QUEENSLAND COURTS

A VISION FOR THE FUTURE OF THE QUEENSLAND MAGISTRATES COURT

Wednesday 2 April 2008 at 6.00pm

Gibson Room
Level 10, 2 Block
QUT Gardens Point Campus

Judge Marshall Irwin
Chief Magistrate

As I approach the final six months of my five year term as Chief Magistrate, it is a good time to reflect on the future of the Queensland Magistrates Court.

The Chief Justice of Australia, in the *State of the Judicature* address of March 2007, identified the achievement of the independent status of the magistracy as "one of the two most important judicial changes of the last 30 years". He also observed that "the disposition of civil and criminal matters, where appropriate by summary procedures or by procedures suitably adapted to less complex cases, is a vital part of the system's response to the twin problems of cost and delay and to the need to provide private citizens with reasonable access to justice because for most people, this is the level at which any encounter with the courts is likely to occur".

The Chief Justice of Queensland has recently said that:

> "The reality is the Magistrates Court is a massively important court, and it's also the court where most people of Queensland from day to day see the judiciary at work."

The role of justice of the peace made its passage from England to Botany Bay with the First Fleet and evolved through the offices of police magistrate and stipendiary magistrate to that of the magistrate of today.

This judicial journey includes the appointment, at Brisbane in 1842, of Captain John Clement Wickham as the first police magistrate and the establishment of the first Court of Petty Sessions in Brisbane the following year.

After Queensland's separation from New South Wales in 1859, significant developments have included:

- the passage of the *Justices Act 1886*
- the 1909 amending act which allowed magistrates to sit alone
- the passage of the *Magistrates Act 1921*
- the removal of the word "police" and its replacement by "stipendiary" in 1941
- the merger, in 1964, of the Courts of Petty Sessions into the Magistrates Courts with both civil and criminal jurisdiction
- the requirement for magistrates to have legal qualifications from 1971
- the wearing of robes by magistrate from 1987
- the appointment of Grace Kruger as the first female magistrate on 1 March 1990
- the appointment of Donna Marie MacCallum as the first magistrate from "outside" the public service on 12 September 1991
- the passage of the *Stipendiary Magistrates Act 1991*
- the appointment of Diane Fingleton as the first female Chief Stipendiary Magistrate in July 1999
- the removal of the word "Stipendiary" in 2000
- the introduction of the Drug Court in 2000
- the establishment of the first Murri Court in August 2002
- the change of the mode of address from "Your Worship" to "Your Honour" in 2004
- the introduction of the pilot Homeless Persons Court Diversion Program and Special Circumstances List in May 2006
- the appointment of Judicial Registrars from 1 January 2008
- the power to appoint retired magistrates as acting magistrates from 1 January 2008
- the protocol with the Bar Association for barristers to wear robes in some circumstances in 2008

Today there are 87 magistrates (of which 2 are part-time) appointed to 31 different places and circuiting to 75 more throughout this geographically large and decentralised state.

There are 27 female magistrates (approximately 31%); 64 magistrates (approximately 74%) have been appointed from outside the Magistrates Court Service. Four of our magistrates are Indigenous. In addition, there are 24 acting magistrates (of whom five are retired magistrates) and five judicial registrars (of whom two are part-time). The percentage of female magistrates will continue to grow as those retiring from the court for the foreseeable future will continue to be men. However, I hope that acting magistrates from a Magistrates Court Service background will continue to be appointed as they add to the mix and diversity of skills and experience essential to a grass roots court.

It is a busy court. The Report on Government Services for 2006-2007 records that during that period our court had the highest number of lodgements of all criminal jurisdictions with 187,600 matters compared with New South Wales (186,400) and Victoria (157,400). This was an increase of 16,600 matters

over 2004-2005 when Queensland had the second highest number of lodgements (171,000).

In 2006-2007 Queensland ranked third behind New South Wales and Victoria for the number of civil and coronial lodgements.

But what of the future? Where will the Magistrates Courts of Queensland be in another 30 years?

As tempting as it may sometimes be we will not have adopted the Sir Humphrey Appleby strategy of running hospitals more efficiently by not having any patients. The number of people, including those representing themselves, will continue to rise in accordance with Queensland's increase in population.

The 2006 edition of Queensland's *Population growth – highlights and trends* shows that Queensland continues to lead Australia's population growth. The Minister's message accompanying that report included:

> "For the fourth year running, Queensland was the fastest growing state or territory in Australia, with an increase of nearly 89,000 people in the year to June 2005.
> …
> with Queensland's population projected to increase by another 1.5 million people in the next 20 years, planning for essential infrastructure services is crucial."

This position has not changed. In the *Courier Mail* of 10 January 2008, the Child Safety Minister is reported as having said:

> "I think the fact that we have the highest population growth, that is a real challenge for us
> ….
> where we have 1500 people coming here every week, almost all of them come without any support whatsoever."

Returning to the Minister's 2006 message, the infrastructure improvements specifically identified as being necessary to ensure the quality of life we enjoy is sustained for generations of Queenslanders to come are new water storages and pipelines, better roads, more schools and hospitals. No specific mention is made by the Minister, who is now the Treasurer, of the courts. For the past two years I have observed in the *Magistrates Courts of Queensland Annual Report* that Magistrates Courts, including magistrates, need to be recognised as part of the infrastructure of our state. As part of this approach, a formula needs to be developed as a blueprint for the development of our courts and the judiciary, to enable us to predict and plan for the court facilities and magistrate numbers needed to serve the state's areas of future growth.

As the Minister for Infrastructure is recently reported to have said about the draft Southeast Queensland Water Strategy:

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

The same comment can be applied to the Magistrates Courts.

This forward planning has already happened with some of our court building projects. The Brisbane Magistrates Court, which was opened in November 2004, has a shell floor on which an additional court is already under construction. The plan is that, as more courts are required in future, they will be built in place of current office space. The new Ipswich Court which will open next year will include eight Magistrates Courts. There are currently three Ipswich-based magistrates. This is an indication of building for the future in a population growth corridor. There will also be an increase in the number of District Courts in the building. The Pine Rivers Court, which is expected to be opened in June, has been built with three Magistrates Court rooms. The court will commence with one magistrate.

