

Local Court of New South Wales Annual Review 2018



Local Court
of New South Wales

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Foreword by Chief Magistrate of New South Wales

The close of 2018 saw the Local Court facing the same issues that have confronted it in previous years – a burgeoning caseload, long sitting hours, a shortage of resources and no likely relief on the horizon. Regrettably, although those who are responsible for resourcing our justice system acknowledge the continual rise in cases coming before the Court, as well as the increase in complexity and seriousness of matters being diverted by the Director of Public Prosecutions (DPP) into final resolution in this jurisdiction, nothing changes.

As a consequence the Local Court continues to struggle with resulting impacts on and threats to the health and wellbeing of its magistrates, as well as court staff and other stakeholders. Those caught in this struggle are drawn into the contest between rising caseloads, reduced resources, and professional pride in doing the best the court can for the many who seek access to its commitment. Elsewhere, there is seeming ambivalence in relation to the intermediate and longer term consequences of this ongoing reality. At the end of 2018 the Court was exhausted. The reasons why are not hard to see.

The criminal caseload of the Court rose by almost 8,500 additional matters in the last 12 months and the Court made final orders in almost 58,000 domestic and personal violence applications, either on an interim basis or as final orders. In the civil jurisdiction over 78,000 matters were commenced, some 1500 more than the year before.

During 2018 the Court also dealt with in excess of 80,000 bail applications, not to mention innumerable applications to vary conditions of bail. Such have been the consequences of the tighter bail considerations. It is estimated these types of applications consume the time equivalent of at least two full-time magistrates.

Adding further to the rising impost are amendments to indictable offences which are capable of being dealt with summarily (known as 'Table offences'), resulting in changes in the complexity and seriousness of the matters dealt with in the Court's criminal jurisdiction. In NSW, the DPP has discretion in Table matters to elect that they be dealt with either in the District

Court before a judge and jury, or in the Local Court before a magistrate who performs both roles. The difference in consideration lies solely in the sentencing power of the court should an accused be found guilty or plead guilty. In the District Court a judge has access to the maximum penalty nominated by Parliament for the particular offence. In the Local Court the sentencing power of a magistrate is constrained to a maximum of 2 years imprisonment, or 5 years imprisonment for multiple offences.

During 2018 changes were introduced to add the offences of Supplying a Prohibited Drug (up to a commercial quantity), Robbery, Perverting the Course of Justice, and Dealing with the Proceeds of Crime to the list of Table offences which can be dealt with in the Local Court. It is readily understandable that the issues surrounding delay in the hearing of trials and sentence matters in the District Court can be mitigated by the DPP choosing the Local Court as an alternative forum for prosecuting these, and other, Table offences; and it is. However, the Local Court is experiencing a discernible rise in more complex criminal matters prosecuted to finality before a magistrate. They are more serious offences. They take longer to deal with. They are yet another demand affecting the role of magistrates.

The year in review has also seen the introduction of other legislative amendments which have affected, or are anticipated to affect, the Court's workload in various capacities. For instance, the commencement of committal reforms and the introduction of the statutory sentencing discount scheme in April 2018 (the Early Appropriate Guilty Plea reforms) has resulted in a significant rise in the number of committal matters resolving summarily in the Local Court, as opposed to proceeding to trial or sentence in the higher courts. In November 2018, amendments targeted at the duration of Apprehended Domestic Violence Orders also passed through Parliament. While these amendments are yet to commence, the Court anticipates they will lead to an additional ADVO workload and delays in the finalisation of domestic violence matters if they are not appropriately resourced, the consequences of which will undoubtedly flow to victims.

It should not be overlooked that another of the significant challenges to the effectiveness of the Local Court lies in country regions. At present there are 34 country circuits, each of which are presided over by a single magistrate who operates in isolation, separated for the most part from their family, who remains behind in the metropolitan area, and without ready physical access to the comfort of sharing their experience with a colleague.

Magistrates in country regions also continue to undertake the role of coroner as part of their appointment to office, as well as undertaking their day to day function as magistrates. This dual role requires them to attend to the deaths reported to them in their coronial capacity, as well as presiding over criminal matters, attending to bail applications, determining numerous family law property and parenting matters and a considerable number of application proceedings, such as licence appeals and general traffic matters.

As Head of Jurisdiction I am acutely aware of the demand placed on those magistrates and of the risk associated with ongoing isolation. The risk becomes greater when it is associated, as it now is, with constantly rising caseloads and long sitting hours in country regions.

I wrote last year about the rise and rise in caseload with its corresponding challenges to achieve time standards and the need to keep sitting times at a level at or below that which accelerates exhaustion. It is a reality however that the Local Court, unlike the higher jurisdictions, does not carry out its tasks predominantly in the future.

The Local Court operates in the present. Persons charged with offences (who may be denied their liberty through a refusal of bail), victims (particularly victims of domestic violence), and witnesses, together with the legal profession, have a reasonable expectation that their matters will be dealt with either on the day they come before the court or within a short period thereafter. This expectation drives magistrates to sit for longer hours, at the personal cost of rising levels of stress, leading to physical exhaustion and what might be called “decision fatigue”.

Contained elsewhere in this report is more detailed information regarding the operations of the Court across its criminal, civil and coronial jurisdictions, which has assisted in informing the commentary provided in this foreward. This information is worthy of consideration in the context both of the demands entrusted to the magistracy and the value the Local Court's jurisdiction brings to the need for access to justice throughout the State. When considered in conjunction with the rising demands which I have highlighted above, it is not too difficult to comprehend the enormity of the challenge that confronts magistrates, both in the metropolitan area and in country regions, in carrying out the work of the Court on a daily basis.

Against this backdrop, it is likely in 2019 that there will be more changes to the way in which the Court operates, with a view to reducing the pressure on magistrates, court staff and other stakeholders. There is a limit to the capacity of the court to continually cope with broad levels of under resourcing.

If government remains insufficiently concerned with the impact of their decision making on the capacity and health of the Local Court, then in 2019 it may fall to the Court itself to change its practices to meet the challenges outlined in a different way. If that comes to pass, as it is anticipated it will, then the reputation of the Court for efficiency and timeliness will be damaged. This is because the obvious consequence of actions such as reducing sitting times to preserve the health and well-being of magistrates and court staff, as well as others caught up in the current environment, will mean that delays in dealing with cases will increase. There is a limit to what may reasonably be expected of the Local Court. In my view that limit has been reached.

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 without a conviction being recorded against the offender
 - A discharge upon condition the offender enter into an intervention program
 - A discharge under a Conditional Release Order, without conviction being recorded against the offender
 - A conviction without further punishment
 - A Conditional Release Order, with conviction
 - A fine, with conviction
 - A Community Corrections Order, with conviction
- Custodial sentences, including:
 - An Intensive Correction Order, under which the offender serves a sentence of imprisonment 'in the community' and is required to comply with conditions such as a curfew, completion of community service work, home detention, electronic monitoring, abstention, non-association, place restrictions, and/or completion of rehabilitative or treatment programs
 - Full-time imprisonment

Community Correction Orders and Intensive Correction Orders often involve the offender being externally assessed as to their suitability for certain conditions 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.

* The *Justice Legislation Amendment Act (No 3) 2018* passed on 21 November 2018 and increased the jurisdiction of the Small Claims Division to monetary claims of up to \$20,000. These changes commence from 28 February 2019, outside the period covered by this review.

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 2018, there were 137 magistrates (129 full-time magistrates and 8 part-time) who presided in the Local Court and Children's Court at approximately 150 sitting locations throughout New South Wales.

