

Local Court of New South Wales Annual Review 2017



Local Court
of New South Wales

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Foreword by Chief Magistrate of New South Wales

The 2017 Local Court year began with an event that had not occurred for over 12 months – the swearing in of a new magistrate. The 2016 Annual Review noted that the Court had ended that year 12 magistrates down compared with the number of positions that had been available to the Court in 2012. This position occurred against a background of rising caseloads and increases in police numbers. The period January-March 2017 saw a flurry of appointments.

Presented to the world at large as an increase in the number of magistrates the 10 magistrates appointed during this time were in fact made up of a return of 6 of the 8 positions by which the court had been cut in successive financial years from 2012 and to replace magistrates who had retired during 2016. Two further positions were described as an “increase” in positions to deal with the expected impact of legislative proposals the consequences of which were expected to further increase the caseload of the Local Court. Viewed from that perspective the Court still remained 2 positions down on its establishment of 2012. This is despite the considerable increase in caseload. In 2012 the caseload of the Court was 269,309. At the end of 2017 it had risen to 330,755, an increase of over 61,000 matters.

The Children’s Court jurisdiction to one side, the burden on magistrates of the Local Court remains relentless with little relief in sight despite approaches to government. My concerns of the impact of this type of environment on the health and wellbeing of magistrates, court staff, police prosecutors, Legal Aid solicitors along with those from the Aboriginal Legal Service and wider legal profession remains heightened. Were it not for the large contribution made by Acting magistrates to fill gaps created by sickness, absences on extended leave or by the delay in replacing magistrates who retire from the Local Court the capacity of the Court to meet the expectations of government and the community would be even more compromised.

The effects of ongoing increases in caseload have been widespread. 15 out of 18 Court locations within the Sydney-Gosford-

Campbelltown-Wollongong boundaries have had significant increases. The country regions have not been immune. Despite the differences in demographics 15 out of 33 country circuit locations experienced sizeable increases in caseload. There is a real need to establish at least three additional country circuits to reduce the almost unmanageable impost on Courts in the Northern Rivers, Hunter Valley and the Illawarra as well as increasing the number of magistrates exercising full time roles in the coronial jurisdiction and to create two additional relieving magistrate roles to provide flexibility in targeting delays within country regions. The latter need is however compromised by the limits of courtroom availability.

Competition for court room availability between the Local Court and higher jurisdictions is at an all-time high. This is partly explained by the justifiable need, on the part of the District Court, to address backlogs in trial and sentence hearings in country areas. In addition the rise in sittings at country locations by NCAT and other jurisdictions has the effect of reducing the capacity of the Local Court to allocate additional sittings at the busiest courts in country regions. As a result the Court endeavours to target areas of delay through planned assistance in a way that does not clash with additional sittings of the District Court and to a lesser extent other jurisdictions. It is unlikely that the environment will improve in 2018. It is likely that the delays within the Local Court in dealing with defended hearings will increase. Fortunately the outstanding efforts by the magistrates of the Local Court over many years, has the Court in a comparatively good position to effectively wind back delay, should the arguments put to government for an increase in resources find favour.

Judge Graeme Henson AM
Chief Magistrate

1 An overview of the Local Court

- Jurisdictions and divisions
- The Magistrates
- Chief Magistrate's Executive Office
- The work of the Local Court registries

Jurisdictions and divisions

The Local Court is the first point of contact many people have with the justice system in New South Wales. In order of ascension, the District Court, Supreme Court, Courts of Appeal and Criminal Appeal, and the High Court of Australia follow.

The Court deals with a wide range of matters across several jurisdictions.

Criminal jurisdiction

The Local Court deals with over 90% of all criminal matters in the State, including the finalisation of charges for summary offences and the summary hearing of particular indictable offences nominated under the *Criminal Procedure Act 1986*. The Court also conducts committal proceedings to determine whether or not indictable offences are to be committed to the District and Supreme Courts.

Magistrates are involved in the majority of criminal proceedings from the time a matter first comes before the court, to the time it is either:

- Finalised by a plea of guilty,
- Finalised at a hearing upon a not guilty plea, at which the defendant is found guilty or acquitted;
- Committed for sentence to the Supreme Court or District Court after a plea of guilty;
- Committed for trial in the Supreme Court or District Court where the matter is to be defended; or
- Withdrawn by the prosecuting authority, and therefore dismissed.

Prosecutions in the criminal jurisdiction include matters that are:

- Brought under Federal law by the Commonwealth Director of Public Prosecutions; and
- Brought under State law either by the NSW Director of Public Prosecutions, NSW Police Force, or Local Councils and regulatory bodies.

When the Local Court deals with criminal matters, depending on the type of offence, a wide range of penalties and sentences can be imposed, such as:

- Non-custodial sentences, including:
 - A dismissal or good behaviour bond without a conviction being recorded against the offender
 - A conviction without further punishment
 - A fine with conviction
 - A good behaviour bond with conviction
 - A Community Service Order with conviction
- Custodial sentences, including:
 - A suspended sentence, in which the offender is sentenced to imprisonment but is placed on a good behaviour bond. The offender does not serve the sentence of imprisonment unless he/she breaches the conditions of the bond and it is revoked by the Court.
 - An Intensive Correction Order, in which the offender serves a sentence of imprisonment 'in the community' and is required to comply with requirements such as a curfew, completion of work, and/or completion of rehabilitative or treatment programs.
 - Home Detention, where the offender serves the sentence of imprisonment in his/her home.
 - Full-time imprisonment.

Custodial alternatives to full-time imprisonment often involve the offender being externally assessed as suitable before the sentence is delivered.

The maximum term of full-time imprisonment that can be imposed by the Local Court is a term of 2 years for a single offence where gaol is the maximum penalty, or an accumulation of up to 5 years for multiple offences where the maximum penalty for each offence is a term of imprisonment.

Civil jurisdiction

The Local Court exercises a civil jurisdiction, in which it deals with matters where people, companies or business owners may make claims for up to and including \$100,000 for recovery of debts, demands or damages. The civil case load of the Court is split between two Divisions:

- The **Small Claims Division** deals with claims with a monetary value of up to \$10,000. Proceedings in the Small Claims Division are conducted with as little formality and technicality as is needed for the proper consideration of the issues in dispute. The hearing is generally an informal process where the Court considers statements and documents provided by the parties. The parties are also given the opportunity to comment upon the evidence.
- The **General Division** deals with claims between the amounts of \$10,000 and \$100,000 (except in claims relating to personal injury or death, where a jurisdictional limit of \$60,000 applies). Matters where the monetary value of the claim is less than \$10,000 may also be transferred to the General Division in circumstances where the issues in dispute are complex, difficult, or of such importance that they should more properly be dealt with in the General Division.

Coronial jurisdiction

All magistrates, by virtue of their office, are coroners. A coroner has jurisdiction to conduct an inquest if a person has died a violent unnatural death, a sudden death cause unknown, or under suspicious or unusual circumstances.

A death must be reported to the State Coroner or Deputy State Coroner where a person dies during the course of a police operation or whilst in custody, and an inquest must be conducted into the circumstances of that death. The State Coroner or a Deputy State Coroner also has sole jurisdiction in relation to deaths of children in care or at risk of harm and certain deaths of people with disabilities.

Coroners also have jurisdiction to hold an inquiry into the cause and origin of fires and explosions where property has been damaged or destroyed.

The State Coroner is responsible for overseeing and co-ordinating all coronial services in NSW.

Special jurisdiction

The Local Court exercises a special jurisdiction to determine any proceedings other than criminal or civil proceedings for which power is conferred by an Act of Parliament. These proceedings are regulated by Part 4 of the *Local Court Act 2007*.

One example is the review of dependency certificates under the *Drug and Alcohol Treatment Act 2007*, which authorise the involuntary detention and treatment of persons with severe substance dependence. Magistrates are regularly scheduled to attend the hospitals where the Involuntary Drug and Alcohol Treatment (IDAT) program operates (currently, Royal North Shore Hospital, St Leonards and Bloomfield Hospital, Orange) to conduct review hearings to determine whether the ongoing detention of a person under a dependency certificate is warranted. Hearings are held on a regular day of the week as required, and are conducted with as little technicality and formality as possible.

Industrial jurisdiction

Since 2013, all magistrates have been appointed as industrial magistrates. The industrial jurisdiction deals with matters including:

- Recovery of money owing under industrial instruments, such as Awards, Enterprise Agreements and statutory entitlements;
- Prosecutions for breach of industrial instruments;
- Appeals from various administrative decisions; and
- Prosecutions for statutory breaches.

The Magistrates

The judicial officers of the Court are the magistrates. The Governor of New South Wales appoints magistrates pursuant to section 13 of the *Local Court Act 2007* on the advice of the Executive Council.

The *Local Court Act* also provides that the Governor may appoint a Chief Magistrate and Deputy Chief Magistrates.

As at 31 December 2017, there were 134 magistrates (126 full-time magistrates and 8 part-time) who presided in the Local and Children's Courts at approximately 150 sitting locations throughout New South Wales.

