

Magistrates appointments, retirements and milestones

Appointments

Magistrate Maxine Baldwin
19 November 2007

Magistrate Christopher Callaghan
3 December 2007

Magistrate Damian Carroll
20 July 2007

Magistrate Michael Hogan
20 July 2007

Magistrate Joseph Pinder
13 August 2007

Magistrate Kevin Priestley
30 March 2008

Magistrate Michael Quinn
20 July 2007

Magistrate Peter Smid
20 July 2007

Magistrate Colin Strofield
30 March 2008

Magistrate Cathy Wadley
19 November 2007

Retirements and resignations

Magistrate Margaret Cassidy
10 January 2005 to 12 October 2007

Magistrate William (Andy) Cridland
27 April 1989 to 12 November 2007

Magistrate David Glasgow
7 December 1998 to 1 July 2008

Magistrate Basil Gribbin
9 January 1987 to 10 May 2008

Magistrate Michael Halliday
16 June 1997 to 13 April 2008

Magistrate James (Jim) Herlihy
13 September 1993 to 5 May 2008

Magistrate Graham Hillan
18 December 2000 to 6 July 2007

Magistrate Gregory McIntyre
9 August 1993 to 2 July 2007

Magistrate Robert Quinlan
28 February 1980 to 11 November 2007

Magistrate Kenneth Taylor
19 December 1985 to 3 October 2007

Milestones

20 years service

Magistrate Robert Quinlan on 15 October 2007

15 years service

Magistrate Irvine (Tom) Killeen on 25 June 2008

Appointments



Magistrate Maxine Baldwin – Brisbane and Rockhampton

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

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

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



Magistrate Christopher Callaghan – Brisbane

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

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

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

Appointments continued



Magistrate Damian Carroll – Toowoomba

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

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



Magistrate Michael Hogan – Southport

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

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

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



Magistrate Joseph Pinder – Cairns

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

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



Magistrate Kevin Priestley – Cairns

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

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

Appointments continued



Magistrate Michael Quinn – Sandgate

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

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



Magistrate Peter Smid – Townsville

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

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

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



Magistrate Colin Strofield – Brisbane and Charleville

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

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



Magistrate Cathy Wadley – Townsville

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

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

Retirements and resignations

Magistrate Margaret Cassidy – Northern Relieving Magistrate, Cairns

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

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

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

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

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

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

Magistrate William (Andy) Cridland – Warwick

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

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

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

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

Magistrate David Glasgow – Townsville

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

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

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

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

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

Magistrate Basil Gribbin – Beenleigh

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

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

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

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

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

Magistrate Gribbin's legal experience, intellect, judicial demeanour and collegiate approach will be greatly missed by our Court.

Magistrate Michael Halliday – Petrie

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

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

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

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

Magistrate James (Jim) Herlihy – Brisbane

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

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

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

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

Magistrate Graham Hillan – Townsville

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

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

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

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

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

Magistrate Gregory McIntyre – Toowoomba

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

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

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

Magistrate Robert Quinlan – Brisbane

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

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

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

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

Magistrate Kenneth (Ken) Taylor – Maroochydore

Magistrate Ken Taylor's retirement from the bench of the Magistrates Court at Maroochydore on 3 October 2007 marked the end of 44 years service to the justice system of Queensland – 22 of those years as a magistrate. After commencing his service as a clerk at the Toowoomba Magistrates Court in 1963 and subsequently transferring to Wynnum, he was called up for two years' National Service in the Australian Military Forces which involved twelve months active service in Vietnam. In 1970, he resumed his career in the court registry at Toowoomba and was soon elevated to the position of clerk of the court serving at court centres at Landsborough, Cunnamulla, Warwick and Mackay whilst studying law of an evening. He was admitted as a solicitor of the Supreme Court of Queensland in 1975 and as a barrister of that court in 1988. He was also awarded a Bachelor of Arts degree at the University of Queensland in December 1990.

