

Queensland Government response to the evaluation of the Remote Justices of the Peace Magistrates Court program

December 2011

Summary

The Queensland Government is committed to reducing the over-representation of Aboriginal people and Torres Strait Islander people as victims and offenders in the criminal justice system.

The Remote Justices of the Peace Magistrates Court Program (JP Magistrates Court Program) seeks to assist in overcoming the disadvantages that Aboriginal people and Torres Strait Islander people face in coming into contact with the criminal justice system, whether as a victim of a criminal act, an accused person, or otherwise, by offering opportunities to play positive roles within the system and the community.

In October 2010, the Department of Justice and Attorney-General (DJAG) received the independent evaluation of the JP Magistrates Court Program undertaken by Professor Chris Cunneen and associates of Cairns Institute, James Cook University.

The evaluators found widespread support for the continued operation of the JP Magistrates Court Program and described the program as an initiative with symbolic significance that encourages community capacity building to provide input and participation into the criminal justice system. The evaluation reports that the program provides a court process which is more culturally appropriate and more inclusive of both the Indigenous community and the Indigenous offender. However, in order to achieve maximum effectiveness, improvements to the program were found to be required.

The evaluation arrived at 16 recommendations to improve the JP Magistrates Court Program. Generally, the recommendations are supported by the Queensland Government. Government consultation on the evaluation recommendations occurred with the main stakeholders, government and non-government organisations, with the results informing the proposed improvements to the program.

DJAG will continue to support the JP Magistrates Court in the locations where it is functioning well and has strong support from the local JP Magistrates, Community Justice Group (CJG) (where applicable), and the wider community. This commitment includes realigned resources to increase the frequency of training and support to the JP Magistrates Courts. DJAG has also committed to a legislative review of the relevant sections of the *Justices of the Peace and Commissioner for Declarations Act 1991* and the *Criminal Law (Rehabilitation of Offenders) Act 1986*.

Background

1. Context

Aboriginal and Torres Strait Islander people are a small proportion of Queensland's population (3.5%), but constitute:

- 13.7 % of lower and 17.2% of higher court appearances
- 29.9% of adults in prison in Queensland.

The rate of Indigenous adults coming before the courts has increased by 16% over the past ten years (possibly partially due to improved recording of Indigenous status). The rate at which Aboriginal and Torres Strait Islander adults are incarcerated in Queensland has increased over time. The age standardised rate was 1160 per 100,000 population in 2000 and 1443 per 100,000 adult population in 2010 (ABS 2010). In contrast, the non-Indigenous imprisonment rate has decreased from 135 per 100,000 in 2000 to 121 per 100,000 in 2010.

2. Program Overview

The JP Magistrates Court Program was initiated by the Queensland Government in 1993 as a component of its response to the recommendations of the *Royal Commission into Aboriginal Deaths in Custody 1991*. The program seeks to assist in overcoming the disadvantages that Aboriginal people and Torres Strait Islander people face in coming into contact with the criminal justice system, whether as a victim of a criminal act, an accused person, or otherwise, and offers opportunities to play positive roles within the system and the community.

The JP Magistrates Court Program provides for JP Magistrates (the majority of whom are Aboriginal or Torres Strait Islander) to constitute a Magistrates Court, in the absence of a Magistrate, and to hear and determine charges for simple offences and some indictable offences that can be dealt with summarily, where a defendant enters a guilty plea. For example, JP Magistrates can currently:

- hear offences against local laws
- determine traffic matters
- deal with bail applications
- hear applications for domestic violence orders (where the defendant consents)
- conduct committal hearings (although this power is rarely used and likely to be removed in Stage 2 of the Moynihan Reforms¹)
- grant adjournments.

¹ In July 2008, the Honourable Martin Moynihan AO QC, was appointed to examine and report on the working of Queensland courts. In July 2009 Mr Moynihan's report, Review of the civil and criminal justice system in Queensland, and the Queensland Government Response were released. The first stage of reforms was delivered in 2010. The second stage of reforms is the development of a criminal justice procedure Act and criminal justice procedure Rules to consolidate and modernise criminal justice procedure in Queensland.

