

The Australian Women's Register

Entry type: Person
Entry ID: AWE5609

Fingleton, Diane

(1947 -)

Born 1 January, 1947, Brisbane Queensland Australia

Occupation Chief Magistrate, Lawyer, Magistrate

Summary

Diane Fingleton is a retired Queensland Magistrates Court judge. Appointed a magistrate in 1995, she became a senior magistrate three years later. In 1999 she was appointed to the position of Chief Magistrate, the first woman to ever hold the position.

Fingleton approached the appointment with a reformist agenda, introducing important initiatives such as specialist courts for Queensland Aboriginal people (Murri Courts) and programs to assist victims of domestic violence to stay in their homes. Response from her colleagues to initiatives to encourage inclusiveness, such as issuing a formal apology to Indigenous people and performing reconciliation ceremonies, varied from enthusiastic approval to vicious criticism. The views of Indigenous people mattered most to her; a spokesperson from the Aboriginal Legal Service telling her: 'You can have no idea what a difference this made.'

Her reformist agenda as Chief Magistrate brought challenges with it, none greater than one which began as a magistrate's transfer dispute, leading to her trial and imprisonment on a charge of retaliating against a witness. In 2005, following a failed appeal to the Queensland Supreme Court, the High Court of Australia quashed her conviction, with Justice McHugh arguing 'it would be hard to imagine a stronger case of a miscarriage of justice in the particular circumstances of the case'. Later that year, she was again appointed and sworn in as a magistrate of the Caloundra Magistrates Court.

Fingleton retired in May 2010, with hopes that the positive measures she undertook to deliver justice to Queenslanders 'before she was interrupted', would be acknowledged. While it is important to note the impact of the miscarriage of justice upon Diane Fingleton, it is more important to ensure that her legacy is not defined by it.

Diane Fingleton was interviewed by Nikki Henningham for the Trailblazing Women and the Law Oral History Project. For details of the interview see the National Library of Australia [CATALOGUE RECORD](#).

Details

A longer essay detailing Di Fingleton's career is in development.

Published resources

Resource

Trove, National Library of Australia, 2009

Book Section

Diane Fingleton, Byrne, Anna, 2005

Book

Nothing to do with justice: The Di Fingleton story, Fingleton, Diane, 2010

Site Exhibition

Australian Women Lawyers as Active Citizens, Trailblazing Women Lawyers Project Team, 2016,
<http://www.womenaustralia.info/lawyers>

Archival resources

National Library of Australia, Oral History and Folklore Collection

Diane Fingleton interviewed by Nikki Henningham in the Trailblazing women and the law oral history project

Author Details

Nikki Henningham

Created 7 April 2016

Last modified 31 October 2016