Since September 2003 there have been six additional magistrates (including a specialist coroner) appointed to our court.

In the foreseeable future, an additional magistrate will also need to be appointed in the Central Region. In all likelihood, this will be in Rockhampton; although the possibility of the appointment being to Mackay cannot be excluded.

In addition, specialist coroners will need to be appointed in the Central Region and at Southport to address the workloads of the courts in those areas.

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

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

It is inevitable that the number of Queensland Magistrates will continue to rise. Queensland currently has the lowest number of judicial officers per 100,000 people (1.5) compared with New South Wales (1.6) and Victoria (2.6). The national average is currently two (2).

An increase in the number of magistrates will ensure that, as was the case with our clearance rates in 2005-2006, the Queensland Magistrates Court will continue to increase its efficiency in the disposition of litigation. Ultimately, this is what the public requires.

However, it should not be thought that the appointment of additional magistrates is the only way of achieving this. This is why the biggest innovation so far this year has been the commencement of a two-year judicial registrar pilot from 1 January 2008. Five appointments have been made (including 2 on a part-time basis) with the positions shared between Beenleigh, Brisbane, Southport and Townsville. They have jurisdiction to hear applications under the *Uniform Civil Procedure Rules*, minor debt claims, small claims, some applications under the *Domestic and Family Violence*

Protection Act 1989 and the *Bail Act 1980*, examinations under the Corporations Act, criminal mentions, and some committals for trial or sentence.

The pilot is already fulfilling its intention of giving magistrates more time to deal with the most significant work of the court. For example, in a centre such as Southport, where the second highest number of small claims was lodged in 2006-2007, the assignment of these matters to a judicial registrar makes the equivalent of one magistrate available to hear contested trials and committals. This will be of benefit to the litigants and the legal profession by enabling these matters to be listed at an earlier date than would otherwise be possible.

I predict that this pilot will be a success because it will provide a cost-effective strategy for expeditiously disposing of the less complex work of the court. At the same time, it will free magistrates up to deal more expeditiously with the more complex work. It will also provide another potential source of future magistrates.

When speaking as Queensland Bar Association President, Mr Hugh Fraser QC (now Fraser JA) referred to robing of counsel in the Magistrates Court – similar to what occurs in a broader range of matters in the Federal Magistrates Court, the Supreme Court and District Courts, and other courts – as reinforcing the respect with which the Magistrates Court is held and being a reflection of the steady increase in the importance of the work undertaken in this busy court.

His successor, Mr Michael Stewart QC, said at a swearing in ceremony on 6 March 2008 that the Magistrates Court "is by far the busiest trial court in the state and that will increasingly be the case".

The Chief Justice and the Chief Judge have promoted the concept of Queensland Courts – the concept of "one court" for Queensland without the references to "higher courts", "lower courts", "superior courts" or "inferior courts". The Magistrates Court is simply the court of first instance in the judicial system. It is therefore entitled to expect the same level of respect and quality of submissions from legal practitioners as is expected by the Supreme and District Courts. This will be reinforced and maintained in the future.

The jurisdiction of the Magistrates Court is extensive and sometimes complex. In the course of its work, it can deal with an ever-expanding list of over 230 pieces of legislation.

Approximately 96% of all criminal matters in Queensland are dealt with by the Magistrates Court. This includes specified indictable offences, some of which are dealt with summarily at the election of the prosecutor and others which must be dealt with summarily unless the defendant informs the court that he or she wants to be tried by jury. Consequently, offences that would carry a penalty of up to 14 years imprisonment, if proceeded with on indictment, can be dealt with in the Magistrates Court where a maximum penalty of three

years imprisonment and a maximum fine of 100 penalty units ($75 000) can be imposed.

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

This is something I consider will inevitably occur at sometime in the future. I have always argued that there is nothing that the expertise and experience of the Queensland Magistrates Court bench can not do if it has sufficient resources for the purpose. There is no doubt that an increase in criminal jurisdiction would require the appointment of more magistrates. However, this would be more than compensated for by the cost savings resulting from the economies of scale in dealing with more matters in the lowest cost jurisdiction.

Similarly, I consider it is only a matter of time before there is an increase in the civil jurisdiction which is currently limited to civil claims up to $50,000, and minor debts and small claims up to $7,500.

Again the experience and expertise in the court would be consistent with increasing the civil jurisdiction to $100,000 as is the case in Victoria.

In a recent article in *The Australian Financial Review* Chief Justice Doyle of South Australia is reported as suggesting that parties embroiled in major commercial disputes should be given an opportunity to take them to the Magistrates Court. He is quoted as saying:

> "If you go to the Magistrates Court you would have to accept a less formal approach. The Magistrates Court itself would have to be quite firm about not allowing its systems to be distorted."

The review of the monetary limit for civil and minor debt claims may be warranted because of the decline in the number of minor debt claims being lodged in our court over the past two years. If the trend continues and no change is made to the limit, litigants who face increased filing fees and professional costs could find them priced out of a jurisdiction designed to give quick, inexpensive access to the legal system for the resolution of relatively minor claims.

In May 2006, a pilot Brisbane Civil Applications List was introduced in Brisbane. This List continues with some modifications in response to feedback from the profession. The future will see this List continue to provide for the timely listing and hearing of the sizeable volume of civil applications which are regularly lodged. As time passes, this list will appear and operate more like those that operate in the Supreme and District Courts with similar practice directions governing it.