In 2017, the magistrates were as follows:

Chief Magistrate

His Honour Judge Graeme Leslie Henson

Deputy Chief Magistrates

Her Honour Magistrate Jane Ellen Mottley

His Honour Magistrate Christopher Gerard O'Brien

His Honour Magistrate Michael Barnes
(State Coroner) (until 1 December 2017)

Magistrates

His Honour Magistrate Imad Abdul-Karim
(from 13 March 2017)

His Honour Magistrate Michael Gerard Allen

His Honour Magistrate John Andrews

His Honour Magistrate Michael David Antrum

Her Honour Magistrate Jennifer Atkinson

Her Honour Magistrate Joan Margaret Baptie

His Honour Magistrate Michael Andrew Barko

His Honour Magistrate Peter J Barnett SC

Her Honour Magistrate Helen Gay Barry,
Deputy State Coroner (until 6 November 2017)

His Honour Magistrate Glenn James Bartley

Her Honour Magistrate Geraldine Beattie,
Deputy State Coroner

His Honour Magistrate Graham Thomas Blewitt
AM

Her Honour Magistrate Joy Boulos (from 29 May
2017)

His Honour Magistrate Geoff Edward Bradd

His Honour Magistrate Rodney Joel Brender
(from 27 February 2017)

His Honour Magistrate George Breton
(from 20 February 2017)

His Honour Magistrate Dr Roger Alasdair Brown

His Honour Magistrate Peter Ignatius Bugden

Her Honour Magistrate Dominique Burns

Her Honour Magistrate Jayeanne Carney

His Honour Magistrate Ian Malcolm Cheetham

His Honour Magistrate John Michael Chicken

His Honour Magistrate Roger James Clisdell

His Honour Magistrate Michael John Connell

His Honour Magistrate Stephen Corry

Her Honour Magistrate Sharron Maree Crews

Her Honour Magistrate Kathy Jane Crittenden
(from 27 March 2017)

His Honour Magistrate Michael William Crompton

His Honour Magistrate Graeme Bryan Curran

His Honour Magistrate Michael Gary Dakin

His Honour Magistrate Peter Sampson Dare SC
(until 22 December 2017)

His Honour Magistrate David Day

His Honour Magistrate David Patrick Degnan

Her Honour Magistrate Robyn Eva Denes

His Honour Magistrate Douglas Raymond Dick

His Honour Magistrate Hugh Christopher Bryant
Dillon, Deputy State Coroner (until 12 April
2017)

His Honour Magistrate Hugh Donnelly
(from 16 October 2017)

His Honour Magistrate Mark Antony Douglass

Her Honour Magistrate Susan Mary Duncombe

His Honour Magistrate Geoffrey James Dunlevy

His Honour Magistrate Andrew Ronald Eckhold

Her Honour Magistrate Elizabeth Anne Ellis

Her Honour Magistrate Clare Joanne Farnan

His Honour Magistrate Peter Gordon Feather

Her Honour Magistrate Dr Gabriel Catherine
Fleming

Her Honour Magistrate Catherine Josephine
Follent (from 4 July 2017)

Her Honour Magistrate Carmel Ann Forbes

His Honour Magistrate Caleb Mark Franklin

Her Honour Magistrate Sharon Claire Freund

His Honour Magistrate James Henry Gibson
(from 23 January 2017)

Her Honour Magistrate Jennifer Anne Giles

Her Honour Magistrate Claire Giroto

Her Honour Magistrate Michelle Norma Goodwin

Her Honour Magistrate Harriet Winifred Grahame,
Deputy State Coroner

Her Honour Magistrate Megan Jeanette
Greenwood

His Honour Magistrate Gregory John Grogin

His Honour Magistrate Ian James Guy

His Honour Magistrate Christopher Charles
Halburd (from 11 September 2017)

Her Honour Magistrate Theresa Hamilton
(from 11 September 2017)

Her Honour Magistrate Christine Mary Haskett

Her Honour Magistrate Estelle Ann Hawdon

His Honour Magistrate Paul Hayes

His Honour Magistrate David Michael Heilpern

Her Honour Magistrate Nancy Louise Hennessy,
Deputy President, Administrative Decisions
Tribunal

His Honour Magistrate Geoffrey Graeme Hiatt

His Honour Magistrate Jeffrey Raymond Hogg

Her Honour Magistrate Sharon Lee Holdsworth

His Honour Magistrate Michael North Holmes

Her Honour Magistrate Susan Anne Horan
(from 6 February 2017)

Her Honour Magistrate Julie Anne Huber

His Honour Magistrate Ross Hudson

Her Honour Magistrate Carolyn M Huntsman

His Honour Magistrate Timothy Bernard Keady

Her Honour Magistrate Erin Camille Kennedy

Her Honour Magistrate Joanne Mary Keogh

Her Honour Magistrate Georgia Knight

His Honour Magistrate Derek Jonathan Lee,
Deputy State Coroner

His Honour Magistrate Jeffrey Alan Linden

His Honour Magistrate Christopher Longley

His Honour Magistrate Terence Timothy Lucas

His Honour Magistrate Leslie William Mabbutt

His Honour Magistrate Paul Anthony MacMahon

His Honour Magistrate Ronald John Maiden

His Honour Magistrate Shane McAnulty

Her Honour Magistrate Margaret Mary McGlynn

Her Honour Magistrate Susan McGowan

Her Honour Magistrate Susan Clare McIntyre

Her Honour Magistrate Louise M McManus

His Honour Magistrate Alexander Mijovich

Her Honour Magistrate Jacqueline Mary Milledge

His Honour Magistrate Richard Peter Miszalski
(until 30 October 2017)

His Honour Magistrate Terence Anthony Murphy
(until 10 October 2017)

His Honour Magistrate Anthony Kevin Murray

His Honour Magistrate (Bernard) Michael O'Brien

Her Honour Magistrate Teresa Margaret
O'Sullivan, Deputy State Coroner

His Honour Magistrate Darryl John Pearce
(until 31 October 2017)

His Honour Magistrate William Grenville Pierce
(until 8 April 2017)

His Honour Magistrate David Price (from 22 May
2017)

Her Honour Magistrate Karen Jennifer Price
(from 20 February 2017)

His Honour Magistrate Roger David Prowse

Her Honour Magistrate Margaret Christine Quinn
PSM

His Honour Magistrate Robert Scott Rabbidge
(until 14 July 2017)

His Honour Magistrate Allan Wilson Railton

His Honour Magistrate Daniel Reiss

His Honour Magistrate Mark Richardson

Her Honour Magistrate Karen Robinson

Her Honour Magistrate Paula Mary Russell

Her Honour Magistrate Elizabeth Jane Ryan

Her Honour Magistrate Mary Ryan

His Honour Magistrate Albert John Sbrizzi

Her Honour Magistrate Beverley Anne Schurr

Her Honour Magistrate Suzanne Gaye Seagrave

Her Honour Magistrate Tracy Sheedy

His Honour Magistrate Brett Shields
(from 28 August 2017)

Her Honour Magistrate Ellen Skinner

Her Honour Magistrate Julie Anne Soars
(from 13 March 2017)

Her Honour Magistrate Karen Elizabeth Stafford
Her Honour Magistrate Lisa Veronica Stapleton
His Honour Magistrate Phillip Douglas Stewart
His Honour Magistrate Gary James Still
His Honour Magistrate Michael Martin Stoddart
His Honour Magistrate Robert George Stone,
Deputy State Coroner
Her Honour Magistrate Margot Gai Stubbs
Her Honour Magistrate Vivien Margaret Swain
His Honour Magistrate Brett Stephen Thomas
(from 6 February 2017)
Her Honour Magistrate Katherine E Thompson
Her Honour Magistrate Fiona Gladys Toose
Her Honour Magistrate Jacqueline Maree Trad
Her Honour Magistrate Elaine Maree Truscott
His Honour Magistrate Theo Tsavdaridis
His Honour Magistrate Brian John van Zuylen
Her Honour Magistrate Alison Mary Viney
Her Honour Magistrate Julia Kathleen Virgo
(from 23 January 2017)
Her Honour Magistrate Janet Wahlquist
(until 1 March 2017)
His Honour Magistrate Robert Allen Walker
(until 22 September 2017)
His Honour Magistrate Glenn Kevin Walsh
His Honour Magistrate Bruce Haldane Williams
His Honour Magistrate David Ian Williams
His Honour Magistrate Robert Hilary Williams
His Honour Magistrate Gary Wilson
Her Honour Magistrate Eve Wynhausen

Judicial retirements during 2017

His Honour Magistrate Michael Barnes
(State Coroner)
Her Honour Magistrate Helen Gay Barry, Deputy
State Coroner
His Honour Magistrate Peter Sampson Dare SC
His Honour Magistrate Hugh Christopher Bryant
Dillon, Deputy State Coroner
His Honour Magistrate Richard Peter Miszalski
His Honour Magistrate Terence Anthony Murphy
His Honour Magistrate Darryl John Pearce
His Honour Magistrate William Grenville Pierce
His Honour Magistrate Robert Scott Rabbidge

His Honour Magistrate Robert Allen Walker
Her Honour Magistrate Janet Wahlquist

Acting Magistrates in 2017

The Court could not continue to achieve the outstanding service to the administration of justice that makes it a leader within the Commonwealth without the energy and assistance of acting magistrates. Recently retired magistrates may be commissioned as acting magistrates under s 16 of the *Local Court Act 2007* for a limited tenure.

Acting magistrates are used to preside at weekend bail courts. They may also be used to cover absences on sick leave and extended leave.