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

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

Magistrates' professional development and community involvement

Judicial programs and conferences

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

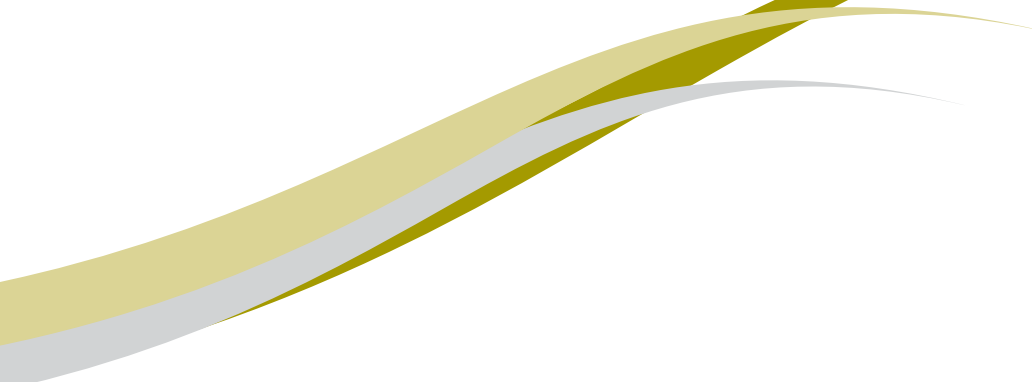
Nine magistrates undertook the Court's specially designed one-week orientation program at Brisbane Magistrates Court during the first week of their appointment. This program is comprised of a series of in-court and out-of-court sessions which cover the full scope of the Court's jurisdictions and relevant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

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

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

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

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



In August 2007, a further six recently-appointed magistrates and one more-experienced magistrate participated in the NJCA's Phoenix Magistrate's Judicial Training Program which was held at Broadbeach, Queensland. This was a one-week program, attended by magistrates from all states and territories of Australia, which aims to have experienced judicial officers share the benefit of their experience with recently-appointed magistrates. The program covers topics such as judicial conduct and ethics, decision making, court craft, sentencing, and awareness of cultural diversity.

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

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

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

Annual State Conference

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

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

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



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

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



Dr Diana Eades (centre) with Magistrate Tonkin(left) and Deputy State Coroner Clements at a morning tea break during the State Conference.



Magistrates' Intranet Portal and Court Bench Book

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

One of the main resources on the magistracy's intranet is the court's Bench Book which continues to be updated and developed for ready reference by magistrates. It is an essential resource for a court with such a broad jurisdiction, encompassing a range of over 273 pieces of legislation, as listed in Appendix 3.

Judicial awareness

In the larger regional centres such as Brisbane, Townsville and Cairns, magistrates are given an opportunity to attend short seminars and 'lunch-box addresses' to raise their awareness of legislative, medical and social factors which often require their consideration when dealing with matters in court.

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

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



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

Magistrates' involvement in legal education

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

During July and August 2007, over 150 law students from the University of Queensland attended the Brisbane Magistrates Court to specifically observe court procedure in the criminal jurisdiction as part of a formal assignment.

There were several occasions throughout the year when magistrates and court registrars participated in work experience programs involving individual students from local secondary schools and colleges. In such cases,

students work in the general registry of the court and attend court sessions with the magistrate to gain insight into the role of the legal practitioner and the daily application of justice according to our laws.

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

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

Their joint presentation took the form of an address and short forum about career pathways for Indigenous legal practitioners in the justice system as well as the justice initiatives that operate within the Magistrates Court to extend access to justice for Indigenous people.



Magistrates Payne and Sarra in Brisbane's Supreme Court Banco Court prior to their presentation at the National Indigenous Legal Conference in September 2007.

On 7 April 2008, Magistrate Bevan Manthey, another of our court's Indigenous magistrates, delivered the keynote address at the Annual Koori Court Conference in Melbourne which was attended by over 600 delegates from around Australia. His address outlined the approach and processes he undertook in establishing the Murri Court in Mount Isa and other Indigenous justice initiatives at remote communities in the Gulf Country. The insights he shared were well received by those who attended the conference and many are being incorporated in the development of Victoria's Koori Courts.

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

Magistrates in Brisbane, Townsville and Cairns participated in moot events (mock courts) for universities and secondary schools at those centres. Ten judicial officers from the Brisbane Magistrates Court presided in moot courts for the Queensland Bar Practice Course which is one of the final processes undertaken by graduates of law, prior to their admission as legal practitioners.