Consideration is presently being given to the jurisdiction of an amalgamated Civil and Administrative Review Tribunal which is to be established in

Queensland next year. The jurisdiction is to be determined by 30 June 2008. There is a question as to whether or not the Small Claims Tribunal jurisdiction is to be included. This may depend on the extent of resources which are to be allocated to the new Tribunal. However, my prediction is that, as our court covers the length and breadth of this state with Magistrates in 31 different places and the ability to circuit to 75 more, including some places on distant interstate boundaries and remote islands, the likely decision will be that it is more cost effective to leave this jurisdiction with our court than to create an entirely new infrastructure with additional circuit costs for this purpose. In addition, this would be counter productive to the Judicial Registrar pilot as a significant volume of the Judicial Registrar's work is small claims.

A common element in these visions for the future of our court is cost effectiveness. If, as I have suggested, the court and its human resources are to be recognised and developed as part of the state's infrastructure, this will inevitably be an element which will be considered by government in making budget decisions.

Although the *Magistrates Act 1991* requires magistrates to undertake regional service, there are significant costs associated with regularly transferring magistrates. These include costs associated with real estate commission fees, conveyancing fees and stamp duty incurred in the sale and purchase of the magistrate's principal place of residence, removal costs of furniture, effects and other personal possessions including travel insurance, travel and accommodation costs for the magistrate and the magistrate's immediate family, storage costs whilst in temporary accommodation before securing a permanent residence, and temporary accommodation costs. These costs are escalating and can only be expected to continue to do so.

In some parts of the State, the Department of Justice and Attorney-General supplies houses to magistrates subject to a rental contribution. This cost is reflected in the court's budget.

It is likely to become attractive in the future to eliminate or reduce these costs by reducing the number of places to which magistrates are appointed. Magistrates appointed to these centres could visit the former places of appointment on circuit. This could be achieved without reducing the extent of services given to these places.

For example, during 2006-2007, following the transfer of a magistrate from Maryborough to fill a Maroochydore vacancy, the replacement magistrate was transferred to Hervey Bay rather than to Maryborough. This position now circuits to Maryborough as well as to Bundaberg to assist the magistrate with the increasing workload.

Importantly, Maryborough continues to receive the same level of service as if a magistrate was appointed there. This is in keeping with our court's flexible approach to allocating its resources to achieve the most effective results.

A decision has recently been made to increase our circuits from Southport to Coolangatta to five days a week. This better uses the facilities available at both courts. Otherwise, there may not be sufficient courts available every day of the week at Southport. However, given the location, no-one would suggest that one magistrate should be appointed to exclusively constitute a court a Coolangatta.

Therefore, I see no reason why this could not occur in other places to which magistrates are currently appointed and that are within easy driving distance of each other. In time, one court would simply become the satellite court of the other and would be served by magistrates on circuit from the hub centre.

I am not saying that this will happen tomorrow, next week or next year. It will happen incrementally, subject to the views of another Chief Magistrate. However, I am confident that it will happen eventually.

The theme of our 2006-2007 Annual Report was:

> *The Magistrates Court – the court of innovation*

Court Technology

This was a reference not only to our innovative programs but also to the increasing technological sophistication of our court environment. As a result, a centralised Courts Technology Group has been established to support this environment for the future. Our court has moved well beyond the position of March 1991 when in the Queensland Court Administration publication *Just Us* the Director-General proudly proclaimed:

> "It is hoped that every office will be supplied with at least one personal computer by the end of the year."

He also spoke of a computer program which would be forwarded to the courts on floppy discs.

CCTV and/or video conferencing, together with vulnerable witness/domestic violence waiting rooms, continues to be installed in our courts as they are refurbished and is automatically installed in new courts. This makes our courts more responsive to the needs of victims and vulnerable witnesses while also protecting them.

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

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

In a recent case, a key witness who was incapacitated and unable to attend court was able to give evidence without leaving her home by establishing a secure network combining the Justice Department's video conferencing and Telstra Next G technology. Vision of the witness was transferred to the court via a laptop and a high definition camera.

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

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

The court continues to use video conferencing for defendants in custody. This allows bail and remand matters to be heard without the need to transport detainees to and from court. This increases public safety and enables more police and corrections officers to devote their time to their core duties.

A pilot was conducted at Richland Magistrates Court from 1 January 2007 to 30 June 2007 using video conferencing in as many situations as possible. During this pilot, the physical transfer of prisoners as they appeared at court by video link was reduced by over 40%.

Amendments to the *Justices Act 1886* have extended the use of video links by magistrates from cases where the defendant is a detainee or is at another court, to cases where the defendant is at a place other than a court. These amendments were requested by our court to extend the use of video link technology to increase efficiency and cost effectiveness while also improving service to the public.

It is our Court's intention to continue to increase the use of this technology. This is the way of the future. It will ensure that we can deal with matters more expeditiously. There will be no need to wait for the magistrate's next circuit – which in some cases may be three or four months, or even six months away – before the first mention of a matter or the hearing of a bail application. It will also be possible to conduct sentences by video link. However, because of the benefit gained by shaming a person in their own community, this technology will never replace a magistrate's visit. It will be a tool which magistrates can use to ensure that justice is not only open and accessible but also more expeditious. And as I have said, it will be valuable in cases where the magistrate is unable to attend on circuit because heavy rain has cut the roads or it is unsafe to fly into a community as a result.

This technology will be of particular benefit in the Torres Strait to alleviate the costs and danger experienced by people who currently have to travel by air or

even in open dinghies from remote islands to Thursday Island or Badu Island Court to have their matters heard. I am advised that the return air fares and accommodation costs between some islands and Thursday Island is approximately $1000.

Although our court has commenced circuits for the first time to eight Torres Strait Islands this year to sentence local people in their own island communities, the most regular of these circuits will be on a quarterly basis. There may be earlier remand dates and bail applications which can efficiently be dealt with by video link from Thursday Island.

There are some issues about the quality of the video link facilities available on the islands and the availability of training for local residents to operate them. However, this is something which can be overcome with time.

In a recent visit to the Torres Strait, a successful trial was conducted linking a laptop there with a laptop in Brisbane. The results were outstanding given that the signal went via microwave link to the mainland and then via Melbourne to Brisbane.

The intention is to roll out this communication incrementally by identifying four islands to link with Thursday Island courthouse.