DJAG allocated a budget of \$197,000 in 2011-12 for the JP Magistrates Court Program. The locations where JP courts are currently operating are: Aurukun, Bamaga (Northern Peninsula Area), Cherbourg, Kowanyama, Lockhart River and Pormpuraaw.

3. Crime and Misconduct Commission (CMC) Restoring Order Report

The *Restoring order: Crime prevention, policing and local justice in Queensland's Indigenous communities* report, published by the Crime and Misconduct Commission in November 2009 (CMC Report), found that:

- JP Magistrates Courts are an ideal mechanism to facilitate greater use of diversionary sentencing options, such as community-based sentencing options
- local JPs will naturally be better informed about local programs that can form part of a sentencing option and the suitability of these programs for a particular offender
- the JP Magistrates Courts provide an opportunity for greater community ownership and involvement in the criminal justice system
- a key practical benefit is that courts can be held on a regular basis, overcoming the delays that can be experienced in waiting for Magistrates Court circuits.

The CMC Report recommended 51 Actions that the Queensland Government should take to:

- improve crime prevention
- ensure the criminal justice system incorporates local justice components
- prioritise strong local level planning
- improve police-community relations
- pursue evidence-based policy and evaluation
- foster innovation in crime prevention.

Action 17 of the CMC report is:

The Department of Justice and Attorney-General must conduct the much overdue evaluation of the JP Magistrates Courts that has been proposed on numerous occasions. This evaluation of the JP Magistrates Courts must be designed in a way that will allow JP Magistrates Courts to be considered as one possible element in a local justice system. Among other things the evaluation should:

- *Compare the operations of the courts in those communities that have local 'law and order' by-laws, and/or local Indigenous police (community police or QATSIP), with the operations of courts in those that do not.*
- *Assess the extent to which the JP Magistrates Courts can reduce the demands on the circuit courts.*
- *Consider how the capacity of JP Magistrates Courts might be enhanced to deal creatively and responsively with local problems.*

The Queensland Government response to that report, tabled in Parliament on 11 June 2010, acknowledged that the JP Magistrates Court Program increases local participation and authority in community safety matters and delivers timelier and more culturally appropriate court services in remote communities where the circuit courts sit less frequently.

The response committed to expediting the evaluation of the JP Magistrates Courts and Action 17 was included in the evaluation objectives.

Action 19 of the report was for the then Department of Infrastructure and Planning (now Department of Local Government and Planning) and ATSiS to conduct the review of local 'law and order' by-laws in conjunction with, rather than in isolation from, the evaluation of the JP Magistrates Courts. The response committed to the concurrent independent review of the JP Magistrates Court and the internal review of local laws informing future local planning.

The Department of Local Government and Planning is reviewing existing 'law and order' local laws, including whether they should be repealed on the basis that some or all of their provisions are obsolete, redundant, or inconsistent with state law and whether or not it is appropriate to develop an updated model law and order local law. If 'law and order' local laws were to be made redundant, the JP Magistrates would continue to hear and determine:

- charges for simple offences and certain indictable matters that can be dealt with summarily (where a defendant enters a guilty plea)
- traffic matters
- bail applications
- applications for domestic violence orders (where the defendant consents).

4. Just Futures 2012-2015

In December 2011, the Queensland Government released *Just Futures 2012-2015* (the Strategy). The Strategy sets out an evidence-based program for action under four Pillars of Reform:

- 1) Building stronger and more resilient communities.
- 2) Early intervention and prevention for children and young people.
- 3) Improving employment, education and training.
- 4) Ensure culturally appropriate and responsive administration of justice for Aboriginal and Torres Strait Islander people.

Opportunities for DJAG to contribute to achieving the desired outcomes are in two main areas:

- using court processes to link offenders into services to address the underlying causes of offending (pillars 3 and 4)
- providing culturally appropriate court processes (Pillar 4).

