



Speech by

**Mark McArdle**

**MEMBER FOR CALOUNDRA**

Hansard Thursday, 19 April 2007

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## **SPECIAL CIRCUMSTANCES COURT**

**Mr McARDLE** (Caloundra—Lib) (9.45 pm): Recently I spoke in this House of the Special Circumstances Court in Roma Street. As a consequence, and with the consent of Chief Magistrate Marshall Irwin, I today observed how the court operates and spoke to Judge Christine Rooney, who officiates at the court. I was struck by the apparent informality of the court when compared with more traditional court systems. The judge interacted readily with the defendant and in many cases dealt directly with that person, rather than purely with the legal adviser.

I was told by Judge Rooney that she has a very strong policy that 'change is possible' in people and from what I can see the benefit of this engagement is that it allows people to become part of the legal process by which they gain insight into their situation and actually assist themselves in resolving their problems. The judge advised that there were many defendants who appeared before the court with mental health conditions of varying degrees and that she had found there had often been a cycle of custody with regard to these defendants.

She believed that in many cases that cycle needed to be broken and people needed to be assured that there were organisations and groups available to assist them and, with that in mind, she uses probation and good behaviour orders on a regular basis with various conditions being imposed. The court itself is assisted by a number of organisations including the Homeless Outreach Team and Sisters Inside, together with many others.

Observing the court, these and other organisations worked as a team to ensure the best outcome for defendants. On some occasions that required negotiation between the court, defendant and the team which is different from what many legal practitioners have grown to understand is the traditional functioning of the court. This court in particular seems to go the extra yard, given they are dealing with disadvantaged defendants in every case.

Judge Rooney explained that in her opinion the obligation of the court was to assist as part of a 'community project' and that in her opinion she found people responded to 'simple courtesies' which provided positive responses. Whilst I was there, Judge Rooney told the defendant after he had been sentenced that, if he wanted to return to the court and advise them how he was coping, he was more than welcome to do so. She informed the court that recently a defendant had in fact taken up the opportunity to come back to the court unannounced and told the court that the interaction between the court and him had made the world of difference.

The last defendant who appeared today praised the court from the bar table referring to Judge Rooney as being 'very tolerant and reasonable', a comment that is certainly an accolade to her and also to the court and the process. An evaluation of the court, I have been informed, commences in May this year, having opened its doors in May 2006. At the end of a period of 12 months we will get some idea as to how the court is coping with the case load and, more importantly, what benefit it is providing to defendants in the community.

The court provides an excellent service and is staffed and headed by dedicated people who understand that homelessness is not a crime but a state of existence bringing with it many problems and that those problems can be resolved by the community working together.