In addition, the recent successful use of a laptop to transmit the evidence of a witness from her home to the court allows access to courts without the need to have a video conferencing facility at the point where evidence is to be given. The use of a laptop and camera provide the facility. With Telstra advising that the Next G network will be available to 98% of Australia, the technology has a wide application in both rural and remote areas of the state.

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

The WiFi service which now provides free broadband internet access using wireless technology to people attending more than 120 courtrooms in 15 centres throughout the state will also continue to be an integral part of Queensland Courts. I hope that the security reasons which are currently given for not extending this service to the judiciary will be overcome because, in this technological world, it is essential that all judicial officers have the most up-to-date technology available to assist them discharge their functions.

Our aim has been to enable all magistrates to use laptop computers to access cases, legislation, court forms and other legal materials such as the Queensland Sentencing Information Service from wherever they are. Under this model, the laptops become a portable office which can be taken onto the bench, on circuit or home to conduct research and work on decisions.

It is not surprising, in a state as geographically widespread as Queensland and with the number of remote circuit centres, that some teething problems

have been experienced with access. However, steps are being taken to remove, or at least reduce these difficulties. For example, a pilot project is underway with Cairns magistrates who undertake the Cape York circuit. This uses a 3G USB connection card and a wireless antenna that plugs directly into the computer. The results of this pilot have been encouraging.

Further enhancements will be provided by the Public Safety Network. This is a joint project between the Department of Justice and Attorney-General, the Queensland Corrective Services and the Queensland Police Service. It involves the planning, funding, implementing and maintaining of physical network infrastructure and services across all three agencies. This provides a more cost effective and efficient manner of managing the scale of investments required.

Although it is necessary to keep the information of each agency segregated from the other, the use of common designs and standards make the upgrade more viable. The model will allow reliable service delivery by a single entry, without jeopardising the operational imperatives of the Police Service or Corrective Services or the independence of the Courts and statutory bodies.

The size and scope of the Network will benefit Queensland magistrates because the speed of access will be greatly improved, particularly for magistrates on circuit at smaller or remote centres where legal research or email use is quite slow at present.

I also hope that the embrace of new technology by our court will extend to greater reliance on it to advance civil proceedings beyond the current electronic lodgement of minor debt claims. I am confident that the uptake of technology by our court will continue at a faster pace than at present. It will have to, because magistrates and litigants will be increasingly familiar with the use of technology. As a result, they will expect and demand the use of the most up-to-date technology by the courts. Court administrations will be required to provide the essential business tools available to the community.

Therefore, in the future when you enter a court, it will be commonplace to see a magistrate using a computer on the bench. Although I hope that this will not go to the extent in Victoria where magistrates are required to enter the results of their cases directly into the court computer system because, unless technology for doing so is much less complex than is currently the case for Queensland Courts, magistrates will lose the essential human contact with those who appear before them. Those people will feel that they are an unrecognised part of a production line rather than being treated as individuals. This would be particularly so in busy arrest courts which can now have over 150 defendants appearing before magistrates on a regular basis.

Courts Innovations Programs

It is important that people appearing before magistrates are treated as individuals. This approach is central to our courts innovations programs which have been developed to support a number of initiatives to provide diversionary

options for people early in their offending history, to provide alternative sentencing options for people whose offences are the result of drug, alcohol addiction, homelessness or impaired decision-making capacity, and to co-ordinate strategies to reduce over-representation in the criminal justice system.

Through the introduction of these programs we are seeing great innovation with new ways of addressing social problems. This is not because magistrates are becoming social workers. It is because magistrates, as the front line of administration of justice see first-hand, as Magistrate Bevan Manthey puts it, that:

> "There is always a story behind the offending"

Magistrate Manthey has presided in the Murri Courts at Brisbane, Cleveland and Mount Isa, having assisted in setting up both the Adult and Youth Murri Courts at Mount Isa.

Therefore these programs develop from magistrates who see that there is a way that we can do better for those appearing before us everyday and for the community which is affected by their criminal activity.

As Magistrate Manthey says:

> "When you see families being torn apart by domestic violence, alcohol, drugs and gambling; when you speak with the grandparents who are looking after the grandchildren and trying to shield them from this behaviour; when you see this cycle being repeated as the children start coming before the Courts having significant sniffing and substance abuse problems; when you speak with the families who have lost a loved one through suicide; when you speak with women who are being bashed senseless; when you speak with aboriginal men who are screaming for help; when you see the pain that a death in custody or a child being taken away has caused to a family; as a magistrate I would be derelict in my duty not to use every available resource at my fingertips to assist me in structuring a culturally appropriate sentence through such initiatives as the Murri Court and the Community Justice Groups."

Murri Courts

And so it was that magistrates concluded that they could do more to address the issue of over representation of Indigenous Australians in the prison system. As a result, the first Murri Court was implemented in Brisbane in August 2002 by my predecessor as Chief Magistrate, Diane Fingleton and Deputy Chief Magistrate Brian Hine. These courts also aim to improve Indigenous attendance rates in court, to decrease their rate of re-offending, to reduce the number of court orders breached by them, and to strengthen the partnership between the Magistrates Court and Indigenous communities in dealing with Indigenous justice issues.

This has been achieved by our judiciary's creative use of a principle in the *Penalties and Sentences Act 1992* that requires the court to consider relevant submissions from local Community Justice Groups, including respected persons when sentencing or considering bail applications concerning Aboriginal or Torres Strait Islander persons, for example in relation to:

- the person's relationship to his or her community
- any cultural considerations
- any considerations of programs and services established for offenders in which the Community Justice Group participates.

As we have found, the involvement of elders and respected persons in the court process:

- assists the offender to understand the process
- assists the magistrate to understand cultural issues
- assists the magistrate to decide on a sentence that is most appropriate
- acts as a connection between the court and the local community.

As Magistrate Manthey puts it, the elders and respected persons are the "networks" to the community who give the options to the court. The court and the community can work cooperatively with the court to develop innovative and productive sentencing options which are appropriate to the community. However, it is important to recognise that it is the magistrate who ultimately determines the sentence.