Acting magistrates in 2017 were:

His Honour Acting Magistrate Robert Joseph Abood
His Honour Acting Magistrate Peter Frederick Ashton
His Honour Acting Magistrate John Anthony Bailey
His Honour Acting Magistrate Leslie Brennan
His Honour Acting Magistrate James Coombs
His Honour Acting Magistrate John Ormonde Crawford
His Honour Acting Magistrate Colin Alan Elliott
His Honour Acting Magistrate John Daniel Favretto
His Honour Acting Magistrate Andrew John Benson George
Her Honour Acting Magistrate Lee Anne Gilmour
His Honour Acting Magistrate Stephen Vaughan Jackson
Her Honour Acting Magistrate Mary Stella Jerram
His Honour Acting Magistrate Bernard Joseph Kennedy
Her Honour Acting Magistrate Daphne Anne Kok
His Honour Acting Magistrate Brian Anthony Lulham
His Honour Acting Magistrate Paul Lyon
His Honour Acting Magistrate Malcolm MacPherson
His Honour Acting Magistrate Shaughan McCosker

His Honour Acting Magistrate John McIntosh
His Honour Acting Magistrate Ian Duncan McRae
His Honour Acting Magistrate Christopher McRobert
His Honour Acting Magistrate Carl Milovanovich
His Honour Acting Magistrate Allan Darroll Moore
His Honour Acting Magistrate Michael Morahan
His Honour Acting Magistrate Paul Mulroney
His Honour Acting Magistrate David Patrick O'Connor
His Honour Acting Magistrate Michael Kevin Price
His Honour Magistrate Robert Scott Rabbidge (from 31 July 2017)
His Honour Acting Magistrate Mark Robert Shepherd
Her Honour Acting Magistrate Annette Christine Sinclair
Her Honour Acting Magistrate Janet Christina Ruth Stevenson
His Honour Acting Magistrate Anthony Alfred Spence
Her Honour Acting Magistrate Janet Wahlquist (from 3 July 2017)
His Honour Acting Magistrate George Zdenkowski

Small Claims assessors

Small Claims assessors sit at various Local Court locations in the Sydney metropolitan area in the Small Claims Division, which deals with civil claims of less than \$10,000. In other locations Small Claims matters are dealt with by the magistrate.

Small Claims assessors in 2017 were:

Ms Danae Harvey
Ms Janice Connelly
Mr Stephen Olischlager

Chief Magistrate's Executive Office

In 2017, the Executive Office consisted of six staff:

Executive Officer

Jacinta Haywood

Policy Officer

Alison Passé-de Silva (until Aug 2017), then Brooke Delbridge

Listing and Rostering Co-ordinator

Phillip Suitor

Courts Co-ordinator

Alison Mulqueeneey

Executive Assistant to the Chief Magistrate

Theresa Parkinson

Judicial Support Officer

Linda McRae

The New South Wales Local Court has the largest number of Judicial Officers in a summary jurisdiction in Australia. Under the direction of the Chief Magistrate, the staff of the Chief Magistrate's Executive Office provide state-wide administrative support to magistrates and acting magistrates.

One of the primary functions of the Chief Magistrate's Executive Office is to assist the Chief Magistrate in organising and managing the sittings of the Local Court at approximately 150 locations throughout the State. The Executive Office is responsible for the publication of sittings schedules, rosters, Chief Magistrate's circulars, Local Court Practice Notes, listing of cases and collation of statistical information. The Executive Office co-ordinates magistrates' travel across the State to ensure requirements for sittings are met and co-ordinates magistrates' attendance at various conferences throughout the year. The Executive Office also assists the Chief Magistrate in discharging ceremonial functions such as the swearing in of newly appointed magistrates.

The work of the Local Court registries

Under the supervision of the Chief Magistrate and Deputy Chief Magistrates, the Executive Office is responsible for the day to day listing management and co-ordination of the Downing Centre and Central Local Courts, the largest Local Court complex in the State.

The Executive Office also facilitates strategic and effective working relationships with clients and stakeholders. In particular, members of the Executive Office provide advice to and represent the Chief Magistrate on committees and working groups regarding matters that affect the Court, and assist the Chief Magistrate by providing research and project support relating to changes in legislation and policy.

Further information about the NSW Local Court can be found on the Local Court website at: www.localcourt.justice.nsw.gov.au

The Local Court would be unable to operate effectively without the valued assistance and expertise of the many registry staff throughout the State. Each registry provides administrative and clerical support to the Local Court. The Local Court is responsible for dealing with a complex range of matters from different jurisdictions and registry staff are required to have a sound operational knowledge.

Staff at each registry are responsible for checking and accepting various documents filed at the Court, securing and maintaining court records, issuing court process and providing assistance to a variety of court users. A large number of Local Court users are not legally represented and it therefore falls upon registry staff to explain the various court processes in a manner that is easily understood.

Registrars

Registrars are appointed to the Local Court by the Governor pursuant to section 18 of the *Local Court Act 2007*. Registrars have a number of quasi-judicial functions conferred upon them by legislation.

The work of the registrar includes:

- Conduct of call-overs in both the civil and criminal jurisdiction;
- Conduct of pre-trial reviews in civil claims and small claims hearings;
- Issuing of search warrants;
- Determining various applications and motions in all jurisdictions;
- Management and supervision of the court registry;
- Swearing in of Justices of the Peace; and
- Limited responsibilities in relation to births, deaths and marriages.

2 Court operations during 2017

- Criminal jurisdiction
- Civil jurisdiction
- Coronial jurisdiction

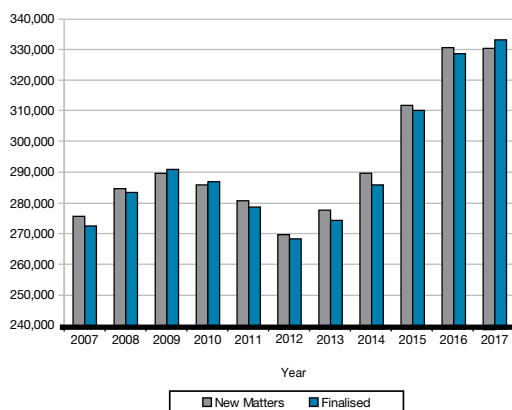
Criminal jurisdiction

Criminal matters in 2017

Between 1 January 2017 and 31 December 2017:

- 330,755 criminal matters were commenced in the Local Court, representing an increase of 0.08% from 2016.
- 333,564 criminal matters were finalised, giving a clearance ratio for the period of 100.85%.

Criminal matters commenced and finalised



Note: Due to source differences, no direct comparison can be made between figures for 2009 onwards and previous years.

Timeliness

In accordance with published time standards, the Court aims to finalise 100% of summary criminal trials and indictable matters discharged or committed for trial or sentence to the Supreme or District Court within 12 months of commencement.

In 2017:

- 95.13% of matters were completed within 6 months of commencement.
- 99.34% of matters were completed within 12 months of commencement.

Developments in 2017

Growth in criminal caseload

The Local Court continued to see continued growth in the number of new criminal matters commenced in 2017, with an increase in filings of almost 300 from 2016 levels. There has been significant and continual increase in workload in this jurisdiction over the last five years.

Domestic and personal violence

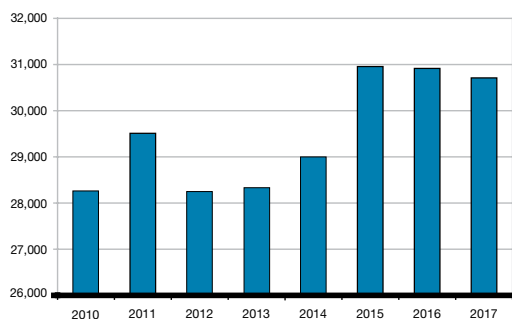
Final domestic violence orders remained steady, with 26,418 made in 2017 (compared to 26,400 in 2016). There was a decrease in final personal violence orders, from 4,508 in 2016 to 4,311 in 2017.

Apprehended Violence Statistics 2017

Domestic Violence	2016	2017
<i>Lodgements</i>	31,773	31,445
<i>Finalisations</i>		
Final Orders made	26,400	26,418
Complaints withdrawn/dissmissed	6,912	6,179
Complaints dismissed after hearing	405	468
Application not served	258	212
Orders varied/revoked	3,685	3,750
Application to vary/revoke withdrawn/dissmissed	845	974
Other Miscellaneous Finalisations		419
Total finalisations	38,505	38,420

Personal Violence	2016	2017
<i>Lodgements</i>	7,200	6,480
<i>Finalisations</i>		
Final Orders made by Court	4,508	4,311
Complaints withdrawn/ dismissed	2,567	2,266
Complaints dismissed after hearing	115	103
Application not served	103	59
Orders varied/revoked	162	174
Application to vary/revoke withdrawn/dismissed	79	66
Other Miscellaneous Finalisations		176
Total finalisations	7,534	7,155

Final domestic and personal violence orders



The Local Court acknowledges the important work of, and the assistance received in 2017 from:

- The Women's Domestic Violence Court Assistance Program that provides support and assistance for applicants in AVO proceedings. Designated rooms and other support services are provided at most courts.
- Police Domestic Violence liaison officers, who provide assistance on list days.
- Community Justice Centres in facilitating mediation of complaints between private parties in personal violence order proceedings.

Domestic Violence Intervention Court Model

The Domestic Violence Intervention Court Model (DVICM) continued to operate in the Local Court during 2017 at Wagga Wagga and Campbelltown.

