations to prevent further deaths.

Role of Chief Magistrate

The functions of the Chief Magistrate are outlined in the *Magistrates Court Act 1991*, section 10. They include the determination as to where magistrates carry out their duties within Queensland, allocating the functions to be exercised by particular magistrates and nominating magistrates as coordinating magistrates.

In relation to the transfer of magistrates throughout courts in Queensland, procedures as outlined in the Act facilitate this process. A review of the Chief Magistrate's decision on transfer is possible under Part 4 of the Act.

Training for magistrates occurs initially upon appointment and thereafter by their attendance at training courses held interstate. The Magistrates' conferences may be either full conferences in Brisbane, or smaller conferences held regionally. Magistrates may also attend other conferences throughout the year, in compliance with budget constraints.

Administrative Structure

At those courts throughout the State where there is more than one magistrate, certain magistrates coordinate the business of their courts, e.g. the listing of matters before the courts and the allocation of magistrates to the various courts. Some of these coordinating magistrates are also regional coordinating magistrates (6 in total including the Deputy Chief Magistrate), who administer courts in regions throughout the State. Their duties include approval of leave and the appointment of acting magistrates for relief purposes.

In this way, administrative decisions are made at a local level, with regional coordinating magistrates liaising with the Chief Magistrate on a regular basis. All coordinating magistrates meet with the Chief and Deputy Chief Magistrate twice a year, to advise the Chief Magistrate on policy issues and the future direction of the court.

Committee Structure

A number of committees meet on a regular basis to offer advice and assistance in various areas to the Chief Magistrate and Deputy Chief Magistrate. A list of committees and their aims is attached (see page 47, Appendix 2).

Strategic Plan

Over the past twelve months, much work has gone into the production of a strategic plan for the Queensland Magistracy. In this way, the Queensland Magistracy is able to show, in a transparent fashion, where it sees its direction lying for the period from June 2002 to July 2005 (see page 10). The strategic plan will be printed as a separate publication and will be available for distribution in the latter part of 2002.

In conjunction with this, *A Guide to Best Practice Standards in Court and Case Management in the Magistrates Court* has been developed, offering guidelines for magistrates on how to best perform their complex and challenging role.

These documents are expected to be of great assistance to magistrates in discussing issues of relevance and importance with government and other bodies.

Recruitment of New Magistrates

With the exception of extra magistrates appointed under specific legislation such as the *Drug (Rehabilitation) Court Diversion Act 2000* and the *Child Protection Act 1999*, new magistrates are appointed upon the retirement of magistrates. The appointment by the Attorney-General of the day, follows expressions of interest being submitted by persons wishing to be appointed as magistrates and consultation by the Attorney-General with members of the profession and relevant judicial officers. The Attorney-General, following amendments to the *Magistrates Act 1991*, may appoint a magistrate to serve at a particular court somewhere in Queensland for a period of time up to five years. This is subject to any future circumstances, which may require the transfer of that magistrate to another centre. Magistrates are appointed until they attain 65 years of age.

Indigenous Issues

Since the *Penalties and Sentences Act 1992* was amended in October 2000, magistrates and judges have been obliged to take into account, when sentencing indigenous offenders, submissions made by members of the indigenous community. This is in addition to submissions on sentence by prosecutions and defence. Community Justice Groups have been established in a number of Aboriginal and Torres Strait Island communities. These groups receive funding from the Department of Families, which allows the employment of a coordinator part time or full time.

The reasoning behind this legislation is the disproportionate number of indigenous persons found to be in prison in Queensland.

Magistrates have been encouraged to meet on a regular basis with members of Community Justice Groups, elders or other persons of standing in the community, when they visit such communities. Magistrates and judges are assisted in the sentencing process by being able to listen to local elders and others who can explain the circumstances of the offender and express the community's views.

I have been impressed to observe the way in which Queensland magistrates have taken on this new aspect of their duties. Much hard work continues to be necessary in this area. It is increasingly obvious that the needs of the victims of violence in indigenous communities must be taken into account so that magistrates may deal fairly with all persons in and around the criminal courts.

Planning began for the establishment of a Murri Court at the Central Courts in Brisbane along similar lines to the Nunga Court in South Australia. The Murri Court is aimed at addressing the disproportionate number of Aboriginal and Torres Strait Islanders held in prison.



Chief Magistrate, Diane Fingleton receives a gift from Honorary District Inspector of Police, Carolus Isua (now retired) commemorating her visit to Thursday Island in 2001.

D.M. Fingleton
Chief Magistrate

This document represents the first strategic plan for the Magistrates Court of Queensland focussing specifically on court and caseload management of the business of the court in its civil and criminal jurisdictions. This plan deliberately involves the participation of the judicial officers of the court as well as Magistrates Court staff and puts in place a process identifying clear objectives, time standards, practice directions and measurable outcomes which will allow the work of the court to be objectively reviewed and evaluated on an ongoing basis.

I wish to acknowledge that in preparing this plan, much of the material is based upon the Local Court of New South Wales' *Strategic Plan, 2002–2005* (July 2001). I extend my appreciation to the Chief Magistrate of the Local Courts, New South Wales, for permission to use this document.

The consultative process within the court to finalise the plan has been considerable. As well, external agencies have been consulted and advised when necessary as part of the process of formulating the strategic plan to its conclusion. I would wish to particularly thank all of those magistrates and staff of the Magistrates Court who have given of their time and expertise to bring this process to a satisfactory conclusion.

Devising a strategic plan for the court is but the first step. For the plan to be of constructive assistance in the governance of the court, it requires widespread acceptance by the judicial officers and staff of the Magistrates Court as well as effective implementation. Given the consultative process and participation that has occurred to date, I am confident the plan will fulfil its primary objective of assisting the court to deliver the timely and cost effective resolution of matters that come before it.

PRINCIPLES

The court is committed to discharging its responsibilities to the public, litigants and others who come before it, having regard at all times to the following principles:

- accessibility to and openness in the conduct of proceedings;
- dealing with all matters impartially and fairly and with adherence to proper process;
- awareness and sensitivity to cultural, racial, physical or intellectual impairment;
- maintaining the independence of the court while remaining accountable for its efficient performance and its use of public funds; and
- developing and maintaining the highest standards of professionalism in discharging the duties and functions of the court.

OUTCOME OF STRATEGIC PLANNING PROCESS

Since October 2001, there has been an extensive program of explanation and consultation with magistrates throughout the State and with relevant Magistrates Court staff. There was discussion of the rationale and process behind the development of the strategic plan. There has also been consultation and discussion with the legal profession and stakeholder groups.

That process delivered the following outcomes:

- Specific time standards and accompanying criteria for the conduct of the criminal and civil business of the court, including new practice directions to facilitate identifiable outcomes;
- Development of best practice standards in court and case management in the Magistrates Court, published as a separate document for the assistance of the judicial officers of the court;
- Improved identification and streamlining of information gathering to assist with the ongoing review and resource allocation purposes within the court.

ONGOING REVIEW

It is intended to ensure that the Strategic Plan of the Court is the subject of ongoing review by a committee process between the magistrates and staff of the Court on an annual basis.

CRIMINAL TIME STANDARDS: PLAN

Objective

1. To provide for a plan that will facilitate the timely and proper finalisation of the criminal business of the court.
2. To provide for a mechanism to monitor, report and advise on any matter relevant to achieving the court's primary objective.

Definitions

1. Commenced: first listed appearance date
2. Finalised:
 - complaint dismissed after hearing
 - offence proved after hearing
 - plea of guilty
 - committed for trial or sentence
 - matter dealt with *ex parte* / s142A
 - matter withdrawn, struck out or dismissed
 - orders made in DV Application:
 - by agreement
 - *ex parte*
 - following hearing
 - bench warrant issued

Listing

All criminal matters that come before the court arising from police charges or summons or summonses issued by other prosecuting authorities will be listed for their first appearance date before the court on a date specified by the prosecuting authority or as required by law. For police matters that is usually:

- at least 14 days for notices to appear or charge matters where bail is granted
- as soon as practicable where bail is refused (section 224 Police Powers and Responsibilities Act).

The determination of bail is an issue to be taken into account in listing matters for subsequent appearances before the court. Where possible, persons in custody awaiting hearing or committal should be given priority in finalising their matters before the court.

While an adjournment would normally be granted to allow a defendant to obtain legal advice, that cannot be a reason for constant adjournments. Likewise, change of counsel or the unavailability of counsel at the last minute is not of itself a reason to defer the hearing of a matter. At all times the public interest in having a matter listed, so that it meets time standards, is to be weighed against individual circumstances and a proper and fair balance struck.

Time standards

The criminal business of the court will be conducted in accordance with published time standards, namely:

1. 95% of summary criminal trials should be finalised within 6 months of commencement.
2. 100% of summary criminal trials should be finalised within 12 months of commencement.

3. 95% of criminal cases where the defendant enters a plea of guilty should be finalised within 3 months of commencement.
4. 100% of criminal cases where the defendant enters a plea of guilty should be finalised within 6 months of commencement.
5. 95% of indictable matters discharged or committed for trial or sentence to the Supreme or District Court should be finalised within 6 months of commencement.
6. 100% of indictable matters discharged or committed for trial or sentence to the Supreme or District Court should be finalised within 9 months of commencement.
7. 95% of complaint summonses should be finalised within 6 months of commencement.
8. 100% of complaint summonses should be finalised within 12 months of commencement.

Adjournments

Adjournment applications are a decision for the court in the proper exercise of judicial discretion. While there can be no hard and fast rule on the acceptable number of adjournments that should be granted in any matters, as a general rule, practitioners cannot expect the court to consider applications for adjournment in any matter, without cogent and compelling reasons. Tardiness in preparation, the late obtaining of instructions, the making of representations or change of counsel does not, of itself, justify the granting of an adjournment by the court.