The Murri Courts are not about soft options but about effective sentencing. Offenders are often sentenced to community based orders with onerous conditions attached, including being subject to the directions and requirements of the local Community Justice Group.

As to the success of the court, the statistics for the Mount Isa Murri Court speak for themselves. In the first 12 months, 61 people were sentenced, 57 of those for Domestic Violence related offences. In the following 12 months, only four had re-offended.

As the Kevin Carmody – Paul Kelly song says, *from little things, big things grow*. From the original Brisbane Murri Court, a further 11 Murri Courts have developed – at the Brisbane Childrens Court, Rockhampton, Townsville, Mount Isa and Caboolture, Cherbourg (the first to be convened in an Indigenous community), Coen, Cleveland, Caloundra, Cairns and Ipswich. When I speak about these courts I often forget to refer to the Brisbane Childrens Court as a discrete Murri Court. Today I give it due recognition. Most of the other courts exercise jurisdiction over both adults and children. Serious consideration is being given to establishing Murri Courts at St George, Dalby, Toowoomba, Mackay and Cunnamulla.

The success of the Murri Courts has been recognised by the government which has provided $5.2 million over three years from 1 January 2007 to evaluate them. The five evaluation courts are at Brisbane, Rockhampton, Townsville, Mount Isa and Caboolture.

This has enabled a Murri Court manager to be appointed, together with case co-ordinators to support the courts involved in the evaluation process. This is a significant enhancement to an innovation which was originally funded from our court's own resources.

Magistrate Manthey has said:

> "As a Murri Artist myself, I view the Murri Court like our Art, we have come a long way since the rock paintings. Our Art is contemporary, vibrant, and always changing. It is never stagnant. So too must our Murri Courts be."

I will leave the last words on the Murri Court to one of the foundation members, Uncle Albert Holt, who is properly described as *An honoured elder* in a tribute included in our 2006-2007 Annual report:

> "It has been a watershed achievement to structure our Queensland Murri Court process on a spiritual or emotional level generating dignity and respect – an achievement I'm very proud of."

As he has said even more recently in a note to me that I am sure he will not mind me sharing to this extent:

> "Values all humans aspire to is to be treated with dignity and respect…….. [the promotion of] those values accordingly in the Murri Court [is] an exceptional role model for other peoples to follow in delivering social justice to all peoples."

As with the Judicial Registrars pilot, I am optimistic that the future of our court will include extending the Murri Courts to many more locations.

I predict that as a result of the evaluation, a legislative basis for the courts will be developed. However, while this will provide an important recognition of the courts, it will be crucial to their continued success to retain their flexibility to adopt procedures suitable to the local court environment and to deal with local issues.

Other innovative courts and programs

The other innovative courts and programs operated by our court are:

- the Drug Court
- the Illicit Drugs Court Diversion Program
- the Cairns Alcohol Remand and Rehabilitation Program (CARRP)
- the Queensland Indigenous Alcohol Diversion Program (QIADP)
- the Queensland Magistrates Early Referral into Treatment Program (QMERIT)
- the Homeless Persons Court Diversion Program.

Drug Court

The Drug Court is an example of a court which became permanent after a six year pilot phase. This happened on 3 July 2006 with the passage of the

passage of the Drug Court Act 2000. It operates from our Beenleigh, Cairns, Ipswich, Southport and Townsville Courts.

The offenders dealt with in the Drug Court are at the high end of the offending population, not those just embarking on a criminal career. After going through an assessment process by officers from the Health and Corrective Service Departments as to suitability and eligibility, the offender is sentenced by the Drug Court in the usual way; however, the sentence of imprisonment is immediately suspended and an Intensive Drug Rehabilitation Order (IDRO) is made. The order includes the obligation to refrain from committing further offences; undertake a program tailored for the offender which will oblige him/her where necessary, to live in a residential rehabilitation facility; avoid alcohol; have no contact with drug associates and, in some cases, specified people; be available for random urine analysis; not use drugs (including prescribed drugs unless disclosed); and other conditions.

After “an emotional roller coaster of hope and disappointment for all involved” as Magistrate Stephanie Tonkin aptly describes it, those who graduate after an average period of 18 months are generally re-sentenced to be released on probation or given a wholly suspended sentence.

As the Attorney-General has recently recognised, the Drug Court program is not a soft option and offenders who refuse to take part in or fail it face the very real prospect of going to prison.

These programs aim to reduce drug dependency in the community, reduce criminal activity associated with drug dependency and reduce pressure on the court, health and prison systems.

A recent Australian Institute of Criminology report has found that the program is working. The study looked at the recidivist patterns of the first 100 graduates from the program for the first two years after their graduation. It found that graduates had a 17 percent better outcome for recidivism when compared with an offender group sentenced to prison for similar offences.

Such positive outcomes should ensure that the Drug Court program will remain a part of the fabric of the Queensland Magistrates Court for the future. There is reason to believe that, over time, it will be expanded beyond the places where it is currently available.

However, a lesson to be learnt for other innovative programs which may become a legislatively permanent part of the court is to ensure that the funding provided for the programs is specifically quarantined for the exclusive purpose of that program. This removes the risk that the funding will be dispersed to support the general operations of partner agencies.

Illicit Drugs Court Diversion Program

The Illicit Drugs Court Diversion Program which began as a pilot in March 2003, and became state-wide on 1 July 2005, allows adult and juvenile

offenders, charged with minor drug offences (consistent with the amounts generally associated with personal use), the option of rehabilitation through being placed on a recognisance with a condition of counselling through a Drug Assessment and Education Session. Before this diversionary program was introduced, the most common penalty was a fine. Over the years, this penalty has proved ineffective in reducing the use of illegal drugs.

Of the offenders, including juveniles who have been diverted into a Drug Assessment and Education Session, the compliance rate to 30 June 2007 remains at 91%.