The DVICM aims to apply good practice in the criminal justice process for domestic violence matters and improve the coordination of services to victims and defendants. By agreement with magistrates, the victim is only required to attend Court on the first mention. There are regular, although not specialist, police prosecutors at both locations. Police are being encouraged and supported to submit high quality briefs to the Court at the earliest stage possible, preferably on the first mention.

Crimes (Domestic and Personal Violence) Act Reforms

National Domestic Violence Orders Recognition

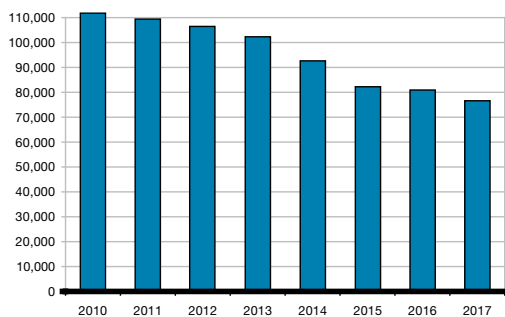
Amendments to the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (the Act) made by the *Crimes (Domestic and Personal Violence) Amendment (National Domestic Violence Orders Recognition) Act 2016* (NSW) commenced on 25 November 2017. The amendment allows for the automatic recognition and enforcement of any domestic violence order made throughout the Commonwealth.

Civil jurisdiction

Civil matters in 2017

In the period 1 January 2017 to 31 December 2017, 76,468 civil actions were commenced (decreasing from 80,976 in 2016), of which 59,635 matters were filed in the Small Claims Division and 13,271 were filed in the General Division. Overall, 77,181 civil actions were finalised.

Civil actions commenced



Timeliness

The Local Court's published Time Standards provide for the finalisation of:

- 90% of civil cases — within 6 months of the initiation of the proceedings in the Court
- 100% of civil cases — within 12 months of the initiation of proceedings in the Court.

In 2017:

- In the Small Claims Division – 97% of matters were finalised within 12 months; and
- In the General Division – 95% of matters were finalised within 12 months.

Developments in 2017

Online court

2017 saw the continuation and expansion of a pilot program for the use of an online court in eligible civil matters listed at John Maddison Tower, Sydney.

The online court operates to enable interlocutory or procedural matters that may arise in the court of proceedings to be dealt with online. The pilot program is facilitated by Local Court Practice Note 1 of 2015, *Local Court Civil General Division – Online Court Protocol*.

Coronial jurisdiction

NSW Coronial Jurisdiction

His Honour Magistrate Michael Barnes was appointed as the NSW State Coroner until the 1st December 2017. Her Honour Magistrate O'Sullivan was appointed Acting State Coroner from that date.

In 2017 the Deputy State Coroners were:

Magistrate Teresa O'Sullivan (Acting State Coroner from December 1, 2017)

Magistrate Derek Lee

Magistrate Helen Barry (retired July 2017, shared position with Magistrate Grahame,)

Magistrate Harriet Grahame (shared position with Magistrate Barry)

Magistrate Elizabeth Ryan

Magistrate Paula Russell (shared position with Magistrate Grahame)

Magistrate Robert Stone (Newcastle)

Magistrate Julie Huber (not appointed a Deputy State Coroner)

It is the responsibility of the NSW State Coroner to oversee the work of all coroners within the state. In particular the State Coroner must ensure that all examinable deaths, fires and explosions are properly investigated and that Inquests and Inquiries are held where it is considered appropriate to do so.

His Honour Magistrate Barnes tendered his resignation taking effect on the 1st of December 2017. On 4 December 2017, His Honour took up the position of the NSW Ombudsman. In the relatively short period of time that Magistrate Barnes was NSW State Coroner he oversaw a number of major changes to the jurisdiction including the formation of the Coronial Case Management Unit and other initiatives that improved coronial services. His Honour also presided over one of the largest and most high profile inquests in NSW history, 'The Lindt Café Siege Inquest'.

Her Honour Magistrate Barry entered retirement in July 2017. Magistrate Paula Russell was appointed Deputy State Coroner following the departure of Magistrate Barry.

Her Honour Magistrate Ryan was appointed a Deputy State Coroner following the departure of Magistrate Dillon.

Reduction of delays in coronial jurisdiction:

The report on Government Services (RoGS) for 2016/17 showed that the NSW Coroners jurisdiction continued to maintain a high clearance rate for coronial matters. Whilst there has been some improvement over the last few years the timeliness of Post Mortem reports, the delays in finalisation of the reports remains an issue for the State Coroner. The Department of Forensic Medicine, Glebe now employs a full complement of Forensic Pathologists.

Coronial Case Management Unit

The Office of the State Coroner is undergoing ground breaking reform designed to dramatically improve the delivery of coronial services and increase the level of collaboration between stakeholder agencies and external partners by the commencement of the Coronial Case Management Unit (CCMU).

The concept of a centralised CCMU with staff from all three stakeholder agencies – being NSW Health, Justice and Police co-located in the same area to manage front-end coronial cases has been developed over the preceding three years by project officers from NSW Health. The CCMU commenced operation on the 9 October 2017.

The way in which we provide coronial services will be standardised, streamlined and enhanced through the specialised expertise and resources of staff within the CCMU.

- Grieving families are involved in the coronial process in a timely manner and consulted by experienced counsellors/social workers at this critical time;
- All stakeholders work collaboratively to troubleshoot difficult or complex issues in real time e.g. Disaster Victim Identification (DVI), multiple fatalities, Senior Next of Kin (SNOK) status/objections, urgent record retrieval, & general advice;
- Improved staff engagement through **understanding, respect and clarity** of respective roles;

- Comprehensive and consistent post mortem decision making;
- Improved organisational reputation due to efficiency of processes with other stakeholders, for example doctors, funeral directors, and eye/bone bank.

New Lidcombe Facility for the Coroners Court and Forensic Medicine

Construction of the Lidcombe Forensic Pathology and Coroners Court (FPCC) is progressing well and within the prescribed time frames. The building will be completed in late 2018 with occupancy by both the Coroners Court and Forensic Medicine to take place in early 2019 when the building will become fully operational. The construction of the FPCC will represent a major step forward for the coronial jurisdiction in NSW. The facility will be state of the art and provide NSW with a modern and user friendly facility that can only serve to enhance the services provided by the Coroner.

Coroners Act 2009 and Legislative Change

The statutory review of *The Coroners Act 2009* is currently being undertaken.

An amendment to the *Law Enforcement Conduct Commission Act 2016* caused *Section 23 of the Coroners Act 2009* to be amended. The amendment defines “police operation” as “any activity engaged by a police officer while exercising the functions of police officer other than as an activity for the purpose of a search and rescue operation”. In effect a death in connection with a search or rescue operation is no longer regarded as a death within *Section 23 of the Coroners Act* and not defined as a death within a police operation. For a death to come within the ambit of Section 23, it must be “as a result of police operations” rather than “as the result of, or in the course of, police operations”. The State Coroner was not consulted prior to this amendment coming into effect.

Regional Magistrate Training

In 2017, Deputy State Coroner Lee held a three day course for newly appointed Magistrates about to embark on their country service. This training provides those new Magistrates with an insight and understanding of the Coronial jurisdiction. Evaluations received were highly favourable and supportive of further similar initiatives. This course followed on a pilot course presented online by SC Barnes and DSC Dillon through the NJCA in 2013. Both courses were skills-oriented and problem-based with practical materials being provided for participants to take away.

Lecture, talks and Conferences:

During 2017 the State Coroner and Deputy State Coroners presented numerous lectures and papers to various stakeholders and groups including: The NSW Bar Association, The NSW Law Society, The NSW Police Academy, Forensic Odontologists Course, NSW Fire Services, NSW Nurses, NSW Health, State and Territory Coroners Meeting, Thought Leadership Series, RPA Anaesthetic Seminar, Australasian Association of Fire Investigators, DOFM Leadership Initiative and the College of Law.

Asia Pacific Coroners Conference:

In November 2017 the Office of the State Coroner of South Australia hosted the Annual Asia Pacific Coroners Conference held in Adelaide. NSW was represented at the conference by State Coroner Barnes, Deputy State Coroner Ryan and the NSW Coronial Manager, Don McLennan. This important conference represents the only opportunity for Coroners and those associated with the jurisdiction to meet and discuss topics relevant to this jurisdiction.

Deaths in custody and deaths during or as a result of a police operation:

Section 23 of the *Coroners Act 2009* stipulates that if a person dies during the course of a police operation (as of July 2017 “as a result of police operations”) or whilst in custody, that death must be reported to the State Coroner or Deputy State Coroner and an inquest must be conducted into the circumstances of the death.

A summary of all Section 23 deaths is provided to the Attorney General for each twelve-month period. In 2017 47 deaths resulting from a death in custody or as a result of a police operation were reported to the Coroner. This represents an increase of 10 deaths from the previous year.

26 death in custody Inquests were held in 2017.

Children in care or disability deaths:

Section 24 of the *Coroners Act 2009* requires the mandatory report to the State Coroner or Deputy State Coroner the following deaths:

- deaths of children in care;
- deaths of children who have been at risk of harm in the past three years;
- deaths of siblings of children who have been at risk of harm in the past three years;
- deaths of children whose deaths are, or may be, due to abuse, neglect or occurring in suspicious circumstances;
- deaths of persons living in or temporarily absent from residential care provided by a service provider and authorised or funded under the *Disability Services Act 1993* or a residential care centre for handicapped persons; and
- deaths of persons who are in a target group within the meaning of the *Disability Services Act 1993* and receive from a service provider, assistance to enable independent living in the community.