The intention at all times is to ensure the efficient and expeditious conduct of proceedings. Practitioners and those who appear before the court should do all they can to facilitate the just, quick and cost-effective disposal of proceedings before the court. Ways in which practitioners can assist the work of the court in finalising matters include:

- ready identification of issues genuinely in dispute;
- either directly, or by giving appropriate advice to a client, observing the listing procedures, rules and court directions;
- ensure readiness for trial;
- provide reasonably accurate estimates of the length of hearings;
- give the earliest practicable notice of an adjournment application.

Committal hearings or complex hearings

It is the policy of the Brisbane court that where the length of the committal is estimated to exceed 3 days, only 3 days will be set aside for committal hearing unless a court otherwise elects, following submissions by legal representatives (preferably in written form).

Wherever possible, the same approach should be adopted in relation to matters listed for hearing which involve complex issues, many witnesses or may involve multiple accused. In country circuits where Magistrates have circuit commitments, such an approach to the listing of matters cannot be adopted in all cases.

Delays in excess of time standards

Where the delay in finalising a matter has exceeded twice the time standard or 15 months, whichever is the shorter, it is to be identified and be the subject of specific case management by the magistrate in a country circuit or by a designated magistrate in a court complex. Such matters are to be the subject of a regular callover and the allocated magistrate is to set time standards to be met by the parties for preliminary matters to be concluded, to enable the matter to be finalised.

Probation and parole preparation of pre-sentence reports

1. It is noted that administrative agreement does not bind the judiciary, but is nevertheless a proper starting point for consideration of this matter.
2. The court acknowledges agreement with the Department of Corrective Services that in the ordering of pre-sentence reports and their delivery to the court, the following time standards and provisions will apply:

2.1 Recommended minimum adjournment periods for pre-delivery

CSO and/or probation assessment only	3 weeks
PSR summary and options only	3 weeks
PSR specific purposes	3 weeks
PSR background and options	5 weeks
Intensive correction assessments	3 weeks

- 2.2 Within 28 days of the order for a pre-sentence report, Community Corrections will deliver to Magistrates Court offices, the original plus two (2) copies of the pre-sentence report, but at the latest by 10.00am on the working day prior to sentence date. These documents are to be placed on the court papers by the court staff. Only in exceptional cases may the report be faxed directly to the court for copying and placement with the court papers.

-
- 2.3 The court must give a copy of a pre-sentence report to both the prosecution and the convicted person's legal representatives. However, the court may order that the report, or part of the report, not be shown to the convicted person (see section 245 of the *Corrective Services Act 2000*).
- 2.4 The author of a pre-sentence report will not attend court unless the defence, prosecution or court requires it and only upon adequate notice having been given to him/her.
- 2.5 It is the prerogative of a magistrate to, at any time, direct an author's attendance and such direction will be complied with wherever possible.
- 2.6 Where a prosecutor, legal representative, or unrepresented offender wishes to cross-examine the author of a pre-sentence report, they should seek a direction by the magistrate for the attendance of the author.

Reporting

Reporting of the court's performance in relation to these guidelines will be monthly and in accordance with the approved form.

CIVIL TIME STANDARDS: PLAN

Objective

The primary objective is:

1. To provide for a plan that will facilitate the timely and cost-effective resolution of civil disputes.
2. To provide for a mechanism to monitor, report and advise on any matter relevant to achieving the court's primary objective.

Process

1. To develop a plan incorporating time standards which are to be complied with by the court and by the parties and to ensure cases are heard within the time frames proposed and in accordance with relevant practice notes.
2. To ensure that the court's performance in reaching the time standards is able to be reported upon on a monthly basis.

Definitions

1. Initiation

The date the request for trial date is filed, or a notice of intention to defend a minor debt claim is filed, or a small claim is referred to a referee.

2. Disposed of:

- Referred to ADR process (mediation or case appraisal)
- Settled (including adjourned to registrar to allow terms of settlement to be carried out)
- Discontinued
- Struck out or dismissed
- Final judgement delivered
- Final order by Small Claims Tribunal

Proposed time standards

The civil business of the Magistrates Courts of Queensland will be conducted in accordance with the following time standards:

1. 90% of civil cases (excluding small claims and minor debts) should be disposed of within six months of the initiation of the proceedings in the court.
2. 100% of cases should be disposed of within 12 months of the initiation of proceedings in the court.
3. All claims will be offered a hearing date within six months of the initiation of the proceedings in court.
4. Applications, including applications within a proceeding, will be offered a hearing date within 2 months of filing.
5. Re-hearings from ADR will be offered the next available hearing date and must accept a date of hearing within 3 months of any unsuccessful ADR process.
6. 90% of minor debt and small claims matters should be disposed of within 3 months of the initiation of the proceedings in the court or tribunal.
7. 100% of minor debt and small claims matters should be disposed of within 6 months of the initiation of the proceedings in the court or tribunal.

Listings

Parties in a proceeding must comply with all relevant practice directions and directions given under the *Uniform Civil Procedure Rules 1999* (UCPR).

Orders of the court must be strictly complied with. Failure to comply may result in the dismissal of the action, a cross-claim or a defence.

Before any proceeding is referred for any ADR process or a directions conference, the parties must be ready for trial. Should the ADR process or directions conference not dispose of the dispute between the parties, an early hearing date will be given and generally, adjournments will not be allowed to further prepare the proceeding for trial.

It is the policy of the court, where the length of the trial is estimated to exceed 2 days, that only 2 days will be set aside for the trial, unless a Court otherwise directs.

All cases that are suitable for an ADR process are generally to be referred to such a process. It is the policy of the Court that in all other matters, an order will generally be made requiring the parties to attend a directions conference.

The court will make every effort to allocate trial dates suitable to all legal representatives. However, if the court cannot find within the range of dates available, one suitable to legal representatives then, other than in exceptional circumstances, the case will be allocated a trial date within the available range of dates, even though it is not suitable for one of more of the legal representatives.

Adjournments

Parties are to be ready for trial when filing a request for trial date (UCPR 469) and are not to request a trial date unless they are ready for trial.

It is the responsibility of the parties' legal representatives to ascertain the availability of their clients, witnesses and any counsel involved before a hearing date is taken.

Trials will not be adjourned, except in exceptional circumstances. Long cases will generally not be adjourned.

If there is to be an application for an adjournment, it must be made by way of application within a proceeding, with affidavit in support and in accordance with the provisions of the UCPR.

Applications for adjournment will generally not be granted on the day of the trial, unless there are exceptional circumstances.

If the case is not ready to proceed on the allocated hearing date, the party in default may be called on to show cause why the particulars of claim, counterclaim or defence should not be dismissed or struck out.

Where appropriate, costs orders will be made in a sum of money payable within a nominated time.

Length of hearing

An accurate estimate of the length of the trial must be given at the time of filing a request for trial date. Should it be ascertained that the estimated time for the trial has altered, then the court must be advised of the revised estimate of the length of the trial.

Reporting

Reporting of the court's performance in relation to these guidelines will be monthly and in accordance with the approved form.

Mareeba	R.W. Fitzsimon	
Maroochydore	I.T. Killeen	<i>Coordinating Magistrate/ Regional Coordinating Magistrate</i>
	P.W. Johnstone	
	D.F. Wilkinson	
	C. Proctor	
Mount Isa	G.M. McIntyre	
Petrie	J.P. Barbeler	
Redcliffe	R. Woodford	
Rockhampton	T.G. Bradshaw	<i>Coordinating Magistrate/ Regional Coordinating Magistrate</i>
	A. Hennessy	
Sandgate	P.M. Dowse	
Southport	G.A. Wilkie	<i>Coordinating Magistrate/ Regional Coordinating Magistrate</i>
	J. Batts	
	S.L. Cornack	
	L.A. Mellors	
	R.G. Kilner	
	P.J. Austin	
Toowoomba	B.F. Tynan	<i>Coordinating Magistrate</i>
	B.T. Schemioneck	
Townsville	G.J. Tatnell	<i>Coordinating Magistrate/ Regional Coordinating Magistrate</i>
	I.A. Fisher	
	D.R. Glasgow	
	G.A. Hillan	
	B.L. Smith	
	L.P. Verra	
Warwick	A.G. Dean	

APPOINTMENTS AND RETIREMENTS 2001–2002

Appointments

Trevor Arthur Allingham	1 October 2001
Leanne Joan O'Shea	1 October 2001
Bevan Ralph Manthey	23 April 2002

Retirements

Brian Morgan Williams	27 July 2001
Clive Williamson	10 August 2001
Gary Matthew Casey	25 January 2002

THE STATUTORY BASIS OF THE COURT

The major source of jurisdiction for magistrates in Queensland continues to be the *Justices Act 1886*, which, when it was first passed, simplified the vast array of duties that justices of the peace had inherited from England and then New South Wales.

Since the passing of the *Justices Act 1886*, magistrates have had an important role to play in the administration of criminal justice in this State. Then, as is substantially the case now, magistrates could only hear and determine simple offences and examine witnesses in proceedings to determine if there was enough evidence to commit a person to trial. Today, virtually all criminal matters are commenced in the Magistrates Court. Not only does the court have the power to determine summary complaints under the *Justices Act 1886* (ss 139-78) and the authority to hear committal proceedings (ss 99-134 *Justices Act 1886*), but the *Criminal Code* (ss 552A–552J) also vests the court with the power to hear and determine indictable offences summarily. Further, the court hears matters relating to offences committed by children under the *Juvenile Justice Act 1992*. Queensland magistrates can also be appointed as Childrens Court magistrates on the recommendation of the Attorney-General under the *Childrens Court Act 1992*. They also exercise summary jurisdiction over Commonwealth criminal matters (*Judiciary Act 1903* (Cth), ss 68 and 79, *Crimes Act 1914* (Cth), ss 4G, 4H, 4J and *Acts Interpretation Act 1901* (Cth), s 26 (d)).