The program is currently funded by the Federal Government until June 2008. With this compliance rate, it is expected that it will continue to be part of the suite of diversionary options available to our court in future.

Cairns Alcohol Remand and Rehabilitation Program

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

It was commenced by magistrates within the court's own resources because they saw the need to do something to address the repeat behaviour of these offenders. The effectiveness of this program has been recognised and it is now funded through government grants and has been extended to Mareeba.

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

Queensland Indigenous Alcohol Diversion Program

The success of CARRP may be indicative of the potential effectiveness of the Queensland Indigenous Alcohol Diversion Program (QIADP) which began a three-year pilot in July 2007 at Townsville (with outreach to Great Palm Island), Cairns (with outreach to Yarrabah) and Rockhampton (with outreach to Woorabinda).
The initiative is an intensive five month program which has two streams – one a bail-based program for Indigenous people charged with offences where alcohol is a factor in their offending behaviour (the criminal justice stream) and the other will operate through case plans for Indigenous parents involved in the child protection system where alcohol misuse affects their parenting ability (the family intervention stream).

Each participant is case managed on a tailor-made program developed by health professionals to meet the needs of the individual. The local QIADP

Treatment teams are made up of professionals from up to eight different government departments and agencies.

The court will regularly review the participant's progress during the program period and, on its completion, may make orders that will help the participant move from the program onto post-program outreach support.

Successful completion of the program must be considered in mitigation of penalty by the court when the participant is sentenced. A plea of guilty is not a prerequisite for participation in the program. As it is a voluntary opt-in program, its unsuccessful completion is not a matter to be placed before the court on sentence.

The aim is to have up to 130 participants in QIADP at any one time. The program, which is now producing its first graduates, will be subject to evaluation.

In his apology to Australia's Indigenous peoples the Prime Minister spoke of "a future where we embrace the possibility of new solutions to enduring problems where old approaches have failed." This is "a future where all Australians, whatever their origins, are truly equal partners, and with an equal stake in shaping the next chapter in the history of this great country, Australia." The innovative QIADP is one of these solutions. It is a solution which strikes at the heart of the causes that contribute to the gaps in Indigenous life expectancy, educational achievement and employment opportunities which the Prime Minister has committed to reducing – the use and abuse of alcohol.

Queensland Magistrates Early Referral into Treatment Program

The Queensland Magistrates Early Referral into Treatment Program (QMERIT) is another bail-based diversion program which has been operating as a pilot at Redcliffe and Maroochydore Magistrates Courts since August 2006. Its focus is to help suitably motivated offenders to overcome their problematic drug use and end their associated criminal behaviour through court-enforced and supervised treatment programs which are incorporated as part of their bail conditions.

It is an intensive and personalised program which usually runs for a period of 12 to 16 weeks in partnership with Queensland Health, with reviews by the court during this period and, if required, there is an after-care program.

As with QIADP, the successful completion of the program must be considered in mitigation of penalty by the court on sentence. Although, again, a plea of guilty is not a prerequisite for participation in the program.

Because QMERIT is so intensive and personalised, there is currently a cap on the number of defendants who can participate in the program at each court centre – 29 at Redcliffe and 49 at Maroochydore.

To 30 June 2007, a total of 204 defendants were referred to the program. Of these, 91 defendants were considered suitable to participate and 19 defendants have graduated. Evaluation of the program has commenced.

Homeless Persons Court Diversion Program

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

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

The HPCDP commenced operating on a daily basis at the Arrest Courts on 2 May 2006.

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

The HPCLO works inside and outside the courtroom to assist magistrates with identifying defendants charged with offences of public order violations who meet the classification of "homeless" and who can be dealt with summarily to divert them from the mainstream criminal justice system through means such as special bail programs, recognisances to be of good behaviour, and community-based orders.

The HPCLO engages with these defendants to assist the court in making suitable assessment and referrals to public and private health, housing and social service resources to help the offender in identifying and addressing problems that lead to their offending.

As the court had no funding to operate the proposed Special Circumstances Court with its emphasis on homeless defendants with impaired decision-making capacity, it was incorporated as the Special Circumstances List into the criminal jurisdiction, one day each week, as part of the HPCDP. This enables the List to rely on the funded resource of the HPCLO. Otherwise, the program operates within the Court's current budget and resources.
In addition to being eligible for the HPCDP, for referral to the List, the defendant must suffer from impaired decision-making capacity either as a result of mental health issues (including where drug and alcohol induced), intellectual disability or brain/neurological disorders.

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

The List aims to prevent further entrenchment of homeless people in a cycle of offending and punishment which results in increasing numbers of fines and the risk of imprisonment. Each case is unique and managed by the presiding magistrate, with the assistance of the HPCLO, over a series of court adjournments until positive steps have been taken to help the defendant address the offending behaviour.

The HPCDP (including the Special Circumstances List) is currently the subject of the evaluation. It is hoped that this will result in the establishment of a combined program for homeless people with impaired decision-making capacity five days a week, based on referrals to it from other courts including the Arrest Courts.

Although programs such as QIADP, QMERIT and the HPCDP (including the Special Circumstances List) can lengthen court processes and use more court time, they present defendants with supportive opportunities to turn their lives around and can lead to reduced offending and fewer social problems within the community.

There is strong contemporary research indicating that a person's interaction with the criminal courts is one of many converging issues, the last of which involves criminal activity and consequently contact with our criminal justice system.

Courts Innovations Programs of the Future

As a result, to adopt the words of Mr Dan Toombs of The Advocacy and Support Centre (TASC), Queensland Courts, particularly Magistrates Courts, increasingly serve by default as front-line response to problems of substance abuse, family breakdown, intellectual disability, personality disorders and mental health.

Therefore, these or similar programs which focus on the causes of offending behaviour in an attempt to break the cycle of offending will continue to be part of the future of the Queensland Magistrates Courts. There is also the flow-on effect of the problem solving philosophy of these programs in to our broader criminal jurisdiction.