In 2016, 346 such deaths were reported to the State Coroner. Whilst Section 24 ensures mandatory reporting, unlike deaths reported pursuant to Section 23, there is no mandatory requirement to conduct an inquest. Should an inquest be necessary, however, only the State Coroner or Deputy State Coroner may conduct it.

Domestic Violence Death Review Team:

The NSW Domestic Violence Death Review Team was established in July 2010 to systematically review deaths occurring in a context of domestic violence. The scope of review includes both individual case analyses and the maintenance of a comprehensive database from which research data is derived. The Team is convened by the NSW State Coroner and is constituted by representatives from key government and non-government stakeholders and sector experts. The work of the Team is supported by a two person Secretariat, the Manager and the Research Analyst.

The work of the Team has continued to progress over the past 12 months. In October 2017 the Team published its fifth report. The most extensive review undertaken by the Team to date, this report included an analysis of 53 in-depth case reviews and 14 years of domestic violence homicide data, the findings of which reveal important incidence, case characteristic and demographic information to inform the work of policy makers, service providers and advocates alike. The report also presents data and findings with respect to the Team's 6-month whole of population pilot study into domestic violence as a characteristic in domestic violence suicide.

This study, the first of its kind in NSW, has been undertaken by the Team with a view to better understanding the relationship between suicide and domestic violence victimisation and perpetration, and uncovering opportunities for intervention and prevention for this cohort.

Throughout 2017 the Team's Secretariat has continued to collaborate and share information with death reviews in other jurisdictions, under the auspice of the Australian Domestic and Family Violence Death Review Network.

A key achievement of the Network in 2017 has been the development of National Data Collection Sharing Protocols which have facilitated the establishment of a national minimum domestic violence homicide dataset.

Designed and coordinated by the Team's Secretariat, the development of the national minimum data set means that for the first time in Australia, there now exists a capability to report national findings on domestic and family violence related deaths.

	2012	2013	2014	2015	2016	2017
Deaths reported						
Glebe:	2,864	2,807	2,901	2,989	3,109	3,550
Other State-wide:	2,505	2,533	2,709	2,777	2,851	3,052
Total:	5,369	5,340	5,610	5,766	5,960	6,602
Investigations finalised*						
Glebe:	2,185	2,305	3,169	2,950	3,031	3,508
Other State-wide:	1,989	2,209	2,185	3,426	2,700	2,942
Total:	4,174	4,514	5,354	6,376	5,731	6,450
Inquests-Inquiries**						
Glebe:	111	98	103	87	92	57
Other State-wide:	37	44	37	63	28	27
Total:	148	142	140	150	120	84

* The term "inquest dispensed with" does not adequately explain the work of the Coroner in considering whether or not to dispense with the holding of an inquest. In every case, the decision to dispense with the holding of an inquest involves a reading and assessment of a sometimes lengthy and complex brief of evidence. Much of the Coroner's time is spent in requisitioning and reviewing material for cases, which ultimately do not proceed to inquest, as well as those that do. These figures represent matters closed due to a lack of jurisdiction as well as those suspended.

** This figure represents the number of inquests (not inquest days) conducted by the State or Deputy State Coroners only, in Sydney and regional NSW throughout the year.

Fires

Section 30 of the Coroners Act gives the coroner jurisdiction to hold an inquiry into the cause and origin of fires and explosions where property has been damaged or destroyed. Generally, fires account for less than 10% of matters reported to a Coroner and very few result in an inquiry.

3 Diversionary programs and other aspects of the Court's work

- Diversionary programs
- Technology in the Local Court

Diversions programs

Community Corrections

In 2017, Community Corrections (part of Corrective Services NSW) was responsible for several court based diversionary programs: Magistrates Early Referral Into Treatment (MERIT), Court Referral of Eligible Defendants Into Treatment (CREDIT) and Life on Track (LOT).

Magistrates Early Referral Into Treatment Program

The Magistrates Early Referral Into Treatment Program (MERIT) is a pre-plea three-month drug treatment and rehabilitation program based in the Local Court that provides adult defendants an opportunity to break the drug crime related cycle.

MERIT is a Commonwealth and State initiative, with funding primarily administered by the NSW Ministry of Health. The Local Court works in partnership with the NSW Department of Justice, the NSW Police Force, NSW Health, the Legal Aid Commission and a network of drug and alcohol agencies in the delivery, expansion and development of MERIT.

The program is designed to allow defendants to focus on treating drug problems independently from their legal matters. Treatment commences prior to any pleas being entered, with the adjournment of court matters until the completion of the program. Defendants are case-managed by the MERIT team throughout the program and the magistrate receives regular reports on the participant. The final hearing and/or sentence proceedings generally coincide with the completion of the MERIT program. Magistrates are then able to consider the defendant's progress in treatment as part of final sentencing.

Magistrates are an integral part of the MERIT process. Undertaking an increased level of judicial supervision is a core element of the program. This may involve additional court appearances for mention to establish how a defendant is progressing and to offer encouragement or admonishment as appropriate. MERIT also relies on many staff at NSW Health and the Local Court remains committed to this partnership.

During 2017:

- 4070 defendants were referred to MERIT;
- 2201 (55%) defendants were accepted on to the program;
- 1416 (61.1%) defendants successfully completed the program; and

The program was available in 62 Local Court locations, within all of the State's Local Health Districts.

Alcohol MERIT

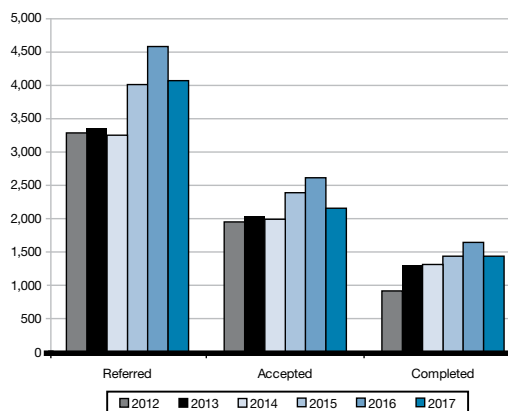
The Alcohol MERIT model is identical to MERIT in terms of eligibility and suitability criteria, referral pathways and court reporting. However, the clinical treatment provided is tailored to the specific needs of defendants with alcohol problems.

Alcohol MERIT is currently available in the following Local Court locations:

- Bathurst
- Broken Hill
- Coffs Harbour
- Dubbo
- Orange
- Wellington
- Wilcannia

The referral, entry and completion figures above and below include Alcohol MERIT participants.

MERIT and Alcohol MERIT Program Statistics



Note: the annual number of program completions is not proportional to the annual number of program referrals. As the MERIT program is of three months duration, some persons referred to the program after September 2017 will still be on the program at 31 December 2017, and therefore not accounted for in the completion figures. Similarly, the completion figures include persons who commenced MERIT from September to December 2016 and completed their contact with the program in 2017

Court Referral of Eligible Defendants Into Treatment (CREDIT)

The CREDIT Program ceased service delivery on the 31 May 2017 and was replaced by the Extra Offender Management Service that is not a court based diversion scheme. Details of the new program may be found on the Justice Department's internet page

<http://www.correctiveservices.justice.nsw.gov.au/Pages/CorrectiveServices/Reforms/EOMS.aspx>

Life on Track

The Life on Track Program ceased operation on 31 December 2016 and has been replaced by the Extra Offender Management Service. This is not a court based diversion scheme. Details of the new program may be found on the Justice Department's internet page

<http://www.correctiveservices.justice.nsw.gov.au/Pages/CorrectiveServices/Reforms/EOMS.aspx>

Forum Sentencing

Offender Management and Programs, Corrective Services NSW, manages the Forum Sentencing program. Forum Sentencing is available to eligible adult offenders who have committed offences that expose them to the likely prospect of imprisonment. Certain offences, including serious violence and domestic violence offences and some regulatory driving offences, are excluded.

Forum Sentencing brings an offender and victim together with a facilitator, police officer, support people and others affected by an offence. The group discusses what occurred and the harm caused by the offence, and prepares an intervention plan that focuses on the offender repairing the harm caused to the affected parties.

The program is available post-plea and provides magistrates with another sentencing option. An intervention plan may be taken into account by the sentencing court. Completion of the plan may form part of the offender's sentence and include the making of an apology, cash payments, or other reparation to the victim; participation in an appropriate rehabilitative program; and other measures aimed at repairing the harm caused and helping offenders address their offending behaviour.

Forum Sentencing operated at:

- Ballina
- Bankstown
- Bellingen
- Belmont
- Burwood
- Byron Bay
- Campbelltown
- Camden
- Casino
- Central
- Cessnock
- Coffs Harbour
- Dungog
- Fairfield
- Foster
- Gloucester
- Gosford
- Grafton
- Kempsey
- Kurri Kurri
- Kyogle
- Lismore
- Liverpool
- Macksville
- Maclean
- Maitland
- Moss Vale
- Mullumbimby
- Murwillumbah
- Muswellbrook
- Newcastle
- Newtown
- Parramatta
- Picton
- Port Macquarie
- Scone
- Singleton
- Sutherland
- Sydney Downing Centre
- Taree
- Toronto
- Tweed Heads
- Wauchope
- Waverley
- Woy Woy
- Wyong

In 2017, 114 eligible offenders were referred to the program and 39 conferences took place.