With respect to civil actions, the *Magistrates Court Act 1921* (s 4) allows a magistrate to determine a personal action where the amount claimed is not more than \$50,000.

Magistrates in Queensland are vested with the duties of coroners under the *Coroners Act 1958* and can investigate suspicious deaths and fires. The function of such inquiries can be seen to be moving towards a position of preventing further deaths from a particular cause.

Maintenance claims and child support claims were heard by the early magistrates under the *Deserted Wives and Childrens Act 1840*. This jurisdiction continues in a varied form today. The Magistrates Court has limited jurisdiction under the *Family Law Act 1975* (Cth). If both parties agree, the Magistrates Court may hear and determine matters pertaining to children under the *Family Law Act 1975* (Cth). This includes child welfare matters.

Originally, the *Summary Ejectment Act of 1867* gave magistrates the power to hear claims concerning recovery of land from tenants who were in arrears. This jurisdiction continues today. Where recovery of possession of any land, due to failure to pay rent, is sought, the Magistrates Court may exercise jurisdiction under the *Property Law Act 1974*. The court also has jurisdiction with respect to other tenancy disputes under the *Residential Tenancies Act 1994*.

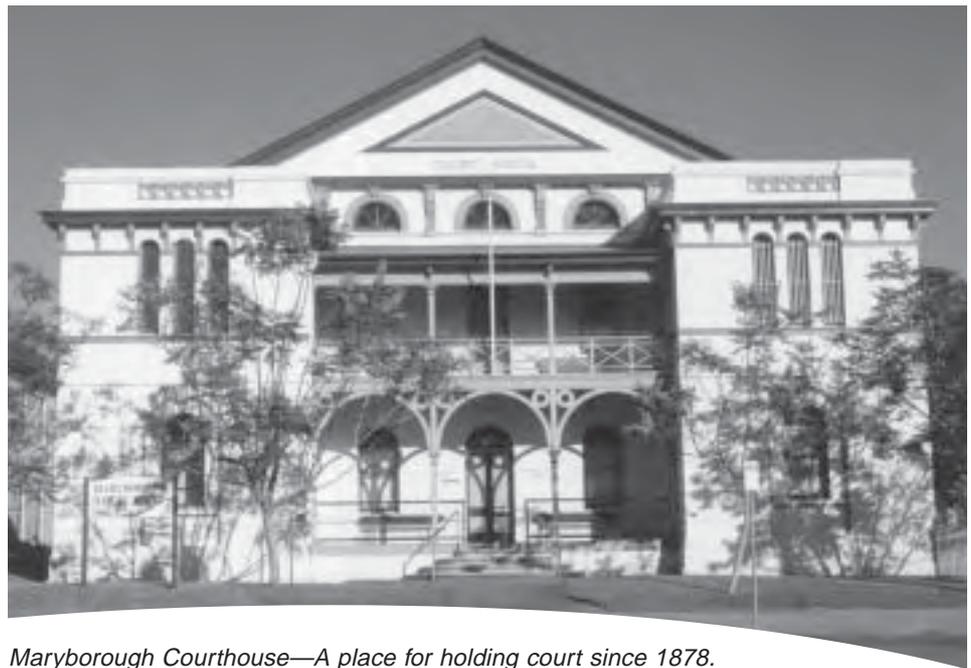
The Magistrates Court has the ability to hear civil matters arising under the *Corporations Law and the Trade Practices Act 1974* (Cth), provided that the matters fall within the general jurisdictional limits and are not within the exclusive jurisdiction of a superior court.

The *Domestic Violence (Family Protection) Act 1989* gives magistrates power to make protection orders for the benefit of an aggrieved spouse, their relatives and/or associates. The court may order a party to surrender a weapon and/or a weapons licence in appropriate circumstances.

The *Peace and Good Behaviour Act 1982* provides for complaints relating to disturbances of the peace and/or interference with property to be brought before a magistrate.

Every magistrate is an Industrial Magistrate and, sitting alone, may constitute an Industrial Magistrates Court (*Industrial Relations Act 1990*, ss 72(a)–73(1)). The Industrial Magistrates Court hears and determines claims relating to offences against the *Industrial Relations Act 1990*, disputes concerning wages, matters relating to workers' compensation and matters referred to it by the Queensland Industrial Relations Commission.

The Magistrates Court has jurisdiction to make orders concerning disputes about dividing fences (*Dividing Fences Act 1953*, s 9). Magistrates also sit, on a regular basis, as referees on the Small Claims Tribunal (see *Small Claims Tribunals Act 1973*).



Maryborough Courthouse—A place for holding court since 1878.

The Magistrates Courts in Queensland have what is known as summary jurisdiction, as opposed to proceedings by indictment and trial before a judge and jury in the Supreme or District Courts.

Magistrates are put in the position of judge and jury for the purpose of hearing and determining the facts constituting the offence. Like a jury, they are judges of the facts and the credibility of the witnesses. They perform the same duties as a judge when deciding questions of law and in imposing penalties.

Each Act of Parliament sets out the penalties that can be imposed for a breach of any provisions of the Act.

The Magistrates Court also has power under the *Criminal Code* to deal with certain indictable offences in a summary manner (ss 552A and 552B). In most cases, the election to have the matter dealt with summarily is that of the defendant.

The *Justices Act 1886* in s 4 defines 'simple offence' to mean 'any offence (indictable or otherwise) punishable on summary conviction before a Magistrates Court by fine, imprisonment or otherwise'. A person summarily convicted of an indictable offence is deemed to be convicted of a simple offence only (s 659 of the *Criminal Code*).

A Magistrates Court may therefore deal with indictable matters e.g. burglary (s 419) where the imprisonment is up to 14 years. Under (ss 552(h)) of the *Criminal Code* a person is liable on summary conviction, for an indictable offence to a maximum penalty of 100 Penalty Units (\$7500) or three (3) years imprisonment.

A Magistrates Court may also deal summarily with crimes under the *Drugs Misuse Act 1986* that carry a penalty of up to 15 years' imprisonment (s 13). A person is liable, on summary conviction for the offences, to not more than 2 years' imprisonment. The election to have the matter dealt with summarily is that of the prosecution.

A Magistrates Court also has power and authority to deal with 'regulatory offences' such as unauthorised dealing with shop goods, leaving a hotel without paying and unauthorised damage to property. In regulatory offence matters, only a fine can be imposed.

Magistrates Courts also deal with federal offences, including offences under the *Crimes Act 1914* (Cth). Offences against the law of the Commonwealth, which are punishable by imprisonment for a period not exceeding 12 months or are not punishable by imprisonment, are summary offences and dealt with by the Magistrates Court (s 4H of the *Crimes Act 1914*). Certain indictable offences can also be dealt with, usually on the election of either the prosecution or defence.

See Appendix 3 which provides statistics relating to the numbers of criminal lodgements in all Queensland Magistrates Courts. The numbers of charges versus defendants indicates that individual defendants appear before the courts on, sometimes, multiple charges.

CIVIL JURISDICTION

In relation to civil claims in Queensland, the Supreme Court has unlimited jurisdiction as to the amount claimed, while the monetary levels of the lower courts are limited by statute. Civil claims not exceeding \$250,000 can be heard and decided in the District Court, and such claims not exceeding \$50,000 can be heard and determined in the Magistrates Court.

See Appendix 4, which provides statistics relating to the number of civil claims filed in Registries operated by the Department of Justice and Attorney-General.

Equitable Jurisdiction

The equitable jurisdiction of the Magistrates Courts is limited to those matters where the only relief sought is the recovery of money or damages not exceeding \$50,000 (s 4(c) of the *Magistrates Courts Act 1921*). However, any such claim must be specifically pleaded by the plaintiff (s 11 of the *Magistrates Courts Act 1921*).

Further, it should be noted that when a magistrate constitutes a Small Claim Tribunal or decides a minor debt claim, the magistrate is under a statutory duty to decide the claim or make an order that she or he considers fair and equitable to the parties, or, if appropriate, dismiss the claim (s 10(2) of the *Small Claims Tribunal Act 1973* and Rule 515 of the Uniform Civil Procedure Rules).

Uniform Rules

The Uniform Civil Procedure Rules apply to all Queensland Courts to ensure that, whenever practicable, the same procedure is used by all courts. The Rules aim to facilitate the efficient resolution of disputes, minimising delays and costs.

Rule 5 sets out the underpinning philosophy and the overriding obligations of parties and the court. In accordance with this philosophy and in meeting these obligations, the Rules establish simplified procedures in the Magistrates Courts. The use of the simplified procedures may be considered in all matters in the Magistrates Court, where a directions conference is held by direction of the court (Rule 523(2)(c)).

Civil proceedings in the Magistrates Court constitute the vast majority of civil cases in this State. Approximately 85% of those claims fall into the minor claim category. In fact, minor debt claims represent *more than three-quarters* of civil cases where the litigants actually get through the courtroom door and experience a court dealing with the case.

COMMONWEALTH CRIMINAL JURISDICTION

Prosecution of offences against Commonwealth Acts occurs frequently before all magistrates. In Brisbane a particular court venue is made available for such prosecutions. That court is served by a complete range of prosecution services provided by the Commonwealth. Larger regional centres are similarly served, although the volume of Commonwealth prosecutions does not warrant a special venue outside Brisbane.

Offences created by Commonwealth Acts are, in Brisbane, prosecuted by the Commonwealth Director of Public Prosecutions or by the Australian Government Solicitor or by officers of regulatory agencies created by Commonwealth Acts. An example of such an agency is the Australian Taxation Office, which prosecutes a variety of offences under the Taxation Acts.