However, it will be essential that the court (judicial officers and court co-ordinating staff) and all other agencies involved, including Legal Aid and Police Prosecutions, be adequately resourced to ensure the effectiveness of these programs. It will not be possible to continue funding them out of

existing budget resources. In other words, an holistic approach has to be taken to their delivery.

As has been stated by the Public Advocate, Ms Michelle Howard, "the implementation of these programs should result in decreased numbers of prisoners in the full-time care of the state; the ultimate aim is that those people diverted have an optimised experience of life and participation in community and accordingly become as productive and self-reliant as possible. This is likely to reduce funding which would otherwise be required for government support and emergency services in future."

Specialist Domestic Violence Jurisdiction

I believe that the courts innovation programs of the future will include a specialist domestic violence list. At present we are also trialling such a list within our own resources in Rockhampton. This takes an integrated approach with hearings on the same day for civil applications for protection orders, criminal proceedings for breaches of protection orders, and criminal conduct involving domestic violence. A child protection call over is also held on the day as this may also demonstrate links to people involved in domestic violence proceedings.

The purpose of this trial is to find an effective way to address the causes of domestic and family violence, rather than just dealing with the outcomes. This is being done in the hope that it will lead to the establishment of a permanently funded domestic violence jurisdiction with appropriate programs for respondents and aggrieved persons.

There is reason to believe that this is another innovation which will be achieved in Queensland given the existence of such specialist jurisdictions internationally and elsewhere in Australia.

Community Justice Centres

An innovation which has been implemented internationally and in Victoria is the establishment of Community Justice Centres. Examples are the Redhook Community Justice Centre in Brooklyn, New York and the North Liverpool Community Justice Centre. These centres are multi-jurisdictional community courts – for example at Redhook a single judge hears criminal, family and housing cases in one courtroom. Presenting these cases in one place allows the judge to address, in a coordinated fashion, problems that do not conform simply to the jurisdictional boundaries of the traditional court system.

Redhook also provides on-site services which are immediately available to both those referred by the court as part of a bail condition or sentence and to community walk-ins. These services include drug treatment, mental health services, domestic violence support, counselling, mediation, entitlement assistance, mentoring, adult education including literacy classes, job training, and a housing resource centre. There is also a clinic and a child-care centre on site. And it runs a youth baseball team.

The judge can make use of these on-site social services to address the underlying problems of the people who appear before the court. Emphasising community restitution, offenders are required to payback the community through visible community service projects, such as painting over graffiti, cleaning local parks and sweeping the streets. Community service obligations must be undertaken immediately the offender is sentenced. The value of immediately undertaking community service obligations is a strategy I would like to see implemented in Queensland. The immediacy and visibility involved sends a powerful message to offenders and the community.

The Redhook Centre also works outside the courtroom, with local partners on a variety of crime prevention projects, seeking to solve problems before they become court cases. However, a clear distinction has been drawn, highlighting where the role of the community ends and the formal justice system begins. Therefore, while the Centre reaches out to the community to play a significant role in the projects outside the courtroom the sanctity of the courtroom process is preserved.

One of its innovations is a youth court, in which young people (aged 10 – 15) who have committed low-level offences like truancy, fare evasion, and disorderly conduct appear in front of a peer court composed entirely of other teenagers from the neighbourhood who have been trained to serve as judge, jury and attorneys. The hearings are entirely staffed by teens, who mete out sanctions like community service, letters of apology, and anger management to their peers.

This approach appears to be working. Overall crime in the local community has declined 60 per cent since 1993, and murders from 12 in 1995 to none in 2003.

There are now over 30 similar centres in the USA and the development of 11 new community justice projects in mainstream Magistrates Courts has been announced in England.

Learning derived from these projects and from the Neighbourhood Justice Centre in Melbourne can be used to formulate ways of delivering community justice to meet the varying needs of communities and, thereby, to tackle re-offending.

I hope that suitable adaptation of these community justice centres to join with other criminal justice agencies, local authorities and the voluntary sector to achieve these aims will be part of the future for the Queensland Magistrates Courts.

To quote from the Secretary for Justice of Great Britain, Mr Jack Straw, after visiting Redhook, “such centres will highlight the courts as an accessible and vital part of our community and as making a visible difference to the day to day lives of every community member, including offenders.”

Accessible justice to Indigenous communities

Our court remains committed to accessible justice to Indigenous communities. To adopt the language of the Prime Minister this is as part of tuning a "new page" so we can "move forward with confidence for the future".

To achieve this, we are aiming to increase the number and range of services that we provide for these communities. This has been made possible by the creation of a new magistrate's position in Cairns in August 2007. This is enabling our court to spend more time in Cape York and Torres Strait Islander communities. The Attorney General's support for this initiative is greatly appreciated.

This will enable us to spend more time than was previously available to meet with Community Justice Groups and to address sentencing issues. It will provide the opportunity to consider more innovative practices in conjunction with those groups and lead to the reintegration of offenders into their communities.

Importantly, it will reduce any perception of fly in/fly out justice of the nature highlighted by Magistrates Tina Previtera and John Lock in their paper titled "*Fly in/Fly out Justice – An imperfect journey"* delivered at the Bennelong Society Conference in September 2006.

I have had direct experience of the positive outcomes of this approach in the Torres Straits where, as a result, we have been able to open the first courts in eight Island communities – Mer, Saibai, Boigu, Yam, Yorke, Darnley, Moa and Warraber. These courts are being held in local community halls, sporting stadiums and in one case under the Edonilu (Tree of Knowledge) on Darnley Island.

This is allowing the Torres Strait Islander people to have increased participation in the administration of justice, including the development of their own solutions for local justice issues.

Torres Strait Island communities have unique histories and circumstances. As a result, the kind of programs that may work in other Queensland communities are not always likely to work in Torres Strait Island communities. There is no "one size fits all" solution to the delivery of justice in Queensland.

The communities now have an opportunity to work co-operatively with the court to develop innovative and productive sentencing options which are appropriate to the community.