In 2018, the magistrates were as follows:

Chief Magistrate

His Honour Judge Graeme Leslie Henson AM

Deputy Chief Magistrates

Her Honour Magistrate Jane Ellen Mottley

His Honour Magistrate Christopher Gerard O'Brien (until 9 April 2018 when appointed as a Judge of the NSW District Court), then His Honour Magistrate Michael Gerard Allen (from 21 May 2018)

His Honour Magistrate Leslie William Mabbutt (State Coroner) (from 16 April to 14 December 2018)

Magistrates

His Honour Magistrate Imad Abdul-Karim

His Honour Magistrate Michael Gerard Allen (until 21 May 2018 when appointed as a Deputy Chief Magistrate)

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

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

His Honour Magistrate Geoff Edward Bradd

His Honour Magistrate Rodney Joel Brender

His Honour Magistrate George Breton

His Honour Magistrate Dr Roger Alasdair Brown (until 7 November 2018)

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

His Honour Magistrate Daniel Aidan Covington (from 22 January 2018)

Her Honour Magistrate Sharron Maree Crews

Her Honour Magistrate Kathy Jane Crittenden

His Honour Magistrate Michael William Crompton

His Honour Magistrate Graeme Bryan Curran

His Honour Magistrate Michael Gary Dakin

Her Honour Magistrate Georgina Maree Darcy (from 26 November 2018)

His Honour Magistrate David Day

His Honour Magistrate David Patrick Degnan

Her Honour Magistrate Robyn Eva Denes

His Honour Magistrate Stuart James Devine (from 22 January 2018)

His Honour Magistrate Douglas Raymond Dick

His Honour Magistrate Hugh Donnelly

His Honour Magistrate Mark Antony Douglass

Her Honour Magistrate Susan Mary Duncombe

His Honour Magistrate Geoffrey James Dunlavy

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

Her Honour Magistrate Carmel Ann Forbes

His Honour Magistrate Caleb Mark Franklin

Her Honour Magistrate Sharon Claire Freund

His Honour Magistrate Richard Benedict Funston (from 30 April 2018)

His Honour Magistrate James Henry Gibson
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
Her Honour Magistrate Theresa Hamilton
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
Her Honour Magistrate Julie Anne Huber
His Honour Magistrate Ross Hudson
Her Honour Magistrate Carolyn Mary Huntsman
His Honour Magistrate Timothy Bernard Keady
Her Honour Magistrate Erin Camille Kennedy
Her Honour Magistrate Joanne Mary Keogh
Her Honour Magistrate Georgia Knight
(until 31 December 2018)
His Honour Magistrate Derek Jonathan Lee,
Deputy State Coroner
His Honour Magistrate Jeffrey Alan Linden,
Deputy State Coroner
His Honour Magistrate Christopher Longley
His Honour Magistrate Terence Timothy Lucas
His Honour Magistrate Leslie William Mabbutt
His Honour Magistrate Paul Anthony MacMahon
Her Honour Magistrate Debra Gladys Maher
(from 18 June 2018)
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 Andrew John Miller
(from 23 April 2018)
His Honour Magistrate Anthony Kevin Murray
(until 4 July 2018)
His Honour Magistrate (Bernard) Michael O'Brien
His Honour Magistrate David Bernard O'Neil
(from 26 November 2018)
Her Honour Magistrate Teresa Margaret
O'Sullivan, Deputy State Coroner
His Honour Magistrate David Price
Her Honour Magistrate Karen Jennifer Price
His Honour Magistrate Roger David Prowse
Her Honour Magistrate Margaret Christine Quinn
PSM
His Honour Magistrate Allan Wilson Railton
His Honour Magistrate Daniel Reiss
His Honour Magistrate Mark Richardson
Her Honour Magistrate Karen Robinson
Her Honour Magistrate Leanne Robinson
(from 23 April 2018)
Her Honour Magistrate Paula Mary Russell,
Deputy State Coroner
Her Honour Magistrate Elizabeth Jane Ryan,
Deputy State Coroner
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
Her Honour Magistrate Ellen Skinner
Her Honour Magistrate Julie Anne Soars
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

Her Honour Magistrate Katherine E Thompson

His Honour Magistrate Peter John Thompson
(from 5 February 2018)

Her Honour Magistrate Fiona Gladys Toose

Her Honour Magistrate Jacqueline Maree Trad

Her Honour Magistrate Elaine Maree Truscott,
Deputy State Coroner

His Honour Magistrate Theo Tsavdaridis

His Honour Magistrate Brian John van Zuylen

Her Honour Magistrate Alison Mary Viney

Her Honour Magistrate Julia Kathleen Virgo

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 appointments during 2018

His Honour Magistrate Daniel Aidan Covington

Daniel Covington began his career in his home town of Wollongong where he worked as a solicitor for a private firm. He then joined Legal Aid, where he was a solicitor in Sydney for more than a decade.

He has instructed counsel in trials in the Supreme Court and appeared in sentencing hearings in the District Court. He also recently served as Legal Aid's Crime Legal Education Coordinator and was part of its implementation team for the Early Appropriate Guilty Plea reforms.

Mr Covington was sworn in as a magistrate on 22 January 2018.

Her Honour Magistrate Georgina Maree Darcy

Georgina Darcy worked at Legal Aid NSW for the past 13 years, with her recent roles including Deputy Director of the Criminal Law Division and Solicitor in Charge of the Parramatta Justice Precinct Office.

Earlier in her career, she was an Aboriginal Legal Service (NSW/ACT) solicitor and a clerk at some of Sydney's busiest Local Courts.

Ms Darcy obtained a Bachelors of Laws and Arts from the University of NSW and a Master of Arts (Journalism) from the University of Wollongong.

Ms Darcy was sworn in as magistrate on 26 November 2018.

His Honour Magistrate Stuart James Devine

Stuart Devine worked as a solicitor in private practice between 1995 and 2001. During this time, he represented clients before the Wood Royal Commission into police corruption, the NSW Parole Board, and the Coroner's Court.

Mr Devine worked at Legal Aid for the past 16 years, most recently serving as a solicitor advocate.

Mr Devine was sworn in as a magistrate on 22 January 2018.

His Honour Magistrate Richard Benedict Funston

Richard Funston has more than three decades of experience as a solicitor and manager of legal services in NSW and Victoria. He worked for Legal Aid NSW from 1997, initially practising as a solicitor before being appointed to its executive team in 2001.

In recent years, Mr Funston served in some of Legal Aid's most senior roles including Deputy Chief Executive Officer and Director of Criminal Law. He acted as CEO of Legal Aid on various occasions since 2011, including for six months following the retirement of the late Bill Grant OAM in December 2016.

Mr Funston was sworn in as a magistrate on 30 April 2018.

Her Honour Magistrate Debra Gladys Maher

Debra Maher brings more than 20 years of legal experience to the bench, most recently as Solicitor in Charge of the Children's Legal Service.

During her career, she has worked across a range of jurisdictions including the Children's Court, Drug Court, Local Court, District Court and the Supreme Court. Ms Maher has worked

as a senior criminal lawyer for major legal organisations such as the Office of the Director of Public Prosecutions, and the Independent Commission Against Corruption.

Ms Maher also sat on the Board of Women's Legal Services between 1995 and 2009 where she gained significant insight into the issues facing women in the justice system.

Ms Maher was sworn in as a magistrate on 18 June 2018.

His Honour Magistrate Andrew John Miller

Andrew Miller has worked in the justice system for a quarter of a century. He has worked as a barrister and solicitor in private practice. He also served as a Crown Prosecutor for the Office of the Director of Public Prosecutions from 2016 until 2017, appearing in trials on a range of matters including child sexual assault, manufacturing of prohibited drugs and fraud.

Mr Miller was sworn in as a magistrate on 23 April 2018.

His Honour Magistrate David Bernard O'Neil

David O'Neil is an accomplished barrister who has practised law for more than three decades and is a foundation member of Maurice Byers Chambers. His principal areas of practice include criminal, work health and safety (WHS), liquor and coronial law. He has appeared extensively in the Court of Criminal Appeal and on a number of occasions in the Supreme Court in high risk offender hearings.

Before joining the Bar in 1997, Mr O'Neil operated a solicitor's practice in Sydney's inner west for 11 years. He was admitted as a solicitor in 1982 after obtaining a Bachelor of Laws from the University of NSW.

Mr O'Neil was sworn in as a magistrate on 26 November 2018.

Her Honour Magistrate Leanne Robinson

Leanne Robinson worked at Legal Aid NSW for the majority of her professional life. Most recently, in her role as Legal Aid's Deputy Director of Criminal Law, she worked closely with other justice agencies to implement key reforms, including the Early Appropriate Guilty Plea reforms.