The Australian Government Solicitor is instructed by various Commonwealth agencies to prosecute offences. Common examples are prosecutions brought on behalf of the Australian Customs Service.

The Commonwealth Director of Prosecutions prosecutes in the Magistrates Courts criminal offences created by Commonwealth legislation. A large majority of such offences are dealt with summarily in the Magistrates Court. The remainder are offences which proceed on indictment if a magistrate, in committal proceedings, determines the evidence to be sufficient for indictment.

During the past three years, magistrates have provided a specialist Family Law service at the following courts:

- Toowoomba and Gatton (weekly)
- Southport (weekly)
- Beenleigh (fortnightly)
- Brisbane (twice weekly)
- Ipswich (fortnightly)
- Maroochydore (monthly)

Magistrates hear interim applications on callover days and, time permitting, some contravention applications, as well as the conduct of final hearings.

The high level of acceptance of the service is evidenced by the fact that the jurisdiction conferred on the courts of summary jurisdiction by the *Family Law Act 1978* (Cth) is very limited. For the court to hear any applications for parenting orders beyond the very initial stages, or property settlement and lump-sum spousal maintenance matters with a property pool having a gross value exceeding \$20,000, the parties must consent. This consent is regularly given, as our courts have been able to list such matters for hearing on a final basis often within six to nine months of filing. No doubt, savings in cost of travel, resulting also in reduced legal costs where parties are represented, has added to the appeal of these specialist courts.

The opportunity for one judicial officer familiar with the issues to effectively case-manage a matter is considered to be an advantage to parties.

In 2001 and 2002, law students taking the Griffith University Bachelor of Laws subject involving clinical legal practice, were given leave to appear in the Magistrates Court at Brisbane to apply for adjournments and seek directions, make interim applications and seek consent orders on behalf of the clients of the Caxton Legal Centre. They were under the close supervision of their academic supervisors and staff of the Centre. The exercise has worked well.

The *Childrens Court Act 1992* provides that a magistrate may be appointed as a Childrens Court magistrate by the Governor in Council on the recommendation of the Attorney-General. The Childrens Court Magistrate sits daily in the Childrens Court, Quay Street, Brisbane.

A Childrens Court magistrate has the power, authority and jurisdiction of a Magistrates Court under the provisions of the *Justices Act 1886*. If a Childrens Court magistrate is not available, a magistrate may constitute a Childrens Court. At present, an additional magistrate has been assigned to assist the Brisbane Childrens Court magistrate. That magistrate deals with Childrens Court business at Beenleigh, Inala, Holland Park, Cleveland and Wynnum on a regular basis. Statistics related to lodgments for juvenile justice matters are included in Appendix 3.

Jurisdiction

Criminal

The Childrens Court magistrate has jurisdiction:

- to hear and determine all simple offences.
- upon the defendant's election, to hear and determine an indictable offence (other than a serious offence as defined in s 8 of the *Juvenile Justice Act 1992*) in a summary way.
- to conduct committal proceedings in relation to indictable offences.
- to hear and determine bail applications. This court will often hear bail applications where a child has been earlier refused bail. Applications for bail will occasionally refer to charges that are before Childrens Courts in other locations. The young person subject to charges is held in the Brisbane Youth Detention Centre and, as a matter of convenience, the bail application is taken before the Brisbane Childrens Court. At the request of the defendant, the Department of Families prepares a conditional bail program to meet the specific needs of the young person. The court will then consider this new material to determine whether a grant of bail is possible.

Miscellaneous

The Childrens Court also has jurisdiction:

- To determine applications to dispense with consent in limited circumstances under the *Adoption of Children Act 1964*.
- To determine applications to dispense with consent to change of surname under the *Registration of Births, Deaths and Marriages Act 1962*.

General

The Childrens Court at Brisbane is conducted in a less formal manner than the traditional Magistrates Court. The proceedings are conducted in private, and reporting of identifying particulars is prohibited by legislation.

The *Juvenile Justice Act 1992* requires the court to ensure that the child offender and his/her parent understand the nature of the proceedings as well as providing them with the opportunity to be heard and to participate. A parent is expected to attend the court hearing when a plea is entered or committal proceedings are conducted.

An officer of the Department of Families is in attendance at all sentences and bail applications. The practice of magistrates is to address the child and parent and encourage them to discuss the circumstances behind the offending behaviour and their expectations for the future.

The representative from the Department of Families is present to supply information relating to the child's history, including known personal history and details of the young person's compliance with community-based orders, where appropriate.

The defendant is required to indicate if he/she understands the nature of the sentence imposed and the consequences that will flow from a breach of the order. This inclusive process appears to have a favourable impact on those involved.

Community Conferencing

The opportunity to make full use of the community conference provisions of the *Juvenile Justice Act 1992* now exists in the general Brisbane area, on the Gold Coast, Ipswich and Cairns. This procedure, based on restorative justice principles, involves a young person who has been found guilty of an offence, his or her supporters, police officers and a conference convenor coming together to discuss the offence and its impact. An agreement is reached regarding an outcome for the offender.

Child Protection Issues

Applications for orders under the *Child Protection Act 1999* are made to the Children's Court. Applications may be for a Temporary Assessment Order in chambers or to the court for Court Assessment Orders or a Child Protection Order.

Upon an application being lodged, the court is required to consider issues of temporary custody, family assessment and medical assessment. If, after the necessary reports are compiled and considered, the application is not resolved, an order for a pre-hearing conference is made, which enables the issues in dispute to be clearly identified. The conference also allows the parties the opportunity to resolve those matters. At the conclusion of the conference a report is put before the court, which will then make a final order or list the application for hearing.

The conference process has proved to be most successful. A large number of applications are finalised without the need for a formal court hearing. The court retains the responsibility to make the final determination in all cases, taking into account, where possible, the report of the Conference Convenor.

The Magistrates Court is the only court with jurisdiction to deal with applications under the above Act for protection orders where allegations of domestic violence have been made by one person against the other, known as 'the aggrieved spouse' and 'the respondent spouse'. Although men may also be aggrieved spouses, by far the greatest number of applications are made by women seeking protection from the violent behaviour of men on behalf of themselves, and sometimes their children as well.

Often police are called to the scene of a domestic dispute and, upon investigation of the incident, will either take the alleged perpetrator into custody until an application can be made for a temporary protection order, or the alleged perpetrator can be released from custody on bail with conditions to appear in court at the next opportunity. The release from custody form has the same effect as a temporary protection order.

An application to court for a temporary order can be made before a magistrate, either as the result of intervention by police, or by an aggrieved spouse making an application to the court, either in person or by the police, or by way of being privately represented. At the preliminary hearing, a temporary order can be made, even if the respondent spouse has been unable to be served; if served, the respondent spouse may consent to a protection order being made for up to two years, or may oppose the making of an order and ask for a hearing to be set down to determine whether a final order should be made.

The order must include what are known as the 'four standard conditions', including that the respondent spouse be of good behaviour and not commit domestic violence, and may include other conditions, including no contact with the aggrieved spouse, subject to certain arrangements which suit both parties. A breach of an order, which order must be served on the respondent spouse to be effective, is a criminal offence and can be dealt with accordingly. Depending on the seriousness of the breach, a defendant could be imprisoned as a result.

Alternatively, if certain pre-conditions are satisfied, a defendant, upon breaching an order and pleading guilty or having been found guilty, can be placed on a probation order, which includes taking part in a perpetrators' program. This will involve the perpetrator in an attempt to redress patterns of behaviour which have led to an order having been made against him or her and, hopefully, to help the perpetrator form healthier relationships in the future.

Domestic violence includes acts that a person has committed against his or her spouse, e.g. wilful injury, wilful damage to the spouses property, intimidation or harassment of the spouse, indecent behaviour to the spouse without consent, or a threat of any of the above. The type of wilful injury to which a person can be subjected has been interpreted to include physical, emotional, psychological or sexual abuse.

Whilst some courts are busier than others in this jurisdiction, it is a part of the work of magistrates that is demanding both emotionally and in terms of workload. Every effort is made by court staff to ensure that the safety of parties is maintained at each Magistrates Court.

Since an amendment to the Act in 2000, persons of the same sex may now apply to the courts for protection. Further amendments to the Act are proposed in the near future, which will see the categories of persons covered by the Act expanded to cover persons in 'intimate personal relationships', persons who are cared for by 'informal carers' and some relatives of the aggrieved. It is anticipated that the extra number of applications will see the work of the Magistrates Courts in this area increase substantially.

Regular and ongoing education of magistrates in relation to the area of domestic violence, is organised for magistrates to ensure that their skills and knowledge in this important area are maintained.

See Appendix 5, which provides the number of domestic violence applications and protection orders made throughout the State.

Establishment of the Drug Court Pilot Program

A drug court is a special court that helps a drug-dependent offender deal with his or her drug dependency by combining treatment services, corrections programs, frequent drug testing and supervision by the court in an intensive drug rehabilitation program.

For 30 months from 13 June 2000, many drug-dependent offenders will have had an opportunity to take part in the trial of a new sentencing option called an Intensive Drug Rehabilitation Order (an IDRO). At the end of the 30 months the pilot will be evaluated by the government. Offenders who are sentenced to an IDRO, take part in an intensive drug rehabilitation program as an alternative to imprisonment.

The Magistrates Courts at Beenleigh, Ipswich and Southport have been prescribed as the pilot program courts. They are colloquially known as "the drug court". At this stage, the option of going into a drug court program is not available at any other court.

The relevant law can be found in the *Drug Rehabilitation (Court Diversion) Act 2000* and the *Drug Rehabilitation (Court Diversion) Regulation 2000*.

Drug Court Procedure

Offenders who appear to qualify are referred for assessment and remanded to appear before a specially appointed pilot program magistrate. Once the defendant is assessed by Health and Community Corrections officers, a pre-sentence report is presented to the pilot program magistrate.