A review of the efficacy of the Forum Sentencing program model is underway, due to concerns it is not meeting its intended purposes of reducing reoffending and diverting offenders away from custody, and to identify the needs of victims. In 2017, there was a low level of victim interest in the program, with approximately 43% of victims contacted choosing not to participate.

The Forum Sentencing Program ceased taking referrals on the 1 January 2018.

Circle Sentencing

Circle Sentencing is an alternative sentencing court for adult Aboriginal offenders who plead guilty or are found guilty in the Local Court. The Circle Sentencing program allows for input from the victim and offender, and directly involves Aboriginal people in the sentencing process, with the goal of empowering Aboriginal communities through their involvement.

As an alternative sentencing tool for NSW Magistrates, Circle Sentencing promotes the sharing of responsibility between the community and the criminal justice system. It attempts to address the causes of criminal behaviour and to develop solutions to issues raised, and also actively involves the community in solving its problems.

The aims of Circle Sentencing, set out in clause 10 of the Criminal Procedure Regulation 2010, are to:

- Include members of Aboriginal communities in the sentencing process;
- Increase the confidence of Aboriginal communities in the sentencing process;
- Reduce barriers between Aboriginal communities and the courts;
- Provide more appropriate sentencing options for Aboriginal offenders;
- Provide effective support to victims of offences by Aboriginal offenders;
- Provide for the greater participation of Aboriginal offenders and their victims in the sentencing process;

- Increase the awareness of Aboriginal offenders of the consequences of their offences on their victims and the Aboriginal communities to which they belong; and
- Reduce recidivism in Aboriginal communities.

Data on the operation of Circle Sentencing in 2017 was not available at the time of publication.

Statewide Community Court Liaison Services

The Statewide Community and Court Liaison Service assists the Local Court to appropriately manage people with psychiatric illnesses by providing full time mental health nurses at a number of Local Court locations, which enables early diagnosis of defendants and facilitates treatment in conjunction with progress through the criminal justice system.

SCCLS operated in 22 Local Court locations in 2017:

- Bankstown
- Blacktown
- Burwood
- Campbelltown
- Central Sydney
- Coffs Harbour
- Dubbo
- Gosford
- Kempsey
- Lismore
- Liverpool
- Milton
- Nowra
- Parramatta
- Penrith
- Port Macquarie
- Sutherland
- Sydney Downing Centre
- Tamworth
- Wagga Wagga
- Wollongong
- Wyong

In the 2016-17 financial year, 13,305 people were screened for mental health problems in court cells. Of this number, 3,434 received a comprehensive mental health assessment, of which 2,905 were found to have a mental illness and 2,336 were diverted from the criminal justice system¹.

¹ Figures obtained from Justice Health & Forensic Mental Health Network

Technology in the Local Court

Traffic Offender Intervention Program

The Traffic Offender Intervention Program (TOIP) is targeted at defendants who have pleaded guilty to, or been found guilty of, a traffic offence. A magistrate is able to refer a defendant to an approved traffic course provider on application by the defendant or their legal representative, or on the Court's own motion. A referral is made prior to sentencing, with the proceedings adjourned to allow sufficient time for the nominated course to be completed.

Although traffic offender programs were historically the product of ad hoc local arrangements, the regulations made under the *Criminal Procedure Act 1986* now provide for the referral of offenders to a TOIP. There are currently seven traffic course providers operating in 79 locations across the State to whom referrals may be made.

In 2017:

- 17,967 individuals participated in, and 16,366 individuals 91.1% completed, a TOIP.
- Driving with a prescribed concentration of alcohol (i.e. drink driving) represented the most frequent offence type (39.8% of offences).
- Other categories included speeding (23.9%), licence infringement offences (14.2%) and other regulatory offences (14.1%).
- The majority of participants (75%) were male, with the most frequent age group being those aged 20-24 years (23%).

Audio Visual Link Technology (AVL)

Video conferencing involves the delivery of images and sounds to and from a remote location. The Court's audio visual link is two-way, which enables real time conversations to take place. The benefits provided include a reduction in transportation of prisoners to and from courthouses, especially in regional locations, and increased security. It improves the management of custodial matters within the Local Court and produces significant reductions in recurrent expenditure for Government.

In 2016/17, AVL was used to conduct over 60,500 appearances in the Local and Children's Courts. This included over 58,600 appearances of persons in custody and over 1,900 witnesses appearing via AVL from a remote witness room in the court building or from a remote location. 5,660 appearances were conducted via AVL at weekend and public holiday bail courts.

AVL facilities are available in the following 68 Local Court locations (as well as four Children's Court locations and the State Coroner's Court, Glebe):

- Albury
- Armidale
- Ballina
- Bankstown
- Bateman's Bay
- Bathurst
- Bega
- Blacktown
- Bourke
- Broadmeadow
- Broken Hill
- Burwood
- Campbelltown
- Central (Sydney)
- Cessnock
- Coffs Harbour
- Coroner's Court, Glebe
- Deniliquin
- Downing Centre (Sydney)
- Dubbo
- Fairfield
- Gosford
- Goulburn
- Grafton
- Griffith
- Gunnedah
- Hornsby
- Inverell
- John Maddison Tower (Sydney)
- Katoomba
- Kempsey
- Lismore
- Lithgow
- Liverpool
- Maitland

- Manly
- Moree
- Mt Druitt
- Newcastle
- Newtown
- Nowra
- Orange
- Parkes
- Parramatta Local and Children's Courts
- Penrith
- Port Kembla
- Port Macquarie
- Queanbeyan
- Raymond Terrace
- Surry Hills Children's Court
- Sutherland
- Tamworth
- Taree
- Toronto
- Tweed Heads
- Wagga Wagga
- Walgett
- Waverley
- Wellington
- Wentworth
- Wollongong
- Woy Woy
- Wyong
- Young

Remote Witnesses

Remote witness facilities are available at 90 court locations, connecting to 241 courtrooms. Every Local Court circuit has at least one court location with a remote witness room.

Remote witness rooms enable vulnerable witnesses in sensitive matters (such as sexual assaults) to give evidence via AVL or closed circuit television (CCTV) from a remote location. This facility is highly utilised and provides some measure of comfort and security to victims of crime.

Court lists online

The provision of online access to daily court lists for Local Court locations across New South Wales enhances public accessibility to the Court. Court users are able to access the online facility through the Local Court website or the Online Registry site: <https://onlineregistry.lawlink.nsw.gov.au/content/>

Electronic lodgement

Civil claims

Electronic lodgement of civil claims allows court users to lodge initiating process and file for default judgment. Electronic lodgement results in increased timeliness in court practices and procedures.

Criminal processes

NSW Police are able to interface and upload new cases from Police Charge Management System (COPS) to the Court's case management system, JusticeLink. Electronic lodgement facilities also provide an interface between the Court and NSW Police to enable the updating of an offender's criminal antecedents following a court hearing. This process continues to provide significant benefits to the Court and court users.

Apprehended violence orders (AVOs)

NSW Police are able to file applications for AVOs electronically into JusticeLink, overcoming the need for manual processing by court registry staff. Information about court orders is also electronically submitted to police.

Local Court website

The Local Court website provides access information including Local Court Practice Notes, as well as forms and fees. The website can be found at <http://www.localcourt.justice.nsw.gov.au/>

Due to the large number of cases magistrates deal with, the majority of judgments in the Local Court are delivered orally. Selected written judgments continue to be published on the Caselaw NSW website. These decisions can be found at <https://www.caselaw.nsw.gov.au/>

4 Judicial education and community involvement

- Judicial education and professional development
- Legal education in the community and participation in external bodies

Judicial education and professional development

The Local Court, in partnership with the Judicial Commission of New South Wales, provides a relevant and practical continuing judicial education program for all magistrates. The program aims to inform judicial officers about changes to the law, community values, court practice and procedure in order to maintain and improve judicial performance.

The Local Court offers each magistrate a minimum five days of judicial education each year with an emphasis on practical and interactive sessions which relate directly to the daily work of magistrates. The program is delivered through:

- An annual conference with an emphasis on sentencing, important legal developments, improving knowledge in difficult areas of legal practice and procedure, and the development of judicial skills
- Specialised interactive workshops which encourage peer-based learning through discussion and problem-solving
- Pre-bench and orientation programs to assist recently-appointed magistrates with their transition to judicial office, with a focus on knowledge and fundamental judicial skills about court craft, decision-making, sentencing, judicial administration and judicial conduct.
- Experiential learning through field trips and site visits.

The Local Court Education Committee, composed of magistrates and the Judicial Commission's Director of Education, develops each education program based on the identified needs of magistrates. Magistrates are involved in the development and delivery of the education program to ensure its relevance to the judicial role. The Committee's Chair is also a member of the Judicial Commission's Standing Advisory Committee on Judicial Education.

Participants are asked to rate the practical value of each education event to their role as a magistrate. The overall ratings in 2017 (from an average response rate of 84%) indicated that magistrates find the Local Court's education program relevant and well designed. Almost 94% of participants found the education program extremely useful and the content to be valuable.

