



📷 Overworked magistrates are now calling on the state government to fix things as they struggle to manage after recent departures.

Crime and Court

# Lack of Gold Coast magistrates 'a nightmare' with some forced to work after hours

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TWO out of three summary trials listed daily on the Gold Coast cannot be heard because of a chronic shortage of magistrates at the Southport Courthouse.

As a result, prosecutors are forced to discontinue or negotiate to lesser charges to encourage defendants to plead guilty in an effort to finalise matters, legal experts say.

Overworked magistrates are now calling on the state government to fix things as they struggle to manage after recent departures.

“The government ... and the Attorney-General need to do something about the shortage of magistrates in this court,” Magistrate John Costanzo said in court last week.

“There is no one to allocate to today.

“We are forced to list less matters ... because there is no one to allocate to.”

Weeks earlier, Magistrate Bernadette Callaghan described the lack of staff to hear cases as “a nightmare” and noted she would be forced to work after hours.

The Supreme Court Library Queensland website lists 10 magistrates appointed to Southport to service the Gold Coast population of about 570,000 people.

It is believed two magistrates “job share” one position, another magistrate left the Gold Coast late last year and one more is expected to return to Brisbane in June.

A fourth magistrate is understood to be working in Toowoomba and is not expected to return Southport.

By contrast, the Supreme Court Library Queensland website shows Cairns has nine magistrates listed to service the Far North Queensland court for a population of about 160,000 people.

As well as the population difference, legal experts say the number of matters at the Gold Coast is much higher than in Cairns.

Acting Chief Magistrate Leanne O’Shea declined to comment on staffing at Southport Court.

However, Gold Coast criminal defence lawyer Campbell MacCallum, of Moloney MacCallum Lawyers, said “at least two” more magistrates would be required at Southport to manage the caseload.

“There are usually two or three trials listed but only one will be heard,” he said.

“The delays end up wasting time for witnesses who have taken the day off or police witnesses who are waiting for trials that may or may not go ahead.”

He said the shortage of magistrates forced prosecutors to offer deals to resolve matters through guilty pleas.

“There is that saying justice delayed is justice denied and that’s just because matters don’t go ahead (to trial) and prosecutors are forced to negotiate to lesser charges,” Mr MacCallum said.

Defence lawyer Michael McMillan, of McMillan Criminal Law, said prosecutors also drop charges when a matter cannot go to trial.

“A matter might be listed, which can’t proceed, and instead of negotiating, the prosecution will discontinue the charges and then re-charge someone two weeks later. Then nobody wins,” he said.

Mr McMillan said delays in trial listings unfairly pressured defendants to plead guilty and clogged up other services, including probation and parole.

“Defendants have pressure put on them to resolve the matter because if it’s going to take four to five months to be relisted they may not be able to pay the legal fees,” he said.

Mr McMillan called for four more magistrates to be appointed to Southport.

“The two magistrates who were taken out for the specialist (domestic violence) courts should be replaced, as well as the magistrate who is taken out to sit at Coolangatta,” he said.

“We also should have one extra for when a magistrate is sick or is called away on other business.”

A spokeswoman for the Attorney-General and Minister for Justice Yvette D’Ath said there had been “some vacancies at the Southport Magistrates Court which have been filled by acting magistrates”.

“Substantive appointments will be announced in the near future,” the spokeswoman said.

Queensland Law Society President Christine Smyth supported more magistrate appointments at Southport and said the Attorney-General was expected to make an announcement soon.