On 10 May 2008, Chief Magistrate Judge Irwin and Magistrates Dowse, Guttridge and Springer presided

in mock courts that were open to the general public at an Open Day at the Brisbane Magistrates Court for Queensland's celebration of Law Week.

Eight magistrates participated in formal work experience mentoring programs for tertiary students which operated at courts in South-East Queensland. One of the programs, referred to the court by Queensland University's Women and the Law Society, involved the supervision and mentoring of six law students for one day each week over a ten-week period commencing on 1 April 2008.

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

Law students from Queensland University of Technology and University of Queensland continue to attend the Roma Street Court complex each Thursday to help process defendants who are appearing on the Special Circumstances List. These student volunteers provide administrative support to the magistrate as well as assistance to the Homeless Persons Court Liaison Officer



Visiting Taiwanese court delegates with Brisbane magistrates and Murri Court elders. (L-R Deputy Chief Magistrate Hine, Magistrate Cull, Uncle Bill Hipkin, Ms Ginger Kao, Judge Tsai, Rev. Alex Gaiter and Magistrate Payne, Magistrate Ehrich and Children's Court Magistrate Dowse).

to ensure that processing of defendants is orderly. The students report that they value the contacts they make with judicial officers and practitioners at the court.

Hosting overseas legal delegations

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

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

In early 2008, the Brisbane Magistrates Court and Ipswich Magistrates Court hosted a two-day visit by two separate delegations of judicial officers from the High People's Court of Guangdong Province, People's Republic of China. Each group consisted of 30 judicial officers. On both occasions, the delegation was given an overview

of the jurisdiction of the Queensland Magistrates Court by the Chief Magistrate. And they were then escorted in small groups to various courts in session to observe court protocol and processes in those jurisdictions. A special feature of each visit entailed observations of court sessions in Brisbane's Murri Court and Ipswich's Drug Court, followed by a question and answer forum conducted by the presiding magistrate in each court.



Chinese judicial visitors, Judge Huang and Judge Hu with Magistrate O'Shea at Brisbane Magistrates Court

On 11 June 2008, Magistrate O'Shea, Brisbane's Coordinating Magistrate, hosted a one day visit to the Court by Judges Huang, Chief Judge of the Second Criminal Division of Shanghai High People's Court and Judge Hu, Deputy Chief Judge of the First Civil Division of Shanghai Intermediate People's Court.

During this visit, the two judges sat with Magistrate O'Shea in court to observe a summary trial proceeding.



Profile of the Magistrates Court

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

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

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

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

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

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

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

Our jurisdiction

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

Criminal jurisdiction

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

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

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

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

Childrens Court of Queensland

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

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

Civil jurisdiction

Claims

The Magistrates Court deals with civil claims up to \$50 000 and minor debt claims up to \$7500.

Small Claims Tribunal

The *Small Claims Tribunal Act 1973* establishes the Small Claims Tribunal to settle disputes of \$7500 or less through a more cost-effective and less formal process. It operates in most Magistrates Courts throughout Queensland and all magistrates are appointed Tribunal referees. From January 2008, Judicial Registrars have been appointed under the *Magistrates Act 1991* and are authorised to constitute the Small Claims Tribunal. The rules of evidence do not apply and no lawyers are involved. The decision of the referee is final and is not subject to appeal, except on very limited grounds.

The Tribunal hears claims for amounts up to \$7500 that involve:

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

Applications

The court deals with a wide range of applications including:

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

Commonwealth jurisdiction

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

Domestic and family violence jurisdiction

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

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

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

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

Family law jurisdiction

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

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

Industrial jurisdiction

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

Coroners Court

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

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

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

Coroners are required to make findings in every reportable death investigated by them. The findings include: who the deceased person is; how, when and where the person died; and what caused the person to die.

The vast majority of matters proceed to findings without an inquest. However, an inquest must be held into all deaths in custody and into those deaths in care if there are issues about the care of the deceased. Otherwise, inquests are generally held whenever there is doubt about the circumstances of the death or if it is in the public interest to do so.