Conferences and Seminars

During 2017, magistrates continued to receive specialised training tailored to meet their educational needs:

- Permanent magistrates attended 743 days of face-to-face judicial education, an average of 5.28 days per magistrate (this is above the national standard for judicial professional development which recommends judicial officers attend 5 days of professional development activities each year).
- The Local Court Annual Conference was held over three days in August 2017 for all New South Wales magistrates. Topics included civil and criminal law updates, classification of child abuse material, bullying of and by judicial officers, sentencing for environmental crime, rural crime and the new sentencing reforms. The Annual Conference received an overall satisfaction rating, on target at 86%.
- Smaller, interactive metropolitan and regional seminars were attended by all magistrates. These interactive sessions, structured around discussion and peer-based learning, facilitate the development of judicial knowledge and skills. Topics included issues in coronial cases, recent developments in the Children's Court, civil cases, developments with AVOs, mental illness and diversionary orders, situational awareness and hostile surveillance, common directions, court ordered psychiatric reports, and complex sentencing. These programs overall received a 96.5% satisfaction rating from participants which is exceptionally high.
- Continuing the focus on skills development:
 - 17 newly appointed magistrates attended a pre-bench training session designed to familiarise them with Local Court practice and procedure;
 - 11 magistrates attended a residential orientation program — this five-day residential program, which focuses on court craft and judicial skills for new magistrates, received a 98% satisfaction rating from participants.

- Magistrates continued to participate in the Judicial Commission’s Ngaru Yura Program which aims to increase awareness among judicial officers about contemporary Aboriginal society, customs and traditions, and their effect on Aboriginal people in the justice system. Magistrates were well represented in the visit organised by the Judicial Commission to Darkinjung Country, Central Coast as well as a seminar on the topic of the Uluru Statement and an educational movie session “Motor Kite Dreaming”.

Faculty participation

A key aspect of the education program is the development of faculty to deliver the content. Magistrates are encouraged to research and present on suitable topics, supported by the Committee and the Judicial Commission staff. Not only does this approach aim to ensure that the particular needs of the learner cohort are met, it also expands the knowledge and skillset of the presenter.

Magistrates who attended the Ngaru Yura seminar: The Uluru Statement

Her Honour Magistrate Teresa O’Sullivan
 Her Honour Magistrate Elizabeth Ryan
 Her Honour Magistrate Beverley Schurr
 Her Honour Magistrate Julie Soars
 Her Honour Acting Magistrate Daphne Kok
 Her Honour Acting Magistrate Paul Mulroney

Magistrates who attended Ngaru Yura visit to the Central Coast

His Honour Magistrate Graham Blewitt AM
 Her Honour Magistrate Joy Boulos
 Her Honour Magistrate Susan Duncombe
 His Honour Magistrate Andrew Eckhold
 Her Honour Magistrate Beverley Schurr
 Her Honour Magistrate Julie Soars

Magistrates who attended the Ngaru Yura educational movie: Motor Kite Dreaming

Her Honour Magistrate Jennifer Atkinson
 His Honour Magistrate Graham Blewitt AM
 Her Honour Magistrate Estelle Hawdon
 His Honour Magistrate Peter Miszalski
 His Honour Magistrate Garry Still
 Her Honour Magistrate Vivien Swain

Magistrates who attended the Cross Jurisdictional seminar: Accommodating Muslims in Court

Her Honour Magistrate Jennifer Giles
 His Honour Magistrate Brett Thomas

Magistrates who attended the Cross Jurisdictional seminar: Reforming the Justice System

His Honour Magistrate Imad Abdul-Karim
 Her Honour Magistrate Sharon Freund
 Her Honour Magistrate Nancy Hennessy

Magistrates who attended the Local Court of NSW Orientation Program

His Honour Magistrate Paul Hayes
 His Honour Magistrate Ross Hudson
 Her Honour Magistrate Julia Virgo
 His Honour Magistrate James Gibson
 Her Honour Magistrate Susan Horan
 His Honour Magistrate Brett Thomas
 Her Honour Magistrate Jennifer Price
 His Honour Magistrate George Breton
 His Honour Magistrate Rodney Brender
 His Honour Magistrate Imad Abdul-Karim
 Her Honour Magistrate Julie Soars

Legal education in the community and participation in external bodies

In 2017, magistrates continued to be involved in legal education, with a number of magistrates regularly volunteering their time to preside over College of Law practice hearings and pleas of mitigation. Many magistrates have also participated in internship programmes with the University of New South Wales and Wollongong University.

Magistrates' activities in 2017 are summarised below:

His Honour Judge Graeme Henson AM, Chief Magistrate

Membership of organisations:

Member, Judicial Commission of NSW

Member, Uniform Rules Committee

Member, Judicial Conference of Australia Executive Committee

Member, University of Wollongong Faculty of Law Advisory Committee

Member, Australian Catholic University Faculty of Law Advisory Committee

Member, Courts Consultation Committee

Speaking engagements and other activities:

Apr Presentation at the Asia Pacific Regional Conference

July NAIDOC Address at the Downing Centre Local Court

July Presentation at the NSW Legal Aid Commission Conference

Sep Address to Bar Readers, 'The Local Court'

Nov Presentation to Law Society Port Stephens

Conferences and events:

Mar, Sep Council of Chief Magistrates

Apr District Court of NSW Annual Conference

Her Honour Deputy Chief Magistrate Jane Mottley

Membership of organisations:

Member, Corrective Services NSW Women's Advisory Council

Member, Corrective Services NSW Women's Advisory Council Miranda Project advisory group

Member, Ngara Yura Committee

Chair, Marine Appeals Tribunal

Speaking engagements and other activities:

May Presentation to NSW Police Prosecutors, domestic violence course

His Honour Deputy Chief Magistrate Christopher O'Brien

Membership of organisations:

Judicial Commission of NSW Civil Trials Bench Book Committee

Law Society of NSW Criminal Law Committee

Standing Advisory Committee on Judicial Education

Uniform Civil Procedure Rules Committee

Speaking engagements and other activities:

Jan Participant, Wingara Mura - Bunga Barrabugu Summer Program conducted by the University of Sydney Law School

Jul Presentation on Advocacy to Young Lawyers, St George Sutherland Regional Law Society

His Honour Magistrate Michael Antrum

Membership of organisations:

Reserve - Australian Army Legal Corps

Conferences and events:

Nov Participant, The Snowy Ride, The Steven Walter Foundation

His Honour Magistrate Graham Blewitt AM

Membership of organisations:

Mentor, Sydney University Law School Mentoring Program

Speaking engagements and other activities:

Jul Attendance at NAIDOC Week Tharawal Family Day (Campbelltown)

Aug Presentation and participation in Moot Court for Victims and Witnesses of Crime Court Support (WCCS), Induction and Training Program.

Sep Panel Member: Legal Aid Commission Care and Protection Annual Conference "Child Representation – fundamentals of best practice, evidence and ethics".

Sep Participated in an interview for ABC Television – 7.30 program in relation to War Crimes.

Sep Presented awards at the Macarthur Legal Centre 30th Anniversary awards night.

Nov Participated in a televised interviews for ABC Lateline and News 24 program relating to The International Criminal Tribunal for the former Yugoslavia (ICTY) verdict and life sentence of Bosnian Serb General Ratko Mladic.

Her Honour Magistrate Susan Duncombe

Membership of organisations:

Member, Ngara Yura Committee Judicial Commission of NSW

Member, Youth Koori Court Working Party

Speaking engagements and other activities:

Jul Presentation at Legal Aid Conference “Youth Koori Court”

His Honour Magistrate Geoffrey Hiatt

Membership of organisations:

Chair, Australian Friend of Tandaza Inc. (registered charity)

His Honour Magistrate Michael O’Brien

Membership of organisations:

Member of the Cootamundra Book Club

Member of Macquarie Park Rotary Club and former past president

Mentor, Law Society Law Court Internship Program

Her Honour Magistrate Elizabeth Ryan

Speaking engagements and other activities:

Sep Panel Member: Legal Aid Commission Care and Protection Annual Conference “Expert Evidence in Care Cases”.

Dec Moot Court Presiding Judge for Medical Clinicians giving expert evidence

His Honour Magistrate Brett Shields

Membership of organisations:

Adjunct Professor, School of Law, University of Notre Dame, Australia

Her Honour Magistrate Beverly Schurr

Membership of organisations:

Committee member, Australian Association of Women Judges

Conferences and events:

Apr Convener of “The impact of Judging Women and their families”, Asia Pacific Regional Conference of the International Association of Women Judges (Sydney)

June Attendance at the Annual Ramadan Iftar Dinner, sponsored by the Muslim Legal Network (Sydney)

Her Honour Magistrate Fiona Toose

Membership of organisations:

Captain, Penrith Rowing Club

Accredited level 2 boat race official and level 1 rowing coach, Rowing NSW

Member of Rowing NSW

Secretary Penrith Schools Boatshed Committee

Conferences and events:

Oct The Justice Awards, Law and Justice Foundation Dinner

Nov Author of Paper: "Family Violence Issues Updates in the Local Court and Beyond".
Presented at the Aboriginal Family Law Conference

Appendices

- The Court's time standards
- The Court's committees
- 2017 Court by Court statistics

The Court's time standards

The Court aims to finalise its case load in accordance with the following Time Standards:

Local Court Criminal Time Standards

- 95% of summary criminal trials – within 6 months.
- 100% of summary criminal trials – within 12 months
- 95% of criminal cases where the defendant enters a plea of guilty – within 3 months.
- 100% of criminal cases where the defendant enters a plea of guilty – within 6 months.
- 90% of indictable matters discharged or committed for trial or sentence to the Supreme or District Court – within 6 months.
- 100% of indictable matters discharged or committed for trial or sentence to the Supreme or District Court – within 12 months.
- 95% of complaint summonses – within 3 months.
- 100% of complaint summonses – within 6 months.