The Strategy proposes a community-based approach, with a focus on high needs 'target areas'. This approach recognises that the circumstances and needs of Aboriginal people and Torres Strait Islander people across Queensland vary enormously across communities and regions. It also responds to the fact that, while most of Queensland's Aboriginal and Torres Strait Islander population live in metropolitan or regional centres, there are also many small communities, including Queensland's discrete Aboriginal and Torres Strait Islander communities that are predominately Indigenous, that have extraordinarily high needs.

Under the Strategy, the Government is proposing to support community-based approaches to addressing local Indigenous justice issues. DJAG's continued support for the JP Magistrates Court Program in the locations where the program is functioning well and has strong support from the local JP Magistrates, Community Justice Group (CJG) (where applicable), and the wider community directly aligns with the intent of the Strategy.

5. DJAG Strategic Plan 2011-15

The DJAG *Strategic Plan 2011-15* includes the following commitment:

- Contribute to the proposed new whole-of-government Indigenous Justice Strategy and work with the Commonwealth, States and Territories on Aboriginal and Torres Strait Islander issues and the national *Closing the Gap* agenda.

6. National commitments

The Queensland Government is committed to addressing Indigenous disadvantage through the national Council of Australian Governments *Closing the Gap* agenda, including the *Safe Communities Building Block*, and the Standing Committee of Attorneys-General *National Indigenous Law and Justice Framework 2009-2015*.

7. The Evaluation

In October 2010, the Department of Justice and Attorney-General (DJAG) received the independent evaluation of the JP Magistrates Court Program undertaken by Professor Chris Cunneen and associates of the James Cook University, Cairns Institute.

The Evaluation utilised statistics from 2007 – 2009 available through the Queensland Wide Interlinked Courts (QWIC) database for the currently active locations of Aurukun, Bamaga (Northern Peninsula Area), Cherbourg, Kowanyama, Lockhart River, and Pormpuraaw and the then operational locations of Mornington Island, Thursday Island, Woorabinda, and Yarrabah.

Summary of Evaluation Findings

Benefits of the JP Magistrates Program

The evaluation found that there was widespread support for the continued operation of the JP Magistrates Court program:

In terms of overarching program objectives, the program works best as an alternative to mainstream justice and in building capacity to own local solutions to offending within communities.²

The evaluation also concluded that:

- JP Courts provide communities with an opportunity to take responsibility for law and order-related problems as they arise, and to respond appropriately to those problems.
- The program provides a court process which is more culturally appropriate (incorporating Indigenous and local knowledge and cultural respect) and more inclusive of both the Indigenous community and the Indigenous offender³.
- The concerns regarding cultural barriers are decreased as JP Magistrates have local knowledge, including of issues of particular significance in their respective communities and of existing social structures (which visiting Magistrates do not possess)⁴.
- The program provides an initiative with symbolic significance and encourages community capacity building to provide input and participation into the criminal justice system.
- Improvements are required to ensure that the program can work to its maximum effectiveness.⁵

Improvements that need to be made to the JP Magistrates Court Program

The evaluation identified problems with the scope of the program and its capacity to ensure that sufficient numbers of referrals are being made in order to achieve maximum program effectiveness⁶. Presently the JP Magistrates Court may not be hearing all relevant matters due to misinformation or misunderstanding about the capacity of JP Magistrates Courts, and the matters that can be appropriately referred to the JP Magistrates Courts.

Lack of legal representation, as the Aboriginal & Torres Strait Islander Legal Service (QLD) (ATSILS) is not always able to be present, at the JP Magistrates Court days due to resource constraints, was also highlighted as a concern, but one without an easy answer⁷.