Drug Court

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

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

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

Murri Courts and courts held in Indigenous communities

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

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

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

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

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



Our Jurisdictions

Criminal Jurisdiction

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

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

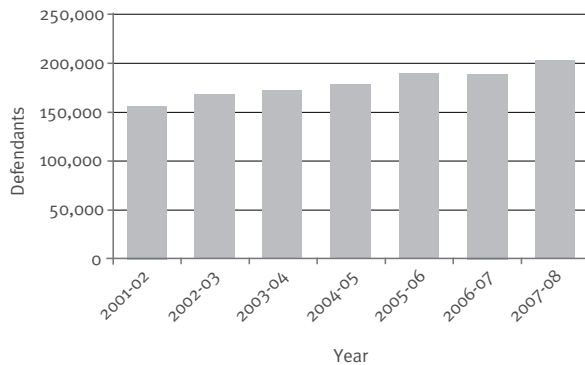
The total number of criminal charges (adult and children) dealt with by Queensland magistrates was 369 022. This is an increase over the total for the previous year. In the past twelve months, 203 068 adults appeared on

344 933 charges before the various city and country courts throughout the State. This is an increase of 7.39% in the number of defendants and 4.48% in the number of charges. In the Childrens Court, 11 064 young people appeared before magistrates on 24 089 criminal charges. This is an increase of 1.56% in the number of defendants, but a 7.35% decrease in the number of charges.

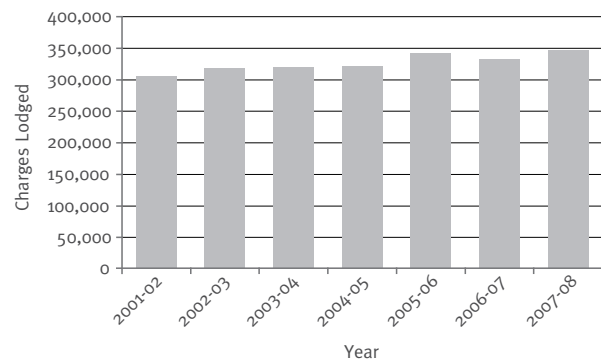
Additions to workload

The volume and complexity of the Court's workload has expanded over the past year with amendments to the *Transport Operations (Road Use Management) Act 1995* and Regulations. These deal with Special Hardship Orders and Impoundment Orders on vehicles involved in certain offences.

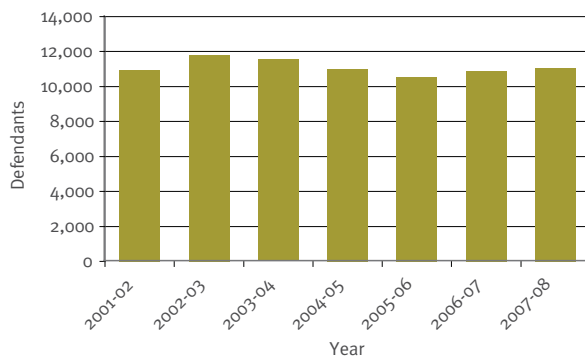
Graph A: Magistrates Court
Number of defendants per financial year



Graph B: Magistrates Court
Number of charges per financial year



Graph C: Childrens Court
Number of defendants per financial year



Graph D: Childrens Court
Number of charges per financial year

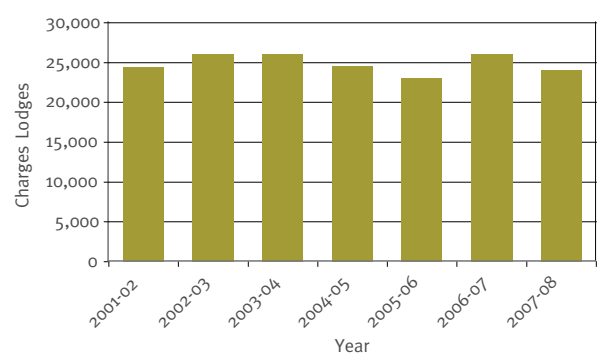


Table 1: Criminal summary – Adult and child defendants and charges lodged.