For more than 20 years, Ms Robinson specialised in criminal law, appearing primarily in the Local and Children's Courts. In 1997, she was awarded Children's Lawyer of the Year by the National Children's and Youth Law Centre for her work on establishing a visiting legal service to Juvenile Justice centres.

Ms Robinson was sworn in as a magistrate on 23 April 2018.

His Honour Magistrate Peter John Thompson

After beginning his career in the NSW Police Force in 1988, Peter Thompson joined the DPP in 2005 and has regularly conducted District Court jury trials, primarily in Parramatta. Mr Thompson has also previously appeared as a Crown Prosecutor.

In addition, Mr Thompson served in the Royal Australian Air Force Specialist Reserve, attaining the rank of Squadron Leader. He represented members of the Defence Force accused of criminal conduct and facing disciplinary offences between 2007 and 2016.

Mr Thompson was sworn in as a magistrate on 5 February 2018.

Magistrate appointed as a Judge of the NSW District Court

His Honour Deputy Chief Magistrate Christopher Gerard O'Brien was appointed as a Judge of the District Court and was sworn in on 9 April 2018.

Judicial retirements during 2018

His Honour Magistrate Dr Roger Alasdair Brown

Her Honour Magistrate Georgia Knight

His Honour Magistrate Anthony Kevin Murray

Acting Magistrates in 2018

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 2018 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 Dr Roger Alasdair Brown (from 12 November 2018)
His Honour Acting Magistrate James Coombs
His Honour Acting Magistrate John Ormonde Crawford
His Honour Acting Magistrate Peter Dare SC (from 16 January 2018)
His Honour Acting Magistrate Colin Alan Elliott (until 23 April 2018)
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 (until 25 January 2018)
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 Peter Miszalski (from 8 January 2018)
His Honour Acting Magistrate Allan Darroll Moore
His Honour Acting Magistrate Michael Morahan
His Honour Acting Magistrate Paul Mulroney

His Honour Acting Magistrate Anthony Murray (from 13 August 2018)
His Honour Acting Magistrate David Patrick O'Connor
His Honour Acting Magistrate Darryl Pearce (from 16 February 2018)
His Honour Acting Magistrate Michael Kevin Price
His Honour Magistrate Robert Scott Rabbidge
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
His Honour Acting Magistrate Robert Walker (from 8 January 2018)
His Honour Acting Magistrate George Zdenkowski

Small Claims assessors

Small Claims assessors sit at various Local Court locations in the Sydney metropolitan area, Newcastle and Wollongong 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.

* The *Justice Legislation Amendment Act (No 3) 2018* passed on 21 November 2018 and increased the jurisdiction of the Small Claims Division to monetary claims of up to \$20,000. These changes commence from 28 February 2019, outside the period covered by this review.

Small Claims assessors in 2018 were:

Ms Danae Harvey
Ms Janice Connelly
Mr Stephen Olischlager

Chief Magistrate's Executive Office

In 2018, the Executive Office consisted of six staff:

Executive Officer

Jacinta Haywood

Policy Officer

Brooke Delbridge

Listing and Rostering Co-ordinator

Phillip Suitor

Courts Co-ordinator

Alison Mulqueoney

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.

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 work of the Local Court registries

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 2018

- Criminal jurisdiction
- Civil jurisdiction
- Coronial jurisdiction

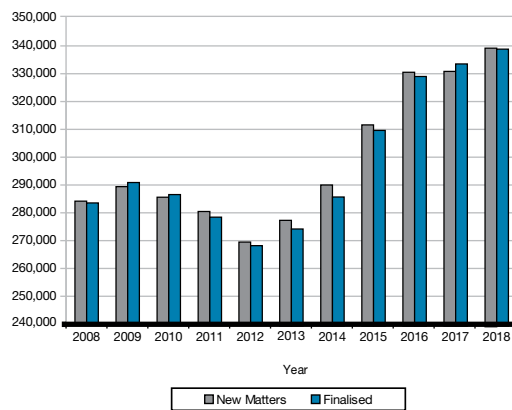
Criminal jurisdiction

Criminal matters in 2018

Between 1 January and 31 December 2018:

- 339,219 criminal matters were commenced in the Local Court, representing an increase of 2.56% since 2017.
- 338,807 criminal matters were finalised, giving a clearance ratio for the period of 99.88%.

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 2018:

- 95.48% of matters were completed within 6 months of commencement.
- 99.33% of matters were completed within 12 months of commencement.

Developments in 2018

Growth in criminal caseload

The Local Court continued to see sustained growth in the number of new criminal matters commenced in 2018, with an increase in filings of approximately 8,400 from 2017 levels. This is consistent with the trend of increasing criminal caseload in the Local Court over the last 6 years, which has resulted in a substantial overall increase in workload – in 2018, approximately 70,000 more criminal matters were commenced in this jurisdiction compared to 2012.

Early Appropriate Guilty Plea (EAGP) reforms

Amendments to committal procedures under the *Criminal Procedure Act 1986* were introduced by the *Justice Legislation Amendment (Committals and Guilty Pleas) Act 2017* and commenced on 30 April 2018. These amendments are widely known as the 'Early Appropriate Guilty Plea (EAGP)' reforms and are aimed at addressing the backlog of trials and delays in finalising matters in the District Court by encouraging early guilty pleas.

Key changes include:

- Replacement of the former committal system with a new case management procedure which is overseen by a magistrate who ultimately commits the accused for trial or sentence. However, a substantive committal hearing or decision is no longer required.
- Introduction of compulsory case conferencing as part of the committal pathway with the aim of facilitating guilty pleas to appropriate charges well before it is necessary to list a matter for trial.
- Provision of mandatory statutory sentencing discounts for indictable offences based on the utilitarian value and timing of guilty pleas.

The fundamental steps in the new case management procedure are:

- The early disclosure of evidence by NSW Police, who are required to serve a brief of evidence on the accused.
- The early involvement of senior prosecutors, who are required to certify charges in a charge certificate.

- If the accused is legally represented, the conduct of case conferences between the accused's legal representative and the prosecution, who are required to file a case conference certificate.
- Committal by the magistrate of the accused for trial or sentence, including a new power to commit an accused for trial where a question of fitness is raised.

The EAGP reforms necessitated the issue of Local Court Practice Note Committals 2, which commenced on 30 April 2018 and applies to committal proceedings which deal with offences commenced on or after this date.

Local Court Committals Practice Note 1 remains in force unamended, and maintains the previous committals process for legacy offences commenced prior to 30 April 2018 (the commencement of the reforms).

Sentencing reforms

The *Crimes (Sentencing Procedure) Amendment (Sentencing Options) Act 2017* commenced on 24 September 2018 and substantially changed the sentencing regime in New South Wales under the *Crimes (Sentencing Procedure) Act 1999* and the *Crimes (Administration of Sentences) Act 1999*.

Significant changes were made to the sentencing options available to the Local Court, including the repeal of suspended sentences, home detention orders and community service orders (as stand-alone sentencing options), and good behaviour bonds (under former sections 9 and 10(1)(b) of the *Crimes (Sentencing Procedure) Act 1999*).

Intensive Correction Orders (ICOs) were retained with significant changes:

- Community safety must now be the paramount consideration when the court is determining whether to make such an order.
- The offences for which an ICO cannot be made have been extended to include murder/ manslaughter, prescribed sexual offences, terrorism offences, and offences involving the discharge of a firearm.

- Supervision is now a standard condition of an ICO, as well as the requirement that the offender be of good behaviour and appear before the court when required.
- The court is required to impose at least one other additional condition on an ICO, unless satisfied there are exceptional circumstances.
- Home detention and electronic monitoring are exclusively available as conditions of an ICO. Other available conditions include a curfew, community service work, completion of a rehabilitation or treatment program, abstention from alcohol and/or drugs, non-association and place restriction.

Two new non-custodial sentencing options were also introduced – Community Correction Orders (CCOs) and Conditional Release Orders (CROs). A CCO is available to the court instead of imposing a sentence of imprisonment, whereas a CRO is available instead of imposing a sentence of imprisonment or a fine, or both. Both orders are subject to standard conditions that the offender be of good behaviour and appear before the court when required. The court may also impose additional conditions at the time of sentence, including supervision (not mandatory), community service work (CCO only), abstention, non-association, place restriction and completion of various programs. The court is also permitted to vary, revoke and impose conditions subsequently on application.