² Cunneen, C., Allison, F., Loban, H., Luke, G., Munro, K. *Evaluation of the Remote JP Magistrates Court Program: Final Report* (2010), pg.. 5

³ Cunneen et al (2010) pg. 22

⁴ Cunneen et al (2010) pg. 45

⁵ Cunneen et al (2010) pgs. 5 & 47

⁶ Cunneen et al (2010) pg. 93

⁷ Cunneen et al (2010) pg. 87

The evaluation also highlighted issues with the number of JP Magistrates eligible for appointment to the program. Problems with appointments, due to the stringency of criminal history checks and retention of JP Magistrates, can have three main effects:

- no available JP Magistrates to convene court
- loss of commitment to, and support for the program
- conflicts of interest between duties as a JP Magistrate and community and family issues.⁸

Finally, the evaluation found that while it is difficult to definitively test whether the JP Magistrates Courts have been effective in reducing recidivism, as there is no comparable control group available, the analysis of re-offending showed there was no difference in the rate of offending before and after JP Magistrates Court intervention.⁹

Evaluation recommendations

The evaluation made 16 recommendations for the improvement of the JP Magistrates Court Program. These recommendations and the Queensland Government's responses to them are set out in the following section.

8. Queensland Government Response to the recommendations

Generally, the evaluation recommendations are supported by the Queensland Government. Government consultation on the evaluation recommendations has informed the development of improvements to the JP Magistrates Court program.

The model incorporates: bringing together Community Justice Groups, local police, ATSILs and other stakeholders to address issues impacting on the effectiveness of JP Magistrates Courts; establishing community user groups made up of community service providers and stakeholders; a review of the *Criminal Law (Rehabilitation of Offenders) Act 1986*; a defined working relationship with local police in each community to improve the referral of matters to the local JP Magistrates courts; developing community based materials covering the role of the JP Magistrates courts to increase community awareness of the JP Court Program; and developing an information sheet advising defendants of their legal rights

During 2011, in response to the recommendations DJAG has:

- Amended the QWIC database to enable greater capture of the work of Indigenous JP Magistrates and differentiation from other JP roles and duties. This will ensure DJAG has access to data that enables future evaluation of program outcomes.
- Enhanced the annual JP Magistrates Court Program Forum to include consultation regarding the evaluation recommendations, the establishment of local user groups, and professional development as a key component of its structure.

⁸ Cunneen et al (2010) pgs. 50 & 60

⁹ Cunneen et al (2010) pg. 42-43

During 2011 and 2012, in response to the outstanding recommendations in the evaluation, DJAG will:

- Finalise the operational, funding and legislative models.
- Continue to support and fund the JP Magistrates Courts that are operating in the current locations – Aurukun, Bamaga (Northern Peninsula Area), Cherbourg, Kowanyama, Lockhart River, and Pormpuraaw.
- Develop and finalise the jurisdictional parameters of the JP Magistrates Court in consultation with key stakeholders (government and non-government organisations). This will include identifying the impact of the Moynihan Reforms and the Department of Local Government and Planning’s review on ‘law and order’ local laws.
- Undertake a legislative review of the *Justices of the Peace and Commissioner for Declarations Act 1991* and the *Criminal Law (Rehabilitation of Offenders) Act 1986* to consider whether range of criminal offences, conviction of which disqualifies a person from remaining or becoming a JP Magistrate, are appropriate.
- Increase the frequency of training and support to JP Magistrates Courts and provide refresher training for active communities holding JP Magistrates Court, together with an annual JP Magistrates forum.
- Review all training materials and resources.
- Increase visits by DJAG to observe functioning JP Magistrates Courts to identify current issues and actively increase engagement with local service providers and stakeholders to maintain greater community understanding, awareness and support.
- Finalise the development of materials and tools to educate and raise awareness within JP Magistrate Court communities with respect to the JP Magistrate Court Program.
- Establish and support local user groups as a forum in the communities conducting JP Magistrates Courts, including community representatives, JP Magistrates and circuiting Magistrates.
- In conjunction with QPS develop guidelines for the referral and setting down of matters.
- Finalise the development of an information sheet for defendants before the JP Magistrates Court including, information with respect to the Aboriginal and Torres Strait Islander Legal Service.