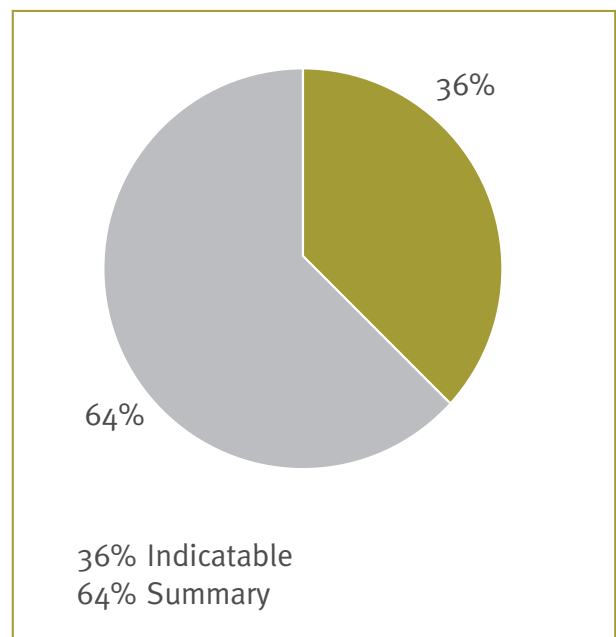
	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	Change over seven years
Magistrates Court								
Number of charges lodged	304,171	316,096	318,212	320,314	339,851	330,135	344,933	
Percentage change		3.92%	0.67%	0.66%	6.10%	-2.86%	4.48%	13.40%
Number of defendants	156,366	167,833	171,571	178,555	189,574	189,096	203,068	
Percentage change		7.33%	2.23%	4.07%	6.17%	-0.25%	7.39%	29.87%
Childrens Court								
Number of charges lodged	24,412	26,077	26,108	24,511	23,010	26,000	24,089	
Percentage change		6.82%	0.12%	-6.12%	-6.12%	12.99%	-7.35%	-1.32%
Number of defendants	10,966	11,803	11,554	11,013	10,549	10,894	11,064	
Percentage change		7.63%	-2.11%	-4.68%	-4.21%	3.27%	1.56%	0.89%

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

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

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

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



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

Summary Offences Act

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

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

The figures reveal an increase in public nuisance offences from 21 962 for 2006–07 to 25 122; a decrease in being

drunk in a public place from 6836 for 2006–07 to 6443; a decrease in wilful exposure offences from 266 in 2006–07 to 228; and an increase in begging/soliciting donations in a public place from 150 in 2006–07 to 221 this year.

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

Table 2: Charges lodged statewide – Summary Offences Act 2005

Charges lodged statewide - Summary Offences Act 2005		
Division 1 - Offences about quality of community use of public places		
	Public nuisance	25,122
	Being drunk in a public place	6,443
	Wilful exposure	228
	Begging/solicit donations in a public place	221
	Division 1 Total	32,014
Division 2 - Offences involving presence on property		
	Trespass	2,807
	Unregulated high-risk activities	151
	Unlawful opening, entering or remaining on farming land	49
	Unlawful entering, gathering or remaining on land, building or structure	57
	Unlawful driving of motorbike on public land	18
	Division 2 Total	3,082
Division 3 - Possession Offences		
	Unlawful possession of suspected stolen property	1,392
	Possession of graffiti instrument	341
	Possession of implement for an offence	270
	Division 3 Total	2,003
Division 4 - Offences relating to children or minors		
	Tattooing a minor	9
	Division 4 Total	9
Division 5 - Other offences		
	Imposition	245
	Unlawful use or possession of motor vehicle	293
	Throwing things at sporting events	1
	Division 5 Total	539
	Grand Total	37,647