To be accepted into the drug court pilot program, a participant must be willing to take part in all the treatment, courses and other parts of the program and obey the strict terms and conditions set by the court.

If an offender is assessed as drug dependent and as suitable for rehabilitation, the pilot program magistrate decides if the offender is to be placed on the intensive drug rehabilitation program. The pilot program magistrate then continues to personally and directly supervise each offender's participation and progress.

At the regular case reviews, the magistrate is advised by a team of professionals consisting of a police prosecutor, a legal aid defence lawyer, a clinical nurse and a community corrections officer. The magistrate learns how the defendant is progressing, and whether to give rewards or impose sanctions, or to graduate the defendant through the three stages of the program.

In phase one, the defendant must become drug free for a significant period and stop offending. In phase two, the defendant is stabilised and makes a firmer commitment to the drug court process. In phase three, the defendant must have completed all courses and begun reintegration with family and society and become employed or employment-ready.

To graduate from any phase, the defendant must demonstrate that he or she has been abstinent in relation to drug-taking. The court can impose sanctions against the defendant for any breach of the IDRO or reward participants for progressing well through their programs.

Funding has been provided for up to 140 defendants to participate at any one time. It is anticipated that most defendants will take 12 to 18 months to complete the program.

The Aims of the Drug Court Pilot

The *Drug Rehabilitation (Court Diversion) Act 2000* mandates the drug court pilot to achieve four key objectives - that, is to:

- Reduce the level of *drug dependency* in the community.
- Reduce the level of *criminal activity* associated with drug dependency.
- Reduce *health risks* to the community associated with drug dependency.
- Reduce pressure on *resources* in the court, health and prison systems.

Achievements to Date

Success by individual defendants requires a large investment of commitment and determination. This is sometimes evidenced when defendants keep participating, despite the fact that they could have completed serving a shorter sentence of imprisonment and been left to their own devices.

In the two years since the drug court pilot began (as at 30 June 2002), 472 defendants had been referred to the drug court for assessment. Of these, 177 were ineligible or given sentences other than an IDRO by the drug court magistrate.

The court has made 220 IDROs, of these:

- 25 failed to appear (their IDRO's are still active);
- 83 have been removed from the program; and
- 83 are actively participating in their IDRO's.

Twenty-nine participants have successfully completed all three phases of the program. They each became drug-free, reunited with family and graduated from the drug court program with employment or retraining ensured. They also attained the life skills required to remain drug free, and therefore crime-free.

It was always envisaged that defendants would take up to 18 months to complete the program. Therefore, as the pilot progresses the flow of graduates is expected to increase.

The office of coroner is one of the oldest known to law. Coroners play a vital role as independent judicial officers serving both the Crown and the community.

Under the *Coroners Act 1958*, every magistrate in Queensland has jurisdiction to act as a coroner. The Act sets out the duties of coroners, including inquests into some deaths and some fires, and inquiries respecting missing persons.

Coronial proceedings are unique, and the role of a coroner is essentially that of an investigator. Whilst an inquest is an inquisitional process, it is quite unlike a trial. At coronial inquests, there are no parties and no prosecution or defence; they are simply an attempt to establish the facts.

A coronial inquest is not, however, an open-ended investigation and a coroner does not have general powers of inquiry or detection. In his or her search for the truth, a coroner must focus upon the real cause of the death or fire, and the specific—as opposed to the general—circumstances surrounding it.

Only some deaths are subject to an inquest. For example, when a person dies in Queensland whilst detained in a prison or where any person has died in violent, unnatural or suspicious circumstances or where death is by drowning, a coroner is required to conduct an inquest into the cause of and circumstances surrounding the death.

However, under the Act, the scope of such an inquest is limited to establishing, so far as practicable:

- the fact that a person has died;
- the identity of the deceased person;
- when, where, and how the death occurred;
- the persons (if any) to be charged with murder, manslaughter, dangerous operation of a motor vehicle causing death, or the offence of assisting suicide.

It is not the job of the coroner to blame anyone for the death or to apportion guilt. Indeed, under the Act, the coroner is prohibited from framing his or her findings in such a way as to appear to determine any question of civil liability or suggest that any particular person is found guilty of any indictable or simple offence.

In a real sense, the emphasis in the modern coronial jurisdiction has moved to an incident-prevention role—for example, identifying systemic failures for the purpose of making recommendations to prevent the recurrence of such fatal incidents.

The Act empowers a coroner to request any medical practitioner to conduct a post-mortem examination for the purpose of any inquiry or inquest. In this regard, the coroner has a very wide discretion and is not bound to order a post-mortem examination unless directed to do so by the Minister. In deciding whether an autopsy is necessary, a coroner will take into account the public interest factor and the private interest of the family of the deceased. No coroner wishes to intrude, without adequate cause, upon the privacy of a family in distress and to interfere with their arrangements for a funeral.

Another function of a coroner is to give or refuse his or her consent to the removal and use of human tissue, pursuant to the *Transplantation and Anatomy Act 1979*. In performing that important function, coroners consider, amongst other things, the feelings and wishes of the family and next of kin of the deceased.

The Coroner's Court is a court of record and coronial proceedings and findings are subject to supervision and review by the Supreme Court. All proceedings of the Coroner's Court are open to the public but, as a protection and in the interests of privacy, the Act allows a coroner to exclude the public from inquests and prohibit newspapers from publishing evidence.

The Small Claims Tribunal was established in 1973 to deal with disputes between consumers and traders. It originally consisted of one referee, who had the responsibility for dealing with all claims state-wide, with the registry situated in Brisbane. With the increase in the number of claims, the *Small Claims Tribunal Act 1973* was amended by appointing all magistrates in Queensland to be Referees, with all Magistrates Courts Registries to be registries for processing small claims. No legal representation is allowed in the Tribunal and no rules of evidence apply. Orders made for payment of monies by one party to another are recoverable like any other court order.

As there was a registry already set up in Brisbane, it was decided to use this central Registry to process all Small Claims within the Brisbane metropolitan area. The Brisbane Tribunal covers a significant area across a number of local authorities. The Registry of the Brisbane Small Claims Tribunal is situated within the Brisbane Courts complex.

The jurisdiction of the Tribunal over the years has been enlarged to include disputes involving property damage arising out of the use of a vehicle, dividing fences and rental bonds. With the establishment of the *Residential Tenancies Act 1994*, it was decided to utilise the existing jurisdiction of the Small Claims Tribunal as the forum to deal with disputes under that Act which cannot be resolved by the Residential Tenancies Authority (the RTA) through its conciliation process.

The increase in the jurisdiction of the Tribunal to deal with all residential tenancy disputes, rather than just rental bond disputes, has seen the workload of the Tribunal increase rapidly. In 1996 the Brisbane Tribunal processed just over 3500 claims, whilst in 1999 the number was 6295 residential tenancies claims and 1093 miscellaneous claims. In 2000, the number was 6566 residential tenancies claims and 1083 miscellaneous claims. As can be seen from these figures, the majority of the work done by the Tribunal relates to residential tenancy disputes.

Procedures for Brisbane Small Claims Tribunal in Relation to Residential Tenancy Matters

The *Residential Tenancies Act 1994* makes provision for two distinct types of claims, referred to as 'urgent Claims' and 'non-Urgent Claims'.

Non-urgent claims

These claims are all claims other than claims which are deemed to be "urgent claims" under the Act. The Tribunal cannot process these claims unless the parties have been to the RTA for conciliation. If the RTA is unable to resolve the dispute, the RTA will issue the party bringing the claim with a "Notice of Unresolved Dispute", and this document must be produced by the claimant before a claim can be filed in the Tribunal.

Urgent Claims

These claims can be filed without the parties attempting conciliation with the RTA, and include the following examples:

- Claims by lessor to terminate the tenancy due to breach by tenant.
- Claims by tenants for emergency repairs.
- Claims by both lessor and tenant to terminate the tenancy due to excessive hardship.

The average time between lodgement and hearing ranges from 7 to 10 days for urgent claims and 6 to 8 weeks for non-urgent claims. If a claim is filed and it is considered by the Registry staff to be in need of an immediate hearing, the matter will be listed in Hearing Room 1 on 3 days notice to the parties. A second magistrate from Central Courts, assists the Small Claims Referee on a regular basis for 4 days out of 5 each week.

In all other centres, the Magistrate deals with urgent and non-urgent residential matters and other miscellaneous claims, in conjunction with the rest of his/her workload.

Statistics in relation to the number of Small Claims brought throughout Queensland are provided in Appendix 4.

The Industrial Magistrates jurisdiction encompasses three broad categories:

1. Claims for workers compensation.
2. Recovery of money.
3. Prosecution of offences committed at the workplace.

Claims for Workers Compensation

This jurisdiction was created by legislation which established entitlement to compensation for workplace injuries, regardless of common-law liability, and has been continued in the *WorkCover Queensland Act 1996*. This area of litigation dominates the Industrial Magistrates jurisdiction. The issue most commonly contested is whether or not employment contributed to an injury. Other issues which arise include: 'Did the claimant suffer an injury?'; 'Is the claimant a person intended to benefit under the Act—i.e. a 'worker'?'; 'Is the claimant incapacitated by the injury?'

Claims for Recovery of Money

This jurisdiction arises predominantly under the provisions of the *Industrial Relations Act 1996*, which allows an employee to bring an action to recover wages and other statute-endorsed entitlements. The issues which arise for consideration in such matters include: 'Is the claimant an employee or an independent contractor?'; 'What was the nature of the employment?'; 'What hours were worked?'; 'How much was the employee paid?'; 'What award or industrial instrument, if any, covers the employment?'; 'What is the claimant's entitlement under the award or industrial instrument?'. The last two questions usually involve an assessment of the employment tasks and a comparison of those tasks with industrial instrument criteria.