Recommendations, Responses and Proposed Actions

Recommendation	Response	Proposed Action
<p>1. <i>It is recommended that DJAG develop separate identifiers within QWIC to differentiate the activities of JP Magistrates and JP Quas conducting bail courts, and that a database be developed to identify the JPs sitting in each court for the purposes of training and support.</i></p>	<p>Supported</p>	<p>DJAG has amended the ‘identifying officer’ field on the QWIC database to capture the matters listed before remote JP Magistrates Courts. This will enable greater capture of the work of Indigenous JP Magistrates Courts by DJAG so as to differentiate their work from other Justice of the Peace roles and duties.</p> <p>These changes are now active with data collection having commenced in August 2011.</p>
<p>2. <i>It is recommended that the JP Court program be retained and ultimately expanded to other communities. However, prior to any expansion of the program, it needs to be better supported in those communities where it has been operating.</i></p>	<p>Supported</p>	<p>DJAG will continue to support the JP Magistrates Court Program in the locations where the program is functioning well and has strong support from the local JP Magistrates, Community Justice Group (CJG) (where applicable), and the wider community.</p> <p>Future expansion will occur only in communities where DJAG determines that a community has the required stakeholder support to establish a functioning JP Magistrates Court. This process will be done prior to undertaking any expansion to another location.</p>
<p>3. <i>It is recommended that DJAG provide for increased frequency of JP training for individuals on Aboriginal and Torres Strait Islander communities seeking to qualify as JP Magistrates as well as more frequent in-service training and support. Training should be provided in community as well as centrally.</i></p>	<p>Supported</p>	<p>DJAG has realigned resources to increase the frequency of training and support to the JP Magistrates Courts in the communities where they currently exist.</p> <p>Refresher training for Justices of the Peace (Magistrates) will occur every six months for active communities, and an annual JP Magistrates forum will be held. Additionally, each community has a minimum of four annual visits from a DJAG Regional Advisor, who will provide additional support to the Justices of</p>

Recommendation	Response	Proposed Action
		<p>the Peace within the program.</p> <p>Sitting Justices of the Peace (Magistrates) will be provided professional development at an annual forum held in a centralised location.</p>
<p>4. <i>It is recommended that DJAG increase resources provided to the Courts Innovation Directorate to enable increased capacity to deliver training and ongoing support through the appointment of additional training and support officers and an increased budget for training and community education. To administer the program more effectively there is also a need for improved DJAG record keeping of current, qualified JP magistrates.</i></p>	<p>Supported in principle</p>	<p>DJAG has realigned resources allocated to all Indigenous Justice Programs. This allows for better utilisation of resources dedicated to the training and support components of the Community Justice Group Program, Murri Court, JP Magistrates Courts and Queensland Indigenous Alcohol Diversion Program. This will enable improved training service delivery within existing resources.</p> <p>The realignment of funding allows for increased frequency of training and additional support to be focused on the communities that are active and functioning in JP Magistrates Court.</p> <p>The Courts Innovation Programs Training Officer has access to the JP Branch database to track and keep a record of all registered JP Magistrates for the remote Indigenous communities to ensure that records are kept current.</p>
<p>5. <i>It is recommended that the Rehabilitation of Offenders Act be amended to remove JPs from the list of exceptions to the application of the expiration of rehabilitation period. It is recommended that the provisions relating to</i></p>	<p>Supported</p>	<p>The legislative exclusions of persons from appointment as a JP Magistrate on the basis of prior convictions significantly reduce the number of potentially eligible Indigenous participants in the program (especially men)¹⁰.</p> <p>In 2012, DJAG will review relevant sections of the <i>Justices of the Peace and</i></p>