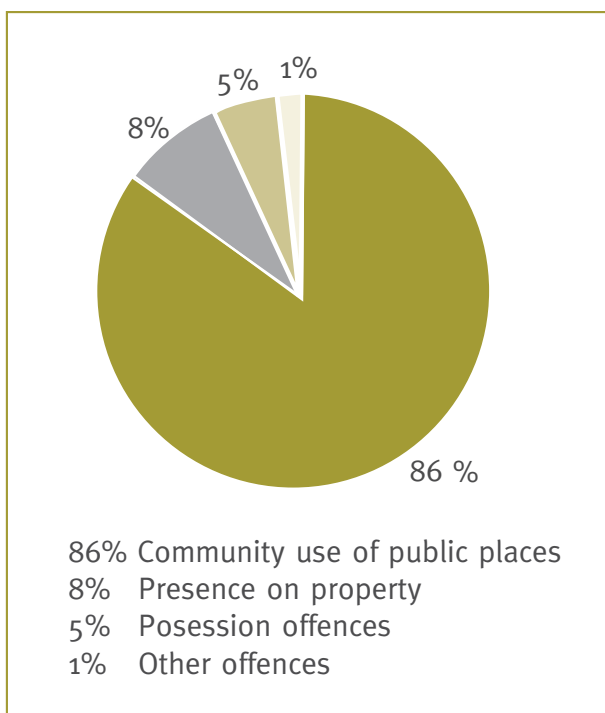
The second largest group of offences involve presence on property, with the offence of trespass the highest at 7% of overall charges. This offence has increased from 2713 in 2006–07 to 2807 this year.

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

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

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

Graph F: Charges lodged statewide under the Summary Offences Act



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

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

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

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

During the past 12 months, the Queensland Parliament has introduced changes to the State’s traffic laws to reduce the number of people who are killed and injured on our roads. Whilst some of the laws, such as late night driving restrictions for young drivers and requirements for learner drivers to keep log books, do not directly affect our Court, there are some changes of significant relevance to the Magistrates Court.

Table 3: Transport Operations (Road Use Management) Acts and Regulations – Charges and applications

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

Drug driving

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

Impoundment of vehicles

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

Special hardship orders

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

Homeless Persons Court Diversion Program pilot

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

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

Special circumstances list

This year, the focus has been on formalising court processes and identifying patterns of behaviour and offending by homeless defendants. The Court has witnessed that, for almost all defendants, obtaining housing of some permanency is a life-changing event.

The Court's experience is that it has been able to implement community-based orders with moderate success for defendants in this situation. Further, the Court has been able to refer many defendants to drug and alcohol rehabilitation options which have improved their outcomes.

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

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

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

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

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

Cairns Alcohol Remand and Rehabilitation Program

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

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

The success of the program is evidenced by statistics that show repeat offending is greatly reduced on completion of the program. It is highly valued by local communities and there is anecdotal evidence that program graduates have



Magistrate Roney and Court Liaison Officer Phil Macey with representatives from Police Prosecutions, Legal Aid Office, Corrective Services and defendant support provider Sisters Inside upon the conclusion of a weekly sittings of the Special Circumstances List at Brisbane's Roma Street court complex.



Mental Health Court Liaison Officers in discussion with the Homeless Persons Court Pilot Liaison Officer at Roma Street. (L-R: Mental Health CLO's Alison MacIntyre and Alison Gibson and HPCP CLO, Phil Macey)

returned to their communities, enrolled in educational programs and found stable accommodation.