Some statutory bodies are empowered to recover charges, fees or premiums in the Industrial Magistrates Court. One example is WorkCover Queensland in respect of premiums payable under the *WorkCover Queensland Act 1996*. In such actions for recovery, disputes may arise over the appropriate basis for calculation of premiums. Similarly, other Acts provide for charges based on the particular circumstances of each case. Resolution of such disputes involve an interpretation of the statutory provisions, an assessment of the relevant criteria which determine the level of impost and a determination of the facts of the case relevant to the criteria.

Prosecution of Offences

There are a variety of Acts that create offences which are prosecuted in the Industrial Magistrates Court. The most common are: failure to ensure workplace safety; failure to pay award wages and benefits; failure to keep wage records; failure to comply with a statutory requirement to provide information; falsely claiming workers' compensation.

All magistrates are provided with a desktop personal computer and printer in their chambers.

Magistrates have access to the Internet and are able to conduct legal research. Magistrates have access to such sites as Butterworths, Law Book Company, CCH, AUSTLII and many more. This also allows magistrates to access the latest State and Commonwealth legislation and *Hansard* reports. This has enabled magistrates, especially in courts outside Brisbane, to access the latest information available and assist them in dealing with the complexities of the jurisdiction.

Magistrates are also able to access databases on comparative sentencing at both the Legal Aid Office Queensland and the Director of Public Prosecutions, Queensland. This, together with access to all the latest cases from the higher courts, enables magistrates to have the most up-to-date information on sentencing available.

The ability to access e-mail has also assisted magistrates. All letters from the Chief Magistrate containing information, practice directions and other matters are sent by e-mail. Magistrates from all areas of the State are now able to readily contact the Chief Magistrate, the Deputy Chief Magistrate or Regional Coordinators in relation to court arrangements, leave and other matters.

Substantial training has been undertaken to enable magistrates to understand and be able to use the services that are available. Training has been provided by the Manager of Library Services, Crown Law Library, and her staff. They have travelled to each of the courts in Queensland to give 'one-on-one' training to individual magistrates.

Magistrates on circuit are provided with a Notebook computer and printer to allow them to link into JAGNET, the Department of Justice and Attorney-General Intranet, and the Internet to obtain legislation and conduct legal research and also to access email whilst on that circuit.

ADMINISTRATION OF THE MAGISTRATES COURTS

The management of the non-judicial operations of the Magistrates Courts is a function of the Department of Justice and Attorney General. Within the department, responsibility is allocated principally to the Magistrates Courts Branch with some more generic functions such as financial processing, building maintenance and personnel processing being performed by corporate service sections of the department.

The Magistrates Courts Branch is managed by the Court Administrator, Garry Robinson, who is assisted by a Magistrates Courts branch head office. The Court Administrator holds delegated financial and human resource management delegations and is specifically responsible for systems and procedures in registries, specialist Magistrates court training, major specialist computer systems and general administration. The Magistrates Court Head Office also works closely with the Chief Magistrate to support that position's statutory responsibilities. The Court Administrator is assisted by 10 Area Managers who are also Registrars in major Courts. Reporting to each Area Manager are a number of registrars of smaller courts.

Also reporting to the Court Administrator is the Co-ordinator of the Drug Court Pilots, the Co-ordinator of Child Protection Conferences and the Manager State Penalties Enforcement Registry (SPER). SPER works closely with the Magistrates Courts but is not part of the Courts.

MAJOR INITIATIVES DURING 2001–2002

Enhancement of QWIC system

The Queensland Wide Interlinked Court (QWIC) system is the major computer system in all Magistrates Court Registries and handles all stages in Magistrates Courts non-civil case management and financial transactions. It was implemented in late 2000.

During the last year, major work has been carried out on an interface and associated functionality to transfer overdue fines to the State Penalties Enforcement system (implemented January 2002), the financial management and reporting component (due for release in October 2002), and domestic violence component (partially implemented June 2002). Inquiry access to the system was given to Queensland Police. A number of minor enhancements were also released.

Civil Case System

This computer system records all civil matters (including small claims). It is an older system developed in the early 1990's which had previously operated in the 10 major city courts. During the year it was extended to another 6 mid-sized courts.

Brisbane Magistrates Court, Western Districts Court and Mackay Court Buildings

The Court Administrator was a member of the selection panel for the design for the new Brisbane Magistrates Court building and along with the Registrar of the Brisbane Court has contributed to the design of the new building.

The Court Administrator and the Registrars of Mackay and Western Districts Courts also participated in the design of the new courthouses to be commenced at Mackay and Richlands in 2003.

PROPOSED ACTIVITIES IN 2002–2003

Establishment of Office of State Coroner

The Attorney-General has announced that a new Coroners Act to reform the State coronial system will be introduced to Parliament. This is likely to commence in early 2003. Initial steps have been taken to establish the Office of the State Coroner. On passage of the legislation, new systems and procedures for coronial cases will be implemented in all court registries across the state. The QWIC system will be developed to provide a coronial case management system.

Expansion of domestic violence legislation

The legislation to extend domestic violence procedures to additional categories of relationships was passed by the Parliament in early 2002. It is likely that this will come into operation in the first half of 2003. This will require additional training for court staff and changes to procedures.



Staff of the Thursday Island Registry with the Chief Magistrate from (l to r) Jasmine Williams, Casual Administrative Officer, Alana See Kee, Trainee, Ms Fingleton, Chief Magistrate, Colette Baran, Clerk (Administration) and Cynthia Takai, part-time Administrative Officer.

Drug court pilot projects

Pilot Drug Courts have been established in Ipswich, Beenleigh and Southport Magistrates Courts. These will be evaluated in 2002–2003. In November 2002 a pilot program will be established in Cairns and Townsville courts. The Branch is responsible for establishment of the non-judicial court procedures and co-ordination of other government agencies, involved in the pilots.

Drug diversion programme

This programme will be introduced into the Brisbane Magistrates Courts. It is a joint initiative between the State and the Commonwealth to divert minor drug offenders to drug counselling and rehabilitation rather than the more traditional Magistrates Courts sentencing options. The Magistrates Courts Branch will establish and monitor the procedures needed to run and assess the programme.

Electronic lodgment of civil matters

A service will be developed to allow plaintiffs to lodge claims and requests for default judgments electronically in the Magistrates Courts. The direct client interface will be provided by a third party who will transmit lodgments to the courts computer system. *The Uniform Civil Procedure Rules* will be amended to facilitate this service.

A DAY IN THE LIFE OF A MAGISTRATE

Ms P.M. Dowse, Magistrate —Kingaroy



One of my greatest fears is arriving at a particular court on the wrong day. So far so good! I can't think of anything more embarrassing than arriving at a court when lots of people are waiting for me at another court, in a town which could possibly be 2 hours drive away at worst, or 30 minutes at best!

One of the greatest comforts I enjoy is having the company of reliable, knowledgeable and experienced Depositions Clerks, who are prepared to do all within their power to reduce all the problems and challenges of the day ahead to a manageable number.

Each day is generally full of stories of despair and sadness from people from all walks of life. Lots of reasons are submitted for those acts which are responsible for bringing people before the court. It is not very often that you get to hear anything which is a little bright or light-hearted—although I must admit that, not so long ago, I had a laugh to myself over a defendant who explained he had been chipped at the drive-through of McDonalds Family Restaurant about his manner of driving, apparently by an off-duty police officer. The defendant, who was totally offended and outraged over the incident, drove straight to the Police Station to make a complaint. Not surprisingly, he was put on the breathalyser and recorded an alcohol reading of 0.12%. When called on to make submissions on penalty after pleading guilty, he said there was only one thing he could say and that was '...What an idiot...'. I thought to myself (and I remained controlled), 'What an understatement!'

There are some people one manages to see at court on a number of occasions. At present, there is one man awaiting trial in the Supreme Court on offences who has ancillary summary matters arising out of the same set of facts, which will have to be dealt with in our court after the higher court proceedings. This defendant conducted his own committal hearing and always appears in person on his mention dates. On the last occasion, he was sitting in the back of the courtroom for a time before his matter was called on. I said to him "Good morning, Mr XYZ...", to which he happily replied "Good morning, Your Worship. I just wish I could run into you down the street so that we could have a chat". Very quickly I explained to him that the only places I go are courtrooms and that any chats I have are all recorded in accordance with the *Recording of Evidence Act 1962*.

There are at least 101 pieces of legislation to which a magistrate may have cause to refer during a day. There is no telling what kind of matters will be considered in any one day. It is not unusual to have 40 or 50 defendants in a sitting. It is an enormous responsibility to maintain the respect accorded to the position and nomenclature of 'Your Worship' or 'Your Honour'. Sometimes people refer to you as 'Your Majesty' or 'Your Highness'. It could go to your head, except that the next defendant might call you 'matey' or 'love'!

Criminal law takes only part of the day. There are other matters, which fall under the heading of civil law and Family Law, which require adjudication, as well as matters before the Small Claims Tribunal and Minor Debts Court.

The life of a magistrate is by no means an easy one—not when you are dealing with the lives and liberties of your fellow men and women. It is not a simple thing to pronounce those words that doom a human being to a term of imprisonment. Even the run-of-the-mill case is stressful for the simple reason that all cases, both big and small, are made up of human beings. While I realise it is not easy to achieve a state of perfection in any field, this is one in which all of us would want more nearly to approach—absolute justice.

At the end of the day, when many, many decisions have been made, you arrive home from work to yet another serious problem, 'WHAT IS FOR DINNER?', to which I usually respond, 'I do not wish to make any more decisions today!'