¹⁰ Cunneen et al (2010) pg. 69

Recommendation	Response	Proposed Action
<p><i>disqualifications in the JP Act be reviewed. Potential guidelines which might be considered in terms of developing more inclusive qualifying provisions might be those relevant to applications for a Blue Card (Commissioner for Children and Young People and Guardian), the appointment to the Family Responsibilities Commission, and appointment as a Bail Justice in Victoria.</i></p>		<p><i>Commissioner for Declarations Act 1991 (the JP Act) and the Criminal Law (Rehabilitation of Offenders) Act 1986. This will include:</i></p> <ul style="list-style-type: none"> - whether the criminal offences, conviction of which disqualifies a person from becoming a JP Magistrate, are appropriate; and - what criminal offences, committed by a JP Magistrate during their appointment, should disqualify the JP Magistrate from continuation in that office.
<p><i>6. It is recommended that the current rate of remuneration offered to JP Magistrates be reviewed. Payment ought to be offered to JP Magistrates as a sitting fee in accordance with present arrangements rather than as an hourly rate. A comparable scale would be the FRC scale of payment for a two hour sitting.</i></p>	Noted	<p>DJAG acknowledges the important role of JP Magistrates and recognises the skill, challenges and responsibility that are associated with JP Magistrates' Court work and the administration of justice.</p> <p>The role of JPs, including JP Magistrates, has historically been an honorary volunteer role. There is no payment for the work of JPs. However, JP Magistrates are currently eligible to claim \$36.50 per sitting day which is designed to cover out of pocket expenses incurred by JP Magistrates on sitting days (such as travel and food expenses). This amount will be reviewed from time to time. However, it is not proposed to review the amount at this point.</p>
<p><i>7. It is recommended that DJAG develop community-based materials (including audio-visual (DVD) and written materials) covering the role, functions, disqualification provisions and other aspects of the JP Courts in order to increase community awareness of the JP Court program.</i></p>	Supported	<p>DJAG supports recommendations 7 and 14 regarding increased awareness, support and training of JP Magistrates.</p> <p>DJAG has initiated a review of all resources. This review was completed in October 2011. It included reviewing resources for Community Justice Groups, Murri Court and the Queensland Indigenous Alcohol Diversion Program.</p>

Recommendation	Response	Proposed Action
		<p>The realignment of funding (referred to in the response to recommendation 4 above) will enable: increased visits by DJAG representatives to observe functioning JP Magistrates Courts; and refresher training. This also enables DJAG to have increased engagement with local service providers and stakeholders to maintain greater community understanding, awareness and support.</p> <p>Community based posters are being developed. They will detail the role and process of a person's journey and contact with the JP Magistrates Court. These posters will be a valuable tool for community awareness and education.</p> <p>DJAG has commenced discussions with a production company around the development of a JP Magistrates Court Program DVD to be used as both a training aid and educational tool.</p>
<p>8. <i>It is recommended that DJAG develop and provide information sessions for magistrates in relation to JP Courts; specifically, the range of matters that can be referred to JP court and the JP courts sentencing powers.</i></p>	<p>Supported</p>	<p>DJAG facilitates an annual forum for the JP Magistrates Court Program. The forum provides the opportunity for existing JPs from communities engaged in the program to meet. The forum enables the sharing of experiences between JPs and stakeholders and provides opportunities to discuss issues impacting the program.</p> <p>DJAG has enhanced the annual JP Magistrates Court Program Forum to include professional development as a key component of its structure since the evaluation. At the 2010/11 forum JPs participated in sessions regarding the evaluation, maintaining court files, Public Trustee matters, understanding Alcohol Management Plans and mock Magistrates Courts.</p>

Recommendation	Response	Proposed Action
		<p>Magistrates are also invited to participate in the forums.</p> <p>In addition to the annual forums, DJAG will provide information and updates on the Remote JP Court Program to all stakeholders through DJAG Regional Advisors.</p> <p>As recommended in the evaluation, DJAG is establishing local user groups in communities that are conducting JP Magistrates Courts, and circuiting Magistrates will have the opportunity to participate in these meetings.</p>
<p>9. <i>It is recommended that DJAG develop and improve relationships between JP magistrates and magistrates, community corrections, police, registrars and other relevant court staff, ATSILS, CJGs and other legal service providers as appropriate, for example, through the establishment of a court users group. A key role of the court users group is to identify and remedy issues of support and service provision (eg those relevant to corrections) and improve relations between service providers.</i></p>	<p>Supported</p>	<p>DJAG is establishing local user groups in the communities that are conducting JP Magistrates Courts. The court user groups are made up of community representatives from local Police, local Justices of the Peace, Community Justice Group members, ATSILS, Department of Community Safety and other court stakeholders.</p> <p>The group will meet at minimum twice yearly, with the ability to facilitate a meeting as a need arises.</p> <p>DJAG will provide support to the local user groups through administrative and professional assistance to plan, conduct, minute and implement meeting outcomes.</p>
<p>10. <i>It is recommended that QPS, in consultation with magistrates and DJAG, develop guidelines for the referral and setting down of matters for JP courts.</i></p>	<p>Supported</p>	<p>DJAG and QPS are currently developing guidelines for the referral and setting down of matters, including a referral chart.</p> <p>These guidelines and referral chart will provide clarity on the referral process</p>