Our circuits will reduce the need for residents of the communities to undertake those expensive and often perilous journeys to Thursday Island and Badu Island to appear in court. It should reduce the number of warrants required to be issued to ensure that residents who are charged with offences attend court. It has already resulted in defendants against whom warrants have been issued surrendering to our court. The time taken for charges to come

before the court should also be reduced. For example, I sentenced a person at Boigu Island 45 minutes after he was given a Notice to Appear for the offence. It will also mean that no longer will people return to their island after being sentenced with their community not knowing what happened to them in the court on another island.

This is because members of their community have an opportunity to attend court and hear and see what has happened or at least will be able to hear about it from people who were there. As a result, as I have seen first hand, there is an element of shaming offenders in their own community and therefore enhanced deterrence.

In cases where an offender is sentenced to undertake community service, this will be performed in the community. The penalty will therefore be visible to members of the community.

As a result of seeing justice being done, the people *will see what justice is*.

Our court wants to be seen as an accessible and vital part of these communities – a court which makes a visible difference to the day-to-day lives of everyone who lives there, including offenders.

In this way our court will be an effective mechanism for increasing participation and ownership by the communities in the criminal justice process.

With the support of Aboriginal and Torres Strait Island communities and with the necessary level of budget funding, the magistracy will continue to work hard at making the legal system accessible to these communities.

Our court will also continue to actively support other proposals to improve court services to these indigenous communities. The services that, in my considered view, are the highest priority – and will exist in the future, because they must exist include:

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

These issues were also highlighted by Magistrates Previtera and Lock in their paper.

The difficulties in not having a recognised Indigenous interpreter service in Mount Isa have been identified by Magistrate Manthey who was informed by

the Community Justice Group that there were some 25 Aboriginal languages being spoken in Mount Isa at different times with at least six of those spoken on a regular basis.

As Justice Margaret McMurdo, President of the Queensland Court of Appeal, said with reference to the need for interpreters of Australian Indigenous languages in *R v Watt* [2007] QCA 286:

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

A similar approach has been taken by the Supreme Court of South Australia in *Frank v Police* [2007] SASC 2008 where Sulan J said:

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

I am confident that the strength of these observations will result in the establishment of an Indigenous Interpreter service in Queensland. This is of particular importance to proceedings in the Magistrates Court because this is where all offences in Indigenous communities are commenced, and are either dealt with or committed for trial.

An integral aspect of this will be that the cross cultural awareness training which will be made increasingly available to magistrates in future will extend to an understanding as to how to best use the interpreter services. This will not be limited to Indigenous issues but encompass the broad range of cultures and language which increasingly are part of our multicultural nation.

The future will also bring the removal of courtrooms from within police stations. This is a high priority – and like the other priorities I have identified, it will happen because it must happen.

Again, this is an issue that particularly affects Indigenous communities and communities with a high proportion of Indigenous residents.

This situation is detrimental to the development and maintenance of trust in judicial independence by the residents of these communities.

In order to advance this, it will be necessary in most cases to identify alternative suitable accommodation or build a new court house.
If a new structure is required, it is only necessary that it be comfortable and serviceable for the community, court users and staff, as well as the magistrate. It is not necessary that it be a luxurious or iconic building. A modular building with the facilities expected of a courthouse will provide the necessary and respected service to the community. An illustration of this is the plan for construction of the new Palm Island courthouse which is about to commence.

All of these developments will necessarily be achieved incrementally. They have to be implemented wisely, carefully and with full regard to the likely issues which may obstruct their ultimate implementation. However they are part of the future of our court.

Conclusion

This then is my optimistic vision for the future of the Magistrates Courts in Queensland. It is a future which will see an expanded number of magistrates and judicial registrars addressing an increasing jurisdiction in keeping with Queensland's continued growth.

Although the court will continue to be a grassroots people's court, in a number of respects, it will look more like the Supreme and District Courts with robed barristers and harmonious practices and procedures. It will truly be the court of first instance in the judicial system of Queensland Courts.

Although there will be an increase in magistrates and no decrease in the number of places where it is essential to hold court in this geographically large and diverse state, I believe the future will see more magistrates appointed to hub centres and visiting satellite courts on circuit. This will in no way reduce the extent of services given to the satellite court centres.

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

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

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

These initiatives will include not only a continued role for the Drug Court, but a Murri Court supported by legislation which is sufficiently flexible to adopt procedures suitable to the local court environment and local issues – contemporary, vibrant and always changing; and programs which strike at the heart of the causes contributing to the gaps in Indigenous life expectancy, educational achievement and employment opportunities – the use and abuse of alcohol.

This is a future in which we will embrace the possibility of new solutions to enduring problems where old approaches have failed.

These solutions will extend to specialist courts for people who are homeless or suffer from impaired decision-making capacity and to address the causes of domestic and family violence, rather than just dealing with the outcomes.

Therefore these or similar programs which continue to focus on the causes of offending behaviour and attempts to break the cycle of offending will continue to be part of the future of the Queensland Magistrates Courts.

There is also reason to believe that a suitable adaptation of the New York Redhook Community Justice Centre model within the court – as has happened in Victoria – will be implemented to allow the magistrate to make use of on-site social services to address the underlying problems of the people who appear before the court. I hope that this would include a strategy of offenders immediately undertaking community service obligations. The immediacy and visibility involved would send a powerful message to offenders and the community.

The court will continue to increase the number and range of services that it provides for Indigenous communities. We will spend more time there – reducing perceptions of fly in / fly out justice.

Our court will be seen as an accessible and vital part of these communities – a court which makes a visible difference to the day-to-day lives of everyone who lives there, including offenders.

In this way, the court will be an effective mechanism for increasing participation and ownership by the communities in the criminal justice process.

The court will be assisted by an Indigenous Interpreter service and courtrooms will be removed from within police stations. This will increase the trust by the residents of these communities in the justice system.

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

And at the end of it all, just as it is being suggested with Federal Magistrates, Queensland Magistrates may have taken the next step in their journey – and emerge as Judges.

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