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

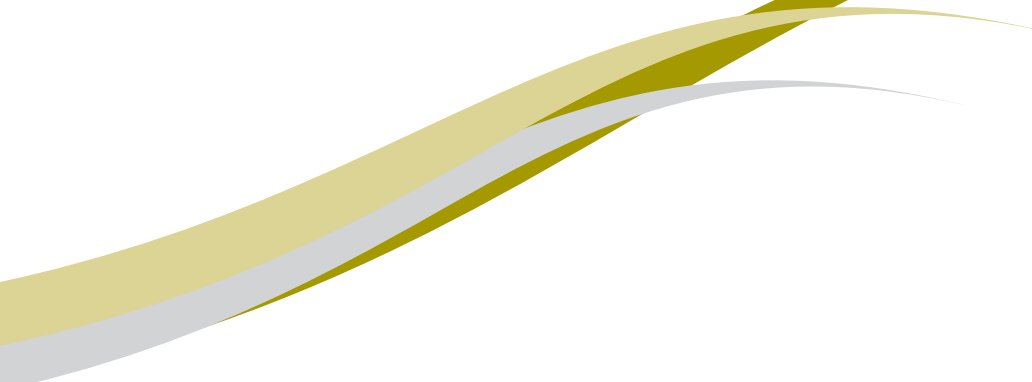
Mental Health Court Liaison Service

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

For several years, a Mental Health Clinician was based at Brisbane's Roma Street Arrest Court and at the Townsville Court to identify and refer on those with mental health issues. The success of this program led to a joint initiative by Queensland Health's Community Forensic Mental Health Service and our Court to place medically-trained Court Liaison Officers (CLOs) at additional courts. The CLOs provide mental health screening, advice and referral services for assessment of people who are detained in watch-houses following their arrest and those people

appearing before Magistrates Courts. By June 2007, Mental Health CLOs were based at courts at Brisbane, Townsville, Southport, Maroochydore (including Caloundra), Toowoomba, Beenleigh, Ipswich (including Richlands) and Caboolture (including Redcliffe).

In the past twelve months, this Court Liaison Service has undergone a rapid expansion. A second CLO has been located at Roma Street Arrest Court. The service based at Caboolture now extends to screenings and assessments at Sandgate. Similarly, the Beenleigh-based service operates at Holland Park Court. Queensland Health has also employed an additional Brisbane-based CLO to cover annual leave and sick leave absences in the south-east region of the state.



In regional Queensland, the service has expanded with a CLO now located at Maryborough, Rockhampton and Mackay Courts. Two CLOs are based at the Cairns Court with one providing services for circuit court sittings in remote North Queensland communities. When the new Pine Rivers Court is completed, we are hopeful that a CLO may be located there.

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

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

Brisbane listing project

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

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

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

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

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

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

Maroochydore driver education workshops

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

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

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

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

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

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

Civil jurisdiction

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

Although not strictly part of the Magistrates Court, the Small Claims Tribunal is usually constituted by a single magistrate or judicial registrar, as a referee, to hear claims for amounts up to \$7500. More information about the Small Claims Tribunal is provided at page 54.

Separate from small claims are minor debt claims which are recognised under the Uniform Civil Procedure Rules 1999 and allow a less formal process for claims up to \$7500 where they do not fit within the jurisdiction of the Small Claims Tribunal. Information on minor debt claims is provided at page 54.