Recommendation	Response	Proposed Action
		for local Police on appropriate matters to be set down for the JP Magistrates Courts. This will clearly define matters which are appropriate for listing before the JP Magistrates Courts.
<p>11. <i>It is recommended that QPS provide training to police in relation to JP courts, which should include information concerning the JP Courts' role; the potential scope of matters that can be referred to JP Courts; sentencing options available to the JP Court; and the availability of 1800 ATSILS number for advice.</i></p>		DJAG will engage with QPS to support training for police in relation to JP Courts.
<p>12. <i>It is recommended that DJAG develop an information sheet advising defendants of their legal rights, including their right to seek legal advice; the consequences of non-attendance at JP Court; and about the outcomes of any decision in the JP Court.</i></p>	Supported	<p>It is important to note that DJAG does not have any role in advising defendants of their legal rights. This is solely the responsibility of legal representatives.</p> <p>DJAG, in partnership with ATSILS has initiated the development of an information sheet for defendants who are to appear before the JP Magistrates Court.</p> <p>This information sheet will detail the role of ATSILS, encouraging defendants to seek legal advice through ATSILS, and providing the ATSILS contact details, including their toll free number which is operational 24 hours a day / 7 days a week.</p> <p>This document will be provided by QPS officers in the communities where JP Magistrates Courts are convened, and a Notice to Appear is given to an offender.</p>

Recommendation	Response	Proposed Action
<p>13. <i>It is recommended that DJAG support the ongoing use of by-laws in those communities which have introduced law and order by-laws.</i></p>	<p>Partially supported</p>	<p>The Queensland Government does not support the operation of law and order local laws (referred to in the evaluation as by-laws) where they conflict with state laws. Criminal offences in particular are best dealt with under the Criminal Code. However, there may be some exceptions and the Department of Local Government and Planning will consult with Indigenous Local Governments, as appropriate, to assist in the development of appropriate local laws to address community specific needs.</p>
<p>14. <i>It is recommended that JPs receive further initial and in-service training in:</i></p> <ul style="list-style-type: none"> • <i>the scope and type of matters the JP Court can be hear;</i> • <i>sentencing principles and the sentencing options available to the JP court;</i> • <i>the correct procedures of the JP Court (recording outcomes, convictions, etc.).</i> <p><i>The training provided should include participation of relevant service providers (such as registrars, corrections, ATSIILS and magistrates).</i></p>	<p>Supported</p>	<p>See response to Recommendation 7</p>
<p>15. <i>It is recommended that administrative support to the JP courts be provided to a minimum equivalent level of a depositions clerk. Potential options, in order of preference, are:</i></p> <ol style="list-style-type: none"> i. <i>training a local person for appointment on a part-time basis;</i> ii. <i>flying-in clerical support at the time of the JP Court sitting;</i> 	<p>Noted – for further investigation</p>	<p>DJAG acknowledges the role of the JP Magistrates Courts in the administration of justice and will continue to provide support and training to the JP Magistrates and the JP Magistrates Courts in the existing locations.</p> <p>DJAG will explore ways to provide additional administrative support to the JP Magistrates Courts in remote locations.</p>

Recommendation	Response	Proposed Action
<i>iii. video link-up between JP court and relevant court staff.</i>		
16. <i>It is recommended that DJAG audio-record the proceedings of JP Courts.</i>	Supported in principle	During 2011-12 DJAG will explore the costs, risks and benefits of audio-recording of proceedings in JP Magistrates Courts before considering the implementation of this recommendation.