A DAY IN THE LIFE OF A MAGISTRATE IN THE FAR NORTH

Mr T.J. Black, Magistrate—Cairns



Cairns magistrates delight in an extremely diverse circuit. On the third Tuesday of every month, a twin-engine charter aircraft departs Cairns in the (relatively) early hours of the morning, en route to the Aboriginal communities of Coen, Lockhart River, Kowanyama, Pormpuraaw, Aurukun, Bamaga and the mining settlement of Weipa, all on Cape York Peninsula. On board, will be the two circuit magistrates, their clerks, an officer of the Department of Families and, on odd occasions, a Community Corrections Officer. The prevailing mood on that first morning is rarely jovial, as those on board contemplate at least three days of grinding court work, interspersed with the nervous tension engendered by travelling in small aircraft.

All of us who have convened a court in Aboriginal communities would well understand the frustration of late starts, provoked by an inability of solicitors and their field officers to get adequate instructions from their clients in a time frame which we, as magistrates, generally regard as acceptable. Cape courts are no exception. The days, as a consequence, are generally long so as to dispose of the numerous matters listed. Aurukun and Kowanyama have a high volume of throughput. Fortunately, the conditions in which the court now convenes, are a marked improvement over those of former years. New Community Justice centres have been erected at Kowanyama and Bamaga and are very comfortable. Pormparaaw will soon join that list. There are many stories to be told, however, about court days spent in the old community building at Kowanyama, the cramped sergeants office in Coen, where only the magistrate could be seated, and the dirt and dust associated with the old courtroom in Bamaga.

I personally find the Cape circuit to be debilitating. Apart from anything else, the long hours flying are physically draining. A few near-accidents over the years have not enhanced my love of flying. Although all airstrips are now sealed, monsoonal weather continues to add zest to air travel in the tropics. Additionally, little we do as judicial officers seems to quell the rising tide of violence manifest throughout the communities.

There is an up-side, of course. I find it challenging and invigorating, attempting to establish a rapport with the evolving Community Justice Groups. It is important that lines of communication are opened between these Groups and the court and, to this end, circuit magistrates try to meet with Group representatives. This should allow us, in due course, to come to appreciate the nuances of a culture essentially foreign to us, as well as putting elders of the community more at ease with us, so as not to be deterred from making valuable contributions to the court process.

Thankfully, a real camaraderie exists between the various magistrates and their accompanying staff, and some very convivial evenings are enjoyed at our comfortable accommodation in Weipa, to which we retreat each evening. Some of my brothers have been known to cast a line for the elusive barramundi - with limited success.

The Cairns Bench also has charge of the circuit to Thursday Island and, by recent extension, to Badu Island. I have learned from long experience that, while Thursday Island is the administrative centre, it should never be imagined that it is representative of the culture of the Torres Straits. Neither can the culture of the Torres Strait Islanders be equated with that of the Aboriginal people of the Cape.

Statistics suggest that the majority of defendants called to appear before the court on Thursday Island are residents of the other 14 or so communities scattered on islands throughout the Straits, from Boigu and Saibai, 4 kilometres from the coast of Papua New Guinea, to Murray Island, of "terra nullius" fame, several hundred kilometres to the east.

Prominent members of the Torres Strait Islander community have, for many years, lobbied for an expansion of the concept of access to justice to the inhabited islands of the Torres Straits.

In May of 2001, the Chief Magistrate, Ms Fingleton, accompanied me on my monthly circuit to Thursday Island. She made herself available to the representatives of many organisations who sought to meet with her and whose major concern was the extension of the court circuit to the inhabited islands of the Torres Straits.

The culmination of all the efforts of numerous people over many years was the first sittings of the Magistrates Court on Badu Island on 14 December 2001. I had the honour of convening the court. It was an historic occasion. Not since the days of the Government Resident on Thursday Island, did Torres Strait Islanders have the opportunity to observe the court process in their own community. Badu Islanders (and their fellows of Kubin and St Paul Villages on nearby Moa Island) charged with offences are now relieved of the danger of negotiating the treacherous waters of the Straits, or alternatively the ruinous cost of airfares, to have their day in court. The pride of the Island community in its newfound recognition is palpable. The Chairman of the Island Council, Mr Jack Ahmat, is vociferous in his praise of the court's initiative.



(l to r) Alan Marsh, Depositions Clerk—David Glasgow and Ross Risson Magistrates—Helen Quinteri, Depositions Clerk with Pilot, ready for the Cape Circuit.

APPENDICES

Appendix 1 Places for Holding Magistrates Courts 46

Appendix 2 Magistrates Committees 47

Appendix 3 Criminal Lodgements 48

Appendix 4 Civil Claims 50

Appendix 5 Domestic Violence Applications and Orders 52

Magistrates Committees

Case Management and Comparative Sentencing Committee

Aim — To discuss initiatives in the introduction of new systems into civil and criminal court procedures and to suggest possible parity in sentencing in some areas.

Conference Planning Committee

Aim — To plan annual and regional conferences.

Ethics Committee

Aim — To review and develop ethical standards for the Magistracy.

Indigenous Issues Committee

Aim — To overview issues relating to indigenous persons within the criminal justice system and, in particular, the Magistrates Courts.

Information Technology Committee

Aim - To oversee the introduction of any training in connection with introducing computer technology into the Magistracy.

Legislation Committee

Aim — To review proposed legislation as it affects the jurisdiction of the Magistracy and to respond to Government on same.

Resources and Budget Overview Committee

Aim — To assess the needs for resources for magistrates to plan submissions for the annual budget.

Salaries and Allowances Committee

Aim — 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.

Training and Education of Magistrates

Aim — To develop training for new magistrates and ongoing education for all magistrates.

APPENDIX 3

Magistrates and Childrens Court—Criminal Lodgments

COURT LOCATION	MAGISTRATES COURT		CHILDRENS COURT	
	CHARGES	DEFENDANTS	CHARGES	DEFENDANTS
ALPHA	6	5	-	-
ATHERTON	1519	991	228	99
AURUKUN	420	238	50	34
AYR	1083	771	49	30
BAMAGA	685	242	39	15
BARCALDINE	87	73	-	-
BEAUDESERT	1277	757	56	12
BEENLEIGH	18134	9950	1137	575
BILOELA	956	600	87	39
BIRDSVILLE	4	3	-	-
BLACKALL	58	37	3	1
BLACKWATER	168	111	30	19
BOULIA	149	126	13	6
BOWEN	1374	863	45	26
BRISBANE	57328	26459	4010	1807
BUNDABERG	5563	2709	340	180
BURKETOWN	40	36	1	1
CABOOLTURE	6227	3694	573	257
CAIRNS	18055	10258	1304	659
CALOUNDRA	396	330	-	-
CAMOOWEAL	51	36	-	-
CHARLEVILLE	548	333	52	28
CHARTERS TOWERS	874	547	237	156
CHILDERS	302	202	26	11
CHINCHILLA	450	238	49	29
CLERMONT	106	72	9	4
CLEVELAND	4422	2583	274	153
CLONCURRY	288	197	17	10
COEN	113	72	7	1
COOKTOWN	660	395	3	3
COOLANGATTA	2142	1444	3	2
CUNNAMULLA	332	231	92	58
DAJARRA	70	61	2	2
DALBY	1326	867	290	101
DIRRRANBANDI	115	80	25	9
DOOMADGEE	574	374	54	30
DUARINGA	38	27	1	1
EMERALD	1450	892	127	29
GATTON	912	677	46	15
GAYNDAH	237	181	1	1
GEORGETOWN	117	90	-	-
GLADSTONE	4385	2324	704	268
GOONDIWINDI	1020	449	44	19
GYMPIE	2361	1523	108	41
HERVEY BAY	3815	2252	424	180
HOLLAND PARK	5405	3912	230	123
HOPE VALE	17	9	-	-
HUGHENDEN	136	89	19	13
INALA	8881	3780	514	288
INGHAM	536	413	36	25
INGLEWOOD	72	46	4	4
INNISFAIL	2094	1436	262	120
IPSWICH	15051	8478	989	548
JULIA CREEK	35	26	-	-

COURT LOCATION	MAGISTRATES COURT		CHILDRENS COURT	
	CHARGES	DEFENDANTS	CHARGES	DEFENDANTS
KINGAROY	915	533	84	56
KOWANYAMA	1267	1051	26	11
LOCKHART RIVER	448	206	29	13
LONGREACH	494	327	34	12
MACKAY	6805	3971	604	341
MAREEBA	2312	1552	137	94
MAROOCHYDORE	14572	6732	1073	497
MARYBOROUGH	2758	1856	296	195
MILLMERRAN	136	89	3	3
MITCHELL	175	84	39	16
MONTO	23	20	-	-
MORANBAH	515	274	72	22
MORNINGTON ISLAND	487	331	23	16
MOSSMAN	939	662	48	25
MOUNT ISA	3744	2572	426	226
MURGON	1724	955	527	190
NAMBOUR	582	391	-	-
NANANGO	458	329	30	19
NOOSA	3436	2691	160	99
NORMANTON	449	335	109	52
OAKEY	314	209	32	16
PALM ISLAND	764	433	127	58
PETRIE	4690	2688	449	240
PITTSWORTH	140	97	-	-
PORMPURA AW	189	114	4	1
PROSERPINE	1487	942	32	19
QUILPIE	59	39	18	10
REDCLIFFE	8917	2427	528	198
RICHMOND	33	21	-	-
ROCKHAMPTON	8257	4248	1070	498
ROMA	877	509	87	35
SANDGATE	5194	2433	334	189
SARINA	221	171	19	16
SOUTHPORT	25636	13392	1157	591
SPRINGSURE	6	6	-	-
ST.GEORGE	586	362	105	29
STANTHORPE	629	434	13	11
TAMBO	11	8	-	-
TAROOM	24	16	1	1
THURSDAY ISLAND	936	615	114	50
TOO GOOLAWAH	265	192	-	-
TOOWOOMBA	7658	4376	942	484
TOWNSVILLE	20263	12115	1920	979
TULLY	1241	846	185	81
WARWICK	1731	1093	150	50
WEIPA	478	295	25	14
WINTON	77	59	3	2
WOORABINDA	360	229	120	79
WUJAL WUJAL	5	3	-	-
WYNNUM	2989	2001	335	225
YARRABAH	1128	814	237	108
YEPPON	871	567	120	59
TOTAL	310739	169304	24461	11962