A new general power for the court to request an assessment report from Community Corrections for an offender prior to sentence replaced the previous statutory powers under which various reports were requested. Community Corrections now provides a single report, which includes background information relating to the offender, assesses suitability for community service work and home detention (where requested), provides a supervision plan and recommends conditions which should be imposed on the offender.

The sentencing reforms also introduced provisions specific to persons found guilty of a domestic violence offence – such offenders are now required to be sentenced to full-time detention or a supervised order (being an ICO, CCO, or CRO subject to a supervision condition), unless the court is satisfied a different

sentencing option is more appropriate. Various other provisions requiring the court to consider the safety and protection of the victim(s) of a domestic violence offence prior to imposing a non-custodial sentence were also introduced.

Amendments to Table 1 offences

Amendments to Table 1 of Schedule 1 of the *Criminal Procedure Act 1986* throughout 2018 have allowed for further serious indictable offences to proceed summarily unless there is an election otherwise. These include robbery (max. penalty 14 years), recklessly dealing with the proceeds of crime greater than \$5,000 (max. penalty 10 years), perverting the course of justice (max. penalty 14 years) and supplying a prohibited drug less than the commercial quantity (max. penalty 15 years (or 10 years if cannabis) or 2000 penalty units).

Reforms arising from Royal Commission into Institutional Responses to Child Sexual Abuse

The *Criminal Legislation Amendment (Child Sexual Abuse) Act 2018* introduced various amendments in response to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

The first phase of these reforms commenced on 31 August 2018 and included an amendment to the *Crimes (Sentencing Procedure) Act 1999* to provide the court must sentence the offender in accordance with sentencing patterns and practices as at the time of sentencing. The court must also have regard to the trauma of sexual abuse on children as understood at sentence.

The second phase of the reforms commenced on 1 December 2018 and included amendments to the *Crimes Act 1900* to restructure and modernise sexual offences.

Domestic and personal violence

Final domestic violence orders remained steady, with 26,363 made in 2018 (compared to 26,418 in 2017). There was a decrease in final personal violence orders, from 4,311 in 2017 to 3,833 in 2018.

Apprehended Violence Statistics 2018

| Domestic Violence | 2017 | 2018 |
|--|---------------|---------------|
| <i>Lodgements</i> | 31,445 | 33,248 |
| <i>Finalisations</i> | | |
| Final Orders made | 26,418 | 26,363 |
| Complaints withdrawn/ dismissed | 6,179 | 5,405 |
| Complaints dismissed after hearing | 468 | 477 |
| Application not served | 212 | 154 |
| Orders varied/revoked | 3,750 | 3,479 |
| Application to vary/revoke withdrawn/dissmissed | 974 | 1,097 |
| Other Miscellaneous Finalisations | 419 | 111 |
| Total finalisations | 38,420 | 37,086 |

| Personal Violence | 2017 | 2018 |
|---|--------------|--------------|
| <i>Lodgements</i> | 6,480 | 6,272 |
| <i>Finalisations</i> | | |
| Final Orders made by Court | 4,311 | 3,833 |
| Complaints withdrawn/ dismissed | 2,266 | 1,984 |
| Complaints dismissed after hearing | 103 | 103 |
| Application not served | 59 | 43 |
| Orders varied/revoked | 174 | 138 |
| Application to vary/revoke withdrawn/dismissed | 66 | 57 |
| Other Miscellaneous Finalisations | 176 | 93 |
| Total finalisations | 7,155 | 6,251 |

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

- The Women's Domestic Violence Court Assistance Program, which 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, who provide for mediation of complaints between private parties in personal violence order proceedings.

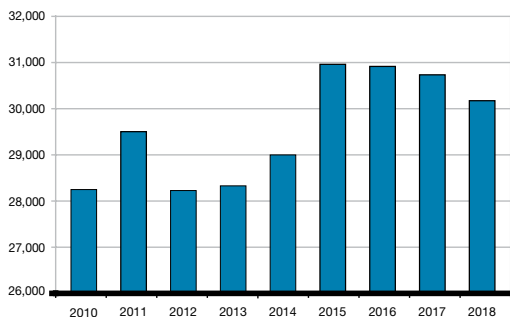
Crimes (Domestic and Personal Violence) Act 2013 reforms

A range of amendments to the *Crimes (Domestic and Personal Violence) Act 2013* made by the *Crimes Legislation Amendment (Victims) Act 2018* and *Justice Legislation Amendment Act (No 3) 2018* commenced in December 2018. These amendments extended the definitions of stalking and intimidation to cover cyber bullying, extended the protections afforded to children under 16 in AVO proceedings to young persons aged 16 and 17, and provided for AVO proceedings to be held in open court unless the defendant is under 18. Special provisions were also introduced in relation to the classification of relationships between paid carers and dependents.

The *Crimes Legislation Amendment Act 2018* was also passed in November 2018 and, once commenced, will introduce broad amendments to Apprehended Domestic Violence Orders (ADVOs) as outlined in Part 10 of the *Crimes (Domestic and Personal Violence) Act 2013*, including an increase to the default duration of ADVOs. A commencement date for these amendments is still to be confirmed.

Consultations in relation to the implementation of these reforms, as well as their potential impact on the Court's workload (and resulting delays for victims of domestic violence) are ongoing.

Final domestic and personal violence orders

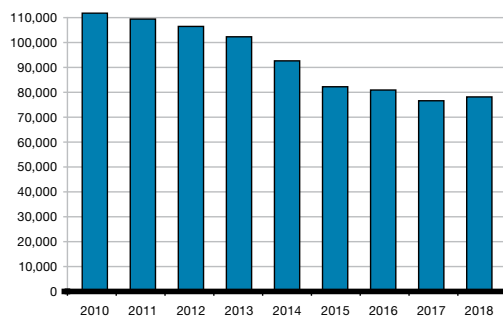


Civil jurisdiction

Civil matters in 2018

In the period 1 January 2018 to 31 December 2018, 78,069 civil actions were commenced (increasing from 76,468 in 2017), of which 57,293 matters were filed in the Small Claims Division and 16,965 were filed in the General Division. Overall, 77,673 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 2018:

- In the Small Claims Division – 94% of matters were finalised within 12 months; and
- In the General Division – 94% of matters were finalised within 12 months.

Developments in 2018

Online court

2018 saw the continuation 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 course of proceedings to be dealt with online. The pilot program is facilitated by Local Court Practice Note Civil 1, *Consolidated Civil Procedure*.

Online registry

Lodgements through the online registry continue to increase across the state. Over 90% of the documents available to be filed online were in fact filed via the Online Registry Website (ORW) state-wide. Over 230,000 documents were filed via the ORW for Local Court civil matters in 2018.

Changes to jurisdictional limit of Small Claims Division

The *Justice Legislation Amendment Act (No 3) 2018* passed on 21 November 2018 and will increase the jurisdiction of the Small Claims Division – commencing 28 February 2019, the Division will determine monetary claims of up to \$20,000.

Coronial jurisdiction

NSW Coronial Jurisdiction

The NSW State Coroner is responsible for overseeing the work undertaken by 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.

Following the appointment of the former NSW State Coroner, Magistrate Michael Barnes, to the role of NSW Ombudsman in December 2017, his Honour Magistrate Leslie William Mabbutt was appointed as the State Coroner on 16 April 2018. His Honour had previously been entrusted with responsibility for the oversight of Central Local Court, the major custody precinct of the Local Court.

At the request of the Chief Magistrate, State Coroner Mabbutt reviewed the operations of the coronial jurisdiction, including its relocation to the newly constructed Forensic Medicine and Coroners Court complex at Lidcombe. His Honour's contribution has been of significant benefit to the Court as a whole, both in relation to the operations at Lidcombe and the enhancement of capacity within the role played by magistrates located in country regions, who undertake the role of coroner in addition to their role as magistrate.

Regrettably, State Coroner Mabbutt relinquished his role on 14 December 2018 due to health related issues. His contribution will be sorely missed.