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

Graph G: Magistrates Court – Civil
Number of claims lodged 2007 – 2008

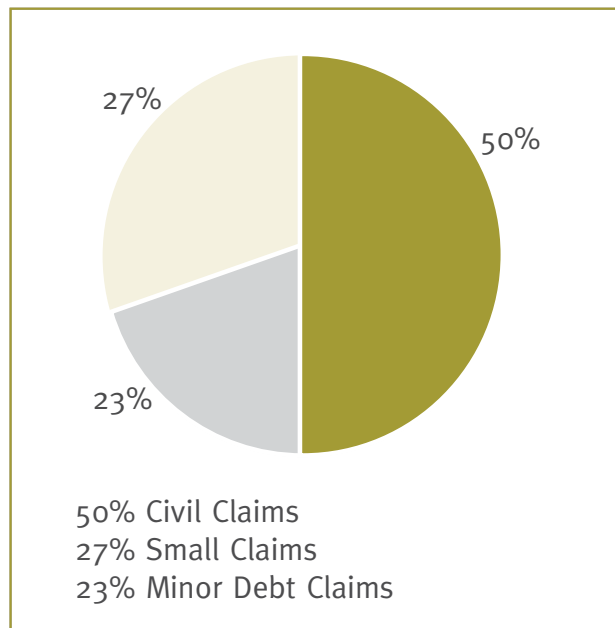


Table 4: Civil Summary – claims lodged

Civil Summary – Claims Lodged								
	2001 – 2002	2002 – 2003	2003 – 2004	2004 – 2005	2005 – 2006	2006 – 2007	2007 – 2008	Change over seven years
Civil Claims	28,900	30,712	27,806	30,908	33,567	29,586	29,205	
Percentage change		6.3%	-9.5%	11.2%	8.60%	-11.86%	-1.29%	1.06%
Minor Debt Claims	18,866	17,231	12,888	15,674	14,903	13,809	13,066	
Percentage change		-8.67%	-25.20%	21.62%	-4.92%	-7.34%	-5.38%	-30.74%
Small Claims	18,637	17,537	18,766	16,813	16,409	15,986	15,672	
Percentage change		-5.90%	7.01%	-10.41%	-2.40%	-2.58%	-1.96%	-15.91%
Total	66,403	65,480	59,460	63,395	64,879	59,381	57,943	
Percentage change		-1.39%	-9.19%	6.62%	2.34%	-8.47%	-2.42%	-12.74%

The monetary jurisdiction of \$50 000 at the upper limit for the Court's civil jurisdiction is significantly lower than the \$100 000 upper limit for the Victorian Magistrates Court and the \$80 000 of the South Australian Magistrates Court.

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

Small Claims Tribunal

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

Over the past 12 months, 15 672 small claims applications were lodged with the Tribunal throughout the State. The

Small Claims Tribunal at the Brisbane Central Magistrates Court processes the largest number of claims. General enquiries and claims are processed through the court registry on the ground floor, with specialised hearing rooms on the sixth floor. This year, the Brisbane registry processed 5792 small claims from within the Brisbane metropolitan area as well as Beenleigh, Cleveland, Redcliffe, Sandgate, Wynnum, Holland Park and Richlands. The only small claims dealt with at these suburban centres were those arising from domestic violence hearings.

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

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



Magistrate Randall (left) presides full-time in Brisbane's Small Claims Tribunal and since January 2008 he has been assisted with the hearing workload three days each week by Judicial Registrar Beutel (right)

Residential tenancy matters

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

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

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

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

In Brisbane, the average time between lodgement and hearing ranges from seven to fourteen days for urgent claims and from six to eight weeks for non-urgent claims. If a claim is filed and registry staff considers it needs an immediate hearing, the matter will be listed in the main hearing room on three days notice to the parties. Residential tenancy matters constitute most of the claims that the Tribunal hears. In Brisbane this year, of 5792 claims filed, only 625 were not tenancy matters.

Abbreviated Mediation – Small Claims Tribunal

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

However, before proceeding to a full hearing which takes much more of the court’s time, the referee may

refer the parties to an ‘Abbreviated Mediation’ to try to settle the dispute.

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

The regional abbreviated mediation experience

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

Statistics for the abbreviated mediation service in regional areas for small claims and minor debt matters show a success rate ranging from 44% to 74%. The success rate appears higher when the magistrates order attendance at mediation or when the registry sends a notice of times when mediation is available than when a mediator attends court on scheduled hearing days. However, the former approach is only feasible when there are a sufficient number of mediators available to do this. In total, 1083 mediations were conducted for small claims and minor debt matters through the Dispute Resolution Centres based in Cairns, Townsville, Mackay, Rockhampton and Hervey Bay.

The Brisbane abbreviated mediation experience

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

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

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

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

Communication and consultation

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

Chamber applications

For the six months to December 2007, the Courts Civil Chamber Applications in Brisbane were dealt with on Friday each week by an allocated magistrate. When

necessary, a second day – usually each fortnight – was allocated for Civil Applications using a second magistrate.

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

Matters raised in last year's report

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

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

Electronic lodgements

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

The reluctance of law firms and legal practitioners to use electronic lodgement for minor debts claims was noted in last year's Annual Report and continues, even though Rule 516 of the Uniform Civil Procedure Rules was amended. The cost of 'a fee charged by a service provider for electronically filing a document' can now be awarded and the cost for electronic lodgements remains low.

Civil claims (excluding minor debt claims) lodged electronically in 2006–07 comprised 18.24% of all civil claims compared with 14.53% this year.

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

Disputes over legal costs

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

This year, there have been eight applications filed.

Common law employment contract breaches

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

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

This year, there have been 15 employment claims filed.

Legislative developments and possible impacts

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

the costs be assessed by a costs assessor where ‘it is appropriate because of the nature and complexity of the proceeding’.

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

The Rules Committee

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

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

Outlook for the future

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