APPENDIX 4

Magistrates Court—Civil Claims

COURT LOCATION	CIVIL CLAIMS	MINOR DEBT CLAIMS	SMALL CLAIMS	TOTAL CLAIMS
ATHERTON	69	111	39	219
AYR	115	69	24	208
BARCALDINE	3	17	4	24
BEAUDESERT	316	94	110	520
BEENLEIGH	1,048	2,006	-	3,054
BILOELA	30	112	35	177
BLACKWATER	23	11	22	56
BOWEN	74	41	40	155
BRISBANE	12,715	2,919	7,344	22,978
BUNDABERG	285	249	238	772
CABOOLTURE	566	1,035	615	2,216
CAIRNS	667	892	838	2,397
CALOUNDRA	122	123	54	299
CHARLEVILLE	44	26	16	86
CHARTERS TOWERS	45	111	27	183
CHILDERS	2	20	3	25
CHINCHILLA	35	41	11	87
CLERMONT	1	11	8	20
CLEVELAND	334	961	-	1,295
CLONCURRENCY	25	10	8	43
COOKTOWN	27	24	4	55
COOLANGATTA	141	89	231	461
CUNNAMULLA	17	12	5	34
DALBY	94	125	40	259
EMERALD	36	94	46	176
GATTON	61	45	80	186
GAYNDAH	22	40	11	73
GEORGETOWN	2	10	1	13
GLADSTONE	287	286	189	762
GOONDIWINDI	87	72	17	176
GYMPIE	121	173	118	412
HERVEY BAY	87	142	236	465
HOLLAND PARK	927	562	-	1,489
HUGHENDEN	17	10	5	32
INALA	480	294	-	774
INGHAM	16	28	17	61
INNISFAIL	62	68	61	191
IPSWICH	665	355	1,074	2,094
JULIA CREEK	4	12	2	18
KINGAROY	20	89	27	136
LANDSBOROUGH	40	38	21	99
LONGREACH	62	58	11	131
MACKAY	349	415	512	1,276
MAREEBA	44	73	35	152
MAROOCHYDORE	524	488	636	1,648
MARYBOROUGH	337	129	97	563
MITCHELL	2	-	4	6
MORANBAH	9	15	6	30
MOSSMAN	36	47	55	138
MOUNT ISA	64	96	153	313

COURT LOCATION	CIVIL CLAIMS	MINOR DEBT CLAIMS	SMALL CLAIMS	TOTAL CLAIMS
MURGON	64	57	16	137
NAMBOUR	180	173	73	426
NANANGO	76	22	27	125
NOOSA	222	180	200	602
NORMANTON	2	12	36	50
OAKEY	35	24	24	83
PETRIE	767	222	245	1,234
PITTSWORTH	14	31	2	47
POMONA	9	24	14	47
PROSERPINE	120	127	74	321
QUILPIE	-	6	-	6
REDCLIFFE	194	95	3	292
RICHMOND	3	13	2	18
ROCKHAMPTON	237	442	359	1,038
ROMA	34	67	18	119
SANDGATE	189	130	-	319
SARINA	14	22	19	55
SOUTHPORT	3,330	2,587	2,791	8,708
SPRINGSURE	-	-	-	-
ST. GEORGE	16	35	8	59
STANTHORPE	40	39	22	101
TAROOM	7	14	1	22
THURSDAY ISLAND	28	91	38	157
TOOGOOLAWAH	22	15	13	50
TOOWOOMBA	622	471	443	1,536
TOWNSVILLE	1,102	739	939	2,780
TULLY	23	32	14	69
WARWICK	77	193	49	319
WEIPA	1	7	-	8
WINTON	8	12	1	21
WYNNUM	230	189	-	419
YEPPOON	75	47	76	198
TOTAL	28,900	18,866	18,637	66,403

APPENDIX 5

Magistrates Court—Domestic Violence Applications and Orders

COURT LOCATION	APPLICATIONS	PROTECTION ORDER	REGISTER/VARY INTERSTATE ORDER	REVOKE DOMESTIC VIOLENCE ORDER	TEMPORARY PROTECTION ORDER	VARY DOMESTIC VIOLENCE ORDER	VARY TEMPORARY PROTECTION ORDER	TOTAL ORDERS
ALPHA	4	1			2			3
ATHERTON	108	86			42	9		137
AURUKUN	39	42			1			43
AYR	37	38		1	31	2		72
BAMAGA	51	47			6	3		56
BARCALDINE	1	1			1			2
BEAUDESERT	102	86	1		56	1		144
BEENLEIGH	1240	895	5	2	1055	5	1	1963
BILOELA	50	41			24	10	2	77
BLACKALL	5	4						4
BLACKWATER	13	6			5	3		14
BOULIA	11	3			2			5
BOWEN	95	74	2		40	1		117
BRISBANE	861	566	6	3	641	25	2	1243
BUNDABERG	298	209	2		178	1	4	394
BURKETOWN	1	1						1
CABOOLTURE	507	297	2	4	246	42		591
CAIRNS	904	624	1	9	522	117	2	1275
CALOUNDRA	24	12	2	1	8	1		24
CAMOOWEAL	6	6			0			6
CHARLEVILLE	33	26			10	2		38
CHARTERS TOWERS	46	35	1	1	33	5		75
CHILDERS	17	13			7			20
CHINCHILLA	32	30	1		11	2		44
CLERMONT	10	5			2	1		8
CLEVELAND	368	214		3	199	38	3	457
CLONCURRY	26	28			9	1		38
COEN	19	20			3			23
COOKTOWN	40	35		1	32	7		75
COOLANGATTA	246	144	47		147	2		340
CUNNAMULLA	30	25			15	1		41
DAJARRA	2	2			0			2
DALBY	66	58		1	25	2		86
DIRRANBANDI	6	5			0			5
DOOMADGEE	65	61			22	2		85
DUARINGA	1	1						1
EMERALD	58	43			11	8		62
GATTON	97	65	1		37	7		110
GAYNDAH	24	16		1	6	4		27
GEORGETOWN	4	3						3
GLADSTONE	276	208	1		88	16	5	318
GOONDIWINDI	30	25		1	39	5		70
GYMPIE	160	98	4	2	119	17		240
HERVEY BAY	227	117	1	9	152	16	1	296
HOLLAND PARK	714	395	3	3	509	22	1	933
HOPE VALE	1	1						1
HUGHENDEN	13	11			2	2		15
INALA	449	283		5	277	3		568
INGHAM	48	41			19		1	61
INGLEWOOD	2	2						2
INNISFAIL	107	83		2	61	7	1	154
IPSWICH	658	378	4	6	394	21	1	804

COURT LOCATION	APPLICATIONS	PROTECTION ORDER	REGISTER/VARY INTERSTATE ORDER	REVOKE DOMESTIC VIOLENCE ORDER	TEMPORARY PROTECTION ORDER	VARY DOMESTIC VIOLENCE ORDER	VARY TEMPORARY PROTECTION ORDER	TOTAL ORDERS
JULIA CREEK	3	2			3			5
KINGAROY	52	46	1		25	5		77
KOWANYAMA	49	39			7	6		52
LOCKHART RIVER	17	16						16
LONGREACH	16	17			15	1		33
MACKAY	495	340	2	6	156	47		551
MAREEBA	145	123			40	5		168
MAROOCHYDORE	751	451	5	14	389	51	2	912
MARYBOROUGH	155	107	2	4	85	18		216
MILLMERRAN	3	3			1			4
MITCHELL	11	10			1			11
MONTO	2	1						1
MORANBAH	15	11			8	3		22
MORNINGTON ISLAND	56	55			8	1		64
MOSSMAN	61	49			13	1		63
MOUNT ISA	227	197	1		76	6		280
MURGON	114	100	1		26	8	1	136
NAMBOUR	23	10	1		8	1		20
NANANGO	38	33			30	5		68
NOOSA	157	97	1	2	96	16	1	213
NORMANTON	50	43			9	1		53
OAKEY	25	19		1	2			22
PALM ISLAND	54	48			15			63
PETRIE	263	156	1	6	241	25	4	433
PITTSWORTH	3	3						3
PORMPURA AW	11	8				2		10
PROSERPINE	44	35	1	1	39	3		79
QUILPIE	6	4			1			5
REDCLIFFE	411	259	5	5	212	36	1	518
RICHMOND	7	8						8
ROCKHAMPTON	352	263		4	145	28		440
ROMA	35	37			37			74
SANDGATE	336	185		1	188	34		408
SARINA	10	8						8
SOUTHPORT	1492	926	15	13	1201	16	2	2173
ST.GEORGE	22	17			3	2		22
STANTHORPE	35	20	4		16			40
TAROOM	2	1			2			3
THURSDAY ISLAND	72	70			33	5		108
TOO GOOLAWAH	20	22			10	2		34
TOOWOOMBA	452	347	2	5	289	12	1	656
TOWNSVILLE	669	462	3	5	562	43	2	1077
TULLY	87	80			40	5		125
WARWICK	98	68		1	24	10		103
WEIPA	53	44			6	2	1	53
WINTON	8	4			3	1		8
WOORABINDA	46	41		1	12	2		56
WYNNUM	176	131			110			241
YARRABAH	72	59			9	11		79
YEPPON	48	47			28	1		76
TOTAL	15581	10632	129	124	9313	826	39	21063