Her Honour Magistrate Teresa O'Sullivan was appointed Acting State Coroner from 14 December 2018. Recruitment to fill the position of State Coroner will be undertaken in 2019.

In 2018, magistrates holding commissions as Deputy State Coroners were:

Magistrate Geraldine Beattie
Magistrate Harriet Grahame
Magistrate Derek Lee
Magistrate Jeffery Linden
Magistrate Teresa O'Sullivan (Acting State Coroner from 14 December 2018)
Magistrate Paula Russell
Magistrate Elizabeth Ryan
Magistrate Robert Stone
Magistrate Elaine Truscott

Coronial matters in 2018

In 2018, 111 inquests/ inquiries were conducted throughout the State (increasing from 84 in 2017), with approximately 131 coronial recommendations made.

Coronial Statistics 2018

| | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 |
|----------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Deaths reported | | | | | | | |
| Glebe: | 2864 | 2807 | 2901 | 2989 | 3109 | 3550 | 3423 |
| Other State-wide: | 2505 | 2533 | 2709 | 2777 | 2851 | 3052 | 2841 |
| Total: | 5369 | 5340 | 5610 | 5766 | 5960 | 6602 | 6264 |
| Investigations finalised* | | | | | | | |
| Glebe: | 2185 | 2305 | 3169 | 2950 | 3031 | 3508 | 3240 |
| Other State-wide: | 1989 | 2209 | 2185 | 3426 | 2700 | 2942 | 2647 |
| Total: | 4174 | 4514 | 5354 | 6373 | 5731 | 6450 | 5887 |
| Inquests-Inquiries** | | | | | | | |
| Glebe: | 111 | 98 | 103 | 87 | 92 | 57 | 74 |
| Other State-wide: | 37 | 44 | 37 | 63 | 28 | 27 | 37 |
| Total: | 148 | 142 | 140 | 150 | 120 | 84 | 111 |

* 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) in Sydney and regional NSW throughout the year.

Fires

Section 30 of the *Coroners Act 2009* 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.

Reduction of delays in coronial jurisdiction

The Report on Government Services (RoGS) for 2017/18 showed the coronial jurisdiction achieved a clearance rate of 98.2%. High clearance rates in coronial matters have been maintained since 2016/17.

Addressing the ongoing delays in the finalisation of post mortem reports remained a high priority for the State Coroner in 2018, with consultations with NSW Health to resolve this complex issue continuing into 2019.

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 as a result of police operations or while 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 2018, 41 deaths resulting from a death in custody or as a result of a police operation were reported in accordance with section 23. This represents a reduction of 6 deaths from the previous year. Death as a result of natural causes remains the highest manner of death, with 22 of the 41 section 23 deaths attributed to natural causes.

A total of 34 inquests were held into section 23 deaths in 2018, representing an increase of 8 inquests from the previous year. Two section 23 inquests were suspended due to a person being charged with an indictable offence in relation to the deaths.

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 of 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 2018, 221 deaths were reported in accordance with section 24. While 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 a Deputy State Coroner may conduct it.

In July 2018 the National Disability Insurance Scheme (NDIS) commenced. The commencement of the NDIS will see a portion of disability deaths being reviewed by the NSW Ombudsman. Transitional and legislative arrangements are being negotiated to allow for these changes to take effect.

Developments in 2018

Forensic Medicine and Coroners Court Complex

The Forensic Medicine and Coroners Court Complex in Lidcombe was officially opened by NSW Attorney General Mark Speakman and Secretary NSW Health Elizabeth Koff on 11 December 2018, with plans for the complex to become operational following the relocation of services from Glebe in early 2019.

The new Lidcombe complex replaces the existing facility at Glebe, which housed coronial and forensic medicine services for almost 50 years, but was no longer fit for current or future needs. The purpose built complex at Lidcombe is the largest coronial and forensic medicine facility in Australia, representing a significant leap forward for coronial investigations in NSW. The new facility houses four state-of-the-art courtrooms, as well as advanced and expanded clinic facilities for NSW Health Pathology's forensic medicine service.

The extensive high-tech facilities will enable more comprehensive and timely investigations of sudden and unexplained deaths, including complex cases and disasters involving mass casualties. The complex also includes more sensitive and modern facilities dedicated to supporting families and people dealing with an unexpected loss.

Coronial Case Management Unit

The Coronial Case Management Unit (CCMU) has been operational for approximately 14 months. It enables colocated staff from all three stakeholder agencies concerned with the delivery of coronial services (NSW Health, Department of Justice and NSW Police) to collectively manage front-end coronial cases in the Sydney-metro catchment area from a centralised unit.

The CCMU's objective is to ensure that reportable deaths are subjected to a standardised initial assessment (in a timely manner) to enable a coroner to make an appropriate direction. This is achieved via processes which ensure relevant evidence is presented to the coroner to assist their decision, and by facilitating real time information sharing between stakeholders at a centralised location.

In its first 14 months of operation, the CCMU has reduced the number of deaths which flow through to the court's registry for ongoing investigation and management. It has also ensured grieving families are provided with timely advice from coronial information and support officers and grief counsellors located within its family liaison unit.

The CCMU continues to improve and streamline its operations and has now expanded to include a CCMU based at the Newcastle Department of Forensic Medicine.

Statutory Review of the Coroners Act 2009

The statutory review of the *Coroners Act 2009* is yet to be finalised. The Chief Magistrate and State Coroner have engaged in extensive consultations as part of this process.

NSW 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. Following the publication of the Team's fifth report in late 2017, the Secretariat has sought to share learnings from that report at various forums throughout 2018.

Through this work, the Secretariat has continued to build and strengthen relationships with the Team's state and commonwealth stakeholders. Information sharing and collaboration are critical components of the work of the Team and are essential to enhancing our collective understanding of and response to domestic violence in our communities.

Throughout 2018, the Secretariat has continued to work closely 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 2018 has been the release of its first data report which provides national data with respect to all intimate partner homicide that occurred across Australia between 2010-2014.

Designed and coordinated by the Team's Secretariat, the development of this specialised national domestic violence homicide dataset aims to provide a better understanding of potential opportunities for intervention prior to domestic and family violence related homicide, and inform prevention initiatives at a national level.

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

- Diversionary programs
- Technology in the Local Court

Diversionsary programs

Magistrates Early Referral Into Treatment Program

The Magistrates Early Referral Into Treatment Program (MERIT) is a pre-plea 12-week drug treatment and rehabilitation program based in the Local Court that provides adult defendants an opportunity to break the drug crime related cycle.

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 2018:

- 4073 defendants were referred to MERIT;
- 2455 (60%) defendants were accepted on to the program; and
- 1504 (63%) defendants successfully completed the program.

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

Alcohol MERIT

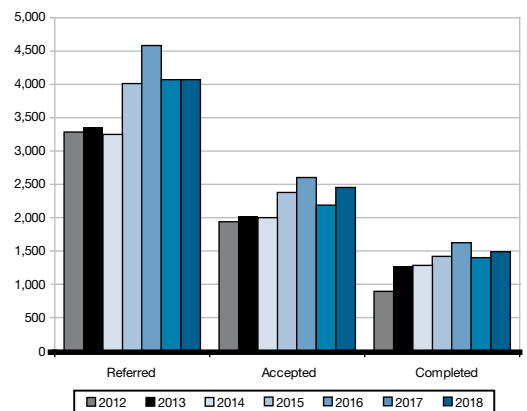
The Alcohol MERIT model is identical to MERIT in terms of eligibility and suitability criteria, referral pathways and court reporting. However, the clinical treatment provided is tailored to the specific needs of defendants with alcohol use as their principal drug of concern.

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 12 weeks duration, some persons referred to the program after September 2018 will still be on the program at 31 December 2018, and therefore not accounted for in the completion figures. Similarly, the completion figures include persons who commenced MERIT from September to December 2017 and completed their contact with the program in 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 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.

In 2018, Circle Sentencing was available in the following communities:

- Blacktown
- Mount Druitt
- Walgett
- Nambucca
- Bourke
- Kempsey
- Lismore
- Dubbo
- Nowra

The number of matters which proceed to Circle Sentencing is dependent on factors including defendants opting to participate, the sentence a defendant is likely to receive, and the appropriateness of defendants to participate due to links to the local Aboriginal community. In the period January to December 2018, 89 matters proceeded to Circle Sentencing.