Local Court Civil Time Standards

- 90% of civil cases – within 6 months of the initiation of the proceedings in the Court.
- 100% of cases – within 12 months of the initiation of proceedings in the Court.

Children's Court Criminal Time Standards

- 80% of all summary criminal trials – within 6 months and 100% – within 12 months.
- 90% of all sentence matters following a plea of guilty – within 3 months of commencement and 100% – within 6 months.
- 90% of committals for trial – within 9 months and 100% – within 12 months.
- 95% of applications – within 6 months and 100% – within 9 months.

Children's Court Care Time Standards

- 90% of Care matters – within 9 months.
- 100% of Care matters – within 12 months.

Coroner's Time Standards

- 95% of deaths by natural causes, (no brief of evidence ordered), – within 3 months.
- 100% of deaths by natural causes, (no brief of evidence ordered), – within 6 months.
- 95% of deaths dispensed with (a brief of evidence ordered) – within 6 months.
- 100% of deaths dispensed with (a brief of evidence ordered) – within 9 months.
- 95% of deaths proceeding to inquest – within 12 months.
- 100% of deaths proceeding to inquest – within 18 months.

The Court's committees

In 2017, committee members were:

Local Court Rule Committee

His Honour Judge Graeme Henson,
Chief Magistrate

Her Honour Deputy Chief Magistrate
Jane Mottley

His Honour Deputy Chief Magistrate
Christopher O'Brien

Ms Leanne Robinson, Legal Aid Commission

Ms Lisa-Claire Hutchinson, Bar Association

Mr Michael McTegg, Local Court Registrar

Mr Stephen Olischlager, Local Court of NSW

Ms Paula McNamara, Office of the Director of
Public Prosecutions

Mr Stephen Bray, Justice Policy

Commander Tony Trichter, NSW Police

Ms Pauline Wright, Law Society

Local Court Education Committee

Chair: His Honour Deputy Chief Magistrate
Christopher O'Brien

Secretary: Una Doyle, Education Director,
Judicial Commission of NSW

Her Honour Deputy Chief Magistrate
Jane Mottley

His Honour Magistrate Michael Barnes,
State Coroner (Until 1 December 2017)

His Honour Magistrate Michael Allen

His Honour Magistrate Michael Antrum

His Honour Magistrate Gregory Grogin

His Honour Magistrate Ian Guy

His Honour Magistrate David Heilpern

Her Honour Magistrate Carolyn Huntsman

Her Honour Magistrate Joanne Keogh

Her Honour Magistrate Susan McIntyre

Her Honour Magistrate Vivien Swain

Her Honour Magistrate Fiona Toose

Her Honour Magistrate Alison Viney

Ms Alison Passé-de Silva, Policy Officer
(until August 2017) then Ms Brooke Delbridge,
Policy Officer

Statute Law Revision and Procedures Committee

Chair: Her Honour Deputy Chief Magistrate
Jane Mottley

His Honour Deputy Chief Magistrate
Christopher O'Brien

Ms Alison Passé-de Silva, Policy Officer
(until August 2017) then Ms Brooke Delbridge,
Policy Officer

Terms and Conditions of Service Committee

Chair: His Honour Judge Graeme Henson,
Chief Magistrate

Secretary: Ms Jacinta Haywood, Executive
Officer

Members: Her Honour Deputy Chief Magistrate
Jane Mottley

His Honour Deputy Chief Magistrate
Christopher O'Brien

Ms Alison Passé-de Silva, Policy Officer
(until August 2017) then Ms Brooke Delbridge,
Policy Officer

Ethics Committee (ad hoc)

Chair: His Honour Judge Graeme Henson,
Chief Magistrate

Her Honour Deputy Chief Magistrate
Jane Mottley

His Honour Deputy Chief Magistrate
Christopher O'Brien

Local Court Bench Book Committee

Chair: His Honour Deputy Chief Magistrate
Christopher O'Brien

Her Honour Deputy Chief Magistrate
Jane Mottley

Ms Alison Passé-de Silva, Policy Officer
(until August 2017) then Ms Brooke Delbridge,
Policy Officer

Ms Roslyn Cook, Judicial Commission of NSW

Ms Pierette Mizzi, Judicial Commission of NSW

Court Security Committee

Chair: His Honour Judge Graeme Henson,
Chief Magistrate

Her Honour Deputy Chief Magistrate
Jane Mottley

His Honour Deputy Chief Magistrate
Christopher O'Brien

His Honour Magistrate Michael Barnes,
State Coroner (Until 1 December 2017)

His Honour Magistrate Michael Antrum

His Honour Magistrate Jeff Linden

His Honour Magistrate Leslie Mabbutt

Her Honour Magistrate Susan McIntyre

2017 Court by Court statistics

	New General Criminal Matters	Finalised General Criminal Matters
Albion Park	455	467
Albury	3959	4125
Armidale	1669	1650
Ballina	1776	1842
Balmain	0	0
Balranald	0	2
Bankstown	8374	8381
Batemans Bay	1100	1089
Bathurst	2714	2707
Bega	766	765
Bellingen	245	266
Belmont	2630	2576
Bidura CC	0	0
Blacktown	8207	8474
Blayney	118	107
Boggabilla	196	199
Bombala	65	66
Bourke	1094	1128
Brewarrina	220	214
Broadmeadow CC	0	0
Broken Hill	1549	1578
Burwood	13751	13340
Byron Bay	1644	1646
Camden	608	589
Campbelltown	10568	10641
Casino	1070	1071
Central	7599	6992
Cessnock	2532	2471
Cobar	267	278

	New General Criminal Matters	Finalised General Criminal Matters
Coffs Harbour	4380	4368
Condobolin	277	306
Cooma	780	795
Coonabarabran	443	487
Coonamble	501	500
Cootamundra	505	541
Corowa	280	274
Cowra	701	702
Crookwell	44	39
Deniliquin	872	925
Dubbo	4317	4384
Dunedoo	53	55
Dungog	129	160
East Maitland	280	286
Eden	192	197
Fairfield	7274	7520
Finley	400	400
Forbes	629	623
Forster	1495	1528
Gilgandra	295	269
Glen Innes	458	464
Gloucester	125	144
Gosford	6488	6400
Goulburn	3158	3212
Grafton	2093	2150
Grenfell	0	0
Griffith	2636	2737
Gulgong	75	74
Gundagai	267	266

	New General Criminal Matters	Finalised General Criminal Matters
Gunnedah	534	531
Hay	506	518
Hillston	1	1
Holbrook	132	135
Hornsby	4051	4089
Inverell	1040	982
Junee	137	138
Katoomba	1120	1195
Kempsey	2385	2367
Kiama	220	216
Kogarah	1	2
Kurri Kurri	878	944
Kyogle	220	236
Lake Cargelligo	167	185
Leeton	684	673
Lightning Ridge	364	330
Lismore	3886	4087
Lithgow	1480	1548
Liverpool	12060	12703
Lockhart	1	1
Macksville	882	920
Maclean	849	865
Maitland	4819	5312
Manly	5129	4924
Milton	517	519
Moama	207	203
Moree	1815	1888
Moruya	395	388
Moss Vale	1500	1703

	New General Criminal Matters	Finalised General Criminal Matters
Mt Druitt	7411	7477
Mudgee	1205	1136
Mullumbimby	423	400
Mungindi	74	74
Murwillumbah	652	683
Muswellbrook	1719	1689
Narooma	271	275
Narrabri	491	531
Narrandera	498	503
Narromine	334	323
Newcastle	10,367	10,468
Newtown	4063	3995
North Sydney	4	6
Nowra	3625	3547
Nyngan	189	192
Oberon	67	64
Orange	2442	2508
Parkes	1357	1440
Parramatta	19504	19281
Peak Hill	99	102
Penrith	10650	10348
Picton	2159	1870
Port Kembla	3323	3258
Port Macquarie	3406	3662
Queanbeyan	2045	2115
Quirindi	329	361
Raymond Terrace	3528	3708
Ryde	5	5
Rylstone	72	86

	New General Criminal Matters	Finalised General Criminal Matters
Scone	384	397
Singleton	1514	1446
Sutherland	11668	12267
Sydney Downing Centre	25717	25360
Tamworth	3609	3891
Taree	3201	3126
Temora	212	214
Tenterfield	282	286
Toronto	3843	3780
Tumbarumba	65	62
Tumut	638	654
Tweed Heads	3487	3447
Wagga Wagga	4643	4843
Walcha	78	83
Walgett	963	954

	New General Criminal Matters	Finalised General Criminal Matters
Warialda	87	97
Warren	185	190
Wauchope	65	61
Waverley	8628	9035
Wee Waa	106	111
Wellington	625	631
Wentworth	694	678
West Wyalong	298	292
Wilcannia	306	292
Windsor	1984	1984
Wollongong	9395	9382
Woy Woy	225	356
Wyong	7616	7872
Yass	571	568
Young	1051	1024
TOTAL	330,755	333,564

Office of the Chief Magistrate

Level 5, Downing Centre
143-147 Liverpool Street
SYDNEY 2000

Phone: 9287 7615

Fax: 9264 1617

cmo@agd.nsw.gov.au

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