The program is currently being evaluated by the NSW Bureau of Crime Statistics and Research (BOCSAR) to estimate the causal effect of Circle Sentencing on a suite of criminal justice and health outcomes for Aboriginal offenders in New South Wales. The evaluation is expected to help understand whether or not Circle Sentencing can reduce incarceration, recidivism, and/or drug and alcohol related emergency department presentations and hospitalisations for Aboriginal offenders.

Extra Offender Management Service (EOMS)

The Extra Offender Management Service (EOMS) replaced the former Court Referral of Eligible Defendants into Treatment (CREDIT) and Life on Track (LoT) programs. THE EOMS is operated by independent service providers and is not a court based diversion program.

Following a review of the effectiveness and viability of the service, a decision was made in June 2018 not to continue the service in four of its five locations. The program is available at Northern Rivers until the provider's contract expires in December 2019.

Forum Sentencing

Corrective Services NSW formerly managed the Forum Sentencing program, which was available to eligible adult offenders who committed offences that exposed them to the likely prospect of imprisonment.

The program brought the offender and victim together with a facilitator, police officer, support people and others affected by an offence to discuss the offence and the harm caused, and to prepare an intervention plan. The intention was that magistrates could take the plan into account when sentencing the offender, with the option of completion of the plan forming part of the sentence.

Following a review of the efficacy of this model and low level of victim interest, the Forum Sentencing program ceased taking referrals on 1 January 2018.

Statewide Community Court Liaison Services

The Statewide Community and Court Liaison Service (SCCLS) 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.

The SCCLS operated in 22 Local Court locations in 2018:

- 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 2017-18 financial year, 13,873 people were screened for mental health problems in court cells. Of this number, 3,373 received a comprehensive mental health assessment, of which 2,965 were found to have a mental illness and 2,405 were diverted from the criminal justice system.¹

ReINVEST

The Chief Magistrate has provided his support for the Local Court's participation in ReINVEST, a world first clinical trial² examining whether treating impulsive, repeat-violent offenders with a commonly prescribed pharmacotherapy (sertraline) can assist in managing impulsive behaviour and thus reduce offending. The trial is being conducted by the Kirby Institute of the University of New South Wales (UNSW) in collaboration with partners from NSW Department of Justice, Justice Health & Forensic Mental Health Network, and several universities.

Adult male offenders with a history of violent offending who plead guilty to a further violent offence may be referred into the program by a magistrate, subject to eligibility screening and suitability assessments. Once accepted, the offender's court proceedings are adjourned prior to sentencing to allow him to commence the trial. The offender is then randomly placed in either the active (sertraline) or placebo arms of the study. Significant ongoing care is provided to the offender by the clinical team and all offenders participating in the trial do so voluntary.

The sentencing court is provided with a report indicating the offender's progress after 6 weeks of participation, and then a further report after 3 months participation, at which point the offender will be sentenced and the court proceedings concluded. Where appropriate, the reports may be taken into account by the court as a factor in the offender's favour when sentencing. Conversely, as participation is voluntary, an offender's withdrawal from the study or lack of progress while on the study program is not to be taken into account as a factor adverse to the offender.

At the conclusion of court proceedings, the offender may opt to continue on the treatment.

Further information about the trial can be accessed at <https://kirby.unsw.edu.au/project/reinvest>

¹ Figures obtained from Justice Health & Forensic Mental Health Network

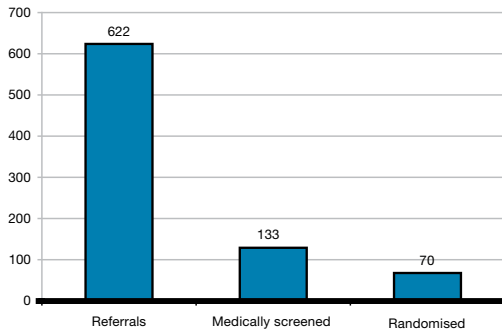
² Ethical approval for this study has been granted by UNSW HREC, Corrective Services NSW (CSNSW), Aboriginal Health and Medical Research Council (AHMRC), and Justice Health & Forensic Mental Health Network (JH&FMHN).

As at December 2018, the ReINVEST trial operated in 8 Local Court locations:

- Burwood
- Campbelltown
- Downing Centre
- Gosford
- Liverpool
- Parramatta
- Mount Druitt
- Wyong

In 2018, 622 offenders were referred to the program for eligibility screening, with 133 of those offenders progressing to medical assessment. Of those offenders who were assessed, 70 were medically screened as suitable and accepted into the randomised trial.³

ReINVEST Statistics



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 six traffic course providers operating in 122 locations across the State to whom referrals may be made.

In 2018:

- 21,406 individuals participated in, and 19,453 individuals (90.88%) completed, a TOIP
- Driving with a prescribed concentration of alcohol (i.e. drink driving) represented the most frequent offence type (39.8% of offences).
- The majority of participants (74.2%) were male, with the most frequent age group being those aged 20-24 years (19.6%).

³ Figures obtained from the Kirby Institute of the University of New South Wales.

Technology in the Local Court

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 2018, AVL was used to conduct over 52,800 adult appearances in the Local and Children's Courts. In addition to this figure, 5,500 appearances were conducted via AVL in weekend and public holiday bail courts.

AVL facilities were available in the following 74 Local Court, Children's Court and Coroner's Court locations during 2018:

- Albury
- Armidale
- Ballina
- Bankstown
- Bateman's Bay
- Bathurst
- Bega
- Belmont
- Blacktown
- Bourke
- Broadmeadow Children's Court
- Broken Hill
- Burwood
- Byron Bay
- Campbelltown Local and Children's Courts
- Central (Sydney)
- Cessnock
- Coffs Harbour
- Coonamble
- Coroner's Court, Glebe
- Coroner's Court, Lidcombe (operational from January 2019)
- 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
- Moss Vale
- Mt Druitt
- Mudgee
- Muswellbrook
- Newcastle
- Newtown
- Nowra
- Orange
- Parkes
- Parramatta Local and Children's Courts
- Penrith
- Picton
- Port Kembla
- Port Macquarie
- Queanbeyan
- Raymond Terrace
- Surry Hills Children's Court
- Sutherland
- Tamworth
- Taree
- Toronto
- Tweed Heads
- Wagga Wagga
- Walgett
- Waverley
- Wellington
- Wentworth
- Wilcannia
- Windsor
- Wollongong
- Woy Woy
- Wyong
- Young

Remote Witnesses

Remote witness facilities were available at 95 court locations in 2018, 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. Current figures indicate that over 2,050 witnesses were scheduled to utilise these facilities during 2018.

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, and 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
- Cross-jurisdictional seminars facilitating educational exchanges with other judicial officers
- 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 2018 (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 2018, magistrates continued to receive specialised training tailored to meet their educational needs:

- Permanent magistrates attended 701 days of face-to-face judicial education, an average of 5 days per magistrate (this meets 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 2018 for all New South Wales magistrates. Topics included civil and criminal law updates, judicial wellbeing, State Parole Authority operating practices, sentencing assessment reports prepared by Community Corrections NSW and preparations for incoming sentencing reforms. The Annual Conference received an overall satisfaction rating above target at 93%.
- 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 focussed on the sentencing reforms and included other topics such as bail, issues in coronial cases, recent developments in the Children's Court, the Early Appropriate Guilty Plea reforms and changes to sentencing reports provided by NSW Community Corrections. These programs overall received a 94% satisfaction rating from participants which is exceptionally high.

- Continuing the focus on skills development:
 - newly appointed magistrates attended a pre-bench training session designed to familiarise them with Local Court practice and procedure
 - magistrates attended a residential orientation program — this five-day residential program, which focuses on court craft and judicial skills for new magistrates, received a 97% satisfaction rating from participants.
- Magistrates continued to participate in the Judicial Commission’s Ngara 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 visits organised by the Judicial Commission to the Sydney Observatory and Redfern as well as a seminar on Introduction to the Aboriginal Land Rights System in NSW.

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 Ngara Yura seminar: Introduction to the Aboriginal Land Rights System in NSW

His Honour Magistrate Richard Funston

Magistrates who attended Ngara Yura visit to the Sydney Observatory

Her Honour Magistrate Joan Baptie
 Her Honour Magistrate Jayeann Carney
 Her Honour Magistrate Sharon Freund
 Her Honour Magistrate Megan Greenwood
 Her Honour Magistrate Nancy Hennessy
 Her Honour Magistrate Louise McManus
 Her Honour Magistrate Beverley Schurr
 Her Honour Magistrate Eve Wynhausen

Magistrates who attended Ngara Yura visit to Redfern

His Honour Magistrate David Degnan
 Her Honour Magistrate Susan Duncombe
 Her Honour Magistrate Erin Kennedy
 Her Honour Magistrate Debra Maher
 Her Honour Magistrate Jacqueline Milledge
 His Honour Magistrate Brian van Zuylen
 Her Honour Magistrate Eve Wynhausen

Magistrates who attended the Local Court of NSW Orientation Program

Her Honour Magistrate Kathy Crittenden
 His Honour Magistrate David Price
 Her Honour Magistrate Joy Boulos
 Her Honour Magistrate Catherine Follent
 His Honour Magistrate Brett Shields
 Her Honour Magistrate Theresa Hamilton
 His Honour Magistrate Christopher Halburd
 His Honour Magistrate Hugh Donnelly

Legal education in the community and participation in external bodies

In 2018, magistrates continued to be involved in legal education, with a number of magistrates regularly volunteering their time to present on current legal developments to various organisations. Many magistrates have also participated in internship programmes with the Law Society of NSW, University of New South Wales and Wollongong University.

The State Coroner and Deputy State Coroners also presented numerous lectures and papers to various stakeholders in the coronial jurisdiction.

Magistrates' activities in 2018 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, Early Appropriate Guilty Plea Steering Committee

Speaking engagements and other activities:

May, Sep Address to Bar Readers, 'The Local Court'

Oct Panel Member, National Judicial College Colloquium

Oct Panel Member, National Judicial College of Australia Conference 'New Perspectives on Courtroom Leadership 2018'

Conferences and events:

Jan Reopening of Surry Hills Children's Court

Apr District Court of NSW Annual Conference

Oct Council of Chief Magistrates

Nov Opening of Forensic Medicine and Coronial Court Complex, Lidcombe

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, Ngará Yura Committee

Chair, Marine Appeals Tribunal

Member, Sentencing and Parole Reform Steering Committee

Member, Sentencing and Parole Reform Implementation & Monitoring Group

Speaking engagements and other activities:

May Presentation to NSW Police Prosecutors, Domestic Violence Course

July Speaker, NAIDOC Week, Flag Raising Ceremony, Downing Centre

His Honour Deputy Chief Magistrate Christopher O'Brien (until 9 April 2018)

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 Presentation, Wingara Mura–Bunga Barrabugu Summer Program, University of Sydney Law School

His Honour Deputy Chief Magistrate Michael Allen (from 21 May 2018)

Membership of organisations:

Law Society of NSW Criminal Law Committee

Standing Advisory Committee on Judicial Education

Speaking engagements and other activities:

Nov Presentation to NSW Police Prosecutors, Advanced Advocacy Course

Oct Presentation, Law Society of NSW, Rural Issues Conference, 'Upcoming Developments in Sentencing Law'

Oct Presentation, Duty Solicitor Program, King Wood Mallesons

His Honour Magistrate Leslie Mabbutt, State Coroner (from 16 April to 14 December 2018)

Conferences and events:

Nov Asia Pacific Coroners Conference

His Honour Magistrate Michael Antrum

Membership of organisations:

Reserve, Australian Army Legal Corps

Committee Member, St John's Care, Canberra

Board Member, Anglicare, NSW South, West and ACT

Speaking engagements and other activities:

Jun Presentation, Australian Defence Force Legal Officers, 'Day on the Bench'

Aug Presentation, Royal Military College, 'Operations Law, International Humanitarian Law and Targeting'

Conferences and events:

Sept Young Lawyers Past Presidents Dinner

Oct Mito Foundation, 'Bloody Long Walk'

Nov Steven Walter Foundation, 'Snowy Ride'

His Honour Magistrate Glenn Bartley

Speaking engagements and other activities:

| | |
|-----|---|
| Sep | Panel Member: Legal Aid Commission Care and Protection Annual Conference “Child Representation – fundamentals of best practice, evidence and ethics”. |
| Oct | Presentation, Eastern Suburbs Law Society Continuing Legal Education Dinner Seminar, ‘Tips for Fledgling Legal Eagles Appearing in the Local Court’ |

Her Honour Magistrate Harriet Grahame (Deputy State Coroner)

Conferences and events:

| | |
|-----|----------------------------------|
| Nov | Asia Pacific Coroners Conference |
|-----|----------------------------------|

His Honour Magistrate David Heilpern

Speaking engagements and other activities:

| | |
|-----|---|
| Jul | Presentation, Asia Foundation, National Court of the Philippines, ‘The Price of Stoicism – Lifting the Judicial Veil’ |
| Jul | Presentation, Statewide Community and Court Liaison Service and Justice Health, Long Bay Prison, ‘Working in the Justice System and Vicarious Trauma’ |
| Aug | Presentation, Far North Coast Law Society, “34 Habits of Defence Lawyers that Frustrate Magistrates” |
| Aug | Presentation, Aboriginal Legal Services Annual Conference, ‘Defence Lawyers and Vicarious Trauma’ |
| Dec | Presentation, Southern Cross University Law School, ‘Sentencing do’s and don’ts’ |

His Honour Magistrate Geoffrey Hiatt

Membership of organisations:

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

Conferences and events:

| | |
|-----|---|
| Oct | South Australian Magistrate’s Annual Conference |
|-----|---|

Her Honour Magistrate Debra Maher

Membership of organisations:

Member, Australian Association of Woman Judges

Conferences and events:

| | |
|------|---|
| June | Ngara Yura Conference, ‘Exchanging Ideas: First Nations Consensus in Constitutional Reforms, Nation Building and Treaty Making Processes’ |
|------|---|

His Honour Magistrate Michael O'Brien

Membership of organisations:

Member, Rotary International (as a Past President)

Member, Board of Directors, and Chair, Finance Committee, Oakhill College Ltd

Officer (Group Captain), Royal Australian Air Force Specialist Reserve, Office of Judge Advocate General

Speaking engagements and other activities:

April ANZAC Day Address, Oakhill College

His Honour Magistrate Brett Shields

Membership of organisations:

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

His Honour Magistrate Brian van Zuylen

Membership of organisations:

Member, Ngara Yura Committee, Judicial Commission of NSW

Speaking engagements and other activities:

Sept Presentation, Indigenous Elders and Respected Persons participating in Circle Sentencing at Mount Druitt Local Court, 'Recent Changes to Crimes (Sentencing Procedure) Act'

Conferences and events:

Nov 2018 Nepean Hawkesbury Law Society Dinner

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 2018, committee members were:

Local Court Rule Committee

His Honour Judge Graeme Henson AM,
Chief Magistrate

Her Honour Deputy Chief Magistrate
Jane Mottley

His Honour Deputy Chief Magistrate Christopher
O'Brien (until 9 April 2018), then His Honour
Deputy Chief Magistrate Michael Allen
(from 21 May 2018)

Ms Leanne Robinson, Legal Aid Commission
(until 23 April 2018)

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 (until 9 April 2018),
then His Honour Deputy Chief Magistrate
Michael Allen (from 21 May 2018)

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

Her Honour Deputy Chief Magistrate
Jane Mottley

His Honour Magistrate Leslie Mabbutt (as State
Coroner from 16 April to 14 December 2018)

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 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 (until 9 April 2018), then His Honour
Deputy Chief Magistrate Michael Allen
(from 21 May 2018)

Ms Brooke Delbridge, Policy Officer

Terms and Conditions of Service Committee

Chair: His Honour Judge Graeme Henson AM,
Chief Magistrate

Secretary: Ms Jacinta Haywood, Executive
Officer

Members: Her Honour Deputy Chief Magistrate
Jane Mottley

His Honour Deputy Chief Magistrate Christopher
O'Brien (until 9 April 2018), then His Honour
Deputy Chief Magistrate Michael Allen
(from 21 May 2018)

Ms Brooke Delbridge, Policy Officer

Ethics Committee (ad hoc)

Chair: His Honour Judge Graeme Henson AM,
Chief Magistrate

Her Honour Deputy Chief Magistrate Jane
Mottley

His Honour Deputy Chief Magistrate Christopher
O'Brien (until 9 April 2018), then His Honour
Deputy Chief Magistrate Michael Allen
(from 21 May 2018)

Local Court Bench Book Committee

Chair: His Honour Deputy Chief Magistrate
Christopher O'Brien (until 9 April 2018),
then His Honour Deputy Chief Magistrate
Michael Allen (from 21 May 2018)

Her Honour Deputy Chief Magistrate Jane
Mottley

Ms Brooke Delbridge, Policy Officer

Ms Pierrette Mizzi, Judicial Commission of NSW

Court Security Committee

Chair: His Honour Judge Graeme Henson AM,
Chief Magistrate

Her Honour Deputy Chief Magistrate Jane
Mottley

His Honour Deputy Chief Magistrate Christopher
O'Brien (until 9 April 2018), then His Honour
Deputy Chief Magistrate Michael Allen
(from 21 May 2018)

His Honour Magistrate Leslie Mabbutt (as State
Coroner from 16 April to 14 December 2018)

His Honour Magistrate Michael Antrum

His Honour Magistrate Jeff Linden

Her Honour Magistrate Susan McIntyre

2018 Court by Court statistics

| | New General Criminal Matters | Finalised General Criminal Matters |
|---------------|---------------------------------------|---|
| Albion Park | 395 | 402 |
| Albury | 4186 | 4201 |
| Armidale | 1632 | 1601 |
| Ballina | 1715 | 1723 |
| Balmain | 0 | 0 |
| Bankstown | 8317 | 8601 |
| Batemans Bay | 1300 | 1310 |
| Bathurst | 2485 | 2572 |
| Bega | 710 | 700 |
| Bellingen | 55 | 69 |
| Belmont | 2756 | 2720 |
| Blacktown | 8692 | 8565 |
| Blayney | 120 | 126 |
| Boggabilla | 231 | 239 |
| Bombala | 59 | 55 |
| Bourke | 1262 | 1243 |
| Brewarrina | 245 | 246 |
| Broken Hill | 1938 | 2038 |
| Burwood | 14102 | 14081 |
| Byron Bay | 1764 | 1674 |
| Camden | 795 | 742 |
| Campbelltown | 9793 | 9930 |
| Casino | 1276 | 1279 |
| Central | 7345 | 7013 |
| Cessnock | 2667 | 2742 |
| Cobar | 296 | 292 |
| Coffs Harbour | 4533 | 4797 |
| Condobolin | 209 | 229 |
| Cooma | 692 | 689 |

| | New General Criminal Matters | Finalised General Criminal Matters |
|---------------|---------------------------------------|---|
| Coonabarabran | 507 | 491 |
| Coonamble | 555 | 555 |
| Cootamundra | 537 | 515 |
| Corowa | 309 | 307 |
| Cowra | 738 | 752 |
| Crookwell | 48 | 47 |
| Deniliquin | 808 | 746 |
| Dubbo | 5530 | 5333 |
| Dunedoo | 71 | 72 |
| Dungog | 117 | 114 |
| East Maitland | 62 | 62 |
| Eden | 181 | 183 |
| Fairfield | 8319 | 8069 |
| Finley | 461 | 461 |
| Forbes | 640 | 666 |
| Forster | 2692 | 2134 |
| Gilgandra | 312 | 323 |
| Glen Innes | 410 | 421 |
| Gloucester | 128 | 124 |
| Gosford | 6948 | 6873 |
| Goulburn | 2795 | 2791 |
| Grafton | 2014 | 1961 |
| Grenfell | 0 | 0 |
| Griffith | 2581 | 2643 |
| Gulgong | 67 | 63 |
| Gundagai | 385 | 370 |
| Gunnedah | 698 | 676 |
| Hay | 390 | 394 |
| Hillston | 0 | 0 |

| | New General Criminal Matters | Finalised General Criminal Matters |
|-----------------|---|---|
| Holbrook | 177 | 170 |
| Hornsby | 4628 | 4526 |
| Inverell | 1407 | 1409 |
| Junee | 164 | 170 |
| Katoomba | 1052 | 939 |
| Kempsey | 2670 | 2647 |
| Kiama | 236 | 229 |
| Kogarah | 1 | 3 |
| Kurri Kurri | 819 | 820 |
| Kyogle | 232 | 224 |
| Lake Cargelligo | 208 | 192 |
| Leeton | 804 | 812 |
| Lightning Ridge | 377 | 380 |
| Lismore | 3764 | 3708 |
| Lithgow | 1364 | 1345 |
| Liverpool | 11225 | 11560 |
| Lockhart | 0 | 0 |
| Macksville | 880 | 878 |
| Maclean | 895 | 911 |
| Maitland | 4783 | 4756 |
| Manly | 5599 | 5642 |
| Milton | 561 | 553 |
| Moama | 218 | 226 |
| Moree | 1925 | 1955 |
| Moruya | 369 | 378 |
| Moss Vale | 1311 | 1314 |
| Mt Druitt | 7757 | 7810 |
| Mudgee | 1179 | 1193 |
| Mullumbimby | 409 | 421 |

| | New General Criminal Matters | Finalised General Criminal Matters |
|-----------------|---|---|
| Mungindi | 80 | 79 |
| Murwillumbah | 602 | 579 |
| Muswellbrook | 1663 | 1659 |
| Narooma | 285 | 287 |
| Narrabri | 601 | 610 |
| Narrandera | 488 | 481 |
| Narromine | 438 | 436 |
| Newcastle | 10,360 | 10,393 |
| Newtown | 4199 | 4162 |
| North Sydney | 2 | 3 |
| Nowra | 3728 | 3756 |
| Nyngan | 193 | 194 |
| Oberon | 59 | 60 |
| Orange | 2542 | 2493 |
| Parkes | 1422 | 1384 |
| Parramatta | 19547 | 19326 |
| Peak Hill | 51 | 55 |
| Penrith | 10890 | 10857 |
| Picton | 2331 | 2298 |
| Port Kembla | 3299 | 3258 |
| Port Macquarie | 3489 | 3413 |
| Queanbeyan | 2068 | 2069 |
| Quirindi | 349 | 359 |
| Raymond Terrace | 3678 | 3835 |
| Ryde | 0 | 6 |
| Rylstone | 89 | 68 |
| Scone | 446 | 441 |
| Singleton | 1741 | 1794 |
| Sutherland | 12111 | 12092 |

| | New General Criminal Matters | Finalised General Criminal Matters |
|--------------------------|---------------------------------------|---|
| Sydney Downing Centre | 26399 | 26292 |
| Tamworth | 4093 | 3987 |
| Taree | 2658 | 3274 |
| Temora | 175 | 182 |
| Tenterfield | 259 | 265 |
| Toronto | 3888 | 4025 |
| Tumbarumba | 61 | 61 |
| Tumut | 549 | 536 |
| Tweed Heads | 4023 | 3929 |
| Wagga Wagga | 4546 | 4506 |
| Walcha | 80 | 71 |
| Walgett | 1137 | 1160 |
| Warialda | 59 | 61 |
| Warren | 222 | 203 |

| | New General Criminal Matters | Finalised General Criminal Matters |
|--------------|---------------------------------------|---|
| Wauchope | 167 | 162 |
| Waverley | 7707 | 7786 |
| Wee Waa | 111 | 110 |
| Wellington | 997 | 866 |
| Wentworth | 875 | 898 |
| West Wyalong | 262 | 276 |
| Wilcannia | 296 | 328 |
| Windsor | 2071 | 2011 |
| Wollongong | 9103 | 9305 |
| Woy Woy | 6 | 6 |
| Wyong | 8279 | 8339 |
| Yass | 454 | 445 |
| Young | 1097 | 1080 |
| TOTAL | 339,219 | 338,807 |

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